

**A Town Board Organizational Meeting was held Sunday, January 1, 2006, at 1:00PM at Town of Coeymans, Town Hall, 18 Russell Avenue, Ravena, New York.**

**PRESENT:** Ronald K. Hotaling Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Laverne Conrad, Councilman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk

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

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**Town of Coeymans  
Organizational Meeting  
Notice**

**NOTICE IS HEREBY GIVEN** that the Organizational Meeting of the Town of Coeymans has been scheduled for Sunday, January 1, 2006, at 1:00pm.

The meeting will be held at Town Hall, 18 Russell Avenue, Ravena, NY.

**By Order of the Town of  
Coeymans Town Board  
Diane L. Millious  
Town Clerk**

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**OPENING COMMENTS**

Supervisor Hotaling began by wishing everyone a Happy New Year and added that the Organizational Meeting is required for each town to organize their government at the beginning of each year and typically it is done on the first of the year. He continued by saying that it is an opportunity for Town Government to appoint, reappoint, assign and identify employees so that the daily business of government can continue in an orderly fashion. He added that in addition to doing the organizational resolutions they will be doing some new business and operational resolutions as well based upon pertinent needs of Town Government as they move into 2006.

Supervisor Hotaling continued by saying that the record should reflect that there is a full Town Board present and offered his congratulations to reelected Council Member Dawn Rogers, Town Clerk Millious, Highway Superintendent Deering, Justice Dardani and continued by thanking the public for giving him the opportunity to serve another term. He added that he is looking forward to the next two years and one of the reasons is that there is a fresh face on the Town Board who is going to add some new ideas and input.

Supervisor Hotaling congratulated Councilman Boehm and offered him the opportunity to make a statement.

Councilman Boehm wished everyone a Happy New Year and added that he is looking forward to serving the Town of Coeymans. He continued by saying that it is an exciting opportunity and added that the Town of Coeymans is in a great position for some exciting things to happen over the next four years and he is happy to be a part of it.

Supervisor Hotaling continued by giving an overview of the agenda.

- New Business
  - Municipal Accounting Software Proposal
- Operational Resolutions
- Organizational Resolutions

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## **NEW BUSINESS**

### **Municipal Accounting Software Proposal**

Supervisor Hotaling stated that for the past couple of years at various times they have mentioned the accounting mechanism by which they keep track of Town records and it was determined in early 2004 that the existing software was not meeting the needs of the Town and they converted the accounting system to a pencil and paper system, which has served them well. He added that they have recognized the need for a more technically advanced system that can coordinate between and among the departments but also to the State of New York and the Comptroller's Office. He continued by saying that there has been an exhaustive search for software and most recently a presentation by Enhanced Business Systems L.L.C. was provided to members of the Town Board and it appears that this system is exactly what the Town of Coeymans needs in order to meet the needs with respect to the Comptroller. He concluded by saying that there is a proposal that members of the Town Board have reviewed in addition to some being able to participate in a demonstration of the software, he then asked for a motion to authorize him to execute the proposal so they can as quickly as possible have the software installed.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, authorizing Supervisor Hotaling to enter into a contract with Enhanced Business Systems L.L.C. in the amount of \$4,390.20.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that the price includes the software in addition to the Support Plan and onsite setup and training.

Councilwoman Chmielewski interjected that she along with Lillian Foss, Shirley Boehlke and Town Clerk Millious saw the presentation and collectively they had decided that it was a good program, which was designed for Municipal Government. She added that the vendor has been very helpful with all of their questions and they are excited about getting the system up and running.

Supervisor Hotaling stated that he would be contacting the vendor to set up installation and training.

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## **RESOLUTIONS**

### **OPERATIONAL RESOLUTIONS**

Supervisor Hotaling stated that the Village Board voted to extend the Police Chief's Joint Agreement between the Village and Town for a month-to-month basis for a period of up to 3 three months and it was called for in light of the efforts in regard to their decision to abolish their Police Department and adopt the proposal that the Town had presented to them in late fall. He added that the last time that they had met in joint session they had agreed to extend the agreement through December 31, 2005 and the Village is now in a process that is going to go beyond that date, which will include a Public Hearing and possibly some proposed legislation that may require a ballot for permissive referendum. He concluded by saying that as a result it is the Town's duty to coordinate with them and extend the agreement.

#### **RES. #001-06 AUTHORIZE EXTENSION OF INTERMUNICIPAL AGREEMENT**

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

**WHEREAS**, the Town of Coeymans and the Village of Ravena have previously extended the Municipal Agreement for a joint Chief of Police to December 31,

2005, for the purpose of maintaining continuity while the Village of Ravena considers options related to their Police Department, and

**WHEREAS**, the Village of Ravena has scheduled a Public Hearing on a Local Law to abolish the Village Police Department for January 3, 2006, and

**WHEREAS**, if enacted, the Local Law by the Village of Ravena will provide for an opportunity of a permissive referendum, and

**WHEREAS**, the Town and Village are desirous of maintaining continuity of supervision in each Police Department during any transition period described above,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby agrees to extend the Municipal Agreement on a month-by-month basis up to March 31, 2006. A copy of this resolution, if approved, will be forwarded to the Village of Ravena Clerk/Treasurer.

Councilman Conrad stated that the resolution does not stipulate the split between the Town and Village and inquired as to if it is still a 75% - 25% split.

Supervisor Hotaling stated that through December 31<sup>st</sup> the split was 75/25 and he believes that it is the same. He then asked Chief Giroux if it is his understanding.

Chief of Police Giroux stated that the 75/25 split remains.

Supervisor Hotaling stated that the Assessor and staff are in the process of collecting data for an upcoming reevaluation that will occur in 2006-2007 and there is a need to hire additional staff to do this.

**RES. #002-06 APPOINT PART-TIME ASSESSMENT AIDE**

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

**WHEREAS**, the Assessor, Laura VanValkenburg, has requested the assistance of part-time Assessment Aides to assist in verification of construction information, completion of property record cards and entering new data into the RPS Program, and

**WHEREAS**, the Albany County Civil Service Department has confirmed this job title as a non-competitive position requiring the chosen candidate to meet minimum qualifications, and

**WHEREAS**, the Assessor has confirmed the candidate meets minimum qualifications for appointment,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Rachelle M. Cunningham to the part-time position of Assessment Aide, effective immediately, at the rate of \$10.23 per hour.

Supervisor Hotaling stated that there has been much dialog in previous meetings about the upgrade that has been ongoing at the Waste Water Treatment Plant and they had borrowed \$500,000 as a revolving fund that requires timely submission of the payment that they make for the project to NYS DEC in an effort to get reimbursed at 85%. He added that if they had to wait for abstracts at the end of each month after Town Board audit, it would delay by as much as 2-3 weeks the submission to the State and might jeopardize the Town's ability to maintain the revolving fund viability. He concluded by saying that this will authorize the prepayment of the vouchers for the WWTP project.

**RES. #003-06 AUTHORIZE SUPERVISOR TO PRE-PAY VOUCHERS FOR WASTE WATER TREATMENT PLANT PROJECT PRIOR TO AUDIT OF MONTHLY ABSTRACT**

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

**WHEREAS**, the Town of Coeymans is undertaking a major Wastewater Treatment Plant upgrade that will continue for most of 2006, and

**WHEREAS**, the payments for such upgrade are being made from a revolving fund, requiring submissions to New York State Department of Environmental Conservation for reimbursement at 85%, and

**WHEREAS**, timely payments and submissions to the Department of Environmental Conservation are essential to successfully finance this project,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorizes Supervisor Ronald K. Hotaling, Jr., to prepay the vouchers related to this project prior to audit by the Town Board of the monthly abstract.

Supervisor Hotaling stated that the operational resolutions were done and they would be continuing with the organizational resolutions that you would typically find at the Organizational Meeting.

**ORGANIZATIONAL RESOLUTIONS**

**RES. #004-06 SET TOWN BOARD MEETING DATES**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, 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 set the following dates for Town Board Meeting for 2006. Please note that Town Board meetings start at 7:00pm.

January	01	June	26
January	23	July	24
February	13	August	28
February	27	September	11
March	13	September	25
March	27	October	10*
April	10	October	23
April	24	November	13
May	08	November	27
May	22	December	11
		December	26*

\* Tuesday Due to Columbus Day and Christmas.

**RES. #005-06 SET WORKSHOP MEETING DATES**

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

**WHEREAS**, it has been determined that one Town Board Workshop meeting per month is deemed necessary,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board establishes the following dates in 2006 as Workshop Meetings. These meetings will take place on Tuesday evenings, commencing at 6:00PM

January	17	July	18
February	--	August	22
March	07 & 21	September	19
April	18	October	17
May	16	November	21
June	20	December	19

**RES. #006-06 SET PLANNING BOARD MEETING DATES**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, 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 set the following dates for the Planning Board Meetings for 2006. Please note that Planning Board Meetings start at 7:00pm.

January	09*	July	03	
February	06	August		07
March	06	September	05**	
April	03	October	02	
May	01	November	06	
				June

\* New Year Holiday Observed  
 \*\* Tuesday, due to Labor Day

**RES. #007-06 SET ZONING BOARD OF APPEALS MEETING DATES**

On motion of Councilwoman Rogers, seconded by Councilman Conrad, 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 set the following dates for the Zoning Board of Appeals meeting for 2006. Please note that Zoning Board of Appeals meetings start at 7:00PM.

January	18	July	19	
February	15	August		16
March	15	September	20	
April	19	October	18	
May	17	November	15	
June	21	December	20	

**RES. #008-06 SET 2006 HOLIDAY SCHEDULE**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, 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 set the following Holidays for 2006 for employees not covered by union contracts. Holiday schedules for covered employees are pursuant to active agreements in force.

January	02	New Year's Day
January	16	Martin Luther King Day
February	20	President's Day
May	29	Memorial Day
July	04	Independence Day
September	04	Labor Day

October	09	Columbus Day
November	07	Election Day
November	23	Thanksgiving Day
November	24	Day after Thanksgiving
December	25	Christmas Day

**RES. #009-06 AUTHORIZE SUPERVISOR TO EXECUTE ALL AGREEMENTS BETWEEN TOWN OF COEYMANS AND CONTRACTUAL EMPLOYEES, CSEA AND COUNCIL 82**

On motion of Councilwoman Chmielewski, 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 authorize Supervisor Ronald K. Hotaling, Jr., to execute all agreements between the Town of Coeymans and contractual employees, CSEA and Council 82.

**RES. #010-06 DESIGNATE DEPOSITORY OF FUNDS**

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

**BE IT RESOLVED**, that the Town Board of the Town of Coeymans, pursuant to Town Law, Section 64 (1), 20 and 35, that National Bank of Coxsackie, Key Bank, First Niagara, Citizens, or any other bank or depository authorized by the State of New York, be designated as the depository of all funds of the Town of Coeymans. In addition, the Town Board directs that all Town officials responsible for monies are hereby required to deposit said monies into said depository.

**RES. #011-06 AUTHORIZE PAYMENT IN ADVANCE OF AUDIT OF CLAIMS**

On motion of Councilwoman Rogers, seconded by Councilman Conrad, 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 authorize the payment in advance of audit of claims for public utility services, telephone, postage, freight and express charges, lease and maintenance agreements, and any other prepayments that would result in penalties against the Town of Coeymans. In addition, all payroll and employee benefits payable and due at specific times.

**RES. #012-06 DESIGNATE OFFICIAL TOWN NEWSPAPER**

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

**BE IT RESOLVED**, that the Town Board of the Town of Coeymans, pursuant to Section 64, Subdivision 11 of the Town Law, designates the News Herald, a newspaper regularly published in the Town of Coeymans, County of Albany, the official newspaper of the Town of Coeymans.

**RES. #013-06 APPOINT ADMINISTER OF ACCESS**

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

**WHEREAS**, the Town Board of the Town of Coeymans, does hereby have an agreement with Mid-Hudson Cablevision to provide public access programming directly from the Town Building located at 18 Russell Avenue, Ravena, New York.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint William Price as the Administer of Access for the purpose of coordinating, programming, and overseeing individuals involved in the telecasting of approved programs, to serve without remuneration.

**RES. #014-06 ESTABLISH MILEAGE RATE**

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

**BE IT RESOLVED**, that the Town Board of the Town of Coeymans, pursuant to Section 102, Subdivision 1 of the Town Law, establishes the rate of 44.5 cents per mile for the authorized use of personal vehicles by town employees in performance of their duties.

Supervisor Hotaling interjected that this is the IRS rate established for 2006.

**RES. #015-06 AUTHORIZE PRE-REGISTRATION FOR ASSOCIATION OF TOWNS MEETING IN NEW YORK CITY**

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

**WHEREAS**, the Association of Towns has developed an in-office pre-registration procedure for the 2006 Annual Meeting, and

**WHEREAS**, the Association of Towns has offered a preferential pre-registration rate of \$100 per person, and

**WHEREAS**, the Town Board of the Town of Coeymans has authorized by previous motion December 12, 2005, the Supervisor to take advantage of the preferential pre-registration rate of \$100 per person,

**NOW, THEREFORE, BE IT RESOLVED**, that all Elected Officials and employees specifically authorized by the Town Board may attend the Association of Towns Convention in New York City, February 19-22, 2006, and that the Town will reimburse them at a per diem of \$75 per day.

**RES. #016-06 APPOINT DELEGATE AND ALTERNATE FOR ASSOCIATION OF TOWNS CONVENTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, 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 appoint Supervisor Ronald K. Hotaling, Jr., as Delegate for the Town of Coeymans at the Association of Towns Convention, February 19-22, 2006, and Councilman Laverne H. Conrad as an alternate.

**RES. #017-06 APPOINT ZONING BOARD OF APPEALS CHAIRMAN**

On motion of Councilwoman Chmielewski, 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 reappoint Kerry Marsh as Chairman of the Zoning Board of Appeals to a term to expire on December 31, 2006.

**RES. #018-06 APPOINT ZONING BOARD OF APPEALS MEMBER**

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

**WHEREAS**, his term on the Zoning Board of Appeals has expired on December 31, 2005, and the Town Board is desirous of re-appointing Wayne Flach to a new term,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Wayne Flach as a member of the Zoning Board of Appeals for a term to expire December 31, 2010.

**RES. #019-06 APPOINT PLANNING BOARD MEMBER**

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

**WHEREAS**, the term of Town of Coeymans Planning Board member Thomas Boehm has expired December 31, 2005, and

**WHEREAS**, the Town Board is desirous of filling the vacancy created by the expired term and Mr. Boehm's election to the Town Board,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby appoint Laurie Felter to the seven-year term on the Planning Board to expire December 31, 2012.

Councilman Boehm stated that he wanted to wish her well in filling his vacancy.

Councilwoman Chmielewski stated that Ms. Felter was very pleased to be asked to fill this position.

**RES. #020-06 APPOINT PLANNING BOARD CHAIRMAN**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, 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 appoint Peter Foronda as Chairman of the Town of Coeymans Planning Board. This appointment is effective immediately and will expire on December 31, 2006.

**RES. #021-06 APPOINT BINGO INSPECTOR**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, 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 appoint Karen Turner as Bingo Inspector with a term to expire December 31, 2006.

**RES. #022-06 APPOINT CIVIL DEFENSE DIRECTOR**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, 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 appoint William Bruno as the Civil Defense Director for the Town of Coeymans, and Chairman of the Town Emergency Management Committee, for a term to expire on December 31, 2006. Compensation for this position is \$1,500 per year.

**RES. #023-06 APPOINT TOWN HISTORIAN**

On motion of Councilwoman Rogers, seconded by Councilman Conrad, 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 appoint Marvin Wolfe, Town Historian, for the Town of Coeymans, for a term to expire on December 31, 2006. Compensation for this position is \$500 per year.

**RES. #024-06 APPOINT MARRIAGE OFFICER**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, 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 appoint Marvin Wolfe, as Marriage Officer for the Town of Coeymans with the responsibilities as determined by Town Law. This appointment expires December 31, 2006.

**RES. #025-06 APPOINT DEPUTY TOWN CLERK**

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

**WHEREAS**, Town Clerk Diane Millious desires to appoint a Deputy Town Clerk and has selected an individual for that position.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby acknowledges the Town Clerk's appointment of Lucinda Vatalaro as Deputy Town Clerk. This appointment is for a term to expire on December 31, 2006.

**RES. #026-06 APPOINT ZONING BOARD OF APPEALS MEMBER**

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

**WHEREAS**, the Zoning Board of Appeals has a vacancy due to the resignation of Board Member Thomas Cooper, and

**WHEREAS**, the Town Board is desirous of filling this vacancy and completing the term of office left by Mr. Cooper's departure,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Sarah Hafensteiner to the Zoning Board of Appeals for a term to expire December 31, 2006.

Councilwoman Chmielewski stated that Ms. Hafensteiner was very happy to be asked to be on the Zoning Board and is excited to get started.

Supervisor Hotaling interjected that the term expires at the end of this year, which was the expiration date of Mr. Cooper's term and if Ms. Hafensteiner chooses to serve again it will be a 5-year term.

**RES. #027-06 APPOINT LEGAL COUNSEL FOR PLANNING BOARD AND ZONING BOARD OF APPEALS**

On motion of Councilwoman Rogers, seconded by Councilman Conrad, 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 appoint Andrew Brick, Esq., to serve as legal counsel to the Planning Board and the Zoning Board of Appeals for a yearly fee of \$3,500 payable on a monthly basis.

**RES. #028-06 APPOINT TOWN PROSECUTOR FOR CODE VIOLATIONS AND PENAL LAW VIOLATIONS**

On motion of Councilman Conrad, 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 appoint Andrew Brick, Esq., to serve as Town Prosecutor for code violations and Penal Law violations for a yearly fee of \$4,500 payable on a monthly basis.

**RES. #029-06 APPOINT TOWN PROSECUTOR FOR TRAFFIC TICKETS ISSUED BY TOWN OF COEYMAN'S POLICE OFFICERS**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, 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 appoint Andrew Brick, Esq., to serve as Town Prosecutor for traffic tickets issued by Town Police Officers, for a yearly fee of \$4,500 payable on a monthly basis.

**RES. #030-06 APPOINT MEMBERS OF ETHICS COMMITTEE**

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

**WHEREAS**, the Town Board is advised that the terms of office for the members of the Ethics Board have expired effective December 31, 2005, and

**WHEREAS**, the Town Board wishes to continue the work of the Ethics Board,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby reappoints Mark Principato and Sean Parker to the Ethics Board with terms expiring December 31, 2006.

Supervisor Hotaling stated that there are currently two members on the Ethics Board and they are in search of another one and a candidate is being considered at this point and in early 2006 there should be another candidate for review.

**RES. #031-06 APPOINT FREEDOM OF INFORMATION OFFICER, RECORDS MANAGEMENT OFFICER AND REGISTRAR OF VITAL STATISTICS**

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

**WHEREAS**, the term of Diane Millious as Freedom of Information Officer, Records Management Officer and Registrar of Vital Statistics expired on December 31, 2005,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby reappoint Diane Millious as Freedom of Information Officer, Records Management Officer, and Registrar of Vital Statistics for a term to expire on December 31, 2007.

**RES. #032-06 APPOINT TOWN ATTORNEY**

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

**THEREFORE, BE IT RESOLVED**, that the Town Board, of the Town of Coeymans, does hereby appoint Joseph C. Rotello to the position of Town Attorney. This appointment is for a two-year term to expire on December 31, 2007.

**RES. #033-06 AUTHORIZE ACQUISITION OF UNDERTAKING**

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

**WHEREAS**, Public Officer's Law Section 11 and Town Law Section 25, require that the Supervisor, Town Clerk, Justices, Superintendent of Highways and such other officers and employees as the Town Board may identify, execute and file in the office of the Town Clerk, County Clerk and/or, the Office of Court Administration, as appropriate, an official undertaking conditioned for the faithful performance of their duties, and

**WHEREAS**, the Town Board has determined that a surety company authorized to transact business in the State of New York, should execute aforementioned undertaking and the expense there of shall be an authorized charge against the Town,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board directs the acquisition of such undertaking pursuant to the above stipulations.

Supervisor Hotaling stated that in addition to taking an oath, this undertaking is a requirement for certain members of government. He added that the undertaking is up for renewal in February 2006 and is currently in the process of being renewed and there will be no lapse of coverage.

**RES. #34-06 APPROVE APPROPRIATIONS FOR PERSONAL SERVICES FOR CONTRACTUAL AND NON-CONTRACTUAL EMPLOYEES**

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

**WHEREAS**, the Town Board has previously approved the 2006 Annual Budget for the Town of Coeymans, and

**WHEREAS**, that budget included appropriations for personal services for contractual and non-contractual employees,

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Coeymans authorizes the following employees for 2006, in accordance with labor contracts in effect and budgeted amounts for positions outside the scope of negotiated contracts.

NAME	POSITION	ANNUAL PAY PERIODS	RATE/HR. OR SALARY
R.K. Hotaling Jr.	Supervisor	26	1,346.15
M. Lewandowski	Conf. Secretary	26	1,038.46
L. Nunziato	Bookkeeper	26	11.81 per hour
S. Fitch	Bookkeeper P/T	26	11.22 per hour
S. Boehlke	Account Clerk I	26	14.00 per hour
D. Rogers	Councilperson	26	307.69
N.J. Chmielewski	Councilperson	26	307.69
L.H. Conrad	Councilperson	26	

			307.69
T. Boehm	Councilperson	26	307.69
J. Rotello	Town Attorney	26	500.00
G. Dardani	Justice	26	603.20
V. Pearson	Justice	26	603.20
L. Eissing	Court Clerk	26	19.22 per hour
M. Eissing	Clerk P/T	26	10.64 per hour
D. Millious	Town Clerk	26	1,371.52
L. Vatalaro	Deputy Town Clerk	26	1,103.90
J. Thompson	Clerk P/T	26	10.64 per hour
B. Lyons	Clerk P/T	26	10.64 per hour
L. VanValkenburg	Assessor	26	961.53
D. DeRose	Clerk P/T	26	10.64 per hour
D. LaFave	Assessment Aide P/T	26	10.23 per hour
R. Cunningham	Assessment Aide P/T	26	10.23 per hour
D. Crowley	Seasonal Youth Service Coordinator	26	10.65 per hour
Larry Breedlove	Chief WWTP Oper.	26	21.32 per hour
J. Polverelli	WWTP Operator	26	17.68 per hour
A. Deering	Highway Super.	26	1,713.92
S. Searles	Deputy Hgwy. Super.	26	17.68 per hour
D. Wilber	Mechanic	26	Per CSEA Contract
T. Bennett	Equipment Oper. II	26	"
E. Barrett	Equipment Oper. I	26	"
G. LaMountain	"	26	"
N. Perry	"	26	"

D. Merrill	“	26	“
G. Stevens	“	26	“
M. Farr	“	26	“
J. VanAlstyne	Conf. Secretary P/T	26	10.64 per hour
H. Stannard	Seasonal P/T	26	Per CSEA Contract
T. Dwyer	“	26	“
K. VanEpps	“	26	“
S. Giroux	Police Chief	26	2,713.15
D. Ruby	Conf. Secretary	26	961.53
G. Darlington	Sergeant	26	*See Below
M. Powell	Sergeant	26	“
D. Contento	Police Officer	26	“
R. Harvey	“	26	“
J. Albert	“	26	“
J. Dunn	Police Officer P/T	26	“
C. Parker	“	26	“
L. Roe	“	26	“
J. Rundell	“	26	“
D. Smith	“	26	“
G. DeLuca	“	26	“
R. Griffith	“	26	“
G. Rivituso	“	26	“
M. Furcinti **	“	26	“
J. Lare **	“	26	“
B. Rinaldi**	“	26	“
M. VanEpps**	“	26	“
D. LaMountain	Sr. Telecommunicator	26	“
J. Tucker	Telecommunicator	26	“
M. VonSchenk	Telecommunicator	26	“
K. Babcock	Telecommunicator P/T	26	“
J. D'Ambrosio	“	26	“
B. Dunican	“	26	“
Randy Hotaling	“	26	“
Richard Hotaling	“	26	“
S. Huether	“	26	“
K. Kearney	“	26	“

S. Searles	“	26	“
H. Traver	“	26	“
H. Traver/J. Shear	DCO P/T	26	10.15 per hour
J. Weidman	Bldg. Inspector P/T	26	15.59 per hour
J. Cashin	“	26	15.59 per hour
S. DeBacco	Asst. Bldg. Insp. P/T	26	15.59 per hour
C. Barger	Clerk	26	11.22 per hour
R. Perrine	Foreman	26	18.08 per hour
D. Mergendahl	Laborer	26	14.24 per hour
T. Plath	“	26	14.24 per hour
K. Turner	Bingo Inspector	12	66.67
W. Bruno	Civil Defense Dir.	12	125.00
M. Wolfe	Town Historian	12	41.66
R. Biance	Custodial Work Super.	26	12.64 per hour
J. Stratta	Grove Cemetery	26	10.00 per hour
P. Foronda	Planning Board Chair.	12	100.00 Mtg. 50.00 W/S
C. Kunz	Planning Board	12	80.00 Mtg. 40.00 W/S
D. Ross	“	12	“
W. Irwin	“	12	“
R. Cumm	“	12	“
J. Kapusta	“	12	“
L. Felter	“	12	“
K. Marsh	Zoning Board of Appeals Chair.	12	125.00 per mtg.
G. McDonald	Zoning Board	12	75.00 per mtg.
W. Flach	Zoning Board	12	75.00 per mtg.
S. Hafensteiner	Zoning Board	12	75.00 per mtg.

\* Labor/Management negotiations ongoing

\*\* Contingent upon successful background investigation

## **TOWN BOARD WORKSHOPS/MEETING**

- - Town Board Workshop, January 17, 2006 – 6:00PM
- - Town Board Meeting, January 23, 2006 – 7:00PM

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## **CLOSING COMMENTS**

Supervisor Hotaling invited comment from the Town Board.

Councilwoman Chmielewski stated that the Workshops had previously been scheduled for 6:00PM and then inquired as to if the newest member of the Board could also make it by then.

Councilman Boehm stated that he could.

Councilwoman Chmielewski wished everyone a Happy New Year.

Councilman Boehm wished everyone a Happy New Year and added that he is very excited about being on the Town Board and looks forward to it.

Councilwoman Rogers wished everyone a Happy New Year and thanked the Town of Coeymans for giving her the opportunity to serve another term.

Councilman Conrad thanked everyone for the past two years and added that he is looking forward to the next two years and working with the new Board member. He added that it was a pleasure working with Councilman Stanton.

Town Clerk Millious wished everyone a Happy New Year and added that she is looking forward to the next four years and continued by thanking the Town of Coeymans for giving her the opportunity to serve another term. She continued by saying that the Property Tax Bills are out and the office would be closed the following day in addition to reminding everyone that she is at 18 Russell Avenue and there are two entrances to the building, one with no stairs, which is located by the Court.

Supervisor Hotaling stated that he had wished everyone a Happy New Year at the beginning of the meeting and asked for a motion to adjourn the meeting.

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## **ADJOURNMENT**

On motion of Councilman Conrad, seconded by Councilman Boehm, the Organizational Meeting was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time:1:54PM

***Respectfully Submitted,***

**APPROVED:**

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***Diane L. Millious, Town Clerk***

**A Workshop Meeting was held Tuesday, January 17, 2006, at 6:00 PM at  
Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Thomas A. Boehm, Councilman

**ABSENT:** Nita J. Chmielewski, Councilwoman

**ALSO PRESENT:** Scott Giroux, Chief of Police  
Virginia Pearson, Justice  
George Dardani, Justice

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**AGENDA ITEMS**

- Capital Bicycle Racing Club
- Paramedic and Associated Costs
- Review of Air Conditioning Proposals
- Court Clerk Position
- Strategies for Full-Time Police Officer Candidates

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the Workshop.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Conrad, the Workshop Meeting was adjourned.

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

Time: 9:30pm

***Respectfully Submitted,***

**APPROVED:**

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***Diane L. Millious, Town Clerk***

**A Town Board Meeting was held Monday, January 23, 2006, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Thomas A. Boehm, Councilman

**ABSENT:** Nita J. Chmielewski, Councilwoman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Scott Giroux, Chief of Police  
Laura VanValkenburg, Assessor  
Albert Deering, Highway Superintendent (arrived late)

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**SUPERVISOR'S OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect the absence of Councilwoman Chmielewski in addition to noting the presence of Town Clerk Millious, Chief of Police Giroux and Assessor VanValkenburg and continued by giving an overview of the agenda.

**OVERVIEW OF AGENDA**

- Public Announcement
- Public Comment Period
- Approval of Minutes
  - Town Board Meeting, December 12, 2005
  - Town Board Workshop, December 20, 2005
  - Public Hearing, December 27, 2005
  - Town Board Meeting, December 27, 2005
- Supervisor's Report
- Department Report Review
  - Town Clerk Monthly Report, December 2005
  - Police Department Monthly Report, December 2005
- Old Business
- New Business
  - NYS Small Cities Community Development Technical Assistance Grant Agreement.
  - Mohawk & Hudson Humane Society Agreement

- Town Law Sections 61 & 123 Audit Requirements
- Resolutions
  - Appoint Highway Road Maintenance Seasonal Employees
  - Appoint Part-Time Police Officer
  - Appoint Full-Time Police Officer
  - Appoint Court Clerk
  - Appoint Part-Time Assessment Aide
  - Approval to Amend December 2005 Abstract
  - Approve December 2005 Abstract
  - Approve January 2006 Pre-Paid Abstract
- Correspondence
  - Joseph Mastrianni, Inc.
  - Albany County Department of Health
- Town Board Workshops/Meetings
  - Town Board Meeting, February 13, 2006, 7:00pm
  - Town Board Meeting, February 27, 2006, 7:00pm

## **PUBLIC ANNOUNCEMENT**

Supervisor Hotaling stated that he wanted to take the opportunity to make a public announcement to remind everyone of the on-line survey for the Town's Comprehensive Plan that is being undertaken for January 16 through January 27, 2006. He and property owners of the Town of Coeymans received a yellow postcard and on it there is a resident ID number along with instructions for accessing the website through Laberge. He continued by saying that this will be the property owner's opportunity to contribute their recommendations to the survey, which is 20 questions long. He added that 2316 postcards were mailed and to date there have been 228 online responses in addition to 55 people contacting Laberge saying that they either did not have computer access or could not access the web site and in turn surveys were mailed to them. He continued by saying that currently there is a 10% response and 5% is considered good and there is a chance that there will be a 30% response, which would be outstanding and it will satisfy the Town Board's need to insure that everyone had the opportunity to participate. He concluded by saying that it is important that they get as much information as they can because it will be helpful in developing goals and strategies for the Comprehensive Plan, which is on track to be considered and hopefully enacted by early summer.

Supervisor Hotaling stated that before he moves to the public comment period, he wanted to give Assessor VanValkenburg the opportunity to provide an update about the Re-Evaluation Project that the Town has undertaken.

Assessor VanValkenburg stated that her staff is embarking on the data collection verification phase of the project, which entails the Assessment Aides/Data Collectors to go out and verify what is on the property record cards and comparing to what is actually seen on the property and in turn making corrections or changes so that they have a good strong base of accurate information. She

added that it is imperative on the success of the project to have the right information. She continued by saying that there are Data Collectors working on a part-time basis and they are working approximately 17-20 hours per week and added that they hope to have the project complete by early summer. She concluded by saying that residents should not be concerned if you see someone taking a picture of your house because they want digital photos of every improved property tied in to the RPS System.

Supervisor Hotaling asked that she explain what the RPS System is.

Assessor VanValkenburg stated that it is Real Property Service software that is used by them and it provided by the State and it is used to create an Assessment Roll.

Supervisor Hotaling inquired as to if the Assessment Aides had Town of Coeymans ID.

Assessor VanValkenburg stated that they will be carrying ID badges and they may or may not meet the property owner, if a property matches what is on the property record card there would not be any reason to disturb the property owner. She added that if the property owner would like to meet with them they need to call her office to arrange an inspection or meeting. She continued by saying that those properties that have differences, the Data Collector will measure and record what they see and the changes will be made. She concluded by saying that she wanted to make everyone aware that they are out in the field doing this until late May and hopefully by June 1<sup>st</sup> it will be completed.

Supervisor Hotaling interjected that currently two have been appointed and there is a third that will be appointed later in the meeting.

Assessor VanValkenburg stated that she based the project on three part-time Data Collectors each working 17-20 hours a week.

Supervisor Hotaling asked if the project is on track.

Assessor VanValkenburg stated that if they can all work 17-20 hours per week it should take between 3-4 months to complete it and the target date is June 1<sup>st</sup> but she is hoping that it will be before that. She added that she is in the process of developing a Request for Proposal for companies that may be interested in submitting bids for the re-evaluation project and the State Office of Real Property Services will be assisting her.

Supervisor Hotaling interjected that she needed to work with Town Attorney Rotello regarding the legalities of the Request for Proposal.

Assessor VanValkenburg stated that she wants to get this done so she does not lose out on companies who are committing to projects already for 2007.

Supervisor Hotaling thanked Assessor VanValkenburg.

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## **PUBLIC COMMENT**

Supervisor Hotaling invited the public to comment at this time.

Ms. Sylvia Lawler stated that she wanted to report to the Town Board that last Thursday a group of people from S.C.R.A.P., Selkirk-Coeymans-Ravena Against Pollution, attended the State of the City Address and then stayed for the Common Council Meeting. She added that they made several comments to the Common Council, who had a very receptive ear, and then presented them with nearly 1,000 signatures on their petition. She continued by saying that she had a copy of the petition that she wanted to present to the Town Board and continued by reading the following from the petition:

“A petition to the residents and Elected Officials in the City of Albany. We the undersigned call upon the city of Albany to immediately abandon its decade long effort to site a landfill in the Town of Coeymans”

Ms. Lawler continued by saying that the petition represents over 10% of the population of the Town and added that the signatures were easily secured and they met with no one who said they were for the landfill but there were a few that were not comfortable with putting their names on a document. She added that she wanted to ask the Town Board if members of S.C.R.A.P., members of the community and the Town Board could get together for a Special Workshop to further discuss the Town’s standing on this along with where their opposition group is in the process.

Supervisor Hotaling stated that they would come up with a date and added that a Workshop is not scheduled for February and March’s agenda already has 1-2 items on it.

Ms. Lawler stated that they provided quite a bit of information to the Common Council, who were very receptive, especially when Tom Ellis of the Citizens Environmental Coalition and Jim Travers of their group spoke to them about the fact that Albany has a very poor Recycling Program with no incentive to reduce their waste because they depend on tipping fees to balance their budget. She added that Mr. Ellis had also brought up the point that the last Rapp Road extension was to last the City of Albany 15 years and it has only been 5 years and they need to extend it again. She concluded by saying that there are others that wished to speak and thanked the Town Board.

Supervisor Hotaling thanked Ms. Lawler and asked if there was anyone else that wanted to speak.

The following members of S.C.R.A.P. made comments relative to their concerns with the landfill being sited in the Town of Coeymans in addition to their concerns with where the Town Board stands relative to this

Mr. Jim Travers thanked the Town Board for the opportunity to speak and added that they have been actively involved in the landfill fight for the past 10 years. He continued by asking each Town Board member whether they are for or against the landfill in addition to asking why there has been no lawsuit instituted by the Town against either the sellers or buyers of the property. He added that it has been over 11 years since they first learned that the land was illegally subdivided and nothing has been done.

Supervisor Hotaling asked the specific date.

Mr. Travers stated that it was the end of 1994 and beginning of 1995 and he would be happy to give him copies of the documents. He continued by asking why there are regulations when the Town selectively chooses when and when not to enforce them. He added that this is not a matter of a couple of houses being put up, but rather a regional landfill that is going to overtake the Town. He concluded by asking that the Town Board supply answers to his questions and added that he wants to see the Town take an active roll for the community in making the landfill go away.

Supervisor Hotaling stated that the topic has been a subject of discussion for many years and each time that he was asked, he indicated that he is against the landfill. He added that since January of 2004, he stipulated that answer to the point that as Supervisor he has to strike a balance between continued opposition to site the landfill but if there comes a time that the landfill is going to be permitted, as Supervisor his role has to be balanced from opponent to negotiator because if it going to be here, he has to make sure that he has a seat at the table on behalf of the Town Board as well as the residents of the community. He continued by saying that he would then have to negotiate with the City of Albany what the Town of Coeymans would be getting as a result of it being sited in the Town of Coeymans. He added that he has not made the transition from opponent to negotiator and during his last contact with Mayor Jennings in December he maintained that the Town of Coeymans is opposed to the landfill and he has been consistent about this for as long as he has been Supervisor. He continued by saying that in regard to the question about why no law suit against the purchaser or land owner, he does not know if it is accurate to say that nothing has been filed on the part of the Town in the fight against the landfill and Teresa Bakner of Whiteman, Osterman and Hanna has represented the Town for a

number of years and he will make contact with her and ask why there has been no lawsuit specific to the landowners.

Mr. Travers inquired about Mr. Powell's parcel being 426 acres and how it is assessed because he is selling 201 of them to the City of Albany.

Supervisor Hotaling stated that he could not respond to that because he did not know and added that in regard to subdivisions he can only speak from January 2004 on and he knows that they have been trying to make the Planning and Zoning Boards more responsive to the needs and they have demonstrated that in a lot of areas and have made some positive strides in the Planning, Zoning and Building Code Enforcement. He added that they are continuing to explore code violations and they are making efforts trying to energize the Planning Board, not only since 2004 but also in the future with respect to the Comprehensive Plan, which will provide them a road map for the future for not only the Town Board but Planning and Zoning Boards as well, which will result in better enforcement. He concluded by saying that the Town's future will be guided by decisions that in Mr. Travers' judgment are better than decisions of the past. He then invited comment from the Town Board on the history prior to January 2004.

Councilman Conrad stated that there are some extenuating circumstances regarding the subdivision that he may not be aware of and added that he believes that Mr. Powell is still the holder of the property and it has not been deeded over to the City of Albany at this point. He added that if it was done in 1995 and is in fact a deed, he recalls that the Planning Board did have opposition to the subdivision and to his recollection it was never approved. He continued by saying that Teresa Bakner has always been the council for the Town with regard to that and if anything was done he is sure that the Town Board turned it over to her for her input as to how to proceed. He concluded by saying that if it did happen, there is a certain timeframe in which you have to stop it and they will have to look into it in order to give an answer.

Mr. Travers asked if there are timeframes on code or zoning violations.

Councilman Conrad stated that zoning violations are a whole different issue and he was referring to subdivisions. He added that once a subdivision is filed and the Office of Real Property sends it back to the Town of Coeymans, the Town has a very precise time frame in which to object to the deeds being filed and as he stated earlier he would have to speak with Teresa Bakner as to what took place. He continued by saying that as a Town Board Member he has an obligation to represent the entire Town and the landfill was widely voiced during his campaign and he found that there was a wide difference of opinion. He added that in his opinion Albany cannot manage the landfill that they have and he does not want them managing one in his backyard but if the Town of Coeymans had some control over it, possibly something on a much smaller scale that the Town was trying to implement, he would not be objected to it. He continued by saying

that they as a Town Board have looked at multiple things and he does not know to what extent things can be done legally, this is why they rely on council but he believes that they are proceeding in a direction that is responsible to the people of the Town of Coeymans. He concluded by saying that he will listen to everyone's reasons why they are for or against the landfill and he believes that Mr. Travers is trying to put the Town Board on the spot in asking them to say absolutely not.

Councilwoman Rogers stated that she is opposed to the landfill coming to the Town of Coeymans but if it comes to the landfill actually being sited in the Town of Coeymans she believes that the Town should go for a host of community benefits and not just settle for what Albany wants to give.

Councilman Boehm stated that he is opposed to the landfill and in his opinion it does not make sense environmentally or economically.

Mr. Travers stated that he was fairly sure where each Board Member stood individually and this has given each of them the opportunity to tell everyone who is watching the meeting that they are for the most part opposed to the landfill. He added that he respects Councilman Conrad's reasoning and it makes sense to him.

Councilman Conrad interjected that he helped circulate the petitions.

Mr. Travers stated that the purpose of this was for it to go on the record that they are all on the same playing field. He then thanked the Town Board for their time.

Supervisor Hotaling stated that at this point he is dealing from government to government and with council he is trying to take a look at the strategies that they can employ and by demanding that DEC do certain things that seem to be so obvious. He continued by saying that he is on record doing what he can do with state governing agencies to try to get them to understand that there is a recipe already in front of them that they can make determinations that would put this away and there are factors from state and federal perspectives that should long ago have made this go away. He added by saying that he is also trying to suggest some alternatives to the State in that there are regional landfills in and around this state that have not received one bag of trash and if it about making Albany rich with revenue, just give them one of those. He concluded by saying that to the extent that he can devote attention to it he thinks about strategies to employ and discusses them with counsel and his colleagues for their input.

Mr. Travers thanked the Town Board.

Ms. Linda Marshall stated that there is a slave cemetery in the Town of Coeymans that deserves attention and it is located very close or perhaps even on the property that is proposed for the landfill site. She continued by saying that

she knows that they are all opposing the landfill because of what she has heard and also because she has attended the Comprehensive Planning Meetings and added that no one was in favor of the landfill. She added that she believes that they have an obligation to pay attention and cherish the heritage that the Town has and it could create some tourism in the Town of Coeymans. She continued by asking if Teresa Bakner of Whiteman, Osterman and Hanna, is still advising the Town.

Supervisor Hotaling stated that she is.

Ms. Marshall inquired as to what she has said about the current lawsuit that is going on between S.C.R.A.P., the citizens of Albany and the City of Albany.

Supervisor Hotaling stated that she has and it is lawyer-client relationship. He added that he would share what she said in general and added that she is still of the opinion of the underlying facts with respect to the lawsuit, which still creates a winnable circumstance for the people in the petition.

Ms. Marshall stated that the lawsuit sought to negate the extension of the agreement between the City of Albany and the landowners that took place after the first lawsuit was won. She added that they won the fact that the City could not proceed in citing a landfill in the Town of Coeymans until permission was given by the Department of Environmental Conservation but Albany continued to pay the landowners. She continued by saying that in a sale of a property you need a buyer and seller and both must be treated equally and added that there have been many payments made and the lawsuit says that the money should go back to the City of Albany. She added that there are two things that they are dealing with, an Article 78, which has to be done in four months and the other is called a Declaratory Judgment, which has a longer statute of limitations and the Judge ruled that two of the three were Article 78's, which meant they were not timely and only one still counts.

Supervisor Hotaling asked if it was in the form of a Declaratory Judgment and added that the one remaining is the most recent contract.

Ms. Marshall stated that could have been read as Declaratory Judgments and if they were you would look at them on the basis of what they said as opposed to the timeline and added that it was a matter of what the Judge wanted to call it. She continued by saying that there is one remaining because it falls within the four months for the statute of limitations and continued by reading the following:

“From the 5<sup>th</sup> amendment an extension agreement is dated 12-2004 there were three of them executed, one for each of the three parcels that comprise the proposed City of Albany Landfill. The parties hereby acknowledge that after the payment made herein the entire purchase price of the real property shall have been paid in full by purchaser, the City of Albany and purchaser shall be entitled

to receive a deed to said property from the seller upon the final payment herein on September 5, 2006, which shall be delivered within 30 days of said date”

Supervisor Hotaling stated that the parties entertained in the contract, which is not the Town of Coeymans or S.C.R.A. P. are making the rule that seems to suggest that they are going to convey a deed. He added that just because it says that does not mean that it is so or that it is legal and it seems to fall back on an earlier ruling of the Court that stated that they could not go ahead with the permit process until they actually had the land in their possession.

Ms. Marshall stated that they know that the land is being purchased for a landfill and Mayor Jennings had said that his predecessor Mayor Whalen had selected the site in 1992, which was before the final site selection report came out.

Supervisor Hotaling interjected that Mayor Jennings has also said that no one would want to be Mayor of Albany if the Coeymans landfill is not cited because of the loss of revenue.

Ms. Marshall stated that the City of Albany attorneys are arguing that it is alright to transfer the land because the fifth option amendment in the extension agreement does not commit the City to actually acquire the property.

Councilman Conrad interjected that there are general limits to comments from the floor and they had earlier agreed to offer them time at a Workshop and they do not want to extend to one person what they cannot extend to every person that comes before the Town Board and ground rules were set up and he wants to stick as close as they can to those rules.

Supervisor Hotaling stated that he was extending some additional latitude hoping that there was soon going to be a conclusion.

Ms. Marshall stated that the conclusion is that the Town and its citizens have successfully fought the landfill and have kept it out of the Town of Coeymans since 1992 and continued by saying that S.C.R.A.P. wanted the Town Board to join in the appeal and help them to keep the landfill out of the Town of Coeymans. She then thanked the Town Board.

Supervisor Hotaling asked if anyone else wished to make public comment.

Ms. Colleen Zeliph stated that her and her husband moved to the Town of Coeymans last August and have recently had a baby and the intent was to raise their family in the Town. She added that they had attended a meeting and heard about the proposed landfill and they are now considering putting their house up for sale and moving out of the Town of Coeymans. She continued by saying that she believes that if the Town does not put up more of a fight publicly, and when the landfill does come in, they will be seeing people leaving the Town, which will include her family and when and if this happens the Town will be losing tax base

and good citizens. She added that there should be no negotiations with the City of Albany and the Town should come out publicly against the City of Albany stating that it will not get to the point of negotiations because there is not going to be a landfill in the Town of Coeymans. She continued by saying that in reading a local paper she saw a headline indicating that a Town Board had said no to a landfill and she thought that it was the Town of Coeymans Town Board but it turned out to be the New Baltimore Town Board. She added that the Town of New Baltimore had a company approach them within the past couple of years and they immediately said no. She concluded by saying that the fight between the City of Albany and the Town of Coeymans has been going on for ten years and she believes that the Town Board has to publicly come out and say no and make an effort to push legislation against having a landfill in the Town of Coeymans.

Supervisor Hotaling stated that he was sorry that she took that opinion but she had stated that she is a new resident and may not actually know that the Town in fact created legislation that bans the importation of solid waste in addition to creating an enhancement to its recycling laws back in 1991 that also strengthened them in direct opposition to the potential citing of the landfill. He added that it even goes back a lot longer than 1992 and in the 80's he was a member of the Town Board and the City of Albany wanted to form the A.N.S.W.E.R.S. consortium, the consortium from which it makes its revenue of 13 millions dollar today, and at that time the consortium stated that they would let the Town of Coeymans in the consortium provided the Town drop all of its opposition to the landfill and collectively as a Town Board they would not sign and do a coercive contract with the City of Albany and give up the rights of the not only the Town Board but also the citizens of Coeymans. He continued by saying that everyone should be educated to what has happened with the current Town Board and with previous Town Boards before stating that nothing has been done.

Ms. Zelphi stated that she was not aware of this.

Supervisor Hotaling stated that he wanted to make her aware of it and added that he does not want to sound argumentative but people come into the fight at different stages and she had just come in recently. He added that he does not want to see her leave the Town of Coeymans and he wanted to assure her that they continue to focus on this issue.

Ms. Zelphi stated that she is there to get information and to let the Town Board know that she is a citizen and as a representative of her, her husband and son she wants to see the Town Board come out more publicly against the landfill because this is the first time that she has heard that the Town Board is against it.

Supervisor Hotaling stated since 2004 that question has been asked by some of the same people that are at the meeting and he has been consistent to say that since 2004 and in reciting the history going back to 1984 he has been consistent.

Ms. Zelphi inquired about the legislation that he had spoken about earlier and where it stands if the City of Albany continues to propose the citing of the landfill in Coeymans.

Supervisor Hotaling stated that it is indeterminable by them because they have it as a statute and statutes are challenged everyday. He added that if the DEC wants to cite a landfill there will be an issue with the statute and they will have to fight the battle then. He continued by saying that he does not know how the Town will fare and added that the Town of Coeymans is ahead of the Town of New Baltimore in their statute regarding a landfill. He concluded by saying that he does not know how the Town's statute will hold up because sometimes the little guy gets squashed. He concluded by saying that they have established statutes and have taken positions and they continue to engage with a law firm that they have had on retainer for over 10 years and they welcome Ms. Bakner's counsel.

Ms. Zelphi stated that she does not want to raise her son in a town where his school will be within 2 miles of a landfill. She continued by asking if the Town Board will continue to make this issue an agenda priority.

Supervisor Hotaling stated that he feels as though the landfill battle for as long as it has been fought has been a priority for the existing Town Board in addition to previous Boards.

Ms. Zelphi then asked that the Town Board join S.C.R.A.P. as a group so that they can go at it with one hand rather than them trying to swing at it individually.

Supervisor Hotaling thanked Ms. Zelphi and asked if there were any additional comments.

Mr. Zachary Assal stated that he is opposed to the landfill and signed a petition saying that he was opposed to the landfill and continued by saying that he brings the petition to the Town Board so they can join Councilman Boehm in signing the petition.

Supervisor Hotaling stated that Mr. Travers had previously asked the same question and was advised that he was not going to sign it because he currently is an opponent but also the Supervisor of the Town of Coeymans and at some point he may have to take a different view point.

Mr. Assal stated that while he is in opposition they need to see it publicly.

Supervisor Hotaling stated that he would not be signing the petition.

Mr. Assal continued by asking that the Town Board help S.C.R.A.P. financially because the Town is currently not in the lawsuit against the City of Albany and added that they are hoping that the Town joins them in the legal battle and helps them with either legal counsel or financial aid.

Councilman Conrad stated that he believes that there are restrictions as far as what they can do with taxpayer dollars because they have to represent the entire Town. He added that he knows that the petition represents 10% of the population but he has personally heard from another 10% of the people that don't share the same opinion and they are wondering why the Town would spend money to fight some of these things. He continued by saying that in looking into some of the situations there are some problems with how they spend some money, if the law is broken they have the right to follow through from the Town perspective and spend tax dollars but if they spend without 100% of the people being behind it he would be a bit leery to say that he would be in favor of expending any money to help with counsel in this particular lawsuit.

Supervisor Hotaling asked if there was anyone new that would like to comment, hearing none he has if there was anyone that would like to return for comment.

Ms. Lawler stated that she had a few more questions.

Supervisor Hotaling interjected that he had extended great latitude with accepting questions during the Public Comment period and added that he will continue to have dialog but the dialog seems to be going in the direction that he does not believe is productive at this point. He added that those making comment needed to be reminded that it is a Public Comment Period.

Ms. Lawler stated that they had a narrow window of opportunity with the lawsuit that they are currently engaged in and they did not go to the Town for help. She added that the Town has been active in lawsuits against the City of Albany in the past without knowing what percentage of the taxpayers were for or against the landfill. She continued by saying that the new Coeymans Fire House went to vote and although 100% was not for building a new one, the building went ahead. She continued by saying that 100% confuses her and in the past the Town has been very aggressive in suing the City of Albany over the landfill and it was without the knowledge of knowing who was for or against it.

Councilman Conrad stated that the firehouse did not go to a vote by the Town's people.

Supervisor Hotaling inquired as to if Ms. Lawler believed that the new firehouse was appropriation of dollars by the Town Board or if she was just questioning the process.

Ms. Lawler stated that she was questioning the process.

Councilman Conrad stated that the tax dollars that have been spent previously he would support admirably, one was because the S.E.Q.R.A. process was violated and in order for the Town to regain control they were forced to file a lawsuit and he is 100% in favor of it. He added that when the rules are violated, they would stand together as a Town Board to make sure that the rules are followed, especially with something of this magnitude. He continued to say that in comparing the firehouse he was on the Town Board for the process and it is called the policy of the Monroe Doctrine, which basically deals with zoning and it was a five member panel of the Zoning Board of Coeymans, and in his opinion they acted in a manner that he is not sure was totally true and correct but because of the fact that the Monroe Doctrine gives the Zoning Board of Appeals the ability to make a determination whether or not the Coeymans Fire District could act as the entity of its own because they own the property. He added that this is another total instance that is separate from fighting lawsuits and he was present for the vote and it was a 5-member panel who voted and this vote determined how it would be done. He concluded by saying that he does not totally agree with how it went but it happened and those people said how it would be done because they are their own entity and added that when and if the City of Albany does become the final owner of the property, they to can use that same Monroe Doctrine as a tool against getting around the Town's local rules and regulations and they should be mindful of that.

Supervisor Hotaling interjected that the Town does not know to what extent of success they will have with any statutes or any rules promulgated for zoning or for any rules that may develop because of the Comprehensive Plan. He continued by saying that all of the little components add up to a better case for the Town but one cannot predict the outcome because of things like the Monroe Doctrine. He added that Monroe refers to a case in Monroe New York that essentially gave the opportunity to circumvent all of the local planning and zoning because they have their own identity through a government entity. He concluded by saying that the Coeymans Fire Company is a government entity just as the Town is and with that authority they can create their own opportunity to create what they want in terms of a firehouse and the majority voted to put up a new firehouse but the control of how it is built and where it is done, escapes the Town's review and scrutiny under the Monroe Doctrine that Councilman made reference to.

Ms. Marshall thanked Councilman Conrad for referencing the S.E.Q.R.A. Laws because that is what the lawsuit is all about and they won the first time and they won on segmentation. She added that they won because what the City of Albany is trying to segment the process where they first buy the land and then go through the review. She continued by saying that after the Town won, the City of Albany continued to buy land.

Supervisor Hotaling stated that when there are other forces and other deals, he does not know what it portends for the Town and they have to be wary of it, but it does not stop them from saying that they are opposed to it and they are going to fight it. He continued by saying that if the landfill comes and if it is permitted, he must sit down, as a negotiator and he would not be doing his job for the Town of Coeymans if he didn't.

Ms. Marshall interjected that this is not America as she knows it because she learned in school that if you stood up for your rights and you go through the courts and the courts say that you are right, the other guy is suppose to stop and this is not what is happening and this is why they had to spend their money to go back to court. She added that this is not what is suppose to happen and it is about segmentation and who are we and do we play by our own rules and then they need to think about what the judge means when he says that they are right and the other guy keeps doing what he is doing. She concluded by saying that this is why they have to continue to fight back.

Supervisor Hotaling asked if there was any further public comment.

Mr. Terry Tripp stated that he opposes the landfill but that is not why he is there. He added that he lives on Palmer Drive and Coeymans is a beautiful Town and he enjoys living here. He continued by saying that he jogs up and down the roads and he has a concern about the amount of litter that is along the roads and he does not know if it is individuals littering or if the trash haulers are losing it out of their trucks. He inquired as to if the Town cleans it up or if there are organizations that might do it.

Councilwoman Rogers inquired as to where he is talking about.

Mr. Tripp stated that it is at the intersection of Deans Mill and another road where there is a four-way stop.

Supervisor Hotaling stated that the town-line ends before the intersection.

Mr. Tripp stated that it is the whole length of the road on both sides of the town line.

Supervisor Hotaling asked Highway Superintendent Deering if his crew does this type of road-side work.

Highway Superintendent Deering stated that they do and he has seen it and knows what Mr. Tripp is talking about.

Mr. Tripp stated that it is not the normal amount of litter and he believes that it may be coming off a truck and added that he enjoys jogging along the road and he would enjoy it even more if the trash was not there.

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

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**APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were four sets of minutes for Town Board approval and the Minutes for 12-12-05 were previously tabled for corrections. He added that in addition to the 12-12-05 Town Board Meeting Minutes there was also a Town Board Workshop on 12-20-05, a Public Hearing on 12-27-05 and a Town Board Meeting on 12-27-05. He then asked for a motion to approve the minutes.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Conrad the aforementioned Town Board Minutes were approved as read.  
 VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski) – ABSTAIN 1 (Boehm)

Supervisor Hotaling stated that the vote would reflect Mr. Boehm’s abstention because he was not a member of the Town Board at that time.

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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>	\$637,320.31	\$40,847.44	\$470,843.89	\$207,323.86
<b>PART-TOWN</b>	\$238,722.65	\$ 1,028.65	\$(51,129.05)	\$188,622.25

<b>SPEC. WATER</b>	\$ 34,244.21	\$ 49.50	-0-	\$ 34,293.71
<b>TRUST &amp; AGCY.</b>	\$ 561.91	-0-	-0-	\$ 561.91
<b>HIGHWAY</b>	\$346,213.34	\$72,964.50	\$(82,447.41)	\$336,730.43
<b>SEWER</b>	\$188,555.12	\$15,522.04	\$(34,314.97)	\$169,762.19
<b>SEW. CAP. PROJ.</b>	\$491,763.57	\$ 616.88	\$(181,782.50)	\$310,597.75
			<b>Total Rec. Bal.</b>	\$1,247,892.30

CD-CITIZENS BANK  
90 DAYS

A FUND

\$200,000.00

D FUND

**SAVINGS ACCOUNTS**

**SECTION 8 – HUD**

UNEMPLOYMENT \$ 3,099.79  
 GROVE CEMETARY \$ 55,387.72  
 SEWER DEDICATED \$ 6,104.87  
 TOTAL

OCCUPIED UNITS 61  
 HUD PAYMENTS \$25,164.00  
 ADMIN. FEE \$ 240.30  
 \$ 64,592.38  
 TENANT RENT \$14,719.00  
 CONTRACT RENT \$37,696.00

TO

**COLLATERAL  
COVERAGE**

**FDIC COVERAGE**

**COLLATERALIZED**

NATIONAL BANK OF  
COXSACKIE

\$100,000.00

\$1,579,473.77

Supervisor Hotaling asked for a motion to approve the December 2005  
Supervisor's Report.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, the  
December 2005 Supervisor's Report was approved as read.  
VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski)

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**DEPARTMENT REPORT REVIEW**

**Town Clerk Monthly Report – December 2005**

Supervisor Hotaling asked that Town Clerk Millious give her December 2005 Monthly Report.

Town Clerk Millious continued by giving her Monthly Report and then read a Press Release concerning a change in the Dog Licensing Law with respect to the rabies vaccination as follows:

### **Town of Coeymans Announces Changes to Dog Licensing Law**

The Town of Coeymans has announced changes to the dog-licensing program, effective January 15, 2006. The new law requires that a dog license may not be issued for a time period extending beyond the expiration date of a dog's rabies certificate.

Dog licenses issued on and after January 15, 2006, must not expire after the expiration date of the dog's rabies certificate. In order to receive a full year license, a dog that is due for a rabies vaccination booster within the next license year would need to be immunized prior to license renewal.

This change affects all dogs licensed in New York State, except those licensed in New York City, which has a separate dog licensing law. There are more than 600 dogs licensed in the Town of Coeymans.

Pursuant to the New York Public Health Law, county public health authorities must offer free clinics at least every four months for the rabies vaccination of dogs, as well as for cats and domesticated ferrets. A list of 2006 Rabies Clinics can be obtained at the Town Clerk's Office at 18 Russell Avenue, Ravena, NY.

For more information regarding the changes to the dog-licensing program in the Town of Coeymans, please call the Town Clerk's Office at (518) 756-2100.

Town Clerk Millious stated that as an example if someone comes in now for a license due in January and the rabies runs out in June, the license is only good until June.

Supervisor Hotaling asked if the license fee that they pay in January that is going to prematurely expire in June would be the same as a license fee that they would pay in January if they had their rabies renewal for January.

Town Clerk Millious stated that the press release would be in the paper and the next Rabies Clinic is Saturday, March 18, 2006 from 1-4pm at the Berne Highway Garage on Rte. 443 in Berne.

Supervisor Hotaling thanked Town Clerk Millious

**Police Department Monthly Report – December 2005**

Supervisor Hotaling asked that Chief of Police Giroux give his December 2005 Monthly Report.

Chief of Police Giroux continued by giving his report.

Supervisor Hotaling thanked Chief Giroux and asked for a motion to approve both the Town Clerk and Police Department Monthly Reports.

**MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm the Town Clerk and Police Department Monthly Reports for December 2005 were accepted as presented.

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski)

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**OLD BUSINESS**

None at this time.

**NEW BUSINESS**

**NYS Small Cities Community Development Technical Assistance Grant Agreement**

Supervisor Hotaling stated that when they first engaged with Laberge as the Town's consultant for a Comprehensive Plan, Mr. Siden and staff suggested that the Town apply for some grants and offered to do this for the Town. He added that previously they were recipients of a \$7,500 grant from Hudson Valley Greenway that was going to off set some of the cost associated the Comprehensive Plan and related costs. He continued to say that he is now pleased to announce that he is receipt of a letter dated December 30<sup>th</sup> from Governor Pataki indicating that the application that they made for a Small Cities Community Development Technical Assistance Grant has been approved and they have been awarded \$8,400 for that purpose and it will be used to assist the grant itself and in general it is used to assist local communities in developing strategic plans for redevelopment and revitalization and builds up goals and ideas and the letter states that they are looking forward to working with the Town to reach the goals. He added that this is all part of the Comprehensive Plan and with the \$8,400 and the \$7,500 that was obtained previously; they have offset approximately 25% of the Comprehensive Plan cost. He concluded by saying that the paperwork indicates that there are some restrictions in terms of establishing separate bank accounts and he will be executing the Grant Agreement with Glen King, Director of the Governors Office for Small Cities.

## **Mohawk & Hudson Humane Society Agreement**

Supervisor Hotaling stated that the Town utilizes the Mohawk & Hudson River Humane Society for purposes of housing dogs that are seized by the Animal Control Officer and each year an Agreement has to be executed. He added that previously the Town had been utilizing local shelters and the cost far exceeded the budget and the Mohawk & Hudson River Humane Society has provided their services for the last 4-5 years on a contractual basis and this year's contract is \$3,400, which is very reasonable. He then asked for the Town Board to grant him authority to execute the contract with Mohawk & Hudson River Humane Society for purposes of sheltering dogs that are seized in the Town of Coeymans.

Councilman Boehm inquired as to if there are any limits.

Chief of Police Giroux added that there is no limit, there can be as many as necessary and added that its not only for seized dogs but for rabies quarantined as well.

### **MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, authorizing Supervisor Ronald K. Hotaling to execute the Agreement with Mohawk & Hudson River Humane Society for 2006.

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski)

Councilman Conrad asked if a motion was needed to execute the Governors Office Small Cities Grant.

Supervisor Hotaling stated that he was not sure because they authorized by resolution for Mr. Siden to seek the grant, which was done by application and as a result the Town received the grant. He added that he did not think it was necessary but he would not be opposed to a motion.

Councilman Conrad interjected that it could be in lieu of the fact that this may be separate and not covered under the first resolution and it would not hurt at this point to offer another motion.

### **MOTION**

On motion of Councilman Conrad, seconded by Councilman Rogers, authorizing Supervisor Ronald K. Hotaling to execute the Agreement with the Governors Office for Small Cities Grant project #256TA215-05.

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski)

Councilman Boehm inquired as to if it will offset the original cost or if it is in addition to the cost for the Comprehensive Plan.

Supervisor Hotaling stated that the cost for the Comprehensive Plan was \$62,500 and there has been an enhancement to the cost for the survey that was just done and there was an additional \$2,500 authorized to provide the survey in response to the communities thought that they needed to reach out to more people, which would bring the total to \$65,000. He added that they have been granted \$7,500 from the Hudson Valley Greenway in addition to an additional \$8,400 that they will be receiving from the Governors Office for Small Cities, which will bring the cost to under \$50,000. He concluded by saying that there is a process where he has to execute the agreement and set-up a designated depository.

### **Town Law Sections 61 & 123 Audit Requirements**

Supervisor Hotaling stated that last year they engaged Marvin & Company to provide the required annual audits for the Town Clerk / Receiver of Taxes, Diane Millious as well as the Justice Department because Town Law Section 62 & 123 requires that the Town Board on or before January 20<sup>th</sup> provide an audit for any receiver of monies in town government. He added that the components of such an audit is far beyond the Town Board's scope of knowledge and Town Law provides an opportunity for the Town Board to recognize that in being able to engage the services of an outside firm to provide such an audit and the January 20<sup>th</sup> date is waived under the requirement and extended for 60 days after the close of the Town's Fiscal Year, which gives them until the end of February to establish an auditor to perform that function on the Town's behalf. He concluded by saying that last year Marvin & Company did the audit for \$3,000 and Mr. Purintan has indicated that he does not believe that it will that much for this years audit and then asked for a motion to enter into a contract with Marvin & Company.

### **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, authorizing Supervisor Hotaling to engage the professional services of Marvin & Company to accommodate the audits required under Town Law Sections 62 & 123 for the year 2005.

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski)

Supervisor Hotaling stated that upon receipt of Mr. Purintan's engagement letter he will forward it to the Town Board and execute it.

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### **RESOLUTIONS**

**RES. #035-06 APPOINT SEASONAL EQUIPMENT OPERATOR(S) I**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski)

**WHEREAS**, Article XXIX of the CSEA Contract provides for the hiring of winter road maintenance seasonal employees, and

**WHEREAS**, the Albany County Civil Service Department has confirmed this job title as a non-competitive position requiring the chosen candidate to meet minimum qualifications,

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Coeymans authorizes the appointments of Joseph A. Deering and James E. Gage to seasonal Equipment Operator I positions, effective immediately, and contingent on successful pre-employment testing.

**RES. #036-06 APPOINT PART-TIME POLICE OFFICER**

On motion of Councilwoman Rogers, seconded by Councilman Conrad, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski)

**WHEREAS**, the Chief of Police has conducted a search for available part-time Police Officers to supplement the monthly schedule and provide the coverage desired,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of Coeymans does hereby appoint Stephen S. Prokrym, as a part-time Police Officer effective immediately. Such appointment will be compensated at the rate designated in the current Collective Bargaining Agreement.

Supervisor Hotaling asked Chief Giroux if this was the fifth Ravena Officer that has made the move who is working for the Town as well as the Village.

Chief of Police Giroux stated that it was the fourth and it was all of them except for the full-time Officer.

**RES. #037-06 APPOINT FULL-TIME POLICE OFFICER**

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

**WHEREAS**, the Town of Coeymans Police Department has two budgeted full-time police officer vacancies as a result of recent vacancies, and

**WHEREAS**, the Town Board is desirous of filling these vacancies as soon as possible, in an effort to provide adequate personnel resources to cover the number of patrol shifts budgeted in the 2006 Town Budget, and

**WHEREAS**, it is necessary to appoint a Police Officer candidate immediately, to begin training at the full-time Police Academy which began on January 18, 2006,

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Coeymans hereby appoints Christopher S. Alberts to the position of full-time Police Officer, effective retroactively to January 18, 2006. Such appointment is to be contingent on the successful completion of all phases of the background investigation.

**BE IT FURTHER RESOLVED**, that this appointment will be compensated at the trainee rate designated in the current Collective Bargaining Agreement.

Discussion ensued regarding the wording and whether or not trainee should be indicated in the resolution.

Supervisor Hotaling suggested that the wording be “trainee rate” and added that the resolution would be amended to reflect this change. He continued by saying that the candidate comes off the Civil Service list for the Town of Coeymans and there were two candidates and one declined. He concluded by saying that this appointment is consistent with Albany County Civil Service because the Town of Coeymans home rule provides for a separate list of Town of Coeymans residents.

Chief Giroux interjected that Mr. Alberts is a very qualified candidate and his background has been stellar so far.

**RES. #038-06 APPOINT ASSESSMENT AIDE**

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

**WHEREAS**, the Assessor, Laura VanValkenburg, has requested additional assistance of a part-time Assessment Aide to assist in verification of construction information, completion of property record cards and entering new data into the RPS Program, and

**WHEREAS**, the Albany County Civil Service Department has confirmed this job title as a non-competitive position requiring the chose candidate to meet minimum qualifications, and

**WHEREAS**, the Assessor has confirmed the candidate meets minimum qualifications for appointment,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Matthew Quinto to the part-time position of Assessment Aide, effective immediately, at the rate of \$10.23 per hour.

Supervisor Hotaling interjected that this would round out the crew to three people and it will put the Assessor's Office on track for getting the project completed on time.

**RES. #039-06 APPOINT COURT CLERK**

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

**WHEREAS**, the Town Board has provided for an additional full-time position in the Justice Court office for 2006, and

**WHEREAS**, applications were sought for candidates for that position by advertisement and posting, and

**WHEREAS**, interviews have been conducted by the justices and members of the Town Board, and

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

**WHEREAS**, the Albany County Civil Service Department has confirmed the candidate's qualification for the competitive position of Court Clerk,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Janice M. Radley to the position of Court Clerk, provisional and subject to Civil Service testing, effective February 6, 2006, at the hourly rate of \$11.81.

Councilman Boehm interjected that he had an opportunity to sit in on the interviews and he believes that she is going to be an excellent candidate.

**RES. #040-06 AMEND RESOLUTION #132-05**

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

**BE IT RESOLVED**, that the Town Board, of the Town of Coeymans, does hereby amend resolution #132-05, approving the December 2005 Abstract, to reflect the following changes indicated in red.

<b>ABSTRACT</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
Pre-Pay	2021-2047	\$386,548.11
General	2111- 2170,2193,2204,2239 2252,2267-2268	\$ 37,786.77
	<b>General Total</b>	
		<b>\$424,334.88</b>
<b>PART-TOWN (B)</b>		
Pre-Pay	2048-2066	\$ 17,973.24
Part-Town	2171-2176,*2178- 2186,2270	<b>\$ 27,265.18</b>
	<b>Part-Town Total</b>	<b>\$ 45,238.42</b>
<b>HIGHWAY (D)</b>		
Pre-Pay	2067-2077	\$ 55,380.45
Highway	2187-2192,2194-2203, 2205-2238,2240-2242	\$ 15,690.35
	<b>Highway Total</b>	<b>\$ 71,070.80</b>
<b>SEWER (SS)</b>		
Pre-Pay	2078-2101,2266	\$ 16,596.34
Sewer	2243-2251,2253- 2264,2269	\$ 14,038.68
	<b>Sewer Total</b>	<b>\$ 30,635.02</b>
<b>CAPITAL PROJ. (H)</b>		
Capital Project	2265	\$181,782.50
	<b>Capital Proj. Total</b>	<b>\$181,782.50</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$753,061.62</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Pre-Pay	2102-2110	\$321,011.44
	<b>Trust &amp; Agcy. Total</b>	<b>\$321,011.44</b>

\* Voucher 2177 voided – duplicate payment. Changes to totals are indicated in red.

Supervisor Hotaling stated that 2177, which was previously approved on the Abstract for December 2005 was a voucher that was found to be a duplicate payment.

**RES. #041-06 APPROVE DECEMBER 2005 ABSTRACT**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski)

<b>ABSTRACT</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	2271-2278	\$ 70,619.05
General	2299-2352	\$ 22,221.83
	<b>General Total</b>	<b>\$ 92,840.88</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	2279-2285	\$ 8,267.45
Part-Town	2353-2358,2423	\$ 1,214.64
	<b>Part Town Total</b>	<b>\$ 9,482.09</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	2286-2288	\$ 12,476.72
Highway	2359-2404	\$ 28,199.76
	<b>Highway Total</b>	<b>\$ 40,676.48</b>
<b>SEWER (SS)</b>		
Pre-Pay Sewer	2289-2295	\$ 4,948.76
Sewer	2405-2421	\$13,016.47
	<b>Sewer Total</b>	<b>\$ 17,965.23</b>
<b>GROVE CEM. (TE)</b>		
Pre-Pay Grove Cemetery	2296	\$ 43.06
	<b>Grove Total</b>	<b>\$ 43.06</b>
<b>CAPITAL PROJECTS (H)</b>		

Pre-Pay Capital Projects	2424	\$114,011.36
Capital Projects	2422	\$ 1,240.52
	<b>Capital Projects Total</b>	<b>\$115,251.88</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$276,259.62</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	2297-2298	\$ 67,229.62
	<b>Trust &amp; Agcy. Total</b>	<b>\$ 67,229.62</b>

Supervisor Hotaling inquired as to if the Abstract is appropriately called a December 2005 Abstract because there was one previous to this or should be it be a January 2006 Abstract paying 2005 bills.

Town Clerk Millious stated that it should be December because the bills are continuing to come in for 2005 and they will all be labeled December 2005.

Supervisor Hotaling stated that there will be December Abstracts until the vouchers are all paid for 2005, which should be ending by February 2006 because all of the bills should be in for 2005.

**RES. #042-06 APPROVE JANUARY 2006 ABSTRACT**

On motion of Councilwoman Rogers, seconded by Councilman Conrad, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski)

<b>ABSTRACT</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	1-4	\$51,864.10
	<b>General Total</b>	<b>\$51,864.10</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	5-7	\$ 6,448.22
	<b>Part Town Total</b>	<b>\$ 6,448.22</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	8-10	\$ 24,618.49

	<b>Highway Total</b>	<b>\$ 24,618.49</b>
<b>SEWER (SS)</b>		
Pre-Pay Sewer	11-13	\$ 5,061.99
	<b>Sewer Total</b>	<b>\$ 5,061.99</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$87,992.80</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	14-16	\$ 62,804.80
	<b>Trust &amp; Agcy. Total</b>	<b>\$ 62,804.80</b>

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## **CORRESPONDENCE**

### **Albany County Health Department – Rabies Clinics**

Supervisor Hotaling stated that Town Clerk Millious had previously discussed the 2006 Rabies vaccination requirements and added that the next Rabies Clinic will be Saturday, March 18, 2006 at 1:00pm at the Berne Highway Garage, Rte. 443, Berne in addition to another one being offered on June 6<sup>th</sup> in Bethlehem.

### **Joseph Mastrianni, Inc. – Oakbrook Manor**

Supervisor Hotaling stated that he was in receipt of a letter from Joseph E. Mastrianni, Inc., the Town's consultant that operates the HUD Program, stating the status of Oakbrook Manor. He added that several months ago he along with Mayor Bruno and a representative from HUD attended a site visit to three apartments and the grounds and in general they discovered that there were issues regarding code violations, which were written up by Mr. Mastrianni's Office. He continued by saying that they had previously engaged in a policy of permitting the elderly and/or disabled preferences for HUD placement and they felt that none of the placements should occur in Oakbrook until the violations were resolved. He added that Mayor Bruno agreed and there has been some dialog between Oakbrook and Mr. Mastrianni's Office and the Code Enforcement of the Village of Ravena, who oversees the Code Enforcement because Oakbrook sits in the Village of Ravena. He concluded by saying that the letter sums up the current status of Oakbrook and continued by reading the following:

“This letter follows up on a conversation you had recently with Gregg Gallucci of our staff concerning an inquire you had from an attorney representing Oakbrook Manor. As I understand it, Oakbrook Manor's attorney was questioning our policy

of not allowing individuals and families receiving Section 8 rental assistance to move into Oakbrook Manor because of our dissatisfaction with the condition of the units and grounds. We initiated this policy in April 2005 after a number of inspections by the Building Inspector of the Village of Ravena and our inspectors discovered a number of code violations and housing quality standards failures.

Federal regulations at 24CFR982.306(c) (6) state that a Housing Agency may deny approval of assisted tenancies if the owner of a property has a history or practice of renting units that fail to meet State of Local Housing Codes. Since documentation on file with the Village of Ravena and with our office at that time clearly indicated a history of units at Oakbrook Manor failing to meet Village Codes and Housing Quality Standards, we instituted the April 2005 moratorium on assisted tenancies at Oakbrook Manor.

As of January 10, 2006, we have been advised by Joe Burns, Building Inspector for the Village of Ravena, that he has documented continuing Code Violations at Oakbrook Manor. Since Code Violations have been, and continue to be, a problem at Oakbrook Manor, we are continuing our moratorium on assisted tenancies at the site until we receive clearance from the Village of Ravena Building Inspector.”

Supervisor Hotaling added that in addition to that clearance, Mr. Mastrianni would also like clearance from the Town Board of the Town of Coeymans to implement the elderly and/or disabled preference. He continued by saying that he does not want it to sound like they are against Oakbrook Manor or trying to prevent any elderly and/or handicapped from getting appropriate assistance from HUD but the Town does not feel that it is appropriate to place individuals under the current conditions.

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## **TOWN BOARD WORKSHOPS/MEETINGS**

- - Town Board Meeting, February 13, 2006, 7:00pm
- - Town Board Meeting, February 27, 2006, 7:00pm

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## **ADDITIONAL COMMENTS**

Supervisor Hotaling invited comment from the Town Board.

Councilman Conrad stated that they have had an ongoing mapping situation with Surveyor Charles Hite, to map out the Town/Village line along the 9W corridor and also upgraded it to include the Water & Sewer District lines along that area. He continued by saying that Mr. Hite had notified him that he had completed the

mapping and they are now in receipt of the maps to be reviewed by both the Town & Village.

Councilman Boehm stated that the landfill was a big issue earlier in the meeting and he believes that there are people that have become involved at different points of the process and they are at different levels including emotional and government levels. He added that he hopes that they can come together on the issue at the Workshop Meeting and find a common ground.

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

### **ADJOURNMENT**

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

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski)

Time 8:56pm

***Respectfully Submitted,***

**APPROVED:**

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***Diane L. Millious, Town Clerk***

**A Public Hearing was held Monday, February 27, 2006 at 6:30pm at Town of Coeymans, Town Hall, 18 Russell Avenue, Ravena, New York.**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Laverne H. Conrad, Councilman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Joseph Rotello, Town Attorney  
Laura VanValkenburg, Assessor

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

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**OPENING COMMENTS**

Supervisor Hotaling stated that the Public Hearing was for the purpose of amending Chapter 149, Article II, Alternative Veteran's Exemptions of the Town Code of the Town of Coeymans by Local Law #1-06. He then asked that Town Clerk Millious read the Notice of Public Hearing.

**NOTICE OF  
PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a Public Hearing will be held by the Town Board of the Town of Coeymans on Monday, February 27, 2006 at 6:30pm at Town Hall, 18 Russell Avenue on proposed Local Law No. 1 of 2006. The Public Hearing will be regarding the amendment of Chapter 149, Article II, Alternative Veteran's Exemption of the Town Code of the Town of Coeymans.

Be it enacted by the Town Board of the Town of Coeymans as follows:

**Town of Coeymans  
Proposed Local Law No. 1 of 2006**

A Local Law of the Town of Coeymans amending Chapter 149, Article II, Alternative Veteran's Exemption of the Town Code of the Town of Coeymans.

**§ 149-3 Legislative Intent and Purpose**

- A. This Board finds and determines that the sacrifices and services provided by veterans in protecting this country should be acknowledged by providing certain tax exemptions.

- B. By Chapter 256 of the Laws of New York for 2005, the New York State Legislature amended § 458-A of the Real Property Tax Law authorizing the adoption of a Local Law to increase the maximum tax exemptions for veterans.
- C. The purpose of this Law is to amend Local Law No. 4 of 1999 in its entirety and to adopt maximum tax exemptions for veterans as authorized by Chapter 256 of the Laws of New York for 2005.

#### **§ 149-4 Exemption Authorized**

Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$36,000 or the product of \$36,000 multiplied by the latest State Equalization Rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less.

#### **§ 149-5 Additional Exemption for Combat Veterans**

In addition to the exemption provided by §149-4 of this article, where the veteran served in a combat theater or combat zone of operation, as documented by the award of a United States Campaign Ribbon or Service Medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed \$24,000 or the product of \$24,000 multiplied by the latest State Equalization Rate for the assessing unit or, in the case of a special assessing unit, the class ratio, whichever is less.

#### **§ 149-6 Additional Exemption for Service Connected Disability**

In addition to the exemptions provided by § 149-4 and §149-5 of this article, where the veteran received a compensation rating from the United States Veterans Administration or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed values of such property multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed \$120,000 or the product of \$120,000 multiplied by the latest State Equalization Rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less. For the purposes of this article, where a person who served in the active military, naval or air service during a period of war died in service or a service connected disability, such person shall be deemed to have been assigned a compensation rating of 100%.

#### **§ Gold Star Parent Definition and Eligibility**

This Board also finds and determines that the sacrifices made by Gold Star Parents should be acknowledged by entitling them the same alternative veterans real property tax exemptions accorded to veterans, spouse of veterans, up to a maximum of 25%. The New York State Legislature amended §458-A of the Real Property Tax Law by adding a new subdivision 7 authorizing the adoption of a Local Law to grant the Gold Star Parents this alternative exemption. For the purpose of extending this exemption a Gold Star Parent shall be defined as “the parent of a child who died in the line of duty while serving in the United States Armed Forces during a period of war.” A Gold Star Parent shall be deemed to be eligible for the exemption for “qualifying residential real property” under § 149-4 and §149-5.

**§ When Effective; Applicability**

This article shall take effect immediately upon filing with the Secretary of State and shall apply to Assessment Rolls prepared on the basis of a taxable status date occurring on or after such date.

**By Order of the Town Board  
of the Town of Coeymans  
Diane L. Millious  
Town Clerk**

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**PUBLIC COMMENT**

Supervisor Hotaling opened the floor for public comment relative to Proposed Local Law #1-2006 and added that anyone interested in speaking should step up to the microphone and introduce themselves in addition to stating where they live.

Supervisor Hotaling added that there was one member of the public as well as some press people in addition to Sole Assessor VanValkenburg and added that if there were no comments he would leave the Public Hearing open for a total of 15 minutes.

Ms. Mary Driscoll stated that she is a resident of the Village of Ravena and continued by asking if widows of veterans would be included. She added that she currently has a Veteran’s Exemption as a widow.

Supervisor Hotaling stated that this is in addition to what currently exists and it is actually an extension by virtue of the State’s effort that amended 458A of Real Property Tax Law and it provided an opportunity to not only in addition to having the regular 15% for veterans, extra 10% for combat veterans and disability connected disability exemptions, they were able to add Gold Star Parent definition and eligibility to the amendment.

Ms. Driscoll stated that a couple of years ago it was extended to widows and she does not know if this is under the proposed law.

Town Attorney Rotello stated that they did not change anything and all that the Town has ever done is adopt the maximums by Local Law. He added that anything that is in State Law, the Town has adopted the maximum for the exemptions. He concluded by saying that the State was raising the level of the allowable maximum exemption amounts and in turn it was passed to the County to do by Local Law and then to the municipalities to do by Local Law. He reiterated that this is all that the Town has done and nothing else has changed other than increasing the allowable exemptions.

Ms. Driscoll stated that she wanted to make sure that it includes widows.

Town Attorney Rotello stated that it does not do anything to change any other basis of eligibility and it only increases the maximum amounts, therefore she continues to be entitled to the exemption because they did not repeal anything.

Councilman Conrad stated that the town does not affect the Village.

Ms. Driscoll stated that she is not talking about the Village, she is talking about the Town and she wants to make sure that widows are included.

Supervisor Hotaling asked if there were any other comments relative to Proposed Local Law #1-2006 Alternative Veteran's Exemptions, hearing none he asked for a motion to adjourn the Public Hearing.

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**ADJOURNMENT**

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the Public Hearing was adjourned.

VOTE – AYES – 5 – NAYS 0 – SO MOVED

Time 6:54pm

***Respectfully Submitted,***

**APPROVED:**

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***Diane L. Millious, Town Clerk***

**A Town Board Meeting was held Monday, February 13, 2006, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Laverne Conrad, Councilman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Joseph Rotello, Town Attorney  
Scott Giroux, Chief of Police  
Laura VanValkenburg, Assessor  
Albert Deering, Highway Superintendent (arrived late)

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**SUPERVISOR'S OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there is a full Town Board in addition to noting the presence of Town Clerk Millious, Town Attorney Rotello, Chief of Police Giroux and Sole Assessor VanValkenburg and continued by giving an overview of the agenda.

**OVERVIEW OF AGENDA**

- Public Comment
- Presentations of Fire District Checks
- Approval of Minutes of Meetings
  - Organizational Meeting, January 1, 2006
  - Town Board Workshop, January 17, 2006
  - Town Board Meeting, January 23, 2006
- Department Report Review
- Old Business
  - Town Code Issues
- New Business
  - Resignation – Assessment Aide
  - Resignation – Part-Time Clerk
  - CT Male Proposal – Interceptor Sewer Capacity Analysis
  - Town of Colonie Landfill Access
  - Veterans Tax Exemption
- Resolutions

- Proposed Local Law #1, Veterans Exemptions
- Old Ravena Road North Bridge Land Acquisition
- Town Clerk Software Agreement
- Appointment of Assessment Aide
- Alcove Post Office 125<sup>th</sup> Anniversary Celebration
- Approval to Amend December 2005 Abstract (#040-06)
- Approval to Amend December 2005 Abstract (#041-06)
- Correspondence
  - Family Self-Sufficiency Program, January 2006
  - New York State Public Service Commission
- Town Board Workshops/Meetings
  - Town Board Meeting, February 27, 2006, 7:00pm
  - Special Town Board Workshop, March 7, 2006, 6:00pm
  - Town Board Meeting, March 13, 2006, 7:00pm

Supervisor Hotaling stated that he was going to reverse the agenda's items 3 & 4 and ask that the Public Comment Period be held after the presentation of the Fire District's check presentation.

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## **PRESENTATION**

### **Fire District Check Presentation**

Supervisor Hotaling stated that the public should know that included in the Property Tax Bill, depending on where they live in the Town of Coeymans, there are elements of County, Town and in some instances Fire District taxes. He added that the Town receives from the Fire Districts in the fall of the previous year the budgets in Coeymans Hollow and Coeymans and assimilate those budgets into the Town Budget in terms of collecting taxes, by Tax Collector Diane Millious, and in turn when the warrant is satisfied the money is turned over to the Fire Districts. He continued by saying that he has the privilege of presenting checks to representatives of both the Coeymans Hollow and the Coeymans Fire District. He concluded by presenting to Richard Hotaling, from Coeymans Hollow, a check in the amount of \$183,000 and to Mr. George Orsino, Commissioner of the Coeymans Fire District, a check in the amount of \$299,440.

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## **PUBLIC COMMENT**

Supervisor Hotaling invited public comment at this time.

Mr. Zachary Assal stated that he lives at 6 Fox Street and added that he would be reading an open letter to the Town of Coeymans, Supervisor and members of the Town Board. He proceeded to read the following:

“As citizens of the Town of Coeymans we ask that you, our elected officials, take a public stand against Albany’s proposed landfill in our community. We urge you to address the Albany Common Council during a Public Comment Period of their February 23<sup>rd</sup> Meeting. Let them know that the Government of this Town, along with many of its citizens, stands in firm opposition for Albany’s proposal. We encourage you to support efforts to save the designated Wet Lands in the location and to preserve this historic open space. In petitioning against Albany’s proposal they have had the opportunity to speak with many of their fellow citizens and it is abundantly clear that the landfill conflict is of major concern. We hope that you, the Town Board, will be forthcoming with Town residents by providing as much and as current information as is available to you. To a person, you have clearly expressed personal opposition to the landfill proposal, now is the time for you to demonstrate strong leadership by assuming an equally clear public position.”

Supervisor Hotaling thanked Mr. Assal and asked if a copy of the letter was going to be provided to the Town Board.

Ms. Sylvia Lawler stated there was a problem with their printer and a copy would be forthcoming.

Supervisor Hotaling asked if there were any additional public comments.

Ms. Lawler stated that she is a resident of the Town of Coeymans and a member of S.C.R.A.P. (Selkirk-Coeymans-Ravena Against Pollution) and added that as she had pointed out at the previous Town Board Meeting that Albany’s Common Council was very attentive to them when approximately 20 members of S.C.R.A.P. presented a petition opposing the landfill. She continued by saying that it would make a very strong impact on the Common Council if the Town Board would go and stand before them. She added that when they had previously asked Town Board members to sign the petition, Councilman Boehm was the only one that felt as though he could sign, and Supervisor Hotaling had made it clear that as his position as Supervisor he needed to leave himself open to the time when he may have to be a negotiator and added that she found it confusing because she thinks that in any opposition or battle there is not a General that would say that they should back off or should not be fighting with everything that they have. She continued by saying that on the contrary she believes that if it becomes a negotiating position, his position will be stronger if there is a strong fight because opponents have great respect for worthy opponents. She concluded by thanking the Town Board.

Supervisor Hotaling thanked Ms. Lawler and asked if there were any additional public comments.

Hearing none he stated that he had asked Sole Assessor VanValkenburg to be present to talk about some recent activities and contact between Assessors and the State of New York relative to the way that they intend to do business. He then invited Assessor VanValkenburg to comment.

Assessor VanValkenburg stated that this is the time of year when the State is starting to work at establishing Equalization Rates for towns for the upcoming year and added that the preliminary notice is indicating a significant change in the rate and she has questions and concerns and has asked for a meeting with State representatives. She added that she will be attending the meeting at the Office of Real Property Services and Supervisor Hotaling will be going with her and hopefully they will be able to explain it better and she will be able to express her concerns.

Supervisor Hotaling stated that the rate is currently 88% and they are suggesting a significant reduction to a level that is unacceptable and they will be arguing their point at this meeting. He added that their effort is to better understand their position and to insure that there is not despaired treatment among municipalities, counties and regions among the State with respect to the Office of Real Property Services position in the matter. He concluded by saying that Assessor VanValkenburg will have more information for the next Town Board Meeting in order to get the word out to the people about what is likely to happen in the Town of Coeymans and what the strategies are to combat it.

Assessor VanValkenburg stated that she wanted to remind everyone that there are Data Collectors doing verification of property information in the Town and there should not be concern if you see someone that you don't know around your property. She added that they carry Town ID badges and try to introduce themselves to the property owner when they know that someone is home. She concluded by saying that it is an ongoing process and will be continuing into the next few months.

Supervisor Hotaling thanked Assessor VanValkenburg.

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## **APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were three sets of minutes for Town Board approval, Town Board Organizational Meeting – January 1, 2006, Town Board Workshop – January 17, 2006, and Town Board Meeting – January 23, 2006. He then asked if everyone had the opportunity to review the minutes and then asked for a motion to approve them.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, approving the Town Board Minutes as presented by the Town Clerk.

VOTE – AYES 4 – NAYS 0 – ABSTAIN 1 – SO MOVED

Councilman Conrad stated that he questions the wording in a set of minutes pertaining to the part-time seasonal highway employees and the fact that it says per CSEA Contract because it is not technically in the Contract and it will need further clarification.

Supervisor Hotaling stated that he believed that there was language in the contract and asked that Highway Superintendent comment. He added that he believes that there is language in the contract about the length of service in addition to Highway Superintendent Deering advising him that the manner in which they are paid is determined by the lowest paid regular laborer.

Highway Superintendent Deering stated that you could either pay them the Clerk II or laborer wage.

Councilman Conrad asked where it says that in the contract

Supervisor Hotaling advised that it is under the salary schedule in the contract.

Councilman Conrad stated that he is trying to figure out where he would put a Seasonal Operator I in the pay scale vs. a Seasonal Laborer and added that he feels as though the section needs further clarification because it is not identified properly because in most cases they put in a rate per hour and in this case it says per CSEA Contract.

Supervisor Hotaling interjected that it is because each one depending on circumstances can get different wages. He added that he would agree that the language in the contract is unclear but the contract expires in December 2006 and they will take a closer look at it then.

Town Attorney Rotello stated that they have consistently followed the same practice, which the contract also addresses in general terms as far as what they do and Highway Superintendent Deering will establish what past practice has been for establishing the rate.

Councilman Conrad interjected that it then should say per Albert Deering and not CSEA Contract.

Town Attorney Rotello stated that the Contract addresses past practices.

Councilman Conrad stated that he understands what the Contract says but he is trying to identify from the pay schedule because it does not say rate of pay and there are three different levels of pay, whether it is entry, one year intermediate or two year job rate.

He added that he has noticed some inequities in pay during hiring. He concluded by saying that he believes that it should have further clarification and specific rates should be put in for those two titles.

Highway Superintendent Deering reiterated that you can either pay them Clerk II wage or Laborer wage and this is what it says for seasonal.

Councilman Conrad inquired as to if it would be for a Laborer or Operator I.

Highway Superintendent Deering stated that it could be for either one and he pays the Laborer the entry level and the Operator the Clerk II wage. He added that he has this option according to the Contract.

Councilman Conrad interjected that he would never take an Operator I as a Clerk II position.

Highway Superintendent Deering stated that this would be for wage purposes and not the position.

Councilman Conrad stated that he understands this and then quoted from the contract:

“summer or seasonal employees shall be paid at the entry level of Laborers or Clerk II rate” and then inquired as to why it does not say Operator I rate of pay. He added by saying that this is why he is asking for clarification because the CSEA Contract does not indicate an Operator I and in his opinion a Clerk II is no way an Operator I, who drives a dump-truck and a Clerk II is an office worker. He concluded by saying that there is no comparison between an Operator and Clerk II.

Highway Superintendent Deering stated that the Contract says that he can pay them that way.

Councilman Conrad stated that this is the only thing that it says and this is why he has a problem with it.

Councilwoman Chmielewski interjected that there is a motion on the floor to accept the minutes and this is how it was presented in the minutes. She added that they should either accept the minutes or not and this could be something that could be addressed in the future for clarification.

Councilman Conrad reiterated that he has a problem with those titles.

Supervisor Hotaling stated that he wanted to remind everyone that the resolution in question is identified as #34-06 and it received a 5-0 vote when it was presented at the Organizational Meeting. He added that Councilman Conrad's points are well taken but perhaps misplaced at this point in terms of approving the minutes.

Councilman Conrad stated that he feels as though at this point in time, after looking at the CSEA Contract and trying to place a wage with it, they need to do address this.

Supervisor Hotaling stated that he understands Councilman Conrad's concerns but Highway Superintendent Deering said that it is his discretion as to what the pay should be. He added that if it needs clarification they could have that discussion with Highway Superintendent Deering, the CSEA President and the new representative.

Councilman Conrad stated that this is fine and all he saying is that they need further clarification.

Councilwoman Chmielewski stated that she would abstain from the vote because she was absent for two of the meetings.

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## **OLD BUSINESS**

### **Town Code Issues**

Supervisor Hotaling stated that Councilman Conrad had risen at the last meeting some Town Code issues relative to ATV complaints and asked that Chief of Police Giroux look into it. He added that there is now a memorandum dated February 2, 2006 to all Town Board Members from Chief Giroux where he outlines a need for further clarification before enforcement measures can be taken on some of the issues that were discussed. He added that Chief Giroux raises five points in the memorandum and suggested that it be reviewed by the Town Attorney and Town Board to determine if the Local Code is still viable but in the meantime the Chief indicated that he will enforce the State Law relative to ATV's and they will try to deal with the problem the best way they can with the tools at their disposal.

Supervisor Hotaling asked Councilman Conrad if he had any comments.

Councilman Conrad thanked Chief Giroux for his input and added that this has been a problem lurking for too many years and in 2003 Chief Giroux had tried to get the prior administration to act upon it and in all fairness to the Chief he would like to move this along.

Supervisor Hotaling asked if there would be a benefit in developing their own Codes aside from the State Laws.

Town Attorney Rotello stated that he would take the position that there would not be a benefit in addition to them not having jurisdiction to most of the provisions of the Vehicle and Traffic Law and they would not be able to implement their own. Supervisor Hotaling inquired as to if they would be able to create something that would facilitate them in being able to control the problem better.

Town Attorney Rotello stated that he does not believe so and there are sufficient regulations in the State Vehicle and Traffic Law that regulate ATV use.

Supervisor Hotaling stated that practical application and enforcement is difficult because of the manner in which they operate.

Chief Giroux interjected that the provisions that are in the current Local Law were developed before a lot of the new ATV State Laws were put into place.

Supervisor Hotaling stated that they need to discuss this with Attorney Rotello in light of the development of a Comprehensive Plan and the updating of Codes, they might be in a position for elimination as opposed to updating.

Town Attorney Rotello stated that he believes that this is the direction that they would move.

Councilman Conrad interjected that he believes that this was Chief Giroux's intent in 2003 and he does not know why the Town Board did not act on it. He added that he wanted the Chief to know that it did not go unheard and he does agree with the Chief's position and this is why he asked for it in writing so that they can move on it.

Supervisor Hotaling stated that there is a law now that they need to take a look at and when the Comprehensive Plan is in place they will be taking a look at all of the laws.

Town Attorney Rotello stated that they might decide that they want to act on it now and there would be a resolution for a Public Hearing to repeal that particular Local Law because of its duplication.

Supervisor Hotaling asked the Town Board pleasure on moving to eliminate the law.

Councilman Conrad stated that he would be in favor of eliminating it and thought it was a good idea when the Chief first suggested it and it would be his general opinion that the law is duplicative of the State Laws and it is unnecessary. He

added that it is being brought up now because there was an issue recently with a property owner inquiring about another Local Law that it might be enforceable under but it was found that it is not enforceable the way that it currently is and the solution would be to remove the existing Law and if the Council agrees he would suggest to move for a resolution to schedule a Public Hearing to repeal the existing Law.

Supervisor Hotaling stated that later in the meeting a similar thing was going to be done for some other laws and maybe they could piggy back some Public Hearings.

Town Attorney Rotello stated that the law would have to be actually written.

Supervisor Hotaling stated that Councilman Conrad's motion could be to authorize the Town Attorney to initiate an effort to move forward to present to the Town Board a statute that would repeal Section 158 of the Town Code.

Councilman Conrad stated that this would be his motion.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, to repeal Section 158 of the Town Code dealing with ATV's.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling asked that Town Attorney Rotello put this together for the Town Board to review and establish a Public Hearing. He continued by saying that Town Code, Section A171-11 deals with duties of the Police Chief and this also needs to be taken care of and then asked Chief of Police Giroux if this is one that could be modified.

Chief of Police Giroux stated that in previous conversations with the Town Board and Town Attorney, the better idea would be to eliminate it.

Supervisor Hotaling interjected that the Chief of Police typically has a Contract for Service with the Town along with it being Civil Service.

Town Attorney Rotello added that there is a description of duties outlined in the job description that the Town has.

Chief of Police Giroux interjected that between Civil Service, the job description, and the Law Enforcement Manual it would not be necessary to have this in the Code.

Supervisor Hotaling stated that they could also entertain a motion that would ask the Town Attorney about the possibility of establishing a repeal statute for Section A 171-11 of the Town Code relating to duties of the Chief of Police, which was originally established in 1975.

## **MOTION**

On motion of Supervisor Hotaling, seconded by Councilman Conrad, asking Town Attorney Rotello to put together a repeal statute to Section A 171-11.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

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## **NEW BUSINESS**

### **Resignation of Assessment Aide**

Supervisor Hotaling stated that there has been an effort to get Assessment Aides to perform the data collection and Matthew Quinto was hired at the meeting on January 23<sup>rd</sup> but immediately determined that he would not be able to fulfill the duties to the extent to which the Town Board was asking him to do and consequently resigned the position. He continued by reading the following:

01/28/06

Due to the fact that I work 40 hours a week, I cannot fulfill the 17-20 hours per week as Assessment Aide, therefore I must resign.

Please accept my apology for any inconveniences.

Sincerely,

Matthew Quinto

Supervisor Hotaling asked for a motion to accept the resignation.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, accepting the resignation of Matthew Quinto, Assessment Aide.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

### **Resignation of Part-Time Clerk**

Supervisor Hotaling stated that a part-time Clerk in the Town Clerk's Office has also tendered her resignation and continued by reading the following:

02-09-06

Diane Millious, Town Clerk

I would like to resign my position as part-time clerk, effective February 24, 2006. It has been a pleasure working here and everyone will be missed.

Joan Thompson

Supervisor Hotaling asked if Town Clerk Millious had any comments.

Town Clerk Millious stated that she wishes her well.

### **MOTION**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, accepting the resignation of Joan Thompson.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling added that with the Town Board's permission, Town Clerk Millious could advertise for a part-time position.

### **CT Male Proposal – Interceptor Sewer Capacity Analysis**

Supervisor Hotaling stated that he failed to do this at the last Town Board Meeting and continued by saying that the Village has accepted responsibility for 50% of the cost associated with the proposal from C.T. Male, which is a proposal to evaluate the capacity of 38 existing manhole runs of the main interceptor sewer and to also evaluate the feasibility of a separate relief sewer from manhole 38 at Edna Avenue to manhole 5 at the Waste Water Treatment Plant entrance road and determine the impact of eliminating the Van Hoesen Street overflow. He added that the proposal invited the opportunity to allow the Village to also deal with some of their issues with the Van Hoesen Street overflow, which has been ongoing for several years. He continued by saying that collectively they are trying to deal with I&I problems in both the Village and Town and are currently undergoing a Waste Water Treatment Plant upgrade project of significant magnitude. He added that they want to be able to provide some relief so that they can demonstrate to DEC that it does not make sense to have a moratorium on development in the Town in areas that are serviced by sewer. He concluded by saying that this study should provide some strategies to cope with the problem and become a more favorable colleague with DEC.

Councilman Conrad interjected that in addition the study will do some calculation on the capacity of the plant to hopefully update and upgrade the actual capacity of the plant with some other minor modifications that may be necessary.

Councilwoman Chmielewski inquired about the Village passing a motion to pay for half of the study.

Supervisor Hotaling stated that it was a couple of weeks ago and his commitment was to take care of it at the last meeting but he forgot about it and added that the price is \$14,700.0, which will be split 50/50 with the Village of Ravena. He then asked for a motion to sign the proposal and acknowledge their obligation for 50% of it.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, authorizing Supervisor Hotaling to enter into the proposed contract with C.T. Male to be shared with the Village at a cost of 50/50.

Supervisor Hotaling stated that he would confirm and make it clear that the Village will be paying 50% and he would work out the payment details with C.T. Male and the Village.

VOTE – AYES 5 – NAYS 0 – SO MOVED

## **Town of Colonie Landfill Access**

Supervisor Hotaling stated that about a month ago he received a letter from Colonie Landfill that invited the Town of Coeymans to renew their Waste Water Permit. He added that in 2004 the Town obtained permission to dispose of the grit from the Waste Water Treatment Plant at the Colonie Landfill and for many years the Town was paying for the transportation and disposal of the grit to the Town of Colonie and the license fee alone was \$500.00 for a two-year period in addition to the cost of the disposing of the grit. He continued by saying that in mid 2004 DEC gave the Town permission to place the grit in a dumpster and have it removed by the regular waste hauler, which has saved quite a bit of money. He added that the permit did run out and Colonie has asked the Town to renew but there is no need by either the Highway Department or Sewer Department to do so and he informed them that the Town would not be renewing the permit and since that time there has been a inquiry from the public relative to the disposal of solid waste and his recollection was that when the Town closed the Jarvis Road Landfill the Town had made arrangements with the Colonie Landfill to allow Town of Coeymans residents to use the landfill for a fee. He added that the opportunity has been lost in the public's mind over the past several years and he wanted to reiterate that Town of Coeymans resident's can use the Town of Colonie Landfill and a rate schedule was faxed to him and is available. He concluded by saying that there is a requirement that all users must have their own high visibility safety vest, which is not provided.

Ms. Lawler asked if you have to show identification that you are from Coeymans.

Supervisor Hotaling stated that if you are a resident you pay less and you do not have to show ID specific to being a Coeymans' resident because they accept waste from non-residents for a slightly higher rate.

### **Veteran's Tax Exemption**

Supervisor Hotaling stated that they have heard requests from the public in various forms about the importance of Veteran's Exemptions in addition to a recent request for Gold Star Parent eligibility and to his understanding according to Assessor VanValkenburg they have passed by virtue of a motion, the inclusion of a Gold Star Exemption as well. He added that Town Attorney Rotello has prepared a Local Law and in the upcoming resolutions there is an introduction to the Local Law and the establishment of a Public Hearing, which will allow the maximum allowable under the laws and there is a provision within the Veteran's Exemption to provide the Gold Star eligibility as well.

### **Equipment Operator and Community Beautification**

Supervisor Hotaling stated that this topic was not stated on the agenda and has been added and it is relative to an Equipment Operator and the Community Beautification Program. He added that in the 2006 Budget it was proposed to have an Equipment Operator included in the Community Beautification Utility Labor Force in Town Hall. He continued by saying that the Labor Force has undertaken several projects for the Sewer Department and have assisted in the Highway Department efforts in addition to creating two new office spaces in Town Hall. He added that in light of the budgetary request made in 2006 and approved, they have advertised and posted pursuant to the Union Contract, an interest in this position and one person submitted an application for a lateral transfer and he was interviewed. He concluded by saying that he is prepared to entertain a motion for formalizing the lateral transfer from the Highway Department to the Utility Labor Force.

### **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, authorizing the lateral transfer of Nelson Perry from the Highway Department to the Community Beautification Department, which will take effect immediately.

VOTE – AYES 3 – NAYS 2 (Conrad, Boehm) – SO MOVED

Councilwoman Rogers interjected that the Superintendent of Highways should be able to post and advertise for a new Operator I.

Supervisor Hotaling conveyed to Highway Superintendent Deering that in light of the lateral transfer he is authorized to advertise and/or post for the opportunity to hire an Equipment Operator I.

Councilwoman Chmielewski interjected that Highway Superintendent Deering has to post first for 10 days and then inquired as to if he can advertise at the same time.

Highway Superintendent Deering stated that he didn't know because he had never done it that way.

Supervisor Hotaling stated that whatever the process, Highway Superintendent Deering is authorized to advertise and/or post.

Highway Superintendent Deering asked if he would be getting something from the employee stating that he resigned from the Highway Department because it has been done in the past when an employee has moved.

Supervisor Hotaling stated that his reference would be Mr. Perrine, Mr. Mergendahl and Mr. Plath when they moved from the Highway Department and he did not recall that anything was done.

Councilwoman Rogers interjected that the employee would still be working at the Highway Department when needed.

Supervisor Hotaling stated that as they discussed, the employees would be deployed to the Highway Department when they are needed.

Highway Superintendent Deering stated that he believes that there is something in the handbook and he had gotten something in the past.

Councilman Conrad stated that as he recalls there was an agreement with Mr. Perrine.

Supervisor Hotaling stated that with the three prior transfers there was some concern about the Community Beautification Department not lasting and the agreement was that for a period of two years, commencing January 2005, if the Community Beautification Department disbanded, they would be guaranteed their positions back at the Highway Department. He added that they are still within the two-year timeframe until January 2007 and he suspects that the same agreement will be extended to Mr. Perry. He concluded by saying that there should not be a resignation because there is an agreement.

Town Attorney Rotello stated that he believes that the agreement would pertain to whom ever came from the Highway Department or elsewhere.

Supervisor Hotaling interjected that it was reviewed with C.S.E.A. and as a result the agreement was reached with the employees for a two-year time period and because of this they can move forward without a resignation.

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## RESOLUTIONS

### **RES. #043-06 SET PUBLIC HEARING DATE FOR PROPOSED LOCAL LAW #1 OF 2006**

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

**WHEREAS**, a Local Law, being proposed Local Law #1 of 2006, a copy of which is attached hereto, was introduced at this meeting by a member of the Town Board of the Town of Coeymans, and

**WHEREAS**, the Town Board desires to hold a Public Hearing with respect to the adoption of said Local Law,

**NOW, THEREFORE, BE IT RESOLVED**, that a Public Hearing be held by the Town Board, of the Town of Coeymans with respect to the adoption of the aforesaid Local Law at 6:30pm on the 27<sup>th</sup> day of February, 2006, at Town Hall, 18 Russell Avenue, Ravena, New York, and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by Law.

### **Town of Coeymans Proposed Local Law No. 1 of 2006**

A Local Law of the Town of Coeymans amending Chapter 149, Article II, Alternative Veteran's Exemption of the Town Code of the Town of Coeymans.

#### **§ 149-3 Legislative Intent and Purpose**

- A. This Board finds and determines that the sacrifices and services provided by veterans in protecting this country should be acknowledged by providing certain tax exemptions.
- B. By Chapter 256 of the Laws of New York for 2005, the New York State Legislature amended § 458-A of the Real Property Tax Law authorizing the adoption of a Local Law to increase the maximum tax exemptions for veterans.
- C. The purpose of this Law is to amend Local Law No. 4 of 1999 in its entirety and to adopt maximum tax exemptions for veterans as authorized by Chapter 256 of the Laws of New York for 2005.

#### **§ 149-4 Exemption Authorized**

Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$36,000 or the product of \$36,000 multiplied by the latest State Equalization Rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less.

#### **§ 149-5 Additional Exemption for Combat Veterans**

In addition to the exemption provided by §149-4 of this article, where the veteran served in a combat theater or combat zone of operation, as documented by the award of a United States Campaign Ribbon or Service Medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed \$24,000 or the product of \$24,000 multiplied by the latest State Equalization Rate for the assessing unit or, in the case of a special assessing unit, the class ratio, whichever is less.

#### **§ 149-6 Additional Exemption for Service Connected Disability**

In addition to the exemptions provided by § 149-4 and §149-5 of this article, where the veteran received a compensation rating from the United States Veterans Administration or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed values of such property multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed \$120,000 or the product of \$120,000 multiplied by the latest State Equalization Rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less. For the purposes of this article, where a person who served in the active military, naval or air service during a period of war died in service or a service connected disability, such person shall be deemed to have been assigned a compensation rating of 100%.

#### **§ Gold Star Parent Definition and Eligibility**

This Board also finds and determines that the sacrifices made by Gold Star Parents should be acknowledged by entitling them the same alternative veterans real property tax exemptions accorded to veterans, spouse of veterans, up to a maximum of 25%. The New York State Legislature amended §458-A of the Real Property Tax Law by adding a new subdivision 7 authorizing the adoption of a Local Law to grant the Gold Star Parents this alternative exemption. For the purpose of extending this exemption a Gold Star Parent shall be defined as "the parent of a child who died in the line of duty while serving in the United States Armed Forces during a period of war." A Gold Star Parent shall be deemed to be eligible for the exemption for "qualifying residential real property" under § 149-4 and §149-5.

## **§ When Effective; Applicability**

This article shall take effect immediately upon filing with the Secretary of State and shall apply to Assessment Rolls prepared on the basis of a taxable status date occurring on or after such date.

Supervisor Hotaling suggested that they discuss the appropriate date and time for the Public Hearing because this was left blank during the reading of the resolution and continued by asking Town Clerk Millious what the Notice requirement is.

Town Clerk Millious advised that it is 10 days.

Supervisor Hotaling interjected that the Notice would not make the official newspaper until the following week and in order to have this in place for the next Tax Role it has to be done by March 1<sup>st</sup>. He added that he would like to comply by posting the Notice of Public Hearing in prominent places around town in addition to putting it in the News Herald next week, which will set forth a Public Hearing on February 27, 2006 at 6:30pm. He concluded by saying that if the posting requirements are done immediately there will be more than the required 10 days, he then asked Town Clerk Millious to post the Notice as soon as possible

### **RES. #044-06 AUTHORIZE LAND ACQUISITION BY EMINENT DOMAIN**

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

**WHEREAS**, by resolution previously adopted, this body authorized and directed representatives and/or agents of the Town of Coeymans to proceed to acquire parcels of privately held real estate necessary to undertake the proposed public project relating to the replacement of the bridge that carries Old Ravena Road over the CSXT Rail Lines in the Town of Coeymans, County of Albany, State of New York, and

**WHEREAS**, the aforementioned proposed public project was presented at a Public Informational Meeting held on September 13, 2004, at the Coeymans Town Hallo and thereafter at a Public Hearing held in accordance with the provisions of Article 2 of the Eminent Domain Procedure Law, following which this body adopted its Determination and Findings and caused a synopsis thereof to be duly published and mailed to affected property owners, and

**WHEREAS**, representatives and/or agents of the Town of Coeymans have made written offers to acquire the parcels of real estate necessary for this project for

amounts determined to be 100% of just compensation based upon appraisal from qualified professionals, and

**WHEREAS**, among the real estate interests whose acquisition are necessary for the aforementioned proposed public interest project are a fee interest in an approximately 0.35 acre strip area and a temporary easement interest in and to a portion of a parcel located on Old Ravena Road in the Town of Coeymans, New York, bearing Tax Map Identifier 144-2-2.2, together with a fee interest in an approximately 0.02 acre strip area and a temporary easement interest in and to a portion of another parcel located on Old Ravena road in the Town of Coeymans, New York, bearing Tax Map Identifier 144-2-2.1, both of which are owned by Meilak's Mobile Court, Inc., and

**WHEREAS**, certain encumbrances on the record title to the aforementioned parcels owned by Meilak's Mobile Court, Inc. prevent the Town's timely acquisition of such parcels by purchase, and

**WHEREAS**, the Supervisor reports, among other things, that he believes it is necessary to proceed by Eminent Domain with respect to the acquisition of the aforementioned fee and temporary easement interests in the aforementioned parcels of real estate located on Old Ravena Road in the Town of Coeymans, New York (tax map identifier 144-2-2.1 and 2.2), and

**WHEREAS**, the Supervisor further reports that the Town of Coeymans has complied with all provisions of the Eminent Domain Procedure Law that must be satisfied prior to the Town of Coeymans acquiring a parcel of real estate, pursuant to Article 4 of the Eminent Domain Procedure Law, for purposes of the aforementioned proposed public project.

**NOW, THEREFORE, BE IT RESOLVED**, that the status report of the Supervisor of the Town of Coeymans is hereby accepted in all respects, and

**BE IT FURTHER RESOLVED**, that all acts taken by representatives and/or agents on behalf of the Town of Coeymans, as directed and authorized by the aforementioned resolution, as reported to this body by the Supervisor of the Town of Coeymans, are hereby ratified and approved, and

**BE IT FURTHER RESOLVED**, that the Supervisor or his agents are hereby authorized and directed to acquire a fee interest in an approximately 0.35 acre strip area and a temporary easement interest in and to a portion of one parcel, together with a fee interest in an approximately 0.02 acre strip area and a temporary easement interest in and to a portion of another parcel, both of which are located on Old Ravena Road in the Town of Coeymans, New York, bearing tax map identifiers 144-2-2.2 and 2.1, respectively, by exercise of the right of

Eminent Domain by the Town of Coeymans, New York, and to utilize the services of Hite, O'Donnell & Beaumont, P.C. to accomplish such acquisitions.

Supervisor Hotaling stated that hopefully this is the last piece of Eminent Domain that they have to address for the North Bridge Project on Old Ravena Road and if successful this should allow the opportunity for the project to continue.

**RES. #045-06 AUTHORIZE CONTRACT WITH GENESIS SYSTEMS, INC.**

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

**WHEREAS**, the Town Clerk of the Town of Coeymans desires to contract with Genesis Systems, Inc. to obtain services for the Town Clerk's computer software,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize Town Clerk Diane L. Millious to enter into an agreement with Genesis Systems, Inc. to provide services for the period of March 1, 2006 to February 28, 2007,

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the Town Supervisor, Ronald K. Hotaling, Jr. to also sign said agreement.

Town Clerk Millious interjected that this is done every year in case there is a problem with the Town Clerk software.

Supervisor Hotaling indicated that he would be signing the contract the following day and turning it back over to Town Clerk Millious.

**RES. #046-06 APPOINT PART-TIME ASSESSMENT AIDE**

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

**WHEREAS**, the Assessor, Laura VanValkenburg, has requested the assistance of a part-time Assessment Aide to assist in verification of construction information, completion of property record cards and entering new data into the RPS Program, and

**WHEREAS**, the Albany County Civil Service Department has confirmed this job title as a non-competitive position requiring the chosen candidate to meet minimum qualifications, and

**WHEREAS**, the Assessor has confirmed the candidate meets minimum qualifications for appointment,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Roger Sevilla to the part-time position of Assessment Aide, effective immediately, at the rate of \$10.23 per hour.

Supervisor Hotaling interjected that this is a replacement for Mr. Quinto and he had personally sought out Mr. Sevilla and added that he will do a great job for the Town.

**RES. #047-06 DIRECT THE DEVELOPMENT AND PRESENTATION OF CERTIFICATE HONORING THE ALCOVE POST OFFICE**

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

**WHEREAS**, the Alcove Post Office, originally established in 1881, is celebrating its 125<sup>th</sup> Anniversary, and

**WHEREAS**, the Alcove Post Office has provided exceptional service to the people of the Hamlet of Alcove with faithful mail processing and delivery, and

**WHEREAS**, it should also be noted that the Alcove Post Office is located within the Alcove Historical District, and

**WHEREAS**, the Town Board determines it appropriate to recognize the Alcove Post Office in this year of celebration.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby direct the development and presentation of a Certificate of Achievement honoring the Alcove Post Office. This Certificate shall be presented on Wednesday, February 15, 2006 at the official ceremony honoring this event in Alcove, New York.

Supervisor Hotaling stated that there is a Proclamation to be signed by each Town Board Member that will be presented to the Alcove Post Office and he will be presenting it on behalf of the Town at the ceremony. He added that anyone wishing to attend the ceremony is welcome to accompany him.

**RES. #048-06 AMEND RESOLUTION 040-06**

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

**BE IT RESOLVED**, that the Town Board, of the Town of Coeymans, does hereby amend resolution #040-06, approving the December 2005 Abstract, to reflect the following changes indicated in red.

ABSTRACT	VOUCHER #	AMOUNT
<b>GENERAL (A)</b>		
Pre-Pay	2021-2047	\$386,548.11
General	2111-2153,*2155- 2170,2193, 2204,2239-2252,2267-2268	\$ 37,690.27
	<b>General Total</b>	<b>\$424,238.38</b>
<b>PART-TOWN (B)</b>		
Pre-Pay	2048-2066	\$ 17,973.24
Part-Town	2171-2176,2178-2186,2270	\$ 27,265.18
	<b>Part-Town Total</b>	<b>\$ 45,238.42</b>
<b>HIGHWAY (D)</b>		
Pre-Pay	2067-2077	\$ 55,380.45
Highway	2154,2187-2192,2194-2203, 2205-2238,2240-2242	\$ 15,786.85
	<b>Highway Total</b>	<b>\$ 71,167.30</b>
<b>SEWER (SS)</b>		
Pre-Pay	2078-2101,2266	\$ 16,596.34
Sewer	2243-2251,2253- 2264,2269	\$ 14,038.68
	<b>Sewer Total</b>	<b>\$ 30,635.02</b>
<b>CAPITAL PROJ. (H)</b>		
Capital Project	2265	\$181,782.50
	<b>Capital Proj. Total</b>	<b>\$181,782.50</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$753,061.62</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Pre-Pay	2102-2110	\$321,011.44
	<b>Trust &amp; Agcy. Total</b>	<b>\$321,011.44</b>

\* Voucher 2154 was coded in General and should have been in Highway

Councilwoman Chmielewski inquired as to who coded the vouchers.

Town Clerk Millious advised that it was coded by the Highway Department as an A Fund but then was advised that it should have been coded as a Highway D Fund.

Councilwoman Chmielewski inquired as to if the change came from Highway Superintendent Deering.

Town Clerk Millious stated that it was the Highway Department and in turn she had talked to Lori in Bookkeeping and it was agreed that it should be a D Fund.

Councilwoman Chmielewski stated that Highway Superintendent Deering codes them and asked if Highway Secretary Jennifer VanAlstyne made the change.

Town Clerk Millious stated that she has it in her office and could give it to them for backup to the resolution.

Supervisor Hotaling explained the change as far as dollar amounts and added that he did not know why the change was made because there was no other explanation.

Town Clerk Millious stated that she would go and get it from her office.

Supervisor Hotaling asked that they move on to the next resolution and come back to it.

**RES. #049-06 AMEND DECEMBER 2005 ABSTRACT**

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

**BE IT RESOLVED**, that the Town Board of the Town of Coeymans, does hereby amend Resolution #041-06, approving the December 2005 Abstract, to reflect the following changes indicated in red.

<b>ABSTRACT</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	2271-2278	\$ 70,619.05
General	2299-2305 * 2307-2352	\$ 22,191.83
	<b>General Total</b>	<b>\$ 92,810.88</b>

<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	2279-2285	\$ 8,267.45
Part-Town	2353-2358,2423	\$ 1,214.64
	<b>Part Town Total</b>	<b>\$ 9,482.09</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	2286-2288	\$ 12,476.72
Highway	2359-2369, * 2371-2404	\$ 28,114.15
	<b>Highway Total</b>	<b>\$ 40,590.87</b>
<b>SEWER (SS)</b>		
Pre-Pay Sewer	2289-2295	\$ 4,948.76
Sewer	2405-2421	\$13,016.47
	<b>Sewer Total</b>	<b>\$ 17,965.23</b>
<b>GROVE CEM. (TE)</b>		
Pre-Pay Grove Cemetery	2296	\$ 43.06
	<b>Grove Total</b>	<b>\$ 43.06</b>
<b>CAPITAL PROJECTS (H)</b>		
Pre-Pay Capital Projects	2424	\$114,011.36
Capital Projects	2422	\$ 1,240.52
	<b>Capital Projects Total</b>	<b>\$115,251.88</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$276,144.01</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	2297-2298	\$ 67,229.62
	<b>Trust &amp; Agcy. Total</b>	<b>\$ 67,229.62</b>

\* Voucher 2306 and 2370 voided-duplicate payment. Changes to totals are indicated in red.

Councilman Conrad interjected that this should indicate that it only pertains to vouchers 2306 & 2370.

Supervisor Hotaling added that 2306 was a duplicate payment found by the staff, which was removed from the General Fund and 2370 was a duplicate payment

found in the Highway vouchers and it was also removed. He added that the amount was removed from the General Fund, Highway Fund and the total for all funds.

Councilwoman Chmielewski interjected that this was the third abstract that has had to be amended and added that it should not have to come to this because the Department heads have to look over their bills more carefully before they are sent in because this was a duplicate charge and they should know what they are submitting. She added that after it leaves the department it goes to the Town Clerk's Office for review and it should be caught before it is put on an abstract for the Finance Department to pay the bills. She then suggested that either the Supervisor or Town Clerk should send a memo to each department head asking that they check their bills more thoroughly before submitting them for payment.

Supervisor Hotaling stated that there has been some discussion about the benefits to the Municipal Software that they hopefully will be getting into place shortly and added that the new software should catch and prevent this type of thing. He added that there are checks and balances and at this point they have been corrected.

Councilwoman Chmielewski added that the duplicate payments were to Chris' Coffee.

Councilman Conrad stated that they all look alike and it has also been hard for the Town Board to determine if they are duplicate charges and Bookkeeper Boehlke has been very helpful in looking them up.

Supervisor Hotaling indicated that there is discussion currently underway between Town Clerk Millious and Highway Superintendent Deering regarding the A to D Fund resolution and asked Town Clerk Millious if it had been settled.

Town Clerk Millious stated that Highway Superintendent Deering wanted more time and suggested that it be tabled until the next meeting and added that she had been told by the Bookkeeper to change it from A Fund to D Fund and she was doing what she was told.

Supervisor Hotaling stated that it had been passed.

Councilman Conrad interjected that there was a motion and second but they held off on the vote.

Supervisor Hotaling reiterated that he believed that there was a vote because he had recorded it.

Chief Giroux added that before the vote, Town Clerk Millious was asked to check on it.

Supervisor Hotaling stated that the motion to amend the resolution #040-06 would now be tabled until further discussion between the Bookkeeper and Highway Superintendent Deering.

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## **CORRESPONDENCE**

### **Family Self-Sufficiency Program – January 2006**

Supervisor Hotaling stated that he was in receipt of an update for the Family Self-Sufficiency Program and as of February 6, 2006 there were 18 active participants, 16 of whom have escrow accounts building to help achieve a level of self-sufficiency with HUD Program assistance. He added that there was one graduate that occurred since January, and 4 ended participation without graduation.

### **New York State Public Service Commission**

Supervisor Hotaling stated that the New York State Public Service Commission is going to have Public Statement Hearings on Central Hudson Gas & Electric Corporation's proposal to increase electric and gas rates and continued by reading the following:

“The New York State Public Service Commission seeks public comments regarding Central Hudson Gas & Electric Corporation's July 29, 2005 request to increase its annual electric and gas revenue. The proposed rate revisions are designed to produce an overall increase of about 52.8 million dollars or 13% in annual electric revenues and about 18.1 million dollars or 15% in annual gas revenues.”

Supervisor Hotaling continued by giving the schedule of the Public Statement Hearings as follows:

- Poughkeepsie, March 13<sup>th</sup> at 3pm
- Fishkill, March 13<sup>th</sup> at 7pm
- Newburgh, March 14<sup>th</sup> at 3pm
- Kingston, March 14<sup>th</sup> at 7pm

Supervisor Hotaling added that it is not necessary to make an appointment in advance and there are other ways to comment, which can be in writing in addition to a toll free opinion line as well as the internet. He concluded by saying

that the document will be posted in Town Hall on the bulletin board for the public to access ways to voice their opinion.

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## **TOWN BOARD WORKSHOPS / MEETINGS**

- Town Board Meeting – February 27, 2006, 7:00pm
- Special Town Board Workshop – March 7, 2006, 7:00pm
- Town Board Meeting – March 13, 2006, 7:00pm

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## **ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Councilwoman Rogers stated that the Coeymans Historical Society gave Coeymans Landing 8 banners and they do not have permission to hang them. She added that she recalls a conversation about banners and the use of Central Hudson's poles and inquired as to if it was decided that the banners could be hung.

Supervisor Hotaling stated that there have been several discussions with Ms. Gail Zook regarding the inability of Central Hudson to understand the wisdom in allowing the Town to put banners on the poles, which include those formerly donated by the Kellogg Foundation and now those donated by the Historical Society. He added that Central Hudson does not want anything on their poles and during the discussions about this he pointed out the fact that the Village as well as other communities have used their poles and Ms. Zook did not have a response to that. He continued by saying that he was awaiting a return call and in the absence of the call, the banners will go up in Coeymans in spite of their insistence that it should not be happening.

Councilman Conrad interjected that Central Hudson has also given the Town permission to take down any signs that are on their poles.

Councilwoman Rogers inquired as to if Coeymans Landing now had permission to hang the banners.

Councilman Conrad interjected that she is assuming that no one will stop them because no one has taken down any other signs. Supervisor Hotaling asked Councilwoman Rogers to explain as to who has what banners.

Councilwoman Rogers stated that the Historical Society donated 8 banners to be hung in the Hamlet and at Coeymans Landing.

Supervisor Hotaling stated that he would not suggest that anyone has carte blanche in hanging items and it needs to be a coordinated effort and he would hope that there would be a plan for hanging them. He added that he would be happy to facilitate the Historical Society's efforts and asked that they bring it to the Town Board's attention in addition to supplying a plan as to where they want them hung, for what purpose and for how long and then they will work from there.

Councilman Boehm stated that he wanted to congratulate the R-C-S Varsity Cheerleaders as they took first place in the Hudson Valley Invitational.

Councilwoman Chmielewski stated that she wanted to remind everyone that on February 15<sup>th</sup> it is the Alcove Post Office 125<sup>th</sup> Anniversary and there will be cake from 7:30am – 4:30pm and everyone is invited to stop by and wish them well. She added that you could also purchase the one-day pictorial cancellation stamp with a picture of the Alcove Store, where the Post Office has always been.

Supervisor Hotaling inquired as to if the ceremony is at 7:30am.

Councilwoman Chmielewski stated that this is the time that the Post Master will be there and she will find out what time the ceremony is. She continued by thanking Ralph Bianca, David Mergendahl, Tom Plath, Rick Perrine and Nelson Perry for a wonderful job that they have done in the Supervisor's Office, Confidential Secretary's Office, Media Room and Finance Department.

Councilwoman Rogers inquired about the cancelled stamp and asked if the Post Office does a lot with them because it was brought to her attention that all over the world people have requested cancelled stamps.

Councilwoman Chmielewski stated that every year when the Alcove Preservation Association has their annual Garage Sale, the Post Office puts out a special stamp for the day and you can obtain the cancellation stamp on this day and there are written requests from all over the world asking for this stamp.

Town Clerk Millious stated that she wanted to mention that there is not a February Workshop and vouchers to be reviewed by the Town Board for the February Abstract have to be audited by Friday at the close of business.

Supervisor Hotaling stated that most of the Town Board Members will be attending the Association of Towns Annual Meeting and those attending the conference need to find time Friday evening or Saturday to audit the vouchers as necessary so that Town Clerk Millious can stay on track for presentation to the Town Board at the Town Board Meeting on February 27<sup>th</sup>.

Town Attorney Rotello stated that he wanted to report that relative to the Sewer Easement, the final bit of information was provided to the Office of General Services and hopefully within the next week the Town will be in receipt of a new easement that will be retroactive.

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

## **ADJOURNMENT**

### **MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 8:30pm

***Respectfully Submitted,***

**APPROVED:**

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***Diane L. Millious, Town Clerk***

**A Town Board Meeting was held Monday, February 27, 2006, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Joseph Rotello, Town Attorney  
Albert Deering, Highway Superintendent

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**SUPERVISOR'S OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there is a full Town Board in attendance in addition to Town Clerk Millious, Town Attorney Rotello, and Highway Superintendent Deering. He continued by giving an overview of the agenda.

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**OVERVIEW OF AGENDA**

- Public Announcement
  - Alcove Reservoir Evacuation Plan Review
  - NYS Thruway Authority Public Hearing
- Public Comment Period
- Supervisors Report — January 2006
- Department Report Review
  - Police Department Monthly Report — January 2006
  - Town Clerk Monthly Report — January 2006
  - Building Department — January 2006
  - Town Historian Annual Report — 2005
- Old Business
- New Business
  - Resignation of Grove Cemetery Custodian (Stratta)
  - Resignation of Part Time Police Officer (Furiciniti)
  - Resignation of Equipment Operator 1 (Farr)
- Resolutions

- Local Law # 1 of 2006
- Appointment of Seasonal Maintenance Worker (Sylvester)
- Appointment of Sewer Treatment Plant Operator Trainee (Polverelli)
- Approval of Assessment Aide (Zielonko)
- Approval to Amend December 2005 Abstract (#040-06)
- Approval of Abstract December 2005
- Approval of Abstract February 2006
- Transfer of Funds
- Correspondence
  - LaFarge – Tire Derived Fuel Project Update
- Town Board Workshops/Meetings
  - Town Board Workshop – March 7, 2006 – 6:00 PM
  - Town Board Meeting – March 13, 2006 – 7:00 PM
  - Town Board Workshop March 21, 2006 – 7:00 PM

## **PUBLIC ANNOUNCEMENTS**

### **NYS Thruway Authority Public Hearing**

Supervisor Hotaling stated that he received information from the NYS Thruway Authority relative to the thruway reconstruction and mobility improvements between Interchanges 23 & 24 and there will be a Public Hearing to hear public comments on Tuesday, March 14, 2006 at St. Sophia Greek Orthodox Church, 440 Whitehall Road in Albany, NY and the sign-in hours are 6-9pm with a presentation at 7pm, a Public Comment Period will be from 7:30-9:00pm and written comments will be received anytime between 6-9pm. He added that there will be information on the bulletin board in Town Hall about how to get more information on the project as well as who to contact to send written comments to.

### **Alcove Reservoir Evacuation Plan Review**

Supervisor Hotaling stated that this agenda item deals with concerns about dams in light of recent problems at Hadlock Pond and the Gilboa Dam and for many years there have been concerns about the Alcove Reservoir Dam in Coeymans Hollow and recently Mr. Burns had approached him about the condition of that dam and the operating infrastructure that pertains to it. He continued by saying that recently as a result of the furor the State of New York's Legislature decided to provide an opportunity for public comment in Schenectady, which occurred approximately 2 weeks ago and he had tried to get on the agenda but it was by invitation only and he was unable to give some public testimony about the Town's concern with the Alcove Reservoir Dam. He then invited Mr. Bill Bruno, the Town's Emergency Coordinator to give an update.

Mr. Bruno stated that on February 15<sup>th</sup> he made arrangements for himself as well as Fire Chief Powell to meet with Bill Simco, Deputy Commissioner of the Albany County Water Board and they discussed the dam. He added that their chief objective was to understand the Emergency Response Plan and during the meeting they were provided the plan, which they found was dated 1996 but were advised that it is being updated. He continued by saying that the Emergency Management Committee would be receiving a copy of the Plan and they would be able to add their comments in addition to updating current emergency contact numbers, which will be incorporated into the plan as well as the priority levels because part of the plan is knowing who to notify and when to notify them. He added that they want to know what the worse case scenario could be and how many people could potentially be affected and what to do in that event as far how to alert them and where they would be moved to if this were to happen. He concluded by saying that it was good dialog and they are anticipating future dialog with the Albany Water Board as they prepare to update their Emergency Response Plan.

Supervisor Hotaling stated that Mr. Burns was in the audience and asked if he had any comment that he wished to make relative to his concerns with the Alcove Reservoir Dam.

Mr. Burns stated that he is concerned because of his grandchildren that play in the creek and his fear with what warning there would be if the pipeline broke or the dam broke loose. He continued by outlining what he has done to date relative to his concern about the safety of the dam and the pipeline, which has included discussion at the Alcove Preservation Society Meeting, discussions with Mr. Peter Clouse, correspondence by letter to the Albany Water Board, attendance at the Albany Water Board Meetings and discussions with employees working at the reservoir.

Discussion ensued.

Supervisor Hotaling stated that what Mr. Burns has done is heighten the awareness for the need to develop an Emergency Plan, whether or not Albany is listening or not. He added that with the Hadlock Pond catastrophe and the current Gilboa Dam problems because of New York City's lack of maintenance, he thinks that it is time that they create their own reality and hold Albany County accountable for the potential tragedy if something were to happen with the dam. He continued by saying that he invited Mr. Burns to the meeting so that he could share some of his encounters with the Albany Water Board in addition to making Bill Bruno aware in terms of the need for an alarm and awareness. He concluded by saying that they will follow up on all of the good foundation work that Mr. Burns has done and hopefully they will see the urgency of putting together an Evacuation Plan with the Town and they can resolve this in the best way possible.

Supervisor Hotaling thanked Mr. Burns and Mr. Bruno.

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## **PUBLIC COMMENT**

Supervisor Hotaling invited the public to comment at this time.

Ms. Sylvia Lawler stated that she would be reading her comments and continued by reading the following:

“On Thursday, February 23<sup>rd</sup>, Supervisor Ronald Hotaling shared his letter to the State Department of Environmental Conservation with the Albany Common Council in asking State Regulators to terminate Albany's 1994 permit application to construct a 363 acre regional landfill in the Town of Coeymans. Supervisor Hotaling was forthright, lucid and hard-hitting, much research went into his well thought thorough letter. Nita Chmielewski and Larry Conrad accompanied

Supervisor Hotaling to the meeting, the only reason for Dawn Rogers and Tom Boehm's absence were an injury and a prior engagement, respectively. I commend Supervisor Hotaling for his letter to DEC and for his presentation to the Common Council. It is also impressive that Supervisor Hotaling's Thursday presentation followed a three-day Conference for all Town Board Members, in New York City and I am quite certain that many of my fellow citizens echo my grateful acknowledgment."

Supervisor Hotaling thanked Ms. Lawler and then asked if there were any additional comments.

Ms. Nancy Warner stated that she had a couple of questions and hopefully she would be getting some answers.

Supervisor Hotaling interjected that it is a time for Public Comment and should not include questions.

Ms. Warner continued by voicing her comments and concerns relative to the pending Police Agreement between the Town and Village and the number of shifts for coverage that are currently being provided.

Discussion ensued.

Supervisor Hotaling asked if anyone else wished to comment.

Ms. Mary Driscoll stated that she has lives in the Village and has lived and paid taxes in the Town of Coeymans for 40 years. She continued by voicing her concern about the number of shifts that are currently being provided and her displeasure over the pending abolishment of the Ravenna Police Department.

Discussion ensued.

Supervisor Hotaling asked if anyone else wished to comment.

Ms. Linda Marshall stated that she wanted to echo Ms. Lawler's comments and express her appreciation to Supervisor Hotaling, Councilwoman Chmielewski and Councilman Conrad for attending the Albany Common Council Meeting and asking that the application that the City of Albany has made to DEC to construct a landfill be rescinded.

Discussion ensued.

Supervisor Hotaling asked if anyone else wished to comment, hearing none he moved to the next item on the agenda.

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**APPROVAL OF MINUTES**

None at this time.

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**SUPERVISOR'S REPORT – January 2006**

Supervisor Hotaling read the report.

FUND	BAL. FWD.	RECEIPTS	DISBURSE.	BALANCE
GENERAL	\$207,323.86	\$1,129,877.55	\$(185,098.52)	\$1,152,102.89
PART-TOWN	\$188,622.25	\$ 2,936.24	\$( 41,709.07)	\$ 149,849.42
SPEC. WATER	\$ 34,244.21	\$ 46.88	\$ -0-	\$ 34,340.59
TRUST & AGCY	\$ 561.91	\$ -0-	\$ -0-	\$ 561.91
HIGHWAY	\$183,873.24	\$ 401.93	\$ (86,300.30)	\$ 97,974.87
BRIDGE CONSTRUCT	\$152,857.19	\$ -0-	\$ -0-	\$ 152,857.19
SEWER	\$169,762.19	\$ 10,314.37	\$ (28,625.22)	\$ 151,451.34
SEWER CAP. PROJECT	\$310,597.95	\$ 454.15	\$(115,251.88)	\$ 195,800.22
			<b>Total Rec. Bal.</b>	\$1,934,938.43

**CD CITIZENS BANK  
90 DAYS**

D FUND  
A FUND

\$200,000.00  
\$200,000.00

**SAVINGS ACCOUNTS**

**SECTION 8 HUD**

UNEMPLOYMENT  
GROVE CEMETERY \$56,129.09

HUD PAYMENTS \$ 3,104.01  
\$25,875.00

OC

SEWER-DEDICATED	<u>\$ 6,109.15</u>	ADMIN. FEE	240.30
TOTAL	\$65,342.25	TENANT RENT	\$15,614.00
		CONTRACT RENT	\$41,489.00

**COLLATERAL  
COVERAGE**

**FDIC COVERAGE**

**COLLATERALIZED**

NATIONAL BANK OF  
COXSACKIE

\$100,000.00

\$1,567,673.12

Supervisor Hotaling asked for a motion to approve the Supervisor's Report for January 2006.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, the Supervisor's Report for January 2006 was approved as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**DEPARTMENT REPORT REVIEW**

**Police Department Monthly Report – January 2006**

Supervisor Hotaling stated that Chief Giroux was absent and proceeded to give a summary of the Police Department Report for January 2006.

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, the Police Department Monthly Report for January 2006 was approved as read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**Town Clerk Monthly Report – January 2006**

Supervisor Hotaling asked that Town Clerk Millious give her January 2006 Monthly Report.

Town Clerk Millious continued by giving her Monthly Report.

Supervisor Hotaling thanked Town Clerk Millious and asked for a motion to approve the report.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski, the Town Clerk's Monthly Report for January 2006 was approved as read.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

**Building Department Monthly Report – January 2006**

Supervisor Hotaling asked that Councilman Conrad give the Building Department Monthly Report.

Councilman Conrad continued by give the Monthly Report.

Supervisor Hotaling thanked Councilman Conrad and asked for a motion to approve the report.

**MOTION**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, the Building Department Monthly Report was accepted as presented.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

**Town Historian 2005 Annual Report**

Supervisor Hotaling asked that Councilwoman Chmielewski review the Town Historian Annual Report.

Councilwoman Chmielewski continued by giving the Annual Report.

Supervisor Hotaling thanked Councilwoman Chmielewski and asked for a motion to approve the report.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the Town Historian Yearly Report was accepted as presented.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

**OLD BUSINESS**

None at this time.

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**NEW BUSINESS**

**Resignation of Grove Cemetery Custodian**

Supervisor Hotaling stated that he was in receipt of a resignation from the Grove Cemetery Custodian. He added that he has been acting in this role for several years and because of family commitments he has to step down and tendered his resignation February 13<sup>th</sup> to be effective February 27<sup>th</sup> but also indicated a willingness to work with the Town during the transition. He then asked for a motion to accept the resignation.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, accepting the resignation of Jack Stratta, Grove Cemetery Custodian.

VOTE – AYES 5 – NAYS 0 – SO MOVED

February 13, 2006

Supervisor Hotaling & Town Board Members  
Town of Coeymans  
18 Russell Avenue  
Ravena, NY 12143

Dear Coeymans Town Board:

Please accept this letter as my formal notice of resignation from Town of Coeymans Grove Cemetery, effective 02/27/06, two weeks from date above. The associations I've made during my employment here will truly be memorable for years to come.

Due to the rapid decline in health of my mother, the need to realign my priorities to spend the most time with her and attend to her matters is foremost.

I hope a two-week notice is sufficient for you to find a replacement for me. If I can help to train my replacement or tie up any loose ends, please let me know.

Thank you very much for the opportunity to work here.

Sincerely,

Jack Stratta, Cemetery Superintendent

## **Resignation of Part-Time Police Officer**

Supervisor Hotaling stated that there is a resignation of one of the four part-time Police Officers that was added to the force at the request of Chief Giroux. He added that Mr. Furciniti was on the list for a full-time Police Officer in the City of Troy and has been offered that particular position, which makes him unable to accept the position of part-time Police Officer in the Town of Coeymans. He then asked for a motion to accept the resignation.

On motion of Councilwoman Rogers, seconded by Councilman Conrad,  
accepting the resignation of Martin Furciniti, part-time Police Officer.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

February 13, 2006

Chief Scott Giroux  
Town of Coeymans Police Department  
15 Mountain Road  
Ravena, NY 12143

Chief Giroux,

I have been appointed as a full-time police officer for the City of Troy and am now  
unable to accept the position as part-time officer for the Town of Coeymans.  
Thank you for the opportunity.

Respectfully Submitted,

Martin Furciniti

### **Resignation of Equipment Operator I**

Supervisor Hotaling stated that a letter was sent to Highway Superintendent  
Deering relative to the resignation of an employee and asked Highway  
Superintendent Deering if he had anything to share.

Highway Superintendent Deering stated that Mr. Farr will be leaving the Highway  
Department on March 3<sup>rd</sup> and added that he was a good employee.

Supervisor Hotaling asked for a motion to accept the resignation effective March  
3<sup>rd</sup>.

### **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Conrad,  
accepting the resignation of Mr. Farr, Equipment Operator I, effective March 3,  
2006.

VOTE – AYES 5 – NAYS 0 – SO MOVED

February 21, 2006

Town of Coeymans Highway Department

Attention: Albert Deering

Dear Albert:

This letter serves as my resignation letter from the Town of Coeymans Highway Department. My last day of employment will be March 3, 2006.

I want to thank you for giving me the opportunity to work for the Town of Coeymans. I have enjoyed performing the work and working with my co-workers.

Sincerely,

Michael Farr

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## **RESOLUTIONS**

Supervisor Hotaling stated that the first resolution is a result of the Public Hearing that was held at 6:30pm, prior to the Town Board Meeting and continued by offering the following.

### **RES. #050-06 ENACT LOCAL LAW #1-2006 FOR ALTERNATIVE VETERAN'S EXEMPTIONS BY AMENDING CHAPTER 149, ARTICLE II**

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

**WHEREAS**, the Town Board of the Town of Coeymans proposed Local Law #1-2006 pertaining to Alternative Veteran's Exemptions in the Town Code of the Town of Coeymans, and

**WHEREAS**, a Public Hearing was held on this subject at 6:30pm on February 27, 2006 at Town Hall, and

**WHEREAS**, public comments were heard relative to the proposed Local Law.

**BE IT FURTHER RESOLVED**, that the Town Clerk work with the Town Attorney to insure that this Local Law be filed with the Secretary of State and it shall take effect upon such filing, and

**BE IT FURTHER RESOLVED**, that the Town Supervisor be directed to notify General Code to make amendment to our Town Code Book pursuant to Local Law #1-2006.

**RES. #051-06 APPOINT SEASONAL EQUIPMENT OPERATOR I**

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

**WHEREAS**, Article XXIX of the CSEA Contract provides for the hiring of winter road maintenance seasonal employees, and

**WHEREAS**, the Albany Civil Service Department has confirmed this job title as a non-competitive position requiring the chose candidate to meet minimum qualifications,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorizes the appointment of John M. Sylvester to the position of Seasonal Equipment Operator I, effective immediately.

Supervisor Hotaling stated that this would provide for the level of staffing necessary in the event of snow events.

Supervisor Hotaling stated that the following resolution pertained to Mr. James Polverelli, who has been working with the Town for a number of years at the Waste Water Treatment Plant, working in a provisional status and was required to take an examination, which he now has taken.

**RES. #052-06 APPOINT SEWER TREATMENT PLANT OPERATOR TRAINEE**

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

**WHEREAS**, there has been an employee at the Sewer Plant for a number of years as a provisional Sewer Treatment Plant Operator Trainee, and

**WHEREAS**, he has recently taken an Albany County Civil Service examination for Sewer Treatment Plant Operator Trainee, scoring 85%, ranking him number one on the County Civil Service List, and

**WHEREAS**, the county list has been certified to the Town of Coeymans for its utilization regarding appointment,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint James Polverelli to the position of Sewer Treatment Plant Operator Trainee, effective immediately, at a salary consistent with the Labor-Management Agreement.

Supervisor Hotaling stated that Mr. Polverelli does possess certification and earlier in the day he had discussion with Chief Operator Breedlove and requested that he present the certification so that he can make the transition from Sewer Treatment Plant Operator Trainee to Sewer Treatment Plant Operator.

**RES. #053-06 APPOINT PART-TIME ASSESSMENT AIDE**

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

**WHEREAS**, the Assessor, Laura VanValkenburg, has requested the assistance of a part-time Assessment Aide to assist in verification of construction information, completion of property record cards and entering new data into the RPS Program, and

**WHEREAS**, the Albany County Civil Service Department has confirmed this job title as a non-competitive position requiring the chosen candidate to meet minimum qualifications, and

**WHEREAS**, the Assessor has confirmed the candidate meets minimum qualifications for appointment.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Scott M. Zielonko to the part-time position of Assessment Aide, effective immediately, at the rate of \$10.23 per hour.

Supervisor Hotaling stated that Mr. Zielonko was in the audience and then welcomed him to the position and continued by saying that this appointment is part of the effort to collect data and stay on the timeline for the Request for Proposal to go out to the consultants for the reevaluation project. He added that one of the cameras broke earlier in the day and he would like to authorize Assessor VanValkenburg to purchase two cameras costing approximately \$120.00 each, one to replace the broken one and the other in anticipation of their aggressive efforts on the part of the Assessment Aides in collecting the data.

Supervisor Hotaling stated that the following resolution was tabled at the last meeting for clarification purposes and it has now been resolved.

**RES. #054-06 AMEND RESOLUTION #040-06 APPROVING DECEMBER 2005 ABSTRACT**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, 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 amend resolution #040-06, approving the December 2005 Abstract, to reflect the following changes indicated in red.

ABSTRACT	VOUCHER #	AMOUNT
GENERAL (A)		

Pre-Pay	2021-2047	\$386,548.11
General	2111-2153,*2155- 2170,2193, 2204,2239-2252,2267-2268	\$ 37,690.27
	<b>General Total</b>	<b>\$424,238.38</b>
<b>PART-TOWN (B)</b>		
Pre-Pay	2048-2066	\$ 17,973.24
Part-Town	2171-2176,2178-2186,2270	\$ 27,265.18
	<b>Part-Town Total</b>	<b>\$ 45,238.42</b>
<b>HIGHWAY (D)</b>		
Pre-Pay	2067-2077	\$ 55,380.45
Highway	2154,2187-2192,2194-2203, 2205-2238,2240-2242	\$ 15,786.85
	<b>Highway Total</b>	<b>\$ 71,167.30</b>
<b>SEWER (SS)</b>		
Pre-Pay	2078-2101,2266	\$ 16,596.34
Sewer	2243-2251,2253- 2264,2269	\$ 14,038.68
	<b>Sewer Total</b>	<b>\$ 30,635.02</b>
<b>CAPITAL PROJ. (H)</b>		
Capital Project	2265	\$181,782.50
	<b>Capital Proj. Total</b>	<b>\$181,782.50</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$753,061.62</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Pre-Pay	2102-2110	\$321,011.44
	<b>Trust &amp; Agcy. Total</b>	<b>\$321,011.44</b>

Seconded by Council Member \_\_\_\_\_. Offered for discussion and duly put to a vote, the results of which appear above.

\* Voucher 2154 was coded in General and should have been in Highway.

Supervisor Hotaling stated that the following resolution is for December charges and added that this should conclude 2005 voucher submissions.

**RES. #055-06 APPROVE DECEMBER 2005 ABSTRACT**

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

<b>ABSTRACT</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	2425-2428,2475	\$ 978.44
General	2442-2454	\$137,137.09
	<b>General Total</b>	<b>\$138,115.53</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	2429-2436	\$ 1,781.87
Part-Town	2455-2457,2459-2465	\$ 1,168.34
	<b>Part Town Total</b>	<b>\$ 2,950.21</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	2437	\$ 38.96
Highway	2466-2469	\$ 25,122.43
	<b>Highway Total</b>	<b>\$ 25,161.39</b>
<b>SEWER (SS)</b>		
Pre-Pay Sewer	2438-2439	\$ 12.84
Sewer	2470-2473	\$ 1,071.65
	<b>Sewer Total</b>	<b>\$ 1,084.49</b>
<b>CAPITAL PROJECTS (H)</b>		
Capital Projects	2474	\$2,227.43
	<b>Capital Projects Total</b>	<b>\$ 2,227.43</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$169,539.05</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	2440-2441	\$ 3,649.18

	<b>Trust &amp; Agcy. Total</b>	<b>\$ 3,649.18</b>

Councilwoman Chmielewski interjected that the General Fund is so much money because it includes \$108,000.00 for the paramedics and \$26,000.00 for the EMT.

Supervisor Hotaling interjected that \$233,000.00 for paramedic services was budgeted for last year and the second half came in under the first half so they did achieve a bit of a cushion. He added that they are very large bills but necessary services and functions that they will continue to fund.

**RES. #056-06 APPROVE FEBRUARY 2006 ABSTRACT**

On motion of Councilman Boehm, seconded by Councilman Conrad, 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 February 2006 Abstract.

<b>ABSTRACT</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	17-38	\$ 138,985.17
General	96-117,119-178,262	\$ 113,876.58
	<b>General Total</b>	<b>\$ 252,771.75</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	39-55	\$ 41,370.73
Part-Town	179-195	\$ 10,459.84
	<b>Part Town Total</b>	<b>\$ 51,830.57</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	56-69	\$ 48,864.43
Highway	196-243	\$ 80,490.75
	<b>Highway Total</b>	<b>\$ 129,355.18</b>
<b>SEWER (SS)</b>		
Pre-Pay Sewer	70-87	\$ 14,233.30
Sewer	244-259	\$ 12,020.09
	<b>Sewer Total</b>	<b>\$ 26,253.39</b>

<b>GROVE CEM. (TE)</b>		
Pre-Pay Grove Cemetery	88	\$ 48.44
	<b>Grove Total</b>	<b>\$ 48.44</b>
<b>CAPITAL PROJECTS (H)</b>		
Capital Projects	260-261	\$ 1,928.66
	<b>Capital Projects Total</b>	<b>\$ 1,928.66</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$462,187.99</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	89-95	\$206,542.22
	<b>Trust &amp; Agcy. Total</b>	<b>\$206,542.22</b>

Councilwoman Chmielewski stated that the totals were so high because they did not pay bills in January and this includes both January & February.

Supervisor Hotaling interjected that they didn't pay bills in January because they were cleaning up the bills from the previous year.

Supervisor Hotaling stated that in regard to the following resolution, when they close out 2005 and take a look at the budget for 2005 there are times when transfers within each fund has to take place to accommodate budget shortfalls in a particular fund and it is taken from another area of the budget in order to have it balance. He added that they are internal transfers within funds to satisfy budgetary numbers and it does not mean that they went over budget.

**RES. #057-06 AUTHORIZE SUPERVISOR TO MODIFY 2005 BUDGET BY TRANSFER OF FUNDS**

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

**WHEREAS**, the following account has been exhausted because of unforeseen expenditures,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize Supervisor Ronald K. Hotaling, Jr., to modify the 2005 budget as follows:

**GENERAL FUND**

<b>From Account</b>	<b>To Account</b>	<b>Amount</b>
A1220.4 Supervisor (Contractual)	A1010.4 Legislative Board (Contractual)	\$ 288.95
A2610 Fines & Forfeited Bail \$45,419.30	A1110.41 Municipal Court	
A1310.1 Dir. Finance (Personal Services)	(Personal Services)	
A1355.2 Assessment \$ 116.87 (Contractual)	A1355.4 Assessment (Equipment)	
A1410.4 Clerk \$ 349.98 (Equipment)	A1410.2 Clerk (Contractual)	
A1430.1 Personnel (Personal Service)	A1430.4 Personnel (Contractual)	\$ 3,001.73
A1420.4 (Contractual)	A1440.4 Engineer (Contractual)	\$ 4,732.10
A3889 Records Management Grant 1,387.37 (Management)	A1640.4 Records (Contractual)	\$
A9070.8 Dental Insurance (Employee Benefits)	A1620.4 Buildings (Contractual)	\$ 13,085.27
A1670.4 Central Printing & Mailing \$ 2,841.73 (Contractual)	A1660.4 Central Storeroom (Contractual)	
A1650.4 Central Comm. System (Contractual)		
A1990.4 Contingency 1,619.20 (Contractual)	A1910.4 Unallocated Insurance (Contractual)	\$
A1990.4 Contingency 30.00	A1930.4 Judgments & Claims	\$

(OC

A1220.1 Su

(Contractual)	(Contractual)	
A3020.4 Public Safety Comm. (Contractual)	A3020.1 Public Safety Comm. (Personal Services)	\$ 3,762.31
A3120.1 Police (Chief)	A3120.11 Police (Personal Services)	\$ 237.32
A3120.1 Police (Personal Services)	A3120.4 Police (Contractual)	\$ 4,157.99
A8160.4 Refuse & Garbage 5,957.21 (Contractual)	A5132.4 Garage (Contractual)	\$
A1990.4 Contingency 133.27 (Contractual)	A6410.4 Publicity (Contractual)	\$
A9010.8 State Retirement System \$26,125.00 (Benefits)	A9730.6 Debt Principal (Bond Anticipation Note)	
A9030.8 Social Security (Benefits)		
A9089.8 Other EE Benefits (Benefits)		

**PART-TOWN FUND**

B1990.4 Contingency (Contractual)	(Contractual)		B1910.4 U
B3620.4 Safety Inspection (Equipment)	B3620.4 Safety Inspection (Contractual)	\$ 732.14	
B7190.4 Special Recreation 4,417.62 (Contractual)	B5182.4 Street Lighting (Contractual)	\$	
B8510.1 Community Beautification \$ 1,806.86	B8510.4 Community Beautification		
B9060.8 Health Insurance (Benefits)	B9030.8 Social Security (Employee Benefits)	\$ 1,593.08	

B9060.8 Health Insurance (Benefits)	B9040.8 Workers Compensation \$ 216.21 (Employee Benefits)
B9060.8 Health Insurance 38.97 (Benefits)	B9055.8 Disability Insurance \$ (Employee Benefits)
<b>SEWER DISTRICT FUND</b>	
SS8130.4 Sewer Treatment Disp. (Contractual)	SS8130.1 Sewage Treatment Disp. \$ 6,237.95 (Personal Services)
SS8230.4 Sewer Treatment Disp. 4,467.88 (Contractual)	SS8130.5 Sewage Treatment Disp. \$ (Contractual – Town)
SS8130.4 Sewer Treatment Disp. (Contractual)	SS9089.8 Other \$ 4,186.00 (Employee Benefits – Spec.)
SS8130.4 Sewer Treatment Disp. (Contractual)	SS9060.8 Hospital & Medical Ins. \$ 259.40 (Employee Benefits)

**HIGHWAY – TOWNWIDE FUND**

TO:	FROM:
DB1910.4 Unallocated Insurance (Contractual) \$ 5,000.00	\$ 640.80 DB1440.4 Engineer (Contractual)
DB4189.4 Mandatory Testing (Contractual ) \$39,946.03	5.00 DB5110.1 Maint. Of Streets (Per. Serv.)
DB5110.4 Maintenance of Streets (Contractual) \$18,414.90	\$ 3,423.23 DB5142.1 Snow Removal (Per. Serv.)
DB5112.4 Perm. Improve Highway (Contractual) \$ 5,002.79	\$19,212.43 DB9030.8 Social Security (Emp. Ben.)
DB5130.2 Machinery (Equip. & Capital Outlay) \$ 824.86	\$ 177.40 DB9055.8 Disability Ins. (Emp. Ben.)
DB5130.4 Machinery (Contractual) 8,209.26	\$ 8,285.17 DB9060.8 Health Ins. (Employee Ben.) \$
DB5142.4 Snow Removal (Contractual) 239.37	\$13,475.21 DB9070.8 Dental Ins. (Employee Ben.) \$
DB9040.8 Workers Comp. (Emp. Benefits) 635.26	\$ 359.91 DB9089.8 Other (Employee Benefits) \$
DB9045.8 Life Insurance (Employee Benefits) \$ .53	\$ 84.90 DB9730.7 Debt Interest (BANS)
DB9730.6 Debt Principal (BAN) 6,391.05	\$39,000.00 DB599 Appropriated Fund Balance \$
<b>TOTAL HIGHWAY TOWN-WIDE FUND</b>	<b>\$84,664.05</b>
<b>\$84,664.05</b>	

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**CORRESPONDENCE**

## **LaFarge – Tire Derived Fuel Project Update**

Supervisor Hotaling stated that there has been an ongoing effort on the part of LaFarge to gain permit approval for a Tire Derived Fuel Project and it has been under quite a bit of scrutiny with DEC as well as people in this community and communities up and down the Hudson River and there have been Public Information Sessions for public comment. He added that a Draft Title Five Air Permit was made available for public review on August 1, 2005, including a public comment period ending on October 3, 2005 and during this time numerous letters were received and in turn were reviewed and a Response to Comments document has been prepared and is available at the following web address: <http://www.dec.state.ny.us/website/dar/boss/afs/lafargetc.pdf>. He added that if you go to the DEC website you can be linked to this document and if anyone has any questions they can contact the Supervisor's Office.

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## **TOWN BOARD WORKSHOPS / MEETINGS**

Town Board Workshop – March 7, 2006, 6:00pm  
Town Board Meeting – March 13, 2006, 7:00pm  
Town Board Workshop – March 21, 2006, 7:00pm

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## **ADDITIONAL COMMENTS**

Councilwoman Chmielewski stated that the Annual Financial Report has been completed and is on its way to the State Comptroller's Office. She added that in the past there has been a resolution asking for additional time to complete it but it was not necessary.

Supervisor Hotaling interjected that this is the second year in a row that they have been on time and many Town Boards in the past have had to ask for the 60-day extension.

## **ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

## **MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 8:43pm

***Respectfully Submitted,***

**APPROVED:**

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***Diane L. Millious, Town Clerk***

**A Town Board Workshop was held Tuesday, April 18, 2006, at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Bill Bruno, Emergency Management Committee  
Nancy Weiss, NYCLASS Program – MBIA  
Jude & Verb Watkins, Meilak’s Mobile Home Park

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**AGENDA ITEMS**

- Emergency Management Committee
- NYCLASS Program – MBIA
- Meilak’s Mobile Home Park
- Martin’s Hill Water Project
- Review of Candidates for Part-Time Human Resources Clerk

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the Workshop

**MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, the Workshop Meeting was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 8:20pm

***Respectfully Submitted,***

**APPROVED**

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Diane L. Millious, Town Clerk

**A Town Board Meeting was held Monday, April 10, 2006, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Scott Giroux, Chief of Police  
Albert Deering, Highway Superintendent

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Supervisor Hotaling opened the meeting and led the Pledge of Allegiance

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**SUPERVISOR'S OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there was a full Town Board in addition to Town Clerk Millious, Chief of Police Giroux and Highway Superintendent Deering.

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**OVERVIEW OF AGENDA**

- Commendation
- Presentation – YMCA Community Service Awards
- Presentation – RCS Budget
- Public Comment
- Approval of Minutes
  - Town Board Meeting, March 13, 2006
  - Town Board Meeting, March 27, 2006
- Old Business
  - Town of Coeymans Revaluation Project, RFP
  - Invitation to Bid, Air Conditioning System
- New Business
  - Property Maintenance Code Issues
  - Coeymans Landing Improvement Project
  - Albany County Intermunicipal Cooperation Forum
- Resolutions
  - Update Assessment Roll
  - Appoint Part-Time Clerk, Town Clerk's Office

- Appoint Coordinator for Cemetery Services
- Correspondence
  - NYS State Canal Corporation, 2006 Toll Elimination
  - NYS DEC, LaFarge
  - NYS DEC, Gedney Hill Mine
  - NYS DEC, W.W.T.P.
  - Albany County Health Department, Route 143 Project – Martins Hill

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## **COMMENDATION**

Supervisor Hotaling stated that they have an opportunity to recognize an employee in the Police Department with a commendation and added that he was in receipt of a copy of a letter that was sent to Chief of Police Giroux. He continued by reading the following:

Chief Scott Giroux  
Coeymans Police Department  
15 Mountain Road  
Ravena, NY 12143

Dear Chief:

On Thursday, April 6, 2006, E.M.S. was summoned to an address on Harris Avenue for a report of a woman choking. Prior to anyone else arriving, Police Officer Robbie Griffith arrived on the scene encountering an elderly female on the floor, not breathing, due to a total occlusion of her airway caused by choking on food.

Officer Griffith acted without trepidation, and cleared the patient's airway of the blockage with his fingers. The patient soon thereafter began breathing on her own and followed with a return of consciousness. According to persons on the scene the patient was in fact blue on Officer Griffith's arrival.

Officer Griffith is in fact, in my opinion, responsible for saving this patient's life. For without his rapid and assertive actions, given this patient's condition on arrival, any further delay in treatment would have led to a less than favorable outcome.

Officer Griffith acted in the highest standards of his oath, and in turn was responsible for the saving of a life.

Sincerely,

E.J. Sieney, Chief

cc: Sgt. Darlington  
Ron Hotaling

Supervisor Hotaling invited Officer Griffith to receive his commendation and asked that Chief Giroux present it to him.

Chief Giroux stated that in the Police Department there are several levels of citations and a Certificate of Merit is the second highest level and this is being awarded to Officer Griffith. He continued by reading the following:

“Certificate of Merit awarded to Police Officer Robert F. Griffith for his life saving act in the course of his duties as Police Officer and for meritorious service to the citizens of the Town of Coeymans, awarded this 10<sup>th</sup> day of April, 2006.”

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## **PRESENTATIONS**

### **R-C-S District Budget - Vicki Wright, Superintendent of Schools**

Supervisor Hotaling stated that prior to the school's budget vote, over the last few years there has been a presentation. He then introduced Ms. Wright and invited her to give an overview of the budget projections for 2006.

Ms. Wright thanked the Town Board for allowing her to speak and added that she would present the budget in a shortened version. She continued by saying that she wanted everyone to understand that when a Board adopts a School Budget it is adopting the portion of the budget called expenditures and depending on what happens with the revenues from State Aid and from the Legislative Budget, how that may affect the tax rate will change after everything happens in August when they have their final numbers. She continued by saying that last year taxpayers approved a 14.7% increase and they vowed at that time that it would take from 3-5 years to put them in a better position but were hoping that they could make some changes to this year's budget so that the tax rate increase would not go into double digits. She added that she is happy to report that they have worked diligently and efficiently and the School Board has taken very strict fiscal constraints so they are able to present a budget that is under a 10% increase. She continued by giving an outline of what she said is driving the budget as follows:

- 70% of the budget is dedicated to paying the salaries and fringe benefits.
- Several B.O.C.E.S. Programs are at school and consists of 8.4% of the budget.
- Debt service is approximately 10%.

- Salaries have increased; they have to pay what they are contractually responsible for paying.

She continued by saying that the budget to budget impact originally was a 5.2% increase from last year and the Board adopted the budget that would take them from a \$37,405,000.00 budget to a \$39,338,000.00 and depending on what the State Aid would be, they would then have an increase of the tax levy of 8.2%, which is significantly lower than the 11.4% that they had last year. She added that what they are counting on is the Governor's proposal for State Aid is \$15,866,830.00 and the Legislature always makes a counter proposal to the Governor's budget and they have proposed an additional \$750,009.00 and if the money comes through they will be able to go with 8.2% on the tax levy. She continued by saying that they have also been told that there might be an additional \$700,000.00 that could come for them but they are not sure and will not count on those figures because the money has not been verified. She added that if this amount does become revenue, the tax levy will go down into the 7.6% area and continued by saying that they are confident that the budget that they are presenting is very lean and there is little room for anything else. She went on to say that there will also be two propositions, one is for a Security and Student Safety Proposition in the amount of \$345,000.00, which will put cameras and monitors at all 4 schools in addition to providing each student with an ID access card that could be used in emergency situations, which would be helpful in locating each child. She added that she hopes that this will provide parents with a knowledge that environmental safety is very important to the district and they are doing the best they can to keep the children safe at all times. She went on to say that last year, because the tax levy originally started out at an increase of 29%, they looked at ways that they might be able to save some money and they did authorize borrowing \$459,000.00 of the State Aid so that they could apply that money to reduce the tax levy and in turn they have to pay that tax levy back and they have proposed taking the \$459,000.00 from the allocated fund balance to make the district whole, which is also included in the expenditure portion of the budget and then they will not have to worry about it again in the future for next year.

Ms. Wright stated that this is the budget proposed for next year and continued by asking if there were any questions.

Supervisor Hotaling inquired as to if staffing levels are contractually mandated or if they have the option of taking a look at staffing as they do in Town Government and making decisions to reduce staff or combine some services of staff in order to be able to keep the tax level as low as possible.

Ms. Wright stated that they are not mandated but held to the maximum class level, she added that there are 8 teachers retiring this year and of those 8 they are only replacing 3, which means that they are actually losing 5 teaching positions. She continued by saying that in the administrative ranks they have

reorganized and are eliminating 1 position in addition to looking at Operations and Maintenance and they are hoping to eliminate a position there. She added that they are able to combine, reconfigure and redesign so they can allocate and reallocate their manpower within the district but there are guidelines that come down from No Child Left Behind, which is Federal Legislation, that recommends that they keep numbers in pre-k through 3<sup>rd</sup> grade at very low numbers so that they can increase literacy rate and math skills and they do try to honor that because those students need lower teacher to student ratio. She concluded by saying that they try to keep it under the maximum but they do look at what is reasonable.

Supervisor Hotaling inquired about the mandated testing.

Ms. Wright stated that grades 3-8 have mandated tests.

Supervisor Hotaling stated that he knows that there are mandates at both the federal and state levels and then inquired as to what the results of the analysis of the recent tests have been and if the test scores have increased over the years.

Ms. Wright stated that they are just getting in the data from when the 4<sup>th</sup> grade students took the 8<sup>th</sup> grade tests and they were able to look at some longitude in the data. She added that what they have found is that some of the subpopulations are not meeting the standard, which means that regardless of social economic status or any other kind of gender status or equity, all of the students must meet the state mandated and 90% of the students must take and pass the assessment with a level three or at the high-school level they must take and pass the Regent's Exam with 65% in order to get a Regent's Diploma. She continued by saying that they are finding that they are doing very well in the Pre-K through 4<sup>th</sup> grade and have reorganized grades 5-8 because nationwide, especially in New York, there is a dip and they are trying to analyze the data to find out what they can do to make sure that the students continue on the progress in the grades 5-8 that they have in grades K-4. She added that in addition, they have now noticed based upon actual numbers that there are many students coming into 9<sup>th</sup> grade who have failed either one or two subjects all the way through middle school and now do not have the skills in place to meet the rigors and challenges of the Grade 9 Program and they are now looking at a Recovery Program for student who would otherwise be held back in middle school, they would be allowed to go to high school but will not actually be in 9<sup>th</sup> grade, it will be a pre 9<sup>th</sup> grade course, which will provide an opportunity to learn the skills necessary so they can meet the rigors of a High School Diploma requirement.

Supervisor Hotaling inquired about the current thought process about actually holding students back and making them repeat a grade because years ago it was a fairly common thing.

Ms. Wright stated that this has changed within the last 10-15 years and social promotions seems to have been the trend since then because there were issues based upon research of students self-esteem, the drop-out rate was higher because the more you held students back and the older that they were it was more difficult for them to catch up. She added that for example if a student is 14-15 years old in the middle school you have to ask if the student really belongs in that middle level environment or should they go on to the high school, knowing from the beginning that they are going to get more skill assessments and integration of English, Social Studies, Math and Science so that they can then be able to rise to the rigors. She concluded by saying that this program will be starting in September and they will be collecting data on that.

Supervisor Hotaling asked if there were any other questions.

Councilman Conrad stated that there have been some rumors as far as Capital Projects and what the school is planning on doing because the rumor is that Pieter B. Elementary may be in for more enlargements.

Ms. Wright stated that it would not be at this time because they are on the last leg of a long journey to finish up a Capital Project that was started in 1999 and what is scheduled through the summer is the completion of a bus garage with the additional bay in addition to repaving the roads back there. She added that this will cover the rest of the project and what they are looking forward to as they project ahead is a 5-6 addition on to the Middle School so that they can house the 5<sup>th</sup> and 6<sup>th</sup> grades together and 7<sup>th</sup> and 8<sup>th</sup> together so they can continue to move forward with developmentally appropriate programming in grades 5 & 6 with a transition into 7<sup>th</sup> and 8<sup>th</sup>. She continued by saying that they are also looking into the possibility of a Technology Academy, which would be cross-disciplinary for all students teaching them anything from small engine marine repair to nanotechnology. She added that the Middle School is running out of room because they are bringing back another B.O.C.E.S. class and they are going to have to probably move the Head Start Program from A.W. Becker to Pieter B., which means that there will be no other classes available an there are some new housing developments going in. She continued by saying that there is nothing planned for the 2006-2007 school year.

Supervisor Hotaling asked if there were any additional comments.

Councilwoman Chmielewski inquired about them borrowing against their State Aid.

Ms. Wright stated that this was an option that was available to all of the districts last year after the districts learned that they had to accrue the money for TRS and ERS a year before they actually were to be paid. She added that for an example in 2002-2003 they would get a bill in the amount of \$500,000 and when the bill came in November they had budgeted for that money and last year they were told that they not only had to pay the year before but they also had to

accrue the money for the current year within the same budget, which created a problem for many districts, especially those like the R-C-S School District who does not have a high tax base with business and industry. She concluded by saying that the State offered districts the option of borrowing ahead of time on their State Aid, which is what R-C-S did, and they took the \$450,000.00 and applied it to the tax levy so that the tax rate to the district's residents went down to 11.4% and now they have to pay it back to themselves to make it whole out of the unappropriated fund balance.

Supervisor Hotaling stated that he read stats recently and it talked about school districts and their enrollment and it compared ten-year trends. He added that R-C-S is within about 100 students of where it was 10 years ago. He continued by asking Ms. Wright if this was accurate.

Ms. Wright stated that it is pretty accurate and added that they have seen a small steady growth based upon the information of the two new housing developments that are coming in and within 10 years there should be approximately 101 new homes and if that translates in to 1.5 children per home they should have about a 150 student population growth. She added that this is what they have to look at for the possibility of a new capital project, which is based on growth.

Supervisor Hotaling thanked Ms. Wright.

### **YMCA Community Service Awards**

Supervisor Hotaling stated that he had the pleasure of attending along with several other municipal and community leaders a Community Service Recognition Breakfast, which is sponsored by the Character Development Capital District YMCA and this was the first year that the R-C-S School District participated in the program. He added that the program encompassed R-C-S, Berne Knox Westerlo, Bethlehem, Guilderland and Voorheesville School Districts. He continued by saying that it is a program that recognizes young people because of their leadership in school as well as in their communities and he was pleased to participate in the award ceremony, whereby 5 of the 15 awards were presented to R-C-S students. He then asked that Abigail Hafensteiner, Philip Meacham, Jennifer Mine and Janaki Vakharia come forward for a reenactment of the certificate presentation, which he had awarded at the Recognition Breakfast and added that Maureen Keller could not be present due to a job commitment, additionally he invited Mr. Tom Corzini, Fitness Director from the Bethlehem YMCA to be part of the presentation. He added that because of the YMCA being in Bethlehem, R-C-S became a part of the program. He continued giving a brief summary of each student's accomplishments and awarded the certificates and added that these are young people that he is proud to have in our community as well as the neighboring communities.

Supervisor Hotaling asked Mr. Corzini if he had anything that he wanted to say.

Mr. Corzini congratulated the students and thanked them for being a part of the program and making it successful. He added that 5 out of 15 goes to show what a great school system R-C-S has.

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## **PUBLIC COMMENT**

Supervisor Hotaling invited members of the public to comment at this time. Ms. Sylvia Lawler stated that she lives in the Town of Coeymans and added that when they started the development of a Comprehensive Plan many months ago she had asked about the possibility of having a Citizen's Advisory Committee and the Town Board had given an explanation as to why they had opted to have the Board as the Committee. She added that she had been confused at two recent meetings when Councilman Conrad had said that a couple of local businesses had come before the Town Board asking for a zoning change on Rte. 144 and this had been the sole reason for the Comprehensive Plan. She continued by saying that she had asked Councilman Conrad to explain it and she understood his response but did not find it a satisfactory one.

Councilman Conrad stated that he did not say that both businesses were on Rte. 144 because one of them was Mr. Biers and the other was from the McHugh brothers, owners of Blaisdell Farms. He added that they had gone to the previous Town Board as well as the current Board, to ask that they grant them a zoning change and the previous Town Board did not act on it because it was close to the end of their administration and three new members were coming on the Town Board and it was suggested that they wait. He continued by saying that in 2004 they appeared before the Town Board with their request and the Town Board had to make a serious decision as to if they would continue down the path that had been gone down since 1961 or to come up to the times to bring into perspective the Comprehensive Plan, with zoning being designed around the Plan. He added that in lieu of making a quick change to the zoning, they decided to look at the Town from Rte. 9W to the river, because this is the area that most of the growth is taking place. He continued by saying that rather than making a haphazard decision the Town Board chose to go via the more costly route of putting together a Comprehensive Plan in order to take a better overall look at what the needs assessment would be for the Town in that area before they make any decision to make any changes and it was decided to do any changes through a Comprehensive Plan aspect.

Supervisor Hotaling stated that he wanted to add that she was correct in saying that there were two residents that asked for zoning changes but in their effort to accommodate and to begin to discuss ways in which those things could be accomplished, they engaged with several consultants to give proposals as to how it could be done. He added that most of them cautioned the Board against

making zoning changes specifically, because they have had problems and legal challenges afterwards because of the selective spot zoning that was in vogue at this particular time. He continued by saying that they took the counsel of the consultants and made a decision to take a Comprehensive Plan approach in order to avoid those things that were possibly going to occur down the road as far as challenges. He added that they also recognized other areas of the Town that are happy with the way that things are and as Councilman Conrad pointed out it is the area from Rte. 9W to the river where the development and needs seems to be and in a Comprehensive Plan way they are focusing their attention on encompassing the entire community and perhaps make subtle or major changes if necessary. He continued by saying that he believes that the people of the community that have been working on the Comprehensive Plan are the Citizens Advisory Group and they chose the entire community to be this group, which he believes has gone well and there has been a range of 30-50 people at the Workshops and 300+ responses to the survey, which has provided a good sense of the Advisory Group coming back to them. He concluded by saying that their first effort was to identify areas where zoning needs to be changed and they were cautioned to take a more comprehensive approach in a Comprehensive Planning way.

Ms. Lawler inquired as to if he is saying that the zoning on Rte. 144 does need to be changed and if this was their decision.

Town Attorney Rotello interjected that a Comprehensive Plan is a prerequisite to making any zoning modifications and previously it was known as the Master Plan, and it has been something that has been discussed with the Town Boards that he has worked with and it was just the question of taking the next step and hiring a firm to help them with the Comprehensive Plan.

Ms. Lawler stated that she now understands it much better and then thanked the Town Board.

Supervisor Hotaling asked if there were any further comments.

Ms. Joyce Behuniak inquired as to if Town Attorney Rotello had gotten the answer to her questions and added that she had called and did not get a return call.

Town Attorney Rotello stated that he had called back and left a message and continued by saying that he would address his comments to the Board. He went on to say that Ms. Behuniak did place two calls to him and he believed that the second call was a follow-up to the first call. He added that in following up on the situation with Mr. Brandow, he has been in contact with Mr. Brandow's attorneys and there are a few relatively minor title issues that need to be addressed before they can culminate the road situation and when the issues are resolved they will be in a better position to move forward.

Ms. Behuniak inquired as to if he had checked on the number of feet from the middle of the road over to where the fence is and added that the question is as to whether the fence is on Town property or Mr. Brandow's property.

Town Attorney Rotello stated that he did not recall that this was something that he was supposed to check on.

Councilman Conrad interjected that it will be a deed strip and he believes that it is 50 feet wide, directly adjacent to Mr. Schwenke's property. He added that it was ironed out in the very beginning when there was an issue with property lines and it will be 50 feet over to the right toward Mr. Brandow's property and then an area carved out along the existing path, which he believes is 50 feet. He continued by saying that he's not sure as to how the actually paved surface lays within the 50 foot range and without looking at the actual survey maps he cannot say for sure. He concluded by saying that Ms. Behuniak can look at the copy of the maps in the Building Department.

Ms. Behuniak stated that her question is that when you go up to Kruger Road the fence is on the right close to the road and she believed that it was previously stated that it was 25 feet from the middle of the road to the fence.

Councilman Conrad stated that their ultimate hope is that the fence is within the Town's right-of-way and added that Mr. Brandow was contacted late last fall and he was supposed to take down and haul away an old shed in addition to removing the fence before he went away for the winter and then assured them that when he returned in the spring that he would take care of it.

Ms. Behuniak interjected that it has not been done.

Councilman Conrad stated that they could have the Building Department get back after him.

Ms. Behuniak stated that they are still waiting for the potholes to be filled in and added that she knows that the road will not be repaved because supposedly there is no money. She then asked Highway Superintendent Deering if there is anything that can be done because before you get to the bridge on the left, the culvert pipe that is currently there is serving no purpose because it does not go into the creek and the water goes back on the road, which creates flooding and then mud.

Highway Superintendent Deering stated that they have dug it out three times and there is no pipe there.

Councilman Conrad stated that another reason that they are waiting for the deeds is that in lieu of the subdivision being approved, the Town had requested

of Mr. Brandow to approve the subdivision. He added that the Town will now actually own a piece right straight off the end of the bridge so that they will be able to put in a 90 degree intersection at Miller Rd. and Kruger Rd. so there will be no more of that going beyond and coming back up over the bridge. He continued by saying that this is part of the problem that has been identified along with the flood plains that Highway Superintendent Deering has asked for some engineering to be done. He concluded by saying that with these items being taken into consideration, at some point work will be done and they would like to see the intersection put in so they can bring the road in and at that point they would be able to take care of any drainage required.

Highway Superintendent Deering inquired as to the status as far as the Town owning the property.

Councilman Conrad stated that there were a couple of issues that had to be resolved and the Town has requested that Mr. Brandow turn over the piece in question and because it was not a deeded road, Mr. Brandow has cleared that up from the extent of the property that he owns from Miller Road to where Ms. Behuniak's property adjoins, and that part is going to be a deeded road for highway purposes.

Ms. Behuniak inquired as to who is responsible for cleaning debris out the creek.

Councilman Conrad stated that many years ago work was done in the creek and there are certain time periods when they can get into the creek and do some work. He added that Highway Superintendent Deering has made a request and hopefully he will be enlisting services to do some cleanup. He went on to say that it is a controlled stream and DEC is sensitive as to what is done and when it is done.

Supervisor Hotaling inquired as to what the sense is as to who is responsible for the creek.

Town Attorney Rotello stated that he does not believe that it is the Town's responsibility, although the Town has the authority to go on private property to protect as Town asset such as a road, in the event that it's determined that the action that they will take will solve the problem.

Supervisor Hotaling inquired as to if it has been outlined as far as all of the other creeks in the State of New York and who is responsible for them.

Councilman Conrad stated that he believes that it is the property owner.

Town Attorney Rotello interjected that it would be subject to any approvals from the Department of Environmental Conservation and this would be for any body of water that comes under their jurisdiction.

Ms. Behuniak added that they maintain the culvert pipes on their own property because there are logs and brush that has to be cleaned out in addition to debris that came from Mr. Brandow's property.

Councilman Conrad stated that they have been familiar over the years with the problems in the creek and they stem from further downstream toward the railroad overpass where it gets blocked up. He added that they have gotten several other complaints about downed trees in the creek and things of that nature and as a Town Board they cannot physically go and do the work so they rely on the Highway Department to do this. He concluded by saying that Highway Superintendent Deering has made a proposal to the Board and they have approved some other help to come in and try to take care of the problem.

Supervisor Hotaling stated that as Attorney Rotello had stated, they have the authority to go in and protect their assets, and a road would be one of them. He added that the fact that there is a problem at the railroad overpass does not mean that they are going to send in a Town crew to clean it out.

Councilman Conrad interjected that DEC has limited timeframes and the only thing that they can do is go in and cut up the trees that are causing the jam.

Supervisor Hotaling suggested that they encourage the property owners to do that.

Councilman Conrad stated that the property owners should take the time during the dryer months of the year to go in and cut up the large timber that has fallen. Ms. Behuniak stated that when you leave Miller Road and turn right, at the overpass bridge if you look to the right, all you can see is blockage.

Councilman Conrad stated that this particular piece of property has new owners and they have submitted a proposal to increase Pantages Trailer Park by approximately 20 more homes, of which would come down and use an exit on Miller Road and maybe that issue can be addressed by the Planning Board as well.

Ms. Behuniak thanked the Town Board.

An unidentified woman from the audience asked if anyone has heard from the Engineering Company.

Highway Superintendent Deering stated that he has not and he had phoned them last week and they were supposed to get something to him before the week was out but they didn't. He added that he hopes that it will be soon.

Ms. Lisa Deyo stated that she wanted clarification as far as when decisions are made by the Planning Board, whether there is any consideration given for things such as multiple family homes that are being turned into single family homes or 20 more homes being added to Pantages Trailer Park and added that it is her understanding that the Town would be losing revenue.

Supervisor Hotaling stated that he would guess that when the 20 homes are added to Pantages Trailer Park, there would be a visit by the assessor to determine the value of the addition as it compares to the current assessed value on the books and if the assessed value is raised it would presumably extract from the elevation in assessed value, an increased tax dollar amount that would be portioned to the Town, County, School and applicable Fire District.

Ms. Deyo inquired as to if the assessment would be for the whole park or each individual home.

Councilman Conrad stated that every home is individually assessed per lot.

Ms. Deyo inquired as to if every resident in a single family home that has been turned into multiple units, pays school tax. She continued by saying that she didn't have anything against mobile homes and added that she is just trying to get clarification.

Councilman Conrad stated that the Star Program entitles each and every homeowner a credit for school taxes, which is worked out within the park and this goes through the Assessor's Office. He added that the owner of the park takes this into consideration when they do their rental assessment because they own their own home and pay a lot rent. He added that Ms. Deyo could get in touch with the Assessor to further explain the process and concluded by saying that as things are increased, it increases the Town's assessed base and in this case they own a lot of property with a major portion being in the flood plain.

Ms. Deyo inquired about single-family homes that are turned into multiple family homes, and if the assessment is based on it being a single-family home. She added that she is questioning this because there would now possibly be multiple families sending children to the school district and she wanted to know if four families would then be paying taxes as opposed to one-family.

Town Attorney Rotello interjected that a parcel of land is assessed for tax purposes based on what is on the parcel of land and you may have a situation where a single-family home on a parcel of land is assessed at \$300,000.00 yet a four-family home on a parcel of land might only be assessed at \$200,000.00 and it is based on full-market value.

Councilman Conrad interjected that over three units becomes commercial property.

Town Attorney Rotello stated that the Assessor is not looking at the property for school district purposes; they are basing it on what a four-unit is worth on a particular piece of land.

Ms. Deyo thanked the Town Board.

Ms. Behuniak inquired as to where the additional homes would be placed in Pantages.

Councilman Conrad stated that it is proposed to use the side slopes along the Miller Road access and another road that is actually going to come on to Miller Road.

Ms. Behuniak inquired as to if Mr. Brandow's 35 acres were bought.

Councilman Conrad stated that it is part of the original Pantages property.

Ms. Behuniak stated that this would mean even more traffic on Miller Road.

Councilman Conrad stated that one of the things proposed is a road coming out of the park, very close to the intersection of Rte. 9W, which is not necessarily a good plan.

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

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## **APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were two sets of minutes for Town Board approval a Town Board Meeting on March 13, 2006 and a Town Board Meeting on March 27, 2006. He then asked for a motion to approve the minutes.

## **MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

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## **OLD BUSINESS**

**Town of Coeymans Re-Evaluation Project Request for Proposal**

Supervisor Hotaling stated that they had talked about authorizing the creation of a Request for Proposal for the Re-Evaluation Project, which they will be formally entertaining by resolution later in the meeting. He added that they have reviewed with the Assessor the timeline associated with the RFP, which was sent out on March 31<sup>st</sup> to approximately 8-10 vendors who have the expertise for this type of project and hopefully there will be the selection of a contractor by the end of May and by June 1<sup>st</sup> there will be a contract signed and they can start moving forward with the project.

### **Invitation to Bid – Air Conditioning System**

Supervisor Hotaling stated that they also have discussed getting some specifications for central air conditioning units for the second floor of Town Hall and they now have in front of them the specifications and description of services that they would like to receive bids on. He then asked for a motion to authorize the Town Clerk to advertise for the bids.

### **MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, authorizing the Town Clerk to advertise for bids that will be received by 2:00 pm on Thursday, May 4, 2006 and read aloud on the same date and time.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling asked that Town Clerk Millious execute the notice.

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### **NEW BUSINESS**

#### **Property Maintenance Code Issues**

Supervisor Hotaling stated there have been some requests from the part-time Assistant Building Department Inspector and he has written to the Town Board on two occasions talking about recommendations for the development of Local Laws for property maintenance and other building code issues. He added that he put it on the agenda for further Board discussion and asked if everyone had the opportunity to read them and asked if it makes sense to move ahead with it now.

Councilman Conrad stated that every parcel of land is owned by a property owner and he understands the need, however the NYS Building Code under to property maintenance section have some pretty stiff penalties that need to be brought about by the court and

they have the ability to make them a per-day fine and assess them against the property on a per-day basis. He added that the amount of the fines can be re-levied on the property taxes and at that point they could get a court order to go in and clean up the property if necessary.

Supervisor Hotaling stated that there had been a recommendation from the Assistant Building Inspector for the Town Board to establish a Local Law that would give the Town the authority to go in and clean up the property.

Town Attorney Rotello stated that any issues regarding any new laws would be exclusively limited to what is available for enforcement. He added that in an emergency situation, such as health, safety and welfare, they could pass a resolution and clean up the property. He continued by saying that the current Property Maintenance Code is extensive as to what is prohibited and there might not be a need for any new Local Property Maintenance Laws but rather the manner in which they are enforced to a conclusion. He added that he could get together with Attorney Brick, the Planning and Zoning Attorney, and then respond to the issue.

Supervisor Hotaling interjected that they could utilize the existing staff as to how to utilize the current New York State Building Code.

Councilman Conrad stated that he agrees that if it becomes an emergency situation, he would strongly recommend going in and securing the property and then assess the property owner the cost of doing it.

Town Attorney Rotello stated that there might be one area where you would need a procedure in place that would be adopted via a Local Law, which would satisfy the due process requirements. He added that this would take place if you were found to be in violation and did not remedy the violation and you were notified within so many days that you have an opportunity to have a hearing. He continued by saying that if there is no response, or after a hearing, the charge can be levied on the tax bill and concluded by saying that this might already be in State Code and he will look into it.

Councilman Conrad stated that he believes that you can do this with a Comprehensive Plan because there have been several suggestions for updates to the current Code. He added that there is some language that lends itself to this type of situation in addition to there being areas of the Zoning Code that addresses it. He continued by saying that some towns have adopted a Code particularly for this type of situation.

Councilwoman Rogers inquired about it being charged back to the owner's assessment and if it is marked separately on the assessment.

Town Attorney Rotello stated that it would be similar to not paying a water bill or school tax bill, which in turn would be put on the Town tax bill and if you didn't pay it for a number of years Albany County would send a notice and eventually it would be foreclosed.

Councilman Conrad interjected that ultimately the County pays the Town and it is the County that is left being unpaid.

Town Attorney Rotello stated that it is the County that has the foreclosure authority.

Councilwoman Chmielewski inquired about having to have some kind of special authority to re-levy the charge to the tax bill.

Town Attorney Rotello stated that there is a process and procedure that has to be in place, which may in fact be in the new Code and this would be the only area that would have to be developed in that someone charged and does not pay, would have the opportunity to have a hearing and after the decision or based on their failure to appear, any fines or cost of the remediation by the Town would be re-levied on their tax.

Councilman Conrad interjected that this was done about a year ago.

Town Attorney Rotello agreed and added that it was forwarded to the County with a copy of the Order and it was something that Attorney Brick handled on behalf of the Town at Town Court.

Councilwoman Chmielewski inquired about Town Clerk Millious satisfying the Tax Warrant with the Supervisor's Office and it being a special re-levy that would have been turned over to the Supervisor's Office.

Town Clerk Millious interjected that she was directed by the Town Board to include it in the Tax Warrant.

Councilman Conrad stated that there is a method but he believes that there is some language that needs to be updated. He added that the New York State Building Code covers abandoned buildings and structures and any further restrictions would have to be approved by the Code's Council. He concluded by saying that they have to be careful as to how they approach it and he would like to see the laws as to how other towns are doing it.

Town Attorney Rotello interjected that it is a little different when you get into city situations and there is an engineer on staff.

Councilman Conrad added that this is his thought and he believes that there are some complications.

Town Attorney Rotello stated that they would have to hire an engineer to make a determination and there is a whole process involved. He concluded by saying that he would be in touch with Attorney Brick.

## **Coeymans Landing Improvement Project**

Supervisor Hotaling stated that he was in receipt of a letter from LaBerge Group and continued by reading the following:

“We are writing as a follow-up to our prior discussions regarding your interest in applying to the 2006 Environmental Protection Fund Park’s Grant Programs administered by the Office of Park, Recreation and Historic Preservation.”

Supervisor Hotaling stated that he didn’t recall the discussion and asked if anyone remembered this.

Town Attorney Rotello stated that at the Association of Towns Annual Meeting in New York City they discussed grants that were available.

Councilman Conrad interjected that he recalls the mentioning of grants that were available but nothing was said about actually doing it. He added that he had said that it was something that the Town should look into.

Supervisor Hotaling stated that he has a proposal from Laberge to make application for a grant in the amount of \$350,000.00 and the charge for the service is \$3,000.00. He then asked if the Town Board had any interest in doing this at this time.

Councilman Conrad inquired as to what the portion the Town would have to pay.

Supervisor Hotaling stated that he would imagine that it is matching funds and added that this would be something that the Town could not do at this time.

Town Attorney Rotello interjected that he believes that there are 1-2 grants coming up that are not a matching funds situation.

Councilman Conrad suggested that they do further research into the matter and added that during the planning for the Comprehensive Plan one of the major items that was identified by the citizens was the Town’s parks.

Supervisor Hotaling added that they need as a group to modify Joralemon Park in such a way to make it a more user-friendly environment.

Councilman Conrad suggested that get more information as far as to the particulars of the grants and what the matching fund would be.

Councilwoman Chmielewski interjected that Supervisor Hotaling call Laberge to find out if it is a matching fund grant.

## **Albany County Intermunicipal Cooperation Forum**

Supervisor Hotaling stated that he along with Councilman Boehm attended earlier in the day the first meeting of the Albany County Intermunicipal Cooperation Forum and then asked that Councilman Boehm give a summary of the meeting.

Councilman Boehm stated that he was most impressed with Karen Storm a County Purchasing Agent, who mentioned that she would be open to Department Heads contacting her directly to see what the County is paying for items and possibly the prices would be lower than vendors that are providing services now. He added that there was also an update about a vehicle wash building in Voorheesville to get the road salt off the Highway equipment and they can handle anything from front-end loaders to larger trucks and advised Highway Superintendent Deering that he could contact Mike Franchini about doing the Town of Coeymans Highway Department vehicles. He continued by saying that there was also some information regarding fiber connectivity as well as the Mayor of Menands talking about the Albany County Sewer District in addition to a presentation about the Pandemic Influenza Plan and the need for the County to have a plan and the roles that municipalities will play. He concluded by saying that it was very interesting and reiterated that Ms. Storm is very open to talking with anyone from different departments within the Town to offer her expertise to share her knowledge of vendors in helping to beat prices that the Town is currently paying, which would be a cost savings for the Town.

Supervisor Hotaling stated that there are some upcoming meetings and representative from Towns and Villages in Albany County participated and added that it was a good starting point. He continued by saying that he learned that New York State Law allows political subdivisions to participate in County awarded contracts as well in addition to State Contracts and there is a clause in the County bid solicitation asking bidders if they are willing to sell to County political subdivisions, such as the Town of Coeymans and Village of Ravena. He concluded by saying that Ms. Storm does a great job for the County and is well thought of, very confident and has a list of government bids on her website that the Town will be able to access.

## **RESOLUTIONS**

### **RES. #064-06 AUTHORIZE ASSESSOR TO PROCEED WITH THE UPDATE OF ASSEMENT ROLE**

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

**WHEREAS**, the Town of Coeymans has heretofore attained full value assessment on all real property assessments within the Town, and

**WHEREAS**, from time to time, it is necessary to update the Town of Coeymans Assessment Roll so as to maintain full value assessments, and

**WHEREAS**, the last assessment update was completed in 2000,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize Assessor Laura Van Valkenburg to proceed with the update of the Assessment Roll for the Town of Coeymans to be completed for the taxable status date of March 1, 2007, subject to the budgetary appropriations previously made therefore. Also, the Town Board authorizes dissemination of the Request for Proposal (REP) to vendors who have previously performed the tasks involved in a revaluation.

**RES. #065-06 APPOINT PART-TIME CLERK I, TOWN CLERK'S OFFICE**

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

**WHEREAS**, the recent resignation of part-time clerk in the office of the Town Clerk has reduced departmental coverage within Town Hall, and

**WHEREAS**, the Town Clerk believes that additional part-time staff people will provide necessary office coverage, and

**WHEREAS**, the Town Clerk has publicly advertised and interviewed several applicants for this position,

**WHEREAS**, the Albany County Department of Civil Service has reviewed and approved the candidate's qualification, and

**WHEREAS**, the Town Clerk has confirmed the candidate meets minimum qualifications for appointment,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Billie Jo Mueller to the position of part-time Clerk I, at the hourly rate of \$10.23 per hour, effective immediately.

**RES. #066-06 APPOINT COORDINATOR OF CEMETERY SERVICES**

On motion of Councilwomen Rogers, seconded by Councilman Conrad. The following resolution was APPROVED – AYES 5 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans is responsible for the Indians Fields and Grove Cemeteries, and

**WHEREAS**, that responsibility includes providing services to those people in possession of, or seeking an interest in, cemetery lots in the aforementioned cemeteries, and

**WHEREAS**, providing such service requires a working knowledge of cemetery operations and an ability to work well with funeral directors, and

**WHEREAS**, the Albany County Civil Service Department is considering the title of Coordinator of Cemetery Services in the non-competitive class, as well as the qualifications of our selected candidate,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the hiring of Scott M. Zielonko as the Coordinator of Cemetery Services at an annual salary of \$2,600.00. This appointment shall take effect immediately, and is contingent upon Albany County Civil Service Approval for the job title and qualifications.

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## **CORRESPONDENCE**

### **New York State Canal Corporation – 2006 Toll Elimination**

Supervisor Hotaling stated that he was in receipt of a letter from the New York State Canal Corporation and continued by reading the following:

“I am pleased to announce that tolls for recreational boating on the New York State Canal System for the 2006 navigational season have been eliminated.

Recently, Governor Pataki proposed and the Canal Corporation approved the elimination of tolls for 2006 as part of a pilot program to improve boater access and expand tourism on the State’s Canals. Therefore, boaters do not need to purchase a pass this season to travel along New York’s historic waterway.”

Supervisor Hotaling added that there are many that use the canal system in their summer-time travels and there is no need to purchase a pass this year.

### **New York State Department of Environmental Conservation – LaFarge**

Supervisor Hotaling stated that he was in receipt of a copy of a letter that was sent to Martin Turecky, Plant Manager of LaFarge North America talking about the application for the DEC permit, to allow the Tire-Derived Fuel Project to move forward, is complete and a technical review has commenced. He added that it instructs Lafarge to place in the Times Union a Public Notice during the week of March 27<sup>th</sup>, which was in the paper. He continued by reading the following excerpt.

“This notification does not signify approval of your application for permit. Additional information may be requested from you at a future date, if deemed necessary to reach a decision on your application. Your project is classified major under the Uniform Procedures Act. Accordingly, a decision is due within 90

days of the date of this notice unless a public hearing is held, which may extend this time frame. If a Public Hearing is necessary, you will be notified.”

Supervisor Hotaling added that he wanted to put this out for the public's consumption and it is a notice of complete application for the Tire Derived Fuel Project at Lafarge on Rte. 9w.

### **New York State Department of Environmental Conservation – Gedney Hill Mine**

Supervisor Hotaling stated that he was in receipt of a copy of a letter, which was sent to Carver Laraway, P&M Brick, LLC, from the Department of Environmental Conservation regarding a DEC permit renewal for their Gedney Hill mine. He continued by reading the following:”

Dear Mr. Laraway:

Enclosed please find your permit for the mining of shale at the above-referenced location in accordance with the approved Mined Land-Use and Reclamation Plan.

Please review the General and Special Conditions contained in the mining permit, which will expire on April 3, 2011. Any deviation from the approved Mined Land-Use and Reclamation Plan during the five-year permit term will require modification to the permit (see General Condition #3 of the permit).

Supervisor Hotaling added that Program Aide Patricia Pinder signed the letter at DEC and he was providing it for notification purposes for the public.

### **New York State Department of Environmental Conservation – W.W.T.P.**

Supervisor Hotaling stated that they experienced equipment breakdown at the Waste Water Treatment Plant, which required constant monitoring and actually pumping over the ground in pipes and hoses. He added that the influent pumps ceased working, which was a combination of a pump problem as well as a problem inside the plant and there were round the clock crews monitoring the pumps that were bringing the effluent into the plant for processing and it was during a very high rain event. He continued by saying that when this happens things come out of manholes and this is what happened when Mr. Kazmierski from DEC came to go over some of the upgrades and some of the parameters that they have not been meeting during recent months with reports that have gone to DEC. He added that in turn he had contacted Mayor Bruno because the Village is partners with the Town in the operation of the plant and they along with Chief Operator Breedlove, Ed Vopelack, the engineer from CT Male met with representatives from DEC on the issues of the parameters that they are not meeting and in a letter dated April 6<sup>th</sup>,

DEC agrees that they acknowledge that one of the final clarifiers is out of service. He continued by reading the following excerpt from the letter:

“One of the final clarifiers is out of service. This is causing serious treatment problems. New parts are needed to make the sludge removal system functional. Due to the age of the clarifier these parts are not available and must be fabricated, which will take 12-14 weeks.”

Supervisor Hotaling continued by saying that Mr. Vopelak did suggest that the new clarifier that is under construction will be in and operational by the end April or early May and it is expected that the new clarifier will be completed before repairs to the existing clarifier can be made. He added that DEC confirms that it is a good plan and they have to confirm with Jett Industries the contractor performing the installation, that they can meet the intended goal. He continued by saying that the incidental problem to this was that the influent pumping station failed and read the following excerpt from the letter:

“The combination of inadequate pumps and high flows resulting from Infiltration and Inflow was causing two manholes on the entrance road to the plant to overflow at the time of our inspection. Based on our discussion, the control box for the pump station was the cause of the pump failure. A new part should be available for replacement shortly. Please notify this office when the repairs are complete.”

Supervisor Hotaling continued by saying that he had contacted Chief Operator Breedlove and asked him to contact Mr. Kazmierski at DEC and let him know that a new control box is functional, and the pumps are back online. He concluded by saying that he wanted to make sure that the public knows that the Town has had constant contact with DEC in bringing them up to date on the progress to improve the processing at the Waste Water Treatment Plant.

### **Albany County Department of Health – Route 143, Martins Hill**

Supervisor Hotaling stated that he had made reference at the last meeting to a letter received from James Boni from the Department of Transportation, addressing some issues relating to the Martins Hill area of Rte. 143, which is scheduled to be reconstructed. He added that there were some potential problems with respect to the septic tanks and discharge of sewage into State drainage areas and in the letter it suggested that the Town contact Albany County. He continued by saying that on March 30<sup>th</sup> he wrote to the Director of Environmental Health at the Albany County Department of Health. He continued by reading the following excerpt:

“The Town of Coeymans strongly urges the Albany County Health Department to initiate whatever review, testing, evaluations and remedial directions to any homes along the project length that indicate problems in the area of sanitary

disposal of waste. This mitigation is critical not only to the New York State Department of Transportation Project but also to any future development contemplated by the Town of Coeymans along this project route.”

Supervisor Hotaling continued by saying that he was advised that the Albany County Department of Health will be in the Martins Hill area doing dye testing of the homes in that area and hopefully for the entire project length out to Spoor Development. He added that he wanted to notify the public that the Department of Health will be in that area and asked that everyone accommodate them as best they can. He concluded by saying that they wanted to stay on track with the project as well as continuing discussions with the Village of Ravena about the adequate supply of water to that area because of the problems with the drinking water.

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### **TOWN BOARD WORKSHOPS/MEETING**

- Town Board Workshop, April 18, 2006, 6:00pm
- Town Board Meeting, April 24, 2006, 7:00pm
- Town Board Meeting, May 8, 2006, 7:00pm
- Special Town Board Workshop, May 9, 2006, 6:00pm (Comprehensive Planning)

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### **ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Councilman Conrad stated that he wanted to go back to a topic of Old Business relative to the purchase of trucks for the Highway Department and added that they are at a point where it is critical that they get the trucks purchased in order to have them for next winter. He then suggested that they authorize the Supervisor to issue a Purchase Order for the trucks that have been quoted under State Contract. He added that even if they order them now it could be many months before they receive the trucks in addition to the timeframe for the quote for the purchase price might change if they wait any longer.

Supervisor Hotaling stated that it had been suggested that November would be the delivery date if the trucks were ordered now.

Councilwoman Chmielewski stated that this was the date that Highway Superintendent Deering had given and added that in a way it would be good because the Highway Department does not get money in its budget until the Town receives the first-quarter sales tax check. She continued by saying that the

cost will be approximately \$224,000 for two trucks and the price could increase if they waited any longer.

Councilman Conrad interjected that the price quote was based on them making a decision in the near future and the vendor is willing to adhere to the quote that they have currently and added that there are increases in the cost of steel that may come into play if they do not do something soon. He added that the concern is if it is not ordered for the truck to be built it could jeopardize when the truck would come because once the truck comes, the body has to be bid out and assembled, which adds more time and money.

Councilwoman Chmielewski stated that she does not have a problem with this because by the time that the truck comes in October or November, the Highway Budget should be satisfied.

Supervisor Hotaling asked if the Town Board would like to offer a motion for the purchase of the trucks for the Highway Department.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, authorizing the Highway Superintendent to submit the specifications and price quote under State Contract for two trucks, one 4 X 2 and one 4 X 4, along with the Purchase Orders and subsequently upon receipt of the trucks to put out for bid the bodies of the trucks that will be affixed to them.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling asked that Highway Superintendent Deering see to it that the documents are put forth in order for him to sign the Purchase Order.

Supervisor Hotaling asked if there were any additional comments.

Town Clerk Millious thanked the Town Board for approving her new employee, Billie Jo Mueller in addition to saying the that she has settled the Property Taxes with Albany County and those that have not paid their taxes should call the Albany County Director of Finance at (518) 447-7070 for the correct amount due.

Town Attorney Rotello inquired as to if discussion for the Town Code is scheduled for the April 18th Workshop.

Supervisor Hotaling stated that he would check and get back to him and added that if it needs to be on the agenda it will be added.

Highway Superintendent Deering stated that he had spoken to Mr. Doyle a resident of Gedney Hill Road about litter along the Town roads and added that he is interested in supporting the effort of getting it cleaned up.

Councilman Boehm inquired as to if the Highway crew is picking up brush along the road.

Highway Superintendent Deering stated that they are cleaning up where trees have been taken down by the County in addition to cleaning up trees and brush from this past winter.

Councilman Boehm asked if they pick up brush from homeowners.

Highway Superintendent Deering stated that they do as long as it is out by the road.

Supervisor Hotaling stated that he had contacted the Department of Transportation regarding what authority the Town would need in order to pick up litter along Rte. 144 and within a few days a crew had been sent to do this.

Ms. Deyo asked if she could address the Town Board regarding the Mining Renewal Permit on Gedney Hill Road. She added that once again she wanted to bring to the Town Board's attention the concerns on Gedney Hill Road with the renewal of the permit and another five years of the problem with truck traffic. She continued by saying that three new homes have been built on the road within the last year in addition to a subdivision, which allows another entrance to Gedney Hill Road, and the truck traffic is an ongoing conflict with the residential development. She added that there has been an independent study and the road is not suitable to handle truck traffic and the trucks are running from 6am to 6pm 6 days a week and there are areas where the side of the road is worn away and buckling with no guiderails. She continued by saying that there is also a problem with ATV's due to the mine owner giving permission to the riders to ride on the property and added that the residents are getting frustrated because nothing is being done on the part of the Town to provide quality of life for the residents of Gedney Hill Road. She concluded by saying that regardless of the permit, the Town does have the authority to dictate hours of when the mine traffic can come in and out in addition to the type of equipment that runs on the road and the residents feel as though the Town Board should make some rules for the road.

Supervisor Hotaling stated that the permit stipulates from 6am to 6pm.

Ms. Deyo agreed that it does say that but the Town can authorize what time truck traffic can be on Gedney Hill Road and added that there are times when a truck is going by every 5-7 minutes, which is something that you don't want to deal with all summer long 6 days a week from 6am to 6pm. She added that there are school buses that travel the road along with new homes being built with more school aged children, which will increase the number of buses and she believes that it is a problem with fully loaded trucks going around the corner by Mr. Doyle's house. She concluded by saying that she hopes that they don't wait until

someone gets killed on the road before something is done and added that it has been going on for five years and something needs to be done and there needs to be some kind of balance for the business to operate and the residents to have a quality of life.

Supervisor Hotaling asked for an estimate of the number of trucks that have been operating over the last several months.

Ms. Deyo stated that it is hard to determine because they cannot operate in bad weather because this is one of the conditions of the permit and added that the problem is that they are operating during the great weather, which is the time that that residents are out in their yards.

Supervisor Hotaling inquired as to if they operate every day.

Ms. Deyo stated that they operate 6 days a weeks when they have the opportunity to do so, she added that some days it's Carver Laraway trucks, some days it Biers' trucks and some days there are trucks that don't even have a label on the door. She continued by saying that there would be an occasional truck on the road and having a steady stream of trucks 6 days a week, it is unreasonable to expect the residents to continue to tolerate it. She added that she would be interested in knowing what taxes are being paid to the Town of Coeymans for the mining operation because she believes that the Town is getting a lot more tax dollars from the residents. She concluded by saying that she does not know what the loyalty is to Mr. Biers over and above the residents on the road.

Councilman Conrad interjected that by the letter, DEC does not even know that the Town of Coeymans exists in the issue, because most of it is in Greene County. He added that there are approximately 25 of the 95 acres in the Town of Coeymans.

Ms. Deyo stated that Supervisor Louis of the Town of New Baltimore is not concerned because they are not using New Baltimore's roads and added that if they were they would be hearing from him.

Councilman Conrad inquired as to if Highway Superintendent Deering had noticed the truck traffic.

Highway Superintendent Deering stated that he had not.

Ms. Deyo stated that it is not now but it will be starting soon because they don't normally travel from December through March or April. She continued by adding that she along with the other residents are asking for some reasonable ground rules that will make it a better balance and reiterated that the Town does have the authority to do this because it is a Town Road.

Supervisor Hotaling asked that Highway Superintendent Deering comment of the condition of the guardrails on the road.

Highway Superintendent Deering stated that the guardrails are on the agenda to be replaced.

Ms. Deyo questioned the placement of the guardrails and added that at the worst drop-off by Mr. Doyle's house there are none.

Highway Superintendent Deering stated that a previous Highway Superintendent placed them but he would take a look at where they are. He added that he would like to speak with Mr. Doyle about building up the shoulder of the road because at this point they cannot put one there. He continued by saying that they have to be put up properly and cannot be placed just anywhere.

Ms. Deyo stated that she would think that the Town faces more liability by not doing anything.

Supervisor Hotaling stated that he did not know and could not speak to that and would have to defer it to Attorney Rotello.

Councilman Conrad interjected that he believes that there is more liability after guardrails are put up.

Town Attorney Rotello stated that there is a reversed line of thinking when it comes to guide rails.

Ms. Deyo stated that several existing ones are falling apart and one is laying on the ground and asked again that the Town Board doing some about the situation of the truck traffic on Gedney Hill Road.

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

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## **ADJOURNMENT**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 8:56pm

***Respectfully Submitted,***

**APPROVED:**

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***Diane L. Millious, Town Clerk***

**A Town Board Meeting was held Monday, March 27, 2006, at 7:00pm at  
Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Joseph Rotello, Town Attorney  
Scott Giroux, Chief of Police  
Albert Deering, Highway Superintendent

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**SUPERVISOR'S OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there was a full Town Board in addition to Town Clerk Millious, Town Attorney Rotello, Chief of Police Giroux and Highway Superintendent Deering.

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**OVERVIEW OF AGENDA**

- Public Announcement
- Public Comment Period
- Approval of Minutes
  - Town Board Meeting, February 27, 2006
  - Town Board Workshop, March 7, 2006
  - Town Board Workshop, March 21, 2006
- Supervisor's Report – February 2006
- Department Report Review
  - Town Clerk Report, February 2006
  - Police Report, February 2006
- Old Business
  - General Code
- New Business
  - Resignation of Court Clerk
  - Senior Projects of Ravena
  - Professional Service Agreement for Labor Relations Consultant

- Disc Golf at Joralemon Park
- Evening on the Green
- Request for Tuition Reimbursement
- Resolutions
  - Appointment of Equipment Operator I
  - Appointment of Part-Time Clerk
  - Water Quality Improvement Project
  - Approval of Abstract 2005
- Correspondence
  - NYS Department of Transportation, Route 143 Project
  - Village of Ravena
  - NYS Department of Environmental Conservation, W.W.T.P. Upgrades
- Town Board Workshops/Meetings
  - Town Board Meeting, April 10, 2006, 7pm
  - Town Board Workshop, April 18, 2006, 6pm
  - Town Board Meeting, April 24, 2006, 7pm

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## **PUBLIC ANNOUNCEMENT**

### **Albany County Rural Housing Alliance**

Supervisor Hotaling stated that the Albany County Rural Alliance Inc. in Voorheesville, NY announced some funding for home repairs in the hill towns of Albany County. He continued by giving an outline of the two funds available and added that the information is available at Town Hall on the bulletin board or information about the funds and availability can be obtained by contacting Carla Russell at (518) 765-2425.

### **Assessor Office – Staffing Hours**

Supervisor Hotaling stated that the Assessor’s Office is announcing additional hours for the public to access the office from March 23<sup>rd</sup> to April 30<sup>th</sup>, Monday through Thursday from 8am – 11:30am and beginning May 1<sup>st</sup>, Tuesday and Wednesday from 8am to 2pm and Thursdays 8am to 1:30pm. He added that these hours are in addition to the hours of Monday evening and Saturday from 8am-2pm and the hours are available on the website at Coeymans.org or by contacting his office at 756-6006.

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## **PUBLIC COMMENT**

Supervisor Hotaling invited the public to comment at this time.

Ms. Joyce Behuniak stated that she is a resident of Kruger Road off of Miller Road in Selkirk and proceeded to show pictures of work that has been done by the Highway Department, which she believes was done incorrectly and it is a muddy mess. She continued by voicing her concerns about the fact that her phone calls to the Building Inspector have not been returned relative to a fence that is falling down into the road in addition to blocking off a ditch and collecting debris in addition to waste that was left by prior tenants of Mr. Brandow in addition to others that have dumped debris. She added that she was told back in 2004 that Kruger Road would be redone in 2006 and there was money available to do this.

Supervisor Hotaling stated that there was prior discussion and they did indicate that there was money in the budget for roads.

Councilwoman Chmielewski interjected that she believed that there was \$130,000 for roads.

Highway Superintendent Deering added that Kruger Road was not one of the roads specified and it was to finish roads from the previous year and added that Kruger Road would be done in 2006 if the other roads were completed.

Supervisor Hotaling stated that it was funded in 2006 and Highway Superintendent Deering chose to finish what was not done last year with 2006 funds.

Ms. Behuniak stated that Kruger Road is always at the tail end of everything and the road is a mess and she has made several calls to fill in the potholes created by the floods.

Highway Superintendent Deering interjected that it had been done.

Ms. Behuniak concluded by saying that she was not going to take money from her family to put into a Town driveway.

Supervisor Hotaling stated that he does not do the work that needs to be done and he would get the information to the Building Department and have them call her back.

Ms. Behuniak stated that she has called the Building Department on several occasions and she had gotten further talking with the Secretary than she had with speaking with the Building Inspector.

Councilman Conrad stated that Kruger Road had been discussed on several occasions and the owner of the fence, Mr. Brandow is in Mexico. He added that letters from the Building Department have been sent to them as well.

Supervisor Hotaling asked Highway Superintendent Deering if the fence is in the right-of-way for the road.

Highway Superintendent Deering stated that it might be but he is not sure.

Town Attorney Rotello stated that is the section of the road that he is working on as far as formally obtaining deeds.

Councilman Conrad interjected that there are things that have to be clarified before the Town goes in and tears down the fence. He added that the ownership has to be determined.

Supervisor Hotaling stated that once this is done they would be able to take action.

Town Attorney Rotello stated that if there is a matter that is interfering with the road or the drainage of the road he believes that the Town has the right to go within the right-of-way to make the necessary repairs.

Councilman Conrad added that unfortunately it is a deed by use at the current time vs. a deed by description so it is only the traveled portion.

Supervisor Hotaling questioned how long it would be before it is resolved.

Town Attorney replied that it would be probably two more weeks.

Ms. Behuniak interjected that it is falling into the road.

Town Attorney Rotello stated that there is an issue with many towns where the dedication of a road is not clear, whether or not it is a road by use where over a period of time it becomes a highway and in those situations the Town's authority can be limited just to the travel area as opposed to a situation where the road is dedicated and appropriate property on each side for the maintenance. He added that they are trying to resolve the question that would allow the Town greater authority and ability based on the formal deeded road as opposed to a highway by use. He concluded by saying that he spoke with Mr. Brandow's Attorney, Lou Neri, regarding this and he will be forwarding the draft deeds to him for review.

Supervisor Hotaling interjected that it is moving along.

Ms. Behuniak inquired as to if someone will be letting her know what is going on within the next 2-3 weeks.

Councilman Conrad interjected that it will be a formal action at a public meeting.

Supervisor Hotaling gave Ms. Behuniak the upcoming meeting dates of April 10<sup>th</sup> and April 24<sup>th</sup>.

Town Attorney Rotello stated that it would be on the agenda for formal Town Board resolution accepting the roads and authorizing the filing of the deeds.

Councilman Conrad interjected that it has already been approved and accepted by the Planning Board as a result of subdivisions by Mr. Brandow in addition to the fence and shed that is falling down has been addressed and Mr. Brandow had indicated that as soon as he gets back he will be taking care of the problems.

Supervisor Hotaling asked if anyone else wished to make public comment.

Ms. Kelly Gruss stated that she lives at Kruger Road and continued by saying that in January there was a rainstorm that flooded her driveway and she had sent a letter and photos to Supervisor Hotaling and Highway Superintendent Deering and she received a response saying that they were going to follow-up on it.

Supervisor Hotaling interjected that the letter had stated that the responsibility for that would rest with the Highway Department and he would follow-up with the Highway Department as far as to the progress. He added that he also had invited her to attend the Town Board Meeting because Highway Superintendent Deering would be present and they could follow-up on it.

Ms. Gruss stated that she had sent a letter to Highway Superintendent Deering and he had sent down 4 men with a shovel that threw dirt in her driveway for an hour, which did not take care of the problem.

Highway Superintendent Deering stated that he knows that it did not resolve the problem and in turn he had gone to the Town Board to authorize an engineer to look at the problem and they came and took a look at it and discussed a plan to put in a pipe, which is on private property. He added that his understanding is that he can put the pipe in because it is affecting a Town road. He concluded by saying that the engineer had stated that it would take a couple of weeks and he is waiting to hear from them about the plan.

Supervisor Hotaling inquired as to if the pipe, when it is installed, will take care of the problem.

Highway Superintendent Deering stated that it would take care of it.

Councilman Conrad inquired as to whether they will need to obtain additional permits to do the work.

Highway Superintendent Deering stated that the wetlands are above it and it is a Class C stream and they will not need a permit.

Ms. Gruss asked inquired as to what she should do in the meantime and if the Highway Department could put some stone down.

Councilman Conrad stated that she was in a flood plain when she built her house and she knew full well of it and was aware of the flooding. He added that it is not the responsibility of the Town to put stone back in her driveway because of the flooding. He concluded by saying that they she just heard that they are trying to resolve the problem and in due time Highway Superintendent will take care of it when he gets the go ahead from the Town Board to proceed.

Ms. Gruss stated that she was aware but at that time it was a little water over her driveway. She added that since the culvert was installed it is much worse and there were times when she could not drive her car in the driveway.

Councilman Conrad interjected that there have been periods of very heavy rain and there have been times that you could not even enter the road. He added that he understands the problem but he believes that she is being unreasonable because Highway Superintendent Deering is going through the proper engineering to get the culvert put in the right way to handle the water and at this point there is not much point in putting down more stone because the spring rains will be coming and there will be more flooding.

Highway Superintendent Deering stated that in his opinion the cause of the flooding is because piles were moved and water is coming out into the road because there is no channel.

Ms. Gruss continued by inquiring as to if Miller Road, which was dug up last year and is rock, is going to be fixed this year.

Highway Superintendent Deering stated that it would be done and everything takes time and money. He added that his budget over the past few years has gone from \$224,000 to \$215,000 to \$193,000 to \$165,000 and is now \$138,000 and added that not a lot can be done with that much money and prices keep going up.

Supervisor Hotaling asked if anyone else wished to comment at this time, hearing none he then invited Mr. Rounds to comment. He added that Mr. Rounds had come to them at the last Workshop with a proposal for disc golf at Joralemon Park. He then asked that Mr. Rounds give a summary of the proposal.

Mr. Kevin Rounds stated that he wanted to propose on a trial basis the installation of 9 disc basket holes at Joralemon Park to see if there is any interest within the community. He added that he has been involved with the game for 30 years and has often met with resistance with Golf Frisbee courses being installed but in every case they have been successful and are self sustaining by the people that play and he believes that he can raise some interest by sending

flyers to schools and churches. He added that it will be his own equipment and there will be no cost to the Town at this time.

Supervisor Hotaling asked if there were any comments from the Town Board.

Councilman Boehm stated that he thinks that it makes a lot of sense and they are temporary, which means that there would not any environmental or permanent impact on the park. He added that he tried it before the meeting and it was a lot of fun.

Councilwoman Rogers stated that she believes that it is a good idea and will bring something new to Joralemon Park.

Councilwoman Chmielewski inquired as to if they just sit on the ground and if so her concern would be that they would be taken.

Mr. Rounds stated that they he could anchor bolt them down and make it permanent but he is reluctant to do that until he sees if it will be successful. He added that when a course proves to be successful the course could be made permanent and the baskets would lock into a sleeve.

Supervisor Hotaling stated that they were pleased with his presentation at a prior Workshop and added that Mr. Rounds is very generous in offering to use his own equipment and asked that anyone using the equipment to use it with care. He added that in the development of a Comprehensive Plan there have been several requests for more activities within the Town Parks and he believes that this is a step in the right direction. He then asked for a motion to authorize Mr. Rounds to work with Rick Perrine to plan and coordinate the placement of 9 disc holes in Joralemon Park.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers authorizing Town of Coeymans personnel to work with Mr. Rounds to set up 9 holes of disc golf at Joralemon Park.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling asked if there were any other members of the public that wished to comment, hearing none he moved to the next agenda item.

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## **APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were three sets of minutes for Town Board approval, a Town Board Meeting, February 27<sup>th</sup>, a Town Board Workshop March

7<sup>th</sup>, and a Town Board Workshop, March 21<sup>st</sup>. He then asked for a motion to approve them.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, the Town Board Minutes were approved as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**SUPERVISOR’S REPORT – FEBRUARY 2006**

Supervisor Hotaling proceeded to give the Supervisor’s Report.

<b>FUND</b>	<b>BAL. FWD.</b>	<b>RECEIPTS</b>	<b>DISBURSE.</b>	<b>BALANCE</b>
<b>General</b>	\$1,152,102.89	\$1,465,005.52	\$ (391,316.98)	\$2,225,791.43
<b>Part-Town</b>	\$ 149,849.42	\$ 1,378.59	\$ ( 32,720.28)	\$ 118,507.73
<b>Special Water</b>	\$ 34,340.59	\$ 23,206.55	-0-	\$ 57,547.14
<b>Trust &amp; Agcy.</b>	\$ 561.91	-0-	-0-	\$ 561.91
<b>Highway</b>	\$ 97,974.87	\$ 205,453.45	\$ (144,250.16)	\$ 159,178.16
<b>Bridge Const.</b>	\$ 152,857.19	\$ 77.57	-0-	\$ 152,934.76
<b>Sewer</b>	\$ 151,451.34	\$ 108,451.12	\$ ( 24,273.65)	\$ 235,428.81
<b>Sewer Cap. Proj.</b>	\$ 195,800.22	\$ 90.15	\$ ( 4,156.09)	\$ 191,734.28
<b>Fire Dist.</b>		\$ 482,440.00	\$ (482,440.00)	
			<b>Total Rec. Bal.</b>	<b>\$3,141,684.22</b>

**CD-CITIZENS BANK  
90 DAYS**

**A FUND**

**\$200,000.00**

**SAVINGS ACCOUNTS**

**SECTION 8 – HUD**

**UNEMPLOYMENT \$ 3,105.91**  
**GROVE CEMETERY \$ 56,962.04**  
**\$24,291.00**  
**SEWER DEDICATED \$ 6,112.90**  
**200.25**

**OCCUPIED UNITS 61**  
**HUD PAYMENTS**

**\$26,270.25**

**ADMIN. FEE \$**

**TOTAL HUD PMT.**

**TOTAL \$66,180.85**

**TENANT RENT \$14,297.00**  
**CONTRACT RENT**

**\$38,588.00**

**COLLATERAL  
COVERAGE**

**FDIC COVERAGE**

**COLLATERALIZED**

**National Bank of Coxsackie \$100,000.00 \$2,785,999.14**  
**Citizen's Bank \$100,000.00 \$ 440,571.19**  
**First Niagara Bank \$100,000.00 \$ 852,191.15**

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

**DEPARTMENT REPORT REVIEW**

**Town Clerk Monthly Report – February 2006**

Supervisor Hotaling asked that Town Clerk Millious give her report.

Town Clerk Millious continued by giving her report.

Supervisor Hotaling asked for a motion to approve the Town Clerk's Monthly Report.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski, the Town Clerk's Monthly Report was accepted as presented.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

**Police Department Monthly Report – February 2006**

Supervisor Hotaling asked that Chief of Police Giroux give his report.

Chief Giroux continued by giving his report.

Supervisor Hotaling asked for a motion to approve the Police Department Monthly Report.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, the Police Department Monthly Report was approved as presented.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

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**OLD BUSINESS**

**General Code**

Supervisor Hotaling stated that at the last Town Board Meeting Councilman Conrad had raised the issue of General Code and the possibility of placing the Town's Code on the website. He then asked that Councilman Conrad give an update.

Councilman Conrad stated that one of his goals has been getting the Town's Code online and he has encouraged this since 2003 when the Town first created a website. He added this would allow access to the Town's Code with great ease and it would eliminate having to come to Town Hall for information. He continued by saying that this would be done and maintained through General Code Publishers and there would be a set-up fee of \$200.00 and then a maintenance fee each year.

Supervisor Hotaling interjected that General Code is a vendor that does this for a lot of municipalities and they actually coordinate the Town's Code Book but it is for the hardcopy. He added that he believes that it is a reasonable cost and asked for a motion to move forward with this.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, authorizing Supervisor Hotaling to engage in a contract with General Code to provide the online code for \$530.00.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Boehm asked if General Code had indicated that they could track the usage.

Councilman Conrad stated that they could ask General Code because it would be on their site and he is hopeful that this could be done.

Supervisor Hotaling asked if there were any additional comments, hearing none he moved to the next agenda item.

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## **NEW BUSINESS**

### **Resignation of Court Clerk**

Supervisor Hotaling stated that he was in receipt of a resignation of a Court Clerk and continued by reading the following:

106 Biechman Road  
Ravena, NY 12143

March 13, 2006

Honorable George Dardani  
Honorable Virginia Pearson  
18 Russell Avenue  
Ravena, NY 12143

Honorable Dardani & Pearson:

Please be advised that effective today, March 13, 2006, I will be resigning from my Court Clerk position.

Thank you,

Janice M. Radley

cc: Ronald Hotaling, Supervisor

Supervisor Hotaling asked for a motion to accept the resignation.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, to accept the resignation of Janice Radley, Court Clerk.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilwoman Rogers interjected that she is amazed by the fact that the Court Clerks keep resigning and they cannot seem to keep one.

Supervisor Hotaling stated that they had increased the starting salary in the 2006 budget and as required the job is currently posted. He then asked if the Town Board had any input as far as how they should fill the position.

Collectively it was agreed that they would review the prior applications, one internal and three from the outside and not advertise in the paper.

### **Senior Projects of Ravena**

Supervisor Hotaling stated that the Town of Coeymans funds the Senior Projects \$6,000.00 and given the Town's experience with auditors, there is a need for some contractual arrangement in order to give tax dollars to the organization. He continued by saying that he had asked Ms. Albano to go back to her Board and outline to the Town Board the benefits that the Senior Projects will provide to Town of Coeymans residents during the course of a year. He added that the outline consisted of the following:

The center is an emergency shelter for Town of Coeymans residents, where meals and shelter will be provided.

Defensive Driving classes are provided 4-6 times per year and it is open to all residents.

The center provides access to the facility for the Town of Coeymans when needed, on a scheduled basis for training and meetings that are needed to be held for residents and Town of Coeymans employees.

Income tax service is provided at no cost to all residents.

Recreation, congregate dining, home delivered meals, social activities and transportation are provided to all residents 60 years of age or older.

Supervisor Hotaling stated that they could now compile the list for presentation to the Seniors in a contractual way in order to comply with the auditor's requirements for contracts. He added that there is also a need to do the same with the Veteran's Organization and asked if there were any additional comments.

Councilman Conrad stated that he would like to make a motion.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, authorizing the Supervisor to proceed with the agreement.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**Professional Service Agreement for Labor Relations Consultant**

Supervisor Hotaling stated that they have been engaged in some strategy sessions for the Town's ongoing labor management negotiations and Mr. Michael Richardson has advised them that he had severed his relationship with AMTEK, the Human Resource Organization that had previously been under contract with the Town of Coeymans. He added that beginning January 2006 the Town no longer had a monthly contract with AMTEK but they did engage with Mr. Richardson as an employee of AMTEK to help them negotiate the Council 82 Contract and they also plan on using him in the upcoming CSEA negotiations later in the year. He concluded by saying that Mr. Richardson has been very helpful in the negotiations and he would urge the Town Board to consider a motion permitting him to sign the Professional Services Agreement.

Councilman Boehm asked if there was a change in the cost.

Supervisor Hotaling stated that he does not know if the charge was \$125.00 or \$175.00 per hour with AMTEK.

Councilman Conrad interjected that Mr. Richardson will not be charging for travel time.

Councilman Boehm stated that Mr. Richardson's rate is \$140.00 per hour and asked if the prior rate with AMTEK was more or less.

Collectively it was believed that the prior rate was more in addition to paying for travel time. It was also agreed to move forward with Mr. Richardson's Professional Services Agreement.

**MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, authorizing the Supervisor to enter into the Agreement with Mr. Richardson based on the current language and cost.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Town Attorney Rotello inquired as to if a contract with AMTEK needed to be terminated.

Councilman Conrad stated that AMTEK no longer has a Labor Negotiations person.

Supervisor Hotaling stated that he would have Town Attorney Rotello take a look at the contract and added that as Councilman had pointed out, AMTEK no longer has someone for Labor Negotiations. He then asked for a motion to terminate the contract with AMTEK.

### **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, to notify AMTEK of the termination of the contract relative to their negotiations with respect to Council 82.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that he would be providing Attorney Rotello a copy of the contract for review.

### **Evenings on the Green**

Supervisor Hotaling stated that there have been several people over the years that have coordinated this effort and the most recent coordinator has been Councilman Boehm, he then asked that he give an update.

Councilman Boehm stated that he has been in contact with all of the bands from last year and all with the exception of one has signed up for this year and August 31<sup>st</sup> is an open slot if anyone knows of a band that would like to provide entertainment on that date and anyone interested could contact Mary in the Supervisor's Office. He added that there would be a change in the start time, from 7pm to 6:30pm in order to avoid mosquitoes and take advantage of the daylight. He concluded by saying that as soon as the schedule is finalized and the contracts are signed they will be putting out a schedule for the public.

Supervisor Hotaling thanked Councilman Boehm for coordinating this and added that it is a well-attended event.

### **Request for Tuition Reimbursement**

Supervisor Hotaling stated that he was in receipt of a request earlier in the day from Chief Giroux for partial tuition reimbursement pursuant to contract language that is currently in existence in the Labor Management Agreement with Council 82. He added that he wanted to let the Town Board know that he has this request and then asked permission from the Town Board to set up a meeting with the employee to talk about the information that will be needed in order to make a judgment. He then asked if there were any other comments.

Collectively it was decided that they would need more information.

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## **RESOLUTIONS**

Supervisor Hotaling stated that he was handed a note that they have not yet received Civil Service approval on the qualifications for the part-time clerk in the Town Clerk's office and added that at this point they should strike the first resolution from the agenda.

Town Clerk Millious inquired as to if she will now have to wait for the approval.

Supervisor Hotaling stated that unless the Town Board was of the opinion that they can change the wording to it being contingent on Civil Service. He added that Town Clerk Millious should talk to the Board about her need and then they can make their determination as to whether or not it makes sense to alter the resolution to a point where this will be contingent upon the receipt of successful Civil Service review and qualifications.

Town Clerk Millious stated that she was anxious to get the applicant started because her other part-time employee will be gone for three weeks in addition to her having the Annual Town Clerk's Conference in Saratoga coming up.

Councilwoman Chmielewski inquired as to if the Police Department does any kind of employee check.

Town Clerk Millious stated that this has never been done.

Councilwoman Rogers suggested that they offer the resolution.

Supervisor Hotaling reiterated that they could hire this person contingent on Civil Service review if it is the Town Board's desire and suggested that they continue with the second resolution and come back to it.

### **RES. #61-06 APPOINT EQUIPMENT OPERATOR I**

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

**WHEREAS**, the Superintendent of Highways is desirous of filling the position of Equipment Operator I at the Highway Department, and

**WHEREAS**, a current seasonal highway maintenance worker has expressed his desire to apply for this position, and

**WHEREAS**, the Albany County Civil Service Department has confirmed this job title as a non-competitive position requiring the chosen candidate to meet minimum qualifications, and

**WHEREAS**, the Highway Superintendent has confirmed the candidate meets minimum qualifications and has received a satisfactory pre-employment drug screening report,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint John M. Sylvester, to the position of full-time Highway Equipment Operator I, effective immediately, at a salary consistent with the Labor Management Agreement in effect.

Supervisor Hotaling suggested that they return to the first resolution appointing a part-time clerk in the Town Clerk's office.

Councilman Conrad stated that this is the first that he had heard about it and added that the Town Board is doing the hiring and he had not seen a resume or anything and has a problem with it.

Supervisor Hotaling inquired as to if the Town Board had reviewed resumes in the past for the Town Clerk's office.

Town Clerk Millious stated that they had not, not to her knowledge.

Councilman Conrad stated that he has seen the resumes for everyone that has been hired in the past and added that he is not prepared to act on it.

Supervisor Hotaling asked if anyone wished to present the resolution for Town Clerk Millious' choice for part-time Clerk I in the Town Clerk's office.

Councilwoman Rogers stated that she would because she needs the help and they can do it contingent on Civil Service.

Councilman Conrad stated that they have reviewed all of the applications in the past and as Elected Officials they have the right to make recommendations but as a Town Board member he is not comfortable with doing this without seeing a resume.

Councilman Boehm stated that the Town Board had been directly involved in the hiring of a Court Clerk and an Operator for the Highway Department and then asked if the Town Board had been directly involved in the past.

Councilwoman Rogers stated that they have not been and Town Clerk Millious has always interviewed them herself.

Councilman Conrad stated that they have always reviewed and discussed every position.

Councilwoman Chmielewski suggested that they table it until they receive word from Civil Service and continued with a motion.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Conrad, to table the resolution until they get the information from Civil Service and any other information that the Town Board members may want.

VOTE – AYES 3 – NAYS 2 – SO MOVED

Supervisor Hotaling stated that the next resolution was necessary based upon the Town's recent award relative to the W.W.T.P.

## **RES. #62-06 WATER QUALITY IMPROVEMENT PROJECT**

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

**WHEREAS**, the Town of Coeymans, herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project, and

**WHEREAS**, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith,

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Coeymans:

- (1) That Supervisor Ronald K. Hotaling, Jr., or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to state assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State Assistance;
- (2) That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's

field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;

- (3) That one (1) certified copy of the resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.
- (4) (4) That this resolution will take effect immediately.

Supervisor Hotaling stated that this is part of the \$268,000 Grant that was obtained for the purpose of transforming the in-water treatment from chlorination process to ultraviolet.

**RES. #63-06 APPROVE MARCH 2006 ABSTRACT**

On motion of Councilwoman Rogers, seconded by Councilman Conrad, the following resolution was 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 2006 Abstract.

<b>ABSTRACT</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	263-288	\$164,528.50
General	338-401,457	\$ 20,424.58
	<b>General Total</b>	<b>\$184,953.08</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	289-303	\$ 21,479.02
Part-Town	402-410	\$ 541.07
	<b>Part Town Total</b>	<b>\$ 22,020.09</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	304-314	\$ 35,058.46
Highway	411-447,458	\$ 18,075.99
	<b>Highway Total</b>	<b>\$ 53,134.45</b>
<b>SEWER (SS)</b>		
Pre-Pay Sewer	315-332	\$ 11,320.92
Sewer	448-454	\$ 2,975.27
	<b>Sewer Total</b>	<b>\$ 14,296.19</b>

<b>GROVE CEM. (TE)</b>		
Grove Cemetery	455	\$ 400.00
	<b>Grove Total</b>	<b>\$ 400.00</b>
<b>CAPITAL PROJECTS (H)</b>		
Capital Projects	456	\$ 1,021.10
	<b>Capital Projects Total</b>	<b>\$ 1,021.10</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$275,824.91</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	333-337	\$176,379.45
	<b>Trust &amp; Agcy. Total</b>	<b>\$176,379.45</b>

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### **ADDITIONAL BUSINESS**

Supervisor Hotaling stated that there are a couple of additional items that may result in some motions or resolutions and continued by saying that he had gotten a phone call earlier in the day from a gentleman that lives on Gedney Hill Road and he is concerned with the amount of litter along the town roads and added that it should be addressed. He added that this person owns a business and offered monetary assistance to do this and then inquired as to if the Highway Department routinely picks up litter.

Highway Superintendent stated that they do this and it is currently on their agenda.

Supervisor Hotaling stated that in the past, during the 80's a resolution had been done authorizing the Highway Department to pick up litter along State Rte. 144 between the Hamlet of Coeymans and the town line. He added that this is something that they might want to consider doing in 2006 and asked if Highway Superintendent Deering agreed.

Highway Superintendent Deering stated that he does not have a problem with it but the Town's roads need to be taken care of first.

Supervisor Hotaling inquired as to what is done with the litter.

Highway Superintendent Deering stated that it is taken back to the garage and placed in a dumpster.

Supervisor Hotaling asked the Town Board if they wished to pass a resolution for Rte. 144.

Councilman Boehm interjected that it seems like Highway Superintendent Deering is already overwhelmed with what he has to do.

Councilwoman Rogers suggested that the Beautification Department help and between them and the Highway Department they could get it done.

Supervisor Hotaling asked what the Town Board's pleasure was.

Councilman Conrad inquired as to if a resolution was necessary or could they direct them to do it.

Supervisor Hotaling stated that he didn't know, but in the past it was of the opinion that a resolution was necessary to allow town workers on a State Highway.

Town Attorney Rotello stated that he didn't know if it was required but it would not hurt to do it.

Councilman Conrad stated that they could call the State to let them know.

Supervisor Hotaling interjected that absent a resolution, they do agree that it needs to be done.

Councilman Conrad stated that it would be appreciated because the State tends to forget that the Town of Coeymans exists.

Highway Superintendent Deering added that he has seen the State do it but not very often.

Councilwoman Chmielewski stated that there might be some organizations that would like to do it along Rte. 144.

Town Attorney Rotello added that he believed that an organization does Rte. 144.

Councilwoman Chmielewski interjected that the State provides the bags as well as pickup.

Supervisor Hotaling added that it is food-for-thought.

Supervisor Hotaling continued by saying that last year he had spent some time at Coeymans Landing with DEC and discussed bringing in some fill that they had obtained from the Coeymans Fire Company and in turn they obtained a permit to do this. He added that the permit is valid for a year and then asked Highway Superintendent Deering when this could be done.

Highway Superintendent Deering stated that he would like to do that now before the Highway Department gets too busy.

Supervisor Hotaling stated that the permit allows them to bring it up to parking lot grade to within 10 feet of the tree line and then down into a culvert that would direct the water over to the existing culverted area.

Supervisor Hotaling stated that he had mentioned to Councilwoman Chmielewski his thought about having weekly Departmental Meetings in order to coordinate everyone's efforts. He then asked the Town Board to consider whether or not it makes sense to have weekly meetings.

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## **CORRESPONDENCE**

### **NYS Department of Transportation – Route 143 Project**

Supervisor Hotaling stated that he was in receipt of a letter from Mr. James Boni, the coordinator for the Rte. 143 Project from the foot of Martins Hill out to Spoor Development Road. He added that this was a project that they had announced quite a few months ago and Mr. Boni had conducted Informational Meetings in Town Hall. He continued by saying that they had recently met with Mr. Boni and Mr. Bonafide in an effort to ascertain the ability of the Town to move forward with the betterment in the right-of-way for sewer and/or water going beyond the area that they are currently planning to better, which is the area from Skyview Drive down the existing Water Supply District. He added that the costs associated with the betterment will be borne with the Town residents that will be involved and will receive the benefit of the betterment and the costs are very high. He continued by saying that they do not see at that juncture any way to be able to strategize to take the water from Skyview Drive and bring it up over Martins Hill as far as Spoor Development. He added that they were able to convince DOT to assist the Town in the effort by placing a sleeve in the area of Deans Mill Road so that such time that it becomes fiscally possible to bring water and/or sewer up the hill there will be a means to get it from the north side of the road to the south side of the road to feed water in and infrastructure to Deans Mill and Palmer Drive and further down to Oak Street. He concluded by saying that he wanted to report to the public that they had the meeting and added that they are not giving up on the

project and conveyed to Mr. Boni that they are going to continue to strategize a plan.

Councilman Conrad stated that the biggest problem that they are facing is the timeframe that the State has put forth for the Town to meet because they are still struggling with the lower area of Rte. 143.

### **Village of Ravena – Martins Hill**

Supervisor Hotaling stated that he was in receipt of a letter dated March 23<sup>rd</sup> from Mayor Bruno and it was a response to a request in his letter of March 8<sup>th</sup>. He added that there have been several discussions about the condition of the water and wells in the area of Skyview Drive down to the bottom of Martins Hill in addition to having previous discussions with the Village of Ravena relative to the ability to provide water to those homes. He continued by saying that it is currently within the Coeymans Water Supply District and initially back in 1998 12 homes were approved and 22 parcels were identified as being in the District. He added that they wanted to confirm the number with the Village and in the Mayor's response there is some discrepancy and it is a bit of a roadblock to moving on. He continued by saying that they wanted to invite the residents in to talk about the cost estimates, which the Town has already obtained.

Councilman Conrad interjected that C.T. Male had provided cost estimates based on 20 homes in addition to a 20-30 year bonding capability. He added that the costs are going to be extremely high per year per home and the more properties that they can involve will bring the cost down. He continued by saying that there is a possibility that even though there are contaminated wells, the State Comptroller could possibly deny the action because they have to come up with enough money to make sure that the bond is paid for.

Supervisor added that at this point they do not know what the discrepancy is and it will delay it but he does not believe that it will be a deal breaker in terms of getting water up the hill. He continued by saying that they do need to discuss with the Village Board what the discrepancy is and the numbers from their perspective and the Town Board's commitment is to move it along as quickly as possible.

Supervisor Hotaling stated that he wanted to go back to the previous correspondence from Mr. Boni because as Councilman Conrad had pointed out there is a problem with the quality of water in the area of Skyview Drive down to Rte. 9W but there is also another issue. He added that the quality of water is exacerbated by the fact that the septic in that area are either non-existent or at a condition below what Albany County would expect to be an approved septic and in that context Mr. Boni has advised them that he would like the Town to notify the residents who are discharging raw sewage into the State's drainage system in that area. He continued by reading the following from the letter:

“It is imperative that the situation be improved prior to the Department’s reconstruction of Rte. 143. The proposed reconstruction project will most likely include the replacement of the existing drainage swales with concrete gutters. If the illegal sewer pipes were still discharging raw sewage it would be the Department of Transportations responsibility to direct the contractor to cap the pipes to eliminate any further contamination to the surrounding environment. The Department would place the homeowners on notice to correct the problem, within a reasonable timeframe, well in advance of this action actually taking place. If the pipes were capped, the homeowners would be forced to correct the problem due to their sewer backing into their homes. The Department would obviously prefer to have the situation remedied before resorting to this action.”

Supervisor Hotaling continued by saying that the Department of Transportation has already contacted the Albany County Health Department and is on notice that this is DOT’s plan. He added that Albany County Health wanted the Town to advise the residents in the area that this situation, potentially, could be problematic for them in the near future in terms of the project. He concluded by saying that it is a bad situation with sewer and water but they are continuing to work on it.

Councilman Conrad interjected that for whatever reasons, the Town Boards in the past have created the Districts and unfortunately the Sewer District does not go up to where the Water District goes. He added that he does not know as to what extent it is possible to get the sewer put in when the betterment is done but it would behoove the Town Board to extend the Sewer District as far as the Water District and it would be a much needed improvement to the area.

### **NYS Department of Environmental Conservation – W.W.T.P. Upgrades**

Supervisor Hotaling stated that the Town Board had requested an extension in the contract for the Wastewater Treatment Plant Upgrades Project, from March 31, 2006 to August 31, 2006, in order to give the contractor, Jett Industries, adequate time to complete the project. He added that he is happy to report that in a letter sent to him, the contract extension was approved and hopefully this will allow the project to conclude and in turn a petition can be made to DEC to lift the moratorium if they find that the upgrade has provided the efficiency that they were seeking.

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### **TOWN BOARD WORKSHOPS/MEETINGS**

- Town Board Meeting, April 10, 2006, 7pm
- Town Board Workshop, April 18, 2006, 6pm
- Town Board Meeting, April 24, 2006, 7pm

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## **ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments from the Town Board.

Councilman Conrad asked that based on the information that they received from Highway Superintendent Deering and when Councilwoman Chmielewski concludes her search as far as when the funds would be available, if it would be proper to authorize the Supervisor to order the trucks through State Contract for the Highway Department.

Councilwoman Chmielewski interjected that she would like to wait until they see about the funds because the Highway Department does not get funds credited to them until the first sales tax check comes in.

Councilman Conrad stated that it going to take 2-3 months minimum for the trucks to be processed and if they wait too long then they will have to wait until 2007, which will add an additional \$20,000 to the trucks.

Supervisor Hotaling suggested the possibility of ordering one at this point, based on the first sales tax check and delaying the order of the second one until the second sales tax check. He then asked Highway Superintendent Deering which truck he preferred is ordered first.

Highway Superintendent Deering stated that he would prefer the 4X4.

Councilwoman Chmielewski suggested that they look into this further and have a resolution for the next Town Board Meeting.

Supervisor Hotaling stated that he had a discussion with a Chairman of one of the Fire Districts earlier in the day and had been asked that he announce the plan from the Town of Coeymans perspective to have the Fire Districts engage in some dialog about the lines between the Coeymans Hollow Fire District and the Coeymans Fire District. He added that some members of the Town Board met with the County and they were provided with a map, which has been on file since 1980 and it's a map based upon some database that was effective in 1977, apparently without the knowledge of the 1971 descriptions of both Coeymans Hollow and Coeymas Fire Districts as developed by Public Hearing and approved by resolution by the Town Board back in 1971. He stated that given that reality, he has asked the County to provide two more copies of that map and it is his intention, upon receipt of them, to convene a meeting between the Fire District Boards to provide each of them a copy of the map as it currently exists and ask them to go back and from a public safety perspective take a look at the line and see if they would make any recommendations for changes. He added

that if those recommendations for changes either correspond with the 1971 language or correspond with the 1977 line or somewhere in between, they could bring their recommendations back to the Town Board. He concluded by saying that the Town Board will not be opposed to receiving recommendations and moving it forward upon the agreement between the two Fire Districts.

Supervisor Hotaling asked if anyone else wished to comment.

Town Attorney Rotello stated that he has the final draft Sewer Easement from the State of New York for his review and approval and he will be contacting the attorney's office for the Office of General Services to have them forward their final executed easement. He then inquired as to if the \$374.00 fee had been paid.

Supervisor Hotaling stated that he was not sure and they would look into it.

Town Attorney Rotello stated that he had forwarded information to Supervisor Hotaling, which deals with Section 172-A of Town Law that talks about the procedure whereby a Town Board could alter a Fire District Line after input from the Fire Districts and it also sets forth the procedure in addition to there being a section that indicates how any indebtedness that may exist within a District is treated.

Supervisor Hotaling stated that he would copy the information and make it available for the Town Board and asked if there were any additional comments.

Chief Giroux stated that recently they lost a part-time dispatcher and some of the other part-timers had a recent diminishment of availability and added that he would like permission from the Town Board to begin the selection process in the hopes that he can add two more part-time Telecommunicators to the roster. He continued by saying that he had checked with Civil Service and confirmed that it was non-competitive.

Supervisor Hotaling inquired as to if the Town Board agreed that he move ahead with trying to find a couple of part-timers.

Councilwoman Chmielewski inquired as to how many part-timers are currently on staff.

Chief Giroux stated that there are currently 9 on the roster and 3 had just indicated that their availability will noticeably change in addition to losing one and it is becoming tough to schedule.

Supervisor Hotaling asked that he give an update to any discussions if any that he may have had with representatives of the Village relative to the referendum and the upcoming transition.

Chief Giroux stated that it is necessary that the Town Board get together with the Village Board for discussion.

Supervisor Hotaling interjected that he had discussed this with a Village Trustee and they are moving ahead with it.

Chief Giroux stated that he had some discussions with the Mayor and some other Village Board members regarding the transition and the two big issues are the personnel and the disposition of the facilities. He added that the Village budget ends in May and he would suggest between now and then as the transition time to determine what the disposition of those things are. He concluded by saying that the only other question is when they would start paying the Village Police as Town of Coeymans Police and saying that they are no longer Ravena officers and added that technically the abolishment of the Village Police Department will occur the first of April, which coincides with the end of the Municipal Agreement.

Supervisor Hotaling stated that he believed that the action took place longer than 30-days ago and he suggested to a Village Trustee that they take a look at it and advise the Town Board from their perspective when it took place.

Chief Giroux stated that the April 1<sup>st</sup> schedule is already out and the Ravena Police Officers are on a schedule as Ravena Police Officers, however they will work the same shifts and can be paid as Town of Coeymans Police Officers.

Supervisor Hotaling asked if there were any additional comments.

Highway Superintendent Deering stated that he had talked to Supervisor Hotaling earlier in the day and he wanted to mention to the rest of the Board about the registration fee for Highway School in Ithaca.

Supervisor Hotaling stated that Highway Superintendent Deering had submitted in voucher form an \$85.00 fee for the registration and added that the rooms are becoming scarce and in light of the memorandum that had been promulgated by his office at the direction of the Town Board to require the submissions for attendance at outside conferences and the like, Highway Superintendent Deering had called him. He added that his feeling was that since his request has preceded the memorandum and because he does this every year, he had told Highway Superintendent Deering to go ahead and make the reservation in the hope that the Town Board would authorize his attendance and then asked for a motion.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Conrad, authorizing Highway Superintendent Deering to attend Highway School in Ithaca, NY during the month of June.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Highway Superintendent Deering stated that he has been hearing that he had gone over budget for the previous year and added that during all of his years as Highway Superintendent he has not gone over budget. He continued by saying that he wanted to go through the records because he believed that there was money in the accounts and he did not understand how this happened because

Supervisor Hotaling asked Councilwoman Chmielewski if the records were available.

Councilwoman Chmielewski stated that they should be and advised Highway Superintendent Deering that at one time that she had met with him she had given him a figure and then there was a retirement that had to be backed out and it came to \$6,000.00 that was overdrawn.

Supervisor Hotaling interjected that he should keep in mind that the Highway Budget approached 1 million dollars and when they are saying overdrawn it does not mean that a check bounced it was a budgetary thing, which resulted in that Highway Fund spending \$6,000 more than was in the budget. He added that it is something that is notable in terms of an audit.

Highway Superintendent Deering reiterated that this has never happened and it is bothering him.

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

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## **ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the meeting was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 9:06pm

***Respectfully Submitted,***

**APPROVED:**

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***Diane L. Millious, Town Clerk***

**A Town Board Workshop Meeting was held Tuesday, March 21, 2006, at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Albert Deering, Highway Superintendent

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**AGENDA ITEMS**

- R-C-S Soccer Club
- Joralemon Park – Frisbee Golf
- General Code Online
- Review of Waste Hauler Permits/Rules
- Bernard P. Donegan 2006 Debt Service
- Composition of Emergency Management Committee
- GE Community Day Projects
- Highway Department Appointments
- Court Clerk Vacation Accruals

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**EXECUTIVE SESSION**

Employment history of 3 candidates for the Highway Department were reviewed and discussed with Highway Superintendent Deering.

Request from Judges was reviewed relative to benefit time proposal.

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the Workshop.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the Workshop Meeting was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 9:50pm

***Respectfully Submitted,***

**APPROVED:**

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**Diane L. Millious, Town Clerk**

*Diane L. Millious, Town Clerk*

**A Town Board Meeting was held Monday, March 13, 2006, at 7:00pm at  
Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Joseph Rotello, Town Attorney  
Albert Deering, Highway Superintendent  
Scott Giroux, Chief of Police

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**SUPERVISOR'S OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there is a full Town Board in attendance in addition to Town Clerk Millious, Town Attorney Rotello, Chief of Police Giroux and Highway Superintendent Deering. He continued by giving an overview of the agenda.

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**OVERVIEW OF AGENDA**

- Public Announcement
- Public Comment Period
- Approval of Minutes
  - Town Board Meeting, February 13, 2006
  - Public Hearing, February 27, 2006
- Department Report Review
  - Building Department – February 2006
- Old Business
  - Section 8 Family Self-Sufficiency Program, March
- New Business
  - Water Quality Improvement Grant
  - Resignation of Police Chief Confidential Secretary
- Resolutions
  - Appoint Sewer Treatment Plant Operator
  - Appoint Highway Equipment Operator I

- Approve Town Clerk Attendance at NYS Town Clerk Association Conference
- Correspondence
  - Time Warner Cable
  - New York State Office of Real Property Services
  - U.S. Department Army Corps of Engineers
- Town Board Workshops/Meetings
  - Town Board Workshop — March 21, 2006 — 6:00 PM
  - Town Board Meeting — March 27, 2006 — 7:00 PM
  - Town Board Meeting April 10, 2006 — 7:00 PM

**PUBLIC ANNOUNCEMENT**

Supervisor Hotaling stated that he received from Albany County a notice to all Albany County voters cordially inviting them to the Capital Region Voting Machine Open House and demonstration at the McDonough Sports Complex on the campus of Hudson Valley Community College in Troy, NY. He added that there will be demonstrations on March 20<sup>th</sup> from 12 noon to 5pm and on Tuesday, March 21<sup>st</sup> from 12 noon to 7:00pm and any questions can be addressed by calling the Albany County Board of Elections at 487-5060. He then asked Town Clerk Millious if she had anything to add.

Town Clerk Millious stated that she attended a breakfast sponsored by the Albany County Board of Elections and they asked that the notices be circulated throughout the Town, which she did. She added that the new system will not be in place for the up-coming election and the Town will have to use their own inspectors. She concluded by saying that there are a lot of unanswered questions still to be answered as far as the costs associated with the new machines.

Supervisor Hotaling added that in the past in has cost between approximately \$12,000-\$13,000 for the Town of Coeymans to put forth an election and that budget has been constant over the past several years. He added that late in the budget season last year they received a message from Albany County that suggested the cost of implementing the H.A.V.A. Act will be shared amongst the cities, towns and villages in the county and the Town of Coeymans share was based upon 2.8% of the population, which calculates to be approximately \$45,000. He added that this was a shock to them during their budget planning and as Town Clerk Millious had stated, there are a lot of unanswered questions and they will have to wait and see what happens. He concluded by asking that Town Clerk Millious keep the Town Board informed of any information that she may obtain relative to this.

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**PUBLIC COMMENT**

Supervisor Hotaling invited the public to comment at this time.

Ms. Mary Driscoll stated that she lives in the Village of Ravena and has been very involved in the Police Department controversy in the Village. She added that she had been asked several questions by residents and was present at the meeting to get some answers. She continued by asking questions relative to the Chief's position and if he would be replaced if he were to leave and what the salary would be in addition to inquiring about a rumor that a position of a Commissioner of Police would be added and then asked if he had any thoughts about this.

Supervisor Hotaling stated that if the Chief were to leave he would be replaced but he did not know what the salary would be, he added that he had not heard the rumor about a Commissioner of Police and did not have any thoughts about it.

Ms. Driscoll continued by stating that her understanding is that by law the Town is required to provide police coverage for the Village even if the Village has their own part-time force.

Supervisor Hotaling stated that he did not have the same understanding and added that he is required to charge the cost associated with a Town police force as a general fund because if the Village has a police force but not at least 4 full-time officers the law requires that the cost associated with any town force be a general fund charge.

Ms. Driscoll continued by asking if the 63 shifts are being covered.

Supervisor Hotaling stated that as he had mentioned at the last meeting, the 63 shifts were budgeted for funding for the beginning of January 2006 in light of the fact that the Village had entertained the thoughts of abolishing their police force by December 31, 2005 but it was sidetracked for a period of time and has resulted in a referendum vote that will be March 21, 2006. He added that there is no requirement to implement the 63 shifts given the Village's decision to be in limbo.

Ms. Driscoll stated that the 63 shifts, which was the main selling point, are not being provided. She continued by asking if the \$200,000 that was added to the police budget would cover all of the shifts and if any leftover funds would go back into the General Fund.

Supervisor Hotaling stated that the additional \$200,000 was the cost associated with raising the coverage from 42 shifts to 63 shifts and this is a set amount in the budget that will not be increased and this amount stands ready to support the additional shifts. He added that the police budget is already in the General Fund and any unspent funds would remain in that fund and any fund balance would be used to reduce the need to raise taxes. He continued by saying that if the Village vote goes to maintain their Police Department the Town Board has made a commitment to the Village Trustees that the Town Police Department will maintain its complementary coverage to the Village until such time that the Village sorts out their budget as far as what it needs to spend to staff its own Police Department.

Ms. Driscoll stated that the Village pays taxes to the Town for coverage so the Town will have to cover the Village.

Supervisor Hotaling asked if it was a question or a statement.

Ms. Driscoll stated that it was a little bit of both.

Supervisor Hotaling interjected that it was a question with which he had no opportunity to respond.

Ms. Driscoll stated that she urged all Village residents to vote no on March 21, 2006.

Supervisor Hotaling asked if anyone else wished to comment.

Ms. Sylvia Lawler stated that she lives in the Town of Coeymans and continued by asking if a date had been set for the next Comprehensive Plan Meeting.

Supervisor Hotaling stated that they have not set a date because there has been discussion relative to the results of the survey and once the analysis is complete, Laberge will be coming back with an outline of goals and the next step would be a draft plan. He added that he believes that they are still on track for completing the Comprehensive Plan by late summer.

Ms. Lawler continued by stating that several years ago there was a Local Waterfront Revitalization Program Grant document that was completed and it only lacked a Public Hearing, which never took place. She added that she would like to see this resurrected and a Citizens Committee appointed and then asked if this was something that the Town Board would entertain.

Supervisor Hotaling stated that the L.W.R.P. was provided to Laberge as a volume of information and consideration has been given to it being implemented as a component of the Comprehensive Plan but there has to be a commitment on the part of the Town before the Department of State will be involved.

Ms. Lawler continued by stating that her husband had provided her with the name of the Foundation Center for obtaining grant money and one of the questions asks if there is any kind of Waterfront Program in place. She added that she is glad that the L.W.R.P. has resurfaced and she believes that it is something that the Town could get grant money for.

Supervisor Hotaling asked if there were any Town Board comments relative to the public comments.

Councilman Conrad stated that he wanted to make some clarification regarding the Police Department and added that the voters need to understand that if the Village keeps its Police Department, the Town is not obligated to provide police protection absent another Intermunicipal Agreement and the Agreement would come with a dollar sign attached to it and the Town could provide service but

there would be a cost associated with it. He added that there is a misconception and residents need to understand that they will either be going back to the way that it was, with two departments or merge them together and become a unified force but they need to understand that they are going to pay regardless if they want that kind of protection otherwise when there is no Village Officer around there will not be a Town Officer to respond and either the State Police or County Sheriff Department will have to respond to the call. He concluded by saying that keeping a Village Police Department may be a bigger detriment than they know.

Supervisor Hotaling stated that if the Village residents and Village Board choose to maintain its own Police Department, the Town law that he is aware of is relative to funding and he must charge. He added that the opportunity to take that charge away from the Village residents is there in law if the Village Board and Village residents choose to have a Village Police Department to staff and fund with the level that would permit him to take the cost associated with the Coeymans Police Department and make it a Part-Town cost paid for by those residents not living in the Village. He added that a vote of 10-0 occurred in 1997 to move toward the day that the Town would be able to offer the opportunity for the consolidation of the police force and he was pleased to be able to be in a position to make the offer to the Village Board. He concluded by saying that now is the time to seize the opportunity to save a few tax dollars and avoid some duplication of services.

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## **APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were two sets of minutes for Town Board approval, the Town Board Meeting on February 13, 2006 and Public Hearing on February 27, 2006. He then asked for a motion to approve the minutes.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski, approving both sets of minutes as presented.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

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## **DEPARTMENT REPORT REVIEW**

### **Building Department – February 2006**

Supervisor Hotaling asked that Councilman Conrad give a summary of the Building Department Monthly report for February 2006.

Councilman Conrad gave the report.

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, the Building Department Report for February 2006 was accepted as presented.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

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**OLD BUSINESS**  
**Section 8 Family Self Sufficiency Program**

Supervisor Hotaling stated that he was in receipt of an update regarding the Section 8 Self Sufficiency Program and it is revised stats for March 2006. He continued by giving a summary of the report.

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**NEW BUSINESS**

**Water Quality Improvement Grant**

Supervisor Hotaling stated that it has been reported in the paper that the Town of Coeymans is in receipt of \$268,000 in funding for a Water Quality Improvement Project. He added that this is a project that will convert the chlorination system at the Waste Water Treatment Plant to a ultra-violet system, which is more advanced and less harmful to the Hudson River. He continued by saying that the application was made several months ago and compared to others the Town of Coeymans received a very large amount. He concluded by saying that they are looking forward to the implementation of this and Mr. Vopelak from C.T. Male is encouraged and will be working with DEC in order to add this to the Town's improved Waste Water Treatment Plant.

**Resignation of Police Chief Confidential Secretary**

Supervisor Hotaling stated that he was in receipt of a copy of a resignation letter dated March 3, 2006 addressed to the Chief of Police and continued by reading the following.

March 3, 2006

Chief Scott D. Giroux  
Town of Coeymans / Village of Ravena Police Department

15 Mountain Road  
Ravena, NY 12143

Dear Chief Giroux:

In light of the uncertainty of my position as Confidential Secretary, I have accepted other employment. Please accept this as my letter of resignation, effective March 17, 2006.

Sincerely,

Denise A. Ruby

Supervisor Hotaling stated that Ms. Ruby has been the Chief's Confidential Secretary for a number of years and the uncertainty of her position does not have anything to do with the earlier discussion relating to the Village and or Town Police Departments but rather to the point where several months ago the Albany County Civil Service Department indicated that the position of Confidential Secretary is not exempt and is subject to examination. He added that he along with the Chief had worked diligently trying to convince Albany County Civil Service that there were components of the job that would have fallen under the exempt category and they are waiting to hear from the State Civil Service Commission what the determination is. He concluded by saying that he believes that this is the uncertainty that Ms. Ruby was referring to and then asked Chief Giroux if he wanted to add any comments.

Chief Giroux stated that as Supervisor Hotaling has stated it was the catalyst for her to start looking elsewhere for employment and added that she had offered to stay part-time in the interim until they decide what they are going to do. He added that this is something that he would recommend if the Town Board would agree to allow her to stay on until they decide if they are going to replace her.

Supervisor Hotaling stated that there were previous discussions and they had talked about the number of hours and it was decided that 8 hours would be sufficient. He then asked what the Town Board thought about this.

Councilwoman Chmielewski inquired as to if he is going to advertise for the position and if there is a Civil Service List to go from.

Supervisor Hotaling stated that he did not know but if there was it would have to be filled based upon what Albany County's position was, which would be a Secretary I list.

Councilwoman Chmielewski stated that she believes that they should seek the list as soon as possible and try to get the position filled.

Supervisor Hotaling asked how the Town Board felt about Ms. Ruby working the 8 hours until they filled the position.

Councilwoman Rogers and Councilman Boehm stated that they would not have a problem with it.

Councilman Conrad inquired as to if the resignation letter should be modified.

Chief Giroux stated that he is sure that she would modify the letter if necessary and they could table it until the next meeting. He added that her full-time resignation becomes effective March 17, 2006, regardless.

Councilman Conrad stated that it should be modified to state that she is offering her part-time assistance.

Supervisor Hotaling stated that they should make a motion to accept Ms. Ruby's resignation as full-time status and conversion into part-time status for a period of time that will provide some transition opportunity.

## **MOTION**

On motion of Supervisor Hotaling, seconded by Councilman Conrad, accepting the full-time resignation of Denise Ruby but to also accept her offer of part-time service during a period of time for transition while they seek a full-time employee from the Civil Service List.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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## **RESOLUTIONS**

### **RES. # 058-06 APPOINT SEWER PLANT OPERATOR**

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

**WHEREAS**, Resolution #52-06 was presented and passed unanimously at the February 27, 2006 Town Board Meeting appointing James Polverelli as Sewer Treatment Plant Operator Trainee, and

**WHEREAS**, that appointment was passed upon his placement on the Albany County Civil Service List, and

**WHEREAS**, the examination taken consisted of questions related to both Sewer Treatment Plant Operator Trainee and Sewer Treatment Plant Operator, and

**WHEREAS**, Mr. Polverelli possesses a Sewer Treatment Plant Operator Certification from New York State Department of Environmental Conservation, and

**WHEREAS**, Albany County Civil Service has provided such certifications and acknowledges same, and furthermore authorizes the conversion of Mr. Polverelli's appointment to Sewer Treatment Plant Operator.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint James J. Polverelli to the position of Sewer Treatment Plant Operator, effective immediately, at a salary consistent with the Labor Management Agreement.

Supervisor Hotaling stated that this has been confusing but this now puts Mr. Polverelli in a position to receive the pay for the level of certification consistent with the Labor Management Agreement.

**RES. #059-06 APPOINT HIGHWAY EQUIPMENT OPERATOR I**

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

**WHEREAS**, the Superintendent of Highways is desirous of filling a position of Equipment Operator I at the Highway Department, and

**WHEREAS**, the Albany County Civil Service Department has confirmed this job title as a non-competitive position requiring the chosen candidate to meet minimum qualifications, and

**WHEREAS**, the Highway Superintendent has confirmed the candidate meets minimum qualifications.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Michael R. Coons, to the position of Highway Equipment Operator I, effective immediately, at a salary consistent with the Labor Management Agreement in effect and contingent upon a successful pre-employment drug screening report.

**RES. #060-06 AUTHORIZE TOWN CLERK TO ATTEND ANNUAL CONFERENCE AND PRE-PAYMENT FOR REGISTRATION**

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

**WHEREAS**, the New York State Town Clerk's Association 24<sup>th</sup> Annual Conference will be held in Saratoga, NY, and

**WHEREAS**, in lieu of attending the Association of Towns Convention in New York City this year, the Town Clerk desires to attend the Town Clerk's Conference in Saratoga, NY, April 23-April 26, 2006, and

**WHEREAS**, a registration fee in addition to pre-payment for meals, lodging and classes is required,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Clerk may attend the Town Clerk's Convention in Saratoga, NY, April 23-April 26, 2006, and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize pre-payment for the registration, meals, lodging and classes for this conference.

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## **CORRESPONDENCE**

### **Time Warner Cable**

Supervisor Hotaling stated that he was in receipt of correspondence from Time Warner indicating that they are increasing the rate for Basic with Standard service from \$45.35 to \$48.25 and the rate for Basic service will remain unchanged at \$12.00 and customers with package pricing for multiple services are not affected by the change.

Supervisor Hotaling added that Mid-Hudson Cable is also increasing Basic cable from \$46.00 to \$49.95 and will be effective April 1, 2006.

Councilman Conrad stated that the last time that they talked with Time Warner they were going to do a survey and check on areas of the Town near Routes 396, 301 and Blodgett Hill and then asked if Supervisor Hotaling had heard anything.

Supervisor Hotaling stated that he had not heard anything officially but did hear that they had advanced up Blodgett Hill and some not having Time Warner Cable now have it. He added that they have met their commitment in providing more customers but the Town still does not have a Franchise Agreement with them because there were issues over the fee and the language. He continued by saying that the issue is that for taxes they would subtract the franchise fee that was paid to the Town from the total tax bill and pay the difference.

### **New York State Office of Real Property Services**

Supervisor Hotaling stated that the Office of Real Property Services has formalized to him the Residential Assessment Ratio that is going to be used,

which is 73.32%. He added that Assessor VanValkenburg had told him that the Equalization Rate is going to be 75%. He continued by saying that he and Assessor VanValkenburg will be meeting with them in their attempt to explain the apparent disparity between the regions of the Albany-Greene County line as opposed to the north of the Albany-Greene County line because the Town of Coeymans is in the middle of the regions.

### **U.S. Department of Army Corps of Engineers**

Supervisor Hotaling stated that he was in receipt of a letter from the U.S. Department of Army Corps of Engineers dated March 7, 2006. He added that it is a copy of a letter that was sent to Willard Bruce, Commissioner Department of General Services and continued by reading the following:

Dear Mr. Bruce:

On May 3, 2004, the New York District of the U.S. Army Corps of Engineers received a request for a Department of the Army jurisdictional determination for 144 acres of a 361-acre site located west of Albany County, Route 144, in the Town of Coeymans, Albany County, New York. The request, which included a proposed delineation of the waters of the United States on the subject property, was submitted by Clough, Harbour and Associates as consultants for the City of Albany.

Site inspections were conducted by representatives of this office on May 13 and July 1, 2004, during which it was agreed that changes would be made to the delineation and that the modified delineation would be submitted to this office. On February 2, 2006, this office received the final modified delineation.

Based on the material submitted and the observations of the representatives of this office during site visits, this site has been determined to contain jurisdictional waters of the United States based on the presence of wetlands determined by the occurrence of hydrophytic vegetation, hydric soils and wetland hydrology according to criteria established in the 1987 "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1, and the presence of defined stream channels, all of which are part of a tributary system to Coeymans Creek, which flows into the Hudson River.

These jurisdictional waters of the United States are shown on the drawing entitled "Capital Regional Landfill – Town of Coeymans – Wetland Location Plan", prepared by Clough, Harbour & Associates, LLP, dated May 2004, and last revised on July 18, 2005. This drawing indicates that there are a total of 101.5 acres of waters of the United States, including wetlands and 4,030 linear feet of streams on the subject site.

If any questions should arise concerning this matter, please contact Heidi Firstencel, of my staff, at (518) 273-8593.

Sincerely,

George Nieves  
Chief, Western Permits Section

Supervisor Hotaling stated that this is a positive letter in their fight to thwart the effort of the City of Albany to site the landfill in the Town of Coeymans and added that he had sent a Freedom of Information request to the Army Corps of Engineers to request a copy of the approved jurisdictional determination map for the above referenced permit application, which is the permit application that the City of Albany made to that. He concluded by saying that they soon should have an actual map, updated map that they can use to strategize their efforts with respect to their battle against the landfill.

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#### **TOWN BOARD WORKSHOPS/MEETING**

- Town Board Workshop – March 21, 2006, 6:00pm
- Town Board Meeting – March 27, 2006, 7:00pm
- Town Board Meeting – April 10, 2006, 7:00pm

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#### **ADDITIONAL COMMENTS**

Councilman Conrad stated that at their last meeting they had discussed the purchase of new trucks for the Highway Department and he now has a packet, which includes the prices and specifications that he will be turning over to Highway Superintendent Deering and hopefully they will be approving the purchase at the next meeting.

Councilman Conrad stated that while they were at the Association of Towns Annual Meeting he inquired about having the Town Code Book online. He added that the initial set-up and maintenance for the first year would be \$530.00 and each year thereafter it would be \$330.00. He continued by saying that this would make it easier for anyone to access any and all codes that are in place in the Town of Coeymans and he believes that it would be of help to the Town Clerk and her staff in taking care of F.O.I.L. requests and providing copies. He concluded by asking that this be an agenda item for a Workshop for discussion and added that hopefully they can move this along.

Councilman Conrad continued by asking Town Clerk Millious if the Waste Haulers are continuing to renew their permits.

Town Clerk Millious stated that it is not being done and in the past the Recycling Coordinator had handled it.

Councilman Conrad stated that they need to get this going again because there is an application that is required to be filled out. He added that the routes and schedules are part of the permit process, which allows the Town Board to keep track of where they are on certain days and times, which would allow them to address some of the complaints that are being made about early morning pick-ups and litter along the routes. He concluded by asking that this also be an agenda item because they need to review the fee of \$50.00 and the application form.

Supervisor Hotaling stated that they need to look at the application and the law to see whether or not they can make the changes in the application without going back and redoing the law.

Councilman Conrad interjected that the application was subject to Town Board approval but the waste haulers have not filled it out when they pay the \$50.00 fee.

Town Clerk Millious stated that none of this has been done through her office. She added that she was doing it but then it was done through the Recycling Coordinator and payment was made directly to the Supervisor's Office.

Supervisor Hotaling added that the application is in the Town Clerk's Office and payment should be made there as well.

Councilman Conrad stated the main criteria for the application is the liability and worker's compensation insurance that has to be provided.

Supervisor Hotaling asked that Town Clerk Millious look into the process of waste hauler permits along with providing a list of the haulers that she has and asked that she be present for the Workshop. He added that they would also need to have discussion with Town Attorney Rotello to find out whether or not the law needs to be changed.

Supervisor Hotaling stated that there are other areas of the Code Book that need to be discussed and there are areas where code repeals are needed and Town Attorney Rotello needs to sit down with the Town Board to start identifying those areas of the Code Book and then suggested that it all be done at the same time.

Councilman Conrad stated that are several areas of concern and they should devote a Workshop to this.

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

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 8:06pm

***Respectfully Submitted,***

**APPROVED:**

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***Diane L. Millious, Town Clerk***

**A Town Board Workshop Meeting was held Tuesday, March 7, 2006, at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Joseph Rotello, Town Attorney  
Albert Deering, Highway Superintendent

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**AGENDA ITEMS**

- Comprehensive Plan Survey Analysis
- Highway Truck Purchase
- Highway Staffing Requirements
- Fire Districts and Their Assessments to Property Within

Councilman Boehm and Councilwoman Rogers left the meeting at 10pm.

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, the meeting was adjourned.

VOTE – AYES 3 – NAYS 0 – SO MOVED

Time 11:30pm

***Respectfully Submitted,***

**APPROVED:**

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***Diane L. Millious, Town Clerk***

**A Town Board Meeting was held Monday, April 24, 2006, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Lucinda A. Vatalaro, Deputy Clerk  
Joseph Rotello, Town Attorney  
Scott Giroux, Chief of Police  
Albert Deering, Highway Superintendent  
Greg Darlington, First Sergeant  
George Dardani, Judge  
Laura VanValkenburg, Assessor

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**SUPERVISOR'S OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there was a full Town Board in addition to Deputy Clerk Vatalaro, Town Attorney Rotello, Chief of Police Giroux, First Sergeant Darlington, Justice Dardani, Assessor VanValkenberg and Highway Superintendent Deering.

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**OVERVIEW OF AGENDA**

- Public Announcement
  - Grievance Day, May 23, 2006
  - Coeymans Landing
- Public Comment Period
- Approval of Minutes of Meetings
- Supervisor's Report, March 2006
- Department Report Review
  - Building Department Monthly Report, March 2006
  - Town Clerk Report, March 2006
  - Police Report, March 2006
- Old Business
  - Old Ravena Road Property Acquisition

- HUD Family Self-Sufficiency Program
- Coeymans Landing Improvement Project
- Kruger Road Engineering
- Fire District Lines
- New Business
  - Resignation of Police Chief
  - Assessment Information for 2006
  - Street Lighting, Stone House Road
  - Renewal of HUD Family Self-Sufficiency Program Coordinator Funding
  - Marvin & Company Services
- Resolutions
  - Appointment of Seasonal Laborer
  - Assignment of Additional Duties to First Sergeant
  - Appointment of Court Clerk
  - Authorization to Hire Legal Representation
  - Approval of Abstract, April 2006
- Correspondence
  - Marvin and Company, P.C.
  - Department of Environmental Conservation – Correction
- Town Board Workshops/Meetings
  - Town Board Meeting, May 8, 2006, 7:00pm
  - Special Town Board Workshop, May 9, 2006, 6:00pm
  - Town Board Meeting, May 22, 2006, 7:00pm

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## **PUBLIC ANNOUNCEMENT**

### **Grievance Day**

Supervisor Hotaling stated that State Law sets Grievance Day forth and this year it is May 23, 2006, in which the Board of Assessment Review will hear grievances from 3:30-5:30pm and after a short break for dinner it will resume from 6-8pm at Town Hall.

### **Coeymans Landing Park – Concerns Relative to Bird Flu**

Supervisor Hotaling stated that he along with Councilman Boehm had attended a County Meeting and there was a presentation relative to a pandemic and over the last few months there has been concern regarding the Avian Flu. He added that at Coeymans Landing Park residents have been feeding the Canadian Geese. He continued by reading the following announcement to set the stage for some of the concerns that there are within the Town:

“As media and public Health Officials provide more information regarding the spread of the Avian Flu, the Town Board believes it is in the interest of the public to take steps in the attempt to safeguard our citizens. With spring and summer months approaching, the public will be utilizing our parks. The wildlife, seagulls, ducks, geese, pigeons, etc. inhabiting or migrating to the riverfront should be considered as potential candidates to contract and/or spread this disease. A favorite pastime for many park-goers is to feed the birds along the riverfront. Of concern are the droppings that these flocks of wildlife leave on the walkway and paths of the park. Whatever contact is made by shoes, the public risks taking into their cars and ultimately to their homes. There is also the possibility of the droppings going through a dry environment and becoming airborne and being ingested through airways. Therefore, as a precautionary measure, the Town Board will authorize the posting of signs asking the public not to feed the birds at the riverfront, which will discourage flocks of birds from gathering in the area in search of free handouts as well as serve to safeguard the spread of any forthcoming flu disease. Your cooperation in this endeavor will be sincerely appreciated.”

He continued by saying that he will be asking the Utility Labor Force to contact Highway Superintendent Deering to discuss a source for signs, which will be posted at the park. He concluded by saying that he wanted to make the public aware and heighten their awareness of issues such as this that may seem innocent right now but if they get further down the road, the droppings from the birds could be dangerous to the health and welfare of the community.

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## **PUBLIC COMMENT**

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

## **SUPERVISOR’S REPORT – March 2006**

FUND	BAL FORWARD	RECEIPTS	DISBURSEMENTS	BALANCE
GENERAL	\$2,225,791.43	\$ 55,606.88	\$(271,497.00)	\$2,009,901.31
PART TOWN	\$ 118,507.73	\$ 8,670.95	\$( 23,458.74)	\$ 95,916.94
SPECIAL WATER	\$ 57,547.14	\$ 12,472.74	-0-	\$ 70,019.88
TRUST & AGENCY	\$ 561.91	-0-	\$( 561.91)	-0-
HIGHWAY	\$ 159,178.16	\$ 71.81	\$( 48,203.12)	\$ 111,046.85
BRIDGE CONST.	\$152,934.76	\$ 35.90	-0-	-0-
SEWER	\$235,428.81	\$ 21,763.68	\$( 13,706.05)	\$243,486.44
SEWER PROJECT	\$191,734.28	\$226,521.82	-0-	\$418,256.10
			<b>Tot. Rec. Bal.</b>	<b>\$3,101,598.18</b>

**CD-CITIZENS BANK**

90 DAYS

A FUND

\$200,000.00

90 DAYS A FUND

\$107,346.00

**SAVINGS ACCOUNTS**

**SECTION 8 -HUD**

UNEMPLOYMENT	\$ 3,108.02	OCCUPIED UNITS	62
GROVE CENETARTY	\$56,596.81	HUD PAYMENTS	\$22,226.00
SEWER-DEDICATED	<u>\$ 6,117.05</u>	ADMIN.FEE	\$ 200.25
		TOTAL HUD PMT	
\$24,305.25		TENANT RENT	\$15,204.00
TOTAL	\$65,821.88	CONTRACT RENT	\$37,430.00

**COLLATERAL  
COVERAGE**

**FDIC COVERAGE**

**COLLATERALIZED**

NATIONAL BANK OF  
COXSACKIE  
\$2,776,413.01  
CITIZEN'S BANK  
FIRST NIAGARA

\$100,000.00

\$100,000.00

\$100,000.00

\$ 427,562.13

\$ 850,260.96

Supervisor Hotaling asked for a motion to approve the March 2006 Supervisor's Report

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**DEPARTMENT REPORT REVIEW**

**Building Department Report – March 2006**

Supervisor Hotaling asked that Councilman Conrad give the Building Department Monthly Report.

Councilman Conrad continued by giving the report.  
Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, the Building Department Monthly Report was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**Police Department Monthly Report – March 2006**

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

Chief of Police Giroux stated that this would be the last Town/Village Joint Report and continued by giving the report.

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Police Department Monthly Report was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**Town Clerk Monthly Report – March 2006**

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

Deputy Clerk continued by giving the Town Clerk's Monthly Report.

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the Town Clerk's Monthly Report was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**OLD BUSINESS**

**Old Ravena Road Property Acquisition**

Supervisor Hotaling stated that the Town has been engaged in acquiring some property so that the North Bridge on Old Ravena Road could be reconstructed and there were a couple of snags that the Town ran into in terms of acquisition of property. He added that the Town had engaged an Eminent Domain Procedure against a property owner and it has now been effected and in turn he is in receipt of notification by the attorney representing the project that a Notice of Deposit has been provided to the court. He continued by saying that \$200,000.00 has been deposited into an Escrow Account for the upcoming Domain Procedure review by the court and this amount exceeds the requirement for such a deposit in this procedure.

**HUD Preference for Elderly and/or Handicapped**

Supervisor Hotaling stated that in July of last year the Town Board created a preference for elderly and/or handicapped in the Town's HUD Program and there was a list of participants. He added that Mr. Mastrianni, the Administrator of the Plan for the Town, has advised in a letter dated April 17<sup>th</sup>, that the preference waiting list has been exhausted and they intend to start offering assistance to families that do not meet the preference category. He continued by saying that an individual or family that meets the preference of being elderly and/or handicapped will be placed on the list and will be offered assistance before any other assistance is offered to the continued list of applicants that are in waiting. He concluded by asking if the plan meets the Town Boards approval.

Councilwoman Chmielewski inquired as to how many openings there are.

Supervisor Hotaling stated that it was not indicated and added that according to the report there are 81 slots and 62 have been filled so he believes there are several openings.

Councilman Conrad interjected that he believed that it was the Town Board's intention to diminish the program.

Supervisor Hotaling stated that the major intention was to make the program available to those that met the criteria of being elderly and/or handicapped and a natural extension of that was a diminishment in the program. He added that the question now is do they want to stay at that low level or raise it again by using the regular applicant's list.

Councilman Conrad interjected that he was against raising it.

Councilman Boehm stated that there were issues with code violations at Oak Brook Manor.

Supervisor Hotaling stated that Oak Brook Manor is a major component of the HUD Program but not the only one and it is a program wide approach not specific to Oakbrook and added that there continues to be problems with code violations.

Councilman Conrad interjected that it has been brought to the Town Board's attention that surrounding communities have nowhere near the same percentage of participation as the Town of Coeymans has and added that he is willing to take any of the elderly and/or handicapped to whatever extent that they can but to go above and beyond that and not have other towns step up to the plate and do their fair share is unreasonable. He reiterated that he is against the program.

Councilwoman Chmielewski asked if the vacant slots could be held for the elderly and/or handicapped and added that she agrees with Councilman Conrad in that this was their intent.

Councilwoman Rogers interjected that she didn't want to turn down any family that needs help with the program because they want to cut the list.

Supervisor Hotaling inquired as to if Councilwoman Roger's position was that if they are not either elderly and/or handicapped and in need, they could get assistance.

Councilwoman Rogers stated that she agrees with the elderly and/or handicapped but because another town won't step up to the plate she can't see the Town of Coeymans denying help.

Councilman Boehm inquired as to the people coming from another town.

Councilwoman Chmielewski added that Mr. Mastrianni did say that they could come in from other towns.

Councilman Conrad stated that they transfer in and it is called porting in and added that these are minimal. He continued by saying that he does not want to increase the program.

Supervisor Hotaling added that it would be a legal question as to whether or not they can hold it to 62 openings and not go to any other list of applicants other than elderly and/or handicapped. He added that in July 2005 they made it a preference and not exclusionary.

Councilman Conrad stated that he understands that but there are other ramifications than when it was originally taken on in the 60's and 70's, he added that it was primarily for the people of the Town of Coeymans and not to take in residents from other towns.

Town Attorney Rotello interjected that a follow-up question would be if they could add a residential preference in addition to the elderly and/or handicapped and added that he does not know if they can limit it to 62.

Supervisor Hotaling suggested that they invite Mr. Mastrianni to participate in a Workshop and tell him to bring the appropriate references to the HUD guidelines in order to answer and respond to the issues that the Town Board has.

Collectively it was agreed that they should do this.

Supervisor Hotaling asked that this be done in the form of a motion.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, authorizing Supervisor Hotaling to contact Mr. Mastrianni and ask that he come and discuss with the Town Board, at the next Workshop, the HUD Program as it relates to the elderly and/or handicapped preference as opposed to excluding other applicants in addition to asking if they can make a residency requirement preference.

VOTE – AYES 5 – NAYS 0 – SO MOVED

## **Coeymans Landing Improvement Project**

Supervisor Hotaling stated that at the last Town Board Meeting it was discussed that Laberge Group had contacted them regarding the Town's interest in applying for an Environmental Protection Fund Parks Grant Program. He added that there was a \$3,000.00 fee proposed by LaFarge to make application for the Town in the hope of getting a maximum grant award in the amount of \$350,000. He continued by saying that the Town Board had questioned what the Town's obligation would be if they were to get the grant and he is now in receipt of a summary letter from LaBerge that outlines three programs that are available. He added that the \$350,000 Grant requires a 50% match, the second is a maximum award of \$100,000 and is a 25% match and administration is not a reimbursable cost, and the third is for an undetermined amount but is a 50% match. He concluded by asking the Town Board if they wished to seek any of the grant applications given their current plate full of programs that they are dealing with now.

Councilwoman Rogers stated that she thinks not and suggested that they wait until a later date to do this.

Councilman Conrad interjected that they are all for the riverfront and his thought is that there is Joralemon Park, which is not on the water, needs some time and attention. He added that he agrees with Councilwoman Rogers in that they will have to forgo it for this year.

Councilman Boehm added that one of the grants states “projects which increases the amount of parkland without acquisition” and inquired as to if it has to be along the Hudson River corridor.

Councilman Conrad stated that the Local Waterfront Revitalization Project definitely is.

Supervisor Hotaling stated that money has to be reserved in order to take advantage of grant applications and added that they have too many things going at this juncture.

Councilman Conrad interjected that he had attended the Mohawk-Hudson Conservancy Meeting last week and it appears that a grant was just made available up to \$25,000 for items dealing with Comprehensive Planning with regard to Agricultural Districts and added that maybe this is something that they could take advantage of.

Supervisor Hotaling stated that the Town Board is in agreement that they will have to forgo the proposed Grant Applications as outlined by Labarge.

### **Kruger Road Engineering**

Supervisor Hotaling stated that in April, Highway Superintendent Deering had sent to the Town Board a proposal from Boswell Engineering and the price is \$4,750 for a topographic survey, hydraulic analysis, and help in identifying and selecting the culverts that will be used and preparation of plans for the placement of the culverts. He then asked Highway Superintendent Deering if once they have a plan, he and the Highway crew could do the work in-house.

Highway Superintendent Deering stated that it is work that can be done by him and his department.

Councilman Conrad stated that DEC classifies that it is a Class C stream in a D-49 wetland and wanted to clarify that DEC is only asking for a short form assessment.

Highway Superintendent Deering verified that they only need a short form and added that they do not need a permit unless they get down in the wetlands.

Councilman Conrad stated that he is impressed that DEC only wants a short form and added that the Albany County Planning Board looks for a long form for

anything close to wetlands. He continued by asking who was going to handle the application process.

Highway Superintendent Deering stated that he would be handling it.

Supervisor Hotaling asked if there were any other comments.

Town Attorney Rotello stated that he would agree with Councilman Conrad in thinking that initially there would be a bit more that they want, but DEC is identifying the area to be limited to the culvert under the road and this might be the reason. He added that they should be cautious and limit Highway Superintendent Deering to the area that is identified in only needing the short form.

Supervisor Hotaling interjected that Highway Superintendent Deering is aware of this and will not be encroaching anywhere else.

Town Attorney Rotello asked if the location for the work had been identified and sent back to DEC.

Highway Superintendent Deering stated that he has not done anything yet.

Town Attorney Rotello stated that once it is identified it should be confirmed with DEC that they only want the short form.

Supervisor Hotaling asked that they entertain a motion to authorize the Highway Superintendent to engage with Boswell for the \$4,750 fee for engineering services on Kruger Road.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, authorizing Highway Superintendent Deering to engage with Boswell Engineering for engineering services on Kruger Road.

Supervisor Hotaling advised Highway Superintendent Deering that he now has authorization to engage with Boswell Engineering.

## **Fire District Lines**

Supervisor Hotaling stated that several months ago Councilman Conrad had talked about an informational meeting to convene with respect to Fire District lines and it took place in February of this year.

Councilman Conrad interjected that they had hoped that it could be accomplished by March 1<sup>st</sup>.

Supervisor Hotaling reiterated that there was an informational meeting and there was some discussions between and among some Fire Districts, particularly Coeymans Hollow Fire District and Coeymans Fire District with Coeymans Fire District taking responsibility for the former Coeymans Creek Fire District, which was dissolved in the mid nineties and absorbed in the Coeymans Fire District. He added that this is why Coeymans Hollow and Coeymans are talking about the district line between the two entities. He continued by saying that he is in receipt of a letter dated March 23, 2006, addressed to the Town Board from Mr. James Pietropaoli, Chairman of the Coeymans Hollow Fire District Board of Commissioners, asking that the Town Board involve itself in the identification of the line and take a look at what is being described as disparities and unfair tax burdens of the property owners within Coeymans Hollow Fire District. He added that he wanted to bring everyone up to date as to what has happened since the informational meeting and added that as Councilman Conrad had stated earlier, they were attempting to get this done before the March 1<sup>st</sup> deadline but they were unsuccessful in getting the two Fire Districts together to take a look at the lines as they currently exist and in their effort to move it along he contacted Mr. John Lynch, Director of Albany County Real Property Services and also Mr. John Davis who works with Cipperly & Assoc. who formerly worked with Smith & Mahoney, who was doing the mapping for the county that occurred in the late 70's early 80's. He added that he had sent Mr. Lynch the 1971 descriptions of both the Coeymans Creek Fire and Coeymans Hollow Fire Districts that were created by resolution of the Town Board in 1971 after Public Hearings with respect to the two districts and he along with members of the Board were of the opinion that those descriptions of the Fire Districts was the basis for information that created the Fire District line by then Smith & Mahoney, now Cipperly Associates, for the County of Albany for their tax mapping. He went on to say that when they brought Mr. Lynch and Mr. Davis to the Town offices about four weeks ago, they came armed with maps, which he know has two additional copies, and the maps that they showed him had a Fire District line that didn't seem to parallel those that were in the descriptive reading of the 1971 descriptions of Fire District lines in addition to not paralleling those that Councilman Conrad was using to base his plotting of the lines on a map based upon that description and they found that the lines for both Coeymans Creeks and Coeymans were created by using the 1977 Assessment Role because upon request of the County to submit to the county information about Fire Districts during the development of the maps occurring in the late 70's early 80's, the Town of Coeymans did not submit to the County information relative to those 1971 descriptions of Fire District Lines. He added that consequently the Fire District lines were made by using the 1977 Assessment Role and in 1980 the maps were done and this is what the Fire District lines are and it has been that way since 1980. He continued by saying that there is a description and Public

Hearing and a resolution passed by the Town Board in 1971 and the maps that they currently have are not based on that but rather 1977 Assessment Roles that currently create the Fire District lines as far as Albany County goes and it is now his intention, with Town Board approval, to contact both the Coeymans Fire District and Coeymans Hollow Fire District Commissioners and provide them each with a copy of the map and ask that they begin to engage with each other to ascertain if the line that is established as Fire Districts, in terms of the official Fire District line, which is the map, is appropriate or if it should be changed. He added that it has to be determined what the change should be and if it should be changed back to the 1971 description or to something in between, or should it be left alone. He continued by saying that he was going to give some reasonable time for discussion to take place and request that each District bring back to the Town Board their conclusions as to what, if anything, the Town Board needs to do to effect change and if it is going back to 1971 nothing has to be done but if a change is going to be made, as a Town Board they have the duty of holding Public Hearings and establish the Fire District lines by resolution and in turn file them with the appropriate State agencies. He concluded by saying that the decision will be based on firematic decisions, public safety issue decisions and they will be made by those who engage in that public safety exercise day in and day out and added that with the Town Board's permission he will be contacting each Fire District and sending them a copy of the map and ask that they take time to review and reflect and engage in a dialog with each other and get back to the Town Board.

Supervisor Hotaling asked if there were any other comments.

Councilman Conrad stated that there are some other problems due to other changes that have taken place since 1977 that have gone back and forth between the two companies. He added that throughout the past few years they have become very familiar with districts and the way that they work and bonds have been established based upon the existence of the districts and they will probably need some guidance as to how that affects the districts as well.

Town Attorney Rotello stated that he had provided Supervisor Hotaling with a copy of sections of law that addresses that issue and the County is also aware that this will be an issue.

Supervisor Hotaling stated that there is a statute that exists that seemingly controls this.

Councilwoman Chmielewski inquired as to if they have the information.

Town Attorney stated that he had provided this to Supervisor Hotaling.

Councilman Conrad stated that there are a lot of open issues.

Councilwoman Chmielewski interjected that in 1971 it was done with Town Board approval and filed in the Comptroller's Office and she believes that they are overlooking this.

Councilman Conrad stated that he is not overlooking it and he tried to redraw the lines.

Supervisor Hotaling stated that it might have been overlooked but not by the current Town Board and he faxed the 1971 description to Mr. Lynch and this Town Board has tried to get him to come down and with his GIS capabilities, plot the lines.

Councilwoman Chmielewski interjected that she believes that a lot of the problem is the County, because when the County asked if there were any District lines drawn and they were not sent them; they should have known to go to the Comptroller's Office because this is where they would have been filed. She then inquired as to why some of the properties were changed in 1999 and added that for 20 years Coeymans Hollow was getting all of the revenue but in 1999 it was changed on the Tax Roll and there is nothing in the Assessor's files saying why there was a change.

Supervisor Hotaling stated that the particular property that Ms. Chmielewski is referring to is listed as Coeymans Creek.

Councilwoman Chmielewski interjected that there were several properties that were changed.

Supervisor Hotaling added that something happened between 1977 and 1998 and they are trying to sort through the data as best they can.

Councilman Conrad stated that ultimately it is up to the two Fire Companies to sit down and draw a line and hopefully it is by parcel rather than straight-line configuration, which cuts through properties and makes it even harder for the Assessor to try and determine values. He added that it appears that the Town Board will once again have to convene another Public Hearing and in fact modify, or ask the Comptroller to modify those boundaries when agreed upon by the Fire Companies.

Councilwoman Rogers inquired as to if it would also include Westerlo.

Councilman Conrad stated that Westerlo is apparently being paid taxes for properties, which lie within the Town of Coeymans and added that it would be another topic of issue because they are clearly noted in Coeymans Hollow District now but they are not getting the money.

Town Attorney Rotello interjected that as long as those parcels that pay Town taxes to Westerlo, lie within our Town borders in the Coeymans Hollow Fire District within the Town of Coeymans boundary, there would be no further involvement with the Town of Westerlo on Fire District boundary issues.

Supervisor Hotaling stated that it is an issue as well but it does not relate to the line that they are trying to describe because it is actually the other end.

Councilman Conrad interjected that there is no doubt about it being Coeymans Hollow Fire District and reiterated that it is another issue and added that it is a matter of getting the Fire Districts to sit down and come to some kind of agreement.

Town Attorney Rotello stated that he wanted to suggest that the Supervisor include a letter back with the map and the section of law that pertains to this and added that this is an underlying issue that both districts need to be aware of as well as the Town Board and property owners.

Councilman Boehm suggested that they come up with some kind of a timeline because since January nothing has progressed and added that this could be prolonged and go on indefinitely.

Supervisor Hotaling stated that he agrees and would like to see it done but he's not sure that they have any kind of authority to create a timeline and all the Town Board can do is provide information to them. He added that they are not there to impose one line or the other but rather the line that they know it, which has been for 25 years.

Councilman Boehm interjected that everyone would agree that it is somewhat dysfunctional because if anyone had a slight advantage, they would have the opportunities to stone wall it and not go on with it and this would not happen if there was a timeline.

Councilman Conrad added that they have until March 1<sup>st</sup> of next year.

Supervisor Hotaling inquired as to if he has the Town Board's authority to convey this to the two Fire Districts.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, authorizing the Supervisor to proceed with any and all notices to the Fire Districts to move this issue along as rapidly as possible.

Councilman Boehm asked that the deadline of March 1, 2007 be added so that there is a timeline and plenty of time to resolve the issue.

Town Attorney Rotello stated that the March 1<sup>st</sup> date is the date that everything should be completed, including ultimately Town Board action, which means that the Fire District's timeline should be before this date.

Councilman Boehm suggested that January 1<sup>st</sup> be the date that the Fire District's recommendations have to be submitted to the Town Board.

Councilman Conrad interjected that the sooner the better and added that it is not that complicated a situation. He continued by saying that there is one major parcel with an assessed valuation of over 1 million dollars, which is going to be a stumbling block and added that the Fire Companies have to sit down and figure it out and resolve it so that they can let the Town Board know of their decision so that the Town can move along with the Comptroller's approval to legally amend the line.

Councilwoman Chmielewski inquired as to what happens with the lines that were sent to the Comptroller because the Comptroller has all of the lines the way they were suppose to be in 1971.

Councilman Conrad stated that he has provided them with that information and added that he is saying that there may be a simpler and more agreeable method.

Supervisor Hotaling stated that the answer to Councilwoman Chmielewski's question as far as what happens to it is if the Fire Companies agree that it should be the line they already have the description, there has already been a Public Hearing and all they have to do is reaffirm to those who do the maps that these are the lines.

Councilwoman Chmielewski stated that she believes that because all of the resolutions and Public Hearings were done in 1971, the maps should be drawn from those lines.

Councilman Conrad interjected that even the legal description could be disputed.

Councilwoman Chmielewski stated that at least you would have something to work from because it was done by the Town Board, where it was suppose to be done.

Supervisor Hotaling interjected that this was his premise with contacting Mr. Lynch and giving him the information and asking that he come and help the Town Board plot the lines.

Councilwoman Chmielewski stated that the County didn't help them do very much and it was something that they should have checked with the Comptroller's Office, which they didn't do, and then drew their own lines.

Supervisor Hotaling interjected that they drew their own lines and imposed them upon the Town.

Councilman Conrad suggested that they follow-up on this in a month.

Supervisor Hotaling stated that there was a motion and asked if there was a second (motion & second above), he then asked for the vote.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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## **NEW BUSINESS**

### **Resignation of Chief of Police**

Supervisor Hotaling stated that he received a letter earlier in the day from Chief Scott Giroux that tenders his resignation as Chief of Police for the Town of Coeymans. He continued by reading the following excerpt from the letter.

“It is with mixed emotion that I must submit my resignation as Chief of Police for the Town of Coeymans, effective May 14, 2006. I will be accepting a position with the Federal Government. Serving as Chief of Police for the past nine years has been a rewarding experience. I am proud of the accomplishments and advancements we have been able to achieve. I would like to thank all of the people who have supported me and the Police Department over the years, especially the employees of the Police Department, without whom I would not have been able to be successful.”

Supervisor Hotaling stated that this has probably been out on the street in terms of the rumor mill for quite some time and this is bittersweet for the Town of Coeymans. He added that the Town of Coeymans was the benefactor of Chief Giroux's efforts, not only in the Town of Coeymans' Police Department but also in the Village of Ravena Police Department. He continued by saying that he has always been the glue that binds everything together in good times and bad and has toughed it out and provided guidance to whomever sat in the Supervisor's seat in addition to providing him guidance over the years as he sat on the Town Board as a Councilman and one of the things that he consistently has said is that he has a mandate to provide public safety to the community and he needed the funds to do that, and didn't care if the funds came from the Town of Village as long as he could do his job and added that he will miss Chief Giroux personally and the Town will miss him professionally. He added that they are undergoing a lot of change in the Town of Coeymans Police Department and the Village of Ravena has consolidated their department into the Towns and the Town Board has put together a budget that requires a mandate to be met and they are pleased and fortunate to have within the Town's staff, a member of the Police

Department and a Town employee for 18 years, who in the absence of Chief Giroux has been asked to step up to the plate and provide a continuous commitment challenge of meeting the Town's mandate in the Police Department. He continued by saying that Greg Darlington, is committed to the community as a Police Officer and has demonstrated that level of commitment in many ways to him personally and to the public in general and Chief Giroux was pleased to promote Sgt. Darlington to 1<sup>st</sup> Sgt. Darlington last Friday and added that 1<sup>st</sup> Sgt. Darlington was in the audience and with the authority of the Town Board in a resolution to follow they will be making it official and effective immediately. He added that the Town Board will meet and discuss the manner in which a search for a new Chief of Police will be forthcoming but in the meantime he is confident and he would like for the public to achieve a level of confidence and this is why they are placing Greg Darlington in the operational charge of the Police Department, in which he will be receiving an additional annual stipend for his effort for the duration of the transition in the amount of \$7,500 on an annual basis. He continued by saying that he is saddened to see the departure of Chief Giroux but his spirits are void by the fact that they have someone stepping up immediately and taking control of the Police Department that he is fully aware of and added that he has the respect of all of the people who will be under his command for the period of this transition and then thanked him for his years of service and welcomed him to his new role as First Sgt. Darlington.

Supervisor Hotaling invited Chief Giroux to comment.

Chief Giroux thanked Supervisor Hotaling for his kind words and thanked everyone for calling him when the news started circulating. He continued by saying that he wanted to wish the Town Board, First Sgt. Darlington and the Police Department good luck in the public safety challenges that lie ahead and added that he believes that things will be fine under the supervision of the First Sgt. Darlington

Supervisor Hotaling continued by asking for a motion to accept the resignation of Chief Giroux, effective May 14, 2006.

#### **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, accepting the resignation of Chief Giroux, effective May 14, 2006.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling asked if there were any further comments from Town Board members.

Councilman Conrad stated that he wanted to congratulate the Chief on his new achievements and wished him the best of luck and hopes that it is everything that he perceives it to be. He added that he wanted him to know that the Town Board

is grateful for what he has provided them and he personally has learned a lot from him over the past few years.

Councilwoman Rogers wished Chief Giroux good luck.

Councilman Boehm stated that he is new to the Town Board but as a resident of the Town prior to that he knows that Chief Giroux has brought a level of professionalism to the Town's Police Force and will be sorely missed.

Councilwoman Chmielewski stated that she wanted to thank Chief Giroux as well and added that she remembers when Chief Giroux first started compared to where he is now and added that Chief Giroux has provided the Town with a professional Police Department.

### **Assessment Information for 2006**

Supervisor Hotaling invited Assessor VanValkenberg to summarize the assessment information that she has for 2006 and added that some of it is actually still for 2005.

Assessor VanValkenberg stated that she wanted to go back to the earlier discussion regarding the Fire District lines. She added that back in the early 70's, when the line was developed there were no tax maps and the straight-line method was the only way that they could devise a line. She continued by saying that in light of tax maps, parcel boundary lines are what are normally used and this is the way she prefers because it is cleaner and avoids apportionment. She added that the Town Board should keep in mind that in the process, if they go apportionment, the Albany County Tax Mapping Department, will have to establish apportionments because they have the mathematical calculations and equipment to do it and if they are going to prolong this to the March date, this is Tax Mapping's busiest time of year and they are not going to have the time to do this in addition to coming into a 2007 revaluation project and there is going to be an extreme amount of activity in her office and then asked that they stress this to the Fire Companies.

Supervisor Hotaling stated that they would encourage them to move as quickly as possible.

Assessor VanValkenberg continued by saying that the hours of her office has changed over the past few months due to the fact that her Clerk has been out on maternity leave and added that her hours to the public remain the same, Monday nights from 5-8pm and Saturday morning from 9-12am but is actually in the office much more than those hours in order to get the work done. She continued by saying that her Clerk did return to work and is currently in the office Monday – Thursday in the mornings, which will be through the end of June and beginning July 1<sup>st</sup> she will be going back to what she was originally hired for, which is

Tuesday, Wednesday and Thursday from 8:30am – 1:30pm and added that as Assessor she is always available by appointment and can work around schedules if the need should arise. She went on to say that the 2006 Tentative Residential Assessment Ratio is set at 73.32%, which may change and it is strictly a ratio developed from sales of residential properties as compared to assessments and the Town's level of assessment, which she has to stipulate to for the Tentative Assessment Roll will be 75%, which will most likely become the equalization rate for 2006. She added that she is currently awaiting the arrival of the Tentative Assessment Roll, which should be here within the next few days and along with that will come the Change of Assessment Notices that will be going out to property owners if their assessment is changing and it will be basically only those with construction. She continued by saying that she was going to give an update on the Revaluation Project and added that the residential verification and photos process has been completed and they are currently having the commercial verified as well as photos, which are a bit more time consuming because they are more complex. She added that they have put out a Request for Proposal to contactors that will be assisting them in doing the Revaluation Project and eight of them went out of which there has been three responses saying that they are not interested at this time in addition to getting two letters of interest from two companies that she expects will be submitting a proposal and three she has not heard from. She went on to say that the proposals have to be received by May 1<sup>st</sup> and selection of a contractor will take place on or before May 22<sup>nd</sup> and once they are on board they will proceed with the project and Public Informational Meetings will be scheduled because it is important that the public is aware and understands the process because revaluations are not intended to negatively impact tax payers and its main purpose is to establish equity within the Assessment Roll, which was desperately needed in the Town of Coeymans. She continued by saying that in the process of doing a revaluation, you try to make like properties be valued similarly and since the 2000 revaluation the market has changed significantly and assessments are suppose to reflect market value, and added that if budget, be it County, Town, Village, School District, remain relatively stable and the overall assessed value in a town goes up, this would mean that taxpayers will pay less in taxes because you raised the assessed value and people should not think that if their assessment goes up their taxes will automatically go up. She concluded by saying that it is important for the public to understand this and it is important that she helps them understand it.

Supervisor Hotaling interjected that they will continue to inform the public as they go through the process, not only in informational sharing way but also an educational way because they are difficult things to grasp. He added that the public should be fully aware of what a Revaluation Project's intent is and what the results are intended to be and clearly by the 73.32% RAR it demonstrates a need given the fact that the RAR and equalization rate is dropping rapidly and a major impact would be that the surrounding towns that make up the tax base for the Ravena-Coeymans-School District are currently doing a revaluation, which

are putting them close to 100% valuation, if the Town of Coeymans stays at 75% taxpayers will be negatively impacted by absorbing more of the share. He concluded by saying that the Town will be conveying to the public why it is so and why they have to move forward with the revaluation.

Assessor VanValkenberg added that it is very important for taxpayers to be involved and one of the first things that they will see are data mailers, which is going to tell them what her office has found to be their physical features on their property. She continued by saying that they try to do a data collection as accurately as possible and this is why they need the taxpayers information and feedback because it is important to let her know that there is an error because it is the basis on which everything else comes and if it is not right the overall value is going to be skewed.

Supervisor Hotaling thanked Assessor VanValkenberg for bringing them up to date in terms of the numbers and added that as they progress into the Revaluation Progress, she will be back to provide further updates.

Town Attorney Rotello interjected that taxpayers should take a close look at the inventory/data sheet, especially if it relates to acreage because it is not uncommon for tax maps to have a different amount of acres than what people think that they own.

Supervisor Hotaling thanked Assessor VanValkenberg and Town Attorney Rotello.

### **Street Lighting – Stone House Road**

Supervisor Hotaling stated that the Town Board is in receipt of a petition dated April 17, 2006 from five homeowners on Stone House Hill Road in the Town of Coeymans, requesting that a streetlight be put on a pole. He added that the petition states that there are no streetlights on the road and it is dangerous driving particularly during inclement weather in addition to senior citizens who reside on the road. He concluded by saying that it is on the agenda for discussion and then asked the Town Board as to what the next step might be if any.

Councilman Conrad stated that street lighting has been another project that has been let go over the years in addition to being handled in various different manners. He added that he hopes that the residents understand that the people that are affected by it shall pay for it because it would not be fair to those who live on the outskirts of Town, who get no use of it, to pay for it. He continued by saying that a Lighting District would have to be formed properly and therefore the five people would accept the placement of the light for whatever it costs over the years. He concluded by saying that those signing the petition have to made

aware of this and then verify that they understand it and are still prepared to make the offer for the request to have a streetlight put there.

Supervisor Hotaling stated that the installation, maintenance and the cost of the electricity to run it would be borne by the people in the district.

Councilman Conrad stated that it would be anyone affected by it and he's not sure that all five would be affected even though they signed for it.

Councilwoman Chmielewski inquired as to the number of Lighting Districts and added that quite a few years ago there were three, Ravena, Coeymans and Town, but then she believed that the Town Board abolished the Districts and everyone had to pay for them.

Town Attorney Rotello interjected that he didn't believe that there actually was a motion and he believes it was a budgetary modification, which was in 2000 or 2001 and he believes that the maps that were created as far back as 1900 were never found and there was question as to if they ever existed and filed and there were no definite boundaries. He concluded by saying that he believes that there was a budgetary modification to the extent that there was a resolution that adopted the budget that funded everything into one district.

Councilman Conrad interjected that a study was done to determine the inventory and the costs associated with it.

Town Attorney Rotello stated that he would not use the word study but rather inventory and an inventory was done of the lights as far as where they were and who was paying for them and added that there were lights that were placed not within the confines of a known district yet were being paid for by just the people in that district. He added that for example there is a street light on 143 somewhere that is being paid for by the Coeymans Lighting District that consisted of the Hamlet and reiterated that this is just an example and not a specific incident. He continued by saying that the inventory led to the conclusion that there were lights that people were benefiting from that weren't paying for them and in turn made the budgetary modification for one town-wide charge. He concluded by saying that this is one of the things that can be looked in to in the development of the Comprehensive Plan as well as any Special District and if they were not defined properly they could be redefined and could include for example the creation of a Sidewalk District or any other District that is authorized.

Councilman Conrad stated that in accordance to Town Law, which they are bound by, at this point in time it has been discussed on numerous occasions and they have discovered there are two different power companies supplying electric to the streetlights and this is ultimately how it became evident that there is a problem. He added that some of the existing lights are not being used for the purposes that they were installed, for example a school bus turnaround, or on private property, and unfortunately the Town has to continue paying for them until

15 years is up or pay to have them removed and he's not sure which one would be more cost effective.

Supervisor Hotaling stated that the most recent one they have found it would be more cost effective to continue to pay for it and then after 15 years it could be removed for no charge.

Councilman Conrad stated that the problem with that district is three of the lights are on Rte. 9W and the fourth is on Blodgett Hill and the cost of the four lights are being paid out of the General Fund in addition to the fact that it was not established properly. He added that the three lights on Rte. 9W are located near LaFarge and are three in a row and the other is on Blodgett Hill Road about 100 yards off the road, which serves no one.

Supervisor Hotaling interjected that the original purpose of the Blodgett Hill Road light was for a school bus turnaround.

Councilman Conrad interjected that it's only purpose now seems to be to light up the woods and added that his problem with it is that whatever process was followed in the past due to whatever reason does not necessarily make them true and accurate and he would ask that the Town Board that they consider doing things in the way which they have been instructed and have learned over the years that it is the proper method to do them and they should bring the five residents, who signed the petition, up to speed as far as what the ramifications would be as far as the Town Board understands and to determine who would want to be in the District and in turn pay for all of it. He concluded by saying that with the cost of doing business with electric companies today they need to monitor it because they pay a lot of money for Lighting Districts.

Supervisor Hotaling stated that he will be contacting the residents and bringing them up to date as to the requirements for creating a District and the costs associated with it and who will pay for it and then see if they still want the Town Board to move forward with the street light request.

### **Renewal of HUD Family Self-Sufficiency Program Coordinator Funding**

Supervisor Hotaling stated that periodically, usually on a monthly basis he reports as to the progress of the Family Self-Sufficiency Program and on April 21, 2006 a letter was sent to him from Joseph Mastrianni, HUD Administrator, indicating that he is in receipt of an application to be submitted to HUD for funding to support the continuation of the Housing Choice Voucher Self-Sufficiency Program Coordinator for the Town of Coeymans and funding in the amount of \$25,011.00 is being requested from the Town of Coeymans to cover salary and overhead of a part-time coordinator that will manage the Town of Coeymans Family Self Sufficiency Program. He continued by reading the following excerpt from the letter:

“As you know, the Family Self-Sufficiency Program works primarily with single mothers receiving rental assistance to move them from dependence on public subsidies to financial independence, and in some cases, to homeownership. We believe this program is effective and should be part of the Town of Coeymans Housing Choice Voucher Program. Unless I hear otherwise, I will file the application during the first week of May. Applications are filed electronically, and must be submitted not later than May 16, 2006.”

Supervisor Hotaling added that it is actually an extension of the conversation that they had earlier about HUD and what they perceived the program to be and what they think it is not and this is their opportunity to suggest to Mr. Mastrianni, if the Town Board so moves, to eliminate the Family Self-Sufficiency Program from the HUD Program. He added that as the letter had stated, it helps primarily single mothers, which does not seem to portend and equate to the preferential elderly and/or handicapped preferences.

Councilman Conrad suggested that they put in on as a topic for a Workshop Meeting.

Supervisor Hotaling stated that he does not think that they have time for that because as he had indicated it has to be filed by May 16<sup>th</sup> and the regular Town Board Workshop is May 16<sup>th</sup>, which is the day that it has to be submitted by.

Councilman Boehm interjected that it's ironic that it is \$25,000.00 to manage a Self-Sufficiency Program.

Councilman Conrad stated that he says no to the continuation of the Program.

Councilman Boehm and Councilwoman Rogers echoed Councilman Conrad's comment.

Supervisor Hotaling stated that he would be in touch with Mr. Mastrianni and advise that the Town Board does not want to continue it. He continued by asking for this to be done in the form of a motion.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, authorizing the Supervisor to contact the office of Joseph Mastrianni to advise that the Town Board wishes to discontinue the Self-Sufficiency Program.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that this would be transmitted to Mr. Mastrianni the following day.

## **Marvin & Company Services**

Supervisor Hotaling stated that Marvin & Company at various times has either been the Town's auditor or accountant and sometimes both, which included the HUD audits when they were required. He added that Federal Government Laws now provide that unless you get \$500,000 worth of assistance from Housing and Urban Development you are not required to have a Single Audit and the Town's HUD Program is around \$300,000 a year. He continued by saying that Daryl Purintan from Marvin & Company has been engaged with the Town for a number of years and is a well respected member of Marvin & Company and has been trying to get the Town of Coeymans on the road to recovery fiscally, accounting and audit wise. He added that the Town was about to engage him for an audit for 2005 but because of the changes in the non-requirements for that and the fact that the Comptroller's Office will be doing an audit, Mr. Purintan proposes to forgo his effort with respect to an audit and in turn will provide a balance sheet as of December 31, 2005, which is basically cash in, cash out and in doing this it will save the Town some money. He continued by saying that Mr. Purintan's proposal also deals with providing consultation services and training to the staff within the Town and continued by reading the following list of proposals from the letter:

- Provide advice regarding how to account for various transactions of the Town in all funds and account groups.
- Provide training, as needed, regarding how to prepare various schedules and account analysis to support asset, liability, fund equity, revenue and expenditure accounts with an emphasis on the balance sheet as of December 31, 2005.
- Advise Town personnel, as needed, in the completion of other financial reporting tasks.
- Provide advice regarding how to maintain the financial records throughout the year.

Supervisor Hotaling stated that Mr. Purintan is able to propose this because he has shared with him and Councilwoman Chmielewski, his confidence that he has in the current staff performing the bookkeeping. He added that Mrs. Shirley Boehlke and Mrs. Lori Nunziato have demonstrated an expertise to Mr. Purintan and he feels very comfortable in working with them directly in a consultant type of way so that when audited by the State they will be in the best position to present the documents to them to minimize the State's concerns as they have expressed in the past previous audits. He continued by saying that the first proposal to provide the balance sheet is \$6,000 and a sliding scale not to exceed \$5,000 would be for the consultation and training of staff, for a total of \$11,000, which is a great deal less than previous audits.

Councilwoman Chmielewski interjected that she believes that this is the better way to go because as Supervisor Hotaling had stated previous, there still will be

an audit by the State Comptroller's Office and as Mr. Purintan had said, the Town has made great strides in the procedures and bookkeeping. She added that this would provide more hands-on training with the Bookkeeping Department to make sure that they are doing everything correctly. She continued by saying that there are still things that they are struggling with and there are problems in the water and sewer funds because they still do not have opening balances due to the 2001, 2002 and 2003 audits. She added that they are almost done but there are still a lot of questions that need to be answered and hopefully by the end of this year they will have the answers.

Supervisor Hotaling interjected that the water surprised him.

Councilwoman Chmielewski stated that it has been indicated that it is over \$100,000 short and added that she does not see why because when you get the money in relevys from the Town Clerk it is suppose to go in the Water District Fund and she believes that over the years, when it came in it was put in the General Fund and the same may have happened to the Sewer Fund. She concluded by saying that there are still some big questions to be answered in both the Sewer and Water Funds in addition to questions about transfers of funds and they are trying to sort them out in order to get the balances the way they should be.

Supervisor Hotaling stated that all of this is an effort to get in a position so when the State does come down, the funds are in shape for them to audit. He added that they are trying to mitigate some of the notable things that there have been issues with in the past and their effort is to minimize that and Mr. Purintan's proposal will help them to do that.

Councilwoman Chmielewski interjected that the State will then see that they have straightened those things out and she believes that it is the best way to go, especially now that the Town does not have to have the audit and that money should be spent getting proper training.

Supervisor Hotaling interjected that it will be less money than an audit, he then asked for a motion to sign the two proposals.

Councilwoman Chmielewski stated that Sarah Morrison the Town's Accountant would be overseeing this.

Supervisor Hotaling interjected that he has to designate her in the resolution.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Conrad, authorizing Supervisor Hotaling to engage with Marvin & Company on the two proposals, one for ending balances for 2005 and one for consultation and training of staff

to prepare for a State Audit, in addition to identifying Sarah Morrison as the person overseeing this.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**RESOLUTIONS**

**RES. #067-06 APPOINT SEASONAL LABORER, HIGHWAY DEPARTMENT**

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

**WHEREAS**, the Beautification Department is desirous of hiring an additional Laborer to assist in maintaining the parks and cemeteries of the Town during the spring and summer month and,

**WHEREAS**, the Albany County Civil Service Department has confirmed this job title as a non-competitive position requiring the chosen candidate to meet minimum qualifications,

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Jose Vasquez to the position of Seasonal Laborer, at the hourly rate of \$12.64, effective immediately.

Supervisor Hotaling stated that this is Mr. Vasquez’s third year in this capacity.

Councilwoman Chmielewski stated that he has also worked at the Highway Department as a Laborer and at one point was full-time.

**RES. #068-06 APPOINT FIRST SERGEANT TO POSITION OF TEMPORARY CHIEF OF POLICE**

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

**WHEREAS**, in light of the departure of Chief Giroux, and during the search for a new Chief of Police,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does authorize First Sergeant Greg Darlington to assume the responsibility of agency oversight and operations.

**BE IT FURTHER RESOLVED**, as a result of this new and additional assignment, the Town Board authorizes an annual stipend of \$7,500 (\$288.46 bi-weekly) to First Sergeant Darlington to continue until such time as a new Chief of Police is named.

Supervisor Hotaling asked First Sergeant Darlington if he had anything to say.

Officer Darlington declined.

The Town Board offered their congratulations.

**RES. #069-06 APPOINT COURT CLERK**

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

**WHEREAS**, the Justice Court is desirous of filling the Court clerk vacancy created by the resignation of Janice Radley, and

**WHEREAS**, interviews have been conducted by the Justices and members of the Town Board, and

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

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Dianna L. Higginbotham to the position of Court Clerk, provisional, contingent upon approval of qualifications, and subject to Civil Service testing, at the hourly rate of \$11.81. Employment start date to be determined by mutual agreement of the Justices and Ms. Higginbotham.

Supervisor Hotaling stated that Justice Dardani was in the audience and then invited him to comment.

Judge Dardani stated that Dianna comes very well versed and although she has never worked in the Court System she does have experience with the legal system and added that they are glad to have her on board.

Supervisor Hotaling stated that he is hopeful that they will get the Civil Service response very quickly and then the Judges can negotiate with her a start date once they have Civil Service approval.

**RES. #070-06 APPOINT LAW FIRM TO REPRESENT TOWN OF COEYMANS IN PROPOSED LANDFILL ISSUE**

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

**WHEREAS**, Terresa Bakner, Esq. of the firm Whiteman, Osterman & Hanna, can no longer represent the Town due to conflicts arising from the merger of the firm, and

**WHEREAS**, the Town Board has contacted and interviewed law firms to identify an appropriate representative, who will handle the proposed landfill issue,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize Supervisor Ronald K. Hotaling, Jr. to engage Mark Schachner, Esq., of Miller, Mannix, Schachner & Hafner, LLC at the rate of \$150.00 per hour.

Supervisor Hotaling asked that Town Attorney Rotello comment of Ms. Bakner's inability to represent the Town in the landfill issue.

Town Attorney stated that Theresa Bakner's firm merged with another law firm, Shanley, Sweeney and Riley, who do a lot of work for the city of Albany, which now creates a conflict of interest. He added that Ms. Bakner had sent a letter advising of her inability to represent the Town of Coeymans. He added that there have been interviews with a number of attorneys and the Board is now prepared to engage with a firm.

Supervisor Hotaling asked Town Attorney Rotello, who was present for the interviews, is comfortable with the selection.

Town Attorney Rotello stated that he feels very comfortable with the firm that the Board is choosing and if for some reason the Board decides that the firm is not properly representing the Town Board's interests and the interests of the residents of the Town of Coeymans, they can make a switch to bring other attorneys on board that will provide another perspective.

Supervisor Hotaling added that other firms that they interviewed had a variety of expertise in this area but felt more comfortable with Mr. Schachner's presentation and is confident that his strategies, as Ms. Bakner's did, put them in a position to still be in the fight against the landfill.

Town Attorney Rotello added that he is photocopying the most recent court decision and will be getting it to each Board Member, and asked that each of them read it so that they will be prepared to react and respond to it.

**RES. #071-06 APPROVE APRIL ABSTRACT**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski 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 April 2006, Abstract.

ABSTRACT	VOUCHER #	AMOUNT
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<b>GENERAL (A)</b>	459-480	\$119,423.09
General Pre-Pay	529-588,654	\$ 29,764.93
General		
	<b>General Total</b>	<b>\$149,188.02</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	481-496	\$ 21,644.21
Part-Town	589-597	\$ 3,088.00
	<b>Part Town Total</b>	<b>\$ 24,732.21</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	497-505,653	\$ 27,464.97
Highway	598-640,655	\$ 5,708.57
	<b>Highway Total</b>	<b>\$ 33,173.56</b>
<b>SEWER (SS)</b>		
Pre-Pay Sewer	506-520	\$ 10,425.62
Sewer	641-652	\$ 13,227.65
	<b>Sewer Total</b>	<b>\$ 23,653.27</b>
<b>CAPITAL PROJECTS (H)</b>		
Pre-Pay Capital Projects	521	\$249,733.53
	<b>Capital Projects Total</b>	<b>\$249,733.53</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$480,480.59</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	522-528	\$170,222.45
	<b>Trust &amp; Agcy.</b>	<b>\$170,222.45</b>
	<b>Total</b>	

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**CORRESPONDENCE**

**Marvin & Company P.C.**

Supervisor Hotaling stated that he was in receipt of a letter dated March 30, 2006 from Daryl Purinton of Marvin & Company and he sends with it, as required by Government Auditing Standards, a completed firm-wide peer review, which is something new that is being required of auditors. He added that the auditors have to be audited and continued by reading an excerpt from the letter dated November 22, 2005, which was sent to Marvin & Company by Rehmann Robson, the auditor.

“In our opinion the system of quality control for the accounting and auditing practice of Marvin & Company, P.C. in effect for the year ended July 31, 2005, has been designed to meet the requirements of the quality control standards for an accounting and auditing practice established by the AICPA and was complied with during the year then ended to provide the Firm with reasonable assurance of conforming with professional standards”

Supervisor Hotaling stated that attached to the letter were two comments and some recommendations about some internal controls and that information will be available at Town Hall.

### **Department of Environmental Conservation**

Supervisor Hotaling stated that at the last meeting he had made mention to a piece of correspondence that he had received from DEC and he thought it was with respect to tire burning at LaFarge, but Mr. Panek, a reporter from the Ledger, had pointed out to him that it was in fact relative to modifying a SPDES Permit by adding another outfall, which will discharge to an unnamed tributary of Coeymans Creek He reiterated that the letter was not relative to the tire burning and then thanked Mr. Panek for bringing it to his attention.

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### **TOWN BOARD WORKSHOPS/MEETINGS**

- Town Board Meeting – May 8, 2006, 7:00pm
- Special Town Board Workshop – May 9, 2006, 6:00pm (Comprehensive Plan)
- Town Board Workshop – May 16, 2006, 6:00pm
- Town Board Meeting – May 22, 2006, 7:00pm

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### **ADDITIONAL COMMENTS**

Councilman Conrad stated that in regard to the LaFarge modification of the SPDES permit he wanted to point out that they were going from .8 million gallons per day to 2.9 million gallons per day and most of it being water from the quarry. He added that it would be nice if LaFarge wanted to become a Water Treatment Facility because most of

the water is pure and it seems to be a waste, especially for those at the north end of Town that are looking for water.

Councilman Boehm stated that Highway Superintendent Deering had provided them a memo about Camp Smith and needing the Town Board to contact them for an application.

Supervisor Hotaling stated that he had provided the memo to the Board and earlier in the day he had contacted Sgt. Booth and was advised that he has to call at 7:00am and added that he would try to do that.

Councilman Boehm stated that he could make the call and added that maybe they could get some of the inmates to clean the stream on Kruger Road and there would be no cost.

Councilwoman Rogers stated that they have been used before.

Supervisor Hotaling interjected that it is not Camp Smith, it is Camp Summit.

Councilman Boehm stated that he would make the call the next day and he would report back to Supervisor Hotaling.

Supervisor Hotaling added that there is a similar Work Alternative Program through the County of Albany but not as extensive as Camp Summit.

Councilwoman Chmielewski stated that she wanted to congratulate Greg Darlington on his promotion and taking over the Police Department and added that she is sure that he will do a good job because he has been around for a long time and she wanted to wish him good luck. She continued by saying that the Town is in receipt of the state sales tax check in the amount of \$465,953 for the first quarter, which is \$10,000 short from last year.

Councilman Conrad stated that he had encouraged Councilman Boehm to look into some issues about the Annual Fishing Derby at the Waste Water Treatment Plant.

Councilman Boehm stated there is some concern about the construction project currently underway and added that it is a well attended event and it would be a shame not to go forward with it and he believes that with the proper precautions they can take the necessary measures to avoid any problems.

Supervisor Hotaling added that in the past the Town has been approached for a request for trophies and then asked how the Town Board felt about funding trophies for approximately \$100.00.

Councilwoman Chmielewski stated that this is something that they have done for the two years that they have been on the Board.

Councilman Conrad inquired as to if it is within their legal parameters.

Supervisor Hotaling responded that it probably is not and continued by saying that he has not asked that question.

Councilman Boehm interjected that they pay \$300.00 for bands for Evenings on the Green and he feels as though they can spend \$100.00 on the youth of the community to provide some kind of an award for a Fishing Derby.

Councilman Conrad stated that for \$100.00 they could take the chance.

Collectively it was agreed.

Town Attorney Rotello stated that in light of the Chief's departure he wanted everyone to know that it has been a privilege and honor to work with Chief Giroux and he has always been the consummate professional and has served the Town of Coeymans well and will be missed as an administrator.

Chief Giroux thanked Attorney Rotello for his kind words and continued by stating that there have been previous discussions about getting a few more part-time dispatchers and he has conducted interviews and there are three names that he would like to submit to the Town Board. He added that he had also discussed in with Senior Telecommunicator LaMountain as well as the First Sergeant and he will be getting it to the Town Board before the end of the week in hope that they can take some action at the next Town Board Meeting.

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

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## **ADJOURNMENT**

On motion of Councilman Conrad, seconded by Councilman Boehm, the Town Board Meeting was adjourned.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 9:05pm

***Respectfully Submitted,***

**APPROVED:**

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***Diane L. Millious, Town Clerk***

**A Town Board Workshop was held Tuesday, June 20, 2006, at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Laverne Conrad, Councilman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Joseph Rotello, Town Attorney

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**6:00 AGENDA ITEMS**

- Marie Bowers re: Property Issue
- State Assistance for Dam Safety Projects
- Budget Amendment Request – Highway
- NYS employee Retirement System Workday Guidelines
- Heavenly Air – Air Conditioning Bid

**7:00 AGENDA ITEM**

- Water Project on Martins Hill

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**Heavenly Air – Air Conditioning Bid**

Discussion ensued amongst Town Board members, Mr. Morsellino from Heavenly Air and Building Maintenance Supervisor Bianca regarding the problem with the bid from Heavenly Air, which excluded a price for electrical work in addition to the lack of prevailing wages.

Collectively it was decided that they should reject all bids based on the fact that the non-collusive bid form was not originally included, the electrical work was not included, and prevailing wage was not included and the next lowest bidders bid did not include wages at a prevailing rate level. Additionally it was decided that at the next meeting they will rescind their action of June 12<sup>th</sup> in awarding the bid and then vote as to what the next plan of action will be, with one of the options being to re-bid it.

**Maria Bowers – Property Issues**

Discussion ensued amongst Town Board members regarding some property issues with Maria Bowers, and her approximate 5 acres of land located directly behind the Town Highway Garage in which the Town has been trying to negotiate some kind of an agreement with Ms. Bowers regarding an alternate way into her property, which would result in the Town being able to take total ownership of the land.

Discussion continued regarding the salt shed as far as location and relocation and the possibility of not needing one due to the Town’s relationship with Albany County and the sharing of salt.

Collectively it was decided that they should continue negotiations with Ms. Bowers in order to resolve the issue.

**State Assistance for Dam Safety Projects**

Supervisor Hotaling stated that he received a letter from the State dated May 10<sup>th</sup>, which announces the availability of funds for state assistance payments to municipalities for costs of dam safety projects. He added that there was a previous presentation by Bill Bruno, Emergency Management Coordinator, who had attended a meeting at the Albany Water Board, regarding the Alcove Reservoir Dam. He concluded by saying that he's not sure if they can take advantage of it or not and in turn he will be giving each Board Member a copy of the documents.

Discussion ensued regarding the safety of residents and getting Albany County to recognize their responsibility to ensure the safety of Town of Coeymans residents.

Supervisor Hotaling suggested that he could contact Mayor Jennings to initiate a request for funding to insure a Safety Program for residents of the Town of Coeymans.

Councilman Conrad suggested that he also contact Legislator Peter Clouse who had previously been involved and concerned about the dam safety.

### **Budget Amendment Request**

Discussion ensued regarding Highway Superintendent Deering's request for a budget amendment based upon the projected C.H.I.P.S. revenue that was announced at a previous meeting and the fact that \$59,500.00 was budgeted and they are now likely to receive 69,886.79, which is an additional \$10,386.79 and Highway Superintendent Deering is making a request to put the additional in an account for special improvements, which will change that account from \$138,306 to \$148,692.79.

Collectively it was decided that there should not be a budget amendment.

### **NYS Employee Retirement System Workday Guidelines**

Supervisor Hotaling stated that Payroll and Human Resources had given him some documents that suggested a sample resolution to be done to either establish a 6-7 or 8-hour workday for all elected and appointed officials for retirement credit.

Discussion ensued about the difference between the 7-8 hour workday and which staff is doing each.

Collectively it was decided that the Board should review it and report back to the Supervisor whether or not it should be 6, 7 or 8 hours.

### **State Contract for Drug Testing and DOT Substance Program**

Supervisor Hotaling stated that the State has developed a contract for drug testing and DOT Substance Program and the Town has piggybacked on the contract with Energetics. He added that he was giving the package of material to Councilman Conrad to review and in turn report back to the Supervisor as far as if it conforms to the Town's requirements.

### **Flow Through Charge Paid to Village of Ravena**

Supervisor Hotaling stated that a fellow board member had inquired earlier in the day about the \$4,200 flow through charge paid to the Village of Ravena and whether or not it is in contract form.

Councilman Conrad stated that it is a written agreement that was done during the McHugh Administration.

Discussion ensued amongst the Town Board and Town Attorney Rotello regarding the original Sewer Agreement and the validity of the charge.

Collectively it was decided that they should review the McHugh administration agreement and compare it to the original Sewer Agreement before any action is taken on the current charge submitted by voucher.

### **Water Project on Martins Hill**

Supervisor Hotaling stated that a letter was sent out on June 7, 2006 inviting residents of Martins Hill to an informational meeting, which is the result of several months of research by the Town and some negotiations with the Village of Ravena relative to providing treated water to residents who were already in a Water Supply District of the Town of Coeymans but not receiving municipal water. He continued by saying that the problem goes back at least ten years and communication with the Town and Village commenced at that time and 12 homes were identified as being eligible for municipal water but the project never moved forward and within the last year a presentation was made by residents in that area relative to problems with their palatable water, wells, contamination, low water quantity, poor water quality, and corroded pipes. He added that immediately following the meeting he contacted the Albany County Health Department imploring them to come down and take a look at the problems that exist on the lower portion of Martins Hill and as a result they suggested that the residents who were experiencing difficulty with their palatable water should purchase bottled water, which is what the residents were already doing. He continued by saying that subsequent to that the Rte. 143 realignment project was being planned and Engineer Jim Boni from the Department of Transportation came and gave a presentation and through the planning of that project there were issues related not only to the water but also to sanitary septic and in turn they started negotiations with the Village of Ravena and the Village reasserted their affirmation of the ability to provide municipal water to people in the Coeymans Water Supply District. He added that subsequent to that the Town engaged the services of Ed Vopelak from C.T. Male, and he lended his expertise to them in trying to identify the layout of the project and the cost associated with it and the resulting debt service that would be borne by the households in the Water Supply District, should municipal water be supplied. He continued by saying that they are at the next step and read the following from the letter that was sent to each homeowner within the District:

“For the last several years there has been much talk and concern surrounding the lack of palatable water in the Martins Hill area and residents have petitioned the Town Board and have also made presentations at Town Board Meetings. Concerns have come from residents within the existing Coeymans Water Supply District and also from residents further up Martins Hill, outside the Coeymans Water Supply District. The Town Board has, for several months been exploring options to deal with this matter and have engaged the engineering services of an Engineering Firm, C.T. Male Assoc., P.C. for the purpose of estimating the scope and likely cost of such project. We have established dialog with the Village of Ravena to determine their ability to provide municipal water to that area. The Town Board would like to invite you to an informational meeting at Town Hall, on Tuesday, June 20, 2006 at 7:00pm. The purpose of this informational meeting is to bring you up to date on the progress made and the information obtained related to the scope and potential cost of the project. We will also share our best estimate as to the annual cost of debt service that must be borne by you and your neighbors in the project area within the Water Supply District. I hope you will attend this important meeting as it has always been the Town Board’s goal to keep those involved as informed as possible throughout each step of the way. We look forward to seeing you on June 20<sup>th</sup>.”

Supervisor Hotaling stated that it appeared that some property owners had shown up for the meeting and added that it was probably less than half of those involved. He then extended the opportunity for any member of the Town Board to offer any comments.

Hearing none he introduced Mr. Vopelak to do his presentation.

Mr. Vopelak stated that the Department of Transportation is going to be working along Martins Hill Road on the Rte. 143 project and it will be the optimal time to put in a water main because it will allow them do things to the road that they normally could not do because it would be put in just prior to the construction. He added that in addition to that

there would be an option to allow 5 more homes to the Water District and the location for the main would be on the north side of the road on Martins Hill.

Mr. Vopelak continued by going over maps of the Water District including the additions and the areas that will be served in addition to going over some of the figures for the cost that will be borne by the property owners.

Councilman Conrad interjected that it is based on 20-21 participants.

Mr. Vopelak stated that if the project is bonded for 30 years the cost would be approximately \$430.00 per year for each resident within the district and if it bonded for 20 years it would be approximately \$500.00.

Councilman Conrad stated that they have identified approximately 21 or 22 parcels that are actually going to be affected by the new Water District line and they are trying to include all of the properties that are located along Sky View Drive. He added that through an agreement with the Village they had a survey done and they have now identified the 1000 foot border of the District, which was voted on by the Village Board and they have formally accepted the line. He concluded by saying that there are some issues that still need to be worked on but they are moving ahead.

Councilman Conrad continued by going over the Water District map and identified properties within the district, which includes some vacant lots. He added that the project envisions that the water main will go on the north side of Rte. 143 and it is premised on the fact that there will be a water shut-off placed on the property line of each and every property, regardless of where the mains are and from the shut-off it will be the property owners responsibility to do anything further and this will include any vacant lots. He continued by saying that Mr. Vopelak has come up with some numbers based on the State Comptroller's guidelines, which will be approximately \$475.00 per year and this is strictly for the bond for 30 years. He added that this does not include the purchase of the water, which will be based on the current rate that the Village charges and based on a 30 year bond the total between both will be approximately \$730.00 per year per parcel until the bond is paid for in 30 years. He continued by saying that there will be three fire hydrants in the system and the parcels will be within the fire protection district, which will be favorable for homeowners insurance. He added that they are trying to add more hookups to the line because every time this happens the bond will be reduced but they also may lose a couple as well and added that the numbers are a work in progress. He concluded by saying that he believes that it is doable and for those that have been without water it is a great thing but there are also those with water and it's not such a great thing and the bottom line is that they need to know who is definitely interested in proceeding with this district because they cannot go to the Comptroller for any kind of approval until there is a Public Hearing.

Discussion ensued amongst the Town Board and the property owners on Martins Hill Road and Councilman Conrad added that there are a lot of problems that need to be worked out.

Councilman Conrad stated that the actual district was formed many years ago and for a number of years the plan was to get water up Martins Hill and it was dropped when the cost of the project was determined. He added that hopefully they will be eliminating the planning that has gone on for 100 years and the illegal hook-ups that have taken place and their goal is to fix the problems and hopefully increase property value on Martins Hill and in the future have another extension go further out Rte. 143. He concluded by saying that within the next few days they will be asking the property owners to sign a statement of interest in hooking into the district because they have to come up with 50% of the people in order to do the project and they have already expended a lot of money for the project for the engineering and design, and those numbers are currently figured into the bond but if the project does not happen the taxpayers will be burdened with the cost out of the general fund.

Supervisor Hotaling inquired as to what the next step might be and added that there are only six of the property owners present at the meeting representing the 21-22 parcels that

will be involved. He then suggested that they collaborate and write a letter to send to the property owners that were not at the meeting.

Mr. Vopelak interjected that once they engage the interest of the property owners and know what the figures will be, it will have to be submitted to the State Comptroller for approval.

Councilman Conrad stated that the Village has formally adopted the Town's map and if they can come up with the approval of over 50% of those involved in the district and extension the State Comptroller requires that there be a Public Hearing.

Supervisor Hotaling interjected that it's not a question of what the Town Board wants to do and they were given a mandate by an area of their constituency saying that they were having problems and this is their response to the problem. He added that the estimated cost is the best guess estimate of what they are going to do.

Councilman Conrad stated that they will have to bid the project in order to get final numbers and the numbers quoted are working numbers.

Discussion ensued regarding the location of the cuts in the road and the prices included in the project.

A question arose from a property owner about the sewer problems.

Councilman Conrad stated that sewer was not the topic of the meeting.

Supervisor Hotaling interjected that there is a moratorium in the Town of Coeymans and there are no other hook-ups authorized unless they are approved individually by the Department of Environmental Conservation. He added that there were sewer issues raised with the Department of Transportation and they engaged with the Albany County Health Department to do some testing and the results of the tests are evident to everyone in the room. He continued by saying that Albany County had responded by letter about the results of the tests and asked that the Town do something about it but their hands are tied because they are under a moratorium for sewer hook-ups. He concluded by saying that unless or until the State of New York relaxes the moratorium and then assuming that they do there are still questions about how they will get it built, how it will be coordinated with the State project and then who will pay for it.

Councilman Conrad stated that they assume on the Town level that they someday they will get out of the moratorium that they have been in since May 2001 but there is question as to when it will happen. He added that the problem is further complicated by the fact that the area is not in the current Sewer District and to extend the District is a problem in itself because they have to go through a process of Public Hearings. He concluded by saying that the State Route 143 project will be starting in the fall of 2007 and time is closing in with a lot of complex issues that are not easily addressed and it will be further compounded by the fact that the sewer and water will have to have some mandates by the Health Department to be a minimum of 10 feet apart and where the lines cross is another problem.

Supervisor Hotaling interjected that talk about the sewer is premature.

Discussion ensued regarding houses that have been built with sewer hook-ups on Laura Lane since the moratorium went into effect.

Supervisor Hotaling stated that those houses had prior approval from DEC and the other portions of the subdivision would require approval as would any other new construction.

Discussion continued about the extension further up Martins Hill Road.

Supervisor Hotaling added that DOT has agreed to install a sleeve on top of Martins Hill for potential additions.

Councilman Conrad reiterated that there has to be at least 50% of the property owners interested before the project can go ahead. He added that they have put a lot of work into this and have spent a good sum of money to make it go forward.

Supervisor Hotaling stated that there has been some money spent for the engineering and plans but from his perspective this was about a public health issue within our community and in that context he believes that it made sense for those kind of expenditures. He added that they believed that the right thing was to try to figure out what to do and now that they have gotten to this point it is up to the property owners in that area.

Councilman Conrad added that they need to find out which of the property owners are willing to participate of which 50% must want to proceed. He added that there are still some legal issues that have not be answered and the number of homes could be anywhere between 15-21.

Mr. Vopelak stated that once it is determined that the project is a go they will start the formal process by a formal petition.

Councilman Conrad stated that they were hoping that more people would show up for the meeting but everyone's opinion must be forthcoming and as soon as possible. He added that they should send an informal letter in order to get those opinions and based on the numbers provided if they could get 20 people interested it would be \$430.00 to bond the loan at this point, which would be subject to change based on the bids. He added that they were actual numbers developed and there is an actual report as to how they arrived at them. He continued by saying that there are a couple of problem areas, which could result in an additional \$400.00 per year but once people look at what their property values are with water vs. not having water, it might be worth the additional amount of money each year and added that he believes that they will come up with the necessary numbers to make it work because they have done their best to try and keep it reasonable. He concluded by urging everyone to think about it and reiterated that they will try to get some kind of an informal letter out to everyone because they need to have something in writing in order to proceed any further.

Discussion ensued with the property owners regarding some of the options for those that own more than one piece of property and then regarding the district line.

Councilman Conrad stated that the Town won't be doing the work and added that it is a State project. He reiterated that those in attendance need to speak with their neighbors who are not present for the meeting. He concluded by saying that the parameters are set by law and that is the way they will follow it.

Several in attendance thanked the Town Board.

Discussion ensued amongst those left regarding adding a sewer line at a later date as well as to the ownership and easement of Sky View Drive and some legal matters that may arise.

Discussion continued about the possibility of someday having the same boundaries for the water and sewer districts.

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**ADJOURNMENT**

Time – 8:00pm

*Respectfully Submitted*

APPROVE

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*Diane L. Millious, Town Clerk*



**A Joint Workshop of the Town Board, Planning Board and Zoning Board of Appeals was held Wednesday, June 14, 2006 at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**TOWN BOARD:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**PLANNING BOARD:** Cynthia Kunz, Vice-chair. Planning Board (arrived late)  
Richard A. Cumm, Planning Board  
David Ross, Planning Board  
Winthrop M. Irwin, Planning Board

**ZONING BOARD:** Kerry Marsh, Chair. Zoning Board of Appeals (arrived late)  
Wayne Flach, Zoning Board of Appeals  
Patrick Brown, Zoning Board of Appeals

**ABSENT:**

Gerald Mc

Peter Foron  
Laurie Felt  
Joseph Kap  
Sarah Hafe

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Ben Syden, Dir. of Community Planning & Development  
Nicole Allen, Senior Planner  
John Cashin, Code Enforcer

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The following Notice was published in the Ravena News Herald:

**NOTICE  
TOWN BOARD WORKSHOP  
MEETING**

In compliance with Public Officer's Law, this will inform you that the Town Board of the Town of Coeymans has scheduled a Joint Workshop of the Town Board, Planning Board, and Zoning Board of Appeals for Wednesday, June 14, 2006 at 6:00pm. The purpose of the workshop is to begin discussions regarding suggested revisions of the Town of Coeymans Zoning Code that may follow the anticipated approval of the Town's Comprehensive Plan.

**By Order of the Town of  
Coeymans Town Board  
Diane L. Millious**

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**OVERVIEW OF AGENDA**

- Suggested revisions of the Town of Coeymans Zoning Code that may follow approval of Comprehensive Plan.

**SUPERVISOR’S OPENING COMMENT**

Supervisor Hotaling stated that the Town is on the cusp of a Comprehensive Plan that is currently in draft form and added that it is approximately 130 pages. He then asked that each member of the Town Board, Planning Board and Zoning Board of Appeals review the draft between now and the July 11<sup>th</sup> Public Hearing. He continued by saying that after the meeting they will start talking conceptually about individual ideas about the direction for changes of Zoning Codes, collective ideas on the part of the Planning Board or Zoning Board, or individual ideas from each and every member and added that it will be important that they are familiar with the Comprehensive Plan and important that they recognize each of the Board’s role in the process. He added that in the past, Town Boards had taken themselves to the edge of the cliff with Comprehensive Planning and refused to jump and added that this time they are going to complete it. He concluded by saying that with all of their individual efforts, collective wisdom and years of experience, they will put forth a Comprehensive Plan that they along with the community will be proud of.

Supervisor Hotaling introduced Mr. Ben Syden, Director of Community Planning & Development and Nicole Allen, Senior Planner from Laberge and added that they have been working intimately with the Town and the community on the Comprehensive Plan process and there have been several community meetings. He continued by saying that initially the meetings were well attended but it has fallen off a bit, however there is still an interest from the e-mails and the conversations that he has had out in the community. He concluded by asking that Mr. Syden give a summary of what has been done so far and where they currently are.

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**MR. SYDEN’S INTRODUCTION**

Mr. Syden thanked the Board members for coming to the meeting and added that this would be one of 4-5 meetings with them to get their input and advise as to how to augment, change and develop a better Zoning Code that both the Planning and Zoning Boards can use to effectuate land use decisions. He then asked that each member introduce himself or herself and state which Board they are on.

Each Member of the Town Board, Planning Board and Zoning Board introduced themselves.

Supervisor Hotaling interjected that there are many years of experience collectively among the Board members and some have had other various roles within the Town so there is a cross section and added that they are poised to do great things.

Planning Board Member Irwin stated that he had held the position as Supervisor and has worked very closely with Supervisor Hotaling and Councilwoman Chmielewski in the past and the closet that they ever got was the codification of the Codes.

Supervisor Hotaling interjected that the Local Waterfront Revitalization Project was also another example of getting close

Mr. Syden stated that they now have a draft Comprehensive Plan and continued by saying that a little over a year ago the Town Board had made a decision that affects everyone in the Town and they had asked that Laberge come up with a Comprehensive Plan and comprehensive vision, which would be from where they are today and where they want to be tomorrow as well as the steps that it will take to get there both in action oriented to policies, programs and activities as well as through laws and ordinances and finally a Land Use document of new Zoning Codes, site plans and sub-division regulations that will allow them to make the vision a reality. He added that the process began in a very public way where they had a series of meetings for assets and liabilities, workshops on visioning, and a visual preference survey where residents looked at a series of 100 pictures and ranked the pictures based on what they felt was their preferred vision for what the Town of Coeymans should look like in the future. He continued by saying that all of the information culminated in the document, which is the draft Comprehensive Plan and it is on the Town's website where you can download a PDF version. He concluded by saying that there is going to be a Public Hearing on the draft Comprehensive Plan on July 11<sup>th</sup> at 6:00pm.

Ms. Lawler interjected that she believes that Cynthia Kunz, Vice-Chair for the Planning Board, believes that the meeting is at 7:00pm.

Mr. Syden continued by saying that during the planning process, they always ask whenever possible, that the Planning and Zoning Board are part of the Comprehensive Plan in doing the visioning and preparing the goals and it is integral as they go forward in making land use changes in the Zoning Code because they are the ones that will be implementing the Plan. He added that the purpose of the meeting is to get feedback from the Boards as to their particular position on the planning process as to what they feel are the areas that should be focused on as they go forward in amending a code, which would include both the positives and negatives to see what's not working, what variances are being requested from the Zoning Board of Appeals, how many there are on average per month, what the largest problems are, what kind of special permits they are looking at, what types of uses they are coming up with, what the challenges are that are affecting landowners in the community and then they will look at all of these things as they look forward. He concluded by saying that the idea for the meeting came up about a month ago in talking about four other communities where none of the Planning or Zoning Boards showed up for the meeting and when the Boards found out that the plan was to

change the ordinances and it created a problem and this is why both Boards were invited to a Joint Meeting with the Town Board.

Mr. Syden then asked that Nicole Allen, Senior Planner, go through some issues of concern that the Boards may have and areas that they see they have to address and then suggested that she start with Planning Board issues and concerns.

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## **MS. NICOLE ALLEN'S COMMENTS**

Ms. Allen stated that part of the reason why they have arranged for the Joint Meeting is so each can hear what the other Board members are saying and so the Town Board does not make recommendations that conflict with the Planning or Zoning Board's desires and this way everyone will be on the same page from the beginning as far as what some of the concerns and problems may be, She continued by saying that she had outlined some things that have sparked her attention and they will be discussed at some point and are as follows:

### **I Planning Board Issues/Concerns**

### **II Zoning Board of Appeals Issues/Concerns**

### **III. Town Board Issues/Concerns**

### **IV. Areas for Consideration**

- Districts & Intent
- Boundaries
- Definitions
- Off-street Parking Regulations & Location.
- Landscaping & Buffer Requirements.
- Signage
- Performance Standards
- Non-Conforming Uses
- Fees
- Special Use Permits
- Home Occupation Uses
- Additional Supplementary Regulations
  - Adult Uses
  - Telecommunication Towers
  - Customary Vehicle Storage
  - Storage of Merchandise
  - Automobile Service Facilities
  - Aquifer Protection
  - Industrial Uses

## Technical Recommendations

### Overview of Zoning in the Town of Coeymans

The Town of Coeymans has a total of fifteen different zoning districts. Generally, these districts provide for residential, commercial, and industrial uses. In addition, the Town contains zoning districts for community facilities, multi-family and protective buffers.

In reviewing the Town's Zoning Ordinance, many of the Town's existing zoning districts are repetitive in nature. Uses and bulk requirements are very often similar, if not identical to other districts. This can cause confusion to the resident trying to understand the Zoning Ordinance and to the administrator trying to apply and regulate the code. Therefore, it is recommended that several districts be consolidated to create a more succinct ordinance and zoning map.

It is recommended that the responsibility for issuing special use permits be transferred from the Zoning Board of Appeals to the Planning Board. In addition, it is also recommended that areas be permitted to develop Planned Unit Development or PUD through special use permits. Such areas of the Town would be intended to allow design flexibility for one or more residential clusters, which may include appropriate commercial, public, or quasi-public uses primarily for the benefit of the development.

### Proposed Consolidated Districts

The following are consolidated zoning districts reflecting the vision identified in the Comprehensive Plan.

Title	Symbol
Agricultural Preservation	AP
Residential Low-Density District	RL
Riverfront Community District	RC
Commercial Transitional District	CT
Industrial General District	IG

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Ms. Allen stated that she would be starting with the first topic, which is the Planning Board's issues and concerns and asked that those members talk about any issues or concerns that they deal with at a regular basis.

Supervisor Hotaling interjected that because the Planning Board's Chairman is absent and the Vice Chairman is on her way, he would suggest that they start with the Zoning Board of Appeal's issues and concerns.

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## **ZONING BOARD OF APPEALS ISSUES AND CONCERNS**

Zoning Board Chairman Marsh outlined the following concerns:

- Home Occupations – not enough within the Town, code needs to either be defined better or less, great potential because of telecommunication access, home businesses are becoming more and more legal and would be unobtrusive.
- Irregular pieces of property and the 100 feet of land required for road frontage, variance would have to be approved.
- Garage being separate from the house and 40 feet being required between them.
- Three different zones located around and amongst the Trickey and Biers property and the north entrance to the Town on Rte. 144.
- Manufactured homes.
- Height of windmills, antennas and radio tires.
- Zoning Law is outdated with too many definitions.
- A need for stricter enforcement for violations.
- Mixed zones within one property owner.

Some suggestions:

- Tree planting and main highway landscaping.
- Upgrading mobile home parks – only allowing newer than 1996 manufactured homes.
- Agriculture disclaimer to future landowners.
- Maintain a significant difference between districts with better lines of distinction.

Mr. Syden inquired as to if any of the other Zoning Board members had anything else to add.

Zoning Board Member McDonald stated that another concern is outdoor wood boilers and the problems that they can create in addition to putting something into the plan so there is a process to try to start negotiating with the City of Albany for some access to the Alcove Reservoir.

Zoning Board Chairman Marsh stated that they should also enforce some ridgeline protection in restricting the building of homes on top of ridges.

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## **PLANNING BOARD ISSUES AND CONCERNS**

Mr. Syden invited the Planning Board to voice their issues and concerns, which are as follows:

- Would like for the Building Department to have more “teeth” in enforcing the Town’s Code.
- Wording makes it difficult as far as clarity.
- System is very cumbersome and it should be more streamlined.
- Driveways that are altered and debris and rainwater coming onto a Town Road.
- Sliver lots, lots that have minimal road frontage but are very deep.
- Common driveways, private roads.
- Problems with site planning as far as percentage of green space.

Some Suggestions:

- Allow the Planning Board to have more time to act and decisions should not be made the same time the applicant comes before the Board.
- A Workshop Meeting should follow the application in order to review it and then make a decision.
- Make uniform and consistent judgments.
- Set precedence.
- Set limits and standards.
- Enact a systemic fee or tax on property owners for private roads that would cover maintenance.
- Ask other Towns how they handle similar issues, such as private roads.

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**ADDITIONAL COMMENTS**

Mr. Syden stated that any zoning that they work on site plan subdivisions has to be consistent with the Comprehensive Plan. He added that there are a number of words in the Zoning Code that have no definition.

Supervisor Hotaling added that the Town of Coeymans’ Code is currently online and they could refer to other Town’s Codes for similar issues and how they handle them. He added that as they work on the process they should access other town’s codes.

Ms. Allen stated that she had passed out to the members of the Boards outlines for general recommendations for the proposed consolidated districts. She added that there are now five proposed districts and the boundaries will all be parcel based in addition to the zones being more restrictive. She continued by saying that there are numerous definitions that are not defined, which will be defined in addition to numerous ones that they need to strengthen.

Mr. Syden stated that there is a whole book of definitions for zoning in New York State and they will be using the definition and making them specific to meet what the Boards want.

Supervisor Hotaling interjected that he would like to see a modification without too many cumbersome Local Law changes. He added that there has been a Press Release stating that they will be receiving comments from the public on June 26<sup>th</sup> and secondarily they have established a Public Hearing on July 11<sup>th</sup>. He concluded by saying that there has been multiple and ample opportunity to comment.

Mr. Syden stated that Albany County has the draft plan for review and they will be giving their comments to add to the public comments. He added that before each of the 4-5 meetings the Boards will have information to review. He continued by saying that definitions are the hardest thing to do and they will be using the zoning practice generally accepted principals and work off from them.

Zoning Board Member McDonald stated that he wanted to understand the process and inquired as to if after the Public Hearing on July 11<sup>th</sup> they will be getting everyone's input to come up with a final draft plan and then the Boards will have additional meetings to come up with a Code.

Supervisor Hotaling stated that on July 11<sup>th</sup> there is a Draft Comprehensive Plan Public Hearing and the Town Board has taken the position that they are the Board that will be responsible for passing the Comprehensive Plan. He added that they want to do it with as much public input as possible, which includes each member of the Planning and Zoning Boards.

Mr. Syden stated that the first thing in implementing any Comprehensive Plan is to redo the land use regulation site plan subdivision to more accurately reflect the vision set forth in the document and subsequent to the July 11<sup>th</sup> Public Hearing they will be working on the code, which will take 4-5 meetings over approximately the next 6 months.

Ms. Allen interjected that subsequent to this meeting they will begin writing text and making recommendations.

Mr. Syden stated that they need to set dates for subsequent meetings.

Discussion ensued regarding which dates might work and it was decided that the third Monday each month would be a good night.

Mr. Syden stated that each meeting would be at 6:00pm and it would be approximately 1-1 ½ hr. long limited to 4-5 issues per meeting. He added that there would be some difficult decisions that need to be discussed and not just rubber-stamped.

Zoning Board Chairman Marsh suggested that they debate each topic for a set amount of time and then vote on it and if majority rules they should move to the next topic.

It was collectively agreed that this is what will be done.

Mr. Syden stated that he needed to get each Board member's e-mail address for distribution of material.

Supervisor Hotaling asked if there were any additional comments from the Town Board.

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## **TOWN BOARD COMMENTS**

Councilman Boehm stated that on June 28<sup>th</sup>, Mr. Syden will be doing a presentation at Yanni's Too and it will be an informal presentation primarily for business people of the Town of Coeymans but members of the public are invited and especially members of the Planning and Zoning Boards because one of the issues brought up was that there be better communication between the Boards and the business community.

Mr. Syden added that the presentation will be primarily on economic development and he will be going over the planning process with the businesses and how the plan was developed in addition to listing the main goals and then focus primarily on the economic development actions and recommendations so they know as business owners what is happening and how it will affect them. He added that they next stage is the economic development strategy, which should kick-off sometime in mid July.

Councilwoman Chmielewski interjected that the Town Board had received from the Planning Board a list of things that they would like to see done and then inquired as to if Mr. Syden had received it.

Councilman Conrad stated that there was a hand drawn map and he's not sure who ended up with it because originally it was given to Stephanie, who no longer is working for Laberge.

Mr. Syden stated that it should still be in the file and he will check and added that everyone has his business card.

Supervisor Hotaling thanked Mr. Syden and added that it is abundantly clear to him that there is experience and energy amongst the Boards that will get the job done and hopefully they will give Laberge a document through the Comprehensive Plan and through its codes that they will feel comfortable executing. He concluded by reiterating that there will be a meeting the third Monday of every month and because of vacations they might want to consider not scheduling one in August.

Mr. Syden stated that they would keep it as planned for the third Monday of every month and if people can't come they should let him know.

Discussion ensued regarding the distribution of the minutes.

Town Clerk Millious stated that each member would get a copy of the minutes.

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**ADJOURNMENT**

Time 7:25 pm

**Respectfully Submitted,**

**APPROVED:**

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**Diane L. Millious, Town Clerk**

**A Special Town Board Meeting was held Monday, June 12, 2006, at 7:00pm at  
Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Joseph Rotello, Town Attorney  
Albert Deering, Highway Superintendent  
Greg Darlington, First Sergeant  
Laura VanValkenburg, Assessor  
Danyell Crowley, Youth Coordinator

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**OPENING COMMENT**

Supervisor Hotaling stated that there was a full Town Board present in addition to Town Clerk Millious, Town Attorney Rotello, First Sergeant Darlington, Assessor VanValkenburg and Youth Coordinator Danyell Crowley. He continued by asking that Town Clerk Millious read the Notice of Special Meeting.

**NOTICE  
SPECIAL TOWN BOARD MEETING**

In compliance with Public Officer's Law, this will inform you that the Town Board of the Town of Coeymans has scheduled a Special Town Board Meeting for Monday, June 12, 2006, at 7:00pm. The purpose of the meeting will be to conduct Town business. The meeting will be held at the Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, New York.

**By Order of the Town of  
Coeymans Town Board  
Diane L. Millious  
Town Clerk**

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**AGENDA ITEMS**

- Public Announcement  
- Public Information Meeting on Town-Wide Revaluation Project

- Public Comment Period
- Approval of Minutes
  - Town Board Workshop, April 18, 2006 (Previously Tabled)
  - Town Board Meeting, April 24, 2006 (Preciously Tabled)
  - Town Board Meeting, May 8, 2006
- Old Business Update and Discussion
  - Coeymans Firehouse Purchase
  - Acceptance of Council 82 Agreement
  - Air Conditioning System
  - Food for Thought Program
- New Business Topics for Discussion and/or Action
  - Establish Public Hearing Date on Draft Comprehensive Plan
- Resolutions
  - Appointment of Equipment Operator I
  - Authorize Council 82 Agreement
  - Authorize Purchase of Coeymans Firehouse
- Town Board Workshops/Meetings
  - Joint Town Board, Planning Board & Zoning Board of Appeals Meeting, June 14, 2006, 6:00pm
  - Town Board Workshop, June 20, 2006, 6:00pm
  - Town Board Meeting, June 26, 2006, 7:00pm

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## **PUBLIC ANNOUNCEMENT**

Supervisor Hotaling stated that 4th grade teacher Linda Boehm had invited him to talk to approximately 60 students about government. He added that they were very attentive and interested in the topic and they talked about United States government and the differentiation between their responsibility and the State of New York, County government and Coeymans as a local government in addition to the Village of Ravena, a government within the Town of Coeymans. He continued by saying that they talked about the importance of being connected to their community through their government and added that hopefully it was a message that was heard and will stick with them. He concluded by saying that Councilman Boehm delivered to him earlier in the evening, several notes of thanks.

### **Public Information Meeting – Town-Wide Revaluation Project**

Supervisor Hotaling stated that there is an upcoming Informational Meeting and a press release had indicated last week that the Revaluation Project had commenced and they are trying to engage everyone in the community to better understand the project itself, the segments of the process and a timeline. He added that in an effort to do that he is announcing a Public Information Meeting on June 19<sup>th</sup> at 7:00pm in Town Hall and then encouraged property owners to attend to learn more about the project and the data mailer information, which will be utilized for communicating with the property owner. He

continued by saying that the ultimate goal of Assessor VanValkenburg, the appraisal consultants, and the entire Town Board is to establish a fair and equitable assessment for all properties in an open process with property owner's participation and added that he urges everyone to understand the process. He added that the Town must do this because the State mandates them to maintain their assessment at full value and it is an honest effort to do that and he believes that they can demonstrate that the project can be as painless and possible and only benefit the taxpayers in a more fair and equitable way so that everyone is paying their fair share. He continued by saying that the Town Board does not view the project as a trigger for a wild spending spree and increased budgetary appropriations as a result of it and he would urge other taxing entities within the Town to use the Town's assessed value to establish their budgets to be as cautious and conservative as they intend to be so that the increase assessed valuation that is going to result in the Town is not a signal for those taxing entities to run amuck with wild spending and added that if this happens it will not be to the benefit to the taxpayers of the Town of Coeymans and it is something that the Town Board will keep an eye on. He concluded by reiterating that date and time for the meeting and added that members of the Town Board, Assessor VanValkenburg, and the project director will be present to give information and respond to any questions or concerns that any member of the public may have.

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## **PUBLIC COMMENT PERIOD**

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

## **APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were minutes of a Workshop on April 18<sup>th</sup> and a Town Board Meeting on April 24<sup>th</sup> that were previously tabled in addition to minutes for a Town Board Meeting on May 8<sup>th</sup> that have been submitted for Town Board consideration. He then asked if everyone had an opportunity to review them and then asked for a motion to approve them.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, to approve the minutes as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling added that there are an additional three sets of minutes that will be available for their review at the June 26<sup>th</sup> meeting.

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## **OLD BUSINESS**

### **Coeymans Firehouse Purchase**

Supervisor Hotaling stated that the Town Board, going back to December 2005, has amongst themselves discussed acquiring the property of the old Coeymans Fire House on South Main Street in Coeymans and with the exception of Councilman Boehm, who was not yet on the Town Board, had a tour and after Councilman Boehm had joined the Town Board he too was given the opportunity to tour the facility. He continued by saying that he was opening it up to discussion for each individual Board Member's input and added that the close proximity would give the Town a presence in the Hamlet of Coeymans, which adjoins the Coeymans Landing Park. He then asked for discussion and added that if it led them to a favorable determination, later in the meeting he would be presenting a resolution to the Town Board for authorization to make the purchase on behalf of the Town of Coeymans.

Councilwoman Chmielewski stated that they all toured the facility and she personally was surprised by all of the room that there is in the building. She continued by saying that with the workforce that is currently downstairs in Town Hall and with all of the new equipment purchases, she feels as though it is a very good idea to move the Utility Work Force along with the equipment and added that it will also give them an area to work on the equipment. She added that it borders Coeymans Landing Park and it will be an extension of the park.

Councilwoman Rogers stated that in the past they have had to scramble to find a place for the Food for Thought Program and have had to pay for the space and this will provide them an alternative to having to do that.

Supervisor Hotaling stated that he had not thought of that and there is space down there with a minimal kitchen facility as well.

Councilman Conrad stated that in doing the Comprehensive Plan he believes that the parks has been one of the biggest issues identified that really needs to be worked on. He added that it is a great thing to enhance the waterfront and take the position to have more space to operate down there.

Councilman Boehm stated that it is a great facility with a lot of storage and even has a garage bay facing the park are for storage of equipment, which will eliminate the need for storage sheds. He continued by saying that there would be future capabilities of restrooms and many other types of things that they desperately need. He added that he believes that it will be a great addition.

Supervisor Hotaling added that rather than building a restroom, which would be directly in the flood plain and possibly problematic, and with an expansion and some modifications they could provide some public restrooms. He continued by saying that they have purchased a 1-ton dump-truck, 2 mowers, 2 garden type tractors and there are a couple of pick-up trucks that are assigned to the Utility Work Force and these items can be stored at this facility. He added that storing the equipment in close proximity to the park and Grove Cemetery makes sense and sets the stage for those that will follow them and there might be future interest in taking a look at making a larger municipal presence at that location, it could be potentially done. He concluded by saying that for all of the reasons stated it makes sense and he would ask that the Town Board consider approving the upcoming resolution to make the purchase.

### **Council 82 Agreement**

Supervisor Hotaling stated that the contract with Council 82 for the Police Department expired December 31, 2005 and starting in November 2005, they began to meet and discuss about the parameters of negotiations and given some circumstances regarding leadership within Council 82, they got a late start. He added that as they got into 2006 there were more frequent negotiations and culminating in mid May they negotiated a Tentative Agreement and it was set forth to the members of Council 82 in a membership vote and they are now at the point where the Town Board needs to affirm the contract, which will take the form of a resolution that they will consider later in the meeting. He then asked Councilman Conrad or Councilwoman Chmielewski, who were part of the negotiating team if they had any comments.

Councilwoman Chmielewski stated that the negotiations went very well at all of the meetings and everyone was open to discussion.

Councilman Conrad stated that he would affirm the same and added that they made a lot of changes to the different ways that the contract was approached this year and all of the changes were for the benefit of all involved, the employees as well as the taxpayers. He added that the hopefully it will play out and they will be able to follow up with this type of negotiating on future contracts.

Supervisor Hotaling added that they will soon begin negotiations with the CSEA Labor Force and it will commence next week and the Town's negotiating team will go until the end of the month. He added that the contract expires December 31<sup>st</sup> and given five months to negotiate, they should be able to have a contract prior to this date and a resolution will follow later in the meeting to engage in an effort to get retroactive pay as quickly as possible.

Councilwoman Chmielewski stated that she agrees that it is better that they are starting early because figuring the retroactive is a big job and they will be able to start fresh January 1, 2007.

## **Air Conditioning System**

Supervisor Hotaling stated that they had received bids for an air conditioning system and there were some concerns expressed at a Town Board Meeting after the bid opening from one of the bidders relating to the exclusion of the Non-Collusive Certificate from the low bidder. He added that through Town Attorney Rotello's efforts with the Association of Towns along with Attorney General opinions and Comptroller opinions that suggested that failure to submit a Non-Collusive Certificate is not fatal from a bidder so long as it is submitted prior to the award of the bid in that such submission would not act to the extreme benefit of any particular bidder or to the detriment of others. He continued by saying that having had that opinion they were ready to move forward with awarding the bid but then one of the other bidders raised issues about prevailing wage and upon review and discovery subsequent to that, it was this bidders bid that affirmatively stated that their bid was made without prevailing wage being included. He added that he has carefully reviewed in the newspaper, a lot of Requests for Bid that have gone out and he has not found one instance where it specifically states that prevailing wage must be paid. He continued by saying that as a municipality they understand that prevailing wage must be paid but so do the bidders that deal with municipalities and added that given that reality he would like the Town Board to consider an award of the air conditioning system bid to the apparent low bidder Heavenly Air. He concluded by reviewing the bids as follows: \$36,000 from Eastern Heating & Cooling, \$33,564 from Persico Oil, \$22,489 from Family Danz and \$15,000 from Heavenly Air and added that there is a major distinction between the bidders and they had previously determined that Heavenly Air is a responsible bidder and then asked if there were any additional comments.

Councilman Boehm stated that based on Town Attorney Rotello's recommendation he would suggest that they accept the bid and continued by offering a motion.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, accepting the bid from Heavenly Air in the amount of \$15,000.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling added that he would be contacting Mr. Biance the following day and ask that he advise Heavenly Air that they are the low bidder and can start the installation of air conditioning at Town Hall.

## **Food for Thought Program**

Supervisor Hotaling stated that Food for Thought is a program that the Town has had in the past and advised that Danyell Crowley was present at the meeting and added that she has successfully run the program for many years. He added that in 2004 they stopped doing it in conjunction with the S.A.F.E. Program and in turn the Food for Thought Program was trimmed down. He then asked that Youth Coordinator Crowley give a summary of last year's program and talk about this year's program.

Youth Coordinator Crowley stated that the Food for Thought Program has gotten a late start this year due to a last minute location change and added that they are no longer able to use P.B. Coeymans Elementary School. She continued by saying that this year's program will be at the R-C-S Middle School and added that the School District has been very kind in helping to find a location for this year. She added that the Food for Thought Program is for ages 5-11 and it will be July 10<sup>th</sup> through August 11<sup>th</sup> and the hours will be 9:30am to 12:30pm and applications will be available at Town Hall, R-C-S Community Library and P.B. Coeymans Elementary School. She continued by saying that the applications are for Town of Coeymans residents and registrations will be accepted no later than June 30<sup>th</sup> and will be on a first-come first-serve basis.

Supervisor Hotaling inquired as to how many participants there were last year.

Youth Coordinator Crowley stated that approximately 150 children participated at various times last year.

Supervisor Hotaling interjected that it took some creative scheduling to accommodate that many last year.

Youth Coordinator Crowley stated that it did require a lot of work and she was making phone calls on a daily basis.

Supervisor Hotaling inquired as to what she expects for this year.

Youth Coordinator Crowley stated that there are going to be a couple of other programs at the Middle School but she does not think that there will be a problem for space and added that there will be an average of approximately 80 children a day because some will not use the program for the full five weeks and she expects the total enrollment to be between 150-200 children.

Supervisor Hotaling stated that the need for Food for Thought might only be a couple of weeks for some children and they will have to juggle applications.

Youth Coordinator Crowley stated that there are inquiries after the start of the program asking if there are any openings and added that spots do open up. She added that she wants to stress to parents that there is only one bus and Karen Beachler has been the driver for several years and she has worked with her to come up with a bus schedule and bussing is from centralized locations without door-to-door stops. She continued by saying that children are expected to bring a bag lunch and drink and walk-ins are not permitted and every child has to have a registration form.

Supervisor Hotaling stated that there has been a bit of a struggle to find somewhere to house the program and the School District has made some judgment calls on the utilization of their buildings and felt as though the Elementary School closures for the summer is appropriate and meets their needs in trying to save some money. He continued by offering thanks to Mr. John Bonifide for helping to find a location and getting back to

him within a couple of days and committed the Middle School to the Town for the Food for Thought Program and Superintendent Wright will also be contacting him to work out the details. He concluded by saying that he believes that the Program is a good thing and the Middle School will be a good location.

Youth Coordinator Crowley reiterated that applications are available now at Town Hall, R-C-S Library and P.B. Coeymans Elementary and will be accepted until June 30<sup>th</sup>.

Supervisor Hotaling asked that Ms. Crowley explain why the forms are not available at A.W. Becker Elementary.

Youth Coordinator Crowley stated that last year approximately 500 applications were sent out and only handful from A.W. Becker were accepted and added that many were turned down because they were not Town of Coeymans residents in addition to another concern about not being able to provide a bus because of the distance and for those reasons they did not supply A.W. Becker with applications.

Supervisor Hotaling stated that the determining factor is that the Food for Thought Program is a Town of Coeymans program for Town of Coeymans' residents and they recognize the fact that A.W. Becker is a school within the District and it appears that the majority of children attending A.W. Becker are not residents of the Town of Coeymans.

Councilman Boehm stated that he is concerned with the change in location and making it more open to the north-end of the Town and that part of the District.

Supervisor Hotaling reiterated that they are not putting the applications at A.W. Elementary but they can still come and get an application.

Youth Coordinator Crowley interjected that they are allowed to participate and added that calls can be made to Town Hall and she has made her phone number available for anyone that has any questions about the program. She continued by saying that applications for the Town of Coeymans residents in A.W. Becker can be mailed directly to them.

Supervisor Hotaling thanked Ms. Crowley for her efforts and added that he knows that as in the past the program will come together.

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## **NEW BUSINESS**

### **Town Clerk's Attendance to Town Clerk Association Meeting/Luncheon**

Supervisor Hotaling stated that he was in receipt of Town Clerk Millious' request to attend a June meeting for the Town Clerk's Association and added that she is an officer of the Association. He added that the request to attend also asks that mileage be covered

and then asked if there were any comments from the Town Board, hearing none he asked for a motion.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, authorizing the Town Clerk to attend the Town Clerk Association Meeting/Luncheon to include mileage reimbursement.

VOTE – AYES 5 – NAYS 0 – SO MOVED

## **Establish Public Hearing Date – Comprehensive Plan**

Supervisor Hotaling stated that they have been in the process of developing a Comprehensive Plan for a little over a year and they have been working with Laberge Group in doing this. He added that they are at the point where a Draft Comprehensive Plan is available and there was a Press Release on June 1<sup>st</sup> to the local papers and also on the website stating that the Draft Comprehensive Plan is available for public review and comment and the comment period continues until June 26, 2006. He added that the entire plan, which is approximately 130 pages in on the website Coeymans.org and in addition to that there is going to be a Public Hearing and anyone who contributes comments is encouraged to attend to reiterate their comments or they can make additional comments. He continued by saying that anyone who does not make a comment by June 26<sup>th</sup>, there will be an opportunity to make such comment at the Public Hearing. He added that his suggestion for the Public Hearing date is July 11, 2006, which would give them the opportunity to ask the Town Clerk to advertise such hearing if the Town Board were to approve that date and added that he would also suggest that the time be 6:00pm. He concluded by saying that the Public Hearing would be exclusively to hear comments on the Comprehensive Plan and it will remain open until everyone has had the opportunity to comment and this supplements the ability of the public to have input between now and June 26<sup>th</sup>. He then asked if there were any additional comments.

Councilman Boehm stated that he encourages the public to attend because participation during the process has progressively been dropping off and then suggested that people mark it on their calendars.

Supervisor Hotaling stated that between now and then there is an opportunity to create either a comment directly to the Town Board by June 26<sup>th</sup> and if not by that date, they will accept any written Public Hearing comment as well, which will be part of the record. He added that they will be giving a date at the Public Hearing as to how long they will be receiving additional public comments. He concluded by stating that the July 11<sup>th</sup> date keeps them on track to hopefully get approval for the Comprehensive Plan by the end of the summer.

Councilman Conrad suggested that they could possibly have a phone available for comments the night of the Public Hearing.

Supervisor Hotaling stated that they could if necessary and they have done it in the past.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, setting the Public Hearing date as July 11, 2006 at 6:00pm at Town Hall for the purpose of receiving comments on the Draft Comprehensive Plan in addition to authorizing Town Clerk Millious to advertise such hearing.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling asked that Town Clerk Millious advertise the Public Hearing in the Town's official newspaper and added that Mr. Panek, a reporter for the Ledger was present, which would result in an article in their paper. He continued by thanking Mr. Panek for his previous attendance at prior meetings about the Comprehensive Plan.

## **RESOLUTIONS**

### **RES. #079-06 APPOINT HIGHWAY EQUIPMENT OPERATOR I**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Superintendent of Highways is desirous of filling a position of Equipment Operator I at the Highway Department, and

**WHEREAS**, the Albany County Civil Service Department has confirmed this job title as a non-competitive position requiring the chosen candidate to meet minimum qualifications, and

**WHEREAS**, the Highway Superintendent has confirmed the candidate meets minimum qualifications,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Wendi S. Clarke, to the position of Highway Equipment Operator I, effective immediately, at a salary consistent with the Labor Management Agreement in effect and contingent upon a successful pre-employment drug screening report.

Supervisor Hotaling asked Superintendent of Highways if he had anything to add.

Highway Superintendent Deering stated that he didn't have anything to add.

Supervisor Hotaling stated that there has been some difficulty with the drug testing company and through Councilman Conrad's efforts they now have the opportunity to take advantage of a State Contract company, Energetics, which has a number of labs in the State of New York with 5-6 being stationed in Albany County. He added that it would typically take a couple of weeks to get it up-and-running but they agreed to have the pre-employment testing done already and upon receipt of the results they will be all set to go.

**RES. #080-06 AUTHORIZE AFFIRMATION OF COUNCIL 82 AGREEMENT**

On motion of Councilman Boehm, seconded by Councilman Conrad, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, in late 2005 the Town Board commenced negotiations with Local 2647 of Council 82, AFSCME to replace the Labor Management Agreement that expired December 31, 2005, and

**WHEREAS**, the Town Board authorized Supervisor Ronald K. Hotaling, Jr., Councilman Conrad, and Councilwoman Chmielewski to act on behalf of the management in aforementioned negotiations, and

**WHEREAS**, the Tentative Agreement was ratified by a vote of the union's membership shortly thereafter,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans reaffirms the agreement reached for the period January 1, 2006 – December 31, 2008 and further authorizes commencement of retroactive calculations in accordance with the terms and conditions of the Labor Management Agreement.

**RES. #081-06 AUTHORIZE SUPERVISOR TO ENTER INTO CONTRACT FOR PURCHASE OF COEYMANS FIRE HOUSE**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town Board of the Town of Coeymans has determined that it is necessary and in the best interest of the Town, to purchase a new Town building located at 70 South Main Street in the Hamlet of Coeymans, formerly the Coeymans Firehouse, and

**WHEREAS**, the building and property will be utilized as an all-purpose Town building in connection with Town property, cemetery, and park facility maintenance and as a general Town Maintenance and Storage Facility in connection with the Utility Workforce, and for such other and further uses as may be deemed necessary by the Town Board, and

**WHEREAS**, the Town Board has determined that the parcel of real property located at 70 South Main Street in the Town will be suitable for the above stated purposes, especially given its proximity to the Coeymans Landing Park and Coeymans Grove Cemetery.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize Supervisor Ronald K. Hotaling, Jr., to enter into a contract for the purchase of the parcel of real property, together with the building and improvements thereon, located at 70 South Main Street, Coeymans, New York, for the price of \$165,000, from the Coeymans Fire District.

**BE IT FURTHER RESOLVED**, that the Town Board hereby designates Joan Tailleux as Special Attorney for the Town responsible for representation during this purchase, and

**BE IT FURTHER RESOLVED**, that funding for said purchase shall be from an unappropriated fund balance. The purchase shall be contingent upon satisfactory environmental review and inspection, and satisfaction of all other contract contingencies deemed necessary by the Special Attorney for the Town.

Supervisor Hotaling asked that Councilwoman Chmielewski talk about the funding sources for this purchase.

Councilwoman Chmielewski stated that as mentioned in the resolution, there is an unappropriated fund balance and they had a \$200,000 CD taken out of the General Fund going back to August 2005 and it has continuously been rolled over and this is where the funds are coming from.

Supervisor Hotaling interjected that it has been 90 day rollovers and they have achieved some level of interest on it as well but the base balance of \$200,000 remains in that CD.

Councilwoman Chmielewski stated that each time the CD came due they brought back the interest and put it into the fund. She then inquired as to if Mr. Neri, Attorney for the Coeymans Fire District had drawn up the contract.

Town Attorney Rotello stated that Mr. Neri had drawn up the proposed contract.

Councilwoman Chmielewski stated that the contract has to go to the Town's Attorney to look it over before they are going to authorize Supervisor Hotaling to sign it.

Town Attorney Rotello stated that the contract that they have is contingent upon the attorney's approval and there is a date to write into the contract for the attorney to approve it. He added that if there are any objections to it, it is not a binding contract.

Councilwoman Chmielewski interjected that there are parts of the contract where there are blanks.

Town Attorney Rotello stated that the blanks could be filled in.

Councilwoman Chmielewski stated that to her, the contract with the blanks is a draft and she would not say that it is the contract and now it has to go to the Town's attorney.

Town Attorney Rotello reiterated that the blanks could be filled in.

Councilwoman Chmielewski stated that she didn't think so because she has them highlighted and added that she would prefer a better document.

Town Attorney Rotello stated that it was up to the Town Board at this point.

Councilwoman Chmielewski stated that at the next meeting they would authorize the Supervisor to sign the contract and by that time Ms. Tailleu will get back to them with a proper contract.

Town Attorney Rotello stated that he was not quite sure what the specific objections are to the contract itself because it is a standard real-estate contract and added that he does not believe that the contract is improper.

Supervisor Hotaling stated that Councilwoman Chmielewski had made reference to the blanks.

Councilwoman Chmielewski interjected that there is a blank followed by Russell Road and added that it is 18 Russell Avenue and it says Coeymans but it should say Ravena. She added that there are a lot of things wrong.

Town Attorney Rotello stated that those things can be changed and they should pencil them in and then get a signature on the contract and subject to their attorney's approval to have those changes put into a typed contract. He added that there would then be signatures on a contract, which was a concern of the Town Board the last time that they discussed it.

Councilwoman Chmielewski stated that there is a May date on the contract and they are past May.

Town Attorney Rotello agreed and reiterated that this can be crossed out and changed.

Councilwoman Chmielewski stated that she had voiced her concern and she feels as though they should get a proper contract.

Supervisor Hotaling interjected that it is a standard form contract for real-estate purchases and they need to engage Ms. Tailleu to focus on it and get signatures so they can move forward with it.

Councilwoman Chmielewski suggested that Ms. Tailleu should have it done by the next meeting so that Supervisor Hotaling can sign it by the next meeting.

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## **TOWN BOARD WORKSHOPS/MEETINGS**

Supervisor Hotaling stated that they have scheduled a Joint Workshop Meeting with the Town Board, Planning Board and Zoning Board of Appeals and it is relative to the Comprehensive Plan and concepts of changes that are envisioned by members or collective members of each Board relative to the Town's Zoning Code if and when the Town Board approves the Comprehensive Plan.

- Joint Town Board, Planning Board, & Zoning Board of Appeals Meeting, June 14, 2006, 6:00pm
- Town Board Workshop, June 20, 2006, 6:00pm
- Town Board Meeting, June 26, 2006, 7:00pm

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## **ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Councilman Conrad stated that they had a situation arise at the Waste Water Treatment Plant with some of the work that is being undertaken with the current contract and there has been discussion with Chief Operator Breedlove with respect to some of the valving and transfer pumps. He added that the transfer pumps for the primaries and secondaries are being changed and for some reason there are 5 valves that are located directly in between the two primary transfer pumps and two of them are check valves and the others are plug valves for isolation, locating and sending the sludge in different directions. He continued by saying that the valves are original equipment and have been there forever and one of the check valves is broken while the others operate very hard and are in need of repair. He added that in discussion with Mr. Breedlove, they looked over the situation and in turn got a proposal from Jett Industries and that amount of money has been forwarded to them by means of a Change Order in the amount of \$2,389.85 plus parts for a total of \$3,369.00. He added that they need to have authorization by the Board for the Supervisor to approve this change order.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Boehm, authorizing Supervisor Ronald K. Hotaling, Jr., to approve Change Order #2 in the amount of \$3,389.00 and forward with its implementation.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that the authorization will allow Mr. Vopelak to contact Jett Industries to get a signature on the Change Order and move ahead with the replacement valves.

Supervisor Hotaling asked if there were any additional comments.

Councilman Conrad stated that the Albany County Health Department is scheduled to be on the agenda for the June 26<sup>th</sup> Meeting and suggested that it also be added to the June 20<sup>th</sup> Workshop.

Supervisor Hotaling stated that he had the same thought but didn't want to be presumptuous and throw too many things into the mix. He added that the June 20<sup>th</sup> Workshop has regular items on it for discussion but it also has a conversion at 7:00pm to an Informational Meeting for those people that are currently in the Water Supply District on the lower Martins Hill section that has previously come to the Town because of lack of potable water and the problems surrounding that. He continued by saying that the Rte. 143 realignment project is also running parallel to this project and as a result there have been some concerns expressed by the DOT relative to the sanitary waste disposal of some of the homes in that area, which may not meet the needs of the sanitary code and in turn they engaged with the Albany County Health Department asking them to perform a survey to determine the level of the problem. He added that there is a response from the Albany County Health Department that talks about confirmation of the problems as well as a mitigation that they would like the Town to do to start placing some sanitary sewer in that area in order to alleviate the problem of human waste being disposed of in the concrete gutters that Rte. 143 would have. He concluded by saying that this is a big issue because there is a moratorium from DEC on additional sewer hook-ups and it is a dilemma that they didn't expect to face and as Councilman Conrad stated it might behoove them to add to the June 20<sup>th</sup> Informational Workshop those potential municipal water customers to talk about this problem as well.

Councilman Conrad stated that the reason that he is asking that they jump-start this process is because there is a problem in that the current Sewer District does not align with the current existing Water District and with the fast approaching timelines that they have been faced with DOT they need to move this along fairly quickly because they are going to have to extend or modify the Sewer District, which will have to be approved by DEC and the Health Department. He concluded by saying that those involved need to know what they are up against because from his understating in conversation with residents of that area, they are under the impression that the sewer is going to happen and they need to set the record straight as to where the Town is at.

Supervisor Hotaling stated that it is a component of the discussion and the focus of the 20<sup>th</sup> Workshop should be focused on the potable water issue, the municipal project and the cost associated with it, and the debt that is going to be incurred and attributed to those individuals in that area.

Councilman Conrad interjected that there are seven affected parties.

Supervisor Hotaling added that he does not know if the letter will identify the seven affected parties but they probably know who they are.

Councilman Conrad stated that they could add this as a second component of the Workshop and follow-up with discussion at the 26<sup>th</sup> meeting as a proposed game plan and how they need to proceed.

Supervisor Hotaling stated that if the Town of Coeymans does not pursue a solution then it is going to be the responsibility of each individual property owner to do.

Councilman Boehm stated that he wanted to compliment Highway Superintendent Deering and his work for doing the patchwork on the pavement and fixing the potholes on Stanton Road. He continued by inquiring as to why there were no flaggers with the equipment and added that there were signs and cones but no one flagging traffic. He then asked Highway Superintendent Deering if there were flaggers.

Highway Superintendent Deering stated that there were not.

Councilman Boehm inquired as to if there are seasonal workers that he could hire to do this.

Supervisor Hotaling stated that he and Councilwoman Chmielewski had a meeting with the Health and Safety Committee of CSEA and during the course of the meeting they raised the issue about the lack of flaggers. He added that he had conveyed to Deputy Highway Superintendent Searles that the Town Board would not be opposed to seasonal part-time employment of someone that would work on an as needed basis.

Councilman Boehm interjected that Stanton Road is not heavily traveled but without a flagger it was hard to maneuver around the equipment and added that he believes that having flaggers would be a good idea.

Councilwoman Chmielewski added that during the meeting they also discussed signage and Deputy Highway Superintendent Searles was looking into getting some signs, which would advise that there was a work zone ahead.

Highway Superintendent Deering stated that they have signs and they are put up when and where they are needed but they do not have signs advising that there is a work zone ahead.

Councilman Boehm interjected that there were signs but they were small and worn.

Councilwoman Chmielewski added that she had thought that Deputy Highway Superintendent Searles was going to look into getting signs.

Councilman Conrad stated that he believes that they have the signs in-house at their facility.

Highway Superintendent Deering stated that he would check into it.

Supervisor Hotaling stated that he does not believe that there would be opposition to hiring someone seasonal to work on an as needed basis.

Councilman Conrad stated that there was also an issue raised about smoking in Town vehicles and the law now prohibits smoking by employees in Town vehicles or public buildings and they are hearing that it continues to take place.

Highway Superintendent Deering interjected that no one is smoking in the buildings and added that he does not know about in the vehicles.

Councilman Conrad added that there were two names that he would mention to Highway Superintendent Deering and asked that he makes sure it is not happening.

Supervisor Hotaling interjected that there is a policy prohibiting it in any Town owned vehicles and added that he believes that there may be a misconception of what it means if there is a vehicle assigned to an individual and the prohibition would prevail in that vehicle as well because at any given time another employee could be in the vehicle for a variety of reasons and to expose that person would be a violation of the policy.

Councilman Conrad stated that they need to check into this.

Highway Superintendent Deering stated that past practice for flagging has been if it is a heavily traveled road there would be a flagger but if it isn't a heavily traveled road the driver or operator can watch traffic.

Councilman Boehm stated that there was no one at the time.

Highway Superintendent Deering stated that they were probably on break and added that there were signs up.

Councilman Boehm stated that there were small signs and cones and because there were no flaggers it was a problem maneuvering with traffic coming from the other direction and then reiterated that they had done a great job patching the road.

Councilman Boehm inquired as to if the signs for not feeding the birds at Coeymans Landing had been received.

Supervisor Hotaling stated that they had not received them and it is a work in progress.

Town Attorney Rotello inquired as to if Councilman Boehm wanted to speak about the Business Association and Economic Development Committee.

Councilman Boehm stated that Attorney Rotello could continue with the discussion.

Town Attorney Rotello continued by saying that Councilman Boehm asked him to contact Ms. Pam Moore, President of the Business Association about Mr. Siden from Laberge giving a presentation to the Business Association.

Supervisor Hotaling stated that Mr. Siden has expressed a willingness to do that.

Town Attorney Rotello stated that he has spoken to Mr. Siden and the meeting is scheduled for June 28<sup>th</sup> at 7:00pm at Yanni's Too and added that any business owner in the Town of Coeymans, whether a member or past member of the Business Association, who would like to know more about the Comprehensive Plan and Economic Development as it relates to the impact on the business community, are invited to attend.

Councilman Boehm stated that one of the components of the Comprehensive Plan deals with economic development and lack of local jobs and added that this is a great effort by Attorney Rotello and the business leaders to start an organization that is important to the community and Mr. Siden will be able to share that information with them about the Comprehensive Plan, which hopefully will spark some more interest.

Supervisor Hotaling stated that regarding the Economic Development Committee, he has a draft letter ready to go out to the members but there has been some inquiry from others who have shown in interest in being part of the Committee. He then inquired as to how large the Committee should be because it appears that they could get 10-12 people that are interested in doing this.

Town Attorney Rotello stated that based on past experience, the more that you can get to have an interest the better.

Supervisor Hotaling asked that Attorney Rotello along with Councilman Boehm, compile a list of whom they believe would carry their interest through to the conclusion of the Comprehensive Plan.

Councilman Boehm stated that Mr. Bob Fisk had already volunteered and added that he along with Attorney Rotello would get together to come up with a list.

Supervisor Hotaling stated that he would follow it up with letters and they would see who expresses an interest in being part of the Economic Development Committee.

Councilwoman Chmielewski interjected that Supervisor Hotaling had contacted a few people that has shown an interest.

Town Attorney Rotello stated that any grants that the Town may have been involved in or might be awarded as far as economic development in having studies done or a needs assessment, affect business owners, which also included the Village of Ravena.

Supervisor Hotaling stated that he is glad that Town Attorney Rotello mentioned that and they would encourage anyone in the Town of Coeymans.

Councilman Boehm stated that there are some grants that have been awarded to fix up buildings on Main Street.

Town Attorney Rotello stated that anyone along the Main Street corridor can contact the Village about the grant and Judy Eisgruber from Albany County Rural Housing is administrating it. He added that the June 28<sup>th</sup> meeting is geared toward members of the business community and there has been discussion regarding the Town Board and Village Board being invited as well as Councilman Boehm suggesting that the Planning and Zoning Boards be invited as well because as the needs arise in business development and economic development, those Boards will be the ones getting those types of applications, especially when they transition into the zoning phase of the Comprehensive Plan.

Supervisor Hotaling asked if there were any additional comments.

First Sergeant Darlington stated that in late May the emergency generator, which powers Village Hall, had some issues and it had to be replaced and it was found that the generator was powering up but was not generating emergency power so they brought in their bus to supply the Communications Center and Police Department in case of a power outage. He added that since then they have brought in a temporary generator and a new one has been ordered. He continued by saying that possibly because of the power fluctuations, earlier in the day their phone system was not working and they were unable to answer emergency calls and since then, State Telephone came in and ran a line to bypass the computer, which was not working due to an apparent power surge.

Supervisor Hotaling inquired as to if there was a power loss that occurred and the temporary generator kicked in.

First Sergeant Darlington stated that this was not the case and they are not sure what happened and added that their first priority was to get the phones to where they could receive emergency calls.

Supervisor Hotaling interjected that 911 calls still ring through the County but those that came in through the emergency 756 number were affected.

First Sergeant Darlington stated that he would be meeting with State Telephone representatives to see what they believe caused the issue.

Supervisor Hotaling inquired as to if it is all coordinated through a PC.

First Sergeant Darlington stated that it is the same phone system as the Town Hall building and there is a computer within the system.

Supervisor Hotaling asked that First Sergeant Darlington keep him updated and asked if there were any additional comments, hearing none he asked for a motion to adjourn the meeting.

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**ADJOURNMENT.**

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 8:17pm

Respectfully Submitted,

APPROVED:

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Diane L. Millious, Town Clerk

**A Town Board Meeting was held Monday, May 22, 2006, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ABSENT:** Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Highway Superintendent Deering  
Town Attorney Rotello  
Assessor VanValkenburg

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect the absence of Councilwoman Rogers and Councilman Conrad with the balance of the Town Board and Town Clerk Millious being present.

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**OVERVIEW OF AGENDA**

- Public Comment
- Approval of Minutes
  - Town Board Workshop, April 18, 2006
  - Town Board Meeting, April 24, 2006
- Supervisor's Report – April 2006
- Department Report Review
  - Town Clerk Monthly Report – April 2006
  - Building Department Monthly Report – April 2006
- Old Business Update and Discussion
  - Air Conditioning Bid
  - Update on Waste Water Treatment Plant Upgrades
  - Miller Road/Kruger Road Creek Cleanup
  - Evenings on the Green
- New Business Topics for Discussion and/or Action
  - Mosher Park Pool Passes

- CSEA Labor Management Negotiations
- Capitol Flags for Cemeteries
- Resignation of Waste Water Treatment Plant Operator
- Resolution
  - Appointment of Part-Time Human Resource Clerk
  - Acceptance of Proposal for Real Property Revaluation Project
  - Approval of May Abstract
- Correspondence
  - Laberge Group – Grants for Agricultural Districts
- Town Board Workshops/Meetings
  - Town Board Workshop, June 20, 2006, 6:00pm
  - Town Board Meeting, June 26, 2006, 7:00pm

**PUBLIC COMMENT**

Supervisor Hotaling invited members of the public to comment at this time.

Ms. Diana Higginbotham introduced herself and stated that she was appointed as the Court Clerk at the April 24, 2006 Town Board Meeting and since then she has signed all paperwork necessary and in turn has been awaiting a background check that was requested by Justice Pearson. She continued by saying that she had contacted First Sergeant Darlington earlier in the day in hope that the background check had been done and added that she does not understand what there could be in the background check to keep her from the appointment. She concluded by asking when she might be able to start her job.

Supervisor Hotaling stated that at this point it is unanswerable and added that he had spoken to her two weeks ago and at that time she was trying to get paperwork accomplished.

Ms. Higginbotham stated that she had turned it in on that day, which was May 11, 2006.

Supervisor Hotaling stated that he has not heard anything and based on her input he will make some inquiries at the Court Office and with First Sergeant Darlington to see what the status is. He concluded by saying that he would give her a call the following day.

Supervisor Hotaling asked if there were any additional comments, hearing none he moved to the next agenda item.

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**APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were two sets of minutes for Town Board approval, a Town Board Workshop on April 18<sup>th</sup> and a Town Board Meeting on April 24<sup>th</sup>. He continued by asking if the members of the Board present had the opportunity to review the minutes.

Councilwoman Chmielewski stated that she did not have the opportunity to review them and added that because two Board Members were absent she would recommend tabling them.

Supervisor Hotaling asked for a motion to table the minutes.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the two sets of minutes were tabled until the next meeting.

VOTE – AYES 3 – NAYS 0 – ABSENT 2 (Conrad, Rogers) – SO MOVED

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**SUPERVISOR’S REPORT**

Supervisor Hotaling presented his report for April 2006.

FUND	BAL. FWD.	RECEIPTS	DISBURSE.	BALANCE
General	\$2,009,901.31	\$ 28,723.80	\$(1,656,572.92)	\$ 382,052.19
Part-Town	\$ 95,916.94	\$ 17,072.88	\$( 23,781.02)	\$ 89,208.80
Spec. Water	\$ 70,019.88	\$ 41,392.22	-0-	\$ 111,412.10
Highway	\$ 111,046.85	\$ 450,068.19	\$( 35,988.07)	\$ 525,126.97
Bridge Const.	\$ 152,970.66	\$ 33.58	\$( 100,000.00)	\$ 53,004.24
Sewer	\$ 243,486.44	\$ 9,725.30	\$( 24,514.51)	\$ 228,697.23
Sewer Cap Proj.	\$ 418,256.10	\$ 112.18	\$ 250,754.63	\$ 167,613.65

			<b>Total Rec. Bal.</b>	<b>\$1,557,115.18</b>

<b>CD CITIZENS BANK</b>	<b>A FUND</b>	<b>\$ 200,000.00</b>
<b>90 DAYS</b>	<b>A FUND</b>	<b>\$ 107,346.00</b>
<b>30 DAYS</b>	<b>A FUND</b>	<b>\$1,500,000.00</b>
<b>90 DAYS</b>	<b>HIGHWAY-DA</b>	<b>\$ 100,000.00</b>

**SAVINGS ACCOUNTS**

**SECTION 8 - HUD**

<b>UNEMPLOYMENT</b>	<b>\$ 3,109.93</b>
<b>GROVE CEMETERY</b>	<b>\$ 57,003.24</b>
<b>SEWER-DEDICATED</b>	<b>\$ 6,120.80</b>
<b>TOTAL</b>	<b>\$ 66,233.97</b>

<b>OCCUPIED UNITS</b>	<b>70</b>
<b>HUD PAYMENTS</b>	<b>\$28,986.00</b>
<b>ADMIN. FEE</b>	<b>\$ 480.60</b>
<b>TOTAL HUD PMT.</b>	<b>\$31,676.60</b>
<b>TENANT RENT</b>	<b>\$14,930.00</b>
<b>CONTRACT RENT</b>	<b>\$43,916.00</b>

**COLLATERAL  
COVERAGE**

**FDIC COVERAGE**

**COLLATERALIZED**

**National Bank of Coxsackie**  
**\$1,761,793.03**

**Citizens Bank**  
**611,246.64**

**First Niagara**  
**849,279.95**

**\$100,000.00**

**\$100,000.00**

**\$100,000.00**

**\$**

**\$**

Supervisor Hotaling asked for a motion to accept the April 2006 Supervisor's Report.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, the April 2006 Supervisor's Report was accepted as presented.

VOTE – AYES 3 – NAYS 0 – ABSENT 2 (Conrad, Rogers) – SO MOVED

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**DEPARTMENT REPORT REVIEW**

**Town Clerk Monthly Report – April 2006**

Supervisor Hotaling asked that Town Clerk Millious give her Monthly Report for April 2006.

Town Clerk Millious continued by giving her report.

Supervisor Hotaling asked for a motion to accept the report.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the Town Clerk Monthly Report for April 2006 was accepted as presented.

VOTE – AYES 3 – NAYS 0 – ABSENT 2 (Conrad, Rogers) – SO MOVED

Councilwoman Chmielewski inquired as to if there are Kennel Licenses in the Town.

Town Clerk Millious stated that there is definitely one and would check to see if there are any more than that and get back to her with the information.

**Building Department Monthly Report – April 2006**

Supervisor Hotaling stated that he would review the Building Department Report for April 2006 as submitted by Building Inspector Cashin. He continued by giving the report and then asked for a motion to accept the report.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the Building Report for April 2006 was accepted as presented.

VOTE – AYES 3 – NAYS 0 – ABSENT 2 (Conrad, Rogers) – SO MOVED

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**OLD BUSINESS**

**Air Conditioning Bid**

Supervisor Hotaling stated that there was a bid opening and in turn the bids were reviewed to determine the low bidder, which was contested in light of the failure of the low bidder to submit a Non-Collusive Bidding form. He added that they did some research into it and the Association of Towns concluded and confirmed with Town Attorney Rotello that they could move forward with the awarding as long as there was no advantage gained or disadvantage rendered to the other bidders. He added that in addition to this there was a discussion about prevailing wage as to whether or not it is a requirement of the submission specifications for the bid request. He continued by saying that Town Attorney Rotello was to get back to him with his findings and to date he has not gotten the full report back but there has been some indication that he has some information but he would prefer to have it in writing. He concluded by saying that they will have to make do with

the window units for the month of June and he would recommend that they continue tabling the awarding of the air conditioning bid until they have clarification.

Councilwoman Chmielewski interjected that the next Town Board Meeting is not until the end of June and added that if they get a ruling from Town Attorney Rotello soon they could call a Special Meeting for the purpose of awarding the bid.

Supervisor Hotaling agreed that this would be an option.

### **Update on Waste Water Treatment Plant Upgrades**

Supervisor Hotaling stated that they had received from Ed Vopelak, Engineer from C.T. Male, a Change Order in the amount of approximately \$122,000 and there was some discussion at the last Town Board Meeting and Councilman Conrad suggested that some of the work in that Change Order could be handled by a team approach of in-house employees. He continued by saying that there was discussion at last weeks Workshop and his charge at that point was to get back to Mr. Vopelak and talk to him about that, which he had done earlier in the day and he agreed that this would be possible in order to save some money. He added that Mr. Vopelak's concern as was the Town Board's was that the other issues that they have had such as sewer waste percolating out through the manholes and the high-flows that they have experienced because of the most recent storms, concern him with respect to DEC coming down and making a further issue out of the plant's operational failure and shortcoming. He continued by saying that Mr. Vopelak was confident that with the other clarifier coming online within a couple of weeks, that they should be able to handle everything and it will afford them the opportunity to take the \$122,000 Change Order and reduce the cost significantly and added that he believes that they are on the right path and the last decision at the Town Board Meeting, to do work in-house was a valid decision and they will move forward with it. He concluded by saying that the clarifier should be online by the end of May and the final piping was finished earlier in the day, which will be followed by a scheduled test start-up of the pumps and clarifier with a representative of the manufacturer present.

Councilwoman Chmielewski interjected that it is probably done with a representative of the manufacturer because of the warranties.

Supervisor Hotaling stated that he does not know the scheduled date for that.

### **Miller Road/Kruger Road Creek Clean-Up**

Supervisor Hotaling stated that he had been sent from the Highway Department correspondence with respect to their efforts in contacting Hudson Correctional

Facility for work for the inmates and added that he had given it to Councilwoman Chmielewski for her review.

Councilwoman Chmielewski stated that there is a form that needs to be filled out and sent back to the facility and asked Highway Superintendent Deering if he had done this.

Highway Superintendent Deering stated that it has not been sent in.

Supervisor Hotaling interjected that the project would take approximately 60 days.

Highway Superintendent Deering stated that the Town will provide any materials and equipment that would be necessary for the project.

Councilwoman Chmielewski stated that the application indicates that the workers will need rubber boots, gloves, safety glasses, etc. and then asked if the Town would have to provide these.

Highway Superintendent Deering stated that the Town has to provide whatever is needed.

Supervisor Hotaling stated that they provide the labor and supervision and added that it is in the works and asked that Highway Superintendent Deering let him know when it is to start.

Highway Superintendent Deering stated that the process takes a while.

Councilwoman Chmielewski asked if they needed a permit to be able to go in the creek.

Highway Superintendent Deering stated that they are going to take things out of the creek and they will not be going in the creek with equipment and will not need a permit and added that he will make sure nothing else is required before they start the work.

### **Evenings on the Green**

Supervisor Hotaling asked that Councilman Boehm give an update on the Evenings on the Green for the summer months.

Councilman Boehm stated that they are waiting to get contracts back for three of the bands that will be performing and the schedule will remain the same as last year as well as most of the bands returning. He added that the schedule starts on July 6<sup>th</sup> and will be concluding August 31<sup>st</sup> and the only change is that the time has been moved to 6:30pm and there will be an announcement of the final

schedule when they receive all of the contracts, which will probably be at the next Town Board Meeting in addition to it being available on the cable access channel.

Councilman Boehm continued by giving an update about the annual Fishing Derby and added that it is on Sunday, Father's Day and the start time is 10:00am with fishing starting at 10:30am. He added that hotdogs and orange drink will be served at 12:30pm and is a rain or shine event held at the Town of Coeymans Waste Water Treatment Plant. He concluded by saying that he has been asked to announce that no one should arrive earlier than the scheduled time for the event.

Councilwoman Chmielewski inquired as to if the schedule for Evenings on the Green will be in the paper.

Councilman Boehm stated that it will be.

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

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## **NEW BUSINESS**

### **Mosher Park Pool Passes**

Supervisor Hotaling stated that last year the Town Board instituted a permit and daily pass policy with respect to the Mosher Park pool and it was to offset the cost associated with residents from the Town outside the Village. He added that in terms of numbers last year he anticipated revenue in the amount of \$2,500 and they had received \$1,740 from the sale of permits and passes and the Town's bill for the pool last year was based on the previous year's usage. He continued by saying that prior to him taking office in 2004 there was no opportunity for Town outside of the Village residents to use the pool and through negotiations with the Village Board they were able to come up with a plan that allowed use for 2004 at a flat rate and basing the following years price on the previous year's usage from June 2004 to May 2005, payment was made in the amount of \$10,939, which was a 25% share and before that period is the usage that is going to be used to determine the percentage for next year, which they believe will be a bit lower and \$7,500 was budgeted for the cost associated with use of the pool and he kept the revenue at the same. He added that if they achieve the same revenue they will be in the ballpark. He concluded by saying that his suggestion at the Workshop was to keep the same rate at \$10.00 per family permit, books of 10 passes for \$9.00 and individual passes for \$1.00 and added that after another year of data they will take a fresh look at it to see if the policy needs to be adjusted.

Town Clerk Millious inquired as to if coupons not used last year could be used this year.

Supervisor Hotaling stated that he didn't believe that they contemplated that but he does not have a problem with exchanging last years passes for this year. He added that the record should reflect that there was an exchange.

Councilman Boehm inquired as to where the pool passes and coupons could be obtained.

Supervisor Hotaling stated that they can be purchased in the Town Clerk's Office, the same as last year.

Councilwoman Chmielewski inquired as to the color of the passes and coupons.

Town Clerk Millious stated that they were green last year and this year they are blue, in addition to a stamp being affixed to the back.

Supervisor Hotaling reiterated that any unused coupons can be exchanged for this year's coupons.

### **CSEA Labor Management Negotiations**

Supervisor Hotaling stated that the contract for the CSEA workforce expires on December 31, 2006 and they are about to enter into negotiations for renewal of the contract. He added that a letter was sent to the president of Local 801, George LaMountain and in turn he had discussion with him and Mr. Richardson, who has been assisting the Town with the Council 82 Labor Management Agreement negotiations. He continued by saying that they will be meeting with Mr. Richardson on Thursday at 9am for some cleanup clarifications and Mr. LaMountain will be joining them at 10:30, which will be their first introductory rule establishment meeting and they will be setting some dates for the future. He concluded by saying that the negotiating team is Councilwoman Chmielewski, Councilman Conrad and himself and continued by asking Councilman Boehm if he was interested as well.

Councilman Boehm stated that he would be interested.

Supervisor Hotaling stated that he would discuss it with Mr. Richardson to see what the appropriate number is and they will be making a judgment after that.

### **Capital Flags for Cemetery**

Supervisor Hotaling stated that he has received some concerns about the condition and the size of the flags that are being flown at Grove and St. Patricks' Cemetery and in turn they contacted Congressman Michael McNulty's office and

asked that some flags be donated to the Town. He added that two flags have been donated that have been previously flown, one over the United States Capital on April 14, 2006. He concluded by saying that both flags will find their place at both Grove and St. Patricks' Cemetery.

Councilwoman Chmielewski inquired as to if a flag is being flown at Indian Fields Cemetery.

Highway Superintendent Deering stated that there is.

Supervisor Hotaling inquired as to what condition it is in.

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

Councilwoman Rogers suggested that it be checked into.

### **Resignation of Waste Water Treatment Plant Operator**

Supervisor Hotaling stated that he would ask that they table this agenda item because there was not a full Town Board. He added that there has been discussion about Mr. Polverelli's utilization in other areas of water treatment, although the topic is his resignation from the Waste Water Treatment Plant. He concluded by saying that he would contact Mr. Polverelli to advise him that they have tabled it until further discussion.

Councilman Boehm stated that the Rescue Squad report dated April 25<sup>th</sup> regarding the DLS and ALS calls indicated that there were some ALS calls billed as DLS calls because they did not receive PTR, which he assumes is a patient treatment report and in turn this resulted in the Town losing approximately \$800.00 in ALS fees, which they would have been entitled to. He added that he believes that they should address this with Mr. Brian Wood, who handles this for Albany County, because the Town should not be losing money because there is a lack of paperwork being turned in. He concluded by saying that he does not know if they can go back and retroactively submit the paperwork.

Councilwoman Chmielewski interjected that she was surprised that the Rescue Squad did not take care of that.

Supervisor Hotaling stated that he thought that Mr. Seiney had indicated that he handled the problem and added that he was stopping in on a weekly basis to pick up those things. He added that they should raise it with Mr. Wood, who should be able to correct it.

Councilman Boehm stated that it should also include a copy of the report so that they can hopefully go back retroactively and try to recoup some funds for the first quarter.

## **RESOLUTIONS**

### **RES. #076-06 APPOINT PART-TIME HUMAN RESOURCE CLERK**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 2 (Conrad, Chmielewski) – SO MOVED

**WHEREAS**, the Supervisor's Office is desirous of a part-time clerk to assist in handling various personnel transactions relating to insurances, payroll and benefits, and

**WHEREAS**, the Albany County Civil Service Department has confirmed this job title as a non-competitive position and that the chosen candidate meets the minimum qualifications,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Gail B. Bullock to the part-time position of Human Resources Clerk, effective immediately, at the rate of \$10.64 per hour.

Supervisor Hotaling stated that Assessor VanValkenburg has worked countless hours putting together and reviewing RFP's for the Revaluation Project and then asked that Assessor VanValkenburg review the process.

Assessor VanValkenburg stated that the RFP's were mailed out to various companies and in turn they heard back from 6 of the 8 that were sent out and only two had actually sent in a formal proposal. She added that the two companies that submitted were Appraisal Consultants and Garr Associates, which were good proposals, and they addressed all of the requirements and also each has a good reputation. She concluded by saying that the lower priced proposal will benefit the Town and recommended that the Town Board go with their proposal.

### **RES. #077-06 ACCEPT PROPOSAL FOR REAL PROPERTY REVALUATION PROJECT**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 2 (Conrad, Chmielewski) – SO MOVED

**WHEREAS**, the Town of Coeymans is desirous of conducting a town-wide Real Property Revaluation Project for taxable year 2007, and

**WHEREAS**, the Town Board has previously authorized the preparation of Request for Proposals for this project, and

**WHEREAS**, the Town has received two proposals, one from GAR Associates of Amherst, NY and one from Appraisal Consultants of Rochester, NY, and

**WHEREAS**, the Town Board, along with the Assessor, has reviewed these proposals,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby accepts the proposal from Appraisal Consultants in the amount of \$83,000, and the Town Board also authorizes Supervisor Ronald K. Hotaling, Jr., to execute a contract with Appraisal Consultants to conduct the Revaluation Project.

Supervisor Hotaling stated that Garr Associates submitted a project cost totaling \$100,000, which breaks down to \$32 per parcel and Appraisal Consultants is \$26.75 per parcel and added that given the recommendation of Assessor VanValkenburg they are confident in moving ahead with the project and Appraisal Consultants is the correct choice. He concluded by saying that there was a contract included in the proposal and it has been reviewed by Town Attorney Rotello.

**RES. #078-06 APPROVE MAY 2006 ABSTRACT**

On motion of Supervisor Hotaling, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 2 (Conrad, Chmielewski) – 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 May 2006, Abstract.

<b>ABSTRACT</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	656-672	\$ 128,958.59
General	719-768	\$ 13,903.60
	<b>General Total</b>	<b>\$ 142,862.19</b>
<b>PART-TOWN (B)</b>		

Part-Town Pre-Pay	673-678,680-687	\$ 22,809.29
Part-Town	769-778	\$ 1,240.06
	<b>Part Town Total</b>	<b>\$ 24,049.35</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	688-695	\$ 30,397.23
Highway	779-804,821	\$ 10,492.05
	<b>Highway Total</b>	<b>\$ 40,889.28</b>
<b>SEWER (SS)</b>		
Sewer Pre-Pay	696-710	\$ 11,701.38
Sewer	805-819	\$ 10,544.06
	<b>Sewer Total</b>	<b>\$ 22,245.44</b>
<b>GROVE CEM. (TE)</b>		
Grove Cemetery	820	\$ 728.66
	<b>Grove Total</b>	<b>\$ 728.66</b>
<b>SPEC. WATER (SW)</b>		
Special Water Pre-Pay	711	\$ 67,739.26
	<b>Special Water Total</b>	<b>\$ 67,739.26</b>
<b>CAPITAL PROJECTS (H)</b>		
Capital Projects Pre-Pay	712	\$ 527.26
	<b>Cap. Projects Total</b>	<b>\$ 527.26</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$ 299,041.44</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	713-718	\$ 178,438.63
	<b>Trust &amp; Agcy. Total</b>	<b>\$ 178,438.63</b>

## **CORRESPONDENCE**

### **Laberge Group – Grants for Agricultural Districts**

Supervisor Hotaling stated there was some discussion at a previous Town Board Meeting about the possibility of grants with respect to agricultural districts within the Town of Coeymans. He added that he was in receipt of a letter from Ms. Nicole Allen, a Senior Planner for Laberge, who has been working with the Town during the development of a Comprehensive Plan. He continued by reading the following:

Dear Supervisor Hotaling:

As per your request, the Laberge Group has researched the availability of funds for the purpose of preserving agricultural resources and/or the creation of Agricultural Districts within the Town of Coeymans. As you may be aware, the NYS Department of Agriculture and Markets is accepting proposals to implement certain farmland protection implementation activities. In order to ascertain whether the current development of the Town's Comprehensive Plan and the planned revisions to the Zoning Ordinances qualify the Town to apply for such funds, we called the NYS Department of Agriculture and Markets and spoke with David Behm, he indicated that the funds currently are available are for implementation projects. The NYS Department of Agriculture and Markets considers the scope of work proposed by the Town as "planning" and not as "implementation." The NYS Department of Agriculture and Markets anticipates future funds to be available specifically for agriculture "planning"; however, the present RFP's do not provide opportunities for such funds at this time.

Supervisor Hotaling stated that the Town's describes the Comprehensive Plan as planning and not implementation and added that when they get further into it with respect to zoning changes the implementation of those may qualify for some funding and they will take a look at it then for potential funding.

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### **TOWN BOARD WORKSHOPS/MEETINGS**

- Town Board Workshop – June 20, 2006, 6:00pm
- Town Board Meeting – June 26, 2006, 7:00pm

Supervisor Hotaling stated that for the months of June, July and August there is one Town Board Meeting scheduled per month and added that Special Meetings can be called with appropriate notices to the public.

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## **ADDITONAL COMMENTS**

Town Attorney Rotello stated that he has gotten the best answer that he believes that he is going to get from the resources that he has available with respect to prevailing wages for bids. He continued by saying that it is a requirement regardless of a bidding issue and the bidder has to pay prevailing wage. He added that he did not get a clear answer as far as the question about an RFP or invitation to bid as to if the bid would be valid if it did not state that. He continued by saying that the bid application should have that reference and it is the responsibility of the bidders to know that in submitting their bid.

Supervisor Hotaling interjected that he's sure that prevailing wages are not included in many bid specifications.

Town Attorney Rotello added that it is the law and almost goes without saying and it would be a better practice for the Town to include it.

Supervisor Hotaling added that there are four bidders and three of them made no reference to the fact that their bids were utilizing prevailing wage and one made specific reference that their bid was not submitted utilizing prevailing wage, which was the bidder who raised the issue about the requirement to have it and his company was the only one that stated their bid was not utilizing prevailing wage. He concluded by saying that research showed that it is good practice to include it but the reality also shows that it was not included in every one and added that he feels as though they can award the bid.

Councilwoman Chmielewski interjected that she was feeling the same way and then inquired as to why they cannot award it.

Supervisor Hotaling inquired as to if they should not award the bid.

Town Attorney Rotello stated that in light of everything regarding the bid and statements that were made he would recommend that they not take any action on awarding the bid without verifying that prevailing wage are going to be paid.

Supervisor Hotaling stated that he would take Town Attorney Rotello's advice and then inquired as to if they should reject all bids and write specifications to include specifically utilizing prevailing wage

Town Attorney Rotello stated that they could verify with the other bidders that they are in fact going to pay prevailing wage and if so in turn they could award the bid.

Councilwoman Chmielewski inquired as to how they would know that the lowest bidder will be paying prevailing wage.

Town Attorney Rotello stated that they would be provided with proof and the purpose of the statute is to provide the best price for the taxpayers. He added that a municipality cannot get the best prices because of all the added requirements of the law. He concluded by saying that they could argue that given the amount for labor and materials involved, it does not even require a bid and the procurement policy may only require a Request for Proposals but the law says that regardless of whether there is a requirement of a bid, any and all contracts are suppose to be prevailing wage.

Councilman Boehm interjected that he believes that they should go with the lowest bidder.

Supervisor Hotaling inquired as to if they should call the lowest bidder and ask as to whether he would be paying prevailing wages and presume that what ever he says is accurate.

Councilman Boehm inquired as to if the Request for Proposal for the Revaluation Project contained the wording prevailing wage.

Councilwoman Chmielewski suggested that they call all of the bidders and ask if they would be paying prevailing wage.

Supervisor Hotaling stated that for now it is tabled and if necessary they would call a Special Meeting if they wanted to award the bid.

Supervisor Hotaling asked if there were any additional comments.

Town Attorney Rotello inquired as to if he should update them on the proposed CSEA contract.

Councilwoman Chmielewski inquired as to if it is in negotiations.

Town Attorney Rotello stated that he believed that negotiations had taken place and he was not part of it.

Supervisor Hotaling interjected that there is a settled price.

Town Attorney Rotello stated that it is drafted and both Boards would have to prepare resolutions and the Town Board would be subject to a permissive referendum and Town Clerk Millious would put it in the newspaper.

Supervisor Hotaling interjected that it would be in June.

Supervisor Hotaling asked if there were any additional comments.

Town Clerk Millious stated that Delores Martinez and Anthony DiAcetis have been working on the records management project and are doing a great job and are now doing the retention schedule. She added that she will be purchasing some shelving and having it installed. She concluded by saying that there was a great need down there and she hopes that they will continue with the improvements.

Supervisor Hotaling stated that Town Clerk Millious had requested permission to attend a Workshop and the record should reflect that it was discussed by the Town Board and she will be getting an approval to attend the Workshop.

Town Clerk interjected that it is part of the grant and she is required to attend two Workshops.

Supervisor Hotaling asked if there were any additional comments.

Town Board Boehm stated that he wanted to thank the Ledger for their coverage of both the Workshops and Town Board Meetings and added that it has been very comprehensive and they are keeping the public informed as to what they are doing as a Town Board.

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

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## **ADJOURNMENT**

### **MOTION**

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

VOTE – AYES 3 – NAYS 0 – ABSENT 2 (Conrad, Chmielewski) – SO MOVED

***Respectfully Submitted,***

**APPROVED:**

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***Diane L. Millious, Town Clerk***

**A Town Board Workshop was held Tuesday, May 16, 2006, at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Laverne Conrad, Councilman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Members of Coeymans Fire Department  
Members of Coeymans Hollow Fire Department  
Members of Ravena Fire Department

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**AGENDA**

- Fire Districts
- Pool Passes – 2006 Policy
- Economic Development Committee Creation
- Grove Cemetery Crypt Restoration
- Chief of Police Search Process
- Signage at Coeymans Landing
- WWTP Change Order for Old Clarifiers
- Air Conditioning Bid

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**ADJOURNMENT TO EXECUTIVE SESSION**

Supervisor Hotaling asked for a motion to adjourn to Executive Session to discuss the Revaluation Project Request for Proposal, Council 82 tentative agreement and to review the Human Resource applicants.

On motion of Councilman Conrad, seconded by Councilman Boehm, the meeting was adjourned to Executive Session.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 8.25pm

Executive Session ended at 10:00pm

***Respectfully Submitted,***

**APPROVED:**

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**Diane L. Millious, Town Clerk**

**A Special Workshop Meeting was held Tuesday, May 9, 2006 at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Supervisor  
Dawn Rogers, Councilwoman  
Larry Conrad, Councilman  
Thomas A. Boehm, Councilman

**ABSENT:** Nita J. Chmielewski, Councilwoman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Ben Syden - Director of Community Planning & Development, Laberge Group  
Nicole Allen – Senior Planner, Laberge Group

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The following Notice appeared in the Ravena News Herald and was posted at various locations throughout the Town.

**Notice of Special Workshop Meeting**

In compliance with Public Officer's Law, this will inform you that the Town Board of the Town of Coeymans has scheduled a Special Town Board Workshop for Tuesday, May 9, 2006 at 6:00pm. The purpose of the meeting will be relative to the development of a Comprehensive Plan for the Town of Coeymans. The meeting will be held at the Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, New York.

**By Order of the Town of  
Coeymans Town Board  
Diane L. Millious  
Town Clerk**

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**AGENDA**

- . Comprehensive Plan – Laberge Group
  - - Mr. Syden reviewed the process schedule for the Draft Comprehensive Plan and Final Draft Comprehensive Plan adoption.
  - - Discussion regarding Agricultural District Grants.

- - Mr. Syden gave an overview of the Comprehensive Planning Process to date and reviewed what additional steps need to be taken leading up to the adoption and codification of the Comprehensive Plan.
- - Mr. Syden and staff reviewed the Draft Comprehensive Plan.
- - The Draft Comprehensive Plan will be available for public review May 17<sup>th</sup> through June 16<sup>th</sup>, a paper copy will be at Town Hall and an electronic copy will be online.
- - An Economic Development Committee will be created and they will be invited to be active participants in the zoning changes, which should consist of one individual from industrial and/or manufacturing, one small business owner, one retail or commercial individual, a realtor and one from agriculture.

## **ADJOURNMENT**

Time 8:00pm

***Respectfully Submitted***

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***Diane L. Millious, Town Clerk***

**AP**

**A Town Board Meeting was held Monday, May 8, 2006, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Joseph Rotello, Town Attorney  
Albert Deering, Highway Superintendent

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there was a full Town Board present in addition to Town Clerk Millious and Town Attorney Rotello. He added that First Sergeant Darlington had notified him and advised that he could not be present due to a Police Department commitment.

**OVERVIEW OF AGENDA**

- Public Comment Period
- Approval of Minutes
  - Town Board Meeting, April 10, 2006
  - Bid Opening, May 4, 2006
- Family Self-Sufficiency Program, May 2006
- Old Business
  - Waste Water Treatment Plant
- New Business
  - Resignation of Part-Time Police Officer
  - Resignation of Part-Time Clerk/Typist
  - Resignation of Equipment Operator I
  - Sewage Overflows
  - Consolidated Local Street & Highway Improvement Program (CHIPS)
  - Review and Possible Award of Air Conditioning Bid
  - Joralemon Park Tennis Courts
- Resolutions
  - Justice Court Assistance Program Grant Application
  - Approval of Revaluation Stipend to Assessor

- Proclamation for Grange Week
- Approval to Amend April 2006 Abstract
- Correspondence
  - NYS DEC, Tire Derived Fuel Permit
  - LaFarge North America, Tire Derived Fuel Permit
  - P&M Brick LLC, Trespassing at Gedney Hill Mine Site
  - Ravena-Coeymans Historical Society
- Town Board Workshops/Meetings
  - Town Board Workshop, May 9, 2006, 6pm
  - Town Board Workshop, May 16, 2006, 6pm
  - Town Board Meeting, May 22, 2006, 7:00pm
- Executive Session
  - Council 82 Tentative Agreement
  - Review of RFP Proposals for Revaluation Contract

## **PUBLIC ANNOUNCEMENT**

Supervisor Hotaling stated that he would turn it over to Councilman Boehm to give a public announcement relative to the Annual Fishing Derby.

Councilman Boehm stated that the Annual Fishing Derby will be held June 11, 2006 from 8am to 12 Noon at the Waste Water Treatment Plant and he will be making more announcements at a later date. He continued by saying that the Town Board has agreed to fund trophies in the amount of \$100.00, which will be awarded as part of the contest.

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## **PUBLIC COMMENT**

Supervisor Hotaling invited members of the public to comment at this time.

Mr. Peter Santiago stated that he is running for Assembly in the 108<sup>th</sup> District and continued by thanking the Town Board for an opportunity to attend the meeting to learn about the issues that are important to them. He added that as he has traveled the State of New York, running both the Governor and U.S. Senate races over the last year, he has gotten the opportunity to learn about issues that are important to people and most have addressed the rise in taxes as opposed to the level of services going down. He continued by saying that because of this he felt it was time that he have a more vocal voice in the Legislature, who would be happy to argue with the status-quo and do the best for the people and then concluded by saying that this is why he is running.

Supervisor Hotaling inquired as to his past endeavors.

Mr. Santiago stated that he had run the U.S. Senate race for Edward Cox and a Governor's Race for Patrick Manning. He added that he is a small business owner and does IT consulting for the State and private industry. He continued by saying that he believes that he can make a difference in key issues such as Medicaid, spending and taxes and added that New York is 26% higher than the national average based on spending and taxes, which means that for every \$1,000 of personal income, we are taxed \$131.00. He concluded by saying that we are at a point where someone needs to stand up more for the people and he welcomes that opportunity.

Supervisor Hotaling stated that they don't often get an opportunity to talk to someone that is likely to be a member of the Assembly and added that he appreciates him coming to the meeting. He continued by saying that recently they had gotten a report from the State Comptroller indicating that property taxes in New York State in the last five years are up 47% and they, in Coeymans are doing their part trying to hold the rate down. He added that what concerns him is that the office that Mr. Santiago is seeking, seems to suggest that more non-funded mandates are coming their way. He concluded by advising Mr. Santiago that if he is successful in winning the election, in representing the 108<sup>th</sup> District, he would like to talk to him about holding off on sending non-funded mandates.

Mr. Santiago stated that he would welcome the opportunity.

Supervisor Hotaling thanked Mr. Santiago and invited him to come again. He continued by asking if there were any additional public comments.

Mr. Rudolph stated that he is present to represent Family Danz Heating and Air Conditioning and added that he had spoken to Supervisor Hotaling earlier in the day. He continued by saying that based on some bidding that had taken place within the week for the air conditioning for Town Hall, there were some missing papers in the bid submission from one of the bidders, the non-collusion form, which he believes will be awarded later in the meeting.

Supervisor Hotaling stated that they are going to attempt to award the bid later in the meeting.

Mr. Rudolph stated that he didn't see it on the agenda and added that in talking to their Corporate Officers and Corporate Attorney, they feel that there are some major problems.

Supervisor Hotaling stated that he understands and was not able to attend the Bid Opening, last Thursday, because he was involved in some contract negotiations and it was reported to him after the bid that one of the bidders did

not submit the Non-Collusive Bid Form along with the bid packet, which was discovered when it was opened and Mr. Rudolph had made issue to that.

Mr. Rudolph stated that any type of bidding that they have ever been involved in, if that is missing the bid is usually disqualified for that bidder.

Supervisor Hotaling stated that subsequent to the bid and Mr. Rudolph's taking issue, he wanted to learn more about it and was advised that Town Clerk Millious was advised by Town Attorney Rotello to seek advice from the Association of Towns and an opinion was shared with them by Association of Towns council that suggested the inadvertent failure of a bidder to have the Non-Collusive Bid Form included in the bid package was not a fatal error and in fact if the governing body chooses to award the bid so long as they are comfortable that neither that bidder received an advantage nor any of the other bidders were disadvantaged as a result of that failure. He concluded by saying that there is case law going back to 1986 with an opinion from the State Comptroller.

Town Attorney Rotello interjected that he had reviewed the information and he had followed it up with a memo to Supervisor Hotaling.

Supervisor Hotaling stated that the case law was dated September 23, 1986 and continued by quoting the following:

"It should be noted that several court cases have held that the inadvertent failure of the bidder to submit a properly executed Non-Collusion Statement with his bid is a non-material defect, which may be waived by the awarding body if this statement is submitted before the award of the contract and if there is no material advantage to the bidder submitting the statement or material disadvantage to other bidders"

Supervisor Hotaling continued by reading the following:

"I believe that the Legislative intent in enacting Section 103D, as amended, was to require the certificate to constitute a part of the bid before it could be taken up and acted upon by a municipality and that the omission of the certificate could be supplied in the discretion of the municipality so long as no prejudice to any other bidder resulted and no advantage was gained by the correcting bidder. The practice should not be encouraged and the certificate should be a general rule and be supplied as part of the original bid. Accordingly, should the Authority determine that the certificate, through inadvertence, was not properly executed, it appears that it may permit the bidder to file a properly executed certificate after the bid opening but prior to the award of the contract, if allowing such a late filing will not result in a material advantage to that bidder or a material disadvantage to other bidders."

Supervisor Hotaling continued by saying that he is relying on the determination along with Town Attorney Rotello's opinion to move forward with it at this juncture and added that he understands Mr. Rudolph's concern in representing Family Danz and offered him an opportunity to respond. He concluded by saying that he did receive the Non-Collusive Bidding Certificate, which was signed by Leonard Macelli.

Mr. Rudolph inquired as to what date it was received.

Supervisor Hotaling stated that he was not sure of the date.

Town Clerk Millious interjected that it was received late in the afternoon, the same day of the bid opening and added that originally only the outside of the envelope is stamped prior to the opening.

Mr. Rudolph interjected that the bids were received Thursday, the day before.

Supervisor Hotaling stated that there is no dispute that the document was not in the package that was submitted by Heavenly Air but subsequent to that and given the fact that he is much lower than the others, and because of that fact they wanted to make sure that it was not a fatal error, they have found through the assistance of Town Clerk Millious, Town Attorney Rotello and the Association of Towns that it is not a fatal error and failure to submit the Non-Collusive Document at the bid opening can be waived and the bid can be awarded so long as it is received before the bid is awarded. He reiterated that he was not certain when it was received but it was received prior to the awarding of the bid, which may be later in the meeting.

Town Clerk Millious reiterated that it was late Friday afternoon after the bid opening.

Mr. Rudolph inquired as to why prevailing wages were not done on a governmental or municipal building.

Supervisor Hotaling stated that he could not respond to that and he did not know what the bid specifications were.

Mr. Rudolph stated that based on what is done as far as awarding the bid will determine what the Corporation Family Danz does and they will be contacting the Town Board. He then thanked the Town Board.

Supervisor Hotaling asked if there were any more comments, hearing none he moved to the next agenda item.

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## **APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were two sets of minutes for Town Board approval, a Town Board Meeting, April 10, 2006 and a Bid Opening on May 4, 2006. He then asked for a motion to approve the minutes.

## **MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

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## **REPORT REVIEW**

### **Family Self-Sufficiency Program – May 2006**

Supervisor Hotaling gave a summary of the Family Self-Sufficiency Program for May 2006. He then asked if there were any questions or discussion about the Program. Hearing none he moved to the next agenda item.

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## **OLD BUSINESS**

### **Street Lighting – Stone House Hill Road**

Supervisor Hotaling stated that at the last meeting the Town Board discussed a petition, bearing five signatures, which had been submitted to them to have a streetlight erected on Stone House Hill Road in Coeymans. He added that at the last Board Meeting, they had decided to make those signing the petition aware of the fact that any request of that nature would be the creation of a new Lighting District and incur cost relative to the installation and monthly maintenance of the light. He continued by saying that he had discussed this with two of the five that had signed the petition and they have determined that it should be held in abeyance due to the potential cost to the residents. He added that there was a discussion about Stone House Hill Road in general and continued by asking Highway Superintendent Deering if it is a Town road.

Highway Superintendent Deering stated that it is a Town road and it is on the Road List.

Supervisor Hotaling added that he believes that it was turned over in 2001 based on information that he had gotten earlier in the day.

Highway Superintendent Deering stated that he believed that it was done in the 80's by resolution along with listing all of the Town roads.

Councilman Conrad concurred that it was done by resolution, which listed all of the Town roads.

Supervisor Hotaling reiterated that the residents asked that it be held in abeyance at this juncture.

### **Waste Water Treatment Plant**

Supervisor Hotaling stated that a letter was sent to him from Ed Vopelak of C.T. Male, which set forth a proposed Change Order in the project to repair the old clarifiers at the Waste Water Treatment Plant and it is in the amount of \$122,007. He added that he was asked to review the Change Order and then ultimately approve it and send it back in order to have it implemented. He continued by saying that he has had discussions with Chief Operator Breedlove and Councilman Conrad, and Councilman Conrad indicated that he believes that Town employees can do some of the work in-house.

Councilman Conrad stated that one of the clarifiers is down at this point and he understands the urgency in having it brought back online in order to keep the permits within the reasonable limits and even when the new clarifier is on it will have to be kept as a backup for the new clarifier. He added that they expect the new clarifier to be online within the next three weeks, which will avail them the opportunity to work on the one that is down and at this point and he believes that there are things that can be taken care of and the Village is willing to help them take care of some of the problems. He continued by saying that for \$70,000 they can buy all of the parts that they need to do both clarifiers but at this point in time he would recommend only doing the one that is down and possibly doing pieces at a time because the main problem is the gearbox. He concluded by saying that it will run and work and it will get them through this year because they have open contracts with the Village that they need to iron out in determining who will pay what percentages of the repairs.

Supervisor Hotaling inquired as to how the delay on doing this or considering doing it in-house will impact the discussions that they have had with DEC.

Councilman Conrad stated that even if they were to buy the gearbox alone at this point because that is the basic holdup right now. He added that they could purchase just the gear and a gearbox right now, reinstall it and have some wiring done, which would put the clarifier back online and it would satisfy DEC along with buying them some time.

Councilwoman Chmielewski stated that Councilman Conrad would like to do a temporary fix while Jett Industries has proposed a 100% fix.

Councilman Conrad interjected that it would be \$122,000 for Jett Industries.

Councilwoman Chmielewski inquired as to if they would need to spend \$70,000 right now.

Councilman Conrad stated that he didn't believe that it would be that much and he is talking about ultimately getting through the year and then plan on doing some of the fix next year and they might even be able to get a better price.

Councilwoman Chmielewski interjected that for an additional \$50,000 Jett Industries would complete it now.

Councilman Conrad stated that there are other things that need to be done such as concrete work and added that he's not saying that it is a perfect fix but it will get them back online and running.

Councilwoman Chmielewski inquired as to if he believes that there is expertise within the Town and Village in doing the work.

Councilman Conrad stated that he believes that they do and added that he does not believe that the Town has the money available to take care of the problem and if they can save some money now there are other things that need attention now.

Councilwoman Chmielewski inquired as to if this clarifier had to be online before the new one can be done.

Supervisor Hotaling stated that the new clarifier will handle the problem and the old clarifiers are intended to be used as backup.

Councilman Conrad stated that he believes that they have time to discuss this further with Mr. Vopelak in addition to talking with the Village to find out what kind of help they can get from them. He reiterated that if they can get the gearbox that they currently have to work, it would be back online within 24 hours.

Supervisor Hotaling stated that he has had discussions with Mayor Bruno and the Mayor along with his Board have agreed to share the expertise of their labor force in an effort to do some repairs at the Waste Water Treatment Plant and because the new clarifier will be online within two weeks, he believes that they have some time and they should not rush to judgment to spend over \$100,00 to Jett Industries. He added that he believes that DEC should be advised of the Town's thoughts.

Councilwoman Chmielewski inquired as to if this is what Chief Operator Breedlove had suggested.

Councilman Conrad stated that he didn't offer a suggestion but does understand the problem.

Councilwoman Chmielewski interjected that she feels good about the fact that Councilman Conrad has been working at the Waste Water Treatment Plant and knows exactly what is going on and has discussed it with Chief Operator Breedlove.

Councilman Conrad stated that they should keep in mind that work has already been done by Jett and work that started out at \$68,000 cost over \$100,000 and he's skeptical to proceed until they have a firm handle on the money situation and after consulting with the Village he believes that with the Town and Village expertise he is confident that they can put it back online. He reiterated that it would be a temporary fix and not the ultimate fix that they are looking for and added that he believes that they have time and would recommend that put it on hold until they discuss it with the Village, Chief Operator Breedlove, Mr. Vopelak and DEC to discuss a strategy plan on how to handle it.

Supervisor Hotaling stated that based on the notes that he had just taken, the Town Board will postpone a decision of the Change Order until further discussion with C.T. Male, Mr. Vopelak and DEC with regard to in-house repair strategy in conjunction with the Village of Ravena.

Councilman Conrad stated that this would be his recommendation.

Councilwoman Chmielewski inquired as to if Councilman Conrad had been in contact with Mr. Vopelak to discuss it.

Councilman Conrad stated that they talked about getting a price together to see how much it was going to be and they had hoped that it would be less. He added that in doing one clarifier it does not drop the price very much and he does not believe that they need the whole thing done now in addition to believing that it can be done for less money.

Supervisor Hotaling stated that he would be in touch with C.T. Male, DEC and Mayor Bruno on getting together to devise a plan. He then asked if anyone else had any Old Business to discuss, hearing none he moved to the next agenda item.

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## **NEW BUSINESS**

### **Resignation of Part-Time Police Officer**

Supervisor Hotaling stated that he is receipt of a resignation of a part-time Police Officer by way of a memo dated April 27, 2006 from First Sergeant Darlington and it was attached to the resignation letter from Officer David Smith, which will take effect May 6, 2006. He continued by reading the following:

To: Chief Scott Giroux  
From: Officer Smith  
Date: 04/24/06  
Subject: Letter of Resignation

Chief,

I have recently been offered and accepted a part-time Police Officer position with another department, which is closer to my residence. Therefore, I regret to inform you of my resignation as part-time Police Officer with the Town of Coeymans Police Department, effective May 6, 2006. I would like to return my department issued equipment at the completion of my last active duty day, which is Friday, May 5, 2006, 4pm-12am C-line.

I would like to thank you for the opportunity and great experience this Town and Police Department has afforded me.

Sincerely,

David Smith

cc: Sgt. Powell  
First Sgt. Darlington

Supervisor Hotaling asked for a motion to accept the resignation.

#### **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Conrad, accepting the resignation of David Smith, part-time Police Officer.

VOTE – AYES 5 – NAYS 0 – SO MOVED

#### **Resignation of Part-Time Clerk/Typist**

Supervisor Hotaling stated that he was also in receipt of another resignation and continued by reading the following:

April 28, 2006

VIA FACSIMILE

First Sergeant Gregory Darlington  
Town of Coeymans Police Department  
15 Mountain Road  
Ravena, NY 12143

Dear First Sergeant Darlington,

This is to inform you that due to personal reasons, I will have to resign my part-time position with the Police Department, effective Friday, May 5, 2006.

I will be in on Monday to do the payroll. I also have a folder in my inbox upstairs for any questions or notes you may have or any work you need to discuss. We did previously discuss where certain items are that you will need, i.e. budget sheets, Traffic Safety Grant paperwork and vehicle maintenance sheets. I have also done notes on certain jobs that need to be done.

I am sorry the transition period has to be short, but it have been over a month since I left my full-time position and I had anticipated the hiring of a new secretary prior to this time.

Sincerely,

Denise Ruby

cc: Chief Scott D. Giroux  
Supervisor Ronald Hotaling, Jr.

Supervisor Hotaling stated that Ms. Ruby had been the former full-time secretary to Police Giroux and most recently the part-time secretary and then asked for a motion to accept the resignation.

### **MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, accepting the resignation of Denise Ruby part-time secretary for the Police Department.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

### **Resignation of Equipment Operator I**

Supervisor Hotaling stated that he was in receipt of a resignation that had been submitted to Highway Superintendent Deering dated May 1, 2006 from John Sylvester. He continued by reading the following:

May 1, 2006

Town of Coeymans  
18 Russell Avenue  
Ravena, NY 12143

Mr. Albert Deering,

I, John M. Sylvester, submit my resignation from the Town of Coeymans Highway Department, for personal reasons, effective May 1, 2006.

Sincerely,

John M. Sylvester

Supervisor Hotaling asked for a motion to accept the resignation.

#### **MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, accepting the resignation of John M. Sylvester.

VOTE – AYES 5 – NAYS 0 – SO MOVED

#### **Sewage Overflows**

Supervisor Hotaling stated that he was in receipt of a letter from Matthew Karzmierski, an Environmental Program Specialist in Region 4 of the Department of Environmental Conservation, who has been reviewing the reports of non-compliance that have been forwarded to DEC from the Town of Coeymans Waste Water Treatment Plant. He continued by saying that there was a sewage overflow dated 04/23/06 and it occurred along the entrance road of the plant and has been documented as overflowing three times during the last six months and continued by reading the following excerpt from the letter:

“It appears that at least some of the overflow was related to an obstruction in the collection system. Sewer jetting of the blockage was performed to alleviate this problem soon after it was discovered. The sewer jet device used was capable of passing through an orifice 2 inch in diameter. The sewer line in the area is reportedly 15” in diameter. Therefore, it is possible that a portion of the restriction may still exist in this section of the pipe. It may be prudent to televise this area to identify the presence of any restrictions such as tree roots that may not have been removed during the jetting.”

He continued by saying that upon receipt of the letter he had discussed it with Chief Operator Breedlove and he has contracted with Lash for the televising of the line going down the access road in addition to them televising an area on Westerlo Street where there is a convoluted pipe structure that has caused significant blockages in the past. He added that once they do the televising they would get back with Mr. Kazmierski at DEC.

### **Consolidated Local Street & Highway Improvement Program (CHIPS)**

Supervisor Hotaling stated that he had received a copy of a letter from Highway Superintendent Deering, which was sent to him from the NYS Department of Transportation, regarding identifying the CHIPS (Consolidated Local Street and Highway Improvement Program) for the State Fiscal Year 06-07. He added that it is a Program in which the State sends down some funds to local communities to assist in road repair and construction and the Town of Coeymans has \$69,886.79 that will be forthcoming and in order to receive the payment the Town of Coeymans must ensure that the NYSDOT Regional Office receives the reimbursement request no later than May 16, 2006. He then asked Highway Superintendent Deering if this is something that he sends back.

Highway Superintendent Deering stated that he does not receive the money until the work is done.

Supervisor Hotaling reiterated that the letter states that in order to receive the June payment the request has to be in no later than May 16<sup>th</sup>.

Highway Superintendent Deering stated that it might be for the request but the money is not given until the work is done. He continued by inquiring as to if the amount stated was \$69,000.

Councilwoman Chmielewski interjected that the amount went up because they believed that the amount was going to be \$61,000 and then inquired about it coming in one payment at the end of the year.

Highway Superintendent Deering stated that it depends on what roads are done and it usually is received at the end of the year.

Councilwoman Rogers inquired as to if they have to be concerned with the May 16<sup>th</sup> deadline.

Highway Superintendent Deering stated that they didn't have to do anything.

Supervisor Hotaling confirmed with Highway Superintendent Deering that after the work is done on the roads, he takes care of the reimbursement request.

Highway Superintendent Deering stated that was true.

### **Review and Possible Award of Air Conditioning Bid**

Supervisor Hotaling stated earlier in the meeting there were comments from Mr. Rudolph, representing Family Danz, relative to potential action of the Town Board for the awarding of the air conditioning bid. He added that before they contemplate taking action he wanted to offer it to the Town Board for discussion. He continued by saying that they received four bids for air conditioning for Town Hall and they were: Eastern Heating and Cooling for \$36,000, Persico Oil for \$33,564, Family Danz for \$22,489 and Heavenly Air for \$15,000. He added that Heavenly Air was significantly lower than the other bidders and did fail to include in the bid packet the Non-Collusive Bid Form, which was discussed earlier and Town Clerk Millious had stated her actions and Town Attorney Rotello offered his guidance along with there being a submission from the Association of Towns in which they provided their opinion. He concluded by saying that Mr. Rudolph had voiced his concerns, which included prevailing wage and then asked the Town Board if they had any comment.

Councilman Conrad inquired as to if they are required to do prevailing wage with this type of bid.

Town Attorney Rotello stated that he is not sure exactly what the bid specs were and according to Town Law Section 222, it requires on any Public Works Project that the bid be prevailing wage and they have to pay prevailing wage. He added that it is a requirement but in any bid you would not necessarily know that the bidder is paying the prevailing wage.

Councilman Conrad interjected that he has worked on some Federal Projects where certified payroll has been required.

Supervisor Hotaling stated that the Family Danz proposal contains the wording "this proposal will not include Building Permits, prevailing wage rates and sales tax"

Mr. Rudolph interjected that the Town Board did not call for prevailing wage but he believes that it is required.

Supervisor Hotaling inquired as to if Mr. Rudolph's statement relative to prevailing wage is not to contest the fact that he submitted a bid for \$22,000 including prevailing wage because he did not include it either.

Mr. Rudolph added that he believes that the Town is required to include this and in the interest of the Town Board they might want to resubmit the bid to make sure that everything is done correctly.

Supervisor Hotaling stated that an option that the Town Board has is to reject all of the bids and put it back out to bid. He added that Heavenly Air may be a one-man operation and if he is he does not understand the prevailing wage because he is working for himself.

Town Attorney Rotello interjected that his understanding in a Municipal Bid is that the bidder is required to submit prevailing wage and if they don't and the Town Board finds out about it they have to pay it, even if it makes their bid go over. He reiterated that he does not know what the bid specs offer and if there is also a monetary threshold on a Public Works Project the requirement to even go out to bid is 10 for certain projects and 20 when it involves professional services.

Supervisor Hotaling stated that this is why projects do not get done in municipalities and the cost of projects are inflated because of this.

Town Attorney Rotello interjected that the intent is to provide protection for the taxpayers of the municipality and in looking around at a lot of Public Works Projects and see that jobs could have been done for a lot less money, better work and perhaps hired some people that had some vested interest in their work product.

Supervisor Hotaling asked the Town Board what they would like to do.

Councilman Conrad stated that they need to obtain the information in order to make a decision and if necessary they will put it back out to bid.

Supervisor Hotaling stated that they would table the awarding of the bid until the next Town Board Meeting on May 22, 2006, in the hopes that they will have some input from council. He then invited Mr. Rudolph to attend that meeting and added that they appreciate his input.

Mr. Rudolph stated that if something is not done right then everyone loses and this is his point. He added that he may lose the bid but he wants it done correctly.

Supervisor Hotaling asked that Town Attorney Rotello research the issue and then asked for a motion to table the awarding of the bid.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, tabling the awarding of the bid for air conditioning for Town Hall.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling added that it would be tabled until the question regarding prevailing wage is answered.

## **Joralemon Park Tennis Courts**

Supervisor Hotaling stated that earlier in the day he had a short unscheduled meeting with Richard Cumm, who had talked to him sometime ago about himself and a group of individuals volunteering to somehow upgrade the tennis courts at Joralemon Park. He added that the upgrade from his prospective would include approximately \$2,500 worth of material that the Town would be involved in purchasing, which would consist of new nets, resurfacing compound and relining both courts with all of the labor being donated by Mr. Cumm and his volunteer group that regularly use Joralemon Park. He concluded by saying that he was bringing it to the Town Board to talk about whether it is something that they would like to explore and if they would like Mr. Perrine to follow-up on it.

Councilwoman Chmielewski inquired as to if this is the line of Mr. Cumm's work and if he has the knowledge to do this.

Supervisor Hotaling stated that he didn't know other than he is an avid user of Joralemon Park and added that he had also requested the assistance of the local volunteer Fire Company to flood the court in order to see where the low spots are, which would have to be built up.

Councilman Conrad interjected that it would be like resealing a driveway but the cracks would have to be filled in better. He added that he does not believe that it is a complex task.

Councilwoman Rogers stated that it's not difficult and it was done in-house a couple of years ago and added that the nets were donated.

Supervisor Hotaling asked if it was something that the Town Board would like Mr. Cumm to get in touch with Mr. Perrine to start a dialog as to how this could be accomplished because there are people willing to donate their time. He added that \$2,500 is a reasonable amount to spend on a couple of tennis courts.

Councilman Conrad stated that he agreed.

Councilwoman Chmielewski suggested that Mr. Cumm contact Mr. Perrine so that he could see what needs to be done and what the plan is to get it done and then report back to the Town Board.

Councilman Boehm interjected that an itemized list of materials would be helpful.

Supervisor Hotaling stated that he appreciated Mr. Cumm stopping in.

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## **RESOLUTIONS**

**RES. #072-06 AUTHORIZE JUSTICE COURT TO PREPARE JCAP APPLICATION**

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

**WHEREAS**, the Town Court is desirous of making application for funding assistance to make improvements and enhancements to the Town's Judicial System process, and

**WHEREAS**, such assistance is possible through the New York State Unified Court System Justice Court Assistance Program (JCAP) application,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorizes the Town Justice Court to prepare such JCAP application and forward the completed application to Supervisor Ronald K. Hotaling, Jr. for signature and submission.

Councilwoman Chmielewski inquired as to what it is for.

Supervisor Hotaling stated that he believed that a couple of years ago the court filed for this and got a couple of computers. He added that it is funding for equipment and software that will assist them in their office.

**RES. #073-06 AUTHORIZE ADDITIONAL STIPEND FOR ASSESSOR**

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

**WHEREAS**, consistent with the 2006 Budget, the Town Board authorizes an additional \$2,500.00 for the Sole Assessor, Laura VanValkenburg, for her oversight of the 2006-2007 Town-Wide Revaluation Project. This amount is to be paid in 26 bi-weekly payments consistent with the current payroll schedule.

Supervisor Hotaling stated that as indicated it is part of the budget and is to supplement Ms. VanValkenburg and her effort with respect to the Revaluation Project.

**RES. #074-06 PROCLAIM MAY 14 – MAY 20, 2006 GRANGE WEEK**

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

**WHEREAS**, in honor of National Grange Week, a proclamation announcing May 14 – May 20, 2006 as Grange Week will be presented to the Ravena Grange at its May 15<sup>th</sup> meeting.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby proclaim May 14 – May 20, 2006, as Grange Week in the Town of Coeymans.

Supervisor Hotaling stated that he would be presenting a signed resolution at the Grange on May 15<sup>th</sup>.

**RES. #075-06 AMEND RESOLUTION #071-06**

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

**BE IT RESOLVED**, that the Town Board, of the Town of Coeymans, does hereby amend Resolution #071-06, approving the April 2006 Abstract, to reflect the following changes indicated in red.

<b>ABSTRACT</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	459-480	\$119,423.09
General	529-588,654	<b>\$ 29,939.35</b>
	<b>General Total</b>	<b>\$149,362.44</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	481-496	\$21,644.21
Part-Town	589-597	\$ 3,088.00
	<b>Part Town Total</b>	<b>\$24,732.21</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	497-505, 653	<b>\$27,464.38</b>
Highway	598-640,655	\$ 5,708.59
	<b>Highway Total</b>	<b>\$33,172.97</b>
<b>SEWER (SS)</b>		
Pre-Pay Sewer	506-520	\$ 10,425.62
Sewer	641-652	\$ 13,227.65
	<b>Sewer Total</b>	<b>\$ 23,653.27</b>

<b>CAPITAL PROJECTS (H)</b>		
Pre-Pay Capital Projects	521	\$249,733.53
	<b>Capital Projects Total</b>	<b>\$249,733.53</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$480,654.42</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	522-528	\$170,222.45
	<b>Trust &amp; Agcy. Total</b>	<b>\$170,222.45</b>

Supervisor Hotaling stated that in discussing this with Town Clerk Millious it was determined that it was a “housekeeping item”.

Town Clerk Millious interjected that there was no change and it just needed to match the folders.

Councilwoman Chmielewski asked if it was due to the calculation tape that is attached to the folders.

Town Clerk Millious stated that it is because of the adding and subtracting of vouchers and it got overlooked from the front to the inside of the folder.

Councilwoman Chmielewski stated that it would then not equal the tape and then inquired as to why a tape is not done after the Town Board is done with them.

Town Clerk Millious stated that it is done to give the Town Board a rough idea as to what the total is and to give them a general idea of what the overall total will be.

Councilwoman Chmielewski interjected that it might alleviate the problem.

Town Clerk Millious stated that they could wait and do the tapes after the Town Board is done with them and reiterated that it was being done so the Town Board would know what the total is for each fund.

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**CORRESPONDENCE**

## **NYS DEC – Tire Derived Fuel Project**

Supervisor Hotaling stated that he was in receipt of a document from NYSDEC relative to the Tire Derived Fuel Program at LaFarge. He continued by reading the following excerpt from the letter that accompanied it:

“A determination has been made for the proposal to use tire derived fuel in the cement kiln at LaFarge Building Materials Inc. facility in the Town of Coeymans, Albany County and next to the Village of Ravena, NY, that it meets all of the applicable regulatory standards, which are protective of human health and the environment and it is hereby approved subject to the conditions in the approved documents. A complete description of the project is found in the public notice application documents and approval document. Specific approved application documents are incorporated by reference into the permits and approvals.”

Supervisor Hotaling continued by saying that there are a couple of stipulations and added that a beneficial use determination has been approved to burn the waste tires as an alternative fuel in the cement kilns and they are required to store the tires in accordance with the conditions of the permit and continued by reading the following from the list of requirements:

“Any cessation of burning waste tires as alternative fuel requires the facility to remove all waste tires in accordance with the Waste Tire Facility’s Closure Program.”

Supervisor Hotaling added that if they decided at some point not to burn waste tires as an alternative fuel, they would have to remove all of the storage waste tires off the site in accordance with DEC’s rules.

## **LaFarge North America – Tire Derived Fuel Project**

Supervisor Hotaling stated that he received a letter from Martin Turecky, Plant Manager at LaFarge and continued by reading the following excerpt:

“The Ravena Plant has been informed that the necessary permits to allow the use of the scrap tires as fuel in the cement production process have been issued. This notification concludes a lengthy and detailed review and analysis of the process by the New York State Department of Environmental Conservation and the Federal Environmental Protection Agency. The completion of this process represents a very exciting and positive outcome for LaFarge North American and the Ravena Plant. The use of scrap tires as fuel in industrial processes has a long history of safety and we look forward to preserving that legacy at the Ravena Plant. As a part of this commitment, we will be performing a stack test once the system is operational in order to validate the project. The successful

implementation of this project will enable the Ravena Plant to control the cost of production and maintain our competitive position in the global market.”

### **Ravena-Coeymans Historical Society**

Supervisor Hotaling stated that he received a thank-you note from the Ravena-Coeymans Historical Society thanking the Town for the donation of the filing cabinet, which will assist them in record keeping.

### **P&M Brick LLC – Trespassing on Gedney Hill Mine Site**

Supervisor Hotaling stated that a few weeks ago he had a discussion with Supervisor David Louis in New Baltimore and Mr. Louis expressed his concerns about the Gedney Hill Mine site and the activity of ATV's that have been occurring and in turn he had asked if it would be beneficial if Supervisor Hotaling could arrange a meeting amongst the two of them and the owners of the mine. He added that a few days ago they met at his office in Town Hall and they were joined by Mr. William Biers and Mr. Laraway and it was a very productive meeting because there have been some expressions of concern from residents of the Gedney Hill area about ATV activity. He continued by saying that the owners of the mine have authorized Jeffrey Radley, a neighbor, to monitor and patrol the mine and use his ATV in his efforts to secure the area if necessary and he will have an ID card. He concluded by saying that the owners wrote a letter to Supervisor Louis and himself stating that no one else is authorized to ride an ATV in that Gedney Hill Mine location, which is to the contrary of some of the opinions and rumors that have been circulating who believed that many people were given permission to ride at the mine when in fact Mr. Radley is the only person that has such permission. He continued by reading the following excerpt from the letter:

“As per our conversation last evening regarding the alleged trespassing at the Gedney Hill Mine site owned by P&M Brick, LLC, I would like to reiterate that no person or group has been given permission to utilize the property for recreation of any other purpose. This includes the use of ATV's, riding of horses, hiking, or any other trespassing activity. There are numerous signs posted indicating there is to be no trespassing of any kind on this property. In addition the property is gated. We have authorized Mr. Jeffrey Radley, a neighbor of our Gedney Hill property, to enter, monitor, and patrol the property on our behalf, utilizing his ATV if necessary. He is the only person authorized to enter the property on an ATV or by any other means, and he is authorized to enter for security purposes only. Pursuant to our conversation, we will install a lockbox with a key on the gate, and this lockbox will also have a combination for the police to use in the event they need to continue pursuit of a person on a horse, on foot, ATV, or other motorized vehicle. The police will be able to unlock the gate and continue to follow the machine or other trespasser on our property. We have listened to and recognize the complaints from residents and the Town in regard to ATV's and their riders

utilizing Town roads, our property and property owned by other parties for recreational purposes. Although we do visit the site, our company does not currently have a daily presence at this property. Furthermore, it is not our job as a landowner to police Town roads and private property in pursuit of people riding four-wheelers. This is a matter better suited for your police force. As a landowner, we feel that installing the lock and combination on the gate and posting "No Trespassing" signs should discourage ATV riders and other persons from entering this site. Furthermore, our neighbor Mr. Radley will do what he can to help us monitor the site and put off trespassers."

Supervisor Hotaling added that Carver Laraway, P&M Brick, LLC signed the letter and a copy was also forwarded to DEC and will be included in the permit documents for the mine. He continued by saying that he believes that this was a good step on the part of Mr. Biers and Mr. Laraway to give the Town the opportunity to help him monitor the illegal ATV use and other uses of the property.

Councilman Boehm inquired as to if the actual entrance to the mine is in Greene County.

Supervisor Hotaling stated that the entrance is in Greene County and approximately 25% of the property is in the Town of Coeymans with 75% in New Baltimore.

Councilman Conrad interjected that some of the entrance is in the Town of Coeymans.

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### **Town Board Workshops/Meetings**

- Town Board Workshop, May 9, 2006, 6pm
- Town Board Workshop, May 16, 2006, 6pm
- Town Board Meeting, May 22, 2006, 7pm

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### **ADDITIONAL COMMENTS**

Supervisor Hotaling stated that he had received a request for the Town Board to consider a motion to adjourn to Executive Session and the purpose of it will be to discuss and review the Council 82 tentative agreement, which was reached between members of the negotiating team, Council 82, and the Police and Telecommunicators Union. He added that they also would be reviewing the RFP proposals for the Revaluation Project and the contract associated with the project, which they hope to award at the next Town Board Meeting on May 22<sup>nd</sup> and have the contract commence June 1, 2006.

Supervisor Hotaling asked if there were any additional comments.

Councilman Conrad stated that in reviewing the local paper, Mr. Panek from the Ledger wrote an article regarding the fire companies and it indicated that the Town Board is dragging their feet. He continued by asking Supervisor Hotaling to give an update as to where the Town Board stands at this point in time.

Supervisor Hotaling stated that he believed that he had done this at the previous meeting and continued by saying that a letter had been received from Coeymans Hollow Fire Company asking that the Town Board intervene and subsequent to that there were discussions with the County and the Map Developers for the County met with them and indicated that there was a line that didn't seem to mirror the description of Fire District lines that were resolved by a Town Board in 1971 and then filed. He added that subsequent to that meeting he had asked for and received copies of the map that the County uses to determine the Fire District lines and copies of those maps along with a letter, which was suggested by the Town Board, was sent to Coeymans Hollow and Coeymans Fire Districts, encouraging them to move ahead expeditiously in light of the fact that another year has gone by with respect to tax rolls and they would like ample opportunity for the Assessor to act on any proposed changes if there are changes to be made, and have those actions taking place in plenty of time before the Tax Assessment Roll for 2007. He continued by saying that he had received a request from one of the fire districts for information on the Election Districts and has been working with the Town Clerk's Office during the last several days to come up with as much information as they can relative to the description of Election Districts. He added that Town Clerk Millious had initially given him a document that had a rough sketched map and there are some other references to it but a verbal description was not found. He then asked Town Clerk Millious if there is such a description.

Town Clerk Millious stated that she has never seen a verbal description of the districts and in going through the minutes she has seen that new districts were formed and there were changes but the verbal description for all does not exist.

Supervisor Hotaling stated that there is a description in the 1971 Fire District lines that talks about a distinction between the 4<sup>th</sup> and 5<sup>th</sup> Election Districts and the line apparently goes through the parcel that separates those two districts. He added that it would be helpful if they had an accurate description and continued by saying that he does not believe that area of the Town has changed relative to Election Districts since 1971. He concluded by saying that the Town has provided them as much as they can and he will do his best to provide any additional information that they need and in turn they need to provide the Town with any changes that may need to be made to the Fire Districts.

Councilman Conrad interjected that the Town Board is not dragging their feet and he took exception to the article and added that they have tried to move this along and the problem was first identified when he was trying to correlate an Ambulance District to the Fire Districts and when he saw where the line was with tax mapping vs. the legal descriptions it became evident to him that there was a problem and this is why they offered a meeting in January or February trying to resolve this. He continued by saying that understandably he agrees with the position that they do not want to interfere with the Fire Companies and have offered them the opportunity to solve it in-house and in the event that a agreement can't be reached he is sure that the Town Board can move it along to the extent that what it was in 1971 is what it is today legally. He added that there is some information from the Town Attorney with regard to some issues that also need to be discussed in Executive Session as to how it applies. He concluded by saying that he as a Board Member does not have a problem with the way that it exists because this is how it was filed with the Comptroller and reiterated that this Town Board is trying to move it along and they want what is best for the community.

Councilwoman Chmielewski interjected that she believes that they have dragged their feet because they have not given direction as to which way it should go, whether it go to the Tax Mappers from the County or to the 1971 resolution that was done by the Town Board. She added that there should have been direction to let them know where the Town Board stands.

Councilman Conrad stated that the Town Board has to back what is legal.

Councilwoman Chmielewski stated that she totally agrees, but they have not done that and they have not made a decision.

Councilman Conrad stated that it is only to the extent that they were hoping that they would amend the lines.

Councilwoman Chmielewski added that this started back in December and it still is going on. She added that there is a lot happening between the two fire companies and she believes that it is over the lines and the fact that the Town Board has not made a decision and at least tried to direct the way that the fire companies should go. She concluded by saying that it is sad for the community to be in this position and she is sad to see what is going on with it because it has turned out to be not only the two fire companies that are involved but other companies as well.

Supervisor Hotaling added that he would have to take exception with the Town Board dragging their feet and he believes that the problem stems primarily from the fact that the 1971 Town Board had a description of a Fire District and in turn they had every intention of calling the County down and ask for their assistance because of their GIS capabilities to help them plot the line on a map. He

continued by saying that the failure of the Town Board around 1977-1980 to provide any information to the County about their tax mapping efforts resulted in the County utilizing the 1977 Assessment Roll, which added a new twist to it. He added that if they were to make a judgment now they would all agree that the legal description of the Fire District is the 1971 description, which resulted in a Public Hearing and in turn a Town Board Resolution was passed and then it was filed with the appropriate State Agency but the map seemed to reflect something else based upon an alleged failure on the part of the Town Board to provide information. He went on to say that he is about ready to move on the legal description but he is also encouraged by the fact that both fire companies seem to be willing to receive the information that the Town Board has and then try to come together for what is best firematically. He concluded by saying that they also understand that some of the underlining reasons with this issue is going to relate to assessed value and what tax revenues are going to be generated as a part of these parcels that are going to be assigned one way or another but as a Town Board they have to stay focused on what is right in a public safety way for the people in the Town of Coeymans and they have charged the fire companies with the responsibility of telling the Town Board what is right along those lines and if they can't do it he is ready to move on the 1971 lines.

Councilwoman Chmielewski interjected that she also believes that the County was remiss in their duties and they should have known that it had to be filed with the Comptroller's Office also and when they didn't receive anything, they should have then looked at all of the other avenues as far as where it was supposed to be filed.

Supervisor Hotaling stated that he would not dispute that.

Councilman Conrad added that it is an old problem and his only objection is that the Town Board is not dragging their feet but rather diplomatic to the point of offering the first opportunity to the fire companies to resolve it on their own.

Councilwoman Chmielewski interjected that he has to realize that there are two fire companies involved in which one is going to reap the benefits and the other is not. She added that she does not believe that the two companies will come together with a settlement.

Councilwoman Rogers stated that she thinks it should go back to the original 1971 lines.

Councilman Boehm stated that he believes that there has to be some kind of a timeline because as Councilwoman Chmielewski had said, it can go on indefinitely and added that the Town Board should solicit proposals from each fire company involved, which will allow the Town Board, based on the information, to make a decision.

Supervisor Hotaling interjected that he did not include a deadline date in the letter but he did encourage them to move it expeditiously along.

Councilman Boehm interjected that it has already been six months.

Supervisor Hotaling stated that it had not been six months because the letter is only a month old.

Councilman Boehm inquired as to if it started in January.

Councilman Conrad stated that they offered a meeting for the fire companies to come together and this was the first action that was taken on the Town Board's behalf.

Councilwoman Rogers interjected that it was not on the Board's behalf.

Councilman Conrad stated that he as a member of the Town Board brought the fire companies together and the purpose was to put the problem before both companies. He added that they identified the lines the way they were mapped and try to show both fire companies where they were and some were shocked while others didn't have a clue. He continued by saying that Coeymans Hollow Fire Company had done some homework and came with a sheet identifying quite a few properties, which they felt should be added back to their district. He added that 11 of the properties are paying the Town of Westerlo, which is a separate issue, while there was no reason as to why some of the properties were in some districts and there were some allegations over the years that some Fire Commissioners have made some deals, which is not the legal way to do it because there is a prescribed manner of law in which the fire district lines need to be remapped. He continued by saying that another problem is that once bonds have been placed on a particular piece of property they have to be paid by that piece of property and added that as an example if the piece of property is in Coeymans Fire District and they obtained a bond and in turn go to the other district and obtain a bond, that piece of property would have to pay on two bonds and to that extent the Town Board has additional problems to realize. He concluded by saying that he agrees with Supervisor Hotaling and they will do what they have to do and they can try to coax them along and possibly give them a timeframe in which they can offer their opinions.

Councilman Boehm stated that the two companies met in January and then inquired as to if they have had a meeting since that date.

Councilman Conrad stated that there was an agreement to meet again but Coeymans Fire Company made it clear that they have a lot going on at this point in time and added that they were encouraged to meet because the technical cut-off date to make changes to the Assessment Roll would have been in March. He continued by saying that the date has come and past and he believes that is why Coeymans Hollow Fire District feels like the Town Board is dragging their feet.

He added that it has been like this since 1977 to some extent and definitely from 1990 when some Board changes were and to what extent who is winning or losing he does not know but it was indicated in the paper that thousands of dollars have been lost, which might be reality. He continued by saying that with the creation of the line, tax mapping was not available and a straight-line method is what was used for descriptions and now that tax mapping is available it is obvious and quite clear from the tax maps that the line needs to be adjusted by parcels and to that extent it makes it easier for the Assessor and the Tax Mappers to work. He added that their ultimate goal was to realign it so that there was not a straight line along Election Districts, which was subject to change and loosely worded and not a good plan but they worked with what they had at the time and no one can fault them for that. He continued by saying that it was a poor system and part of the meeting was to encourage the fire companies to follow a line along property boundaries and to look at it from a firematic sense, which he is sure that they understand quite well. He concluded by saying that he does not want to sell the fire companies short and added that maybe a timeline is in order.

Councilman Boehm stated that as Councilwoman Chmielewski had stated, there would be a financial gain on one side or the other and he does not believe that they will be able to come to an agreement at any point.

Supervisor Hotaling stated that if the Town Board would give him a date he would be happy to put together a resolution to reinforce the 1971 line and added that there is authority within the law that says the Town Board can hire the surveyor and the charges will be charged to the fire companies.

Councilman Boehm stated that if it can be resolved between the companies, they could give their proposals from a firematic perspective to the Town Board, which the Town Board will take into account.

Councilman Conrad interjected that it might be the authoring of a new district line.

Supervisor Hotaling stated that there are several options, there is the 1971 option, the 1977 tax map line or a whole new line and added that this is why they have given the fire companies the opportunity to do that. He concluded by saying that if the Town Board feels as though there should be a timeline he needs them to give him a date.

Councilwoman Roger interjected that they do not know whether or not the fire companies have or have not been talking amongst themselves.

Councilwoman Chmielewski stated that they would have to give them a starting point, whether it is the Albany County Tax Map or the 1971 line.

Supervisor Hotaling interjected that he had done that and has provided them with both the descriptions and the maps.

Councilwoman Chmielewski stated that they appear to be in limbo.

Councilman Conrad interjected that they should come forward and ask some questions of the Town Board and added that they have made it clear that what is legal is the 1971 line.

Supervisor Hotaling added that as far as he is concerned the 1971 line is the legal line at this juncture.

Councilwoman Rogers stated that they have said this from the beginning and at the first meeting they said they it should go back to that.

Councilman Conrad suggested that they give July 30<sup>th</sup> as the date for resolving this.

Councilwoman Chmielewski inquired as to if they would start from the 1971 resolution or the 1977 tax map line.

Councilman Conrad interjected that he believes that they are obligated as a Town Board to do this.

Councilwoman Chmielewski stated that he should put it in the form of a motion.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, authorizing the Supervisor to send a letter to both fire companies indicating that they as a Town Board need some kind of resolve by July 31<sup>st</sup> so that they can act accordingly and if they cannot resolve this the Town Board will be forced to go back to the 1971 line.

Supervisor Hotaling added that the timeframe deadline for July 31<sup>st</sup> is for the fire companies to bring to the Town Board either their joint proposal or individual proposals for a Fire District line.

Councilwoman Chmielewski inquired as to if the motion had said that the Town Board would go back to the 1971 resolution.

Councilman Conrad stated that he had said that the Town Board would be forced to go back to the 1971 resolution.

Supervisor Hotaling asked that the motion be clarified.

Councilman Conrad stated that he offered a motion that if by July 31<sup>st</sup> the two fire companies cannot come up with some kind of resolve or subsequent proposals, the Town Board will be forced to go back to the 1971 line and re-implement that.

Councilman Boehm stated that it should say a proposal from a firematic perspective to give to the Town Board so that if they cannot make a decision the Town Board will go back to the 1971 line.

Councilwoman Rogers suggested that they should start with the letter and include this in the letter.

Councilman Conrad stated that they are going to be forced to use the 1971 line.

Councilwoman Chmielewski interjected that they are forced to use that line now because it was done properly and filed with the Comptroller's Office.

Councilwoman Rogers stated that it should be included in the letter and they should start from that point.

Councilman Conrad reiterated that this is what he was saying and they will go back to the line unless some other resolve is made and it will have to be submitted by July 31<sup>st</sup>.

Supervisor Hotaling inquired as to what would happen if they had one proposal from one of the fire companies on August 1<sup>st</sup> and if this is what they would be going with because it is what the motion suggests.

Councilwoman Rogers inquired as to why they are talking about proposals.

Councilman Conrad stated that they would like to make a new line to go along property lines and make it simpler.

Supervisor Hotaling stated that he does not have a like or dislike and added that he wants someone to tell them whether or not there is a need to change the Fire District line. He continued by saying that they all would agree that the 1971 line is the legal line and he could write to the County because the Tax Mappers are not going to determine the Fire District lines for the Town of Coeymans because there was a resolution by the Town Board in 1971, which was adopted following a Public Hearing and filed with the Comptroller's Office. He reiterated that this is the legal line and this is the line that they will plot by use of a surveyor and the County if they choose to give their assistance and the charges for this will be borne by the fire districts if by July 31<sup>st</sup> neither one or the other or both come to the Town Board with proposals for discussion. He concluded by asking how else the 1971 line would be plotted.

Councilman Conrad interjected that a surveyor would do it because he can't see the line by looking at the map.

Supervisor Hotaling stated that the law that talks about it, was provided by John Lynch, and it suggests that it is incumbent on the Town Board to seek such a survey and charge the cost of such survey to the respective fire districts and it will be done on August 1<sup>st</sup> based on the motion if it is passed.

Councilwoman Chmielewski inquired as to if there will be time for the Assessment Roll to be changed.

Supervisor Hotaling stated that he believed so.

Councilman Conrad interjected that technically they have until March 30, 2007.

Councilwoman Chmielewski inquired as to what will happen when the indebtedness gets put on.

Town Attorney Rotello stated that he did not understand the question.

Supervisor Hotaling interjected that there is an indebtedness question.

Town Attorney Rotello stated that he read and understands that in an alteration of a line any indebtedness on a piece of property that is taken out of one district and put in another, the indebtedness stays with the piece of property. He added that he does not know about the reverse when there is a piece of property that comes from a district that currently has no indebtedness and goes into another and if the indebtedness would be assumed.

Councilwoman Chmielewski stated that for an example a line was plotted to the 1971 resolution and a piece of property was taken from one district and put in another and now the line is plotted and the property is back in the original district but the roll has gone so now the indebtedness will be put on the tax bill this year. She then inquired as to what would happen the following year.

Town Attorney Rotello stated that you would still have the indebtedness.

Councilwoman Chmielewski stated that the change should be made prior to the Roll being sent.

Town Attorney Rotello stated that any change at this point in time would be for the 2007 Roll, which would first be reflected on the January 2008 tax bill.

Councilwoman Chmielewski questioned why because they are working with a Tentative Roll right now.

Town Attorney Rotello stated that March 1<sup>st</sup> is the taxable status date and then the Tentative Roll is certified.

Councilman Conrad stated that the question is when they made those court decisions based on the fact of do they have to look at where the line was legally and do they have to look at the 1971 line to see if they were illegally in the district.

Supervisor Hotaling stated that it is not for them to determine and added that he believes that this will be for a court to determine at some point.

Councilman Conrad interjected that he agrees and he just wanted to put the question out because it is not as simple as it seems.

Councilman Boehm suggested that the Town Board invite one representative from each fire company to the next Town Board Workshop and get their input on the establishment of a timeline with an arbitrary date of July 31<sup>st</sup>.

Councilman Conrad stated that he would withdraw his motion.

Councilman Boehm added that he would like to get their input on a timeline to help facilitate the process and keep it on track so the next Assessment Roll can reflect the change.

Councilman Conrad interjected that he does not want them to drag their feet and he wants to make sure that it is done.

Councilwoman Chmielewski added that it should have been done last January or last September.

Supervisor Hotaling stated that there is a motion on the floor that has been offered and seconded and asked if the motion should be withdrawn.

Councilman Conrad stated that he would withdraw his motion.

Supervisor Hotaling stated that Councilman Boehm's motion is to invite representatives from each fire department to attend the Town Board Workshop on May 16<sup>th</sup> at 6:00pm.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilman Conrad authorizing the Supervisor to invite representatives from each Fire District to the May 16, 2006 Workshop.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that he would be in contact with Mr. Frangella and Mr. Pietropaoli inviting them to the Workshop.

Supervisor Hotaling asked if there were any additional comments.

Councilman Conrad stated that he had one more item and added that he is trying to move the Water District in the Martin's Hill area along and he was hoping that they could authorize the Supervisor to establish a meeting to bring in those people affected in the area to discuss the costs.

Councilwoman Chmielewski stated that they have to find out who is really in the district because on the new list, which was provided by the Village, there are people that were not on the list the first time.

Councilwoman Rodgers interjected that they lowered the list and added to the list and they need to know for sure how many people are in the District.

Councilwoman Chmielewski reiterated that there are different people on the list and they are not sure who is supposed to be on it.

Councilman Conrad stated that the Village has 19 properties listed.  
Councilwoman Chmielewski stated that the original list had 14.

Councilman Conrad stated that he understands but the last letter indicated 19 parcels.

Councilwoman Chmielewski stated that there are people on it that were not on the first list and there are people in the District that the Village has indicated are not going to get the water.

Councilwoman Rogers inquired as to the fact that she thought that the Town Board was going to meet with the Village Board.

Supervisor Hotaling stated that the Mayor had indicated that there are letters to go out to the residents and he encouraged the Town to invite everyone on the original list, which included the one that was taken off the list, to the informational meeting on the costs. He continued by asking Councilman Conrad which number Mr. Vopelak used in calculating the cost.

Councilman Conrad stated that he had done a couple of cost factors, one was based on 15 and one was based on 20.

Supervisor Hotaling added that 20 would be more appropriate at this juncture. He continued by saying that he would confirm the parcels with Councilman Conrad and assist him with the identification of the contact people along with their addresses. He added that Councilman Conrad had mentioned a Special Meeting and asked Councilman Conrad if he was suggesting another Special Workshop and if so when he would want it.

Councilman Conrad stated that they should do it as soon as possible so that they can move it along.

Supervisor Hotaling stated that a letter had to be sent and then they would have to give them ample opportunity and then suggested that the date be June 26<sup>th</sup> for the Workshop.

Supervisor Hotaling asked if there were any additional comments, hearing none he ask for a motion from the Town Board to adjourn to Executive Session.

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**ADJOURNMENT TO EXECUTIVE SESSION**

**MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, to adjourn the meeting to Executive Session.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that the Town Board would adjourn to Executive Session and added that they would be returning to adjourn the Town Board Meeting.

Time: 8:40pm

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**RECONVENE MEETING**

Supervisor Hotaling reconvened the meeting at 9:50pm and asked for a motion to adjourn the Town Board Meeting.

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**ADJOURNMENT**

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 9:51pm

***Respectfully Submitted,***

**APPROVED:**

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***Diane L. Millious, Town Clerk***

**A Bid Opening was held Thursday, May 4, 2006 at 2:00pm, at the Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, New York.**

**PRESENT:** Diane Millious, Town Clerk  
Lucinda Vatalaro, Deputy Clerk  
Billie Jo Mueller, Deputy Clerk  
Lori Nunziato, Bookkeeper

**ALSO PRESENT:** Nick Rauscher, Eastern Heating & Cooling Inc.  
Michael Rudolph, Family Danz

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The following Legal Notice appeared in the Ravena News Herald:

**NOTICE TO BIDDER**

Notice is hereby given that the Town Board of the Town of Coeymans does hereby invite sealed bids for the purchase and installation of two (2) Central Air Units and the Removal of Old Central Air Equipment.

All prospective bidders may call the Building Maintenance Superintendent, at 756-6366, between the hours of 7:00am – 11:00am regarding this bid.

Bids will be received at the Town Clerk's Office, Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, NY 12143 up to 2:00pm on Thursday, May 4, 2006 and read aloud on that same day at 2:00pm.

Non-Collusive Bidding Forms must be submitted with all bids. The Town Board of the Town of Coeymans reserves the right to waive any informality and to reject any and all bids.

**By Order of the Town  
Board  
of the Town of Coeymans  
Diane L. Millious  
Town Clerk**

\*\*\*\*\*

<b>BIDDERS:</b>	<b>BID PRICE:</b>
Heavenly Air	\$15,000.00
Family Danz	\$22,489.00
Persico Oil	\$33,564.00

Eastern Heating & Cooling

\$36,000.00

Michael Rudolph from Family Danz asked if the low bidder had included the Non-Collusive Bidding Certificate.

Town Clerk Millious checked each bid and found that Heavenly Air did not include the Non-Collusive Bidding Certificate.

Mr. Rudolph stated that he wanted to contest the bid from Heavenly Air.

Town Clerk Millious advised that she would convey that information to the Town Board.

***Respectfully Submitted,***

***APPROVED:***

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***Diane L. Millious, Town Clerk***

Respectfully Submitted,

APPROVED:

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Doris T. Millett, Town Clerk

**A Town Board Meeting was held Monday, June 26, 2006, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Albert Deering, Highway Superintendent  
Joseph Rotello, Town Attorney

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there is a full Town Board in addition to Town Clerk Millious, Town Attorney Rotello and Highway Superintendent Deering.

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**PUBLIC ANNOUNCEMENTS**

**Business Association Informational Meeting**

Supervisor Hotaling stated that he wanted to remind the business owners and operators to attend the Business Association Informational Meeting at Yanni's on June 28<sup>th</sup> at 7pm. He added that Mr. Ben Syden from Laberge Group will be present to discuss the economic development plans and the Comprehensive Plan that is now in draft form and awaiting comments from the community as well as the Public Hearing on July 11<sup>th</sup>.

**Change in Hours of Operation in Assessor's Office**

Supervisor Hotaling stated that he was in receipt of a request for a change in the hours of operation for the support staff in the Assessor's Office. He added that the request came from Assessor VanValkenburg because of a conflict with childcare and beginning the Monday of July 3<sup>rd</sup> there will be three days in which the staff will be in place.

Tuesday 8am – 3:30pm  
Wednesday 8am – 12 noon  
Thursday 8am – 12 noon

He concluded by saying that there could be an adjustment with the early starting time because the office hours commence at 8:30am.

**OVERVIEW OF AGENDA**

- Public Comment
  - Business Owners/Operators Meeting, June 28, 2006
  - Assessor Office Hours
- Approval of Minutes
  - Town Board Workshop, May 9, 2006
  - Town Board Workshop, May 16, 2006
  - Town Board Meeting, May 22, 2006
- Family Self-Sufficiency Program
- Supervisors Report – May 2006

- Department Report Review
  - Building Department Monthly Report – May 2006
  - Town Clerk Monthly Report – May 2006
- Old Business Update and Discussion
  - E-Code for Town of Coeymans
  - Finalization of Search Committee Composition for Police Chief
  - Review/Rescind Approval of Air Conditioning Bid for Town Hall
  - Band Schedule for Evening on the Green
- New Business Topics for Discussion and/or Action
  - Establishment of Public Hearing Date for Annual Agency Plan for Section 8 Housing Choice Voucher Program
  - Revaluation Project – Web Based Information
  - Retirement of Beautification Foreman (Perrine)
  - Resignation of Equipment Operator II (Bennett)
- Resolutions
  - Approval of Food for Thought Recreational Aides (Breedlove, Delameter, Domanico, Howley, Irwin, Preville, Searles, Shear, Vasquez, Visconti)
  - Approval of Food For Thought Bus Driver (Beachler)
  - Appointment of Senior Telecommunicator/Clerk (LaMountain)
  - Promotional Appointment Equipment Operator II (Stevens)
  - Adoption of Map to Establish Village & Town Line
  - Approval of Abstract - June
- Correspondence
  - Albany County Health Department – Martin’s Hill Sewage Disposal System
  - Albany County Health Department – West Nile Virus
- Town Board Workshops/Meetings
  - Public Hearing, July 11, 2006pm (Draft Comprehensive Plan)
  - Joint Town Board, Planning Board, Zoning Board Workshop, July 17, 2006
  - Town Board Workshop, July 18, 2006, 6:00pm
  - Town Board Meeting, July 24, 2006, 7:00pm

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## **PUBLIC COMMENT**

Supervisor Hotaling invited the public to comment at this time.

Mr. George McHugh stated that he had submitted a subdivision application for property on Harris Avenue, to the Village of Ravena late last year and since then he has proceeded with it and the Village Planning Board has engineer plans, which are close to final plans in their possession. He added that the next step that he needed to take was to submit a check to them for their engineer, which he did on June 6<sup>th</sup> and on June 9<sup>th</sup> he received a letter back from the Mayor returning his check and telling him that his application for the subdivision was incomplete based on some Planning Board Minutes that he had attached to the letter. He then quoted from the minutes the following:

“Mr. Visconti stated that in addition to the section regarding the Town in regard to subdivisions, for the duration of the sewer moratorium, part of the subdivision application will be that approval must be received via the Village Board verifying that the subdivision will be allowed under the moratorium. The application will not be considered complete and the time will not begin until approval by the Village Board”.

Mr. McHugh continued by saying that he was at the meeting and it was his understanding that the Village Board was going to have some type of coordination with the Town Board regarding any subdivision applications and via the Village Board they would get back to their Planning Board verifying that the subdivision would be allowed under the moratorium. He added that upon receipt of the letter and its attachment he spoke with Mayor Bruno and Building Inspector/Code Enforcer Joe Burns and Mr. Burns explained to him that it is his responsibility as the applicant to get some type of an approval through the Town Board or the subdivision cannot go forward. He concluded by saying that he

hopes to get some type of direction as to what he has to do because he doesn't really understand what he has to do.

Supervisor Hotaling stated that a while ago when Mr. McHugh had intended to build his own residence at the end of Clement Avenue he had contacted him and in turn he advised Mr. McHugh that he had to go through a village process and in turn they would make a request to the Town and then the Town Board, based upon the moratorium will make a request to DEC for relief in the moratorium to permit a hookup. He added that at that time he was exchanging lot 22 on Laura Lane for his personal hookup on Clement Avenue.

Mr. McHugh interjected that this was not for a subdivision approval.

Supervisor Hotaling stated that he understands that and was only making reference to that to make a comparison and the minutes of the Village Planning Board seem to suggest that the Village Board would be the vehicle by which they would seek and then receive and in turn report back to their own Board relative to that approval. He continued by saying that he had not received anything from the Village requesting him to do anything.

Mr. McHugh interjected that he is suppose to send it to the Town Board, according to the Village.

Supervisor Hotaling stated that he does not see it as the correct vehicle and his instructions after his discussions with DEC was to have the Village through its Board, represented by its Mayor, direct a request to the Town, the person responsible for the Coeymans Sewer District and its Supervisor, the person who is responsible for the moratorium conditions, request through that individual the relief and if the Town saw fit they would refer that relief request to DEC and then receive from them a response. He added that if the response was positive in turn he would communicate it back to the Village. He concluded by saying that his personal belief is that he does not believe that the Town has to play a roll in a subdivision request and added that he does not want to be a part of any decision approving any Village subdivision but if a building permit were requested to build a structure on any lot in the subdivision there would then have to be some moratorium relief if it is in an area serviced by the Coeymans Sewer.

Mr. McHugh stated that this was also his belief and he does not understand why the subdivision cannot go forward with this understanding.

Supervisor Hotaling interjected that he wanted to reiterate to everyone that this is his opinion regarding the requirements for subdivisions and added that there are conflicting laws at various levels, whether it be state, local or county. He continued by reiterating that he does not want to be in a position as Town Supervisor to have to render a determination as to the appropriateness of an approval for a subdivision that is not in his jurisdiction and added that he does accept his responsibility to receive requests for relief from the moratorium for sewer because as Supervisor has taken over responsibility for the moratorium.

Mr. McHugh stated that he understood that the application for a subdivision would go through but the moratorium for sewer would be in effect.

Supervisor Hotaling stated that from his perspective he does not believe that he should be making the request directly to the Town Board.

Mr. McHugh stated that he does not believe that he should make a request to anyone and the request should come when the subdivision has been approved conditioned upon getting DEC approval for relief of the moratorium.

Supervisor Hotaling stated that he agrees and asked if anyone else wished to comment.

Councilwoman Chmielewski inquired as to whether or not the Village will listen to the subdivision request.

Mr. McHugh stated that the Village believes that before they can allow any applications for subdivisions to proceed it first has to come to the Town Board for relief from DEC under the sewer connection moratorium. He added that his position is that this is not true because he is not looking to connect to sewer but rather to get a subdivision approved. He continued by saying that when he seeks a building permit or an extension of the sewer he understands that he will have to get relief from the moratorium if it is still in place.

Supervisor Hotaling interjected that even if the moratorium had been lifted there is still a process that he would have to follow in order to receive a connection.

Mr. McHugh stated that he just wants to get the land subdivided so that when the moratorium is lifted and more homes can be added he will not have to go through the subdivision process and building could start. He added that this was his position with the Village but the Village had said that the Town Board said that no applications would be approved unless there is prior DEC approval.

Supervisor Hotaling stated that he had received from Joe Burns a document from which he was making reference to the process and he believes that it was a draft document prepared by DEC and it was the process by which the Village could and should seek relief from the moratorium. He added that he has never seen a final document signed by anyone and it did not seem to suggest the type of relief that DEC is telling him has to take place and he believes that it suggested that the relief should come directly from the Village Planning Board.

Councilman Conrad stated that within the law there are several sections of the law that address subdivisions and the authority to provide for subdivisions and then asked Town Attorney Rotello if he had any comments.

Town Attorney Rotello stated that one of the things indicated on a subdivision application is the purpose of the subdivision and depending on the purpose would depend on what action the municipality takes regarding the application. He added that from what he is hearing and from what he understands, the Village is taking the position that since there would need to be higher jurisdictions weighing in on the subdivision request, which in this case would be DEC and probably the Dept. of Health, any application for a subdivision where there would be development and ultimately have sewer connections, they have been advised that they should not consider such applications because of the various sections of the Public Health Law. He continued by saying that he speculates that the Village has similar coordinates regarding subdivisions as the Town does.

Councilman Conrad stated that he believes the subdivision laws of the Town and Village are so much worded word for word but are promulgated under two different sections of laws and he can direct them to the sections of the law and this is why he disagrees with Supervisor Hotaling. He added that Section 276 and 277 of Town Law are directly indicated in the Town's rules and regulations for the Town of Coeymans and is found in Chapter 145 Subdivision of Lands. He continued by saying that those laws are what actually hold the scope, authority and purpose of how and what subdivisions actually do and within those sections you will find that one of the aspects of many is sanitary sewer and it states that it has to be pre-approved. He added that under Real Property Law 1118 it states that a major subdivision being 5 lots or more must have prior approval and in this case it authorizes Albany County Health Department as its agent and indication as to whether it is a septic system or municipal sewer to Albany County and any extensions of the sewer have to be approved prior to subdivision approval. He continued by saying that it is pretty clear in those laws but in reading Articles 11 & 17 of Public Health Law you will find further action where it has to be approved. He then shared a letter dated August 2, 2002, which was during Mr. McHugh's administration and it was addressed to Mr. Pat Prendergast from DEC and it refers to Harcone Estates. He continued by reading the following excerpt:

“This office has reviewed your recent request to allow the referenced proposed 10 lot subdivision to connect to the Village of Ravenna public sewer system. As discussed both the Village of Ravenna and Town of Coeymans have taken steps to reduce infiltration and inflow (I&I). The results and efforts of both the Village and Town are evident in the fact

that there has not been an overflow from the VanHoesen Street facility in approximately 16 months. Due to the small additional flow from the proposed subdivisions and due to the positive steps taken by the Village and the Town to reduce the I&I, it is acceptable to connect the subdivision to the public sewer system. Of course the necessary engineering plans will need to be approved by the Albany County Health Department.”

Councilman Conrad stated that Mr. Prendergast was the Town Engineer acting on behalf of what DEC thought was the Town Engineer but was retained privately by Mr. Neri and it went through as a request from the Town. He added that after this Mr. McHugh proposed a 22 lot subdivision and requested relief from the sewer moratorium.

Mr. McHugh stated that the problem lies with prior to final approval or prior to application and the previously referenced was prior to approval because he had already applied and was moving toward subdivision approval, which was prior to final approval.

Councilman Conrad interjected that he believes that is what he is saying, prior to final approval.

Mr. McHugh stated that they are not saying that and the Village of Ravena is saying that the application is not to even to be considered.

Councilman Conrad stated that they will need engineering design and drawings as he had provided for the 22 lot subdivision to present to the Village and it is his understanding that the Town has directed the Village that the requests should come through the Village to the Town Board on the moratorium relief.

Supervisor Hotaling stated that this was the practice that they used in the first exchange request.

Mr. McHugh interjected that the Village has now taken a different stance and their position is now that the application does not even get consideration until you obtain pre-approval.

Councilman Conrad stated that in his opinion there should be consideration given but what they choose to do is their business. He added that final approval of subdivisions should not be granted until there is approval for relief and it is consummated in some kind of a letter or bond because there is a long drawn out process to meet the standards that are required, which is 10 times the removal of I&I for the proposed amount that will be put in the system. He continued by saying that to his knowledge to date the Village has not performed one calculation on any gallons being removed from their system and previously DEC had relied on Mr. Prendergast’s figures of I&I being removed from the Town’s system.

Supervisor Hotaling inquired as to if the I&I reports submitted by the Town contained a calculation of removing a significant amount of I&I from the system based upon repairs that were made to the Town’s Sewer System and this was the reason for the approval of two village subdivisions.

Councilman Conrad stated that this was correct. He continued by saying that DEC has requested the total number of gallons that have been removed since 2001 and there is no record of any in the Village reports and added that they do not have the ability to go back and try to figure out was removed. He concluded by saying that it is evident that Mr. McHugh can apply for his subdivision but regardless of whether it is a subdivision or anything else it is clear in paragraph #4 under terms and conditions of the moratorium that approval is needed.

Mr. McHugh interjected that he does not disagree that prior to final approval he needs to get those things and reiterated that this is prior to the application.

Supervisor Hotaling interjected that he agrees and there is a distinction.

Councilman Conrad stated that he would agree with him on the prior approval but he has to understand that there are timeframes involved and they cannot say that the subdivision can be approved first.

Mr. McHugh interjected that he does not want it approved and he just wants it looked at.

Councilman Conrad stated that in concept there are timeframes that are involved.

Mr. McHugh read the following excerpt from the letter, which he received from the Village.

“The application will not be considered complete and the time will not begin until approval by the Village Board. Approval must be received via the Village Board verifying that the subdivision will be allowed under the moratorium”

Mr. McHugh stated that his understanding was that the Village Board was going to come and talk to the Town Board to verify it, or not and then go back to the Village Planning Board for either denial or approval. He continued by saying that he does not agree with prior to applying and he agrees with what Councilman Conrad had said, which was prior to final approval and added that this would be in agreement with Supervisor Hotaling.

Councilman Conrad stated that the one thing that is related to in some of the laws is that it specifically says Building Permit but in Mr. McHugh’s case it is a major subdivision and there are other situations that may or may not fall within that scope and criteria.

Mr. McHugh interjected that any instance would have to meet the moratorium because every sewer connection has to.

Councilman Conrad stated that it states the moratorium would pertain to any new construction.

Town Attorney Rotello interjected that it is worded as any sewer connection and not new construction.

Mr. McHugh stated that he is looking for some guidance or direction because the Village was very clear but the Town Board is also very clear and added that he agrees with the Town Board.

Councilman Conrad interjected that he was mistaken and the wording does state new connections and not new construction. He continued by quoting the following: “there shall be an immediate moratorium on all new connections” He added that the new construction wording was in the draft document.

Mr. McHugh stated that he believes that his application can move forward and he knows that before final approval he will have to deal with the moratorium, which might be having to figure out if any more I&I has been taken out.

Councilman Conrad stated that they have the I&I reports since 2000 and he along with Supervisor Hotaling has been trying to determine as to what was taken out so that they can indicate it.

Supervisor Hotaling interjected that they have been involved in putting together an I&I report for DEC after the moratorium and then asked Mr. McHugh if he had signed it in 2001.

Mr. McHugh stated that he believes that the engineer signed it and then inquired as to if the Village had also kept track and prepared a report.

Town Attorney Rotello interjected that the Village relied on the Town’s data.

Supervisor Hotaling stated that the I&I report, which is a very thick document, contains all the documents for lifting and examining the condition of manholes in the Town.

Councilman Conrad stated that this was done for a period of six-months during some rain events and dry days.

Supervisor Hotaling reiterated and specified that it was for the manholes in the Town and not Village.

Mr. McHugh interjected that the Village lines are televised.

Councilman Conrad stated that the Village may be making a change to their subdivision policy but at this point the Town Board is in agreement that it would be before final approval. He added that during subdivisions the exploration into highways, engineering and other facts that are pertinent to it should be done through the expertise of the Planning Board and/or their attorney or engineer.

Supervisor Hotaling interjected that it would not make sense for them to seek approval from a state agency based upon the moratorium when some of the other factors may be such that would weigh to the negative of giving approval in the first place.

Mr. McHugh stated that he's not even sure what they will do as far as sewer and they may determine that they will go with septic systems and have public water and make less lots. He added that his engineer can help him make that determination as they progress with the project for the approval.

Supervisor Hotaling stated that the best advice that the Town Board can give is that he goes back to the Village and remind them of the process that was followed for the previous subdivision.

Mr. McHugh inquired as to if the process is prior to the final approval and not part of the application for a subdivision and continued by asking if the Town Board was going to give him something as part of the application.

Councilman Conrad interjected that it is whatever they say that their rules are and they cannot speak for the Village Board. He continued by saying that it would be after the Town Board receives a request asking for a subdivision to be approved for relief under the current moratorium. He added that they should not be dealing with the applicant direct because it is the Village's system and as Town Board members they don't mind dealing with him or his engineer direct as long as the request comes from the Village and the information can flow freely as to what is needed. He continued by saying that the subdivision case that occurred in 2002 was that an application went direct from a private engineer to DEC seeking approval and in turn got it without it ever going before one Board, which granted approval to connect to the Town of Coeymans sewer system without any Town Board approval.

Town Attorney Rotello interjected that the moratorium does address the manner in which relief is requested but he does not know if it is specifically clear because it can be read both ways in that the request has to come from the Town. He added that it is not clear as to if someone can go direct to DEC or if they have to come through the Town. He continued by saying that he wanted to clarify what he has heard and he believes that this Town Board's position is that anything that the Village chooses to do regarding an application for a subdivision is their choice and the Town Board is not weighing in.

Supervisor Hotaling concurred that this was correct.

Councilman Conrad interjected that the Town has no jurisdiction concerning a Village subdivision.

Town Attorney Rotello added that it is the Town's position that regardless of how the moratorium can be interpreted, the manner in which relief should be requested should ultimately come from the Village to the Town Supervisor who in turn will request relief from the moratorium and to get to that point is within the Village jurisdiction.

Supervisor Hotaling stated that this was correct.

Councilman Conrad stated that he had a copy of a letter that is addressed to Mayor John T. Bruno from Mr. McHugh requesting a sewer extension for Phase I of Blaisdell Farms and it is dated 02-11-03 which was a letter asking for it to start and this is what started the next section of engineering and approvals to get hooked into the system.

Mr. McHugh interjected that he had already been through the application process at that time and this was one of the last things that he had done. He continued by saying that when he met with the Village Board they did not make it sound like something that they were putting in place but rather they made it sound like the Town Board put this procedure in place and the Village has to abide by it.

Councilman Conrad interjected that the Town Board put in place that the requirement that the request must come from the Village.

Mr. McHugh stated that the Village must have misinterpreted it because they think that it is prior to application.

Town Attorney Rotello interjected that he does not know if they misinterpreted it or chose to interpret the statement by the Town that there would be no new hook-ups.

Mr. McHugh stated that there was a person at the same meeting that wanted a minor subdivision and would sign off on hook-ups and he was told that he has to go through the same process of getting relief from the moratorium.

Councilman Conrad stated that this was also a matter of discussion that they are aware of and he has also appeared before the Town Board. He added that the Town Board had to take a look at it and determine if it meant subdivision or building permit and added that he believes that in subdivisions of 5 lots or more there is no doubt in his mind that it is subdivision. He concluded by saying that under Albany County Health Department Law a lot cannot be offered for sale unless it has approval and it is clear in Town Law under Section 145 any subdivision offered for sale must have prior approval from the Planning Board.

Mr. McHugh stated that he agrees but does not agree with the Village's position on the application.

Councilman Conrad suggested that he discuss it with the Village and added that it sounds like the Planning Board and Village Board need to verify the process that they want to go through to meet the criteria that is necessary.

Mr. Boehm suggested that the Town Board give Mr. McHugh a letter from the Town to help expedite the application process.

Mr. McHugh suggested that the letter should clarify the Town's position because the Village believes that the Town has dictated the process.

Councilwoman Chmielewski inquired as to if the Town had previously sent a letter regarding this.

Supervisor Hotaling stated that the letter was in reference to Mr. McHugh's last request when the process was set forth and this subdivision request is a similar situation.

Town Attorney Rotello stated that the Village does not care if the applicant would want a hook-up or not and have taken the position that no subdivisions applications will even be considered. He added that he does not know if a letter from the Town Board will change their position.

Mr. McHugh interjected that the Village does not claim it as their position and they claim that it is a position that was thrust upon them by the Town Board.

Councilman Conrad stated that the issues of subdivisions being approved was addressed with them and Supervisor Hotaling had addressed the process by which relief from the moratorium was to be handled because they wanted to avoid any future complications.

Councilwoman Rogers inquired as to if Mr. McHugh had gotten something in writing from the Village stating this was a Town Board determination.

Mr. McHugh stated that he had not gotten anything with that wording and added that he does not believe that they will put it in writing.

Councilman Conrad suggested that Supervisor Hotaling should discuss it with Mayor Bruno to see if it can be resolved easily.

Mr. McHugh stated that he will be sending a letter to the Village and a copy will go to the Town Board and added that Supervisor Hotaling could follow it up with a phone call.

Supervisor Hotaling stated that the Town Board did instill a procedure process, which was followed for Mr. McHugh's first request.

Mr. McHugh stated that this is not the process that they are using now and the Village has indicated that the Town Board has changed the procedure and added that he had submitted his application in 2005 but didn't get the letter until now stating that it was incomplete.

Councilman Conrad interjected that the process was implemented in 2005.

Mr. McHugh reiterated that he didn't get the letter until June 2006 and the Village seems to think that there is a recent change as far as the Town Board's policy.

Town Attorney Rotello interjected that the policy and procedure has been in place as a result of the moratorium.

Supervisor Hotaling stated that the Town Board codified it for the Village and they discovered examples where it had not been followed in the past and hook-ups were made irrespective of the need to get relief from the DEC moratorium.

Councilman Conrad stated that there have been several meetings for clarification of what is or is not pre-approved.

Mr. McHugh stated that he would communicate with the Village by letter and copy to the Town Board so they are aware of what he is saying.

Councilman Boehm suggested that they schedule a Workshop with the Village and try to figure it out.

Councilman Conrad interjected that they have been trying to negotiate an expired contract since December 2005 and the Mayor had said during one of their meetings that they are waiting to hear from the Town and he knows for a fact that Supervisor Hotaling has asked them on a couple of occasions for some dates to meet.

Mr. Boehm reiterated that the Town Board should give Mr. McHugh something to take back to the Village Board because his process is now at a standstill.

Councilwoman Chmielewski interjected that she does not see how they can give him something because it is up to the Village Board and the Town Board cannot tell them what to do with their Planning Board.

Councilman Conrad stated that they could indicate to the Village the Town's procedure one more time and that should be sufficient.

Mr. McHugh interjected that it is a procedural issue and the Village believes that the procedure that has been put in place has been dictated by the Town Board and DEC and

their belief is that it is prior to application, not prior to approval. He added that if this is clarified to them it might go a long way.

Councilwoman Chmielewski inquired as to if the Village had shown him something from DEC stating that it is prior to approval.

Mr. McHugh stated that they had not and added that he didn't see any documentation.

Town Attorney Rotello stated that he does not know if the Village's position is based entirely on the Town's procedure and he believes that they feel that the requirement comes from DEC and interpretations given by the Conference of Mayor's or their Village Attorney, which may be that they cannot even consider an application for a subdivision.

Supervisor Hotaling stated that those things might still be present and this was the advice that they sought and the answer that they got. He added that they could remove the burden that they believe is there from the Town. He then inquired as to if Mr. McHugh will be attending the Village Meeting and writing a letter with a copy to the Town Board.

Mr. McHugh stated that this was true.

Supervisor Hotaling stated that if the Town Board feels that it would be efficient for him to simultaneously write a letter to the Village for clarification purposes, they need to let him know and if not he will wait for the copy of Mr. McHugh's letter to respond to.

Mr. McHugh interjected that he believes that it is the Town's position that prior to any final approval of a subdivision, a relief from the moratorium must be requested through the Village to the Town and DEC and be granted by both.

Supervisor Hotaling stated that these are the circumstances that they find themselves under.

Mr. McHugh stated that this is prior to final approval and not prior to application and he will stress this to the Village. He then thanked the Town Board for their time.

Supervisor Hotaling asked if there were any additional comments from the public, hearing none he moved to the next agenda item.

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## **APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were three sets of minutes for Town Board approval, a Town Board Workshop on May 9<sup>th</sup>, a Town Board Workshop on May 16<sup>th</sup> and Town Board Meeting May 22<sup>nd</sup>, 2006. He continued by asking if the members of the Board had the opportunity to review the minutes and asked for a motion.

Councilwoman Chmielewski stated that she would like the minutes approved separately because there were two occasions when different Councilpersons were not present.

Supervisor Hotaling asked for a motion to approve the Special Town Board Workshop on May 9, 2006.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, the Special Town Board Workshop minutes of May 9, 2006 were approved as amended to show that Councilman Boehm was present for the meeting.

VOTE – AYES 4 – NAYS 0 – ABSTAIN 1 – (Chmielewski) – SO MOVED

Councilwoman Chmielewski stated that she abstained because she was absent from the meeting.

Supervisor Hotaling asked for a motion to approve the Town Board Workshop on May 16, 2006.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski, the May 16, 2006 Town Board Workshop minutes were approved as read.  
 VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling asked for a motion to approve the May 22, 2006 Town Board Meeting minutes.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, the May 22, 2006 minutes were approved as read.  
 VOTE – AYES 3 – NAYS 2 – ABSTAIN 2 (Conrad, Rogers)

Councilman Conrad and Councilwoman Rogers were absent from the meeting and abstained from the vote.

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**SECTION 8 FAMILY SELF-SUFFICIENCY PROGRAM**

Monthly Report – June 2006

Supervisor Hotaling stated that the report reflects a diminishment of the Family Self-Sufficiency Program and indicates a drop of 2 participants from 16 to 14 as well as a drop in Escrow Accounts from 13 to 11.

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**SUPERVISOR’S REPORT**

Supervisor Hotaling presented his report for May 2006.

<b>FUND</b>	<b>BAL. FWD.</b>	<b>RECEIPTS</b>	<b>DISBURSE.</b>	<b>BALANCE</b>
<b>General</b>	<b>\$ 382,052.19</b>	<b>\$ 78,241.81</b>	<b>\$ 235,351.30</b>	<b>\$ 224,942.70</b>
<b>Part-Town</b>	<b>\$ 89,208.80</b>	<b>\$ 5,801.97</b>	<b>\$ 39795.89</b>	<b>\$ 55,214.88</b>
<b>Spec. Water</b>	<b>\$ 111,412.10</b>	<b>\$ 1,543.21</b>	<b>\$ 67,739.26</b>	<b>\$ 45,216.06</b>
<b>Highway</b>	<b>\$ 525,126.97</b>	<b>\$ 1,091.91</b>	<b>\$ 59,792.65</b>	<b>\$ 466,426.23</b>
<b>Bridge Const.</b>	<b>\$ 53,004.24</b>	<b>\$ 68.07</b>	<b>\$ -0-</b>	<b>\$ 53,072.31</b>
<b>Sewer</b>	<b>\$ 228,697.23</b>	<b>\$ 14,467.95</b>	<b>\$ 25,432.32</b>	<b>\$ 217,732.86</b>
<b>Sewer Cap Proj.</b>	<b>\$ 167,613.65</b>	<b>\$ 191,207.78</b>	<b>\$ 82,987.26</b>	<b>\$ 275,835.17</b>
			<b>Total Rec. Bal.</b>	<b>\$1,338,439.20</b>

<b>CD CITIZENS BANK</b>	<b>A FUND</b>	<b>\$ 200,000.00</b>
<b>90 DAYS</b>	<b>A FUND</b>	<b>\$ 107,346.00</b>
<b>30 DAYS</b>	<b>A FUND</b>	<b>\$1,500,000.00</b>
<b>90 DAYS</b>	<b>HIGHWAY-DA</b>	<b>\$ 100,000.00</b>

**SAVINGS ACCOUNTS**

UNEMPLOYMENT	\$ 3,112.18
GROVE CEMETERY	\$ 57,134.95
SEWER-DEDICATED	<u>\$ 6,125.23</u>
TOTAL	\$ 66,372.36

**SECTION 8 - HUD**

OCCUPIED UNITS	62
HUD PAYMENTS	\$22,982.00
ADMIN. FEE	\$ 40.50
TOTAL HUD PMT.	\$25,240.05
TENANT RENT	\$15,529.00
CONTRACT RENT	\$38,511.00

**COLLATERAL  
COVERAGE**

**FDIC COVERAGE**

**COLLATERALIZED**

National Bank of Coxsackie	\$100,000.00	\$1,762,554.85
Citizens Bank	\$100,000.00	\$ 1,943,220.69
First Niagara	\$100,000.00	\$ 517,518.85

Supervisor Hotaling asked for a motion to accept the May 2006 Supervisor's Report.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the May 2006 Supervisor's Report was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**DEPARTMENT REPORT REVIEW**

**Building Department Monthly Report – May 2006**

Supervisor Hotaling asked that Councilman Conrad give the Monthly Report for May 2006.

Councilman Conrad continued by giving the report.

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Supervisor Hotaling seconded by Councilwoman Rogers, the Building Report for May 2006 was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**Town Clerk Monthly Report – May 2006**

Supervisor Hotaling asked that Town Clerk Millious give her Monthly Report for May 2006.

Town Clerk Millious continued by giving her report.

Supervisor Hotaling asked for a motion to accept the report.

**MOTION**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, the Town Clerk Monthly Report for May 2006 was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

## **OLD BUSINESS**

### **E-Code for Town of Coeymans**

Supervisor Hotaling stated that several months ago there were discussions amongst Town Board members and it was decided that it would be appropriate to place online, through the Town of Coeymans website, the Town Code of the Town of Coeymans. He added that it has been accomplished and the link has been activated.

Councilman Boehm stated that he accessed it earlier in the day and it works well in addition to it showing how many people frequented the Code and what information they are looking up.

### **Finalization of Search Committee Composition for Police Chief**

Supervisor Hotaling stated that Scott Giroux, the Town's former Police Chief has been departed for approximately 8 weeks and First Sergeant Darlington has stepped up to the plate and during the transition has performed very well in the role of continuing the Town's responsibility for the Police Department. He added that they had briefly talked about the need to establish some effort to search for a new Police Chief and he is in receipt of approximately a dozen resumes from interested parties. He continued by saying that there is an interest because the job has not been advertised and they now need to finalize the composition of a search committee and he has received from various sources three individuals who have expressed an interest in serving on the committee. He concluded by asking what the Town Board believes that the composition of the committee should be, whether it be representatives from various areas of the town, retired Police Officers, retired civil servants, etc.

Councilman Boehm stated that he believes that the committee should be from different areas of the Town, including the Village along with getting some input from former law enforcement personnel to lend their expertise.

Councilwoman Chmielewski inquired as to how large the committee should be and added that they should not make it too big.

Town Attorney Rotello interjected that it should be between 5-7 people.

Councilwoman Chmielewski stated that she feels as though 7 would be too many.

Town Attorney Rotello stated that 7 would give them some flexibility as far as people not being available and hopefully there would still be 5 that would show up.

Councilwoman Chmielewski inquired as to if the applicants are currently Police Officers or retired Officers.

Supervisor Hotaling stated that they encompass both active and retired with most of them being on a police force now. He added that he has not thoroughly read the applications and they come with much information and this will be the purpose of the committee.

Councilwoman Rogers inquired as to if there were any applicants within the Town of Coeymans.

Supervisor Hotaling stated that there is currently one and he is anticipating one more.

Councilwoman Chmielewski inquired as to if they wanted to be Chief or another position.

Supervisor Hotaling stated that in order to be in charge of the Police Department, there are requirements that must be met to be eligible to hold the rank of Chief. He added that in those instances where the candidates who want to be considered, do not have that background, they are suggesting to be part of the Police Department in some other capacity such as Public Safety Commissioner. He concluded by saying that one of the

aspects of the committee's charge will be to say if it is a viable option and the Town Board will have to set forth a charge that they want to present to the committee as far as what they want them to consider and how they want them to review and evaluate the candidates.

Councilwoman Rogers interjected that she believes that a lot of them may want to be eliminated when they find out what the salary will be.

Supervisor Hotaling stated that they have not had that final discussion but there has been some discussion about Chief Giroux having dual responsibilities for both the Town and Village Police Departments and he believes that none of them are of the opinion that the same salary will be offered, although they need to recognize what other public servants are now getting paid.

Councilman Conrad inquired as to is they are considering it a full-time or part-time position.

Supervisor Hotaling stated that they consider it whatever the Town Board wants it to be and added that initially they talked about it being a full-time position. He added that one of the options that they have is to hire a retired public servant who has experience in a career of policing and is restricted by the amount of money that they can earn, which is an option that could result in savings for the taxpayers.

Councilman Boehm interjected that if they pick someone at that level, it would be part-time automatically.

Supervisor Hotaling stated that if they found a viable candidate in that respect, they would be considered part-time in terms of the salary, he believes that they would get full time service out of the individual.

Councilman Boehm inquired as to if prospective candidates need to live in the Town of Coeymans.

Supervisor Hotaling stated that this is something that the Town Board has suggested Civil Service should be seeking but there has never been a resolution passed requiring Town employees to be residents. He continued by saying that in order to make it a requirement, it would have to be passed by Town Law.

Councilman Conrad inquired about the Domonico resolution of the 80's.

Supervisor Hotaling stated that the Domonico resolution of the 80's said that there is a municipal home rule and as such they would request from Civil Service a separate residency list and all things being equal they would direct their selection process to those that are residents on the Civil Service List. He added that it does not require the selection of a candidate who lives in the town. He concluded by saying that if this was the case, 3/4 of the Police Department would not be here right now.

Town Attorney Rotello interjected that it might be preferential but he does not believe that it is a requirement. He added that he believes that there may be something referenced in the Town Code.

Supervisor Hotaling stated that the Committee should include a resident from the Hamlet of Coeymans, Village of Ravena, and Coeymans Hollow along with some law enforcement people.

Councilman Boehm suggested that anyone that might be interested should contact the Supervisor's Office.

Supervisor Hotaling stated that due to the meeting not being televised, circulation is limited. He added that the Town Board should be canvassing interested residents.

Town Attorney Rotello inquired as to if the Town Board has received a request from the Union.

Supervisor Hotaling stated that they have not yet made a request. He added by saying that he wanted to be able to start the process, which may take a few months and then the Town Board will find out how the Committee wants to advertise.

Councilman Conrad inquired as to if a salary range should be included.

Supervisor Hotaling stated that it could be included but he does not know what the range would be.

Councilman Conrad stated that they had discussed if it were a full-time person the salary would be somewhere in the \$50,000.00 range.

Supervisor Hotaling stated that there wouldn't be any applicants if the salary were to be under \$50,000.00 and added that he does not believe that it has to be as high as \$72,000.00, which was Mr. Giroux's salary when he left.

Councilman Boehm inquired as to if the Association of Police Chiefs could give them some guidance based on the size of the Town as far as the scope of the responsibility.

Supervisor Hotaling stated that he didn't know.

Councilman Conrad interjected that along with the salary there would be benefits of a car.

Supervisor Hotaling stated that there was a contract with Mr. Giroux that had that element but it does not mean that the new Chief would have a car assigned to him for anything other than work purposes

Councilman Conrad stated that he has been asked about the rate of pay, whether it will be full-time or part-time along with if there would be a car.

Supervisor Hotaling stated that he would not be answering those questions but rather they would be answering questions as a Town Board

Councilwoman Chmielewski interjected that they should wait for the Committee to give their direction.

Supervisor Hotaling inquired as to if they want to charge the Committee with coming up with a salary range.

Town Attorney Rotello suggested that they could also make inquiries of other municipalities in addition to asking the Department of Labor, Association of Towns and Council 82.

Councilwoman Chmielewski stated that as Supervisor Hotaling had indicated, Chief Giroux was responsible for the Village and Town and now the Town is responsible for the Village so she believes that it is the same.

Councilman Conrad interjected that he had to report to two Boards, Village and Town.

Supervisor Hotaling stated that he was talking more fiscally and added that they had 50/50 responsibility for coverage of his salary and it ended up being 75/25. He added that 75% of \$70,000.00 was the Town's responsibility and now the suggestion is that it would require \$70,000.00 to get a Police Chief. He concluded by saying that he does not believe that each Board member individually are ready to go to \$70,000.00.

Councilman Conrad interjected that he would go on the record right now as being against it.

Supervisor Hotaling suggested that each Board member consider candidates for the Committee and collectively they will review them and pick those that wish to be a part of the Committee.

### **Review/Rescind approval of Air Conditioning Bid for Town Hall**

Supervisor Hotaling stated that there was a Bid Opening to install air conditioning in Town Hall and there were some issues raised by one on the bidders, who was not the low bidder, relative to there not being a Non-Collusive Bid Form submitted with the bid by the apparent low bidder. He added that Town Attorney Rotello had researched it with the Association of Towns and it was determined that it was not fatal to the process so long as the form is submitted prior to the award of the bid and the submission of the form would not act as a benefit of that individual or specifically to the detriment of any other bidders. He continued by saying that once the issue was resolved the issue of prevailing wage was raised and it was determined that three of the four bidders were silent as to if their bid included prevailing wage and one bidder stated that his bid did not include prevailing wage, which also resulted in some research. He added that it took approximately three more weeks and they all felt as though they were moving forward with the awarding of the bid and on June 12<sup>th</sup> they awarded the bid to the low bidder and on June 13<sup>th</sup> he had instructed Building and Grounds Superintendent Bianco to engage in contract development between the Town and the low bidder for the project to be completed. He continued by saying that upon receipt of the contract there were statements in it and issues were raised as a result of Town Board review and it resulted in the scheduling of a Workshop, which occurred on June 20<sup>th</sup> and at that Workshop the apparent low bidder was present and discussion pursued relative to their concerns and it became clear at that time that the project that they thought was quoted at a particular amount was not going to end up costing that amount because of some circumstance contained in the bid and it was the consensus that the bid would have to be re-examined and potentially the award of the bid rescinded. He added that he received from staff a draft of a bid specification earlier in the day and after some modification it was ready to go to Town Clerk Millious to be advertised but later in the day he had a meeting with the apparent low bidder, at their request, and it was raised by the apparent low bidder that the failures on prevailing wage really rested with the Town of Coeymans and not with him. He continued by saying that it was based upon an 8 page document taken from the internet from the New York State Department of Labor where it sets forth the process of five steps where upon a municipality is engaged in a public works contract requiring the municipality to, once they have made a determination to let a contract for public works, send a written letter to the Labor Department's Bureau of Public Works for an appropriate wage schedule. He continued by saying that the Town would then attach the wage schedule to the bid specifications before they are advertised or disseminated to any potential bidders and then upon receipt of bids, when awarding a contract the agency must attach the wage schedule to the contract and again notify the Department of Labor Bureau of Public Works that the contract has been awarded and before work can begin the contractor and subcontractors must post wage schedules at the construction site so workers can know what they are entitled to and the requirement is that it be in at least 2 inch letters.

Supervisor Hotaling continued by saying that he had forwarded the information earlier in the day and asked that he confirm and make a recommendation to the Town Board as to whether or not they must comply. He then asked that Attorney Rotello give his report.

Town Attorney Rotello stated that the requirements that he referred to are requirements for the Department of Labor and it has to do with public works projects and there is a requirement that prevailing wage be paid by all contractors and subcontractors. He added that it was his opinion and based on research, notwithstanding the fact that a bid specification or request for bid might have omitted the language that prevailing wage must be paid, it is incumbent that the bidder know that it is a public works project and in fact submit a bid to include prevailing wage. He continued by saying that one bidder specifically stated that his bid did not include prevailing wage and the requirement of General Municipal Law outlines the procedures for bidding and the Comptroller's Office promulgates forms as well as the Association of Towns. He added that the materials that he looked at do not have anything specific to prevailing wage but if you call the Department of Labor they will indicate that the bid specs have to have the wage schedule

attached. He continued by saying that there are two competing state agencies with different requirements and if you comply with the technical guidelines of both you would include the prevailing wage schedule with the bid specifications and the purpose and intent is to prevent fraud, favoritism and to see that the taxpayers get the lowest responsible bid and money is saved. He added that the Labor Laws are concerned with people on the public works projects getting paid certain hours and they also have restrictions on the hours that can be worked, which are no more than 8 hours a day and no more than 5 days a week, which often conflicts with public works schedules and you need to get specific approval from the Department of Labor in order to allow deviating from that. He continued by saying that if the Town Board wants to comply with Section 103 of General Municipal Law regarding requests going out to bid on a project, as long as the forms are promulgated, they can do so in that manner and the Department of Labor's position would be that any such bid would have to be prevailing wage and the intent would be to insure that any contract that was awarded, was awarded to the lowest responsible bidder and any pay scale that was established was in accordance with the prevailing wage schedule promulgated by the Department of Labor and in his opinion this is what is important about the bidding procedure process. He concluded by saying that the lack of the prevailing wage requirement cannot be overlooked.

Supervisor Hotaling asked if there were any additional comments.

Councilman Conrad interjected that he has only seen this done on big projects such as million dollar projects.

Supervisor Hotaling stated that State Law requires prevailing wage and violation could result in a misdemeanor punishable by a fine, prison or both. He added that he is going to be mindful of those things and make sure that his colleagues that bid projects are also mindful of those things.

Town Attorney Rotello stated that it will be a better practice even though on the smaller projects they would struggle to find a municipality that complies with each and every requirement. He added that it is a requirement set forth in different sections of the law.

Supervisor Hotaling stated that it appears clear to him that that the award that was rendered on June 12<sup>th</sup> must be rescinded for the failures that were cited in their Workshop with respect to the uncertainty of the cost associated with the project that they thought was submitted by the apparent low bidder. He continued by saying that he would offer a motion to rescind the awarding of the bid.

## **MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, that the motion at the June 12, 2006 Special Meeting, awarding the bid to the apparent low bidder for \$15,000.00, is hereby rescinded due to uncertainties in the contract development effort as to the total cost of the project and the warranties of the apparent low bidder.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that initially they had anticipated advertising a bid specification that clarified some of the issues that were raised with respect to prevailing wage and total cost of the project but since receipt of the newly required information he would suggest that they not move on the project at this point.

Collectively it was decided that they should wait.

## **Band Schedule for Evenings on the Green**

Supervisor Hotaling stated that Councilman Boehm had requested that Evenings on the Green be mentioned.

Councilman Boehm stated that the schedule has been finalized and it is on the Town's website as well as it being advertised on the Public Access Channel and in the Albany

County Ledger. He added that the performances start on July 6<sup>th</sup> and goes through August 31<sup>st</sup> from 6:30-8:30pm at the gazebo.

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## **NEW BUSINESS**

### **Establishment of Public Hearing Date for Section 8 Program**

Supervisor Hotaling stated that they need to establish a Public Hearing date for the Annual Agency Plan for Section 8 Housing and Mr. Mastrianni, administrator of the Plan had requested that the Town Board set forth a date for the Public Hearing. He added that he has a copy of the Agency Plan for review and will make it available and the requirement is such that they have to advertise the Public Hearing at least 45 days before the Public Hearing occurs. He continued by saying that he would suggest a Public Hearing on August 28, 2006 at 6:30pm to receive comments on the proposed Agency Plan for 2006-2007 for the Section 8 Housing Choice Voucher Program, which is the Town Board's meeting date as well. He then asked for a motion to set the date.

### **MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, establishing the Public Hearing date as August 28, 2006 at 6:30pm.

VOTE – AYES 5 – NAYS 0 – SO MOVED

### **Revaluation Project – Web Based Information**

Supervisor Hotaling stated that the Town Board was given a letter from Mr. Bob Dilbert, the managing partner of Appraisal Consultants, who is the responsible party for the reevaluation. He added that during the vendor selection process he talked to the Town Board about how beneficial it was to be able to have all of the properties linkable to the Town's website and be available for public inspection and public review, which would result in public comparison as they go through the reevaluation project. He continued by saying that the letter refers them to SBG, a company that has done it for a neighboring municipality, who did a good job and for \$2,500.00 they will convert and install the data with pictures within a 30 day period. He added that it will be maintained by them for a monthly fee of \$100.00 and it will be on their server with a direct link to the Town's website. He concluded by saying that it will be beneficial to have this and it is a small sum of money to be able to have the data available and it would also offset any presumption that may be circulating about something being hidden as a result of the project.

Councilwoman Chmielewski inquired as to if this would be something that could only be accessed by someone with a computer at home with internet access.

Supervisor Hotaling stated that it could also be accessed from public computers, such as at a library.

Councilwoman Chmielewski inquired as to if there would be a computer at Town Hall for public use.

Supervisor Hotaling stated that he had not thought of that and it might be something that they can look into doing.

Councilman Boehm inquired as to if this is something that will remain after the project is done with a fee for maintenance.

Collectively it was decided that they did not know.

Supervisor Hotaling continued by saying that it appears to be a good product and the price seems to be right. He then asked for a motion to engage SBG for their professional services.2

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing SBG to place the information online at a cost of \$2,500.00 to install the data and set up a link to the Town of Coeymans website as well as a monthly maintenance fee of \$100.00.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilwoman Chmielewski inquired as to if they will need to enter into a contract with SBG for the monthly maintenance fee for a set period of time.

Supervisor Hotaling stated that he could not answer the question.

Councilman Boehm suggested that they ask SBG to incorporate a way to track the number of users.

### **Retirement of Beautification Foreman (Perrine)**

Supervisor Hotaling stated that he was in receipt of a resignation from Beautification Foreman, Richard L. Perrine and added that he has been an employee of the Town of Coeymans for 38+ years and then asked for a motion to accept the resignation.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, to accept the retirement of Richard L. Perrine, Beautification Foreman.

VOTE – AYES 5 – NAYS 0 – SO MOVED

To: The Town of Coeymans Supervisor and Board Members

RE: Proposed Retirement Date

I wish to notify you that I have applied for my State pension and have a tentative date of July 28, 2006 as my last day of employment with the Town of Coeymans. I have enjoyed my position here and have been able to learn a lot from many people here.

Thank you,  
Richard L. Perrine

### **Resignation of Equipment Operator II (Bennett)**

Supervisor Hotaling stated that he was in receipt of a resignation of an Equipment Operator II and continued by reading the following:

June 5, 2006

To: Albert and Scott,

I Thomas Bennett will be leaving the Town of Coeymans Highway Department on June 16, 2006. I will be working for a new company. Thank you for the times we all worked together and the experience on heavy equipment.

Thank you!

Thomas J. Bennett

Supervisor Hotaling asked for a motion to accept the resignation.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilwomen Chmielewski to accept the resignation of Thomas J. Bennett, Equipment Operator II.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**RESOLUTIONS**

**RES. #082-06 APPROVALS OF FOOD FOR THOUGHT RECREATIONAL AIDES**

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

**WHEREAS**, the Summer Food for Thought Program is in need of Recreational Aides to handle the children who have signed up for the program.

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Coeymans does hereby appoint the following individuals as Food for Thought Recreational Aides.

Koryn Shear	(\$8.00)	Andre Preville	(\$8.00)
Danielle Domanico	(\$8.00)	Patricia Visconti	(\$8.00)
Jaime Breedlove	(\$6.50)	Daniel Irwin	(\$6.50)
Jessica Delameter	(\$6.50)	Emilie Searles	(\$6.50)
Lauren Howley.	(\$6.50)	Chris Vasquez	(\$6.50)

The appointment is effective July 6, 2006 to August 11, 2006, and will be at the hourly rate as indicated above.

**RES. #083-06 APPROVAL OF FOOD FOR THOUGHT BUS DRIVER**

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

**WHEREAS**, the Summer Food for Thought Program is in need of an experienced bus driver for transportation, July 10 through August 11, 2006 and,

**WHEREAS**, one bus will provide the necessary transportation, instead of two as in previous years and,

**WHEREAS**, Karen Beachler has driven buses for the program in the past and has the required experience,

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Coeymans authorizes the Supervisor to hire Karen Beachler as the designated bus driver at the hourly rate of \$12.00.

**RES. #084-06 APPOINTMENT OF SENIOR TELECOMMUNICATOR/CLERK**

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

**WHEREAS**, the Town of Coeymans and Council 82 have just concluded contract negotiations, resulting in a Labor Management Agreement for the period January 1, 2006 through December 31, 2008, and

**WHEREAS**, one of the components of the agreement was to remove a union member from the union and establish a non-union 40 hour position performing supportive administrative duties to the Chief, Police Clerk duties and scheduling duties for the Telecommunicators, and

**WHEREAS**, 1<sup>ST</sup> Sgt. Darlington has recommended that the Town Board confirm this negotiated component by appointing Dawne LaMountain to the aforementioned non-union position,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby appoints Dawne LaMountain to this position. For her role as scheduler of telecommunicators, she will receive an additional \$1.00 per hour, and for her role as Clerk/Administrative Assistant support, she will receive an additional \$1.00 per hour,

making her hourly wage \$19.37. This appointment is retroactive to June 12, 2006 to conform to the negotiated agreement.

**RES. #085-06 PROMOTIONAL APPOINTMENT EQUIPMENT OPERATOR II**

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

**WHEREAS**, the Superintendent of Highways is desirous of filling the Equipment Operator II position as the Highway Department, and

**WHEREAS**, the Albany County Civil Service Department has confirmed this job title as a non-competitive position requiring the chosen candidate to meet minimum qualification, and

**WHEREAS**, the Highway Superintendent has confirmed the candidate is qualified and has the knowledge, skills and ability to perform in this position,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Gilbert Stevens to Equipment Operator II effective immediately, at the hourly rate of \$15.28.

**RES. #086-06 ADOPTION OF MAP TO ESTABLISH VILLAGE AND TOWN LINE**

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

**WHEREAS**, the Town Board of the Town of Coeymans has previously engaged in discussions with the Village of Ravena regarding the sanitary sewer system and the responsibilities of each municipality, and

**WHEREAS**, during the discussions it became evident that the identification of the Village/Town Line was an important component of the discussion, and

**WHEREAS**, the Town and the Village had previously agreed to share equally the costs associated with such a survey, and

**WHEREAS**, the Village of Ravena, at their regularly scheduled meeting on June 20, 2006 adopted the maps as their official map for that area of the Village,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby adopts the seven map set prepared by Charles Hite, Surveyor, dated February 3, 2005, as the official map depicting the Town/Village line in those areas.

**RES. #087-06 APPROVAL OF JUNE 2006 ABSTRACT**

On motion of Councilman Boehm, seconded by Councilwomen Rogers, 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 June 2006, Abstract.

<b>GENERAL (A)</b>		
General Pre-Pay	822-851	\$241,024.67
General	915-982	\$ 55,643.07
	<b>General Total</b>	<b>\$ 296,667.74</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	852-874	\$ 37,471.57
Part-Town	983-995	\$ 1,306.87
	<b>Part Town Total</b>	<b>\$ 38,778.44</b>

<b>HIGHWAY (D)</b>		
Highway Pre-Pay	875-887	\$ 53,024.82
Highway	996-1031,1046-1047	\$ 9,850.74
	<b>Highway Total</b>	<b>\$ 62,875.56</b>
<b>SEWER (SS)</b>		
Sewer Pre-Pay	888-903	\$ 14,040.53
Sewer	1032-1042,1048	\$ 10,420.19
	<b>Sewer Total</b>	<b>\$ 24,460.72</b>
<b>GROVE CEM. (TE)</b>		
Pre-Pay Grove Cemetery	904-906	\$ 484.26
Grove Cemetery	1043-1044	\$ 305.78
	<b>Grove Total</b>	<b>\$ 790.04</b>
<b>CAPITAL PROJECTS (H)</b>		
Capital Projects Pre-Pay	907	\$ 82,460.00
Capital Projects	1045	\$ 7,614.09
	<b>Cap. Projects Total</b>	<b>\$ 90,074.09</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$ 513,646.59</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	908-914	\$ 268,533.89
	<b>Trust &amp; Agcy. Total</b>	<b>\$ 268,533.89</b>

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**CORRESPONDENCE**

**Joralemon Park – Nature Study**

Supervisor Hotaling stated that he had received a phone call from Mr. Jesse Bellanair, a graduate student at Cornell University and he would like permission to identify and measure plants at Joralemon Park in addition to at some point planting seeds to observe their growth and added that Joralemon Park was recommended to him by some botanists. He concluded by asking the Town Board if they were interested in granting permission to do this.

Collectively it was decided that they should find out what kinds of plants and the location of the plants.

Town Attorney Rotello interjected that additionally he should be told that he is welcome to use the park and it is open to the public and use is at your own risk.

**Albany County Health Department – Martins Hill Sewage Disposal System**

Supervisor Hotaling stated that he was in receipt of a letter from Albany County Health Department dated June 8, 2006 regarding the failing and inadequate sewage disposal system on Martins Hill. He continued by reading the following:

Dear Supervisor Hotaling and Town Board:

Pursuant to your recent letter, members of this department performed a sanitary survey of residential properties located adjacent to Martins Hill Road (NYS Rte. 143) in the Town of Coeymans.

As the NYS DOT has proposed to reconstruct the highway in this area and replace the highway in this area and replace existing drainage swales and gutters the determination as to the status of the existing residential sewage disposal systems and their potential connections/drainage to the NYSDOT's storm sewer system was requested of this office.

The results of this survey confirm that a significant number of residential sewage disposal systems are failing, some of which are discharging in NYSDOT's storm sewer system.

A total of 13 residential properties were surveyed. Of these it was determined that six (6) were discharging sanitary wastewater onto the surface of the ground or into the adjacent highway drainage system. One property was vacant at the time of the survey and another did not respond to the survey access request.

Discharges were from septic system overflows, and/or washing machines/sinks connected to sump pump discharges.

Of the seven properties where no system failure was found little information as to the existing system design/construction was documented from the property owner. One of these properties has limited area for a system and will be severely impacted upon commencement of road drainage reconstruction.

Normally when such failure conditions exist on an individual basis we would contact the individual property owner, notify them of the conditions, and request that they take immediate actions to provide permanent corrections. However, because of the community nature of this problem, and possible lack of a permanent solution for many of the property owners (due to shallow soils and depths to bedrock, and limited lot size), a community solution, such as the extension of the nearby public sewer system may be the most appropriate and cost effective. Therefore, I am writing to both respond to your survey request and to determine if you and the Town Board would review this matter and coordinate a community solution for these property owners. I have also for your information attached a sample letter that has been sent to the property owners that were surveyed.

Please let me know of your decision and/or course of action. If a community solution is not feasible then we will need to pursue remedies with each property owner

If you have any question concerning our survey please let me know.

Sincerely,

Stephen S. Lukowski, P.E. Director

Supervisor Hotaling stated that this is within an area where there is no sewer or sewer district in existence in addition to the existence of a moratorium and the suggestion of a community solution is beyond belief.

Councilman Conrad stated that a relief can be granted to the moratorium with this situation in addition to them knowing that they have some surplus due to the calculations done by the Town to allow a certain number of hook-ups into the sewer system, but there is no Sewer District. He added that his conception is to extend the Sewer District to be equal to that of the water line and hopefully it will take in the seven parcels that are most affected by the problem and in doing this they have offered an alternative to the problem. He added that the property owner will have to put in the extension at their own cost in addition to the surveying and engineering. He concluded by saying that he would also suggest that the two other problem areas of Stone House Hill and a section of Rte. 9W be looked into and it may solve more than one problem.

Supervisor Hotaling stated that he would not be in favor of offering a solution that he didn't think was viable and he does not believe that the Town can provide this one.

Discussion ensued amongst the Town Board regarding the possibility of a community solution.

Supervisor Hotaling inquired as to if they should put this on hold for now.

Councilman Conrad stated that he would like to recommend that they consider making the district the same as the water district and being within a district offers an option. He added that the cost would be borne by the property owners.

Supervisor Hotaling stated that it would cost because the betterment for the project would come from the Town first.

Town Attorney Rotello stated that this is a unique situation because the State is saying that they don't want the discharges into the road and in turn the State would go to DEC and say that the 13 properties have to be allowed to hook-up.

Councilman Conrad interjected that the line has to be put in, whether it be betterment or not and continued by saying that he is not trying to involve the Town with any cost but rather try to offer a solution.

Supervisor Hotaling inquired as to if the Town Board wanted him to write a letter saying that they are interested in providing a solution.

Councilman Conrad stated that they will need advice from Town Attorney Rotello and added he does not believe that extending the district boundaries to take the properties in includes the Town in a betterment to the project.

Town Attorney Rotello suggested that he respond to Mr. Lukowski's letter and explained that the proposal is not feasible and then wait to see what his suggestion for a community solution would be regarding the road construction and the sewer moratorium.

Councilman Conrad suggested that they not take action immediately and added that they can look further into it because he does see solutions and has a broad imagination.

Supervisor Hotaling interjected that the broad imagination of government has to stop at some point and the responsibility has to rest with the property owners.

Councilman Conrad stated that he agrees and it does rest with the property owners and it would not obligate the Town to anything by expanding the Sewer District.

Town Attorney Rotello stated that his concern would be taking an affirmative step in that particular regard at this particular point in time because then the property owner's would rely on the Town to solve their problem. He added that they could inquire and look further at the possibility of a community solution is not going to say that they are going to solve the problem or they are not going to do anything. He concluded by saying that he would not want the Town Board to take affirmative steps with extending the district.

Supervisor Hotaling stated that he wanted to read an excerpt from the letter that was sent from the Department of Health to the property owners and read as follows:

“In April 2006, representatives of this Department performed an inspection of the above premises. At that time, the following conditions were found to exist:  
The existing sewage disposal system is discharging sanitary sewage onto the surface of the ground and/or into an adjacent NYS Department of Transportation storm sewer system. These conditions are in violation of Article(s) V, Sections(s) 2, of the Albany County Code and Article 17 of the New York State Environmental Conservation Law.

By copy of this letter we are bringing this matter to the attention of the New York State Department of Transportation and the Town of Coeymans Supervisor and Town Board and suggest that you contact them and discuss the feasibility of extending the public sewer to a point where you would be able to connect to it.”

Supervisor Hotaling stated that he has not been contacted by anyone.

Town Attorney Rotello suggested that they wait to see if they hear from anyone.

**Albany County Health Department – West Nile Virus**

Supervisor Hotaling stated that he was in receipt of West Nile Virus larvacide information from the Albany County Health Department. He added that the briquettes will be applied by certified municipal and county employees to targeted municipal storm sewer and catch basins and seasonably wet standing water areas. He concluded by saying that he would post the information on the bulletin board in Town Hall as well as preventative measures against West Nile Virus.

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**TOWN BOARD WORKSHOPS/MEETINGS**

- Public Hearing – July 11, 2006, 6:00pm (Draft Comprehensive Plan)
- Joint Town Board, Planning Board, Zoning Board Workshop – July 17, 2006 6:00pm
- Town Board Workshop – July 18, 2006, 6:00pm
- Town Board Meeting – July 24, 2006, 7:00pm

Supervisor Hotaling stated that Judge Dardani, Judge Pearson, Town Clerk Millious, and Building Inspector Cashin have received an invitation to the July 18<sup>th</sup> Workshop for discussion the Audit Report of 2005 and the resulting implementation of policy and procedure changes.

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**ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Councilman Conrad stated that the Sewer Billing is about ready to go out for July-December 2006 and there is an issue with regards to the Town of Coeymans Fire House whereas they are under contract to purchase it. He added that Councilwoman Chmielewski has made it clear that they have to have resolutions in order to make changes to the Sewer Billing and he is hoping that they can obtain a resolution to the extent that the old Coeymans Fire House can be removed as the Town of Coeymans will be taking it over in addition to being able to add the new Coeymans Fire House, which was issued a Certificate of Occupancy and already in use of sewer and water. He concluded by saying that this was the site of Hillcrest Garage, which was removed from the billing approximately a year ago.

Supervisor Hotaling stated that it is not the Town of Coeymans Fire House; it is the former Coeymans Fire House in addition to adding that currently they are not under contract to purchase it. He added that the Town’s attorney, Ms. Taylor has not yet called him back with respect to the contract that was faxed to her last Thursday and to his knowledge there is no contract for signature.

Councilman Conrad inquired as to how he should proceed with the billing.

Supervisor Hotaling stated that it belongs to the Coeymans Fire District and should be billed as such at this juncture.

Councilman Conrad inquired as to if the new Coeymans Fire House should be billed.

Supervisor Hotaling stated that as a new addition they should be billed.

Councilwoman Chmielewski interjected that any new buildings should be added.

Councilman Conrad stated that he was asking because of the need for a resolution to change the billing.

Supervisor Hotaling inquired as to if Councilman Conrad wished to offer a resolution..

Town Attorney Rotello interjected that they have to assess the appropriate units.

Councilman Conrad stated that it is a structure with a new meter and there is a minimum that has to be paid and it would be the established minimum for all residential/commercial at this point.

**RES. #088-06 AUTHORIZE SUPERVISOR TO CHANGE TO SEWER BILLING**

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

**WHEREAS**, the Coeymans Fire District has purchased a parcel of property located at 67 Church Street and has constructed a new fire house, and

**WHEREAS**, the Coeymans Fire District has received a Certificate of Occupancy for the same,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board authorizes the addition of 67 Church Street to the second half billing for sewer in 2006 and all subsequent billing cycles per the established rate.

Town Clerk Millious interjected that the resolution authorizing her to collect should include a total.

Supervisor Hotaling agreed that there should be a total.

Councilman Conrad stated that he disagrees because it depends on the amount of gallons and you can't anticipate how many gallons are going to be used a year.

Councilwoman Chmielewski interjected that it has to be done because the Town Clerk should know what she is suppose to collect and any changes would be amended by resolution.

Supervisor Hotaling stated that you would not know because you don't know how much water is going to be used by residents with meters.

Councilwoman Chmielewski stated that you could have had a figure for the first six months as to what Town Clerk Millious was suppose to collect and for the next six months you would put a total in the resolution.

Town Clerk Millious interjected that Councilman Conrad will know what the total will be after the adjustments are made.

Councilman Conrad stated that the law states that it should be done annually and not every six months.

Town Attorney Rotello stated that it is being done backwards in that the residents are being charged for what was just used.

Supervisor Hotaling stated that the bill that was executed for July should be for January to June 2006.

Town Attorney Rotello stated that there is not a problem with trying to set an amount that is to be collected.

Councilman Conrad interjected that they should skip this billing and come up with exact figures for the next billing and he does not agree with creating a number only to go back and change it.

Councilwoman Chmielewski stated that it gives Town Clerk Millious an amount to collect for auditing purposes and she is trying to comply with the auditors.

Town Clerk Millious interjected that the auditors want to see a total.

Councilman Conrad inquired as to what happens if she collects more than what is authorized.

Councilwoman Chmielewski inquired as to why she would collect more.

Councilman Conrad stated that he is going to charge the water usage based on those that went over 40,000 gallons.

Supervisor Hotaling stated that the number that will be in this billing cycle is based upon water usage that has already occurred.

Councilman Conrad stated that you would not know it in January.

Supervisor Hotaling stated that Councilman Conrad is clouding the issue by suggesting that the law is artfully drawn, which may be true but the reality is that they are billing the second cycle.

Councilman Conrad interjected that they would know the total dollars of this cycle.

Supervisor Hotaling stated that this is what Town Clerk Millious is asking for.

Town Clerk Millious interjected that she would like the total dollar that matches the warrant, which is printed out when the bills are printed.

Councilman Conrad inquired as to if after each billing they have to create another resolution authorizing the Town Clerk to collect to that amount established.

Supervisor Hotaling stated that this was correct and if the numbers are based on water usage that has already happened the other argument is valid and at some point they will have to say that no one pays for six months.

Councilman Conrad interjected that what they offered as a solution was to change the billing to quarterly when they had the new system up and running.

Supervisor Hotaling stated that they should work toward doing this because as Town Attorney Rotello had stated you should not be billing this way.

Town Attorney Rotello suggested that they speak with other municipalities to see how they are billing.

Supervisor Hotaling stated that his office would prepare for the next Town Board Meeting, a resolution with the amount collected in January as well as the amount that they expect to collect in July. He continued by asking if there were any additional comments.

Councilwoman Rogers stated that she has spoken to Highway Superintendent Deering about the Marie Bowers' property and at this point he is waiting to see how he should proceed because he has the figures for the exchange of property for the building of an access road.

Supervisor Hotaling stated that the Town Board will have to choose an attorney to create a closing and added that there has to be an agreement before the Town starts building a road.

Councilwoman Rogers suggested that the papers be given to Attorney Rotello

Town Attorney Rotello inquired as to what they were talking about.

Supervisor Hotaling stated that the Town has trespassed on the Bowers' property for a number of years and have stockpiled materials for the Highway Garage. He added that

this was to Ms. Bowers' knowledge and in exchange she has been using the Town Highway Garage Property as an easement to her property on the other side of the creek. He continued by saying that providing an access road to Ms. Bowers in exchange for the property, would provide additional space for a salt shed, additional space for expansion of the garage and ownership of the well. He added that for the exchange of land the Town would provide an access road off Greenbush Avenue, which would perhaps include a small bridge and culvert to get her across a small stream. He concluded by saying that there is an exchange of goods and services in a contractual basis that has to be identified in order to consummate.

Town Attorney stated that he could take a look at it and draft a contract.

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

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**ADJOURNMENT**

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 10:37pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Public Hearing was held Monday, August 28, 2006, at 6:30pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Joseph E. Mastrianni, Administrator – Section 8 Housing Choice Voucher Program

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**OPENING COMMENTS**

Supervisor Hotaling stated that the record should reflect that there is a full Town Board in addition to Town Clerk Millious and Joseph Mastrianni being present, he continued by asking that Town Clerk Millious read the Notice of Public Hearing that was published in the Town's official newspaper.

**TOWN OF COEYMANS PUBLIC HEARING  
ANNUAL PLAN FOR 2006  
SECTION 8 RENTAL ASSISTANCE**

**AUGUST 28, 2006**

The Town Board of the Town of Coeymans will hold a Public Hearing on Monday, August 28, 2006, at 6:30pm, at the Town Hall, 18 Russell Avenue, Ravena, NY 12143 for the purpose of receiving comments from the public on the Town's proposed Agency Plan for 2006 for the Section 8 Housing Choice Voucher Program.

Copies of the Agency Plan and all supporting documentation are available for review by the public at either of the following locations:

Town of Coeymans  
Town Clerk's Office  
18 Russell Avenue  
Ravena, NY 12143  
(518) 756-2100

Joseph E. Mastrianni, Inc.  
242 Union Street  
Schenectady, NY 12305  
(518) 372-4739 Ext. 26

**By Order of the Town of  
Coeymans Town Board  
Diane L. Millious  
Town Clerk**

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**PUBLIC COMMENTS**

Supervisor Hotaling stated there were no members of the public present to comment and continued by inviting Mr. Mastrianni to make some opening comments.

Mr. Mastrianni stated that he would go over the Housing Choice Voucher Program and proceeded as follows:

**Housing Choice Voucher Program – August 28, 2006**

Program Initiated		1978
Annual Federal Funding	\$435,000	(\$410,00)
Program Structure:		
Standard Vouchers		71
Mainstream Vouchers		10
Family Self Sufficiency Slots		25

**Current Program Statistics**

**Waiting List**

Total Applicants	21
Elderly and Disabled Applicants	0
Non-Elderly and Disabled Applicants	8
Not Living in Town of Coeymans	13

**Program Utilization as of August 1, 2006**

Families That May Be Assisted	81
Families Receiving Assistance	58
Elderly or Disabled Head of Household	32 (55%)

**Inspections During Past 12 Months**

Total Inspections	139
Passed Inspections	88
Failed Inspections	51
Lead-Based Paint Passed Inspections	8
Lead-Based Paint Failed Inspections	10

**Average Number of Years in Program**

No Elderly or Disabled	6.0
Elderly	6.1
Disabled	4.9

**Family Self-Sufficiency Program**

Available Slots	25
Participating Families	9
Families with Escrow Accounts	7 (78%)
Graduates Year-to-Date	3

Mr. Mastrianni continued by going over the Housing Assistance Payments and Budget.

**Housing Assistance Payments and Budget**

**2005**

<u>Mon.</u>	<u>HUD Budget</u>	<u>HAP Expense</u>	<u>(Deficit) or Surplus</u>	<u>Units</u>		
Jan.			\$29,705		\$29,461	\$
Feb.			\$29,705		\$28,836	\$
Mar.	\$29,705	\$32,966	\$(3,261)	77		
Apr.	\$29,705	\$31,267	\$(1,562)	76		
May	\$29,705	\$30,415	\$( 710)	75		
June			\$29,705		\$28,817	\$
July	\$29,705	\$27,477	\$ 2,228	71		
Aug.	\$29,705	\$24,598	\$ 5,107	69		
Sept.	\$29,705	\$25,438	\$ 4,267	66		
Oct.	\$29,705	\$23,754	\$ 5,951	64		
Nov.	\$29,705	\$23,993	\$ 5,712	62		
Dec.	\$29,715	\$24,599	\$ 5,116	61		
<b>Totals</b>	<b>\$356,470</b>	<b>\$331,621</b>	<b>\$24,849</b>	<b>842</b>		

**2006**

<u>Mon.</u>	<u>HUD Budget</u>	<u>HAP Expense</u>	<u>(Deficit) or Surplus</u>	<u>Units</u>
Jan	\$30,282	\$27,322	\$ 2,960	65
Feb	\$30,282	\$20,020	\$10,262	61
Mar	\$30,282	\$21,248	\$ 9,034	62
Apr	\$30,282	\$24,995	\$ 5,287	70
May	\$30,282	\$22,281	\$ 8,001	62
June	\$30,282	\$18,789	\$11,493	64
July	\$30,282	\$20,607	\$ 9,675	61
Aug	\$30,282	\$24,822	\$ 5,460	58

Mr. Mastrianni continued by saying that last year in 2005 they ended up with a surplus in the amount of \$24,849.00 and added that it was mainly because of the slow down in the Program from July to December when the units went down to 61. He added that the surplus continues into 2006 and it will continue for the year.

Supervisor Hotaling inquired as to what happens to the surplus money.

Mr. Mastrianni stated that HUD recaptures it and a notice was sent telling them to keep it for now.

Tony Pastore, reporter for the Ledger asked that Mr. Mastrianni explain what the HUD Budget is and what the HAP Expenses are.

Mr. Mastrianni explained that the HUD monthly budget is what they are given each month to spend on rental subsidies and the HAP expenses are what they actually spend and added that the difference is either a surplus or deficit.

Councilman Conrad stated that on the waiting list there are 21 applicants waiting with zero elderly or disabled and 8 non-elderly or disabled, which he is working on placing, and 13 not living in the Town of Coeymans. He continued by saying that he believed that it was the Town Board's position that they were only accommodating the elderly or disabled.

Mr. Mastrianni stated that he has no choice and once he runs out of elderly or disabled he has to move down the waiting list.

Councilman Conrad stated that he had asked him the same question a year ago and he is still waiting for him to prove that he has no choice. He added that his personal feeling with the whole program is that he is adamantly against the HUD Program with the exception of the elderly and/or disabled. He continued by saying that he thought that they had made it perfectly clear at the last Public Hearing that this is the way that the Town Board felt, with the exception of Councilman Boehm, a new member of the Board. He concluded by saying that he does not recall changing their opinion.

Councilwoman Chmielewski stated that she believed that they even voted on it.

Councilman Conrad interjected that they did vote on it and continued by saying that Mr. Mastrianni was going to find out if he could or could not limit it to the elderly and/or handicapped and added that Mr. Mastrianni was going to come up with the information but to his knowledge he has not.

Mr. Mastrianni stated that he could come up with it and the contract with HUD states that the Town has to follow the regulations and this is what he does. He added that the regulations say that as long as there is funding, and people on the waiting list that are eligible for the funding, they have to house those people. He continued by saying that there is an option to set preferences and this is what they did in saying that elderly and/or disabled has a preference, which are the people that will be taken care of first.

Councilman Conrad stated that he understands what he is trying to insinuate and it may be true but he believes that they made it perfectly clear that if it was in fact the case they were going to disband the program. He added that Mr. Mastrianni had made the comment that they could not disband the program and continued by again asking that Mr. Mastrianni show him in the regulations that the Town of Coeymans must participate in the program.

Mr. Mastrianni stated that the Town of Coeymans does not have to participate if they don't want to and added that he had said that if the Town of Coeymans did not want to participate, HUD would assign the funding to another agency and the people in the program in the Town of Coeymans would continue to receive assistance. He continued by saying that at that point he believed that the Town Board has said that they wanted to keep the program because they wanted to keep control of it and added that he believes it was through an exchange of letters.

Supervisor Hotaling stated that they did exchange letters and then there was a phone call and added that they chose to keep control of it because they would not have control and yet still having the people living in the Town of Coeymans under the HUD Program administered by some other municipality and added that attrition would eventually eat it up.

Mr. Mastrianni stated that he is governed by regulation and if the Town of Coeymans wants to tell him not to do that, he needs it in writing and in turn he will send it to HUD and they will decide what to do.

Supervisor Hotaling stated that at one point Mr. Mastrianni had told him that HUD was going to come and meet with the Town Board.

Mr. Mastrianni stated that he thought that they would and HUD told him that if the Town of Coeymans has problems they could call them.

Supervisor Hotaling inquired as to if there is a regional office in the Capital District.

Mr. Mastrianni stated that there is not and it is handled out of Buffalo. He reiterated that he is following regulations in addition to following the Town Board's dictate to give preference to the elderly and/or disabled over all others and added that this was his understanding the last time that they met.

Supervisor Hotaling stated that he was correct and there was a preference for elderly and/or handicapped. He added that he believed that initially they had said it would be to the exclusion of all others.

Mr. Mastrianni reiterated that he cannot do that and he is bound by regulation and added that they as a Town Board are free to do whatever they want to do.

Supervisor inquired as to in what respect.

Mr. Mastrianni stated that they could talk to HUD and say that they are not going to put in anyone that is not elderly and/or disabled and added that this would be up to them to do. He continued by saying that he does not know what they would say.

Councilman Conrad stated that he would like to speak with them and find out what purposes they as a municipality can do. He continued by saying that he understands the program and added that the program in itself has some unique benefits but it also has some unique problems and added that he is not sure that the program warrants the problems.

Supervisor Hotaling interjected that in all fairness to the Town Board as well as Mr. Mastrianni, they have made some significant progress in areas of concern that have been expressed such as increased inspections, and individuals being removed from the program for a variety of reasons. He continued by saying that it has not come completely to what the Town Board had envisioned as its client list for the program, which is

residents of the Town of Coeymans who are very deserving and happen to be elderly and/or handicapped that would benefit from the program. He concluded by saying that this is their focus and this remains their primary focus and added that he understands Mr. Mastrianni's point that from his perspective he cannot to the exclusion of all others only do that.

Mr. Mastrianni interjected that they can give preference but he cannot discriminate.

Councilman Conrad stated that he didn't believe that they were trying to do that and their main concern when they passed the resolution was to allow the program to exist to those that were elderly and/or handicapped. He continued by saying that on the waiting list there are 13 that are not living in the Town of Coeymans and through the HUD Voucher System they have made application to live in the Town.

Supervisor Hotaling stated that his understanding is that they have made application for the Program but not necessarily to live in the Town of Coeymans.

Mr. Mastrianni stated that they have to either live or work in the Town of Coeymans in order to get assistance.

Councilman Conrad interjected that this would encourage more HUD people to come into the Town.

Mr. Mastrianni stated that he does not know that.

Supervisor Hotaling asked that if it is typical that the 13 applicants not living in the Town of Coeymans typically make applications to other towns as well and get on every list.

Mr. Mastrianni stated that this is true and stated that the rule is that they cannot turn anyone down if the waiting list is open and added that anyone that wants to be on the waiting list has to be accepted. He continued by saying that they can give preference to people that reside or work in the Town of Coeymans and added that this is what they have done. He concluded by saying that typically the people that do not live in the community do not get assistance from the community because there is always an elderly person or resident that comes along and keeps them at the bottom of the waiting list.

Supervisor Hotaling stated that they have another challenge and added that it is an annual discussion that they have.

Mr. Mastrianni stated that this is why there are Public Hearings.

Supervisor Hotaling stated that the Town Board has now heard the current status of the program and added that at the meeting following the Public Hearing they will consider a resolution for the Annual Plan. He added that if anything else comes out of it as a result of the resolution it would be in the form of a motion that he will communicate back to Mr. Mastrianni.

Mr. Mastrianni stated that he would pass it on to HUD.

Supervisor Hotaling stated that as a result of this maybe they could get HUD to come to the Town. He added by saying that some people had just arrived and continued by explaining to them that they were currently involved in a Public Hearing for the Agency Plan for the Housing Choice Program known as Section 8. He continued by asking if any of those people wanted to make comment about the Program for 2006-2007, hearing none he asked for a motion to adjourn the Public Hearing.

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## **ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, the Town Board Public Hearing was adjourned at 6:55PM.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Town Board Workshop was held Tuesday, August 22, 2006, at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ABSENT:** Ronald K. Hotaling, Jr., Supervisor

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Richard P. Carey, Deputy Director of NYS Assoc. of Chiefs of Police, Inc.  
Joseph Rotello, Town Attorney  
Albert Deering, Highway Superintendent  
Greg Darlington, First Sergeant  
Larry Breedlove, Chief Operator

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

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**OVERVIEW OF AGENDA**

- Review & Discussion of Highway Department Equipment Packages for 4x2 and 4x4 Trucks
- Marvin & Company Draft Financial Audit – 12/31/05
- Rick Carey, Former Chief of Police, Glens Falls – Hiring of Police Chief
- Rev. Carolyn Lewis – Coeymans Reformed Church
- John Palange – Biers Road Realignment
- Hudson-Fulton – Champlain Quadracentennial Commission
- Executive Session – Discussion of Candidates for WWTP

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**ADJOURNMENT**

Councilwoman Chmielewski asked for a motion to adjourn to Executive Session.

**MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, the Town Board Workshop was adjourned to Executive Session for discussion of candidates for Waste Water Treatment Plant.

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

Time: 7:35pm

*Respectfully Submitted,*

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Diane L. Millious, Town Clerk

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**A Joint Workshop of the Town Board, Planning Board and Zoning Board of Appeals was held Monday, August 21, 2006 at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**TOWN BOARD:** Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**PLANNING BOARD:** Cynthia Kunz, Vice-Chair. Planning Board  
David Ross, Planning Board

**ZONING BOARD:** Kerry Marsh, Chair. Zoning Board of Appeals (arrived late)

**ABSENT:** Peter Foronda, Chairman, Planning Board  
Winthrop M. Irwin, Planning Board  
Laurie Felter, Planning Board  
Joseph Kapusta, Planning Board  
Wayne Flach, Zoning Board of Appeals  
Patrick Brown, Zoning Board of Appeals  
Gerald McDonald, Zoning Board of Appeals

Ronald K. I  
Richard A.  
Sarah Hafe

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Nicole Allen, Senior Planner, Laberge  
John Cashin, Code Enforcer

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The following Notice was published in the Ravena News Herald:

**NOTICE  
JOINT TOWN BOARD, PLANNING  
BOARD, ZONING BOARD OF APPEALS WORKSHOP MEETING**

In compliance with Public Officer's Law, this will inform you that the Town Board of the Town of Coeymans has scheduled a Joint Workshop of the Town Board, Planning Board, and Zoning Board of Appeals for Monday, August 21, 2006 at 6:00pm. The purpose of the workshop is to continue discussions regarding suggested revisions of the Town of Coeymans Zoning Code that may follow the anticipated approval of the Town's Comprehensive Plan.

**By Order of the Town of  
Coeymans Town Board  
Diane L. Millious  
Town Clerk**

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**OPENING COMMENT**

Councilwoman Chmielewski stated that this was the third meeting of the Town Board, Planning Board and Zoning Board of Appeals. She added that everyone got a copy of the minutes from the previous meeting and asked if everyone had the agenda and revisions. She then introduced Ms. Nicole Allen, Senior Planner from Laberge.

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**AGENDA ITEMS**

Ms. Allen listed the items on the agenda as follows:

**I. Pending Approval**

- Districts & Intent
- Non-Conforming Uses
- Home Occupation Uses

**II. New Discussion**

- Landscaping & Buffer Requirements
- Performance Standards
- Site Plan Regulations
- Overlay Districts

**III. Old Discussions**

- Definitions
- District Boundaries (continued discussion).

**IV. Next Meeting: September 18, 2006**

- Signage.
- Special Use Permit Regulations.
- Allowable Uses for Each District
- Supplementary Regulations
- Parking Regulations

Ms. Allen stated that she would be putting off dealing with definitions and added that it will be an easier process once they target what uses they want in the Town and what they want in the districts. She continued by saying that once they know the uses they will define them a little further and added that if there are uses and definitions that they clearly do not want they can bring them up during the process. She continued by saying that she hoped that everyone had gotten a chance to read everything and added that there may be times when the three Boards may need to meet separately in order to get more done to go over the changes and process.

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**ZONING ORDINANCE REVISIONS**

Ms. Allen stated that she would be starting with the new text and one of the new sections is landscaping and screening, which is not currently in the Code and continued by asking what their thoughts were as to whether it is too strict or not strict enough. She added that it is intended to require landscaping for all multi-family and non-residential property and anything outside of a residential use is going to be requiring landscaping.

Councilman Conrad stated that he was under the impression that they were going to make it a stand-alone.

Ms. Allen stated that there are the Site Plan Regulations and then landscaping as part of Zoning and continued by asking if he wanted landscaping to be alone.

Councilman Conrad stated that there were some concerns raised by Planning Board Members Kunz and Irwin over making it clear in the text, which they all agreed with and continued by inquiring as to if they would just require it under Site Plan Review.

Ms. Allen stated that the landscaping would be a component of Site Plan Review and added that this is where it would get reviewed but the actual requirement of landscaping could be under Zoning.

Councilman Conrad inquired as to if it would say could be or should be under Zoning.

Ms. Allen stated that it could go either way and added that typically you do see a landscaping component in the Zoning Ordinance and if it is in the Zoning it does allow an applicant to go to the Zoning Board for appeal but if it is in the Site Plan Regulations it is not an item that can be appealed.

Councilman Conrad stated that the general context was to make the Zoning more workable so that they don't have to go to the Zoning Board of Appeals over these issues and Site Plan Review was going to be an item handled by the Planning Board and the appeal would be to the Planning Board in the Site Plan Review process rather than having to go to the Zoning Board.

Ms. Allen stated that she does have the Site Plan Review as a separate stand-alone chapter and it addresses landscaping as a component but how many trees you need and how many feet you need for the landscaping is not in the Site Plan component.

Councilman Conrad reiterated that this was a concern of Planning Board Members Kunz and Irwin and continued by asking if it could be put there.

Ms. Allen stated that it could be.

Councilman Conrad stated that he believes that they were looking for percentage as far as what percent is buildable as opposed to green space and in looking at the Zoning they were trying to clarify it because it was not clearly spelled out. He added that there were supplemental regulations that said you had to have 15 feet setback from the property line and 80% of the lot has to be buildable, which would leave 20% of the lot as a possibility for green space. He continued by saying that they found that a lot of it would be turned into blacktop, parking or things of that nature in commercial aspects and added that he believes that the Planning Board was looking for a certain percentage that has to be green trees and landscaping.

Ms. Allen stated that she can work this into the Site Plan Regulations very easily and added that her concern with allowing a separate landscaping section in the Zoning is with the Industrial Buffer Zone that they are eliminating as a stand-alone district and added that they can now create a buffer requirement for industrial uses where there would be a requirement for screening, trees berms, etc., which can be incorporated into the Site-Plan but is not necessarily applicable to every single industrial property.

Councilman Conrad interjected that it would not have to go through site planning.

Ms. Allen stated that it would still have to go through site planning and would have to follow Zoning but there would be some areas where it may not be affected.

Councilman Conrad stated that they could say that 15% of the Site Plan is mandatory to be green and the only way to get around it is that you would have to go to the Zoning Board of Appeals to appeal that 15%.

Ms. Allen interjected that if it is in the Site Plan they would not go to the Zoning Board but if it is a stand-alone document and not in the Zoning Code, the Zoning Board of Appeals is not involved. She added that if they put it in the Site Plan Regulations with a set percentage it would be a mandatory requirement.

Councilman Conrad inquired as to how Planning Board Vice-Chairman Kunz felt about it.

Planning Board Vice-Chairman Kunz stated that a set percentage is important to her but she does not know if it is important to everyone.

Councilman Conrad interjected that percentage is the general way that is done by most of the bigger towns.

Ms. Kunz stated that they are trying to make the Town look better and this is one of the ways that they can do it and added that it is easier if there is a set percentage when they are dealing with someone because it is not negotiable.

Ms. Allen stated that she agrees with having a percent in the Site Plan Regulations because then it cannot be appealed in the Zoning Board process. She added that having landscaping separate in the Zoning allows some more flexibility and some of the things in landscaping are more with parking area layout as opposed to how much landscaping should be provided per parking area and all of this would then contribute to the overall percentage that is designated in the Site Plan requirements.

Councilman Conrad stated that they would be putting the percentage in Site Plan and then inquired as to if it was going to be part of the supplemental regulations like with the set backs, as a guide for districts.

Ms. Allen stated that it would be so that they go together.

Councilman Conrad stated that for the Industrial Districts they could require more than they do for a multi-family.

Ms. Allen stated that this would have still have to go in the Site Plan so that it is not something that cannot be appealed. She added that there could be a different percentage for Site Plan Review in each district that they designate and continued by suggesting that they keep it in Site Plan so that it is not appealable.

Councilwoman Chmielewski inquired as to if it would not be at all appealable.

Councilman Conrad interjected that it would have to be appealable to the Planning Board.

Councilwoman Chmielewski stated that there needs to be a mechanism in place where the percent could be waived because there would be some cases where it would be necessary.

Councilman Conrad interjected that this was the concern with putting it in two places because he didn't want it to involve two different Boards. He added that he knows what Planning Board members Kunz and Irwin wanted to address having an objective goal to approach but by putting it in Zoning, the only way that it could be waived would be by the Zoning Board of Appeals. He continued by saying that they were trying to take the Special Use Permits away from the Zoning Board of Appeals and putting it in control of the Planning Board, which a lot of towns are doing for the purpose of streamlining because everything that the Zoning Board of Appeals does has to go to the County and they have to wait 30 days for their input, which makes the process too time consuming and added that this is what he is trying to avoid. He concluded by saying that he was trying to make only the strict adherence of Zoning itself to be handled by the Zoning Board of Appeals, which is required by law and added that Special Use Permits can be either board.

Councilwoman Chmielewski interjected that she does not think that it is bad idea to have some time in between because it gives more time to think of things.

Councilman Conrad stated they still have to do Public Hearings and send it to the County and in turn the County gets a 30-day input period if it involves State or County highways within 500 feet, and there are other people advising and added that a Special Use Permit would still require a Public Hearing. He continued by saying that it would be done by one Board, which would make it more streamlined in that if more than one Board is involved it could take up to six months for a decision.

Councilwoman Chmielewski stated that she sees it as taking some of the powers of the Zoning Board of Appeals away and they are empowering the Planning Board and added that she would have to think about it more because there would only be seven people involved in the decision as opposed to 12 and continued by saying that she would like more people involved rather than just one Board.

Councilman Conrad interjected that it is discouraging people because the process is so complicated. He added that the time consuming parts are getting the Public Hearings in

and Site Plan Review is now being done strictly by the Zoning Board of Appeals for Special Use Permits.

Ms. Allen stated that this is something that they have talked about shifting over.

Councilman Conrad stated that this is something that should be picked up by the Planning Board and it is not to the extent that it needs to be.

Councilman Boehm inquired as to if it is appealable beyond the Planning Board if for example 20% green space is required but someone wants only 15%.

Councilman Conrad stated that it would depend on how it is set up and added that if it is structured in the Zoning Law it is appealable to the Zoning Board of Appeals and if it is a stand-alone law it is whomever you allow that appeal to be.

Councilman Boehm inquired as to if someone has an issue, whether or not it can be structured so it can be appealed through the Zoning Board of Appeals.

Councilman Conrad stated that it could be done this way.

Planning Board Member Kunz interjected that there should be checks and balances.

Councilman Boehm stated that if it is a matter of a few percentage points and have to rearrange some green space it is empowered to the Planning Board but if they, forever what reason still want to appeal to the Zoning Board of Appeals they can. He added that there still would be some power with the Planning Board.

Ms. Allen stated that the way that she has it set up is that the landscaping is part of Zoning and Site Plan is a separate section and added that the Site Plan, which is what the Planning Board and Town Board has deemed the desired amount and then the Zoning has a preferred methodology of achieving that with landscaping and how they achieve that can only be appealed with the Zoning. She added that as long as the desired amount is in the Site Plan Regulations then a configuration could be waived/appealed with the Zoning process but not the overall green space.

Councilman Conrad stated that this is what he is saying and if you put it in the supplemental regulations of the Zoning then the Zoning Board of Appeals would get the appeal but not the overall Site Plan Review Law.

Ms. Allen stated that the checks and balances would be provided in both and how it gets laid out is one thing but the overall percentage is still in the Site Plan.

Councilman Boehm stated that they would be appealing the percentage of the green space to the Zoning Board of Appeals if they don't like what the Planning Board says.

Councilman Conrad stated that it is just like the 20-foot setback rule and an example of it would be someone that does not have 20 feet to their boundary line and they have to apply for an area variance to the Zoning Board of Appeals.

Ms. Allen stated that the desired percent is set in the Site Plan Regulations and it can only be waived by the Planning Board, which is one document and landscaping is in the Zoning Regulations so the only thing that could go before the Zoning Board would be as an example, whether or not there would be 20 or more off street parking spaces with at least 10 square feet of interior landscaping and you could not provide the landscaping. She added that this could be waived with the Zoning Board but you still would be

complying with the overall percentage that the Planning Board has set so the configuration interior of the landscaping is the only thing that is being waived and not the overall percentage.

Councilman Conrad inquired as to how Zoning Board of Appeals Chairman Marsh felt about it.

Zoning Board Chairman Marsh stated that the Planning Board is the one that is doing the percentage and putting it together because there are specifics with regard to space but if they can't do it because of some hardship it will go to the Zoning Board of Appeals. He added that he believes that the process will work and the duality makes a lot of sense.

Councilman Conrad stated that when there is a change from one use to the other, such as a dry cleaner business becoming another type of store, it requires a Site Plan Review and a change in the use.

Zoning Board Chairman Marsh stated that if there is an overall percentage with specifics and there needs to be a change, when it comes to the Zoning Board of Appeals, if it is a reasonable change the Planning Board will make a recommendation.

Ms. Allen interjected that it still would comply with the overall percentage that is required in the Site Plan.

Zoning Board Chairman Marsh stated that for an example Rite-Aid came to the Zoning Board of Appeals for a Special Permit with all of the plantings and it worked out well.

Councilman Conrad stated that it was also done for Albany Medical and that worked out as well and added that there were not any specific requirements.

Zoning Board Chairman Marsh interjected that he has always wanted specific requirements to address buffers and trees. He added that there are instances where it has been done voluntarily and then there are others that put down blacktop on every inch of space when trees or shrubs could have been planted, which would have made the whole elevation look better. He reiterated that he likes the concept.

Councilman Conrad stated that he is beyond the concept and added that they need to work up the numbers.

Ms. Allen inquired as to what the overall percentage of green space should be.

Councilman Conrad stated that his personal feeling would be that he would like to see green space between residential and commercial areas, especially if there are two different districts joining each other.

Ms. Allen stated that this is why she had tried to have a buffer for any non-residential use abutting either a Commercial District or a Residential District.

Councilman Conrad interjected that he would like for 15% to be the minimum area for green space and hopefully they will get more and added that it's a start.

Zoning Board Chairman Marsh stated that it might be easier to say 25% and then be able to negotiate.

Councilman Conrad stated that some of the lot sizes on Rte. 9W would be a problem.

Zoning Board Chairman Marsh inquired as to if they might be able to have a sliding scale.

Ms. Allen stated that she has seen it with other aspects and added that she has not seen it with landscaping. She continued by saying that she could look into it.

Councilman Conrad stated that some of the places that they have dealt with try to use the remainder of their property to meet the parking requirements and this is where they get in to some arguments about putting in some green space. He added that 15% of green space vs. the blacktop would be an accomplishment and continued by saying that maybe they should make it 20%.

Zoning Board Chairman Marsh stated that for an example there could be a large parcel with sufficient area to meet the parking requirements with landscaping between every 12 parking places and continued by asking what the relationship between the parking requirements and the percentage of landscaping. He also inquired as to if a method had been worked out.

Ms. Allen stated that they have not worked out a method and this would be a configuration that would be required and the overall percentage would still have to be met and however it is configured there could be some flexibility.

Zoning Board Chairman Marsh inquired as to if there were 100 parking spaces and only 15% green space if the parking regulation elevates the 15%.

Ms. Allen stated that she does not know.

Zoning Board Chairman Marsh interjected that the methods have to be worked out.

Councilman Conrad stated that this is why he was trying to keep it all under Site Plan Review.

Zoning Board Chairman Marsh stated that the Planning Board could say that for every 12 parking spaces you need to have landscaping but if it states 15% someone could say that they don't have to do that because of the landscaping every 12 spaces in addition to saying that the law does not make sense.

Councilman Conrad stated that this is why it is being suggested that it be done separate from the Site Plan.

Ms. Allen interjected that it would be a combination.

Councilman Conrad stated that if they say 15% and the 15% is met, this would make them do more landscaping.

Zoning Board Chairman Marsh interjected that he would do a minimum of 15% and take into account the parking regulations but not to exceed 25% and added that in doing this they would give themselves some leeway. He continued by saying that the Planning Board has a good idea of what it should be and the only question that would come before the Zoning Board would be if there was a hardship and the requirements could not be met. He concluded by saying that there should be parameters.

Ms. Allen stated that this makes sense and continued by saying that with regard to the buffers, they are eliminating the buffers in the existing zone that are a separate district and continued by asking if 25 feet of landscaped area should be larger.

Zoning Board Chairman Marsh stated that it would be a 25-foot buffer between an Industrial District and residential use or a Residential District and continued by inquiring as to what the Industrial District is and if it would include the mining operation.

Ms. Allen stated that it would be anything in the gray district on the map and the mining is included.

Zoning Board Chairman Marsh inquired as to what the current buffer is.

Councilman Conrad interjected that it is currently 50 feet.

Ms. Allen inquired as to if it should remain 50 feet.

Zoning Board Chairman Marsh stated that this is fewer feet than currently exists.

Ms. Allen stated that they could leave it 50 feet and added that the first 25 feet has to be landscaped.

Councilman Marsh stated that with the buffers they have tried to get berms and things of that nature and sometimes you need 50 feet.

Zoning Board Chairman Marsh stated that they do not have to have 50 feet of landscaping but there has to be a minimum of a 50-foot buffer.

Councilman Conrad inquired as to if it would have to be cleared.

Zoning Board Chairman Marsh stated that if the berms are landscaped, 50 feet would be a lot but if it is flat with no berms it might not be enough.

Councilman Conrad interjected that it is generally by line of sight and the further back that you go, the higher it has to be.

Ms. Allen stated that there could be 50 feet of buffer area of which a minimum of 25 feet has to be landscaped.

Zoning Board Chairman Marsh stated that he would try to write something that says a minimum of 50 feet, which shall be bermed and landscaped in accordance with grid planning as determined by the Planning Board. He added that they need to be able to sit down with a developer with the rules and state that they want to see good planning. He concluded by saying that it is very common to see fairly substantial landscaped berms separating a roadway from a residential area, which would also raise the value of the residential property.

Ms. Allen stated that they could change the language to say 50 feet of landscaped berms.

Councilman Conrad stated that it could be as per the design of the Site Plan Review.

Zoning Board Chairman Marsh stated that landscaping does not necessarily mean berming and added that it should say bermed and landscaped.

Ms. Allen stated that it was changed to read “required buffer areas where a natural buffer strip is considered to be impracticable or inappropriate, an opaque fence, berm, hedge fence or wall may be substituted as approved by the Planning Board”

Councilman Conrad stated that this is why he is having trouble between Site Plan Review and in looking at Site Plan Review he understands concerns about having another Board to appeal to.

Zoning Board Chairman Marsh stated that some of the requirements could be interpreted as being mutually exclusive and this is why he is concerned. He continued by saying that he would like to see something that puts it all together, which gives the Planning Board flexibility without being overly restrictive. He added that he would like for it to be a minimum of 50 feet wide with berming and landscaping as appropriate to the uses adjacent as determined by the Planning Board. He concluded by saying that they can expand it by defining landscaping and berming.

Councilman Conrad stated that he believes that they should take the whole Site Plan Review Law and make it appealable to the Zoning Board of Appeals.

Zoning Board Chairman Marsh stated that he believes that in some senses it is.

Councilman Conrad stated that it would not be if you make it a stand-alone local law. He added that they determine in the local law that it be appealable to the Zoning Board of Appeals.

Zoning Board Chairman Marsh inquired as to if he wants to keep the Site Plan a separate Local Law.

Councilman Conrad stated that they definitely want to have a stand-alone Site Plan Review Law.

Zoning Board Chairman Marsh interjected that there are certain aspects of it that should be appealable to the Zoning Board of Appeals.

Councilman Conrad stated that this is why he wants to make the whole law appealable.

Ms. Allen inquired as to why he would want it separate.

Councilman Conrad stated that it is because each aspect of zoning does not have to be a big document and not everything is going to subject to Site Plan Review, and one and two-family residential won't even be touched by site planning. He continued by saying that it will start with multiple families, three units or more and added that in the current zoning it is the same way and continued by saying that the most important one will be industrial, which currently is not subject to Site Plan Review.

Zoning Board Chairman Marsh stated that Councilman Conrad is saying that any aspect of the Site Plan Review can be by law.

Ms. Allen stated that currently they have it as a stand-alone document but it is not appealable by the Zoning Board but can be waived by the Planning Board. She added that they could change it.

Zoning Board Chairman Marsh stated that a developer would not have any recourse other than to negotiate an appeal or an Article 78.

Ms. Allen stated that there are Site Plan Regulations, which lay out a process for the Site Plan approval process and in that so far they have established a percentage that has to be green space. She continued by saying that in the Zoning Code they still have the landscaping and the buffer section, which is appealable by the Zoning Board of Appeals.

Zoning Board Chairman Marsh stated that he would have to actually see the Site Plan Review Law.

Councilman Conrad stated that it is actually bigger than the Zoning Law.

Ms. Allen continued by addressing the Commercial District and a 10-foot buffer that would exist for property abutting a residential use or Residential District. She continued by asking if this would be enough.

Councilman Conrad stated that it would be appropriate because of the Commercial District being a lot less.

Ms. Allen interjected that there are a lot of mixed uses that are existing residential uses intermingled in some of the commercial areas.

Councilman Conrad stated that the Industrial is the worse one and it depends on what it is going up against and whether it would be Commercial to Commercial.

Ms Allen stated that it would not be Commercial to Commercial but rather Commercial to Residential or Commercial to a Residential District.

Zoning Board Chairman Marsh inquired as to if there is a Commercial District defined that would take in a large big box development.

Councilman Conrad stated that there has been discussion regarding taking a bigger portion as commercial along Rte. 101 and making it a Commercial Park type thing for development purposes and the hope is that sewer and water would be available in that area as well. He continued by saying that most of the area is currently farmland on the right-hand side with some residential and Callanan's property, which is mostly Industrial but not being used as industrial as defined in their Zoning.

Zoning Board Chairman Marsh stated that they need to look at it from a practical standpoint and added that if under the Commercial it would include the development up there and if it was put there, 10 feet would not be enough.

Councilman Conrad stated that they are currently looking at the whole section from Rte. 9W to the railroad tracks east of Rte. 9W to Route 101, to reduce some of the impacts of the industrial and the other area that was discussed by Zoning Board Member Hafensteiner, is where Old Ravenna Road crosses Rte. 9W and it is owned by LaFarge but not currently being used as industrial and it was suggested to lighten the impact of that as well. He added that there would be a much larger area for development, which they don't currently have and in the absence of a big Commercial Corridor they need to create one. He continued by saying that their biggest problem is that they continue to allow homes to crop up in the middle of some of the best commercial areas.

Zoning Board Chairman Marsh inquired as to the buffers with regard to maintenance and penalties for non-compliance.

Ms. Allen stated that she knows that it was a part of the Site Plan Review.

Zoning Board Chairman Marsh interjected that it should be addressed and if it is not maintained the Highway Department should be able to tell them to do it. He suggested that the wording be included under landscaping and screening for maintenance and penalties should apply to buffers as well.

Ms. Allen stated that she would rearrange the wording to do this.

Councilman Conrad stated that another reason that they wanted to keep the Site Plan Review separate was because of the fact that if it is in the Zoning under the situation such as the new Coeymans Firehouse, the zoning does not apply or become applicable and added that if they retain a separate Site Plan Review they will still have jurisdiction.

Zoning Board Chairman Marsh stated that it makes perfect sense.

Ms. Allen asked if there were any additional comments regarding landscaping buffers, hearing none she continued by saying that she was moving on to performance standards. She continued by saying that they were added to supplement the appendices in the current code.

Councilman Conrad interjected that they are the ones that they have had several problems with.

She continued by asking if there were any comments or thoughts with regard to fire, explosion hazards, lighting, glare, noise, odor, air pollutants, radioactivity, electrical disturbance, and vibration in addition to asking if anything was omitted, which should have been included.

Councilman Conrad stated that they really need to address burning and added that there are two stand-alone laws that are during the 50's that talk about clean burning of fields and burning barrels.

Ms. Allen inquired as to if the burning permit should be required separately. Councilman Conrad stated the DEC rules apply to areas of 40,000 in population and anything less than that should be addressed in the Code. He continued by saying that there should be no outside burning barrels and burning within so many feet of someone's home should be prohibited. He added that in the Village there is no burning at all but when you get to areas in the outer part of town there are areas where you can burn clean wood and things of that nature without any problems.

Zoning Board Chairman Marsh stated that it could be added under nuisance elements.

Councilman Boehm stated that it should include the burning of garbage, tire or industrial waste.

Councilman Conrad stated that the Department of Environmental Conservation preempts any hazardous material burning

Zoning Board Chairman Marsh inquired about it saying just burning and continued by saying that if it was just leaves, they would not worry about it.

Councilman Boehm stated that brush and construction debris burning is done by many and they don't want for it to be too restrictive.

Councilman Conrad stated that there are different elements where there are close proximity vs. the Residential/Agricultural District where there are acres of room.

Zoning Board Chairman Marsh stated that they have to also address wood burning furnaces and added that it might already be included where it states that anywhere in the Town for elements involving air, water and ground pollution, which takes in burning.

Councilwoman Rogers inquired about outdoor fireplaces and added that a lot of people have them.

Ms. Allen added that it does state that conditions shall be effectively confined to the premises where located and added that she believes that it would include an outdoor fireplace.

Councilman Conrad stated that "B" includes a lot of it.

Zoning Board Chairman Marsh agreed that it does and added that they should not get overly restrictive. He added that someone burning garbage would be in violation but grilling a steak would be fine.

Councilman Conrad reiterated that they have had a lot of trouble with burning and added that refuse matter would include garbage.

Ms. Allen stated that she would be moving on to the Site Plan Review Requirements and added that they have been discussing this all along but now they would be discussing it in a lot more detail. She continued by saying that it is intended to be a stand-alone document laying out the procedures and review requirements for the Planning Board and added that anything that an applicant did not want to comply with, it would require a waiver from the Planning Board and not Zoning Board of Appeals. She continued by saying that the only uses that are not included in the process are single-family and two-family homes and added that they could add a specified percentage under Site Plan Requirements "u".

Zoning Board Chairman Marsh inquired about "B" under Site Plan Approval Process and continued by saying that he's not sure that they want to do that and quoted the following "may waive it if they determine it will not result in public controversy". He then asked Ms. Allen what it means.

Ms. Allen stated that there are some Site Plans that she has been involved with where there was an insignificant expansion to a fire department and the Planning Board determined that it was a necessary improvement and there would not be any controversy. She added that it gives some flexibility but does not have to be there and continued by saying that it does not mean that every Public Hearing is going to be waived. She continued by saying that it would also pertain to a Site Plan amendment to a Site Plan that had already gone through the Public Hearing and there were not any public comments.

Zoning Board Chairman Marsh stated that it is up to the Planning Board and continued by asking how they would make a determination at a meeting, that something would not result in public controversy. He continued by saying that he would have the Public Hearing and if no one showed up they would know that there was not any controversy. He concluded by saying that not having a Public Hearing could put the Planning Board in a problematic situation by making a decision not to have the Public Hearing.

Councilman Conrad stated that he agrees because they have the option of not having a Public Hearing.

Zoning Board Chairman Marsh stated that there are major and minor subdivisions that are all subject to Public Hearing.

Ms. Allen interjected that this would be under subdivision.

Councilman Conrad stated that under Site Plan Review it is not required to have a Public Hearing and added that in the case of the Coeymans Fire Company they lost control of the situation because they did not have a stand-alone Site Plan.

Zoning Board Chairman Marsh asked for an example of waiving a Public Hearing because it would not result in public controversy.

Ms. Allen gave for example a bakery that was going to be built, and there was a Public Hearing but no one had shown up to comment and then the bakery was not built and after a couple of years they decided to build it and they needed Site Plan approval again but this time they add some parking spaces and in turn they have the same Public Hearing on a bakery that no one had shown up for the first time.

Zoning Board Chairman Marsh stated that she is describing something different and she is saying that there were no substantial changes in the original plans brought before the Planning Board, and then a Public Hearing may be dispensed with.

Councilman Conrad interjected that there could be a whole new Planning Board that does not know what's going on.

Zoning Board Chairman Marsh stated that he is not comfortable with the wording "will not result in public controversy" and as a lawyer he would never have that in a document.

Councilman Conrad and Planning Board Member Kunz collectively agreed.

Councilman Conrad stated that it is the same in the Sub-Division Regulations where they basically say the same thing and allows the Planning Board to waive any of the requirements.

Zoning Board Chairman Marsh stated that there are certain things that he would agree waiving but he does not agree with being able to waive a Public Hearing and added that he thinks that it should be presented to the public.

Councilman Conrad stated that it would come down to a decision of 7 members of the Planning Board whether or not something needs a Public Hearing.

Zoning Board Chairman Marsh inquired as to how many Site Plans the Planning Board would have within a year.

Councilman Conrad stated that they are going to have a lot more with the new regulation. Zoning Board Chairman Marsh stated that for the most part there might be 2 out of 7 where someone might be concerned.

Councilman Conrad stated that the problem is that they are not submitted properly at this point and with hand-drawn plans most of the details are left out and there is nothing to enforce. He continued by saying that having an actual 24"X36"drawn-out, professionally laid-out plan to the acceptance of the Planning Board, which would show a building, parking spaces and sizes, handicapped parking, greening, trees and berming, are the necessary items that they have not gotten in the past but were needed.

Zoning Board Chairman Marsh stated that he agrees with that and added that he believes that waiving a Public Hearing would open it up for criticism because they made a determination regarding possible public controversy.

Councilman Conrad interjected that they need to make it at the discretion of the Planning Board.

Ms. Allen stated that this is the way it was intended so that every Site Plan does not have to have a Public Hearing and there may be some circumstances where it would not be warranted.

Zoning Board Chairman Marsh interjected that he agrees and his problem is with the words “public controversy”. He added that those words are challengeable and opens the Planning Board to criticism.

Ms. Allen stated that she is not disagreeing and public controversy are two words that have to be carefully evaluated in the process and the Planning Board should not think of that lightly if they were to make that determination. She continued by saying that public controversy is a common two-word term in a lot of Site Plans.

Zoning Board Chairman Marsh inquired as to if it has ever been litigated.

Ms. Allen stated that she didn't know. She continued by saying that if they were to put in diminutive impacts, and most Site Plans should have them because they should have mitigated them by that process and by putting in some of the environmental impacts could be more of a challenge because there could be a larger application saying that they mitigated all of the impacts and in turn would question why there has to be a Public Hearing.

Councilwoman Chmielewski asked Planning Board Vice-Chairman Kunz if they ever have situations where they don't have to have Public Hearings.

Planning Board Vice-Chair Kunz stated that she couldn't think of any.

Councilman Conrad interjected that it is about 90%.

Ms. Allen stated that an applicant can request a waiver for a Public Hearing but the request can be denied and added that it gives the Planning Board a little flexibility in reviewing the application, especially if they wanted to expedite the process.

Councilman Conrad stated that he could only think of one instance when it went to a Public Hearing.

Ms. Allen stated that it should be different now.

Councilwoman Chmielewski stated that Councilman Conrad said 90% didn't have Public Hearings but Planning Board Vice-Chairman Kunz indicated something else.

Councilman Conrad inquired as to how many Public Hearings there have been.

Planning Board Vice-Chairman Kunz stated that Councilman Conrad has been involved with the Planning Board longer than she has.

Planning Board Member Ross stated that it has been minimal and he would agree with Zoning Board Chairman Marsh in that he would be reluctant to have that option and added that as an option it might be a good thing.

Councilman Conrad stated that they had just handled LaFarge and it has been one of the biggest items as far as DEC permitting and the Planning Board did not hold a Public Hearing for a Site Plan Review for the tire burning facility and added that this was a very controversial matter. He continued by saying that there is a tire facility along 143 that has a major impact on homes as well as a hotdog stand and there was not a Public Hearing and there have been several complaints and threats of lawsuits. He added that the Planning Board has tried to get something definitive on paper and it needs to be spelled out what the requirements are, to what extent it should be done, and to what scale it

should be at. He continued by saying that these are the things that will solve more of the problems that they have had with Site Plan Review and added that it will increase now because everything in the Industrial Zone currently escapes Site Plan Review in addition to the Commercial Zone being so small that very few come in front of it and there have been a lot of cases over the past where Building Inspectors have zoned out the Planning Board's requirement of Site Plan Review. He concluded by saying that he has had major problems over the years and sat on the Planning Board for a number of years and watched the Building Inspector not even put things in front of the Board that should have been and there will be cases that should be contested and continued by saying that he agrees with Zoning Board Chairman Marsh summation of those two words.

Zoning Board Chairman Marsh interjected that he would like to see some other laws and the wording.

Ms. Allen interjected that she would see if there is some other language that she could use.

Zoning Board Chairman Marsh stated that he understands what she is trying to say in that if there is a minimum impact and no recognizable, noticeable or adverse consequences and in the opinion of the Planning Board after due consideration, the Public Hearing could be waived. He continued by saying that it would be a set standard and it would not put the Planning Board in a situation with using the words public controversy and concluded by saying that he does not disagree that a Public Hearing can be waived if the standards have been met.

Councilman Conrad stated that he agrees.

Zoning Board Chairman Marsh stated that he would hate to see an Article 78 brought against the Planning Board because they thought that there would not be a public controversy.

Planning Board Vice-Chairman Kunz interjected that it is too suggestive.

Zoning Board Chairman Marsh agreed and continued by stating that they need objective criteria in giving the Planning Board enough reasonable room to waive where they feel it is in their best judgment that the impacts do not have adverse consequences.

Ms. Allen reiterated that she understands and will try to find some other wording.

Zoning Board Chairman Marsh stated that it could be challenged that there is adverse impact and not whether there was a public controversy.

Ms. Allen stated that the idea is that there should be Site Plan Public Hearings, which might infrequently be waived.

Zoning Board Chairman Marsh added that during her research she might find some objective standards for waiving a Public Hearing.

Planning Board Member Ross interjected that his inclination would be to have a Public Hearing for every application because that covers one more base to eliminate questions and added that on the other side of that they have had cases come before them where time had to be a consideration.

Councilman Conrad stated that Town Law binds them with time restraints for Site Plan Review.

Ms. Allen interjected that the time restraints would be for the receipt of a completed Site Plan Review.

Councilman Conrad stated that the question is when it becomes complete.

Ms. Allen stated that if you have a clear check-off list, which is what they are hoping to achieve by creating, it would be the prescription for having a complete application with a timeline.

Councilman Conrad stated that under Site Plan requirements there is a Site Plan scale specified and continued by saying that in trying to move to the future of computer stored information it is very hard to store the 22x34 and 34x44 maps. He added that they are hoping to move into the age of pulling up a Special Use Permit with a Site Plan on the computer, which would eliminate having to find the sheet of paper, which might be torn or lost and be able to print it out.

Ms. Allen interjected that she likes that idea and they can add that final Site Plans should be submitted in electronic format as approved by the Planning Board. She continued by saying that it is also an excellent way of tracking open space that gets preserved or is part of a cluster plan and that way they would have record of all the easements.

Councilman Conrad stated that ultimately every Special Use Permit gets lost in the quandary of years and they know of some going back 20 years and some may not know of those things and there is not an exact way of doing it unless it's put in the file and each file is reviewed on a regular basis. He concluded by saying that if it is on the computer they will be able to pull it up and know what it is suppose to look like 20 years from now.

Ms. Allen interjected that they can also overlay it over a tax parcel map and that way they can see the changes as they happen. She continued by asking if there were any additional questions or comments regarding Site Plan and added that it will be an evolving process as they look at it in more detail.

Ms. Allen continued by saying that she was moving on to the next item and added that she had revised the districts as suggested. She continued by saying that Agricultural Preservation was revised to Agricultural-Residential in addition to the Commercial Transition being changed to just Commercial. She added that they had also discussed establishing overlay districts and she had asked the Zoning Board, in the cover memo, to consider what overlay districts were necessary, whether there should be a Historic Preservation District, Watershed District etc.

Planning Board Vice-Chairman Kunz stated that she would like to see the Residential Low-Density District to include First Street in Coeymans and added that there are three houses along the park that are currently in the Riverfront Community District.

Councilman Conrad interjected that the Riverfront Community District would have higher standards to meet.

Planning Board Vice-Chairman Kunz stated that she didn't believe so.

Ms. Allen wanted clarification as to what she wanted it changed to.

Planning Board Vice-Chairman Kunz stated that she wanted it in the 1-2 family because in the Riverfront Community you can have larger multi-units.

Councilman Conrad inquired as to if they would be able to meet the standards because of the lot sizes.

Planning Board Vice-Chairman Kunz stated that there are three houses on First Street and her concern is the big house on the corner and added that she would like to see it as a 1-2 family house.

Councilman Conrad stated that it is a 1-2 family house.

Planning Board Vice-Chairman Kunz stated that according to the Riverfront Community District it could be more.

Councilman Conrad stated that they fought for it to become a 1-2 family home.

Planning Board Vice-Chairman Kunz stated that it is now in a district that would allow more than that.

Councilman Conrad interjected that there is no parking and it is going to get caught in the dilemma of that if they try to make it more than 1-2 family. He added that he would like for it to possibly become a commercial building to the extent that in that zone you could actually have a storefront with public parking.

Ms. Allen stated that this would not be possible in the Residential Low-Density District.

Ms. Kunz stated that she wants to protect the house.

Councilman Conrad stated that the Planning Board had recommended that it all be single-family because of the parking problems and he does not want to make it Residential Low-Density when he thinks that ultimately there are other things that they are looking for with the Riverfront Community District besides residential.

Ms. Kunz stated that it is true but it is also opening it up for someone to buy all of it and putting up condos. She added that in looking to the future, they have opened it up to this possibly happening.

Councilman Conrad interjected that they have opened up a lot of things that could happen and added that he takes her concerns sincerely and added that when he looks at the lot in question he sees that there is no off-street parking and the Planning Board would have control over what happens through Site Plan Review. He continued by saying that parking standards need to be improved and there needs to be a minimum of 2 cars per apartment. He added that the building has been in front of the Zoning Board of Appeals three times for consideration to be increased and he has advocated every time against it and added that they have other things that can control it. He concluded by saying that someone buying the property and tearing down the house would be a whole different scenario and then asked what they would want for the area if this were to happen and if they would want houses or maybe condos.

Planning Board Member Kunz stated that it would be acceptable if it looked all right.

Councilman Conrad stated that this is where a Site Plan Review would come in to place and this is precisely his point.

Ms. Allen continued by asking if they wanted to discuss it further.

Councilman Conrad stated that they had originally talked about the area from First Street up and it being single family as opposed to the Waterfront District and added that this district was added in order to appease those that felt that there was another aspect that they needed to look at by the river. He continued by asking how everyone else felt about it.

Ms. Allen interjected that they could discuss any of the district changes and continued by asking about increasing the Commercial District.

Councilman Conrad stated that he is a big advocate of making Rte. 101 to the railroad tracks Commercial.

Councilwoman Chmielewski stated that there are so few people present at the meeting and continued by saying that there are only two members of the Planning Board, one from the Zoning Board of Appeals and four Town Board members and continued by saying that she would not make any changes.

Councilman Conrad interjected that they had talked about the districts quite extensively at the last meeting.

Councilwoman Chmielewski stated that she is sure that those not present might have some ideas and she would like to wait until there are more in attendance.

Ms. Allen interjected that the maps are a critical part of the project.

Zoning Board Chairman Marsh suggested that they have one meeting dedicated to mapping.

Councilman Conrad stated that this is something that they should have decided two months ago and they are already two months behind.

Planning Board Vice-Chairman Kunz stated that they would never get Zoning Board member Hafensteiner's input because she has School Board Meetings on Monday nights.

Ms. Allen stated that she is included on the e-mail list and she will send her comments.

Councilman Conrad stated that they can discuss it and everyone will have an idea of where they are heading.

Ms. Allen interjected that they will not mark the map and they will just discuss it.

Councilman Conrad interjected that Zoning Board Member Hafensteiner was present at the last meeting and brought up the same point.

Zoning Board Chairman Marsh inquired as to what that was.

Councilman Conrad stated that it was the LaFarge property near her property and it was discussed extensively. He continued by saying that they are trying to make an area from the railroad track along Old Ravena Road within 500 feet to be left in the Residential Zone. He added that he had gone and taken a look at the property and concluded that he agrees with her and there is no reason not to keep the continuity of that road, being a town road, and not be conducive to industrial. He continued by saying that he does not believe that it would be wise to keep that area industrial and added that he does not have a problem if LaFarge wants to extend up to the 500 foot buffer because that footage would keep them from encroaching on the single-family homes in that area and added that he would encourage each member of each Board to go and look at that area along with the area east of Rte. 101. He added that there is no reason why they would not consider turning that area into commercial and added that they should not encourage the building of homes there because this is where they get into problems when they mix homes with the commercial and industrial areas. He continued by saying that they need to pick a spot and keep it and Rte. 101 on the east side would be a good maneuver because it is a county highway that goes to Rte. 396, which is another state highway and the truck impact would not be an impact to the area because Callanans has been there since the 1800's and has been well established and added that if they make this area more commercial they can try to bring in some trucking or transportation facilities and enhance an area that basically just have fields. He added that there are some R-1 areas out by the golf course but it is spot zoned and they want to keep the large farm areas but they want to be able to put pockets through planned unit developments or townhouses and still keep the rural look that they have. He continued by saying that they are taking out some general business in that area as well as the mine area on Gedney Hill and made it R/A in an attempt to keep any further problems from developing. He concluded by saying that everyone needs to look at it because this is the most important piece of the zoning.

Councilman Boehm inquired about Councilman Conrad's proposed commercial zone for Rte. 101.

Councilman Conrad stated that the Town of Coeymans does not have a Rte. 9W corridor and the thought has been that there is no place to develop and continued by saying that there is an area along Rte. 101 but it has not been envisioned yet. He added that the purpose of site plan is to put up a decent buffer strip between the residential and the new commercial that they are trying to entice and they should not be encouraging trailer parks along the 9W corridor because this is where the truck traffic and businesses should be. He continued by saying that they don't want to encourage commercial out Rte. 143 on some

nice rural land because they hope to encourage \$300,000 to \$400,000 homes in that area and added that it should be kept on Rte. 9W and the Rte. 144 area.

Ms. Lawler from the audience stated that Rte. 144 is the one remaining attractive gateway to the Town of Coeymans and inquired as to why you would want to destroy that with commercial.

Councilman Conrad stated that they are not trying to do that and Rte. 144 is primarily residential and the only change would be from LaFarge south.

Ms. Lawler stated that it is really the gateway and where you come into the Town of Coeymans.

Councilman Conrad interjected that north of that is low density residential and continued by showing Ms. Lawler on the map. He added that the map is a working drawing and it is the proposed districts.

A member of the audience inquired as to if they are going to attempt controlling the truck traffic along Rte. 144.

Councilman Conrad stated that Rte. 144 is a state highway and only the state can control that and added that in lieu of that there are ways of putting up buffers to stop the impact on the residential areas.

Councilwoman Chmielewski interjected that she wanted to get the meeting back on track.

Councilman Conrad stated that it is on track and this is something that should have been decided two months ago.

Ms. Allen stated that determining the districts is a very involved process and added that she wanted everyone to give it a lot of thought and should mark up the maps. She continued by saying that they know what the potential districts are and should make notes for discussion to bring to the next meeting and should include potential uses for each of the district because this will be the next critical step. She added by saying that she would like to do the mapping boundaries and all of the uses at the next meeting, which will be September 18<sup>th</sup>.

Ms. Allen continued by saying that she wanted to go back to some of the pending sections and get them taken care of so they will be able to move forward. She added that she wanted to go over the definition of home occupation uses and whether or not the existing definition is appropriate or needs to be revised as well as addressing non-conforming uses and how it should be handled when there is a change in ownership and whether or not it will continue as a non-conforming use.

Councilman Conrad stated that the way nonconforming use is handled now is that if it ceases for a period of one year or more the nonconforming use terminates.

Zoning Board Chairman Marsh interjected that it also terminates if it is destroyed or burned more than 50%.

Ms. Allen inquired as to if it is sufficient or do they want to terminate it if there is a change of ownership.

Zoning Board Chairman Marsh stated that his feeling is that it would be unfair.

Councilman Conrad stated that home occupations were discussed a few meetings ago and his feeling is that home occupations need to be sculpted into different ramifications and added that there are less obtrusive home occupations such as a computer business vs. the possible hair salon vs. the actual retail store doing business.

Ms. Allen stated that a retail store doing business should not be considered a home occupation and added that she has seen it with one and two levels and added that going beyond that would be commercial.

Councilman Conrad stated that one or two levels would be great.

Ms. Allen stated that for the next meeting they would focus on the districts and the uses as well as getting into some parking regulations and how they apply. She added that she will also put together a list of uses and suggested that everyone think about what other uses might be appropriate for the districts with regard to some of the standards that they have set so far.

Councilman Conrad inquired as to if she was going to come up with some special use as well.

Ms. Allen stated that she would designate site plan or special use for each one.

Councilwoman Chmielewski suggested that each Board Chairman stress to their absent members the importance of attending the meetings.

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**ADJOURNED – Time 7:50pm**

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*



**A Town Board Meeting of the Town Board was held Monday, July 24, 2006 at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Albert Deering, Highway Superintendent  
Greg Darlington, First Sergeant

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there is a full Town Board in addition to Town Clerk Millious, Highway Superintendent Deering and First Sergeant Darlington being present. He continued by giving an overview of the agenda.

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**OVERVIEW OF AGENDA**

- Public Announcement
  - New York Capital Road Race, August 12, 2006
  - Introduction of New Police Officer
- Public Comment
- Approval of Minutes
  - Town Board Meeting, June 12, 2006
  - Joint Workshop, Town Board, Planning Board, Zoning Board, June 14, 2006
- Family Self-Sufficiency Program – June 2006
- Supervisor’s Report – June 2006
- Department Report Review
  - Building Department Report – June 2006
  - Town Clerk Monthly Report – June 2006
- Old Business Update and Discussion
  - Old Ravena Road – North Bridge Project Update
  - Vale Meadows Apartments - Update
- New Business
  - Local Law, First Time Homeowners Property Tax Exemption
  - 2006 Agreement for Expenditure of Highway Monies
  - Resignation of Part-Time Telecommunicator
  - Resignation of Maintenance Supervisor
- Resolutions
  - Amend Resolution 82-05
  - Rescind Resolution / Appoint Recreational Aides
  - Rescind Court Clerk Appointment
  - Appoint Equipment Operator I
  - Appoint Deputy Highway Superintendent
  - Appoint Summer Employee Supervisor
  - Approve Proposal for Development of Economic Development Plan
  - Appoint Emergency Management Committee
  - Appoint Voting Machine Custodians
  - Approve Revised Contract with Mohawk & Hudson Humane Society
  - Authorize Town Clerk to Collect Sewer Rents
  - Establish Cemetery Fund Accounts

- Approve Transfer of Funds
- Approve July 2006 Abstract
- Correspondence
  - State Education Department – Local Government Records Management Improvement Grant
  - Get Your Guts in Gear – Ride for Crohn’s & Colitis
  - Association of Towns – Legislation, Traffic Tickets
  - Albany County Executive – Hudson-Fulton-Champlain Commission
- Town Board Workshops/Meetings
  - Town Board Workshop, August 22, 2006, 6:00pm
  - Public Hearing, Section 8 Agency Plan, August 28, 2006, 6:30pm
  - Town Board Meeting, August 28, 2006, 7:00pm

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**PUBLIC ANNOUNCEMENT**

**New York Capital Region Road Race**

Supervisor Hotaling stated that on Saturday, August 12, 2007, the New York Capital Region Road Race will be held in the Town of Coeymans. He continued by saying that for the first time the Capital Bicycling Racing Club has set a course in the Town of Coeymans and added that it is a 23-mile course. He added that the public needed to be alerted to unusually heavy traffic by the bicycles and vehicles involved in the race and continued by saying that there is a link on the Town’s website, which gives details on the race and the routes to be covered as well as the roads that will be impacted. He continued by saying that there will be police presence in certain areas of the Town to ensure safe passage and added that they will be riding on the right side of the road. He concluded by saying that he wanted everyone to be aware of this and added that he believes that this is a good thing for the Town and it might be the first of an annual event.

**Introduction of New Police Officer**

Supervisor Hotaling stated that he wanted to take the opportunity to introduce to the members of the Town Board as well as the public, the Town’s newest full-time Police Officer, Christopher Alberts. He continued by saying that he is a resident of the Town and was hired by the Town of Coeymans and was placed in the January 2006 Training Academy class in Zone 5, which was in Schenectady. He added that Chris had dutifully reported for the training for six months and graduated in June 2006 and is currently in his third week of on-the-job training learning the duties of a Police Officer. He concluded by inviting him as well as First Sergeant Darlington to join the Town Board and asked that First Sergeant Darlington share some comments.

First Sergeant Darlington stated that Chris had just completed his six-month training at the Zone 5 Regional Law Enforcement Academy and added that it is extensive training. He continued by saying that he is looking forward to working with him.

Supervisor Hotaling interjected that it is a pleasure to have him on board and he looks forward to him having a long successful career with the Town.

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**PUBLIC COMMENT**

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

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**APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were two sets of minutes for Town Board approval, a Town Board Meeting on June 12, 2006 and a Joint Workshop of the Town Board, Planning Board and Zoning Board of Appeals on June 14, 2006. He then asked for a motion to approve the minutes.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski, the minutes were approved as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that a Joint Workshop of the Town Board, Planning Board and Zoning Board of Appeals will be a monthly event now that they are in the final stages of Comprehensive Planning and added that the effort of the Town Board is to take a look at the Comprehensive Plan document and apply the essence of the document to the Town’s current zoning.

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**FAMILY SELF-SUFFICIENCY REPORT – JULY 2006**

Supervisor Hotaling continued by giving the Family Self-Sufficiency Report for June 2006. He continued by saying that in July there were a total of 12 participants, 9 of whom had Escrow Accounts and 1 that ended their participation. He added that this is down from 23 participants but it is in conjunction with the Town’s efforts to modify and alter the Section 8 of the HUD Program to have a primary component of elderly and/or handicapped clients and the reduction is a reflection of the Town’s effort along with Mr. Mastrianni, who administers the Program for the Town. He concluded by saying that they are going to continue to monitor the Program and try to make the Section 8 Program the best it can be for those people who are in need.

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**SUPERVISOR’S REPORT – JUNE 2006**

Supervisor Hotaling continued by reading the Supervisor’s Report for June 2006.

FUND	BAL. FWD.	RECEIPTS	DISBURSE.	BALANCE
<b>GENERAL (A)</b>	\$224,942.70	\$340,415.95	\$193,448.86	\$371,909.79
<b>PART-TOWN (B)</b>	\$ 55,214.88	\$ 1,476.55	\$ 25,333.93	\$ 31,357.50
<b>SPEC. WATER (SW)</b>	\$ 45,216.05	\$ 1,886.73	-0-	\$ 47,102.78
<b>HIGHWAY (D)</b>	\$466,426.23	\$ 111.42	\$ 40,275.43	\$426,262.22
<b>BRIDGE CONST.</b>	\$ 53,072.31	\$ 55.71	-0-	\$ 53,128.02
<b>SEWER</b>	\$217,732.86	\$ 13,557.35	\$ 19,755.30	\$211,534.91
<b>SEWER CAP. PROJ.</b>	\$275,834.17	\$ 170.10	\$ 7,614.09	\$268,390.18
			TOTAL REC. BAL.	\$1,409,685.40

CD – CITIZENS BANK	A FUND	\$ 200,000.00
90 DAYS	A FUND	\$ 107,346.00
30 DAYS	A FUND	\$1,300,000.00
90 DAYS	HIGHWAY – DA	\$ 100,000.00

**SAVINGS ACCOUNTS**

**SECTION 8**

UNEMPLOYMENT			\$ 3,114.23	
GROVE CEMETERY	\$56,647.64	HUD PAYMENTS	\$22,342.00	
SEWER-DEDICATED	<u>\$ 6,129.26</u>	ADMIN FEE.	\$ 80.10	
		TENANT RENT	\$15,134.00	
TOTAL	\$65,891.13	CONTRACT RENT	\$37,476.00	

**COLLATERAL  
COVERAGE**

**FDIC COVERAGE**

**COLLATERALIZED**

NATIONAL BANK OF COXSACKIE	\$100,000.00	\$1,737,569.64
CITIZENS BANK	\$100,000.00	\$1,747,264.11
FIRST NIAGARA	\$100,000.00	\$ 516,782.80

Supervisor Hotaling asked for a motion to approve the Supervisor's Report.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, the Supervisor's Report was accepted as read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**DEPARTMENT REPORT REVIEW**

**Building Department Monthly Report – June 2006**

Supervisor Hotaling asked that Councilman Conrad give a summary of the Building Department's Monthly Report for June 2006.

Councilman Conrad continued by giving the report.

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilwoman Chmielewski inquired as to how the new procedure was working out between the Building Department and Town Clerk.

Town Clerk Millious stated that it was going well.

Supervisor Hotaling asked that Councilwoman Chmielewski explain the reason for the change.

Councilwoman Chmielewski stated that the Building Department was collecting fees for permits and the auditor felt as though this should not be done and in turn Town Clerk Millious had come up with a procedure as to how it should be done. She continued by saying that the new procedure was that the Building Department could no longer collect any fees and payment had to be made directly to the Town Clerk and in turn the customer would get a receipt for payment to take to the Building Department and then receive their permit.

Town Clerk Millious stated that the receipt part of the procedure is the same and the change is that the customer has to come personally to the Town Clerk.

Supervisor Hotaling stated that nothing was found in the old policy that was problematic in terms of cash-in, cash out, but the policy with the respect to the auditor didn't make sense and in turn suggested that it be changed.

**Town Clerk's Monthly Report – June 2006**

Supervisor Hotaling asked that Town Clerk Millious give the Town Clerk's Monthly Report for June 2006.

Town Clerk Millious continued by giving her report. She added that there was a property tax collection receipt, which does not normally take place after April 1<sup>st</sup> and added that a customer had brought to her attention that the Postal Service lost his bill and payment, which was postmarked February 2006 and in turn the Director of Finance and Town Attorney Rotello had discussed this and it was concluded that the Town Clerk should accept the payment and disburse it.

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, the Town Clerk's Report was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**OLD BUSINESS**

**Old Ravena Road – North Bridge Project Update**

Supervisor Hotaling stated that the South Bridge was replaced on Old Ravena Road and the project had cost the Town of Coeymans taxpayers a total of 5% of the total as per the agreement. He added that the North Bridge is now ready to be reconstructed, which has been delayed for a variety of reasons. He continued by saying that Mr. Franchini, Public Works Commissioner of Albany County along with Mr. Papile, Engineer from Clough Harbor, has advised them that there is an estimated construction beginning date for the fall of this year. He added that the projection is that the construction will continue into 2007 and potentially into the Spring of 2008 and a lot of that has to do with the type of bridge that had to be designed to go over the CSX railroad tracks, which became more problematic and more costly and the estimated cost is 5.7 million dollars and the engineering costs has also increased by just under ½ million dollars and the total is now 1.3 million dollars. He continued by saying that the total for the project will be 7 million dollars and 5% will be the responsibility of the taxpayers of the Town of Coeymans, which will be approximately \$350,000.00 and added that he has a budget timeline for what they expect to spend for the remainder of 2006 and then in 2007 & 2008. He concluded by saying that they have approximately ¼ million dollars in the budget for the project and as the money gets expended and they get bills for the 5% he will project for the 2007 and 2008 responsibilities to continue to pay for the project.

**Vale Meadows Apartments – Update**

Supervisor Hotaling stated that some of the delays in the project for the North Bridge has been prompted by the Eminent Domain procedure that the Town had to undertake with Vale Meadows Apartments, which sits to the north of the bridge. He continued by saying that he has been advised by the Town's attorneys that there is before him, for consideration, a settlement of a figure that the seller would accept to end the lawsuit. He added that he has information that the attorney as well as the appraisers that work for the County have signed off on it as a reasonable conclusion for the lawsuit and added that it is currently being litigated and he will not be sharing the numbers. He concluded by saying that the Town Board is of the opinion that he should move forward with signing off on the offer so that it can be made officially to the owner of the property and then asked for a motion to do so.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, authorizing the Town Supervisor to engage in an acceptance of the proposal and authorize presentation to the owner of the Vale Meadows Apartment complex.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that he would communicate it to Mr. Franchini in the morning and report back to the Town Board as soon as he has information as to whether or not the proposal had been accepted.

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**NEW BUSINESS**

**Local Law – First Time Homeowner Property Tax Exemption**

Supervisor Hotaling stated that there is and has been an implementation of Local Law #6 by the County of Albany for a first time home buyer property tax exemption and the essence of it provides for some benefits to first time home buyers. He added that he put it on the agenda for Board Members to become familiar with it but to also announce to the public that it has been enacted and the wording of the law will be posted on the bulletin board for those people that either are or about to become first time homebuyers. He continued by saying that there are some exemptions for real property taxes for five years for first time homebuyers and added that it is worth the effort to become familiar with the new law.

**2006 Agreement for Expenditure of Highway Monies**

Supervisor Hotaling stated that Highway Superintendent Deering had submitted last month to the Town Board the first phase of his highway efforts for 2006 in addition to Kruger Road and Fuller Road being part of the submission. He continued by saying that the total added to the total previously approved last month is in between \$400.00 - \$500.00 under the \$138,000.00 appropriations and is within his budget. He added that it is Highway Superintendent Deering’s request for the Town Board’s review and approval and continued by asking if there was any discussion, hearing none he asked for a motion to approve the request.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, authorizing the Highway Superintendent to expend the highway repair funds as he set forth herein, which is 2,625 feet of Kruger Road and the entire length of Fuller Road.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

**Resignation of Part-Time Telecommunicator**

Supervisor Hotaling stated that he had received a memorandum from First Sergeant Darlington stating that Sharon Huether, Telecommunicator had rendered her resignation and then asked for a motion to accept the resignation.

**MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, the resignation was accepted.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

July 10, 2006

To Whom It May Concern:

I Sharon E. Huether hereby resign my position as a part-time Telecommunicator with the Town of Coeymans Police. If you have any questions please feel free to call.

Sincerely,

Sharon E. Huether

**Resignation of Maintenance Supervisor**

Supervisor Hotaling stated that he was in receipt of a resignation from Maintenance Supervisor Ralph Bianca and then asked for a motion to accept the resignation.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the resignation was accepted.

VOTE – AYES 5 – NAYS 0 – SO MOVED

July 16, 2006

Town Board  
Town of Coeymans  
18 Russell Avenue  
Ravena, NY 12143

Dear Board Members,

I am sad to inform you that I will be relocating out of the area and will therefore have to resign my position as Maintenance Supervisor as of July 28, 2006. I wish to express how much I have enjoyed working with the administration and all the employees of the Town of Coeymans.

I hope that my part in the operation of the Town has been positive. I want to thank everyone for all his or her cooperation and support. I will truly miss everyone and being a part of the team.

Sincerely,

Ralph Bianca

Supervisor Hotaling added that Mr. Bianca had mixed emotions about resigning and added that he loved his job the Town loved the job that he had done.

Councilman Conrad stated that he wanted to personally thank Mr. Bianca and added that he had been an integral part of the upgrading of the building and they will miss his expertise. He added that he wishes him the best of luck.

Councilwoman Chmielewski stated that Mr. Bianca was a team player and she will miss him as well.

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**RESOLUTIONS**

**RES. #89-06 AMEND RESOLUTION #82-06**

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

**WHEREAS**, a June 26, 2006 resolution hired six Food for Thought Aides at an hourly rate which was quoted below minimum wage,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby amend Resolution #82-06 raising the hourly rate from \$6.50 to \$6.75 in accordance with New York State Department of Labor Minimum Wage Laws, retroactive to June 26, 2006.

**RES. #90-06 APPOINT RECREATIONAL AIDES**

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

**WHEREAS**, the Food for Thought Program is in need of staff to operate and care for the children attending during the period July 12 through August 11, 2006, and

**WHEREAS**, two Recreational Aides hired for the Food for Thought Program have resigned or otherwise indicated they do not want the position,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby rescind the hiring of Lauren Howley and Koryn Shear, effective retroactive to June 26, 2006.

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Jill L. Breedlove, to the position of Recreational Aide at the hourly rate of \$8.00, retroactive to July 12, 2006.

**RES. #91-06 RESCIND RESOLUTION #69-06**

On motion of Councilwoman Rogers, seconded by Councilman Conrad, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 1 – SO MOVED

**WHEREAS**, the Town Board had previously resolved on April 24, 2006 to approve the hiring of Dianna Higginbotham as a Court Clerk, and

**WHEREAS**, subsequent to the resolution, Ms. Higginbotham's approval was held in abeyance subject to a background check and research as to any residency requirement, and

**WHEREAS**, the Town Board is now in receipt of an opinion issued by Town Attorney Rotello on the residency requirement question, and

**WHEREAS**, said opinion, dated July 13, 2006, states that, following research of Public Officers Law Section 3 (8) and Town Law Section 23 (1) (f), the position of Court Clerk in the Town Justice Office must be filled by a resident of the Town,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby rescind resolution #69-06 of April 24, 2006, and thereby withdraws the appointment of Ms. Higginbotham. The Town Board directs Supervisor Ronald K. Hotaling, Jr. to communicate this decree to Ms. Higginbotham via certified letter.

**RES. #92-06 APPOINT EQUIPMENT OPERATOR I**

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

**WHEREAS**, the Superintendent of Highways is desirous of filling a position of Equipment Operator I at the Highway Department, and

**WHEREAS**, the Albany County Civil Service Department has confirmed this job title as a non-competitive position requiring the chosen candidate to meet minimum qualifications, and

**WHEREAS**, the Highway Superintendent has confirmed the candidate meets minimum qualifications,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Donald J. VanAlstyne, to the position of Highway Equipment Operator I, effective immediately, at a salary consistent with the Labor-Management Agreement in effect.

**RES. #93-06 APPOINT DEPUTY SUPERINTENDENT OF HIGHWAYS**

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

**WHEREAS**, for the past year Scott Searles has served as Deputy Superintendent of Highways, and

**WHEREAS**, Mr. Searles has taken and passed the Civil Service Test for the position of Town/Village Deputy Superintendent of Highways, and

**WHEREAS**, Mr. Searles' rank on the list is number 1, and

**WHEREAS**, Superintendent Deering is desirous of Mr. Searles being appointed Deputy Highway Superintendent,

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Coeymans hereby appoints Scott Searles to the Albany county Civil Service position of Deputy Superintendent of Highways. This appointment is from Albany County Civil Service list/exam number 200662456 and takes effect immediately.

**RES. #94-06 APPOINT SUMMER SUPERVISOR**

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

**WHEREAS**, the Town of Coeymans has been approved to receive summer season personnel assistance through the CHOICES Program, and

**WHEREAS**, these summer employees are being assigned to perform various seasonal tasks in the community, and

**WHEREAS**, the Town Board is desirous of providing supervision for these summer seasonal CHOICES funded employees,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize payment for the services of Ralph Surrano to provide the necessary and required supervision for these employees, and

**BE IT FURTHER RESOLVED**, that Mr. Surrano shall receive \$595.00 for these services during the approximately five-week duration of the program. This payment will be made by voucher in the August 2006 Abstract.

**RES. #95-06 AUTHORIZE LABERGE GROUP TO ASSIST IN CREATION OF ECONOMIC DEVELOPMENT PLAN**

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

**WHEREAS**, the Town Board in conjunction with its efforts to develop a Comprehensive Plan was awarded a Community Development Block Grant earmarked for Economic Development, and

**WHEREAS**, that award called for the solicitation of qualifications from firms to assist the Town of Coeymans in the development of an Economic Development Plan, and

**WHEREAS**, advertisements for same were placed in the News Herald and sent to various firms possessing such capabilities, and

**WHEREAS**, two RFQ's were received; one from DBS Planning Consultants, Inc. of Wynantskill, NY and another from Laberge Group of Albany, NY, and

**WHEREAS**, the cost of each service were considered, as well as the known qualities of each firm.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby selects Laberge Group to assist the town in the creation of an Economic Development Plan, and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the payment of \$10,250.00 for this service, upon submission of vouchers reviewable by the Town Board.

**RES. #96-06 APPROVE EMERGENCY MANAGEMENT PLAN AND COMMITTEE**

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

**WHEREAS**, the Town of Coeymans, Village of Ravena, Emergency Management Committee has an Emergency Management Plan to be implemented at this time of specific incidents of events which may result in severe or extensive damage, loss of property, casualties, deaths and/or disruption of the normal everyday routine of our specific geographic area, and

**WHEREAS**, the success of this plan depends on the cooperation and coordination of a number of individuals and organizations,

**NOW, THEREFORE, BE IT RESOLVED**, that the following will be participating and contributing agencies; Coeymans Fire Company, Coeymans Hollow Fire Corporation, Town of Coeymans Police Department, Ravena Hose Company, Ravena Rescue Squad, and

**BE IT FURTHER RESOLVED**, that the Committee shall consist of the following for a period ending December 31, 2006:

Bill Bruno, Committee Chairman  
Mark Deyo, Coeymans Fire Company #1  
Steven Payne, Coeymans Hollow Volunteer Fire Corporation  
Greg Darlington, Coeymans Police Department  
Marvin Powell, Ravena Rescue Squad

**RES. #97-06 APPOINT VOTING MACHINE CUSTODIANS**

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

**WHEREAS**, the Town of Coeymans must appoint Voting Machine Custodians to maintain the voting machines used in elections held within the Town of Coeymans, and

**WHEREAS**, the Town currently has Voting Machine Custodians whose terms expired December 31, 2005, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans reappoints Thomas Rotello, Larry Meilak, John Gilchrist and Alan Newburg to the position of Voting Machine Custodians for a term to expire December 31, 2006 at the budgeted rate of \$500.00.

**RES. #98-06 AUTHORIZE SUPERVISOR TO EXECUTE REVISED CONTRACT FOR MOHAWK & HUDSON RIVER HUMANE SOCIETY**

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

**WHEREAS**, the Town of Coeymans has for many years contracted with the Mohawk & Hudson River Humane Society for shelter services required as a result of the Town's Dog Control Officer's activities, and

**WHEREAS**, the 2006 contract had previously been received and authorized for execution by Supervisor Ronald K. Hotaling, Jr., at the January 23, 2006 meeting of the Town Board, and

**WHEREAS**, subsequent to that authorization, questions arose as to how the \$3,400.00 contract cost was arrived at, and

**WHEREAS**, discussions between the Supervisor and the new Mohawk & Hudson River Humane Society Executive Director, Amy Friedman have proven fruitful and informative, and

**WHEREAS**, it has been agreed that the formula used by the Mohawk & Hudson River Humane Society to determine municipal contract costs inappropriately and incorrectly used the number of dogs brought to the shelter by private citizen residents of the Town of Coeymans, and

**WHEREAS**, it has been further agreed between the Supervisor and the Executive Director to void the previously executed contract.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorizes Supervisor Ronald K. Hotaling, Jr., execute the revised contract for services of the Mohawk & Hudson River Humane Society in the amount of \$1,500.00 for 2006.

**RES. #99-06 AUTHORIZE TOWN CLERK TO COLLECT SEWER WARRANT**  
On motion of Councilwoman Rogers, seconded by Councilman Conrad, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

**WHEREAS**, the Town Clerk is charged with the responsibility to collect Sewer Rents in the Town of Coeymans, and

**WHEREAS**, the Town Board has established rules and rates for issuing bills for the collection of sewer rents, and

**WHEREAS**, the Town Board wishes to inform the Town Clerk of the total amount to be collected for 2006,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorize and direct the Town Clerk to collect as follows:

First Billing	\$87,036.04	
Second Billing		\$87,304.74

Total to be collected for 2006 is \$174,340.78.

**RES. #100-06 ESTABLISH PERMANENT GROVE CEMETERY FUND**  
On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

**WHEREAS**, the Town Board of the Town of Coeymans has reviewed funds that relate to the Grove Cemetery, and

**WHEREAS**, the funds are the responsibility of the Town Board to be used in accordance with the restrictions that were communicated from the Cemetery Department of the State of New York, and

**WHEREAS**, the restrictions that are related to the Perpetual Care Liability from specific residence and Permanent Maintenance Liabilities that are restricted with interest and earnings are only to be used for the maintenance of the cemetery, and

**WHEREAS**, other monies have been received and can be used for the maintenance of the cemetery.

**NOW, THEREFORE, BE IT RESOLVED**, that the town Board of the Town of Coeymans does hereby authorize the Supervisor, Ronald K. Hotaling, Jr., to establish a

permanent fund to account for these monies in accordance with the Uniform System of Accounts as prescribed by the New York State Comptroller's Office.

**BE IT FURTHER RESOLVED**, that the Part-Town Fund is to be repaid for expenses incurred by the Part-Town Fund for costs related to the maintenance of Grove Cemetery in the amount of \$15,653.07.

**RES. #101-06 AUTHORIZE TRANSFER OF FUNDS**

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

**WHEREAS**, the following accounts were exhausted because of unforeseen expenditures,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize Supervisor Ronald K. Hotaling, Jr., to transfer the following amounts to the respective funds.

**GENERAL FUND**

<b>Amount</b>	<b>From Account</b>	<b>To Account</b>
\$255.17	A1990.4 Contingency (Contractual)	A1310.4 Finance (Contractual)
\$4,349.56	A1990.4 Contingency (Contractual)	A9014.4 Employee Benefits (Retirement)
\$530.00	A1990.4 Contingency (Contractual)	A1460.4 Records Management
\$697.65	B1990.4 Contingency (Contractual)	B9030.8 Employee Benefits (Social Security)
\$701.34	B1990.4 Contingency (Contractual)	B9060.8 Employee Benefits (Health Insurance)

**RES. #102-06 APPROVE JULY ABSTRACT**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, 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 July 2006, Abstract.

<b>ABSTRACT</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	1049-1074	\$124,895.98
General	1128-1173	\$ 31,705.47
	<b>General Total</b>	<b>\$ 156,601.45</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	1075-1092	\$ 24,428.75
Part-Town	1174-1185	\$ 8,870.49
	<b>Part Town Total</b>	<b>\$ 33,299.24</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	1093-1102	\$ 36,840.75
Highway	1186-1230	\$125,968.81
	<b>Highway Total</b>	<b>\$162,809.56</b>

<b>SEWER (SS)</b>		
Pre-Pay Sewer	1103-1117	\$ 10,876.95
Sewer	1231-1245	\$ 5,419.09
	<b>Sewer Total</b>	<b>\$ 16,296.04</b>
<b>GROVE CEM. (TE)</b>		
Pre-Pay Grove Cemetery	1118-1119	\$ 215.25
	1246	\$ 250.00
	<b>Grove Total</b>	<b>\$ 465.25</b>
<b>CAPITAL PROJECTS (H)</b>		
Pre-Pay Capital Projects	1120	\$106,685.00
Capital Projects	1247	\$ 1,402.22
	<b>Capital Projects Total</b>	<b>\$108,087.22</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$477,558.76</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	1121-1127	\$190,281.38
	<b>Trust &amp; Agcy. Total</b>	<b>\$190,281.38</b>

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**CORRESPONDENCE**

**State Education Department – Local Government Records Management Improvement Fund Grant**

Supervisor Hotaling stated that he had received a copy of a letter sent to Town Clerk Millious and then asked that she make the announcement.

Town Clerk Millious stated that she has received another grant for records management for \$19,720.00 and added that this grant will be for remodeling the records room. She continued by saying that the procedure is that if the project will be over \$10,000.00, it has to go out to bid.

Supervisor Hotaling stated that the first grant allowed Town Clerk Millious to hire staff to sort the boxes of records.

Town Clerk Millious stated that she will be going through the record retention to determine what items can be discarded. She continued by saying that she hopes to hire a shredding company to shred the items that can be destroyed and added that she has gotten three quotes for doing this.

Supervisor Hotaling stated that a natural extension of that project is to create an environment that will maintain and preserve the records for years to come.

**Get Your Guts in Gear – Ride for Crohn’s & Colitis**

Supervisor Hotaling stated that he was in receipt of a copy of a letter received by Town Clerk Millious and asked that she share the letter.

Town Clerk Millious continued by reading a thank-you letter from Get Your Guts In Gear for the use of the pavilion at Joralemon Park.

## **Association of Towns – Legislation, Traffic Tickets**

Supervisor Hotaling stated that he had received a letter from G. Jeffrey Haber, Executive Director for the Association of Towns dated July 17, 2006 pointing out that legislation was introduced regarding the plea bargain system as it pertains to traffic tickets. He added that it is legislation that was enacted in response to the local concerns regarding the NYS Trooper's pending policy to stop negotiating traffic tickets in Town Justice Courts and the new policy will take effect September 3, 2006 and it might impact the manner in which traffic tickets are adjudicated in the Town's court. He continued by reading the following excerpt:

“The plea bargain system is essential to keeping the cost of operating our Justice Courts feasible for the taxpayers. Towns rely upon fine money garnered from traffic tickets to fund all or a substantial portion of the operating expenses associated with Town Justice Courts. Town Justices are prohibited from negotiating pleas themselves and must rely upon the district attorney or their designee to negotiate pleas in traffic cases. The Court of Appeals has recognized the impossibility of requiring a County District Attorney to appear and prosecute all misdemeanors and offenses in every court within the County. The District Attorney can fulfill his prosecutorial responsibilities by making arrangements whereby he knows of all prosecutions in the County and consents to appearances on his behalf. Two-thirds of the County District Attorneys currently rely upon the State Trooper to negotiate traffic ticket plea bargains in local town and village Justice Courts. While we cannot predict how each County District Attorney will handle the prosecution of traffic tickets after September 1, 2006, all or some may look to the towns to help meet this new obligation. If the Governor vetoes this legislation it is possible that in some counties a Town Officer might be called upon to accept a designation from the County District Attorney's office to negotiate plea bargains on behalf of his or her office. The State Attorney General's Office has opined that this person could be a Police Officer or his superior, other administrative officers, private attorneys or municipal attorneys. Any shift in this responsibility from the State to local government should not take place without an increase in Justice Court operational fees paid to local governments.”

Supervisor Hotaling continued by saying that the letter urges him to write the Governor to register his support for the legislation. He continued by saying that he wanted to share it with the Board Members and added that it could have a significant impact on the Town. He added that the State Police currently negotiate their own tickets and the Town Prosecutor negotiates local tickets and to add that responsibility to him or someone else would be a costly endeavor on the Town of Coeymans. He then asked for authority to send a letter in support of the legislation so that local governments get an increase in funding in order to accommodate the new policy on the part of the State of New York. He concluded by saying that the State of New York saves money and puts in on the local governments to spend money and added that it is not fair and he believes he should do something about it.

Councilwoman Chmielewski inquired as to if he needs a motion.

Supervisor Hotaling stated that he believed that he did.

### **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, authorizing the Town Supervisor to communicate to the Governor his support of the legislation introduced by Senator Bonacic.

VOTE – AYES 5 – NAYS 0 – SO MOVED

## **Albany County Executive – Hudson-Fulton-Champlain Commission**

Supervisor Hotaling stated that he had two pieces of correspondence related to the same thing and continued by saying that it is relative to the 400<sup>th</sup> anniversary in 2009 of Henry Hudson's discovery of the Hudson River, Samuel de Champlain's discovery of Lake Champlain as well as the 200th anniversary of Robert Fulton's first steamship trip up the

Hudson River. He added that a Commission is being established to put together the celebration and the first meeting is July 25, 2006 and he continued by extending the invitation to the Town Board for anyone interested in going. He concluded by saying that each community in Albany County is invited to participate in putting together the celebrations, which will take place from July through October 2009.

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### **TOWN BOARD WORKSHOPS/MEETINGS**

- Town Board Workshop, August 22, 2006, 6:00pm
- Joint Workshop - Town Board, Planning Board & Zoning Board of Appeals, August 21, 2006, 6:00pm
- Public Hearing, Section 8 Agency Plan, August 28, 2006, 6:30pm
- Town Board Meeting, August 28, 2006, 7:00pm

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### **ADDITIONAL COMMENTS**

Supervisor Hotaling invited additional comments at this time.

Councilman Conrad stated that he was forwarding information that he had obtained from the Assessor addressing the possibility of another grant.

Supervisor Hotaling stated that the Assessor had expressed an interest in it and he had asked that she attend the informational meeting and bring the information back.

Supervisor Hotaling asked if there were any additional comments.

First Sergeant Darlington stated that the new police car is in service and added that it was the parking lot if anyone wished to view it.

Highway Superintendent Deering inquired as to if the Town Board had received the packet for the bid on a truck.

Supervisor Hotaling stated that they did review it at the Workshop and in the absence of Councilman Conrad it was their feeling that because he was the one that assisted in the specifications, they felt it would be appropriate for him to review it. He then asked Councilman Conrad if he wanted to discuss the results of his review.

Councilman Conrad stated that the truck seems to be itemized to one manufacturer's specifications and it appears not to allow other bidders to be able to bid because of the language.

Highway Superintendent Deering interjected that the specifications are what he would like to see on the truck.

Councilman Conrad reiterated that it is specific to one manufacturer and added that he believes that it would be inappropriate for them to single out one manufacturer's design specifications.

Supervisor Hotaling inquired as to if Highway Superintendent Deering had done the specifications or if he gave them to someone else to do.

Highway Superintendent Deering stated that he did it with some help.

Supervisor Hotaling inquired as to who helped.

Highway Superintendent Deering stated that it was a specific manufacturer.

Supervisor Hotaling asked that Highway Superintendent Deering sit down with the specifications and create a set of generic specifications, which would allow more than one manufacturer to bid on.

Councilman Conrad stated that by the information that Highway Superintendent Deering has specified it appears that it is written so one-sided that someone else would not be able to bid on it.

Supervisor Hotaling stated that it is not only unfair but it is also not permitted.

Councilman Conrad interjected that it has to be written more generic.

Supervisor Hotaling stated that based upon the Comptroller's rules for bidding he has to design a set of specifications that would reasonably permit and attract bids from a number of manufacturers.

Supervisor Hotaling stated that it is State Contract and he wished that he had done it that way.

Councilman Conrad stated that they had discussed it and resolved to the fact that in putting it out to bid there was a possibility that they were going to save even more money than the cost for the State Contract. He added that they had estimated about \$15,000.00 in savings by putting it out to bid.

Supervisor Hotaling stated that Highway Superintendent Deering had requested permission for his specifications to be set forth in a bid and then inquired as to what the Board wished to do.

Councilwoman Chmielewski stated that if they were not generic, it could be a problem.

Supervisor Hotaling stated that there is not enough support to permit Highway Superintendent Deering to do this because it is seemingly directed toward one manufacturer to the detriment of another. He continued by saying that he was offering the opportunity to Highway Superintendent Deering to submit a new one based on the specifications that he wanted or the opportunity to work with Councilman Conrad to make the specifications more generic.

Councilman Conrad stated that there are two salesmen that he can work with in order to make it generic enough for more people to bid.

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

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Conrad, the Town Board Meeting was adjourned.

Time 8:47pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Workshop of the Town Board was held Tuesday, July 18, 2006 at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
John Cashin, Building Inspector  
Virginia Pearson, Judge  
George Dardani, Judge  
Darryl Purintan, Auditor, Marvin & Company

**ABSENT:** Laverne Conrad, Councilman

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**SUPERVISOR'S OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that Councilman Conrad is absent from the meeting in addition to Town Clerk Millious, Judge Dardani, Judge Pearson, Building Inspector Cashin and Daryl Purintan being present.

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**AGENDA**

- Audit Report – 2005
- VFW Request for Reimbursement
- Justice Court Request – Summer Employee Hours
- Court Clerk Residency Issue
- Responses to RFP for Development of Economic Development Plan

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

**MOTION**

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

VOTE – AYES 4 – NAYS 0 – SO MOVED

Time – 8:15pm

***Respectfully Submitted,***

**APPROVED:**

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***Diane L. Millious, Town Clerk***

**A Joint Workshop of the Town Board, Planning Board and Zoning Board of Appeals was held Monday, July 17, 2006 at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**TOWN BOARD:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Thomas A. Boehm, Councilman

**PLANNING BOARD:** Cynthia Kunz, Vice-Chair, Planning Board  
Richard A. Cumm, Planning Board  
David Ross, Planning Board  
Winthrop M. Irwin, Planning Board

**ZONING BOARD:** Kerry Marsh, Chair, Zoning Board of Appeals  
Gerald McDonald, Zoning Board of Appeals  
Sarah Hafensteiner, Zoning Board of Appeals

**ABSENT:** Nita J. Chmielewski, Councilwoman  
Peter Foronda, Chairman, Planning Board  
Laurie Felter, Planning Board  
Joseph Kapusta, Planning Board  
Wayne Flach, Zoning Board of Appeals  
Patrick Brown, Zoning Board of Appeals

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Nicole Allen, Senior Planner  
John Cashin, Code Enforcer

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The following Notice was published in the Ravena News Herald:

**NOTICE  
TOWN BOARD WORKSHOP  
MEETING**

In compliance with Public Officer's Law, this will inform you that the Town Board of the Town of Coeymans has scheduled a Joint Workshop of the Town Board, Planning Board, and Zoning Board of Appeals for Monday, July 17, 2006 at 6:00pm. The purpose of the workshop is to begin discussions regarding suggested revisions of the Town of Coeymans Zoning Code that may follow the anticipated approval of the Town's Comprehensive Plan.

**By Order of the Town of  
Coeymans Town Board  
Diane L. Millious  
Town Clerk**

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**OPENING COMMENTS**

Supervisor Hotaling stated that one of the things that he discussed with Zoning Board Chairman Marsh is treatment centers and group homes and whether or not they would be allowed under special use or variance.

Councilman Conrad stated there is a current issue with a group home.

Building Inspector Cashin stated that Attorney Brick had advised that the American with Disabilities Act might protect the Team Challenge Group Home.

Supervisor Hotaling stated that this is a Group Home in Alcove at the site of a former church and there are four residents and their plan is to expand to more. He added that the

residents are recovering substance abusers and it is part of the nationally known Team Challenge Program. He added that the first question would be whether or not they are permitted and secondly how they would be reviewed.

Supervisor Hotaling continued by saying that he had spoken with Mr. Donald Trickey earlier in the day about getting water and sewer up Route 144, the expansion of the districts and better commercial properties. He added that he had told Mr. Trickey that all three Boards would be together and he had invited him to the meeting and would be given an opportunity to speak.

Mr. Trickey stated that they could continue with their meeting.

Supervisor Hotaling advised Mr. Trickey that they are going to go over some sections of the rough draft of the Zoning Ordinance.

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## **ZONING ORDINANCE DISCUSSION**

Ms. Allen interjected that they would be going over some sections of the draft and continued by going over the agenda, which outlined the sections that they will be discussing.

- Treatment Centers
- Group Homes
- Districts & Intent
- Boundaries
- Definitions
- Non-Conforming Uses
- Home Occupation Uses

She continued by saying that there might be some language changes and hopefully they will be able to proof it at the next meeting and then move on to another set of sections so they can keep it moving forward.

Planning Board Member Irwin stated that they had a situation come up at their last Planning Board Meeting and there was some legislation in 1993 that made a north/south line, which resulted in a different commercial zone going north. He added that Building Inspector Cashin had a map that is dated 1961, which didn't have the zone on it and when someone came to him about a subdivision in that area, he gave information that was not correct. He then asked if this would be addressed and changed.

Ms. Allen stated that in reviewing the Zoning Ordinance, there is a north and south and the bulk difference is very minor.

Planning Board Member Irwin stated that the lot size and frontage is different between the two.

Ms. Allen stated that at this point it has been combined as one district and they have not set the lot width or the frontage requirements, which they will be discussing as a group when they get to that point. She added that if it needs to be two boundaries they could split it again.

Planning Board Member Irwin stated that at some point one of the Boards decided that they needed the demarcation line.

Councilman Conrad interjected that it was done by the Planning Board in an attempt to update some items that needed to be updated. He continued by saying that Mr. Cashin did give accurate information because until it is filed with the Department of State it is not in effect and it has never been filed.

Planning Board Member Irwin stated that their Chairman had a vague recollection that something had happened quite a few years ago.

Councilman Conrad stated that there are a lot of things that have happened over the years and in 1961 due to the Boomer case, the legislature was petitioned and the zoning was reenacted but they only reenacted what was done in 1961 and technically most of the changes since 1961 are not legal.

Supervisor Hotaling stated that this might factually be correct but there has not been any legal determination for anything that has happened since 1961.

Zoning Board Member Hafensteiner stated that there had been an approved zoning change for her home in 1978 and then inquired as to if it would be thrown out.

Councilman Conrad stated that he believed that the zoning change that took place was in 1978.

Zoning Board Chairman Marsh stated that there was a hiatus before the Zoning Law was approved and a lot of things were grandfathered because there was no zoning. He continued by saying that everything that had been from the Boomer case to the point that they got the new law was allowed because they came in before there was zoning.

Councilman Conrad stated that anything that had taken place legally would have to be in accordance of the law and to be in accordance to the law there has to be a new map drawn and filed with the State.

Zoning Board Chairman Marsh suggested that they find the law, which would be within the statutes of the State of New York.

Planning Board Member Irwin stated that he was referring to something that happened in 1993, which was quite a while after that.

Zoning Board Chairman Marsh suggested that they move ahead to things actually on the agenda.

Ms. Allen stated that she would be starting with definitions and asked how the Boards wished to proceed.

Collectively it was decided that they go over each new underlined definition and either accept it or decide to change it and then move on to the next.

Ms. Allen stated that she had gone through the entire document and picked out everything that was not previously defined and tried to add it in and added that there are probably going to be adding definitions as they continue the process. She continued by reading the following definition.

**Assembly Hall** – Any structure or area where large numbers of individuals collect to participate in or to observe programs.

Zoning Board Chairman Marsh inquired as to if the definition is private in addition to being public.

Ms. Allen interjected that private would be defined under the definition of private clubs.

Planning Board Member Cumm inquired as to the term area.

Ms. Allen stated that area would pertain to outdoor amphitheater type assemblies.

Planning Board Member Cumm inquired as to how you would define large.

Ms. Allen stated that this could be left up to the discretion of the Planning Board.

Zoning Board Chairman Marsh inquired about the definitions for church or religious buildings and questioned the wording for parish building and the possibility of it referencing one religion over another.

Discussion ensued regarding the different wording for other faiths such as parsonage or rectory.

Ms. Allen stated that it is a term that is in the code now and they can return it.

Zoning Board Chairman Marsh suggested that they look up the definition of parsonage and then determine if it would be broad enough to cover all religions.

Supervisor Hotaling stated that as religions become more modern, there are places of worship that only take place on Sunday at a particular location but the rest of the week they are used for other things, such as the Senior Center. He then inquired as to how this will fit in the definition.

Ms. Allen stated that they could add in a section under supplementary regulations for a place of worship allowing some accessory uses.

Zoning Board Member Hafensteiner stated that she is having trouble understanding and added that she needs an example of an assembly hall that would not fit in to a place of worship or private club, town hall, etc.

Some examples given were: rodeo and tractor pull.

Zoning Board Chairman Marsh interjected that it had to be a structure.

Collectively it was stated that the definition defines it as an area and is not specific to a structure.

Ms. Allen interjected that they could take area out of the definition and it would be more defined with structure.

Councilman Conrad stated that he's not so sure that area should be taken out because you could have an outdoor assembly.

Ms. Allen interjected that it could be a separate definition.

Zoning Board Chairman Marsh suggested looking at the law under the Woodstock Law, which pertains to mass gatherings because there is language that speaks to area and it would be a question of what the number would be. He added that the language could give them some guidance with regard to area.

Councilman Conrad suggested that they take out the word large and actually put in a number.

Zoning Board Member Hafensteiner inquired as to how it differs from private club because private club encompasses most of that.

Zoning Board Chairman Marsh interjected that this is why he suggested that they go to the mass gathering law and take a look at what it is as well as looking at the definitions and added that he does not think that they would need to define assembly hall separate because it is defined everywhere else by virtue of a private club, school, town hall, church, etc.

Councilman Conrad stated that the problem seems to be if there would be a congregation of 50 or more people

Zoning Board Chairman Marsh suggested that they use public assembly and then it would fall under the Building Code.

Councilman Conrad stated that the purpose of the zoning is to control those things that the Building Code does not address and if the Building Code covered everything they would not have to worry about it. He continued by saying that once you go over 50 people it would be considered a mass gathering and would require a permit as well as a Health Department permit.

Zoning Board Chairman Marsh stated that if you have a place of public assembly, which parallels that which is in the Building Code for 50 people and above, it would exclude the churches that meet here and there. He added that when they get in to an area assembly they won't have to determine what an assembly hall is as opposed to some other base of public assembly.

Zoning Board Member Hafensteiner stated that she does not understand why it was added if it was not there before.

Councilman Conrad stated that they have identified a few things such as tractor pulls and snow mobile races, which they have received complaints about and they basically have had no control. He added that this is the main purpose and area has to be other than structure. He continued by saying that he would not limit the number to 50 people and 100-500 might be the better choice.

Zoning Board Chairman Marsh stated that it should be a number that gives them some kind of control and added that they should consider having a permit system to hold an event, which would require them to come up with a number.

Councilman Conrad suggested that for general purposes they say that any gathering of 250 people or more meeting on a regular basis would require a permit.

Ms. Allen interjected that she would look into it to see what other alternatives they may have and suggested that they go over it again at the next meeting.

Ms. Allen continued by reading the following definitions.

**Automobile / Boat Sales (New)** The use of any building, land area or other premise principally for the display, sale, rental, or lease of new automobiles and/or boats, and may include any vehicle or boat preparation, warranty, or repair, as well as financing and leasing services

**Automobile / Boat Sales (Used)** – Same as new.

**Automobile Service Stations** – Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Zoning Board Member Hafensteiner inquired about using the word automobile, which would exclude such things as trucks and tractors.

Ms. Allen stated that it could be changed from automobile to vehicle.

Zoning Board Chairman Marsh interjected that the word vehicle should be used for Automobile / Boat Sales (new & used)

Ms. Allen stated that it was a good recommendation.

Building Inspector Cashin inquired as to if there is a separate definition for a convenient store that sells gas.

Ms. Allen stated that she is not sure if it is addressed and this might be something that they are going to add.

Zoning Board Chairman Marsh suggested that Automobile / Boat Sales for new and used be combined to say new and/or used.

Ms. Allen stated that she made them separate but they could easily be combined.

Zoning Board Member Hafensteiner stated that there is a big difference between having a new car dealerships, which would have the right to sell used than having one after the other of used car lots. She added that she would keep them separate because it gives them more options.

Supervisor Hotaling stated that a new car dealership falls under new and inquired as to if they can automatically sell used.

Zoning Board Chairman Marsh stated that it would be interpreted as both.

Zoning Board Member Hafensteiner stated that one of them would be new and used and the other would be used only.

Planning Board Member Cumm inquired about recreational vehicles.

Zoning Board Chairman Marsh inquired as to if it would be motor vehicles or all vehicles and continued by asking about all terrain vehicles.

Councilman Conrad stated that this is something that they need to address because there have been a lot of problems.

Supervisor Hotaling suggested that it be motor vehicles and recreational vehicles.

Mr. Trickey interjected that any vehicle other than farm equipment is suppose to have a license.

Ms. Allen continued by reading the following definition.

**Automobile Wrecking Yard** – An establishment that cuts up, compresses, or otherwise disposes of motor vehicles.

Planning Board Member Irwin inquired as to if it should say and/or white goods.

Supervisor Hotaling suggested that it be worded to include licensed by the State of New York Department of Motor Vehicles.

Zoning Board Chairman Marsh inquired as to what a licensed dismantler is and what it would allow.

Mr. Tricky interjected that it is a license to tear cars apart.

Zoning Board Chairman Marsh inquired about the so-called white goods.

Mr. Tricky stated that he can take white goods.

Zoning Board Chairman Marsh inquired as to if this would fall under a dismantler's license.

Councilman Conrad stated that white goods do not require a dismantler's license.

Zoning Board Member Hafensteiner stated that she would not suggest adding it to automobile right now.

Supervisor Hotaling reiterated that the wording should include licensed by the Department of Motor Vehicle.

Collectively it was decided that white goods should be a separate category.

Planning Board Member Cumm stated that the junkyard definition does not make reference to white goods.

Ms. Allen stated that they could add white goods to the junkyard definition.

Supervisor Hotaling continued by reading the following definition.

**Junkyard** – A lot or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

Councilman Conrad suggested that vehicles be taken out and white goods be added.

Zoning Board Member Hafensteiner stated that she would be willing to switch one for the other.

Zoning Board Chairman Marsh suggested that white goods be defined.

Councilman Conrad interjected that it would be any white appliances.

Supervisor Hotaling wanted to confirm that a junkyard could not have vehicles.

Collectively it was decided that this was correct.

Zoning Board Member Hafensteiner suggested that they suggest the issue of construction material or demolition debris.

Ms. Allen stated that this could be added as a separate definition.

Planning Board Member Irwin interjected that there is a permitting process for demolition.

Supervisor Hotaling stated that if they take away the ability of junkyards to have automobiles, they have also taken away the ability to salvage and resell parts and added that in the definition of an automobile wrecking yard they should give the opportunity for a licensed DMV operator to salvage and sell used parts.

Ms. Allen stated that she would reword it and they could discuss it at the next meeting and continued by reading the following definition.

**Bank** – A business establishment where money is kept for saving or commercial purposes or is invested, supplied for loans, or exchanged.

Zoning Board Member Hafensteiner stated that they need to be careful because the definition goes beyond money, such as safety deposit boxes. She continued by suggesting that it be reworded to financial institution in addition to saying money or other items for safe keeping.

Ms. Allen continued by reading the next definition.

**Caterer** – A person or enterprise that prepares food for hire for consumption predominately off premises.

Supervisor Hotaling inquired as to if there is a difference between someone that works out of his or her home as opposed to someone that works out of an established business such as the K of C.

Planning Board Member Irwin interjected they are preparing food for hire.

Planning Board Member Cumm stated that it does not make reference as to where the food is prepared.

Zoning Board Member Hafensteiner stated that the K of C is a banquet house where the food would be prepared and consumed in addition to them preparing food to be taken out. She continued by inquiring about the Senior Projects and the Meals on Wheels.

Planning Board Member Cumm interjected that it would be a not-for-profit organization.

Supervisor Hotaling inquired as to if there is a distinction for a home occupation caterer where you prepare the food in your home under the auspices of the Department of Health guidelines as opposed to what is done at the K of C.

Planning Board Member Cumm stated that there is no distinction in the definition as far as if the food is made at home or at another business that does other things.

Zoning Board Chairman Marsh stated that a catering license allows on premises or off.

Zoning Board Member Hafensteiner stated that there is not a definition of banquet hall and suggested that it be added to restaurant.

Zoning Board Chairman Marsh suggested that they say food service establishment.

Ms. Allen stated that it would open it up between restaurant, fast-food and caterer and there are distinctions between the three.

Zoning Board Member Hafensteiner inquired as to why Ms. Allen thought that caterer needed to be added.

Ms. Allen stated that caterer is currently in the code and she decided to define it.

Planning Board Member Cumm stated that it is a commonly used term and there might be another category where it could go.

Ms. Allen continued by reading the following definition.

**Clubhouse** – A building, or portion thereof, used by a club.

Zoning Board Member Hafensteiner inquired as to the difference between that and a private club.

Ms. Allen stated that a private club could be more than just a clubhouse, which would be just the structure. She added that a private club could be a camp consisting of several acres where people go to hunt.

Zoning Board Member Hafensteiner inquired as to if it should just say building.

Planning Board Member Irwin stated that he would be worried about 5-10 people getting together for a club and having to call where they are meeting a clubhouse.

Zoning Board Member Hafensteiner suggested that it be taken out of the code.

Collectively it was decided that they would remove it.

Councilman Conrad stated that the following definition of club membership is what Zoning Board Chairman was referring to earlier in the meeting when he questioned public or private.

Zoning Board Member Hafensteiner interjected that it is different from private club. Councilman Conrad questioned whether or not it should say public or private club and take out membership.

Zoning Board Member Hafensteiner interjected that the private club definition is actually a better definition.

Ms. Allen continued by reading the definition of private club as follows:

**Private Club** – A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, education, recreational, or cultural enrichment of its members and not primarily for profit and whose members pay dues and meet certain prescribed qualifications for membership.

Councilman Conrad suggested that they eliminate club membership altogether and change the private club definition to read public/private club.

Ms. Allen stated that it could be changed to read as a building and/or related facilities.

Planning Member Cumm inquired about deleting the definition and added that they should be asking themselves if they want to erase the activity.

Councilman Conrad interjected that they have added it under private club on page 11.

Zoning Board Member McDonald interjected that they will be going back through the code for a final decision as to whether a definition should be changed or eliminated altogether and added that they want to get away from the problem of when something is not mentioned, it automatically becomes a variance issue.

Ms. Allen interjected that they can define things up front and later they can decide where it should go.

Zoning Board Member McDonald stated that their debate is whether they define it or go back to the Code and take it out.

Councilman Conrad wanted to clarify that they are removing clubhouse and combining it with private club.

Supervisor Hotaling stated that he does not have a problem with that but wanted to address where it says that members pay dues and meet certain prescribed qualifications for membership. He continued by saying that it should read and/or.

Ms. Allen noted the change and read the following definitions:

**Community, Governmental, Municipal Building** – A building or structure owned and operated by a governmental agency to provide a governmental service to the public.

**Drive-In Movies** – An open lot devoted primarily to the showing of motion pictures on a paid-admission basis to patrons seated in an automobile.

Planning Board Member Cumm suggested that movie be singular. He continued by inquiring about multiple screens.

Zoning Board Member Hafensteiner inquired as to if concession stand should be included.

Ms. Allen stated that it could be added as an accessory.

Zoning Board Chairman Marsh stated that there is a mixture of plural and singular and suggested that the “s” be taken off most of them such as restaurants, retail stores, etc.

Ms. Allen stated that she would go through and make them singular.

Councilman Conrad stated that under the definition of community, governmental, municipal building it further defines court, inner court and outer court and added that he is at a loss as to why they would need to keep all of the definitions.

Zoning Board Member Hafensteiner interjected that they are only looking at things that were added to the Code and suggested that they also look at the ones that are currently defined and decide if they are needed or need to be changed and added that this is a great opportunity to look over all of them and not just the ones that are underlined.

Zoning Board Chairman Marsh suggested that Ms. Allen look at all three definitions and come up with one definition if they need it.

Councilman Conrad stated that he feels that it is something that should be taken out.

Planning Board Member Cumm inquired as to if there is a formal process for changing the Code document.

Councilman Conrad stated that they have to go through the Public Hearing process.

Ms. Allen stated that she would agree that all three definitions of court could be eliminated.

Councilman Conrad suggested that **curb level** be further defined to include along the road.

Zoning Board Member Hafensteiner inquired as to if there is an officially established grade.

Councilman Conrad stated that the only time that it would be addressed would be for a driveway.

Ms. Allen stated that there is a definition of **filling station** along with **gasoline station** and suggested that they eliminate one of them and continued by suggesting that they take filling station out.

Councilman Conrad inquired about a convenience store that sells gas.

Supervisor Hotaling suggested that they call them both convenient stores and distinguish one with gasoline capabilities.

Zoning Board Member Hafensteiner stated that convenient stores is not defined and added that there will be times when there would be a store without gas.

Ms. Allen stated that they could add language to **automobile service station** to say retail services, which would be an accessory to the gas station.

Zoning Board Chairman Marsh interjected that they have to look at this as a broader picture because restaurant is included but there is nothing for a temporary hot dog stand or seasonal ice cream store. He added that in some convenience stores you cannot sit down and others you can, in addition to bakeries not even being defined, which could also have an area to sit and eat. He concluded by saying that he does not know if it would be considered a restaurant, convenience store or bakery and added that this is something that they cannot settle immediately.

Councilman Conrad stated that they are combined uses and now they will have to look at all of the uses.

Zoning Board Chairman Marsh stated that some of the definitions are in the ABC Law (Alcohol, Beverage Control) but convenient stores are not.

Tape change – some dialect not recorded.

Ms. Allen inquired as to if they wanted to continue with definitions or switch to the district map.

Councilman Conrad interjected that they need to get some more ideas and added that they are trying to minimize the amount of districts.

Ms. Allen stated that they tried to do the zoning map parcel based so that it was not arbitrarily through a property.

Zoning Board Member Hafensteiner stated that one of the things that is not addressed is how creeks and streams are classified and the fact that there is wetland in addition to there not being a natural resource protection zone, such as Joralemon Park, Deer Mountain Park or any kind of water shed protection zone.

Ms. Allen interjected that they have not gotten to that point yet.

Zoning Board Member Hafensteiner inquired as to if it would be the right time to discuss watershed protection.

Planning Board Member Irwin stated that there is also an issue with site protection and added that the Hudson River and Alcove Reservoir should be protected from future development that would block views. He added that there are places in Coeymans that if they were developed, the view of the Hudson River would be gone and continued by saying that it should be someone's responsibility to see that this does not happen.

Ms. Allen stated that there is not anything addressing this at this point but it could be added.

Zoning Board Member Hafensteiner stated that if they try to do any watershed protection there are some issues with protecting deep clay ravines. She added that for an example, on Delaware Avenue there was a deep clay ravine going into the Normanskill Creek and because it was not protected from industrial growth there was a major catastrophe. She continued by saying that most of the watersheds in the Town have that same deep clay ravine characteristic and by having a water protection zone this could be avoided.

Ms. Allen stated that they could add in an extra regulation for insuring protection without creating another district and continued by saying that they could add a Watershed District and inquired as to what the typical footage should be.

Planning Board Member Cumm stated that they should try to be consistent with whatever DEC's guidelines are.

Councilman Conrad interjected that it has a lot to do with elevation and grade in determining the footage.

Ms. Allen stated that there are some different ways of handling it and she will come up with a few examples of how it can be done.

Zoning Board Member Hafensteiner inquired about wetlands designated by Army Corps or others.

Ms. Allen stated that the ones that they are showing were designated by DEC and they could also include the others.

Councilman Conrad stated that there have been some discussions regarding Lafarge property on Old Ravena Road and the way that it is currently zoned and possibly changing it so there is not industrial coming out on to Route 9W.

Zoning Board Member Hafensteiner interjected that the train track is a very natural line on Old Ravena Road and she does not know why you would not encompass this in one district because the entire road is a single-family residential low-density district. She added that they want to take a small piece of the road and make it a commercial transitional district and her suggestion would be that it be taken on the other side of the railroad tracks.

Councilman Conrad stated that it is currently zoned industrial and Lafarge property cannot be changed because pre-existing non-conforming uses will continue. He added that if the existing use ceases it would revert back.

Zoning Board Member Hafensteiner stated that if there is a different underlying zoning there would be an opportunity to take it back to the residential and added that it does not impair their right to continue to have a continuous non-conforming use as industrial but it does reset the rest of the road, which is single family.

Councilman Conrad reiterated that Lafarge is currently zoned industrial.

Planning Board Member Irwin stated that he is confused and asked for clarification from Zoning Board Member Hafensteiner.

Zoning Board Member Hafensteiner pointed it out on the map and explained that they should leave a buffer along the rest of the road as residential, which would be to the bridge.

Ms. Allen stated that she agrees and added that it might be the perfect place to have the arbitrary line go through or they can rezone the whole parcel.

Councilman Conrad interjected that Lafarge currently owns the property and this is why he suggested a commercial transitional district.

Zoning Board Member Hafensteiner stated that Lafarge is the third company that has owned the property and added that they don't know who is coming next and continued by saying that it seems to her that they don't want industrial traffic coming on to Old Ravena Road except as an access.

Mr. Trickey inquired as to if they know that the City of Albany has purchased a piece of property from the Kinley's to use as an entrance to the proposed landfill.

Councilman Conrad stated that they have not seen a deed come through and added that they are planning on a final purchase in September.

Ms. Allen suggested that before they get to boundaries they should agree on districts.

Zoning Board Member McDonald interjected that agricultural preservation is a big district. He added that as a property owner in this district he has some concern as to his ability to utilize the land.

Councilman Conrad stated that they have not changed anything in this area, and added that it is a new term, which still refers to the same uses, which is residential agriculture.

Ms. Allen read a definition of the Agricultural Preservation District as follows:

**Agricultural Preservation District:** Areas of the Town designated under this district are characterized as important agricultural areas to be protected and preserved. As identified in the Comprehensive Plan and vision for the Town, the Agricultural Preservation District's intent is to support and protect farming by stabilizing the agricultural land base. The agricultural zone is designed specifically to protect farmland as a non-renewable resource for future generations.

Zoning Board Member McDonald stated that most of the land is farmland.

Councilman Conrad stated that they could go back to calling it a residential agricultural district so that it is clear and added that they never intended to change the residential ability.

Ms. Allen stated that one of the things that did come up during the development of the Comprehensive Plan was to preserve the agricultural land.

Supervisor Hotaling interjected that they can do both in identifying the agricultural preservation districts and still preserve the residential agricultural integrity of the land in general.

Planning Board Member Irwin stated that in looking at the map it would appear that 2/3 of the Town is a protected district.

Councilman Conrad stated that this was not their intent. He continued by saying that in a protected agricultural district housing is allowed and there is a statement when you subdivide a piece of property out of the district that has to be filed with Cornell Cooperative Extension. He added that anything in the Comprehensive Plan that is contrary to that is deemed illegal.

Supervisor Hotaling reiterated that they could do both in preserving the residential agricultural integrity as well as identifying the agriculture preservation districts.

Mr. Trickey interjected that the Town is not going to go anywhere until there are some water and sewer lines.

Councilman Conrad stated that the Town does not own the water lines.

Mr. Trickey stated that the Town of Bethlehem is willing to bring water down Rte. 144.

Councilman Conrad stated that the Town of Bethlehem has some problems of their own that they have not been able to overcome and they are now buying water from the City of Albany to make up for their shortcomings.

Mr. Trickey stated that he can't believe that the Village Mayor can hold up the water.

Councilman Conrad stated that the Mayor is going to take the water all the way to New Baltimore, which is right through the Town and added that they need to eliminate the Village.

Zoning Board Member Hafensteiner stated that she worries about Lafarge property being zoned an industrial general district and added that she realizes that they are one of the most significant forces in the Town but zoning should not be based on who owns what as opposed to what it is going to look like in the future and what is in everyone's best interest.

Councilman Conrad stated that the problem is that Lafarge has a plan filed with DEC under mining of which the Town has no control and to that extent there are some limits and liabilities to what they can and cannot do.

Zoning Board Member Hafensteiner stated that the issue is that they have taken up a great deal of land for a buffer that is not now nor will ever be able to be mined. She continued by saying that Deer Mountain Trail, which is part of their property, is not part of their mine or mining certificate and added that this is also true for the property on Old Ravena Road.

Planning Board Member stated that when he was Supervisor, Callanan Industries had come to the Town because they wanted to change their footprint for their mining and the Town had to sign-off on that for it to be allowed.

Councilman Conrad stated that Callanan exceeded the residential district on Star Road by 3,000 feet.

Planning Board Member Irwin stated that he believes that the Town will have the opportunity to voice their opinions and input for a new mining permit.

Supervisor Hotaling stated that general conditions will apply and the Town's commentary could create special conditions that will apply as well.

Zoning Board Member Hafensteiner stated that Deer Mountain Trail appears to be more agricultural than industrial and continued by stating that if Lafarge ceases owning it and it changes hands it would go back to residential because it is not industrial.

Supervisor Hotaling stated that Lafarge created it and if they ever give it up they would try to convince them to give it to the town.

Zoning Board Member Hafensteiner reiterated that it is not industrial land but this is how it is being zoned.

Ms. Allen stated that they should try to stay on task and finalize the districts. She continued by saying that it will be called residential agriculture with an agricultural preservation overlay. She continued by reading the following district definitions.

**Residential Low-Density District:** Areas of the Town designated under this district are characterized by traditional single-family and two-family residential development and neighborhoods. The purpose of this district is to ensure that the general character of these rural neighborhoods is protected.

Zoning Board Member Hafensteiner stated that they might want it to go back to being just residential.

**Riverfront Community District:** Areas of the Town designated under this district are intended to further enhance the Town of Coeymans riverfront and strengthen its perception as a “Riverfront Community.” A balanced mix of appropriate uses, including high-density residential, commercial, industrial and water-dependent recreational uses are envisioned for the District. A variety of nonresidential water-dependent and water-enhanced uses will be permitted in this area, subject to development standards including adequate buffering between incompatible uses and a review process, which will ensure that environmental resources are protected.

Ms. Allen stated that this is not currently what the land is used for or designated for but the envision is for something greater in the future.

Planning Board Vice-Chairman Kunz inquired about her property being in a high-density area.

Zoning Board Member Hafensteiner questioned why it is being called high-density.

Councilman Conrad interjected that it is because of sewer and water availability and there are smaller lot sizes.

Supervisor Hotaling stated that it is the typical hamlet area where houses are attached to one another with common walls.

Planning Board Vice-Chairman Kunz inquired as to if her property could eventually be high-density.

Ms. Allen stated that the density has not yet been defined and it would be higher than single and two-family.

Supervisor Hotaling interjected that Ms. Kunz’s property is large enough that it will not become high-density and no one will be attaching their home to hers without her approval.

Ms. Kunz stated that it is a potential that she could do this.

Zoning Board Member Hafensteiner interjected that she believes that it is the term high-density that is of concern to Ms. Kunz.

Planning Board Vice-Chairman Kunz stated that she believes that it is odd that a house that has historical value would be considered high-density and added that it might make the house more valuable.

Zoning Board Member Hafensteiner stated that it would be more valuable because it would be in a Riverfront Community.

Supervisor Hotaling interjected that the Hamlet of Coeymans is a high-density riverfront area and they want to promote the Hamlet to reenergize itself by having single family, owner occupied high-density housing.

Councilman Conrad stated that the brickyard could become condominiums and town houses.

Zoning Board Member McDonald inquired as to if there are still going to be overlays within the district that are consistent with some of the existing zoning.

Zoning Board Member Hafensteiner stated that there is a point when you come out of the Hamlet that it opens up and it might not be considered high-density.

Ms. Allen reiterated that the density has not been defined yet and the dwelling units per acre have not been defined.

Zoning Board Member McDonald stated that this would be the number of units per building.

Zoning Board Member Hafensteiner inquired about using the word industrial when they are trying to promote a riverfront community.

Ms. Allen stated that there are some light industrial uses that can be complimentary to the district such as the marina.

Zoning Board Member Hafensteiner suggested that they take out the word industrial.

Ms. Allen stated that they could and they can also be specific in the uses later on and added that she would take industrial out of the definition. She continued by reading the following district definition.

**Commercial Transitional District:** Areas of the Town designated under this district provide a transition zone between residential uses along higher volume traffic corridors. The district encourages a land use pattern suitable for the development of professional and business offices and limited service, retail and commercial activities.

Councilman Conrad stated that he would like to take the word transitional out because it is defined as a transitional zone. He continued by saying that adding the word may cause a dilemma that they don't need.

Planning Board Member Cumm interjected that it elevates expectation that something is going to be something else.

Ms. Allen continued by reading the following district definition:

**Industrial General District:** Areas of the Town designated under this district are deemed appropriate for general industrial and other appropriate nonresidential services and businesses. The purpose of this district is to provide areas for industrial uses primarily engaged in basic processing, assembling and manufacturing of products from raw materials and with tolerable levels of noise, dust, odor, vibration or smoke. This district is further intended to protect residential neighborhoods from the encroachment of such general industrial land uses that could be in conflict with the industrial and manufacturing environment. Industrial uses are subject to development standards including adequate buffering between incompatible uses and a review process, which will ensure that environmental resources are protected.

Councilman Conrad stated that they currently do not have a review process under all principal uses and this is something that they are going to change in the zoning and added that everything will have to come under a site-plan review.

Zoning Board Member Hafensteiner inquired as to how this definition relates to the proposed landfill because there is a law that says you cannot import waste.

Councilman Conrad stated that the proposed landfill would be in a low residential district as the zoning is proposed. He continued by saying that if the City of Albany does take over control of the property, there is a possibility that the Town's zoning won't affect it.

Zoning Board Member Hafensteiner interjected that there are many other factors that are out there concerning the proposed landfill.

Ms. Allen stated that they had reviewed the five proposed districts and then asked if there are any other districts that need to be included.

Zoning Board Member Hafensteiner inquired as to what was taken out and what was missing.

Ms. Allen stated that there were three other industrial districts, the north/south commercial district, multifamily, and two community facility districts.

Planning Board Member Cumm inquired about historical preservation.

Mr. Irwin stated that they had talked about it many years ago.

Councilman Conrad stated that there are no historical preservation districts.

Zoning Board Member Hafensteiner inquired as to why they would not want to add a historical preservation district.

Councilman Conrad interjected that a historical district was part of the Local Waterfront Revitalization Project, which Ms. Kunz was a part of. He added that it has also been suggested that they look at the possibility of doing it, which would be a zoning change of its own.

Zoning Board Member Hafensteiner stated that it would also address issues such as buffer zones, streams, and boundaries and continued by suggesting that they combine all of those things together and do it right once. She added that it is a great thing to be able to do in a community.

Councilman Conrad stated that the whole process has been put off for many years and this is why it is so complicated, he added that it needs to be updated as time proceeds.

Ms. Allen stated that a historic district might be appropriate for the hamlet area.

Planning Member Irwin interjected that the Alcove area would also be historic along with areas of Old Ravena Road.

Ms. Allen stated that it is area based and it would have to be a concentrated historic area that they would like to keep the character of. She continued by saying that it could be added to the hamlet and lot sizes could be changed to fit in with the historic nature of the area.

Supervisor Hotaling suggested that they individually or in smaller groups bring some examples of definitions to the next meeting and added that in the Association of Towns website there are approximately 50-60 towns that have links and some have their codes published online and could be used for reference.

Councilman Conrad stated that in getting back to the commercial, as far as what it is and isn't used as, Lafarge owns a lot of property on Route 101 behind the high-school and there are single family houses and open farmland. He continued by saying that his suggestion is that they change more of that area to commercial to provide a transition and have more of a commercial area to open up and then possibly put water lines there. He

added that they are looking to use more special use permits and site plan reviews to try and control some of the things that they have not been able to control in the past. He continued by saying that with the exception of single-family they are looking for site-plan review to go through all commercial and industrial uses, which will give them the ability to do things that they have not been able to do before. He added that another area is Kinley Road, which is agricultural, up from the creek and out to Route 9W, that could be a commercial area and if the area ceases to be farmland it could be a development for industrial purposes, and when this happens the water and sewer will be developed.

Zoning Board Member McDonald inquired about an agreement many years ago with the City of Albany and if it was strictly with the Village of Ravena to allow a certain amount of water per day.

Councilman Conrad interjected that it is \$18.00 per thousand for everything over 2 million gallons a day, and they only process 700,000 gallons a day.

Zoning Board Member McDonald stated that there is a great capacity that they are not using and inquired as to why the Town can't use it.

Supervisor Hotaling stated that it is not the Towns but rather the Villages and they have not chosen to share it.

Zoning Board Member Hafensteiner inquired as to if it was the Town that sold the Alcove Reservoir to the City of Albany.

Councilwoman Rogers stated that the Town had originally sold it to the City of Albany.

Planning Board Member Cumm interjected that the agreement was written naming the Village.

Supervisor Hotaling stated that there were two separate items, the Village purchased the Hannacroix Water Company in 1895 and the Hannacroix Water Company had water rights from the Deans Mill Company and they purchased those rights as well as the infrastructure. He added that in a separate negotiation with the City of Albany they negotiated an opportunity that if the Deans Mill site did not provide adequate water for the Village of Ravena, the City of Albany must give them up to 2 million gallons a day. He added that he does not know of any time that the City has provided even a gallon of water a day to the Village.

Councilman Conrad stated that the downfall with the water is that Lafarge had the opportunity to form a water district. He added that they pump over 3 million gallons a day of water out of the quarry and some of it is used in their operation but the rest of it is pumped to the river and most of it is relatively good water. He continued by saying that it would have behooved them to form a water district of their own and not have to buy water from the Village but they chose not to get involved.

Supervisor Hotaling interjected that it would be a water supply district of the Town of Coeymans but they chose to make a separate deal with the Village, paying money directly to the Village.

Tape End – No additional dialect.

A date for the next Comprehensive Plan Workshop was scheduled for 08-21-06 at 6:30pm.

## **ADJOURNMENT**

Time - 8:21pm

**Respectfully Submitted,**

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Public Hearing was held Monday, July 11, 2006, at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Laverne Conrad, Councilman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Joseph Rotello, Town Attorney  
Nicole Allen, Senior Planner, Laberge Group  
Anjali Malhotra, Planner, Laberge Group

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

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The following Notice appeared in the Ravena New Herald and was posted at various locations throughout the Town.

Supervisor Hotaling asked that Town Clerk Millious read the notice.

**NOTICE  
OF  
PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Coeymans will hold a Public Hearing on Tuesday, July 11, 2006, at 6:00PM, at the Town Hall, 18 Russell Avenue, Ravena, NY 12143 for the purpose of receiving comments from the public on the Draft Comprehensive Plan.

Copies of the Draft Comprehensive Plan are available for review by the public at the following locations:

Town Hall	RCS Community Library
18 Russell Avenue	15 Mountain Road
Ravena, NY 12143	Ravena, NY 12143

An electronic copy of the Draft Town Comprehensive Plan can be downloaded from the Town's website at <http://www.coeymans.org>

**By Order of the Town of Coeymans  
Coeymans Town Board  
Diane L. Millious  
Town Clerk**

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**SUPERVISOR'S OPENING COMMENTS**

Supervisor Hotaling stated that the meeting was originally scheduled to begin at 6:00pm but there was a delay due to some technical difficulties in getting the power point presentation ready to go.

Supervisor Hotaling thanked everyone for attending and continued by giving a background of the Comprehensive Plan process. He stated that they are approximately 14 months into the effort of developing a Comprehensive Plan for the Town of Coeymans

and the effort has taken many courses during this time, which included preliminary meetings with the Town Board, who remained responsible as the Committee in Charge of moving the process along and they selected Laberge Group and the Planning Unit is headed by Ben Syden, who is the Director of the project along with Nicole Allen, Senior Planner and various other staff members. He added that Laberge has engaged with the Town Board at several public meetings, which included visioning, meeting with the Business Association of Ravena/Coeymans to talk about economic development and added that it is all coming together now in a draft Comprehensive Plan for presentation. He concluded by saying that Ms. Allen gave a power point presentation to the Town Board and some members of the public at a previous Workshop and will be presenting it again so that they can again go over a summary of the process and at the conclusion members of the public can make comment. He concluded by saying that there is a sign-up sheet for anyone wishing to comment and added that the comments will be taken under advisement and made part of the record for the Comprehensive Plan project and added that the more input they have, the better the final product will be.

Supervisor Hotaling continued by introducing Ms. Nicole Allen, Senior Planner from Laberge.

Ms. Nicole Allen continued by introducing herself as a Senior Planner from Laberge Group as well as Anjali Malhotra, Planner, who will also take part in the presentation.

Ms. Allen continued by giving an outline of her presentation as follows:

- Presentation Outline
  - Overview of Planning Process to Date
  - Goals & Strategies for Coeymans
  - Technical Recommendations
  - Action Matrix
  - What's Next

Ms. Allen continued by stating that it is a Public Hearing and they will be taking public comments and added that it is not for debate. She continued by saying that they will be very receptive and responsive and take everything in and try to incorporate the comments and ideas into the Comprehensive Plan. She added that it is a very open process and the foundation for a good planning process is to incorporate public input early and often and it is done during the planning and development.

Ms. Allen and Ms. Malhotra continued by giving their presentation as outlined and then thanked everyone for attending. She added that it would now be open for public comments and reiterated that there will be no debate.

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## **SUPERVISOR'S COMMENT**

Supervisor Hotaling thanked Ms. Allen and added that it is a process that has gone on for several months and there are several actions yet to be considered and contemplated. He added that the Town of Coeymans in the past has taken itself to the edge of the cliff in terms of Comprehensive Planning in addition to a Local Waterfront Revitalization Program and a lot of work and effort was put into them, but there were never finalized. He continued by saying that in looking to the north and south of the Town of Coeymans you will see that there is a lot of development going on and added that the Town of Coeymans has not been blessed with the best 9W corridor, but there are things that they can do to encourage growth. He continued by saying that their effort is to take action to stage the Town in a position where they can make this happen in a right way and it is about the future of the area and if they can plant the seed from their perspective, future generations to come can watch the seed germinate into an area that everyone can be proud of and proud to be from and want to come back to live and raise their family. He concluded by saying that this is their goal and continued by thanking Laberge Group for assisting them through the process and added that he looks forward to working with them in the future on projects that will take them to the next level.

## **PUBLIC COMMENT**

Supervisor Hotaling stated that there is a sign-up sheet to comment and anyone wishing to make comment is required to sign-up. He then invited members of the public to comment.

Ms. Cynthia Kunz stated that she is from the Hamlet of Coeymans and added that she wanted to address land use and zoning strategies and under site plan review it states that site plan review should require that proposed commercial projects be designed. She added that one of the items that she was interested in is to maintain adequate green space and plantings and then suggested that the wording be much stronger than to maintain. She continued by saying that as a member of the Planning Board it would be helpful for them in doing a site review for commercial projects if it was more specific and suggested that an exact percentage of space must be green space.

Supervisor Hotaling inquired as to if she wanted a specific percentage put in the wording.

Ms. Allen stated that they could have something where it reads that landscaping or green space is required and insert a percentage in addition to strengthening the wording.

Supervisor Hotaling interjected that Councilman Conrad is currently reviewing the Site Plan Review Law.

Councilman Conrad stated that this is a generic way to accomplish the end result and in actuality the current zoning has a very limited section dealing with site plan review and it is very general and does not give much direction or guidance, which leaves a lot of room for interpretation. He added that Ms. Kunz's point is well taken and a site plan review stand-alone law is being recommended with stronger language.

Supervisor Hotaling thanked Ms. Kunz and continued by asking if there were any additional comments.

Ms. Linda Marshall stated that she lives in the northern part of the Town of Coeymans and added that there are five issues that she would like to address. She continued by saying that on page XXXVII (in the Executive Summary) there is reference to the proposed ANSWERS Landfill and added that she wants the reference to be expanded to indicate that it is the City of Albany Regional Landfill.

Supervisor Hotaling inquired as to if she wants the language specifically worded to say City of Albany Regional Landfill.

Ms. Marshall stated that if the landfill does not go in as the ANSWERS Consortium but is trying to go in as the City of Albany Landfill then it wouldn't be identified.

Ms. Allen inquired as to if she wanted it to be identified as one in the same.

Ms. Marshall agreed that this is what she would like.

Town Attorney Rotello stated that it should state any landfill and to eliminate ANSWERS altogether.

Ms. Allen stated that the City of Albany is actually listed in the document on page 76.

She added that on page XXXVIII (Executive Summary) she does not understand the paragraph where it states enforcement of the Town's land use regulations where it addresses the fee and penalties for non-compliance or various violations. She continued by saying that it is unclear to her where it addresses a garbage penalty of \$250.00 a day, while a junkyard offense results in a one time fee of \$250.00. She then inquired as to if it is written as such to show that there is a problem in the way that the existing law is read or is it written like that to say, "let's keep it this way."

Ms. Allen stated that her interpretation is that it is intended to examine the fee structure and maybe there needs to be a revised structure so that it is more equal throughout the process and added that if it is not clear, they can modify the text.

Councilman Conrad interjected that he wanted to emphasize it differently and continued by saying that there is clearly a difference between fines that are associated with zoning regulations vs. fines that are associated with New York State Building Code, of which property maintenance would be under that Building Code. He continued by saying that the Town has already adopted a fee structure that is equal to the State of New York under their Executive Law, which can be up to \$1,000.00 per day per violation and it is determined as to the severity of the violation and it would be determined by a court. He concluded by saying that the local zoning currently only has a flat fee structure of \$250.00 and added that this is something that too needs to be looked at and it is recommended that those fees also be changed.

Ms. Marshall continued by saying that there is reference made to a transfer station and added that she assumes that it means it would be on a brown field as opposed to a natural green open space.

Ms. Allen stated that it is something that the community can look into and added that a site has not been identified.

Ms. Marshall interjected that she wanted to make sure that a landfill does not sneak in as a transfer station and they need to be aware of that. She continued by saying that she did not see a map with the proposed zoning and then inquired as to if it is yet to come.

Ms. Allen stated that it is yet to come and that is what the next step is.

Ms. Marshall concluded by saying that she was offering her help and added that she can write quite well and would be willing to write for free if it would benefit the Town in any way.

Supervisor Hotaling thanked Ms. Marshall and continued by asking if there were any additional comments.

Ms. Sylvia Lawler stated that she is a resident of the Town of Coeymans and continued by asking if the entire Draft Comprehensive Plan is at the Ravena Library as well as being in Town Hall for people to review.

Supervisor Hotaling stated that there is a copy in the Library as well as in the Town Clerks Office.

Ms. Lawler stated that a Zoning Committee has been mentioned and inquired as to who is on it. She added that she had been to a meeting with the Zoning Board and Planning Board as well as Town Board being present.

Ms. Allen stated that this is the committee.

Ms. Lawler continued by saying that during the presentation Ms. Allen mentioned a lot of plan and policies and added that she believes that one of the best plans that they ever had, which was worked on for four years with meetings on a regular basis, was the Waterfront Revitalization Plan. She continued by saying that the document is complete and it would take very little revision and added that it was discussed at a prior meeting. She then asked Supervisor Hotaling if he had approached the Department of State regarding this.

Supervisor Hotaling stated that he had not and added that he wanted to get the Comprehensive Plan done first. He added that he believes that it would be worthy with the guidance of a consultant such as Laberge, to do this.

Ms. Lawler stated that so many of the things that they want to do are accomplished in a Waterfront Revitalization Plan and added that maybe they could fuse the two. She

continued by saying that at the same time that they are pushing for the Comprehensive Plan at they could push for the adoption of the Local Waterfront Revitalization Plan.

Supervisor Hotaling interjected that he was going to use the adoption of the Comprehensive Plan as a show to the Department of State that they are interested and serious about moving forward with the LWRP. He then asked Ms. Allen if there were any examples where the two documents were actually merged together.

Ms. Allen stated that there are usually two very separate documents and added that in the Comprehensive Plan the LWRP studies were identified as well as some funding opportunities.

Ms. Lawler stated that they would not have to reinvent the wheel with some of the regulations.

Supervisor Hotaling thanked Ms. Lawler and continued by asking if there was anyone else that wished to make a comment.

Ms. Danielle Marvelli stated that she wanted to make reference to the historic and waterfront area of Coeymans, in particular Main Street in Coeymans. She continued by saying that she does not know if it has been adopted in the Plan yet but one of her main concerns is safety. She added Main Street in Coeymans is a very historic area and on it is the only Post Office that Coeymans has ever known and an increase of businesses and development coming into the area has increased traffic flow tremendously. She continued by saying that the homes are approximately three to six-feet from the road and added that she would like to see a plan adopted in the form of nice sidewalks for people of the community to walk and making it safe by providing a rail or concrete that would protect pedestrians walking in addition to it offering better access to the waterfront area in the Town of Coeymans.

Supervisor Hotaling inquired as to if Ms. Marvelli is a resident of the Town of Coeymans.

Ms. Marvelli stated that she is not a resident but does own property on Main Street in Coeymans.

Ms. Allen stated that in the Comprehensive Plan under the transportation strategies, one of the identified strategies is establishing a Traffic Safety Committee, which would address those concerns.

Ms. Marvelli stated that it would be great because that particular area is highly traveled because of the Post Office.

Supervisor Hotaling stated that over the years previous Town Boards have had some issues regarding the same thing and parking at the Post Office has been a problem. He continued by saying that Main Street in Coeymans is a State Highway and they are not the only ones that have control of the activities in and around that area. He added that they have had recent discussions with DOT about providing parking where none currently exists because there is no rural delivery in the Hamlet of Coeymans, which means that everyone has to make a trip to the Post Office daily and in doing so they have become accustomed to parking in front, leaving their vehicle partially in the road, which has posed some concerns for the traffic flow as well as DOT in general. He concluded by saying that they are working with DOT to try to get an area on the west side of Rte. 143 across from the Post Office, identified as a couple of spaces where 10-15 minute parking will be provided, which will be out of the lane of traffic and an integral component would be to provide a crosswalk installed so that the people who park in those spaces has an opportunity to walk safely across the highway and traffic would have to yield to pedestrians.

Ms. Marvelli interjected that a great example of that in place and working is the Post Office in Bethlehem, where there is a yield sign placed in the road. She added that with

the Marina being in Coeymans, the volume of construction vehicles and it being a two-lane road, combining pedestrians is not an ideal situation.

Supervisor Hotaling stated that the Town Board agrees and they are trying to work with DOT to come up with the best solution that they can.

Councilman Conrad interjected that he believes that the State has had an on-going project that has been under review and scrutiny and it was suppose to address from the bridge in the Hamlet to the Greene County Line, which would include sidewalks, drainage and resurfacing of the road and it was scheduled to be done in 2002 but has been pushed off from year to year because of budgets. He concluded by saying that this would give a jump-start to the Revitalization Program and hopefully they will come up with some money to complete this.

Supervisor Hotaling stated that they have the money but the project continues to be pushed back, such as the Rte. 143 realignment project, which is now on the table to be done.

Supervisor Hotaling thanked Ms. Marvelli and continued by asking if there were any additional comments. Hearing none he asked if they should wait any longer for comment and asked the Town Board what they would like to do.

Collectively it was decided that there is no requirement for time and it had been open for an hour for comment.

Ms. Lawler inquired as to if there is still opportunity for written comment and added that there were not very many people in attendance. She continued by asking if there have been any written comments.

Ms. Allen and Supervisor Hotaling stated that they had not received written comments.

Supervisor Hotaling continued by saying that it was set forth through a Press Release put out approximately a month ago that provided an opportunity for written comment for the Draft Comprehensive Plan and added that the period ended on June 26<sup>th</sup>. He continued by saying that they identified a date for the Public Hearing and at the last Town Board Meeting they said that any written comments would be incorporated and permitted into the record.

Ms. Lawler interjected that she is surprised with only 7 people showing up for the Public Hearing when there were between 40-50 present at the Workshops in the on-going process.

Supervisor Hotaling stated that throughout the process they have tried to provide an opportunity for interaction at the public meetings in addition to the survey that was mailed to every resident, which was their response to someone telling the Town Board that they were not making an effort to reach people. He continued by saying that they enhanced their contractual relationship with Laberge and provided the funds to put the survey together and they have been told that there was a good response. He concluded by saying that it has also been available on the website and it has provided the opportunity for all those who are interested to really know what it is about and added that he is also shocked by the attendance but they are going to continue doing it in as public and open way as possible and written comments will be received through July 24<sup>th</sup> and they will be incorporated as though they were present at the Public Hearing.

Ms. Lawler inquired as to if Paul Panek could put this in an article for the Ledger.

Supervisor Hotaling stated that it appeared that he was writing the date down and added that his personal effort and the Board's collective effort has been to make sure at the end of the project no one comes up to them and say that they didn't know anything about the Comprehensive Plan because it has been in the Ledger and News Herald and there have been numerous meetings within the last 14 months relative to its development.

Supervisor Hotaling continued by saying that he would be displeased if this did happen and continued by encouraging participation. He continued by saying that at the next level, after the Comprehensive Plan is in place, they will explore zoning revisions and added that he anticipates that the seats will be more occupied when they talk about that.

Supervisor Hotaling stated that unless there are any other comments, he would ask for a motion to adjourn the Public Hearing.

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the Public Hearing.

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the meeting was adjourned at 7:10PM.

VOTE – AYES 5 – NAYS 0 – SO MOVED

*Respectfully Submitted,*

**APPROVED:**

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**Diane L. Millious, Town Clerk**

**A Town Board Meeting was held Monday, August 28, 2006, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Albert Deering, Highway Superintendent  
Joseph Rotello, Town Attorney  
Gregory Darlington, First Sergeant

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there is a full Town Board in addition to Town Clerk Millious, Town Attorney Rotello, Highway Superintendent Deering and First Sergeant Greg Darlington.

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**PRESENTATION – Albany County Department of Health**

Supervisor Hotaling stated that over the July 4<sup>th</sup> Holiday several people used the Town parks and in once instance at Joralemon Park, as reported by Town Clerk Millious, there were six deer ticks found on one child in addition to another family reporting the same. He added that he was concerned with the magnitude of the incidents and he felt that it was necessary to take some proactive steps to inform the public about how to identify and prevent deer tick bites that could lead to Lyme Disease. He continued by saying that he contacted the Department of Health and spoke with Ms. Terri Powers, Senior Public Health Educator, and she provided the Town with some information brochures that are handed out when people reserve the Town parks. He concluded by saying that in addition to that Ms. Powers offered her services to come to a Town Board Meeting and make a presentation and then introduced Ms. Powers.

Ms. Terry Powers, Senior Public Health Educator from the Department of Health introduced herself and thanked the Town Board for inviting her to do a presentation. She stated that ticks are active through most of the year and added that it is the time of year that the adults are active and present as much as a problem. She continued by saying that Lyme Disease is a bacterial infection caused by the bite of an infected deer tick and added that not all deer ticks are infected and not all ticks are deer ticks. She added that the disease was first discovered in Old Lyme Connecticut in 1975 and has been around ever since. She continued by saying that the problem with the disease is that it is difficult to diagnosis because it can mimic other things.

Ms. Powers continued by referencing a map, which showed where Lyme Disease has occurred and stated that the northeast is pretty saturated with cases. She added that there are several types of ticks that can transmit Lyme Disease but in this part of the country it is the deer tick and continued by saying that part of the reason for the scattered cases is because people have visited our area and then returned home and this is where the case was reported. She continued by saying that ticks travel on deer as well as some mice and birds and added that the deer population is very high so it presents an opportunity for spreading the deer tick from place to place. She added that the number of cases depends on the weather and ticks like wet rainy places.

Ms. Powers continued by showing a picture of a deer tick on an overhead projector and explained the part of the body that attaches to the skin. She added that deer ticks do not jump or fly and stated that they live on tall grass leaves and shrubs.

Supervisor Hotaling stated that he had recently read that there is a deer tick variety that seeks out humans.

Ms. Powers stated that there are approximately 35 types of ticks in the State of New York and added that there are only three that transmit any kind of disease. She continued by showing pictures of the three and added that the type that Supervisor Hotaling was referring to is the Lone Star Tick, which transmits ehrlichiosis and not Lyme Disease and continued by saying that it is not currently in our area. She added that there is an American Dog Tick, which is bigger than a deer tick and can transmit Rocky Mountain Spotted Fever.

Ms. Powers continued to show the different variety and sizes of ticks and an illustration of the lifecycle of a tick and explained the times of year that they become active. She added that deer ticks are active mid March through November and it needs to be lower than 35 degrees in order for a deer tick to become inactive. She continued by saying that anyone can get Lyme Disease and added that the disease cannot be transmitted unless it is attached to someone for over 36 hours and continued by saying that there is no vaccine for humans. She added that Lyme Disease cannot spread from one person to another and the transfer of bacteria from a pregnant woman to her fetus is very rare.

A member of the audience inquired as to if there is a difference between the human vs. canine infection.

Ms. Powers stated that she could not answer to that. She continued by saying that she has several handouts to pass along and added that the answer to this question might be addressed there. She then asked if there were any further questions before she continued, hearing none she added that a rash, resembling a bulls eye or solid circle of red, about 2 inches wide occurs in 60-80% of cases, which means that there are 20-40% who never get the rash and continued by showing pictures of the rash. She added that some of the early stages of Lyme Disease are chills, fever, flu-like and cold-like symptoms, headache, fatigue, stiff neck, and muscle and joint pain, which will occur within 7-10 days of getting bit and could happen within a month. She continued by saying that some of the severe symptoms are severe fatigue, stiff achy neck, tingling or numbness in the arms or legs, facial paralysis, severe headaches, painful arthritis, heart and central nervous system problems and added that the symptoms are different from person to person. She added that if you know that you have been bit, you should have a blood test and continue to watch for symptoms and in turn be put on antibiotics and continued by saying that it takes approximately a month to show up in a blood test. She continued by saying that the best thing to do to prevent Lyme Disease is to do a daily tick check of your body, specifically the warm moist areas such as the groin area, arm pit, etc. She added that the best thing to do outside is to keep your grass cut short and if you are walking in the woods stay on a trail in addition to wearing light colored clothing, closed shoes, long pants and a long sleeve shirt and continued by saying that you should not sit on the ground or on a stone wall and should keep long hair tied back, especially when gardening. She continued by saying that making a boundary with mulch between the yard and woods will create a barrier for the ticks to get over. She added that there is a certain way to remove a tick and it should not be varied and you should not use your bare hands but rather a tick remover or tweezers and be careful not to squeeze the body of the tick because this could increase the rate of infection. She continued by saying that you should not put alcohol, nail polish remover, Vaseline, a hot match or cigarette, on the tick and added that you should grab the tick with tweezers as close as possible to the skin and pull in an upward motion slowly and steadily.

Ms. Powers continued by saying that New York State has a tick identification service and if you send the tick to them they will be able to identify it as well as give an estimate as to how long it was attached.

Supervisor Hotaling inquired as to if there has been any data collected to determine the percentage of deer ticks that are affected.

Ms. Powers stated that she did not think so and added that it can possibly be found in one of the brochures. She concluded by saying that she would be leaving brochures and handouts with Supervisor Hotaling.

Supervisor Hotaling thanked Ms. Powers for her presentation and added that he hopes that it was helpful for those present as well as those watching at home.

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## **OVERVIEW OF AGENDA**

Supervisor Hotaling proceeded to give an overview of the agenda.

- Public Announcement
  - Assessor Office Hours
- Approval of Minutes
  - Town Board Workshop, June 20, 2006
  - Town Board Meeting, June 26, 2006
- Family Self-Sufficiency Program
- Supervisors Report – July 2006
- Department Report Review
  - Building Department Monthly Report – July 2006
  - Town Clerk Monthly Report – July 2006
- Old Business Update and Discussion
  - Highway Equipment Packages for 4x2 and 4x4 Trucks
  - Draft Financial Audit
  - Kruger Road Drainage Improvements
  - Ravena Rescue Squad
  - Disc Golf at Joralemon Park
  - Purchase contract for old Coeymans firehouse
- New Business Topics for Discussion and/or Action
  - Approval of Reimbursement for Travel and Lodging Expenses for Assistant Building Inspector
- Resolutions
  - Adoption of Agency Plan for 2006 for Section 8 Housing Choice Voucher Program
  - Appointment to Emergency Management Committee
  - Alcove Preservation Society
  - Amend Sewer Rent Warrant - Second Half
  - Amend Sewer Rent Roll
  - Approval of Abstract-August 2006
- Correspondence
  - Ravena Rescue Squad
  - Albany County Planning Board – Comprehensive Plan
  - NYS Department of Environmental Conservation – Annual Inspection of Waste Water Treatment Plant & Leachate
  - Office of the County Executive – Help America Vote Act
  - ADESTA Communications Bankruptcy
  - Office of Parks, Recreation & Historic Preservation – Snowmobile Grant
- Town Board Workshops/Meetings
  - Town Board Meeting, September 11, 2006 – 7:00pm
  - Town Board Workshop, September 12, 2006 – 6:00pm
  - Town Board, Planning Board, Zoning Board of Appeals Workshop September 16, 2006 -6:00PM
  - Town Board Workshop, September 19, 2006 – 6:00pm
  - Town Board Meeting, September 25, 2006 – 7:00pm
- Executive Session

- Miller, Mannix, Schachner & Hafner, LLC
- Staffing Issues

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**PUBLIC ANNOUNCEMENT**

**Assessor's Office Hours**

Supervisor Hotaling stated that from Sunday, September 17<sup>th</sup> through Wednesday, Sept. 20<sup>th</sup>, Assessor VanValkenburg will be attending the Annual Assessor's Conference and she will be posting notice that her hours on Monday, September 18<sup>th</sup> will be cancelled for the evening. He continued by saying that he had invited Assessor VanValkenburg to the meeting in order to give an update on the progress of the town-wide revaluation, which is ongoing. He continued by inviting Assessor VanValkenburg to comment.

Assessor VanValkenburg stated that she also had to cancel her Saturday, September 16<sup>th</sup> hours because she has to travel on this day. She continued by saying that things are progressing well with the revaluation project and they have gotten approximately 10% of the data mailers back and added that she encourages those that have changes and have not returned theirs to do so as quickly as possible. She added that they had a monthly status report last month and another is scheduled for September 12<sup>th</sup>, 8:30am at Town Hall with the State and the revaluation company working with the Town.

Supervisor Hotaling stated that the State monitors the project at every stage and the prior meeting was the initial meeting. He continued by saying that he encourages the Town Board to attend the upcoming meeting on September 12<sup>th</sup>.

Assessor VanValkenburg stated that they have been running a lot of edits on sales on subjects in an effort to keep them clean as it is important to have good sales because that is what is going to drive values on properties and added that there are digital photos on 99.9% of the properties within the Town. She continued by saying that the revaluation company will begin printing the sheets for field review and shortly thereafter they will begin field review.

Supervisor Hotaling inquired as to what point the data will be online and linked to the Town's website.

Assessor VanValkenburg stated that it will not be done until field review, which will be around November and the data will include assessment information along with a digital photo of every property.

Supervisor Hotaling stated that it is consistent with the effort to keep the process as open as possible in making the information available for everyone to see. He continued by thanking Assessor VanValkenburg and moved to the next agenda item.

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**PUBLIC COMMENT PERIOD**

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

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**APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were two sets of minutes for Town Board approval, a Town Board Workshop on June 20, 2006 and a Town Board Meeting on June 26, 2006. He continued by asking if the members of the Board had the opportunity to review them.

Councilwoman Chmielewski stated that she had not had the opportunity to review the minutes because she was on vacation.

Supervisor Hotaling stated that in light of that he would recommend that they table the minutes.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, the Town Board Minutes were tabled until the next meeting.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling interjected that he wanted to note that he had received an e-mail that expressed some concern over the lack of minutes being available on the Town’s website and added that he wanted to remind the public that during June, July and August there is one regular Town Board Meeting. He continued by saying that the minutes for June were given to the Town Board and before they can be posted on the website they have to be reviewed and approved and added that they are not being withheld for any untoward purpose and will be on the website as quickly as possible.

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**SECTION 8 FAMILY SELF-SUFFICIENCY PROGRAM**

Supervisor Hotaling stated that there was a Public Hearing for Section 8 HUD and Mr. Mastrianni made mention of the Family Self-Sufficiency Program in which the Town Board had chosen not to continue for 2006-2007. He continued by saying that there still are some participants in the program and added that they started out with 23 participants in the program in January 2006 and there are currently 9 participants, and added that this is a result of weaning the program.

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**SUPERVISOR’S REPORT**

Supervisor Hotaling presented his report for July 2006.

<b>FUND</b>	<b>BAL. FWD.</b>	<b>RECEIPTS</b>	<b>DISBURSE.</b>	<b>BALANCE</b>
<b>General</b>	<b>\$ 371,909.79</b>	<b>\$ 50,814.59</b>	<b>\$ 210,743.40</b>	<b>\$ 211,980.98</b>
<b>Part-Town</b>	<b>\$ 31,357.50</b>	<b>\$ 331,057.45</b>	<b>\$ 35,175.87</b>	<b>\$ 327,239.08</b>
<b>Spec. Water</b>	<b>\$ 47,102.78</b>	<b>\$ 343.52</b>	<b>\$</b>	<b>\$ 47,446.30</b>
<b>Highway</b>	<b>\$ 426,262.22</b>	<b>\$ 120,919.51</b>	<b>\$ 149,043.15</b>	<b>\$ 398,138.58</b>
<b>Bridge Const.</b>	<b>\$ 53,128.02</b>	<b>\$ 1,299.89</b>	<b>\$ 17,144.40</b>	<b>\$ 37,283.51</b>
<b>Sewer</b>	<b>\$ 211,534.91</b>	<b>\$ 37,210.16</b>	<b>\$ 16,387.88</b>	<b>\$ 232,357.19</b>
<b>Sewer Cap Proj.</b>	<b>\$ 268,390.18</b>	<b>\$ 63,185.85</b>	<b>\$ 108,087.22</b>	<b>\$ 223,488.81</b>
			<b>Total Rec. Bal.</b>	<b>\$1,477,934.45</b>

<b>CD CITIZENS BANK</b>	<b>A FUND</b>	<b>\$ 200,000.00</b>
<b>90 DAYS</b>	<b>A FUND</b>	<b>\$ 107,346.00</b>
<b>30 DAYS</b>	<b>A FUND</b>	<b>\$1,300,000.00</b>
<b>90 DAYS</b>	<b>HIGHWAY-DA</b>	<b>\$ 100,000.00</b>

**SAVINGS ACCOUNTS**

UNEMPLOYMENT	\$ 3,116.35
GROVE CEMETERY	\$ 56,217.35
SEWER-DEDICATED	<u>\$ 6,133.42</u>
TOTAL	\$ 65,467.12

**SECTION 8 - HUD**

OCCUPIED UNITS	58
HUD PAYMENTS	\$21,971.00
ADMIN. FEE	\$ 80.10
TOTAL HUD PMT.	\$22,763.10
TENANT RENT	\$15,361.00
CONTRACT RENT	\$37,332.00

**COLLATERAL  
COVERAGE**

**FDIC COVERAGE**

**COLLATERALIZED**

National Bank of Coxsackie	\$100,000.00	\$1,723,450.33
Citizens Bank	\$100,000.00	\$ 1,757,675.24
First Niagara	\$100,000.00	\$ 517,539.50

Supervisor Hotaling asked for a motion to accept the July, 2006 Supervisor’s Report.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Chmielewski, the July 2006 Supervisor’s Report was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilwoman Chmielewski stated that the Part-Town receipts are sales tax money and added that the budget has been satisfied.

Supervisor Hotaling stated that the budget for 2006 Part-Town called for an amount of sales tax revenue to satisfy that budget and added that there were no taxes raised in the Part-Town account.

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**DEPARTMENT REPORT REVIEW**

**Building Department – July 2006**

Supervisor Hotaling asked that Councilman Conrad give a summary of the Building Department report for July 2006.

Councilman Conrad continued by giving a summary of the report.

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, the Building Department Monthly Report for July 2006 was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**Police Department – July 2006**

Supervisor Hotaling asked First Sergeant Darlington to give the Police Department Monthly Report for July 2006.

First Sergeant Darlington continued by giving the report.

Supervisor Hotaling asked for a motion to approve the report.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the Police Department Monthly Report for July 2006 was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

First Sergeant Darlington reported that he had also submitted a memorandum with his report and continued by saying that it outlines some of the cost savings that the Police Department has achieved as well as some of the accomplishments since the departure of the previous Police Chief. He continued by saying that there was a reorganization of some staff in lieu of hiring additional staff to save some positions.

Supervisor Hotaling stated that this was the result of Council 82 contract negotiations where they had made some agreements and in turn there were some resolutions announcing some consolidations and elimination of some positions.

First Sergeant Darlington continued by saying that he had reviewed some of the department's expenditures and had discovered that there were five cell phones of which only one of them was being used and in turn he cancelled them, which resulted in a savings of \$143.00 a month. He added that they had also changed to a different vendor for the installation of equipment on the new police cars, which resulted in a savings of over \$200.00 and continued by saying that they had also saved over \$2,000.00 in labor hours in having a town mechanic service the police cars.

Supervisor Hotaling interjected that the work done by the town mechanic was for routine maintenance and fairly noninvasive repair, which would include brakes.

First Sergeant Darlington added that the mechanic had also done front-end work when they had ball joint problems on the Durango and continued by saying that they have noticed a substantial difference in cost for parts.

Supervisor Hotaling stated that this is not to say that the local mechanics are not running a legitimate business and added that they are trying to maximize the use of the town's staff in order to hold down the cost to the taxpayers.

## **Town Clerk – July 2006**

Supervisor Hotaling asked that Town Clerk Millious give the Town Clerk's Monthly Report for July 2006.

Town Clerk Millious continued by giving the report.

Supervisor Hotaling asked for a motion to approve the report.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, the Town Clerk's Monthly Report for July 2006 was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that a few months ago there was an incident relative to an injured dog, which caused them to look at some policies not only from dog control perspective but also the interaction between the dog control/police and the Town Clerk's Office and continued by asking if there have been any benefits as a result of this.

First Sergeant Darlington stated that the actual changes have not fully taken effect because they were waiting for information from Agriculture and Markets as to the exact requirements between the duties of the shelter and the Town Clerk's Office. He continued by saying that he had now received the information and he is going to meet with the Animal Control Officers and come up with how they can do it efficiently without a communications breakdown.

Supervisor Hotaling stated that in turn there will be interface with Town Clerk Millious and for those in the field, they will have up to date database for tracking down the owner of an injured dog.

First Sergeant Darlington stated that the Animal Control Officers as well as Police Officers have this if it happens after hours.

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## **OLD BUSINESS**

### **Highway Equipment Packages for 4X2 and 4X4 Trucks**

Supervisor Hotaling stated that he was not present for the August 22<sup>nd</sup> Workshop and added that he understood that there were discussions relative to the acquisition of the bodies for the two highway trucks. He continued by saying that there is an on-going effort to put together some generic specs for that.

Councilman Conrad interjected that upon receipt of this and approval by the Highway Superintendent he would like to ask the Town Board to give Highway Superintendent Deering permission to advertise for bids.

Supervisor Hotaling asked Highway Superintendent Deering if this would be acceptable to him and continued by asking for a motion to do this.

## **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, authorizing Highway Superintendent Deering to advertise for bids upon receipt of the generic specs.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that Councilman Conrad will provide the generic specs as soon as possible and upon Highway Superintendent review and approval he will advertise for bids.

### **Draft Financial Audit**

Supervisor Hotaling stated that there was a financial audit conducted by Marvin & Company and in turn a letter was sent to him from Mr. Purintan, which addressed some concerns. He added that he had asked that the Town Board review this so that they could start to look at the issues and address them with Mr. Purintan. He continued by saying that Mr. Purintan had provided balance sheets for the fiscal year ending 2005 and had also agreed to attend a Special Town Board Workshop on September 12<sup>th</sup> at 6pm to go over the balance sheets and the Town Board's responses to the eight issues that he had addressed. He added that he had a discussion with Mr. Purintan earlier in the day and stated that he had believed that the first and last concerns outlined had been addressed and handled with the remainder of the issues currently being worked on. He concluded by saying that they are in a position to take the draft audit to the next level on September 12<sup>th</sup>.

### **Kruger Road Drainage Improvements**

Supervisor Hotaling stated that he is in receipt of a memorandum from Town Attorney Rotello dated August 21<sup>st</sup> regarding the Kruger Road drainage improvements. He added that Boswell Engineering did some work for Highway Superintendent Deering and they had put together a plan for taking care of the problem. He continued by saying that they have a DEC permit to do the work and it goes until August 2007 and added that Town Attorney Rotello had advised that Highway Superintendent Deering would require authorization from the Town Board as well as the County to enter upon any private lands for the purpose of making this improvement. He then asked Highway Superintendent Deering if he had obtained permission from the County.

Town Attorney Rotello stated that he had spoken to Mike Franchini from the County and he had advised that they would come down and provide them with all of the information and the County's engineer would make the determination and then issue that directive. He continued by inquiring as to if in the event that the County does issue the directive, would the Town Board be in support of giving the secondary authorization to allow Highway Superintendent Deering to make the entry.

Supervisor Hotaling inquired as to if Town Attorney Rotello believed that the review and potential authorization at the county level would occur prior to September 11<sup>th</sup>, which would be the next Town Board Meeting.

Town Attorney Rotello stated that he didn't believe so.

Supervisor Hotaling inquired as to if the Town Board should wait until the County acts.

Town Attorney Rotello stated that they should and this was only for discussion to say that there is an issue that Highway Superintendent had identified off Kruger Road and he had indicated that some time ago the Town had put in a culvert under a private driveway and the hope is that the drainage improvements would alleviate and eliminate some of the flooding.

Supervisor Hotaling inquired as to if given the usual delays at the County level and the Town's review, if there will be sufficient time to do it this year.

Town Attorney Rotello stated that he hoped so.

Highway Superintendent Deering stated that the permit indicates that they have a year to do the work.

Supervisor Hotaling stated that the residents of Kruger Road want it done as soon as possible and added that he was wondering if there would be enough time to do it before the snow falls.

Town Attorney Rotello stated that it would hinge on the County getting down there and Mr. Franchini indicated that he would get right on the review and added that the property owners would receive notice as to when the work will take place.

Supervisor Hotaling asked if there were any additional comments.

Councilman Conrad inquired as to if there would be any realignment of the drainage along the end of the driveways so it is more in line with the road.

Highway Superintendent Deering stated that there is not a lot of realignment and added that the stream itself is going to be 10 feet wide in that area and added that a bigger pipe will be installed.

Councilman Conrad stated that in most instances culvert pipes are in the Town's right-of-ways and he was hoping that they would be able to get them in the Town's right-of-ways so that they could maintain them without all of the trouble and expense in the future.

Supervisor Hotaling added that he was making note that they are awaiting Mr. Franchini's review and authorization.

### **Ravena Rescue Squad**

Supervisor Hotaling stated that Councilman Boehm had asked that the Ravena Rescue Squad be placed on the agenda.

Councilman Boehm interjected that he wanted this to be placed on the Workshop agenda for September 19<sup>th</sup> for the purpose of discussing the proposed contract that the Rescue Squad had sent in addition to the Board giving an update on the current status of the Rescue Squad.

Supervisor Hotaling inquired as to if they had gotten something else in addition to the proposed contract.

Councilman Boehm stated that they were also going to send an update on calls in the form of a monthly report.

Supervisor Hotaling stated that to his knowledge the Rescue Squad had not provided any monthly reports.

Town Attorney Rotello stated that it is in correspondence.

Supervisor Hotaling stated that it is a quarterly report for ALS payment.

Town Attorney Rotello stated that it lists ALS calls.

Councilman Boehm stated that there is a monthly report for calls in the Police Department Monthly Report.

Councilman Conrad stated that they had originally established it in the Police Department so they could track location of the calls. He added that they tried to create a district line so they could see where the calls were coming from and what areas they were predominant and creating a bigger need. He continued by saying that Coeymans Hollow had the least amount with approximately 10% of the calls and the Village had approximately 50% of the calls and added that this has given them a handle in seeing where the needs are.

Councilwoman Chmielewski inquired as to why the Town would want a monthly report from them when the Town does not expend any funds to them.

Councilman Conrad stated that the Town will be expending funds to them.

Councilwoman Chmielewski interjected that they have not to this point and when they do it will be a different story and added that at this point they should not be asking for a report from them.

Councilman Conrad stated that the report that they have been getting from the Police Department has sufficed for now and added that there have been continued discussions regarding a contract and there has been some progress. He added that a proposed contract has been sent to the Town Board and continued by saying that they need follow-up and refine what their needs are and concluded by saying that hopefully they will get something in place.

Supervisor Hotaling stated that as requested by Councilman Boehm this would be placed on the agenda for the Workshop on September 19<sup>th</sup>.

### **Disc Golf at Joralemon Park**

Supervisor Hotaling stated that prior to the summer months, Mr. Rounds had come to a Town Board meeting and gave a demonstration of Disc Golf, and in turn he asked the Town Board's permission to install 9 baskets at Joralemon Park, which was granted. He continued by saying that Mr. Rounds is now requesting permission to install 9 more baskets at Joralemon Park on the trail side of the road, which would be the eastside of the park.

Mr. Rounds stated that he has been approached about having baskets on the trail side of the road and added that this is why he is making the request.

Supervisor Hotaling stated that his concern is that it was designed to be a trail and added that he does not know if it would be conducive to have nine baskets in a trail atmosphere especially in light of the tick presentation.

Councilman Boehm interjected that it is heavily wooded and added that he can't imagine throwing a disc in there.

Mr. Rounds stated that they like it heavily wooded because it is much more challenging as opposed to playing in an open area.

Councilman Boehm inquired as to if there are discs left at the baskets for people to use.

Mr. Rounds stated that they leave the discs and there are approximately a dozen players that play locally.

Councilman Boehm inquired as to if the baskets would be on the trails.

Mr. Rounds stated that he would design it on a flat spot off the trails and added that he would not design anything that would be a blind spot for anyone coming in the opposite direction.

Councilman Boehm inquired as to if there has been any vandalism.

Mr. Rounds stated that there has not been and they try to set an example for other in picking up trash and things of that nature.

Supervisor Hotaling stated that Councilwoman Chmielewski has been on the trail and continued by asking her how she felt about it.

Councilwoman Chmielewski stated that she first believed that it would be on the trail and added that Mr. Rounds had indicated that it would be off the trail.

Mr. Rounds stated that there are openings here and there that would keep it off the trail.

Supervisor Hotaling stated that there are people who have commented on the pristine and unusual growth that is in Joralemon Park not found in other areas of the country and continued by inquiring as to if this might have a negative impact in trampling down some of the frail and rare ferns and flowers.

Mr. Rounds stated that it would be possible.

Councilwoman Chmielewski stated that they are beautiful and she was shocked by the many different varieties.

Mr. Rounds stated that they are coexisting with the nine baskets that are currently out there.

Councilwoman Chmielewski interjected that the existing baskets are not near the ferns and flowers and added that the new ones would be.

Supervisor Hotaling inquired as to if there might be another area on the west side for nine more baskets that might be more challenging.

Mr. Rounds stated that they could run nine more on the edge of the woods and added that he did not know what the future plans might be for soccer fields.

Councilwoman Chmielewski stated that there is also an area on the west side by the creek that also has many ferns and flowers.

Supervisor Hotaling stated that it is a concern for some people and he does not want to be cognizant of those people that are concerned. He continued by asking the Town Board how they felt.

Councilman Boehm stated that he thinks that it is a great idea and added that he does not believe that it will have an environmental impact on the ferns and flowers or endanger the

people that use the trails. He added that they would not be permanent and continued by saying that they could be removed if it was a problem.

Councilwoman Chmielewski interjected that she does not think that Mr. Rounds would put a basket in the middle of ferns or flowers.

Mr. Rounds stated that he has designed courses and he is very conscious of safety and protecting the environment.

Supervisor Hotaling suggested that they give him the authority to do it for the balance of this year and see how it goes.

Mr. Rounds inquired as to if there is any maintenance work is being done on that side of the road.

Supervisor Hotaling stated that the last time work was done was when GE Community Day occurred last year. He added that the trails were spruced up and continued by saying that the Highway Department had helped and then asked Highway Superintendent Deering what they had done.

Highway Superintendent Deering stated that his crew brought some wood chips in and lined the trail.

Mr. Rounds stated that he would have to clear out dead trees and trim low limbs in order to clear out an area for a basket.

Supervisor Hotaling asked that Mr. Rounds keep them informed of what he does and added that he will send a member of the Utility Labor Force to check it out.

Mr. Rounds stated that there are dead cedar trees in the park that have been x'd out and then asked if there was a contract with someone to have them removed.

Supervisor Hotaling stated that this was done prior to him taking office and added that someone else had inquired about removing and taking the trees. He added that Town Attorney Rotello had checked into this and advised that it would be his opinion as well as the Association of Towns that it would be inappropriate to do because it is the property of Town of Coeymans' taxpayers.

Mr. Rounds stated that a fellow local disc golf player is a remodeler and he had said that he would cut down the trees and make benches to put around the course.

Supervisor Hotaling stated that this would be different than someone taking them down and taking them away. He added that he would be taking them down and making a use for them within the park and continued by saying that they would discuss it with Town Attorney Rotello and get back to him.

Mr. Rounds stated that this would require chainsaws and the person doing this has experience and added that they would release any liability to the Town if they were allowed to do that.

Supervisor Hotaling asked that Town Attorney look into this.

Mr. Rounds continued by asking permission to weed whack around the existing trails to make an area for the baskets.

Supervisor Hotaling stated that it would be appropriate for existing trails.

Councilman Boehm inquired as to if there is a map of the existing baskets.

Mr. Rounds stated that is going to be making a large map of the location of each basket and the distance between them.

Supervisor Hotaling suggested that when it is done they can put the map on the Town's website. He concluded by thanking Mr. Rounds for his time.

**Purchase Contract for Coeymans Firehouse**

Supervisor Hotaling stated that he has a revised contract for the purchase of the Coeymans Firehouse and added that Councilwoman Chmielewski had suggested some minor wording adjustments. He continued by saying that one of the suggestions was rather than describing it as a Highway Garage to call it an Equipment Garage. He added that Town Attorney Rotello was also looking into whether or not the Coeymans Fire Company had to go to referendum and their Attorney Mr. Neri was going to look into it. He then asked Town Attorney Rotello if he had done this.

Town Attorney Rotello stated that the last he had spoke with Mr. Neri he was going to seek an opinion of the State Comptroller's Office because General Municipal Law Section 72-H appears to be clear that an exchange between municipalities would not require a referendum but there have been three different answers that have come from the Association of Fire Districts on that topic and in turn he had suggested that a written request to the Comptroller's Office would be appropriate.

Supervisor Hotaling asked Town Attorney Rotello if he sees any pitfalls in executing the Town's part of the contract.

Town Attorney Rotello stated that it would be a question as to if a referendum would be required and if so there would be a slight delay.

Councilwoman Chmielewski inquired as to who had made the request to the State Comptroller.

Town Attorney Rotello stated that Mr. Neri was requesting it and he did not know of the status at this point.

Supervisor Hotaling interjected that they can move ahead with it as soon as some of the wording is resolved and in turn Town Attorney Rotello will take a look at it.

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**NEW BUSINESS**

**Approval of Reimbursement for Travel and Lodging**

Supervisor Hotaling stated that there is a request for training reimbursement from Mr. Cashin, Building Inspector, on behalf of Assistant Building Inspector DeBacco. He continued by saying that there are some tolls and mileage and added that the Village of Ravenna is picking up the \$25.00 registration fee for the seminar and in previous years the Town of Coeymans has approved similar requests. He added that it is before the Town Board to consider and continued by asking if the Town Board had any thoughts about it.

Councilwoman Chmielewski stated that they passed something similar last year for him and added that she does not have a problem with it.

Supervisor Hotaling stated that he would take that as a form of a motion and asked for a second.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Conrad, approving reimbursement for tolls and mileage for Assistant Building Inspector DeBacco.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**VFW Contract for Services**

Supervisor Hotaling stated that this item was not on the agenda and he had added it and continued by saying that he had a meeting earlier in the day with Mr. Michael Albano, Commander of VFW Post 9594. He continued by saying that in the past the Town has given funds to the VFW, American Legion, Alcove Preservation Society, etc. and added that based on the last Comptroller’s Audit it was made evident that those kinds of arrangements without a contract are inappropriate. He added that he had received a request from Mr. Albano, in the form of a voucher for \$800.00 for reimbursement for flags provided by the VFW and continued by saying that he had informed Mr. Albano that it would not be approved unless or until a contractual arrangement could be reached with the VFW. He continued by saying that there were some concerns that the VFW had relative to the Town Board’s support for veteran services and added that he had met with Mr. Albano and explained the Town’s position that the VFW could be reimbursed in a contractual way for veteran’s services that are provided to the Town. He added by saying that the Town Board is familiar with the one-page contract in exchange for services or compensation that was recently executed with the Senior Projects of Ravenna and he hopes that they will be executing it with the American Legion and Alcove Preservation Society and continued by saying that until this happens there cannot be any expenditure of town funds to any organization of that kind. He continued by saying that he was going to present a proposed contract to the Town Board which will provide for the coordination of veteran services for Memorial Day, Veterans Day, Flag Day and other special events in addition to providing to any member of the community any supplies such as hospital beds, walkers, commodes, canes, wheel chairs, etc. to anyone in need that does not have their own means to acquire them as well as providing in times of need any emergency housing and shelter in the event of a natural disaster. He concluded by saying that these are needs that the Town of Coeymans can expect to receive and he is proposing to enter into a contract with the VFW in the amount of \$800.00 on an annual basis for those services and added that he has received the agreement from Mr. Albano with his signature affixed.

Supervisor Hotaling asked for permission for consideration and approval of the contract either by motion or resolution.

**MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, authorizing Supervisor Ronald K. Hotaling, Jr. to enter into a contractual agreement with the VFW for \$800.00 for providing services to the Town.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that he was affixing his signature on the contract and will be providing a copy to Mr. Albano and added that he will be asking for a voucher to be rendered based on the contract, which will be in effect for one year until 8/27/07.

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**RESOLUTIONS**

**RES. #103-06 ADOPT ANNUAL PLAN FOR SECTION 8 HOUSING CHOICE VOUCHER PROGRAM**

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

**WHEREAS**, the Town of Coeymans operates a Section 8 Housing Choice Voucher Program funded by the U.S. Department of Housing and Urban Development, and

**WHEREAS**, the Town of Coeymans is required by the U.S. Department of Housing and Urban Development to prepare and adopt a written Annual Plan that establishes local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and

**WHEREAS**, the Town Board of the Town of Coeymans has caused a written Annual Plan for 2006 to be prepared establishing local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and has reviewed such written plan,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby adopts the Annual Plan for 2006 for operation of the Town of Coeymans Section 8 Housing Choice Voucher Program.

**RES. #104-06 APPOINT MEMBER OF EMERGENCY MANAGEMENT COMMITTEE**

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

**WHEREAS**, the Town Board established an Emergency Management Committee to implement the Emergency Management Plan in the event of extreme circumstances resulting in the disruption of the normal every day routine of our specific geographic area, and

**WHEREAS**, the Village of Ravena has a Civil Defense Director whose purpose is to coordinate certain emergency protocols.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans, does hereby appoint John (Jack) Bailey, in his capacity as Civil Defense Director for the Village of Ravena to the Emergency Management Committee in a non-voting capacity.

**RES. #105-06 WAIVE FEE FOR ALCOVE PRESERVATION ASSOCIATION**

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

**WHEREAS**, the Alcove Preservation Association is developing the former Valley Paper Mill historic site know as Chimney Top into a passive park, and

**WHEREAS**, the Alcove Preservation Association is desirous of erecting a sign at the site advising passersby of such development, and

**WHEREAS**, the Association has requested the Town Board waive the fees associated with the permitting process.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby waive the payment of such fees by the Alcove Preservation Association for the development of this park.

**RES. #106-06 AMEND SEWER WARRANT FOR SECOND HALF BILLING**

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

**WHEREAS**, the Town Board of the Town of Coeymans has approved the total warrant for the 2006 Sewer Rents second billing in the amount of \$87,036.04, and

**WHEREAS**, the said Sewer Rent billing for Thomas and Lois Williams was for a parcel of vacant land at the rate of \$62.00, and

**WHEREAS**, on November 11, 2005, Thomas and Lois Williams was for a parcel of vacant land at the rate of \$62.00, and

**WHEREAS**, the above mentioned parcels were merged into one parcel on the 2006 Assessment Roll as tax map #168.12-1-52.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby amend the second half of the Sewer Rent Warrant to reflect the new total to be collected as \$87,242.74.

**RES. #107-06 AMEND SEWER WARRANT**

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

**WHEREAS**, the Town Board of the Town of Coeymans has previously approved the total warrant for the 2006 Sewer Rent billing in the amount of \$174,340.78, and

**WHEREAS**, the said Sewer Rent billing for George and Kelly McHugh was for a vacant parcel of land in the amount of \$124.00, and

**WHEREAS**, said parcel tax map #138.2-24.1 was erroneously listed on the Sewer Rent Roll as a parcel located in the Town of Coeymans Sewer District, and

**WHEREAS**, the parcel has been found to be located in the Village of Ravena,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby amend the Sewer Rent Roll to reflect this amendment.

**RES. #108-06 APPROVE AUGUST 2006 ABSTRACT**

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

**August 2006**

<b>ABSTRACT</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	1248-1273	\$190,235.46
General	1327-1390	\$165,953.19
	<b>General Total</b>	<b>\$356,188.65</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	1274-1291	\$ 32,394.05
Part-Town	1391-1404	\$ 2,135.62
	<b>Part Town Total</b>	<b>\$ 34,529.67</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	1292-1303	\$ 33,156.90
Highway	1405-1447	\$ 11,108.83
	<b>Highway Total</b>	<b>\$ 44,265.73</b>
<b>SEWER (SS)</b>		
Pre-Pay Sewer	1304-1316	\$ 9,564.72
Sewer	1448-1464	\$ 17,282.42
	<b>Sewer Total</b>	<b>\$ 26,847.14</b>
<b>GROVE CEM. (TE)</b>		
Pre-Pay Grove Cemetery	1317-1318	\$ 215.23
	<b>Grove Total</b>	<b>\$ 215.23</b>
<b>CAPITAL PROJECTS (H)</b>		

Pre-Pay Capital Projects	1319	\$ 37,582.61
Capital Projects	1465-1466	\$ 2,054.01
	<b>Capital Projects Total</b>	<b>\$ 39,636.62</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$501,683.04</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	1320-1326	\$217,746.38
	<b>Trust &amp; Agency. Total</b>	<b>\$217,746.38</b>

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**CORRESPONDENCE**

**Ravena Rescue Squad – Revenue for ALS**

Supervisor Hotaling stated that he had received from Ravena Rescue Squad quarterly payment in the amount of \$5,285.63 for the 49 ALS calls from 04/01/06-06/30/06 and added that there was a calculation included with the document.

Councilman Conrad interjected that the calculation shows that there were 53 ALS calls.

**Albany County Planning Board – Official Notice of Local Action**

Supervisor Hotaling stated that the Albany County Planning Board had responded to the submission of the Town’s Comprehensive Plan, which states that there were no significant countywide or intermunicipal impacts found. He continued by saying that this was the Town’s green light to move ahead with the approval of the Comprehensive Plan and added that in speaking with Mr. Syden from Laberge he was advised that before approval there has to be a SEQUR Public Hearing and the Town Clerk must provide Legal Notice and it must be published at least 10 days prior to the Hearing. He concluded by suggesting that they have the SEQUR Public Hearing on 09-11-06 at 6:30pm with approval of the plan at the following Town Board Meeting and proceeded to make a motion.

**MOTION**

On motion of Supervisor Hotaling, seconded by Council, authorizing Town Clerk Millious to advertise a Legal Notice for a SEQUR Public Hearing on the Town of Coeymans Comprehensive Plan to occur on September 11, 2006 at 6:30pm at Town Hall, 18 Russell Avenue, Ravena, NY.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that he has the suggested advertisement and then asked that Town Clerk Millious meet with him in the morning in an effort to get it in the local paper. He added that he would speak with Mr. Syden about when they can anticipate potential approval of the Comprehensive Plan.

**NYS Department of Environmental Conservation – WWTP & Leachate Inspection**

Supervisor Hotaling stated that he was in receipt of the annual inspection of the Waste Water Treatment and Leachate facilities from DEC, which occurred on July 26<sup>th</sup>. He continued by saying that the letter makes some suggestions, which he had presented in a memo to Chief Operator Breedlove and it outlined what he wanted him to do to respond to addressing items such as funding for the repairs needed for the backup clarifiers, influent trough, primary clarifier, screw for the grip removal system and the extension for the sludge judge. He added that he had stated in the memo that specific funding requests should include supporting data as to the validity in addition to asking that he take steps to redirect the roof gutters to a more appropriate location and perform the necessary

investigation to determine if the lagoon manholes are connected to the Waste Water Treatment Plant and to reaffirm the cost of and plan for the installation of a larger sludge digester. He concluded by saying that the information requested was due no later than September 5<sup>th</sup> from Mr. Breedlove and to date he had not received anything.

Supervisor Hotaling asked Councilman Conrad if he had discussion with Mr. Breedlove about the requested information.

Councilman Conrad stated that there have been some discussions about some of the items and more items were added to the list. He added that they had talked about the need to meet with C.T. Male about fixes for the primary clarifiers.

Supervisor Hotaling interjected that they should keep in mind the timeline with respect to the budget and added that he wants to respond to the inspection and he needs budgetary input for his purposes for the 2007 budget as to the cost associated with the inspection fixes.

### **Office of County Executive – HAVA Act**

Supervisor Hotaling stated that he was in receipt of a letter from the Office of the County Executive and added that it suggests that in 2007 he should consider the amount of \$42,638.00 for elections and added that this is the same amount that was put in for 2006 and to date they have not spent any of it. He continued by saying that there have not been any final decisions as far as what is happening.

Town Clerk Millious stated that she went to a meeting hosted by the Board of Elections and was advised that the County is going to pay for everything, which includes the custodians and inspectors.

Supervisor Hotaling inquired as to if it is anticipated that a bill will then be created and sent to the Town.

Town Clerk Millious stated that she did not know at this point and they may feel that some of the money budgeted for last year may be used this year by November. She added that there will be one machine with handicapped accessibility and it will be at the Board of Elections in Albany.

Councilman Conrad stated that he had spoken with Town Clerk Millious earlier in the day about handicapped accessibility and the fact that the Board of Elections has mandated that each polling place has to meet their specifications. He continued by saying that for the amount that the County is charging they should provide the places.

Councilwoman Chmielewski stated that she had heard that the County would be providing one handicapped machine for each Town at one polling place.

Town Clerk Millious stated that this was the original plan and added that the County has only purchased one machine, which will be at Board of Elections. She continued by saying that all of the polling places within the Town are handicapped accessible.

Councilwoman Chmielewski interjected that it would be impossible for them to have only one machine for all handicapped individuals because of the different districts.

Councilman Conrad stated that there is also an estimated charge-back based on full taxable value and added that the Town is currently doing a revaluation, which will increase the amount substantially.

Councilwoman Chmielewski interjected that small towns can run all of their elections for much less than the County is charging.

Town Clerk Millious stated that the Board of Elections wanted a detailed expense list for 2005.

Councilwoman Rogers inquired as to if there was any mention as to what machines the Village and School would be using.

Councilman Conrad stated that the County owns the machines.

Town Clerk Millious stated that she will be hosting a Town Clerk's Luncheon and the Board of Elections Commissioners will be attending.

Councilwoman Chmielewski interjected that she is sure that the County will be sending a bill once the elections are over in November.

Supervisor Hotaling stated that they would keep the public informed as to how the Help America Vote Act is being implemented in Albany County.

### **ADESTA Communications Bankruptcy**

Supervisor Hotaling stated that he was in receipt of a correspondence from Albany County Department of Management and Budget advising that the United States Bankruptcy Court in the District of Nebraska has issued an order rendering all real property tax liens against ADESTA Communications New York States Fiber Optic Communications Network unenforceable. He continued by saying that the impact on the Town will be an amount of \$11,315.13, which will be added by the County to the 2007 Property Tax Levy and \$37,673.80 will be charged back as part of a general County charge back in 2007 and will be apportioned over all cities and towns within the County. He added that the Town of Coeymans would definitely be charged an additional \$11,315.13 along with a portion of the \$37,673.80. He concluded by saying that he has asked Town Attorney Rotello to look into this and in turn offer some advice and added that he has not done this to date.

Councilwoman Rogers inquired as to if they looked back to see how far back the Town of Coeymans has taxed that property.

Supervisor Hotaling stated that they could have the Assessor look into this.

### **Office of Parks, Recreation & Historic Preservation**

Supervisor Hotaling stated that the Office of Parks, Recreation and Historic Preservation Snow Mobile Grant has issued a correspondence, which was communicated to former Councilman Frank Stanton, president of the local snow mobile association, which advises that for the current year they had based the total grant award on a projection of 160,000 registrations of snow mobiles and the actual number registered was 149,000, which resulted in a shortfall and added that as a result they have reduced the final payment of the Snowmobile Grant. He continued by saying that the Town of Coeymans is the sponsor for the grant for Mystery Lake Trail Riders and added that Mr. Stanton is aware of the reduction.

Councilman Boehm stated that the registration fee was just raised to \$100.00 a sled and added that maybe it will go back up next year.

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### **Town Board Workshops/Meetings**

- Town Board Meeting, September 11, 2006, 7:00pm
- SEQUR Public Hearing, September 11, 2006, 6:30pm
- Town Board Workshop, September 12, 2006, 6:00pm
- Joint Town Board, Planning Board & Zoning Board of Appeals, September 16, 2006, 6:00pm
- Town Board Workshop, September 19, 2006, 6:00pm
- Town Board Meeting, September 25, 2006, 7:00pm

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**ADDITIONAL COMMENTS**

Supervisor Hotaling stated that he wanted to send a Town Board condolence to the family of Casey Slingerland. He added that Mr. Slingerland was in his 90’s and served on the Planning Board in a very active way for more than a quarter of a century in the Town of Coeymans and continued by saying that his services were exemplary and added that he was a very thoughtful, kind and understanding man and will be greatly missed.

Councilman Conrad added that it was rare for him to miss a meeting and he was very dedicated.

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**ADJOURNMENT TO EXECUTIVE SESSION**

Supervisor Hotaling stated that he would like permission for the establishment of Executive Session and added that the Town’s council has been there waiting. He then asked that the Town Board consider a motion to go into Executive Session to discuss landfill litigation as well as staffing issues with respect to the Waste Water Treatment Plant.

Supervisor Hotaling stated that before they adjourned to Executive Session he would give members of the Town Board an opportunity to comment because they would not be returning on camera.

Councilman Conrad stated that he would like for the Supervisor to contact the Fire Companies and added that the time that they had given them for their response in regard to the district lines for Coeymans Fire District and Coeymans Hollow Fire District has passed.

Supervisor Hotaling stated that he would do this. He continued by saying that they would be convening after Executive Session to formally adjourn.

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 9:32pm

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**RECONVENE MEETING**

Supervisor Hotaling called the meeting back to order at 11:15pm and the following resolution was presented for approval. He added that Councilwoman Rogers had departed from Executive Session and was no longer present.

**RES. 109-06 AUTHORIZE LITIGATION TO COMMENCE SUPREME COURT ACTION – PROPOSED LANDFILL**

On motion of Councilman Boehm, seconded by Councilman Conrad, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, in light of the Town Board’s longstanding opposition to the acquisition of land in the Town by the City of Albany for the construction of a landfill, and

**WHEREAS**, the deadline for the City of Albany closing of title is fast approaching and it being the desire and intent of the Town Board to prevent the same.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize Miller, Mannix, Schachner & Hafner, LLC, 451 Glen Street, PO Box 765, Glens Falls, NY 12801, to commence a new Supreme Court action, as deemed necessary, in conjunction with the attempted purchase by the City of Albany of property within the Town of Coeymans for the construction of a landfill. This authorization is for litigation against any necessary party.

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

**MOTION**

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

VOTE – AYES 4 – NAYS 0 – SO MOVED

**Time 11:30pm**

*Respectfully Submitted,*

**APPROVED**

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*Diane L. Millious, Town Clerk*

**A Town Board Workshop was held Tuesday, September 19, 2006, at 6:00pm at  
Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Laverne Conrad, Councilman  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Larry Breedlove, Chief Operator  
Albert Deering, Highway Superintendent

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

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**OVERVIEW OF AGENDA**

- Sewer Issues – Edwin Vopelak, C.T. Male Assoc., P.C.
- Ravena Rescue Squad – Bill Price, Starr Ross
- Police Staffing Issues – First Sergeant Darlington
- Health Insurance for Part-Time Employees
- Request for Court Clerks to Attend Training at Annual Conference

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, the Town Board Workshop was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 8:55pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Special Town Board Workshop was held Tuesday, September 12, 2006, at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Billie Jo Mueller, Clerk  
Daryl Purinton, Marvin & Company, PC

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Supervisor opened the meeting and led the Pledge of Allegiance.

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The following notice was published in the Ravena News Herald.

**NOTICE  
SPECIAL  
TOWN BOARD  
WORKSHOP**

In compliance with Public Officer's Law, this will inform you that the Town Board of the Town of Coeymans has scheduled a Special Town Board Workshop Meeting for Tuesday, September 12, 2006, at 6:00pm. The purpose of the meeting will be to review the 2005 Draft Audit Report prepared by Marvin & Company. The meeting will be held at the Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, New York.

By Order of the Town of  
Coeymans Town Board  
Diane L. Millious  
Town Clerk

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**SUPERVISOR'S OPENING COMMENT**

Supervisor Hotaling stated the purpose of the Workshop was to engage with Daryl Purintan of Marvin & Company to go over the recently completed audit by his firm for the Town of Coeymans Financial Report dated December 31, 2005. He continued by saying that there is full Town Board present in addition to Town Clerk Millious, Clerk Mueller, and Daryl Purintan from Marvin & Company. He concluded by saying that it is the Draft Audit discussion that will ultimately convert itself to a Final Audit after the meeting.

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**OVERVIEW OF AGENDA**

- Draft Audit Report – Daryl Purintan, Marvin & Company

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**MR. PURINTAN COMMENTS**

Supervisor Hotaling invited Mr. Purintan to make his presentation. Mr. Purintan distributed to the Town Board and Town Clerk a standard letter, which he said that they issue at each audit and added that it outlines certain key issues and their responsibilities under auditing standards.

Supervisor Hotaling stated that it is a general letter that does not relate to anything specific in the audit and is distributed to every client that they perform an audit for.

Mr. Purintan stated that they audited only the balance sheet of all governmental and trust funds as of December 31, 2005 and added that they excluded fixed assets and long-term debts. He continued by addressing each topic outlined in the letter as follows:

**Significant Accounting Policies** – There were not any changes since the last time they audited the Town.

**Accounting Estimates** – They did not find anything unusual and there were no issues with the estimates contained in the audit.

**Audit Adjustments** – They did recommend some adjustments but there was nothing that would indicate that there would be a significant effect on the recording process.

**Disagreements with Management** – There have been no disagreements to date.

**Consultation with Other Independent Accountants** – There were no other consultations with other independent auditors.

**Issues Discussed Prior to Retention of Independent Auditors** – There were no issues discussed prior to retention.

**Difficulties Encountered in Performing the Audit** – There were no difficulties encountered in performing the audit.

Mr. Purintan continued by going over the main audit, which consisted of every fund within the Town. He continued by saying that they have given an opinion of the balance sheet, which benchmarks the values of each fund as of 12/31/05 and added that it would then allow for the accounting to continue into 2006 and at the end of 2006 there could be a full Annual Audit.

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## **ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

## **MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 6:58pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Town Board Meeting was held Monday, September 11, 2006, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Laverne Conrad, Councilman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Joseph Rotello, Town Attorney  
Albert Deering, Highway Superintendent  
Laura VanValkenburg, Assessor  
Gregory Darlington, First Sergeant

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**OPENING COMMENT**

Councilman Boehm stated that the Pledge of Allegiance would be followed by a moment of silence for the many heroes that died five years ago on September 11, 2001. He continued by leading the Pledge of Allegiance.

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**SUPERVISOR'S OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there is a full Town Board in attendance in addition to Town Clerk Millious, Town Attorney Rotello, Highway Superintendent Deering, Assessor VanValkenburg, Judge Pearson, and First Sergeant Darlington and continued by giving an overview of the agenda.

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**OVERVIEW OF AGENDA**

- Public Comment Period
- Approval of Minutes
  - Public Hearing – July 11, 2006
  - Town Board, Planning Board, Zoning Board of Appeals Workshop – 07-16-06
- Old Business
  - Route 143 Development Project
  - Revaluation Project
  - Kruger Road Drainage Improvements
  - Landfill Litigation Update
  - Refurbishment of Joralemon Park Tennis Courts
  - Update on Help America Vote Act (HAVA) Implementation
  - Wastewater Treatment Plant Staffing
- New Business
  - Bond Maturity Schedule for WWTP Improvement
  - Prosecution of NYS Police Traffic UTT's
- Resolutions
  - Albany County Determination on Coeymans Comprehensive Plan
  - Appointment of Court Clerk
  - Amend Holiday Resolution to Include Veteran's Day
- Correspondence
  - LaFarge North America – Tire Derived Fuel Project
  - Village of Ravena – Main Street
  - Albany County – Intermunicipal Cooperation Forum & Shared Municipal Services Incentive Program
- Town Board Workshops/Meetings

- Special Town Board Workshop – September 12, 2006, 6pm
- Town Board, Planning Board, Zoning Appeals Board Meeting – September 18, 2006, 6pm
- Town Board Workshop – September 19, 2006, 6:00pm
- Town Board Meeting September 25, 2006, 7:00pm

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**PUBLIC COMMENT PERIOD**

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

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**APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were two sets of meeting for Town Board approval, a Public Hearing on July 11, 2006 and a Joint Town Board, Planning Board and Zoning Board of Appeals Workshop on July 17, 2006. He then asked for a motion to approve the minutes.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Conrad, the Public Hearing on July 11, 2006 minutes were approved as read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

On motion of Councilwoman Rogers, seconded by Councilman Conrad, the Joint Town Board, Planning Board of Appeals Workshop minutes were approved as read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Town Clerk Millious interjected that two sets of minutes were tabled at the last Town Board Meeting, June 20<sup>th</sup> Workshop and June 26<sup>th</sup> Town Board Meeting.

Supervisor Hotaling stated that if everyone were prepared to approve the minutes he would accept a motion.

**MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, the two sets of tabled minutes were approved as read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**OLD BUSINESS**

**Route 143 Realignment Project**

Supervisor Hotaling stated that he had received correspondence from the State of New York Department of Transportation, Project Manager James Boni regarding the realignment project on Route 143. He continued by saying that a Public Hearing will be held on Wednesday, September 27<sup>th</sup> at 7:00pm at the Ravena-Coeymans-Selkirk High School Auditorium and added that NYS DOT Engineers will be available for one hour prior to the hearing to answer any questions people may have in an informal environment and added that property owners along the project corridor have been provided with their own individual letters indicating the Public Hearing scheduling and invitation for them to attend. He concluded by encouraging the owners as well as other members of the public to join them for the Public Hearing and added that the project will commence in the Fall of 2007 and continue into the Spring and Summer of 2008.

Councilman Conrad stated that there has been previous discussion about the section of the project where Rte. 143 meets Rte. 9W and added that it is his feeling that DOT has insufficiently addressed the problem and continued by saying that he has asked the DOT Planning Department for more consideration. He added that he was advised that the Town should push their legislative people, Mr. Breslin and Mr. Clouse to get on the band wagon and urge the Department of Transportation to take one more look at the possibility of making the intersection at the red light more conducive to traffic. He concluded by saying that he would ask that the Supervisor be directed to engage the help of the state representatives to encourage this before the Public Hearing.

Supervisor Hotaling stated that the fact pattern needed to be outlined and agreed to by the Town Board.

Councilman Conrad stated that they could discuss it at the next Workshop.

Supervisor Hotaling stated that he needs input as to what fact pattern they want to set forth to the legislators to argue on the Town's behalf as to the preferred option and backup plan.

Councilman Conrad interjected that they have been told that DOT is not going to do anything with it and added that the preferred option would be to help alleviate the very steep turning angle and continued by saying that he does not believe that there would be any takings of land and added that the only things that would need to be done is that the power pole would have to be moved.

Supervisor Hotaling stated that they would have it on their next Workshop agenda to finalize their proposal for the legislators. He continued by asking if there were any additional comments regarding the realignment project, hearing none he moved to the next agenda item.

### **Revaluation Project**

Supervisor Hotaling stated that he is asking for the Town Board to consider granting him authority to sign a Memorandum of Understanding with the New York State Office of Real Property Services. He continued by saying that the project is moving along on schedule and Assessor VanValkenburg will be giving an update and added that they had a progress meeting with the State in early August and they were pleased with the progress that the Town had made thus far. He concluded by saying that they do require in their engagement with the Town, a Memorandum of Understanding, which they had sent to him and in turn he forwarded it to Assessor VanValkenburg for her to make comments as to her recommendations. He then invited Assessor VanValkenburg to give an update.

Assessor VanValkenburg stated that the Memorandum of Understanding is pretty standard and added that there are some areas that are particular to the Town regarding some requests for advisory appraisals and continued by saying that she does not have any problems with their wording. She concluded by saying that she believes that they should go ahead with it.

Supervisor Hotaling stated that there were some troubling aspects to the memorandum that they had discussed and added that Assessor VanValkenburg had alleviated some of his fears. He added that the words provide them an amount of flexibility in terms of dealing with those problematic areas that they had discussed. He continued by asking for a motion to give him authority to sign the Memorandum of Understanding.

### **MOTION**

On motion of Councilman Conrad, seconded by Councilwoman Rogers, authorizing the Supervisor to sign the Memorandum of Understanding with the Office of Real Property Services relative to the Town's 2007 Revaluation Project.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling asked that Assessor VanValkenburg give an update on the project.

Assessor VanValkenburg stated that they are working steadily going through the process to prepare for valuation, which will be the next phase. She continued by saying that she is very happy with the company and project manager that she has been working with on a daily basis. She added that there is an update status meeting and representatives of the Office of Real Property Services will be attending in addition to herself and representatives from the company that is working on the project and added that anyone from the Town Board can also sit in. She continued by saying that the project is on schedule and running very smoothly and added that within the next week they will begin running valuation information and when that is done field review will begin and added that this phase of the project will run for the next couple of months. She added that the field review will be from their vehicles from the road and they will be making valuations at this point and added that commercial property will be a separate phase. She concluded by saying that when this is done there will be a Public Meeting to try to bring the residents up-to-speed on the project.

Supervisor Hotaling interjected that they had previously had one Public Meeting and one person attended and continued by saying that this is an important project and they want to put the information out there as simply and plainly as they can so no one thinks that there are any hidden issues. He added that this project will give some fairness and equitability to everyone and continued by saying that he wanted everyone to engage in the information sharing so there are no questions that will go unanswered. He concluded by saying that he encourages attendance to the next Informational Meeting.

Assessor VanValkenburg stated that it will be some time in October and added that they did get some DVD information that they will be able to play at the meeting, which helps explain from the State's perspective the revaluation project and continued by saying that the more information that they can share, the better it is. She concluded by saying that there will be an elimination of panic if everyone is prepared for what they are going to see and how to interpret it.

Supervisor Hotaling stated that there is also an effort to have the assessment information online and the Town Board had authorized the Assessor to engage in a consultation contract to have her data placed on the Town's website, which will include all of the data about every piece of property including a picture. He added that this is an effort on the part of the Town Board to open up the process and concluded by saying that the Assessor has advised that they are in the final stages of having this on the website and added that this should happen within a months time.

Assessor VanValkenburg stated that the assessment information will be the current 2006 assessment and the changes that have come in through the data mailers have been upgraded in the system and will be reflected on the website and continued by saying that they will continue to update the website with any changes. She added that she has seen the website and added that it is very impressive and then asked if there were any additional questions.

Supervisor Hotaling stated that he understands that there have been inquiries made recently about School Tax bills that have been sent to the property owners in error that are in escrow accounts.

Assessor VanValkenburg stated that the office has been in chaos since the School Tax bills went out and added that for some reason the bills were not sent to banks that pay Escrow Accounts and continued by saying that it has caused anxiety and confusion with hundreds of taxpayers. She concluded by saying that she had some phone numbers to share and the Treasurer/Tax Department is 756-5207, the Business Administrator's number is 756-5204 and the Superintendent's number is 756-5201.

Supervisor Hotaling stated that he has been told that when you call the school you call the school you get a recording stating that you should turn the bill over to the lending institution. He continued by saying that he wants the public to understand that the bills that the school sends out are created by a company that the school engages with and the content is approved by the school and added that the only thing that is used from the Town of Coeymans' information is the assessed value.

Assessor VanValkenburg stated that they do use the Town's database to generate the bills and the full-value is mandated to be on the bill.

Supervisor Hotaling stated that people receiving the bill in error should not ignore the bill and added that it should be sent to the lending institution holding the Escrow Account.

Town Attorney Rotello interjected that it would be incumbent on the taxpayer to do as Supervisor had advised. He added that the lending institution would advise as to how they would like for it to be handled. He concluded by saying that some mortgage companies will contact the School District or the customer if they have not received the tax bill.

Councilman Boehm inquired as to what the deadline is for paying the bill without a penalty.

Attorney Rotello stated that it is September 30<sup>th</sup>.

Councilman Conrad inquired about the bank code on the bill.

Assessor VanValkenburg stated that a bank code is established for Town Clerk Millious use and added that school districts develop their own bank code and she does not know what it is. She continued by saying that there are some school districts who have developed their own bank code system and added that through the processor that runs their bills they are sorted the way they want and in turn it is more efficient to mail them out. She reiterated that it is not the Town's bank code that they are using.

Supervisor Hotaling stated that anyone having questions should call the phone numbers given and continued by thanking Assessor VanValkenburg for her time.

Town Attorney Rotello stated that he wanted to add one more thing and continued by saying that he wanted to stress the importance of the revaluation as it relates to the school tax and the school tax rate and added that there are different Town's within the R-C-S District and for example those living in the Town of Bethlehem pay a different rate than those living in the Town of Coeymans, which has to do with the equalization rate and whether or not it is at full-value. He concluded by saying that the revaluation will create parity amongst the districts.

Supervisor Hotaling stated that they knew if they continued to ignore the need for a revaluation, the disparity would have been greater and Town of Coeymans residents would have paid a disproportionate share of the school tax bill. He reiterated that their effort would create parity with the other towns in the same district.

Assessor VanValkenburg stated that when a town's equalization rate drops the full value goes up and as the rate drops you become wealthier looking as a community on paper and in turn take on a bigger share of the taxes.

Supervisor Hotaling thanked Assessor VanValkenburg.

### **Kruger Road Drainage Improvements**

Supervisor Hotaling stated that Highway Superintendent Deering was not present and could not recall why it was on the agenda.

Town Attorney Rotello stated that Supervisor Hotaling had sent a memo to Mr. Franchini.

Councilwoman Rogers interjected that Highway Superintendent has not heard anything from Mr. Franchini.

Town Attorney Rotello stated that his time and attention was drawn significantly to other matters of litigation and added that Mr. Franchini's office was going to come down to pick up the information that was discussed at the last Town Board Meeting. He continued

by saying that the Highway Department Clerk VanAlstyne was aware of this and added that he had spoken with her a couple of times.

Councilwoman Rogers inquired as to if she had told Highway Superintendent Deering.

Town Attorney Rotello stated that he did not know and added that hopefully tomorrow Mr. Franchini will have the information.

Supervisor Hotaling thanked Town Attorney Rotello.

### **Landfill Litigation Update**

Supervisor Hotaling stated that several months ago they hired a new law firm to represent the Town in their effort to battle the citing of Albany's regional landfill in the Town of Coeymans, which is approximately a 20-year battle. He continued by saying that there has been some strategies employed and papers filed and decisions made and then asked that Town Attorney Rotello give an update on their efforts with litigation.

Town Attorney Rotello stated that up to the Spring of this year the last litigation resulted in a Supreme Court decision that was affirmed by the Appellate Division and ultimately not taking on an appeal by the Court of Appeals, which made the Appellate Division's decision the law of the case. He continued by saying that this decision said that the City of Albany could not segment their process, which was the acquisition of the land, from their SEQR or environmental review and added that this is how it has been up until this juncture.

Supervisor Hotaling interjected that it was a good decision from their perspective.

Town Attorney Rotello agreed that it was a good decision and added that it was the correct decision given the status of SEQR and other court holdings and decisions. He continued by saying that last year the local citizen group in conjunction with some city taxpayers commenced their own action raising among some other things that same issue that the purchase/option agreements and their modification that the option payments would go toward the purchase price ultimately culminating in the transfer of a deed was in violation of this prior third department order. He added that many of the causes of action were dismissed and ultimately there was a recent decision by Judge McCarthy, which had many perplexed because although there was an Appellate Division decision he ruled completely the opposite in saying that in his decision involving the property owners the City could move forward and purchase it because it did not mean that they could cite a landfill there and continued by saying that in essence this caused a segmentation of the process. He continued by saying that the decision was appealed by the property owners and the Town, through the assistance of its new council, a motion was made to the Appellate Division to intervene on the appeal. He added that at the same time they requested a temporary Restraining Order to restrain the transfer of the deed from occurring once the final payment was made and in a decision issued by the Appellate Division the Town's motion to intervene was denied, which meant their motion for a Restraining Order was denied because they were not given party status on the appeal. He continued by saying that the citizen group is moving forward with their appeal and the Town will be making an application to the Appellate Division what is called an amica status to be able to submit memorandums of law and briefs in support of the Town's position as it relates to Judge McCarthy's decision.

Supervisor Hotaling interjected that this is another effort to get their position in front of the court.

Town Attorney Rotello stated that it came as a surprise that the intervention motion was denied and added that unfortunately the court gave no reason other than saying that it was denied. He continued by saying that as planned with council and the Town Board a new action was recently commenced at the Supreme Court level raising the same issue again. He added by saying that presumably a transfer has occurred and they believe that it is in violation of State Law and the law of the case along with raising some other procedural issues. He concluded by saying that this is the current status of the litigation surrounding

the acquisition of the land itself and added that it is not to the heart of the issue as far as citing a landfill in the Town.

Supervisor Hotaling thanked Town Attorney Rotello and added that this is an extension of the mysterious shroud that has been over this for the last couple of decades. He continued by saying that just when they believed that through the Appellate Division they had a decision based on the facts and the law that seem to agree with what you read in the law and how it should be handled, someone in a lower court decides to cast it aside. He concluded by saying that the frustrating part is that no reason was given as to why it occurred and in trying to intervene and get their voice heard again at the legal table was refused again and added that they are very persistent and they will continue to push along to the extent that it makes sense to do and cautiously expend tax dollars in an attempt to get fairness in the system that has not been very fair up to this point.

Councilman Conrad stated that during the Friendship Festival the concerned citizen group that has taken up the legal action was trying to raise money and questions arose as to the best way to make money and added that they are trying to make money to back their cause, which is contiguous with the Town of Coeymans. He continued by saying that he was contacted by some property owners that were willing to make as much as an \$8,000.00 donation to that cause and in turn he directed them to the people that are involved with the group. He concluded by encouraging donations to help them out to move the cause along.

Town Attorney Rotello stated that for clarification as a municipality they cannot and will not contribute to their private action and added that as a private citizen group that is comprised in part of city residents, they have issues that are not the same as the Town's.

Supervisor Hotaling interjected that as a city resident they have status to raise issues that the City Common Council and Mayor may have taken action on their part that the Town does not have any standing in.

Town Attorney Rotello added by saying that you cannot use public funds for a private matter.

Supervisor Hotaling stated that the issues that the Town is litigating are issues that seemingly were judged previously in the Town's favor and now they are trying to regain the ground that they already had but was taken away by Judge McCarthy's decision.

Councilman Boehm inquired as to if the transfer of property had taken place.

Town Attorney Rotello stated that he didn't know and added that he does not believe that anything has been filed in the County Clerk's office. He continued by saying that when the final payment is made, deeds and other transfer of documents would be delivered to the other side for recording, which would mean on record there would be a new owner. He concluded by saying that this does not mean game over as far as the Town is concerned.

Councilman Boehm inquired as to if it was true that the City of Albany is funding the litigation for the owners of the property.

Town Attorney Rotello stated that his understanding is that one of the last option agreements provided that in the event that there was any litigation that involved the current owners of the land selling to the City of Albany, the City of Albany would pay their legal expenses in defending any of those actions.

Councilman Boehm inquired as to how they can use public, taxpayer money, to defend those people.

Town Attorney Rotello stated that it would be a question for the Corporation Council for the City of Albany and added that it is a question that they have but don't know if they have standing to raise it. He added that the private citizens group could raise this issue

and hopefully it will be addressed by the Appellate Division in the context of the pending appeal.

Councilwoman Chmielewski inquired as to who the attorney is for the City of Albany for the property owners.

Town Attorney Rotello stated that the law firm is Young-Summer and the attorney handling it is Michael Moore.

Councilwoman Chmielewski inquired as to if it has been the law firm all along.

Town Attorney Rotello stated that prior to them it was John Biscone and added that he does not know if there has been continued involvement through that office.

Councilwoman Chmielewski stated that she understood that the last installment payment on the land was to be last week.

Town Attorney Rotello stated that it was his understanding that on September 5<sup>th</sup> the final installment was going to be paid. He added that the Town's recent action was that they commenced in filing an order to show cause asking for an immediate injunction pending an ultimate decision and in their main case they asked for the injunction and continued by saying that he does not know if they will get one between now and the end of the month. He continued by saying that some unfortunate procedural things came up as they were going through documents last week and it didn't seem that there was going to be much success on that preliminary relief and they are going to leave it for the end of the month. He concluded by saying that they did not lose the argument and there may be a decision and added that if there was a deed that was transferred and recorded and a court decision says that the conveyance is void and directs the County Clerk to return the documents, it is undone and ultimately the Appellate Division could rule that way as well.

Supervisor Hotaling asked if there were any additional comments.

Tony Pastore, Reporter from the Ledger inquired as to what the name of the citizens group is that is involved.

Town Attorney Rotello stated that it is S.C.R.A.P., Selkirk-Coeymans-Ravena Against Pollution.

Mr. Pastore inquired as to who is overhearing the latest litigation.

Town Attorney Rotello stated that he is not sure which judge is assigned and added that Judge Lynch signed the initial papers that were filed.

Councilwoman Chmielewski stated that there was a decision without any discussion and continued by inquiring as to if there were documents that could be obtained from the proceeding as far as who was present and what was said.

Town Attorney Rotello stated that the application to intervene was done by the way of a motion with accompanying papers, and affidavits, which were signed by Supervisor Hotaling along with memorandums of law and briefs saying why they should be able to intervene were submitted. He added that the City of Albany, through Nixon, Peabody, the law firm that is representing them submitted affidavits in opposition and the Young, Summer firm on behalf of the then owners of the property submitted papers in opposition and in turn the Town, through their attorneys submitted reply papers and then all of the papers went to the motions department of the third department and would have been considered by the judges assigned to the panel. He continued by saying that it ended in a decision that was entered and added that unfortunately sometimes decisions don't say much and they just said motion to intervene was denied. He concluded by saying that naturally it followed that a request for a Restraining Order was going to be denied because they were not given party status.

Councilwoman Chmielewski inquired as to if it stated whom the judges were that denied it.

Town Attorney Rotello stated that it does but he didn't have it with him. He added that it is public record.

Councilman Boehm inquired as to if the original judge reviewed it.

Town Attorney Rotello stated that it was a panel of judges at the Appellate Division that were assigned to the case and added that there were five altogether.

Councilman Boehm inquired as to the City Council using public funds to represent the people that they are buying the land from and whether it was a clear violation of the law.

Town Attorney Rotello stated that for whatever reason the judge dismissed that clause of action in the private citizens group and added that he has advised the Town Board when requested to help fund that they could not do it because it would be improper, unconstitutional, and an unlawful act to use public funds to pay in that situation. He concluded by saying that the Town's current attorneys feel that same way.

Councilman Boehm inquired as to if the District Attorney was aware of it.

Town Attorney Rotello stated that he does not know if there is any violation of a penal law that would subject someone to criminal prosecution and added that this is a question that should be directed more toward the Comptroller's Office.

Councilman Conrad stated that he disagrees and added that he believes that it becomes an act of malfeasance.

Town Attorney Rotello stated that it might be and added that it would be for the Comptroller's Office and Attorney General's Office to decide. He continued by saying that the option agreements are public record and have been in the news and added that it has not caught any prosecutor's eye. He added these types of charges would come from the Attorney General's Office as opposed to the local District Attorney's Office and continued by saying that the inquiry could be made of the Comptroller.

Councilman Boehm inquired as to if the Town's law firm could make that inquiry to the Comptroller.

Town Attorney Rotello stated that he could personally call the Comptroller and make the inquiry and added that any citizen could do this.

Councilman Boehm stated that his problem with it is that there is a citizens group trying to raise money to defend themselves and the Town is obeying the law but the City of Albany is violating the law.

Town Attorney Rotello stated that he is not disagreeing with what he is saying and added that it is an issue that is out there and will ultimately at the Appellate Division get a second look as it relates to the current citizens action on appeal. He continued by saying that an inquiry could be made by the Comptroller's Office or the Attorney General's Office and added that anyone can contact either State Agency regarding these questions.

Supervisor Hotaling asked if there were any additional comments, hearing none he move to the next agenda item.

### **Refurbishment of Joralemon Park Tennis Courts**

Supervisor Hotaling stated that in May 2006 he had made comment about a request that had come through his office from a local resident, Richard Cumm, who was interested in putting together a group of citizens to assist in the refurbishment of the Joralemon Park tennis courts that were in need of attention. He continued by saying that along with the assistance of former foreman of the Utility Labor Force Rick Perrine and now Nelson

Perry, they have finished the reaming product cover and as much of the white staining as possible and the courts are ready to be striped. He added that about one month ago he signed a purchase order contract in the amount of \$450.00 to engage Copeland Company to professionally stripe the courts. He continued by saying that there is a need for some attention to the trees, fence and fence opening as well as an on-going maintenance plan. He added by saying that he wanted to thank Mr. Cumm and his group in this effort and added that the Town supplied the funding and the combination of private, public partnership got the job done in a short period of time and continued by saying that Mr. Cumm should be commended for his leadership and his drive to get it done. He concluded by saying that when the striping is done they will have some quality courts in the Town.

Supervisor Hotaling asked if there were any additional comments.

Councilman Boehm stated that he wanted to thank Mr. Cumm as well and added that he had personally seen Mr. Cumm doing some of the work.

Councilwoman Chmielewski interjected that they had done a good job.

Supervisor Hotaling stated that he needed to go out there with the Utility Crew and discuss the other things that need to be done such as the fence and making sure that the cables and nets are up.

#### **Update of Help America Vote Act (HAVA) Implementation**

Supervisor Hotaling stated that he along with Councilwoman Chmielewski had attended a meeting regarding Help America Vote Act. He continued by saying that several Town Supervisor's had gotten together to talk about the election charges and the way that it is being handled. He added that the Town of Coeymans has gone from approximately \$11,000.00 to \$45,000.00, which was premised on the fact that it will be more efficient. He continued by saying that the Federal Government first and the State in general have been very slow in identifying the type of machine that electors will use in the election process and added that there are currently a number of machines that have been purchased and maintained by the Town over a number of years. He continued by saying that the State is not prepared in that they don't have a building or machines and added that there will be one handicapped machine that will be located in a central location for the Primary and General Elections. He added that they were told that the charge-backs would be considerably less than the \$45,000.00 that they had budgeted for in 2006 and they will be billed approximately 50-60% of that amount in the fall of 2007. He continued by saying that they will have a cushion of funds for the projected \$42,638,00 that the Town of Coeymans will be responsible for in 2007, which means they will not have to raise the entire amount in the tax base.

Supervisor Hotaling asked Councilwoman Chmielewski if she had anything to add.

Councilwoman Chmielewski stated that Supervisor Hotaling had covered it well and continued by saying that the Commissioners of the Board of Elections are in chaos themselves. She added that if they had gotten the machines on board this year other things would have fallen in place and there would have been a procedure to use but with the State not deciding what kind of machine they wanted it has put them behind. She continued by saying that the Commissioners were very honest in saying that there were a lot of questions that they could not answer as well as not knowing the answers. She concluded by saying that Town Clerk Millious will be hosting a luncheon of the Town Clerk's Association and the Election Commissioners will be attending and added that they might know more at this meeting and have more feedback for the Town Clerks.

Town Clerk Millious interjected that the meeting will be on September 22<sup>nd</sup> and added that she had encouraged the Clerks to invite their Supervisors and Council Members and then extended an invitation to Supervisor Hotaling and the Town Board.

Supervisor Hotaling stated that some of the questions are basic and added that as Councilwoman Chmielewski had pointed out the Commissioners were very frank and

open about the fact that they don't know the answers. He continued by saying that there are questions about Village and School District Elections as well as the law itself turning the ownership of the Town's machines to the county and added that he does not know why that component of the law is there because the machines were purchased by the Town of Coeymans taxpayers for use in the Town of Coeymans and they have been shared with the Village of Ravena and School District as well as Fire Districts if they need them. He added by saying that the side of the law that takes the machines away from the Town suggests that it does not empower the Board of Election in the County of Albany with the authority to run the elections in the Village or School Districts, which means that there is a gap in legislation. He continued by saying that this gap is statewide and hopefully the legislature will fill that gap with an amended law that will permit the new machines to be utilized in all public elections because the HAVA Law requires that they be used in all public elections but did not grant the authority to conduct those elections to the Board of Elections in each county. He concluded by saying that they will keep pressing along with this and they will keep the public informed as they move along.

Councilman Conrad stated that he does not understand how the Federal Government has any authority to legislate his tax dollars that have already been spent on some machines. He continued by saying that he does not believe that they have the authority to take the machines and if they do have the authority he believes that it is unconstitutional. He added that last year they were advised that \$42,000.00 would be an annual basis charge for the election and this year they have been told that they are going from the percentage of population to assessed revaluation, which brings them to another problem. He continued by saying that he can relate this to the Town of New Scotland and added that he is aware of the fact that they went from \$48,000.00 for last year to approximately \$72,000.00 this year, which is based on assessed value. He added by saying that the Town is currently in the process of a revaluation and added they will be going from the amount of \$11,000.00 for the Town to run their own elections to \$45,000.00 and added when they get the new assessed valuation it will be close to \$70,000.00. He concluded by saying that going from \$11,000.00 to run their own elections to close to \$70,000.00 is something that should be addressed and suggested that taxpayers should start writing letters to their County officials.

Councilwoman Chmielewski interjected that the Town of Colonie is currently \$680,000.00. She added that she agrees about the machines being taken and continued by saying that she is not about to let that go by easily because they were purchased and maintained with taxpayer dollars. She concluded by saying that a question had been asked as to if the machines would be sold and the answer was that they would be and added that the question now is to who will get the money.

Town Attorney Rotello interjected that one of the benefits of belonging to the Association of Towns would be being able to ask them about this and continued by asking if any members of the Board had contacted them.

Collectively it was determined that no one had.

Town Attorney Rotello stated that this would be a good starting point regarding many of the things that Councilman Conrad had raised.

Councilman Boehm suggested that the Town Board send a letter to the Association of Towns stating their position.

Town Attorney Rotello stated that they can and added that they may have a plan in place because all of the towns are in the same position and continued by saying that they might have hired a lobbying firm and agenda to move forward.

Councilman Conrad stated that he believes that it should be based on the percentage of voting and added that out of the 8,500 potential voters there are 40-50% maximum that vote. He continued by saying that this is what they should be looking at and not the assessed valuation.

Supervisor Hotaling stated that this was the County Attorney's legal opinion, which was given to the County Executive and added that the census information put the Town at 2.77% on population and the assessed valuation was at least 440 million dollar, which he believes is a step-up from the 75% equalization rate of 391 million dollars and all of it is their effort to be at 100%.

Councilman Conrad interjected that the taxpayers should get involved and not be willing to accept the \$70,000.00 that will be part of the tax levy.

Supervisor Hotaling stated that the county has within its discretion to have charge backs in municipalities or not and the county could assume this role and also the cost associated with it as part of the county tax and added that they don't want to do this because the county tax rate would go up and make them look bad. He continued by saying that they would rather shift it on the Town and make them absorb the increase for election costs and in order to keep their tax rate level they have to cut the necessary services that the taxpayers deserve in order to keep the tax rate flat or face the brunt of a double digit increase. He concluded by saying that they have made the choice to charge back to the municipalities and added that the county is absorbing the responsibility and they should also absorb the cost and put it in the county tax rate and let it be borne by everyone across the county.

Town Attorney Rotello interjected that it would make sense in having everything centralized at the county level, which once you go beyond the northeast most states don't have towns and villages.

Supervisor Hotaling stated that he is invited to another meeting with the county to discuss how they can join services and added that this is one thing where they could join services together.

### **Waste Water Treatment Plant Staffing**

Supervisor Hotaling stated that in his absence some options were discussed with respect to Waste Water Treatment Plant Staffing and added that he had tried to reach Mayor Bruno earlier in the day to discuss a couple of the strategies that they employed in the Workshop, which is to look beyond the need for a mechanic and rather have a Waste Water Treatment Plant Operator Trainee. He continued by saying that there are currently two applicants and added that he believes that the job has to be posted under the Labor Management Agreement and then asked for additional comments from the Town Board.

Councilwoman Chmielewski stated that they agreed at the Workshop that it should be a trainee and not just a mechanic and added that hopefully they will get a trainee with mechanical experience.

Supervisor Hotaling stated that there is not a list for trainees and added that he will check with Civil Service but he believes that they will have the opportunity to hire provisionally subject to the individual taking a test and being reachable as a result of the examination.

Councilman Boehm inquired about posting and advertising and continued by asking how they had gotten the two candidates that came in.

Supervisor Hotaling stated that they advertised for a mechanic.

Councilman Boehm inquired as to if it should be advertised as a trainee now.

Supervisor Hotaling stated that they would do the posting first and then advertise if necessary. He then asked the Town Board if he had the authority to do the posting.

### **MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, authorizing Supervisor Hotaling to post for a Waste Water Treatment Plant Operator Trainee.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

## **NEW BUSINESS**

### **Bond Maturity Schedule for Waste Water Treatment Plant Improvement**

Supervisor Hotaling stated that the Town has undertaken a one million dollar project at the Waste Water Treatment Plant, which is coming to a conclusion with respect to the clarifier. He added that the clarifier is online and operational and has shown dramatic improvement in the treatment of the effluent coming out of the plant. He continued by saying that they took out a B.A.N. for revolving money because they were being reimbursed \$582,000.00 in a grant that was approved in 2002 and added that at that time the project costs were estimated to be \$690,000.00 which meant that they were going to get 80% of the project back but because of rising costs the project was ballooned to over one million dollars and it was bid out approximately a year ago. He added that they have paid the contractor all along out of a \$500,000.00 B.A.N. separate fund and they have been reimbursed by the state pursuant to the grant agreement and have received the \$582,000.00 back in cycle payments and the project is about done. He continued by saying that the B.A.N. that they took out last year is coming due and they have to decide on the maturity date and when they want to pay it off. He added that he would compare it to the landfill closure on Jarvis Road and continued by saying that as Board Members they will recall that last year the final payment of \$125,000.00 was paid toward the \$1.2 million bond that they took to close the landfill under the D.E.C. order to close. He continued by say that it was done on a 11-year payback with the least amount of interest added to it and added that they have 10, 15 and 20-year options available to them for the Waste Water Treatment Plant B.A.N. He added that if they were to take the 10-year option on a \$500,000.00 note they would pay back \$639,000.00, which would be an average of \$58,000.00 per year and if they chose the 15-year option they would pay back \$712,000.00, which would be an average of \$44,000.00 per year, which would be less per year but for more years they would pay back a higher amount and on a 20-year option they would pay back \$777,000.00, which would be an average of \$37,000.00 a year but the interest for a number of years more would be greater. He continued by saying that the interest for the 20-year note is \$277,000.00, 15-year note is \$212,000.00, and 10-year note is \$139,000.00. He concluded by saying that it is a dramatic increase in the interest as you extend the maturity and added that he would like to chose the 10-year maturity schedule and get it paid off within a 10-year period. He then asked the Town Board if it is something that the Sewer District can support.

Councilman Conrad stated that he does not believe that it can with the current contract that the Town has undertaken. He continued by saying that the Town share is 50% of capital improvements and added that 391 town users would not support it. He added that he understands it from a fiscal standpoint and reiterated that the Sewer District could not support it. He continued by saying that they are in negotiations with the Village and added that the entire upgrade has been the result of the growth in the Village and added that under the benefit derived portion of the contract he feels as though the Town is suffering because the contract is not being utilized to the extent that it should be, which is one of the problems that they as a Town Board have to work out with the Village. He added that there are 1,000 parcels of property in the Village that are receiving sewer benefits and based on units it is 1600 units in the Village vs. 420 units in the Town. He concluded by saying that he does not see the district being able to financially fund that much money.

Supervisor Hotaling stated that he agrees that it would be a struggle and added at 20-years it would be a struggle paying \$37,000.00.

Councilwoman Chmielewski inquired as to if there is other indebtedness to the Sewer Plant.

Councilman Conrad stated that there are several, which they are wholly responsible for.

Councilwoman Chmielewski stated that those plus this would put a big burden on the Sewer District

Councilman Conrad inquired as to how soon they would have to make a decision.

Town Attorney Rotello inquired as to if there is a life expectancy to the improvements.

Supervisor Hotaling stated that there is and it is 40 years.

Councilman Conrad stated that people have to understand that they are not done at the Waste Water Treatment Plant and added that there are still two old clarifiers that need refurbishing and the new clarifier is so efficient that the amount of sludge that is coming out of the facility is probably going to require a new sludge thickener along with other things that are going to be needed within the next couple of years, which will put a further burden on the Capital Fund. He continued by saying that there are many items open that will require more funds and added that he would like to see it paid off as quickly as possible and added that if they were running it as a District, where the Village would pay 150%, like the Town pays for Water, they would operate as a District and they would be able to move forward and added that current contract does not allow them to do that. He concluded by saying that he believes that they need more time to sit down and try to evaluate what it will mean in actual dollars to the customer and added that he would like to postpone it until the next meeting.

Supervisor Hotaling stated that they couldn't postpone it because it has to be done by September 15<sup>th</sup> and continued by stating that he moves to adopt the 10-year schedule.

## **MOTION**

On motion of Supervisor Hotaling, seconded by Councilman Boehm, authorizing the adoption of a ten-year bond maturity schedule for Waste Water Treatment Plant Improvements.

VOTE – AYES 4 – NAYS 1 – SO MOVED

Supervisor Hotaling stated that he would advise the Town's Municipal Finance Corporation who handles the bonds Bernard P. Donegan that the Town Board has adopted the ten-year maturity schedule.

Councilman Conrad interjected that if he had the numbers sooner he could have gone through the numbers so the Town Board could have seen what the debt service would have been and continued by saying that he had just received it just prior to the meeting. He added that he is sorry that the Board made such a hasty decision and continued by saying that it is a detriment to the Sewer District.

Supervisor Hotaling stated that it might have been a hasty decision and reiterated that it had to be done by September 15<sup>th</sup>.

Councilman Conrad stated that he understands that and added that it should have been evaluated to see what it means to the taxpayers prior to the meeting. He continued by saying that they don't even know what the dollar amount will be.

Supervisor Hotaling stated that he had told him the amount.

Councilman Conrad inquired as to if he had broken it down per customer.

Supervisor Hotaling stated that he had not and added that he has the debt services by chronological maturity date, which is the same that he has every year for budget purposes.

Councilman Conrad stated that he understands that and added that it should have been broken down per customer and added that the quick notice to decide if it should be 10, 15 or 20 years is hasty.

Supervisor Hotaling stated that it was not quick notice and added that he had just received it.

Councilwoman Chmielewski interjected that it is not negotiable.

Councilman Conrad stated that they could have possibly gone with 15 years at \$44,000.00 and added that he understands that it is a lot more interest. He concluded by saying that it is going to be a lot of money to ask for from the users.

Councilwoman Chmielewski interjected that the Waste Water Treatment Plant is in very bad shape.

Supervisor Hotaling stated that this is something that is not being revealed right now.

Councilman Conrad interjected that the maturity options of 10, 15 or 20 years has just being revealed for the first time and added that a decision was made without them having any facts in front of them.

Supervisor Hotaling stated that they will have paid \$24,000.00 in interest this year and next year it is proposed to be \$74,930.00 on the \$500,000.00 Bond Note and the previous administrations debt for improvements will cost \$12,991.00, \$20,235.00, \$18,437.00, and the original 1976 Sewer Construction Serial Bond will cost \$9,225.00 for a total of \$136,045.29 for sewer debt service in 2007.

Town Attorney Rotello stated that parity with the Village needs to happen in establishing rates and the benefit derived issue that has been brought up.

Supervisor Hotaling stated that he does not have opposition to that and added that so far they have not been successful in that effort in dealing with their colleagues on the Village Board.

Town Attorney Rotello interjected that hopefully they will be able to look at it from an equitable standpoint.

Supervisor Hotaling interjected that it makes sense to him and added that it is currently 1600 units in the Village vs. 400 units in the Town.

### **Prosecution of NYS Police Traffic UTT's**

Supervisor Hotaling stated that both judges were present and added that earlier in the day he visited their office and asked for an update on prosecution of NYS Police Traffic UTT's. He continued by saying that he was given a copy of a letter that was written August 25<sup>th</sup> by District Attorney Soares and addressed to Andrew Brick, Esq. He continued by saying that it suggests that Mr. Soares has hired Mr. Brick to do the UTT's. He then asked for an update from the judges.

Justice Dardani stated that the letter that the District Attorney has written to the Town's Prosecutor delegates the duty to Mr. Brick.

Supervisor Hotaling inquired as to if District Attorney Soares knows where Mr. Brick is going to be paid from and continued by asking if District Attorney Soares will be paying him.

Justice Dardani stated that the only thing that he knows is that they are in compliance and they along with the State Police are happy.

Councilman Conrad interjected that the taxpayers are not if the Town has to pay and continued by asking if this was another handoff from the County.

Town Attorney Rotello stated that this is from the State and added that there was a memorandum directive from the Superintendent's Office of the State Police indicating that the State Police will no longer be authorized to plea bargain tickets that they issue.

Supervisor Hotaling stated that they entertained legislation to make municipalities whole that was passed and forwarded to the Governor for his signature and added that as one of many towns they were asked to weigh in on the legislation and the Town Board authorized him to communicate with the Governor's office and urge him to sign the legislation. He continued by asking if anyone knew if the Governor had signed the legislation.

Town Attorney Rotello stated that he believed that the legislation also contained a provision that said that the State Police manual would be silent as to whether or not there could in fact be prosecutions or plea bargain negotiations by the State Police Troopers.

Supervisor Hotaling stated that he understood that and added that part of that was making whole the municipalities costs associated with the prosecutions.

Town Attorney Rotello stated that his understanding is that it was not signed.

Supervisor Hotaling stated that it is after September 1<sup>st</sup> and added that there have been court sessions with UTT's and continued by asking if Mr. Brick had been there.

Both justices collectively stated that he had been present.

Justice Pearson stated that they had asked Mr. Brick to fax him a copy of the letter because they had not gotten it.

Town Attorney Rotello stated that District Attorney's throughout the state have either decided to say yes they would prosecute or they would delegate their authority to prosecute to the local municipalities and added that it appears that the Albany County's District Attorney chose to delegate.

Supervisor Hotaling stated that the point is that he didn't delegate to the municipality but rather went to one individual and said for him to do it. He added that the Town Board didn't delegate it to Mr. Brick and continued by saying that it might be their only choice if they had been involved.

Town Attorney Rotello stated that he agrees and added that the letter of delegation should have been a notice to the Town Board from the District Attorney's office.

Supervisor Hotaling stated that it is his understanding that they could delegate the Police Chief to do it and added that under the law the delegation from a District Attorney's Office can take several forms in that it can be the Town Prosecutor, a member of the police unit or a Town Attorney.

Town Attorney Rotello stated that there are issues delegating to a non-attorney and added that if the Court puts the trooper tickets on for the Thursday DA calendar, the assistant District Attorney probably would not handle them.

Justice Pearson stated that this was true.

Town Attorney Rotello stated that in all fairness there are several criminal cases for the Assistant District Attorney that would be on that night and another night would probably have to be scheduled to handle the UTT's.

Supervisor Hotaling inquired as to if the County is overburdened or understaffed.

Town Attorney Rotello stated that he would have to direct that question to Mr. Soares.

Councilman Conrad inquired as to how many cases there would be per month.

Justice Pearson stated that there were 128 at the last court session.

Councilman Conrad inquired as to if they were trooper cases of which he had to adjudicate.

Justice Pearson stated that it was before this took affect.

Councilman Conrad inquired as to if it would be 1,500 cases per year.

Town Attorney Rotello stated that he would believe that it is more than that.

Councilman Conrad stated that it is a very substantial increase in Mr. Brick's duties.

Justice Dardani interjected that instead of having 12 State Troopers and 100 people it would be one person and added that it will increase court time to 4-5 hours.

Councilwoman Chmielewski interjected that they will probably have to pay Mr. Brick more money and added that he is not going to take on the extra burden without compensation.

Councilman Conrad stated that they didn't budget for it.

Supervisor Hotaling stated this is why the Governor was urged to sign the legislation.

Councilwoman Chmielewski stated that they should speak with Mr. Soares.

Councilman Boehm stated that the letter states that he can be contacted with any questions.

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## **RESOLUTIONS**

### **RES. #110-06 ADOPT THE FINDINGS AND RECOMMENDATIONS OF THE ALBANY COUNTY PLANNING BOARD**

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

**WHEREAS**, the Town of Coeymans is undertaking the development of a Comprehensive Plan for the Town with the assistance of a consultant, and

**WHEREAS**, a Draft Comprehensive Plan has been promulgated and forwarded to the Albany County Planning Board for its review in accordance with General Municipal Law, Section 239, and

**WHEREAS**, the Albany County Planning Board, on July 27, 2006 found “no significant countywide or Intermunicipal impacts” and recommended that a final copy of the approved Comprehensive Plan, with appendices and maps, be forwarded to them within 30 days of approval.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby adopts the findings and recommendation of the Albany County Planning Board. The Town Board authorizes Supervisor Ronald K. Hotaling, Jr., to communicate this agreement and approval to the Albany County Planning Board, following final adoption/approval, in compliance with General Municipal Law, Section 239.

### **RES. #111-06 APPOINT COURT CLERK**

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

**WHEREAS**, the Justice Court is desirous of filling the current Court Clerk vacancy, and

**WHEREAS**, interviews have been conducted by the Justice Dardani and Pearson, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans, does hereby appoint Rachelle Luchkiw to the position of Court Clerk, provisional, contingent upon approval of qualifications, and subject to further Civil Service review, at the hourly rate of \$11.81, effective immediately.

**RES. #112-06 AMEND HOLIDAY SCHEDULE TO INCLUDE VETERANS DAY**  
On motion of Councilwoman Rogers, seconded by Councilman Conrad, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

**WHEREAS**, at the Organizational Meeting on January 1, 2006, the Town Board set the holidays for 2006 for employees not covered by union contracts, pursuant to active agreements in force, and

**WHEREAS**, Veterans Day, November 11, 2006, was inadvertently omitted from the list,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby include Veterans Day in the list of official Town holidays to be observed.

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## **CORRESPONDENCE**

### **LaFarge North America – Tire Derived Fuel Project**

Supervisor Hotaling stated that he was in receipt of a letter dated August 28<sup>th</sup>, addressed to the Town Supervisor from Martin Turecky, Plant Manager. He continued by reading the following excerpt:

“As you know at the end of April of this year, the Plant received the necessary approvals to begin using tire derived fuel. The issuance of permits concluded a lengthy and detailed review conducted by both NYS DEC as well as the EPA. In addition Lafarge North America was acquired by our parent company Lafarge SA during the late spring and early summer. This lengthy review process coupled with the acquisition by Lafarge SA and their desire to place a priority emphasis on satisfying the sold out market has prompted the decision to delay the installation. The time of installation will re-evaluated in early 2007 to determine the appropriate time for installation. Lafarge remains committed to keeping all of our stakeholders aware of this project. We appreciate your continued interest in the Ravena Plant.”

Supervisor Hotaling asked if there were any further comments.

Councilman Boehm inquired as to if the problem was that they didn't have enough tires.

Supervisor Hotaling stated that he didn't believe it was that and added that it was because Lafarge NA was purchased by Lafarge SA. He continued by saying that they have given different priorities to their plants and the new owner has given the priority to satisfy the sold out market and also to achieve some savings. He added that the initial installation of the equipment would be a great deal of money.

Councilman Conrad stated that he read in the paper that they were ordered to stop all capital improvements.

Supervisor Hotaling stated that it has been delayed but he believes that it still will happen.

## **Village of Ravena – 20 Main Street**

Supervisor Hotaling stated that he received a letter dated August 24<sup>th</sup> addressed to himself from Village Mayor Bruno. He added that it states that the Village has received a request for relief of the 2001 DEC Consent Order for 20 Main Street. He continued by saying that he believes that it is owned by New Visions and added that there is a proposal to convert it to a 6-unit apartment building. He concluded by saying that the request is that the information be forwarded to DEC to have them review the data in order to determine if there can be a relaxation of the moratorium for this particular location. He then asked the Town Board what they would like for him to do.

Councilman Boehm inquired as to why they are doing it now and questioned the other homes that are being built.

Councilman Conrad stated that this is new and the Village is following the proper procedure.

Councilman Boehm inquired about the new homes that have been built since the moratorium that has been in place.

Councilman Conrad stated that everything has been approved, including existing lots. He continued by saying that this is a change in use from what was a single-unit to a 6-unit and added that he would agree that this is the proper procedure to follow.

Councilman Boehm reiterated that he was inquiring about the new construction that has taken place since the moratorium and the fact that the Village has not asked DEC for relief from it.

Councilman Conrad stated that they have been grandfathered.

Town Attorney Rotello interjected that was true or specific approval was given.

Councilman Conrad stated that three sub-divisions were approved and added that he would agree with Councilman Boehm that the Consent Order did not indicate specifically that they would be grandfathered. He continued by saying that there have been indications from DEC personnel subsequent to that and it would lead everyone to believe that previously approved subdivisions of that date or any existing lot in existence as of that date were considered grandfathered. He concluded by saying that they have asked for this in writing but have not gotten it.

Supervisor Hotaling stated that it is a work in progress and added when they came into office and looked at the moratorium the reading of it would support Councilman Conrad's position that everything would be considered. He continued by saying that subsequently in their contacts with DEC there have been indications and some letters written to provide some clarification and a structure that they could communicate with them on behalf of the residents of the Town as well as the Village. He then asked for a motion to forward the information.

## **MOTION**

On motion of Councilman Conrad, seconded by Supervisor Hotaling to authorize the forwarding of the information to DEC to have them review the data in order to determine if there can be a relaxation of the moratorium for this particular location

VOTE – AYES 4 – NAYS 0 – SO MOVED

## **Albany County – Intermunicipal Cooperation Forum & Shared Municipal Services Incentive Program**

Supervisor Hotaling stated that he has been invited to a meeting on September 18<sup>th</sup> at 10am at the office building on 112 State Street for the Albany County Intermunicipal Cooperation Forum. He added that he wanted to point out that Bethlehem Supervisor Egan had requested that an agenda topic for Ambulance/ALS/BLS Services be added. He

continued by saying that Supervisor Egan is looking for a more proficient, effective and cost efficient service to our communities. He concluded by saying that he is interested in this topic because there is also a need in the Town of Coeymans and added that the Ravena Rescue Squad has said that they are having difficulty maintaining membership and the service that the community is demanding of.

Town Attorney Rotello stated that attached to that is a letter from the Department of State regarding the Governor's Shared Municipal Services Incentive Awards Program, which applies to any shared services that go on between municipalities. He added that there was discussion earlier in the meeting regarding disparity as it relates to sewer and continued by saying that is a directive from the State level that might have some cost savings and grant money availability that they might want to look in to.

Supervisor Hotaling stated that he sees where Town Attorney Rotello is going with it but does not know if it is designed to mitigate that problem.

Town Attorney Rotello stated that if two municipalities come together and go to a truly shared system it might work and added that there has been a push over the last few years regarding shared municipal services and continued by saying that other municipalities throughout the state are looking at it, especially at the Village and Town level.

Councilman Conrad stated that there was an incentive for Towns and Villages to undo the Village type situation and combine services.

Town Attorney Rotello stated that they should look into whether or not it is feasible and they should look at all of the options.

Supervisor Hotaling stated that he would contact the County Executive's Office and have this item added to the agenda.

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## **TOWN BOARD WORKSHOPS/MEETINGS**

- Special Town Board Workshop, September 12, 2006, 6pm
- Town Board, Planning Board, Zoning Board of Appeals Meeting, September 18, 2006, 6pm
- Town Board Workshop, September 19, 2006, 6pm
- Town Board Meeting, September 25, 2006, 7pm

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## **ADDITIONAL COMMENTS**

Supervisor Hotaling asked if any member of the Town Board had any closing comments.

Councilwoman Chmielewski stated that she had gone to Joralemon Park earlier in the day and added that there were people playing disc golf. She continued by saying that they come from Albany to play and enjoy playing between the trees and rocks and added that they have only good things to say about the park. She went on to say that having people in the park cuts down on the opportunity for vandalism. She concluded by saying that the parks and cemeteries look great and the Town's labor force is doing a great job with the mowing and trimming.

Councilwoman Rogers reminded everyone to get out and vote Primary Election Day.

Town Clerk Millious stated that the Primary Election is for Republican, Democrat, Independent, Conservative, Working Families line and voting can be done from 12-9pm.

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

**ADJOURNMENT**

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 9:01pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane Millious, Town Clerk*



**A Public Hearing was held Monday, September 11, 2006, at 6:30pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Laverne Conrad, Councilman  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk

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Supervisor Hotaling opened the Public Hearing and led the Pledge of Allegiance.

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**SUPERVISOR'S OPENING COMMENTS**

Supervisor Hotaling stated that the record should reflect that there is a full Town Board in addition to Town Clerk Millious being present. He continued by asking that Town Clerk Millious read into the record the Legal Notice advertising the Public Hearing.

Town Clerk Millious read the notice as follows:

**NOTICE  
OF  
PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Coeymans will conduct a Public Hearing on the Final Town Comprehensive Plan. The adoption of a Comprehensive Plan is a Type I Action under 6 NYCRR, Part 617 of the State Environmental Quality Review Act (SEQR).

The Town of Coeymans conducted a Public Hearing on the Draft Comprehensive Plan on July 11, 2006. Public comments received at the hearing and in writing were incorporated into the document. The Town Board referred the Draft Plan to the Albany County Planning Board for review as required by Section 239-M of the General Municipal Law. Albany County Planning Department provided a written response indication that the Comprehensive Plan was complete. Following receipt of the County Planning Department's response, the Final Comprehensive Plan was prepared.

An electronic copy of the Final Comprehensive Plan can be downloaded from the Town's website at <http://www.coeymans.org/comp-plan.htm>. Paper copies of the Final Town Comprehensive Plan are available at Town Hall, 18 Russell Avenue, Ravena and at the RCS Community Library, 15 Mountain Road, Ravena, NY.

The Public Hearing will be September 11, 2006 at 6:30pm in the Town Hall, 18 Russell Avenue, Ravena, NY.

**By Order of the Town of Coeymans  
Coeymans Town Board  
Diane L. Millious  
Town Clerk**

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**INTRODUCTION**

Supervisor Hotaling stated that there have been several community meetings and the Town Board engaged the services of Laberge Consulting Firm for the development of a Comprehensive Plan. He continued by saying that the process for developing the Comprehensive Plan has taken approximately 17 months and added that it was in draft

form approximately one month ago and a Public Hearing was held where comments were heard and in turn incorporated into the final version of the Comprehensive Plan, which is on the Town's website in addition to being at the Ravenna Library. He added that the purpose of the Public Hearing is to provide the final opportunity for input into the Comprehensive Plan in its final stages and to hear from the public as to the impact that they believe that the plan would have on them, the Town as a whole, or any part of the Town. He concluded by saying that at the conclusion of the Public Hearing they are required to make a declaration about as to the impact. He concluded by saying that the action will likely occur at the next Town Board Meeting on September 25<sup>th</sup>, prior to the expected review and approval of the Comprehensive Plan for the Town of Coeymans.

Supervisor Hotaling invited those wishing to make comment to place their name and address on the sign-in sheet and then go to the microphone.

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## **PUBLIC COMMENT**

Mr. Lobectta stated that he is there on an informational basis.

Supervisor Hotaling reiterated that this was a process that has been going on for approximately 17 months and added that they had a concept as a Town Board that they needed to have some plan because most of the neighboring communities have successfully implemented proper growth. He continued by saying that they recognized that there potentially might be some zoning issues that need to be reviewed following the approval of the plan and in turn they engaged in an extensive search for a consultant and ultimately contracted Laberge to assist them. He added that it has been an aggressive process and the Town Board has maintained a leadership position because they are ultimately the ones that will have to approve the plan. He continued by saying that there have been several public meetings during the development on a variety of topics in addition to sending a survey to all property owners in an effort to give everyone an opportunity to participate. He added that the information from the survey was analyzed and incorporated it into the Draft Comprehensive Plan and continued by saying that they are in the final stages. He concluded by saying that it is his plan to have on the agenda for the next Board Meeting on September 25<sup>th</sup>, the final plan.

Mr. Lobectta inquired as to if the State would review it.

Supervisor Hotaling stated that the Town Board has identified themselves as the Lead Agency and based upon any impacts sited at the Public Hearing, they will determine that there would be an impact or they would negatively declare that there are no impacts. He continued by asking if there were any additional comments.

Councilman Conrad stated that the purpose of having the Public Hearing is required under Town Law, Section 274 (a) and added that in the event that if there are any court challenges or things of that nature they are not looked at in a manner to be prejudicial with their zoning. He continued by saying that they opened it up to the entire Town to express their feelings and added that in accordance with the law they the Comprehensive Plan is first passed and then they will follow-up with some sequential changes to the zoning, which is actually what set the whole process in motion because they had some requests for some zoning changes. He added that they did not want to make changes haphazardly, which was done in the past on some occasion because the Town Board was not up to speed with all the changes that were necessary and required. He continued by saying that this Town Board has undertaken the whole process, start to finish and added that they know what needs to be changed in the zoning and there are things that need to be updated and implemented. He concluded by saying that it is a legal process that all towns are required to follow and it is another step toward the adoption of the Comprehensive Plan.

Mr. Lobectta inquired as to if it is an economic development type thing, which will prevent urban sprawl.

Councilman Conrad stated that this was ideally what they had intended it for.

Mr. Lobectta stated that he didn't receive the survey and added that he has lived in the Town for 12 years. He continued by saying that he was not a property owner until August 2006.

Councilman Conrad stated that the survey was prior to him owning property and the survey went to the owner at the time of the survey. He continued by saying that this was only one step and added that he could still participate in the process, which will be some zoning changes that will ultimately be passed by the Town Board.

Mr. Lobectta inquired as to if there will be a public referendum.

Councilman Conrad stated that there would not be a referendum.

Mr. Lobectta asked if he could get a copy of the proposed Comprehensive Plan.

Supervisor Hotaling stated that it can be found on the Town of Coeymans website in addition to a copy in the Town Clerk's office and Ravena Library. He continued by saying that the Public Hearing had been opened for 20 minutes and no one had chosen to make any comments relative to the impacts of the Comprehensive Plan for the Town of Coeymans and then suggested that he entertain a motion to close the Public Hearing.

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## **ADJOURNMENT**

### **MOTION**

On motion of Councilman Conrad, seconded by Councilman Boehm, the Public Hearing was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 6:50pm

*Respectfully Submitted,*

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*Diane L. Millious, Town Clerk*

**A Town Board Meeting was held Monday, September 25, 2006, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Thomas A. Boehm, Councilman  
Dawn Rogers, Councilwoman

**ABSENT:** Nita J. Chmielewski, Councilwoman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Albert Deering, Highway Superintendent  
Joseph Rotello, Town Attorney  
Gregory Darlington, First Sergeant

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**SUPERVISOR'S OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there are three members of the Town Board present and added that Councilwoman Chmielewski was absent due to the loss of a close family friend. He continued by saying that Councilman Conrad had tendered his resignation to Town Clerk Millious in a letter dated September 25, 2006 and continued by reading the following letter of resignation:

Diane Millious – Town Clerk  
18 Russell Avenue  
Ravena, NY 12143

25 September 2006

Dear Diane,

Effective immediately please accept my resignation as Councilman. I would like to thank the residents of the Town for their trust when they elected me almost three years ago. I would also like to give my sincerest thanks to all of the other members of the Board, as they were a great team to be a part of. I am looking forward to working with the people of the Town of Coeymans in the future.

Sincerely yours,

Laverne H. Conrad

cc: Supervisor & Town Board Members

Supervisor Hotaling continued by saying that a resignation of a member of a government body is a sad occurrence and added that he would temper the sadness by the fact that former Councilman Conrad's association with the Town of Coeymans has not ended. He added that Councilman Conrad had taken a leadership role in the development of the Comprehensive Plan, which they have before them for final approval later in the meeting, and continued by saying that assuming that the approval takes place there will be a need for implementation of the plan. He continued by saying that he would be very much saddened if Mr. Conrad absence from the Town Board would not provide an opportunity to give some guidance to the Town Board and Town and added that he will be appointed by resolution later in the meeting that will come full circle for Mr. Conrad's true passion in the areas of planning, zoning, infrastructure and building and added that his certified Building Inspector/Code Enforcer status exemplifies that. He concluded by saying that Mr. Conrad will be moving from one side of the table to the other and will continue his service as they try to implement the Comprehensive Plan and added that he will continue

to serve the Town as they appoint him to the position of Building Inspector/Code Enforcer. He added that Town Clerk Millious, Town Attorney Rotello, First Sergeant Darlington, and Highway Superintendent Deering were also present.

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## **OVERVIEW OF AGENDA**

Supervisor Hotaling proceeded to give an overview of the agenda.

- Public Announcement
  - Acknowledgment of Senior Lifetime Achievement Honorees Marion Porter Fross and Terry Jenkins
- Public Comment Period
- Approval of Minutes
- Family Self-Sufficiency Program – September 2006
- Supervisors Report – August 2006
- Department Report Review
  - Town Clerk Monthly Report – August 2006
  - Building Department Monthly Report – August 2006
- Old Business Update and Discussion
  - Route 143 Realignment Project – Public Hearing
  - Approval of Comprehensive Plan for Town of Coeymans
  - Air Conditioning System
  - Furnace Replacement – Highway Garage
  - Election Costs and Charge Backs
  - Purchase Contract for Old Coeymans Firehouse
- New Business Topics for Discussion and/or Action
  - Resignation of Council Member (Conrad)
  - Intermunicipal Cooperation Grants
  - Court Clerks Request To Attend NYS Magistrate Court Clerks Annual Conference for Training
- Resolutions
  - Appointment of Building Inspector
  - State Environmental Quality Review Act (SEQRA) Review of Comprehensive Plan Impacts
  - Adoption of Comprehensive Plan for the Town of Coeymans
  - Authorization Submission of Application for Shared Municipal Services Incentive Grant
  - Approval of Abstract – September 2006
- Correspondence
  - ASCAP (American Society of Composers, Artists & Publishers)
  - Callahan Industries
- Town Board Workshops/Meetings
  - Town Board Meeting, October 10, 2006, 7:00pm (on Tuesday due to Monday Columbus Day Holiday)
  - Town Board, Planning Board, Zoning Board of Appeals Workshop October 16, 2006, 6:00pm
  - Town Board Workshop, October 17, 2006, 6:00pm

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## **PRESENTATION**

### **Acknowledgment of Senior Lifetime Achievement Honorees**

Supervisor Hotaling stated that he wanted to acknowledge and celebrate two Senior Lifetime Achievement Honorees. He added that he had attended a Seniors Forum on September 20<sup>th</sup> to honor seniors in Lifetime Achievement Awards and continued by saying that there were 42 seniors aged 85 and older from Albany, Rensselaer, Saratoga and Schenectady Counties that represent outstanding examples of the triumphs of the

advances of medical science, vocational and educational changes in the past decade and the contributions of our older generations to the success of our county and more specifically our Capital District Area. He continued by saying that he was fortunate to sit at the table with two people from the Town of Coeymans and continued by reading their accomplishments as they were honored at the ceremony.

Terry Jenkins: Theresa is a warm, caring person whose enthusiasm for life and music brightens the lives of everyone she meets. As a STARS volunteer, she is a role model for her students at the P.B. Coeymans Elementary School, encouraging them to do their best and save their pennies for the future. Theresa makes each child feel special by showering them with love and attention. She helps them develop self-confidence by giving them the support that may not always be found outside of school.

Marion Porter Fross: Marion believes strongly in giving back to the community and has spent a lifetime doing so at local schools and through her church and other organizations. She serves as a role model not only for her six children and their families, but for the countless children she has taught and served in the past 40 years.

Supervisor Hotaling continued by congratulating them and thanked them from the community for their efforts.

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## **PUBLIC COMMENT**

Supervisor Hotaling invited the public to comment at this time.

John Allen – Stated that he was there to represent the community and continued by reading the following:

I would like to begin by thanking the Supervisor and Board for their past support and immediate response to concerns that we have raised as a community. It is that reason that many of us are here tonight, to educate you about the concerns of quality of life issues we have regarding our community. Many of us have participated in the Comprehensive Plan development and are committed to insuring a safe community that promotes quality of living. We are asking for your help in our struggle since we as a community see our quality of life deteriorating. We have other members of our community who could not be here tonight but wanted to let you know that this is not just one or two families but a large contingent of the community that have serious concerns about the quality of life in the Hamlet and we would like to share that with you. The problem that we see in a community of many families are a couple of households who in and of themselves pose problems but also invite outsiders to our community that compound our problems. This gets magnified when the normal processes for dealing with these types of issues appear to us to be dysfunctional. I should begin by saying that we have many Police Officers who are exceptional in protecting the public and for whom we have the utmost respect. However, we also experience unequal police enforcement of laws and regulations, a lack of the District Attorney's office prosecuting quality of life crimes, lack of judicial enforcement or interpretation of the law, along with zoning issues that are not identified without complaint, pitting neighbor against neighbor. I'd like to illustrate some examples of the problems that we regularly encounter, two members of our community get parking tickets, one briefly taking her children into the house and another unloading groceries from her car, while one family regularly in particular gets warnings with time to drag even an abandoned vehicle back to their property. This same family who brags that the current acting Police Chief provides them a measure of protection from enforcement. This unequal enforcement has compounded the problem when for example the dragging of the vehicle; the individuals blocked the road and became confrontational when the resident on Colvin Avenue tried to get simply home for the evening. Another example is when at least two neighbors contacted Police Dispatch to report an incident concerning Officer safety. While Police were investigating an altercation at the foot of Westerlo Street we observed a man standing in the middle of Westerlo Street pointing a rifle in the direction of the officers, literally aiming the rifle. To date no one has interviewed either of us who were willing to file reports and we've not seen the individual with the rifle ever

being questioned. On many nights, in particular weekends, the average speed on Westerlo nears 40mph creating hazards for us, our families, children and pets. We are expecting that if the lack of enforcement continues a death is going to result of some innocent victim who is simply in the wrong place at the wrong time, simply trying to live on Westerlo Street. At least three accidents have occurred from speed and alcohol, most recently a telephone pole with two crashes in the stonewall. No speed enforcement has ever taken place in our area. We have numerous problems with noise and yet we would ask the Town Board to take a look at, do we have an ordinance on the books, is that ordinance something that can be enforced and does it actually promote for the quiet enjoyment of our properties after a reasonable hour in the evening? Police complain of the Assistant District Attorney and Judges, our collective experience is that the District Attorney does not prosecute quality of life issues. In one assault case she recommended it for mediation, we guess that it must be ok to assault people in our community; you just have to agree on the day of the week or the part of the body that gets assaulted. In another case bottle rockets were fired directly at a house by an individual who was clearly identified and police observed evidence supporting the charge were dismissed or not prosecuted by the District Attorney. A number of us have had cases simply never brought up and are being told by the DA herself that we should move to a better community. We happen to like the community that we live in and would like to promote the quality of life there. Local judges are blamed both by the DA and the police for not finding the evidence and witnesses are present. Some of us have experiences of the judge finding for the defendant in spite of the recordings, multiple witnesses and no defense allegation even offered as to why certain behaviors occurred. If they are concerned about retaliation then they should recuse themselves and let another Judge from another town hear the case. Given the drug issues in our community, Judges taking the soft approach to let people off just paying fines does not appear to be the most effective way of changing their behavior. We would ask that the Board convene a meeting with the Police, DA and Judges to evaluate and eliminate the dysfunction in our system. If the DA is not willing to prosecute every case then we should demand one who will. If the judges are the problem then we as dissatisfied citizens will demand a change come election time. Those Police Officers who criticize victims while the perpetrators spout numerous expletives or make explicit threats in the Officer's presence should at least be counseled and those that believe they should only enforce the laws with which they agree may need to be replaced. We also need zoning assistance because many of these quality of life issues are not going to be addressed by Police presence. We want to make our community a safe and nice place to raise a family; we know that you as a Town Board share this vision, which is why we seek your assistance. We say that actions speak louder than words; we thank you for listening to us.

Supervisor Hotaling asked if there were any additional comments.

Robert Anderson – Stated that he is a nearby neighbor of Mr. Allen and added that he agrees completely with what he had said and continued by saying that he wanted to add to some of the examples on non Police enforcement and the quality of life issues that are right in front of anyone that travels through the Hamlet up and down Westerlo Street, which is a thoroughfare. He added that within instant eye shot there is a lumber facility right across from the gazebo and continued by saying that the lot is full to the brim of wood being cut as if it were an industry, which has entrances blocked and it is a health hazard and continued by saying that it is in full sight and then inquired as to why it is not addressed immediately by the authorities. He continued by saying that cars are parked on sidewalks on Rte. 144 and are clearly in sight over long periods of time and are not being addressed, which adds to their frustration as members of the community. He added that he has a situation where there is a junk heap built up behind a house that was recently purchased and continued by saying that it is items that have collected there and is not the result of a project happening, which is unsafe, poses a fire hazard and is unsightly. He concluded by saying that this all affects his quality of living because he is in plain view of it when he tries to enjoy his own backyard.

Supervisor Hotaling asked if there were any additional comments.

Russell Raymond – Stated that he is a resident of the area and added that he is concerned about drug paraphernalia that he has personally found in front of the properties that were

mentioned earlier by Mr. Allen and added that he had reported it to the police and was told that he should dispose of it. He continued by saying that there is illegal parking all over the place and added that he was told that he could not have parking in front of his building where he had parked for two years and added that it is being strictly enforced because he gets tickets for unloading groceries. He went on to say that other people in the neighborhood seem to have preferential treatment and don't seem to get tickets and added that if the police ask them to move their vehicles they will do it but 15 minutes later the vehicles are back and they are laughing like it is a big joke. He continued by saying that speeding up and down Westerlo is a big issue and added that he has spoken to the Police on several occasions and the problem is that they have to see things happen before they can actually do anything about it. He added that he understands what they are saying and continued by asking what they can do as residents when they witness such things as public urinating, drug dealing, weapon sales, underage drinking and parents betting on their children fighting.

Supervisor Hotaling – Stated that he wanted to clarify that he was saying he had observed violations and reported them but the response from his perspective is that the Police said that they didn't see it so therefore they cannot respond to it.

Mr. Raymond – Stated that the people who violate these crimes know when the Police are coming and hide it so the Police cannot see it and in turn laugh when the Police try to do their job, which is not fair to the Officers who put their lives in danger for those people to thumb their nose to the Officer.

Supervisor Hotaling asked if there were any additional comments.

Richard Tierney – Stated that he is a resident of 91 Main Street, which is directly across from the Post Office. He continued by saying that he agrees with the no parking on Westerlo Street and added that it was written in the deed to his property that there was a right-of-way from the rear of his property to Westerlo Street. He continued by saying that he knows that it is not a criminal matter but rather a civil matter and inquired that since it was written in the deed if he could bulldoze it out and use it as a right-of-way in order to protect his house. He added that if he went to a judge he could either extinguish it or rule in favor on his behalf and continued by saying that if a certain person deliberately blocks his right-of-way then he has no means or way of clearing it. He concluded by saying that he does not know how the parking problem is going to be solved and added that he has 206 feet of property and if the Town wants to dig it out and make a parking lot it would be fine with him.

Supervisor Hotaling – Stated that he had presented a lot of questions with respect to deeds and access and added that he's not sure what kind of response he will be able to give.

Richard Tierney – Stated that he understands the ambiguities and the litigation and added that the person in the corner house can say that he cannot have the right-of-way, which could be challenged in court.

Supervisor Hotaling – Stated that they would research it.

Town Attorney Rotello – Stated that Mr. Tierney has identified civil issues between neighbors and if there is something in the deed it does not necessarily give the Town any enforceable rights.

Supervisor Hotaling – Interjected that even they may want to intercede he does not think that they have the authority to do so. He then suggested that Mr. Tierney and Town Attorney Rotello talk at some point to see if the Town has any authority.

Supervisor Hotaling asked if there were any additional comments.

Dawn Reed – Stated that she lives at 43 Westerlo Street and added that one of the accidents mentioned by Mr. Allen was in front of her home. She continued by saying that she witnessed a Trans Am hit a brick wall as well as witnessing a girl run to the house at

51 Westerlo Street and added that because she was not in the car she was not arrested. She went on to say that if she had been going down the hill rather than up she would have hit her house and added that she has two small children that play outside. She continued by saying that at the same house there are many fights with police there constantly and added that her children should not have to hear the profanity that comes out their mouths. She added by saying that they have no respect for themselves as well as respect for the community and added that she understands that people should live their lives the way they choose as long as they keep it in their own home and not bring it amongst the neighbors. She continued by saying that there are drugs, foul language, and even children sitting down of their skateboards and riding them down the street. She added by saying that this is common decency that they are not being able to live amongst because those people don't know how to be good people and added that two families are ruining a really good neighborhood and concluded by saying that something needs to be done.

Supervisor Hotaling asked if there were any additional comments.

Shelly Anderson – Stated that she lives at 25 Westerlo Street and added that she takes her dog to the cemetery to walk because she is afraid to walk her dog on Westerlo Street. She continued by saying that she would like to see more Police enforcement patrolling Westerlo Street. She added that there was an incident of a Police Officer being accosted by a gentleman across the street from her and she had to call the Police Station to report that their officer was on the ground being attacked.

Supervisor Hotaling – Stated that he had taken some notes on some of the issues raised and added that he had some discussions from residents of that area prior to now. He continued by saying that the precipitating call that might have initiated the Colvin Avenue, Westerlo Street dragging of the parked vehicle was him calling First Sergeant Darlington. He added that the vehicle in question was observed several weeks earlier and was still there and he in turn called First Sergeant Darlington and as a result there was a response. He continued by saying that in reviewing what was done he had discussion with First Sergeant Darlington about the manner in which it was resolved by giving an opportunity for the dragging to occur. He added that they had also discussed how they could change the behavior for the options at the discretion of the Officer given the history and obvious volatility of the neighborhood and the people that live in it. He continued by saying that he subsequently had discussed it with the Town Board and has shared with First Sergeant Darlington the belief that the Town Board is at the point where they want to improve the quality of life based on the actions that have gone on and the examples that have been given. He added that he had discussed with First Sergeant Darlington stepping up the enforcement of the quality of life issues and added that he has not had occasion to speak with him as to how that effort is going and continued by saying that First Sergeant Darlington and the entire Police Department are aware of the Town Board's belief that these type of neighborhood and quality of life issues need to be more of a focal point for the Officers when they patrol. He concluded by saying that there are Police quality of life issues and regular, routine code enforcement issues that are outside the scope of the police and added that regardless they are the responsibility of the Town to be responsible for and to follow-up and insure that there is a level of quality of life commensurate with the community's needs and added that he is confident that the addition of full-time staff in the Building Department will begin to address some of those needs and continued by asking for some time to respond to some of the issues that have been raised. He then extended an invitation to First Sergeant Darlington to speak.

Sergeant Darlington – First Sergeant Darlington stated that he would request that he along with Supervisor Hotaling make contact with the District Attorney's Office because there were some concerns raised that are concerns of the Police Department. He continued by saying that he was advised by some of the people that the District Attorney has used the Police Department's lack of paperwork and such as reason for their plea bargain and added that he has since questioned that and it was denied that it is occurring.

Supervisor Hotaling – Stated that Mr. Darlington had raised this issue with him a few days ago and in turn he had advised that he was aggressively following this up with the DA's Office in an attempt to iron-out any distinctions, differences or inferences that seem to be coming from that office. He concluded by saying that he hoped that First Sergeant

Darlington was continuing to follow-up on this and added that a meeting with the DA's Office would be helpful.

Sergeant Darlington – Stated that the patrols were advised that they needed to be less tolerant and there needs to be stronger enforcement. He continued by saying that there are problems in other parts of the Town that are having similar situations and added that it is a lot of area to cover with the staff that they currently have and concluded by saying that they are working on this.

Supervisor Hotaling – Stated that he understands that there are limitations and added that the residents are responding to what they have witnessed and it turn the Town needs to respond to it to the extent that they can.

Supervisor Hotaling asked if there were any additional comments.

Shelly Anderson – Stated that the Hamlet of Coeymans is the first thing that you see off of Rte. 144 and the riverfront is beautiful and added that she can't walk her dog to the post office because of the trash along the side, which is a zoning issue and continued by saying that she believes that the sidewalks are property of the Town.

Supervisor Hotaling – Inquired as to if she believes that the cleaning of the sidewalks is the responsibility of the Town.

Shelly Anderson – Stated that she is responsible for the sidewalks in front of her house as far a shoveling the snow and keeping them free of debris.

Supervisor Hotaling asked if there were any additional comments.

James Pasquini – Stated that he is a resident of 20 John Street and continued by inquiring as to if it would make more sense as a Town Board to dissolve the Police Department and earmark that money in the budget for the State Police to step-up the patrol. He continued by saying that they have more manpower and could address the drug problem in addition to them not having a relationship with any of the neighbors and would not pick sides.

Supervisor Hotaling – Stated that the resources of the County Sheriffs and State Police are one of which they all reach into their pocket and contribute toward the support of in terms of tax dollars, whether it be county or state. He continued by saying that he also sees that there is a tremendous benefit to having a local Police Department and added that there are issues within the community that requires the coordination with and beyond each agency. He went on to say that across the state there is this feeling among some law enforcement agencies about turf issues and added that he is not suggesting that it happens in the Town of Coeymans. He continued by saying that he is sure that on occasion there are issues that are raised and it is decided not to bring the Sheriffs or State Police in because of turf issues. He added that a great number of the people that work for the Albany County Sheriff's Department were once Town of Coeymans Police Officers and continued by saying that he believes that they can foster a good relationship. He continued by saying that this is something that he and First Sergeant Darlington have talked about and he has begun to do that and added that he does not have as great a confidence of their manpower to cover issues on a local level. He concluded by saying that clearly with a local Police Department in conjunction with the County Sheriffs they can go a long way to step-up and turn over to the Sheriffs investigations at a higher level.

James Pasquini – Stated that there are two patrols per shift that patrol 65 square miles and the bulk of the issues and drug problems have been in the Hamlet and continued by saying that there should be one car to patrol the Hamlet.

Supervisor Hotaling – Stated that someone else might have a different viewpoint of where the bulk of the problem is. He added that he understands his concerns and continued by saying that the problems are spread throughout a broad range of the community.

James Pasquini – Stated that as a taxpayer he believes that they would be better off if the Town had State Troopers or Albany County Sheriffs set up a base in the Town and use our current facility because they have more manpower and they work together more frequently.

First Sergeant Darlington – Stated that the drug issue is something that constantly comes up and added that the Town’s Department is not of size to do drug investigations and continued by saying that they work hand-in-hand with the Albany County Sheriff’s Drug Unit as well as State Police C-Net. He added that any information that comes to them gets relayed to them and in turn they handle it as they see fit. He concluded by saying that there have been occasion when they have called for assistance and the Albany County Sheriff’s Department only has two cars handling the entire Albany County area and added that it is a scarce resource everywhere.

Mr. Pasquini – Stated that his house was vandalized on Memorial Day and added that it took over three hours for the Police to come because there was only one Officer on duty. He continued by saying that the Officer did not have a Police Report on him and said that the would return in 15 minutes and to date he has not seen it.

Supervisor Hotaling – Inquired as to if he had followed it up with the Police Department.

Mr. Pasquini – Stated that he did a couple of weeks ago.

Supervisor Hotaling – Stated that the Dispatcher is on duty 24 hours a day, 7 days a week and added that he could have called at anytime and requested a follow-up to something had occurred several months ago.

Supervisor Hotaling stated that with permission of the Board he would be moving on to other sections of the agenda.

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**FAMILY SELF-SUFFICIENCY PROGRAM**

**September 2006**

Supervisor Hotaling reported that there were eight participants in the program, seven of whom have escrow accounts and one that ended participation as of September. He continued by saying that the program started out with 23 participants in January and because of the Town Board’s decision to place some restrictions the Program has dwindled and added that they will not be taking any more into the Family Self-Sufficiency Program.

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**SUPERVISOR’S REPORT**

Supervisor Hotaling presented his report for August 2006.

<b>FUND</b>	<b>BAL. FWD.</b>	<b>RECEIPTS</b>	<b>DISBURSE.</b>	<b>BALANCE</b>
<b>General</b>	<b>\$ 211,980.98</b>	<b>\$ 336,591.85</b>	<b>\$ 302,863.92</b>	<b>\$ 245,708.91</b>
<b>Part-Town</b>	<b>\$ 327,239.08</b>	<b>\$ 1,800.72</b>	<b>\$ 232,031.33</b>	<b>\$ 97,008.47</b>
<b>Spec. Water</b>	<b>\$ 47,446.30</b>	<b>\$ 363.80</b>	<b>-0-</b>	<b>\$ 47,810.10</b>
<b>Highway</b>	<b>\$ 398,138.58</b>	<b>\$ 61,094.95</b>	<b>\$ 43,836.10</b>	<b>\$ 415,397.43</b>
<b>Bridge Const.</b>	<b>\$ 37,283.51</b>	<b>\$ 48.94</b>	<b>-0-</b>	<b>\$ 37,332.45</b>
<b>Sewer</b>	<b>\$ 232,357.19</b>	<b>\$ 51,555.44</b>	<b>\$ 27,717.02</b>	<b>\$ 256,195.61</b>

Sewer Cap Proj.	\$ 223,488.81	\$ 56,803.92	\$ 39,636.62	\$ 240,656.11
			<b>Total Rec. Bal.</b>	<b>\$ 1,340,109.08</b>

<b>CD CITIZENS BANK</b>	<b>A FUND</b>	<b>\$ 200,000.00</b>
<b>30 DAYS</b>	<b>A FUND</b>	<b>\$ 107,346.00</b>
<b>90 DAYS</b>	<b>A FUND</b>	<b>\$1,000,000.00</b>
<b>30 DAYS</b>	<b>B FUND</b>	<b>\$ 200,000.00</b>
<b>90 DAYS</b>	<b>HIGHWAY-DA</b>	<b>\$ 100,000.00</b>

**SAVINGS ACCOUNTS**

<b>UNEMPLOYMENT</b>	<b>\$ 3,118.47</b>
<b>GROVE CEMETERY</b>	<b>\$ 57,737.03</b>
<b>SEWER-DEDICATED</b>	<b>\$ <u>6,137.59</u></b>
<b>TOTAL</b>	<b>\$ 66,993.09</b>

**SECTION 8 - HUD**

<b>OCCUPIED UNITS</b>	<b>59</b>
<b>HUD PAYMENTS</b>	<b>\$22,892.10</b>
<b>ADMIN. FEE</b>	<b>\$ 80.10</b>
<b>TOTAL HUD PMT.</b>	<b>\$22,892.10</b>
<b>TENANT RENT</b>	<b>\$14,410.00</b>
<b>CONTRACT RENT</b>	<b>\$36,439.00</b>

**COLLATERAL  
COVERAGE**

**FDIC COVERAGE**

**COLLATERALIZED**

<b>National Bank of Coxsackie</b>	<b>\$100,000.00</b>	<b>\$ 711,693.82</b>
<b>Citizens Bank</b>	<b>\$100,000.00</b>	<b>\$ 1,648,800.45</b>
<b>First Niagara</b>	<b>\$100,000.00</b>	<b>\$ 517,773.61</b>

Supervisor Hotaling asked for a motion to accept the August 2006 Supervisor's Report.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm the August 2006 Supervisor's Report was accepted as presented.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

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**DEPARTMENT REPORT REVIEW**

**Town Clerk Monthly Report – August 2006**

Supervisor Hotaling asked that Town Clerk Millious give a summary of the Town Clerk's Report for August 2006.

Town Clerk Millious continued by giving her report.

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Town Clerk's Monthly Report for August 2006 was accepted as presented.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

**Building Department Monthly Report – August 2006**

Supervisor Hotaling stated that he would summarize the Building Department Monthly Report for August 2006 and then asked for a motion to approve the report.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the Building Department Monthly Report for August 2006 was accepted as presented.  
VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

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## **OLD BUSINESS**

### **Route 143 Realignment Project – Public Hearing**

Supervisor Hotaling stated that NYS DOT will conduct a Public Hearing on Wednesday, September 27<sup>th</sup> at the R-C-S High School Auditorium at 7pm and added that it will be a Public Hearing on the proposed improvements on Rte. 143. He continued by saying that the DOT Engineers will be available for one hour prior to the Hearing to answer any questions that anyone may have in an informal environment.

### **Approval of Comprehensive Plan for Town of Coeymans**

Supervisor Hotaling stated that he would be postponing the approval of the Comprehensive Plan until after the resolution is heard and voted upon later in the meeting. He continued by saying that this is the Albany County Planning Board's follow-up that requires the Town within 30 days of acceptance of the Comprehensive Plan to indicate the determination along with the recorded vote to be dated signed and sent back to them.

### **Air Conditioning System**

Supervisor Hotaling stated that the Town Board wanted to set forth another set of specifications and invitation to accept bids on the installation of a central air conditioning system and removal of the old system. He added that there was a failed attempt in awarding the bid several weeks ago and continued by saying that they are not at a point where they can authorize Town Clerk Millious to post the Notice and seek bids that will be opened on October 11<sup>th</sup> at 2pm. He then asked for a motion to authorize Town Clerk Millious to advertise the bid.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, authorizing Town Clerk Millious to advertise the bid.  
VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

### **Furnace Replacement – Highway Garage**

Supervisor Hotaling stated that Maintenance Supervisor Perry had coordinated several quotes for the replacement of the furnace in the Highway Garage and added that it was put in the budget for next year but they have decided to do it this year. He continued by saying that the quotes range from a high of \$7,736.00 to a low of \$4,800.00 and added that the low bidder had also submitted an additional quote to adjust the main furnace and bring it back into specifications and better efficiency. He then asked Highway Superintendent Deering if he had seen the quotes.

Highway Superintendent Deering stated that he had seen some of them.

Supervisor Hotaling extended an invitation for Highway Superintendent Deering to review the quotes.

Highway Superintendent Deering asked if the quote included the main furnace.

Supervisor Hotaling stated that it was not part of the quote and added that it was an afterthought in looking at both systems.  
Councilman Boehm inquired about there being such a big difference in the amount between the high and low quotes.

Supervisor Hotaling stated that he would refer him to the description of the job and continued by reading the following: removal of existing furnace, installing new oil fired forced warm air furnace with beckett burner, installation would include any alterations that are to be made of the ductwork, unit would be a lowboy model so it would bring return air out of way of generator, all electrical and oil line piping would be included, unit would be placed on blocks to raise unit off of ground, fluepipe would go out into existing chimney, replace fluepipe with 26 gauge pipe.

Supervisor Hotaling continued by saying that it sounds like a full and complete installation.

Councilman Boehm inquired about the electrical work.

Supervisor Hotaling stated that there is existing electrical that won't have to be altered and continued by saying that the quote appears to be pretty cut and dry.

Councilwoman Rogers stated that she would make a motion.

### **MOTION**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, accepting the low quote of \$4,800.00 from Heavenly Air System for the installation of a furnace in the lower garage at the Highway Department.

Councilman Boehm stated that his concern is that something is going to come back as a result of the low bid and they will have to subcontract and charge the Town, which would result in the \$4,800.00 being an inaccurate amount.

Supervisor Hotaling stated that any vote with respect to the bid would not authorize the Town Board to pay any subcontractor anything without further action by the Town Board and continued by saying that the award of \$4,800.00 will not bind them for any subcontractor.

Supervisor Hotaling continued by asking for a vote.

VOTE – AYES 2 – NAYS 1 – ABSENT 1 (Chmielewski)

Supervisor Hotaling stated that in terms of the negative vote the 2 ayes and 1 nay on a four person Board does not provide a majority even in the absence of Councilwoman Chmielewski and added that the motion is not carried and the award is not made to the low bidder. He then asked if there was a motion that the negative vote wished to make with respect to awarding it to the next bidder.

Councilman Boehm stated that he would like for Highway Superintendent Deering to check with Heavenly Air about his concern with the low bid and his belief that they will be faced with additional costs because of the difference between that and the other three bids and added that he believes that it is not an accurate amount.

Supervisor Hotaling inquired as to if Councilman Boehm was saying that he does not feel that it is appropriate to award it to the next low quote because Heavenly Air is not a responsible quoter. He added that Maintenance Supervisor Perry was handling this and asked that it be deferred to him for follow-up.

Highway Superintendent Deering asked that they let him know what the outcome is.

Supervisor Hotaling stated that he would contact Maintenance Supervisor Perry and have him insure that the Heavenly Air System apparent low quote includes the installation and the appropriate accessory electrical work.

### **Election Costs and Charge Backs**

Supervisor Hotaling stated that election costs and proposed charge backs has been a topic for the Town Board for the past several months. He added that the Town of Coeymans ran their own elections based on comparative reasonable costs each year for approximately \$11,000.00. He continued by saying that the County of Albany is now responsible pursuant to the H.A.V.A. Act and the subsequent legislation passed by the State of New York, for the conduct of elections and added that in turn last year they asked that the Town of Coeymans contribute \$45,000.00 to operate the elections that previously cost the Town \$11,000.00. He added that the Town of Coeymans and many other municipalities within the county had issues with this and Albany County convened an informational meeting, which he had attended, and they set forth their budget costs and projections for 2007. He continued by saying that the \$45,000.00 was reduced because of the manner in which they were apportioning it and added that in 2006 it was based on population percentages and for 2007 it was based on total assessed valuation. He added that it went from \$45,000.00 in 2006 to \$42,000.00 for 2007, which is still considerably higher than it was to run elections in the past. He added that he was a member of a group of municipalities whom had met recently at Cohoes City Hall to exchange ideas and thoughts that has now resulted in a letter, which he had received via email earlier in the day from Mayor McDonald of Cohoes. He continued by saying that Mayor McDonald has asked that those attending the meeting to consider approval of a letter that is going to be sent to County Executive Breslin, Majority Leader Houghtaling and Minority Leader Benedict and added that the letter sets forth the proposal that they have come up with, which they believe is fair. He added that the letter suggests that if the county has the discretion as to whether or not to apportion the cost to the municipalities, they hope that they choose not to but in the event that they choose to do so they have now suggested that the apportionment be based on the staff needed to operate the election. He continued by saying that when it is implemented the Town of Coeymans with its \$440 million worth of total assessed valuation represents 2.27% of the total assessed value of the County and when you take into account the cost of the personnel to do the election that cost is \$495,300.00 as opposed to the full budget of 1.88 million dollars. He concluded by saying that in calculating the 2.27% of the Town's portion of the \$495,000.00 personnel cost, it is now down to \$11,243.31, which is where they were all along and added that this is what they believe to be a fair way to do it and a viable alternative in the event that the County still chooses to apportion the cost back to the localities.

Supervisor Hotaling then asked for a motion authorizing him to agree to the concept of which he took a part in developing in addition to authorizing his signature to go on the letter that has been drafted for their review.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, authorizing Supervisor to agree to the concept in addition to authorizing his signature on the letter.  
VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

Supervisor Hotaling stated that he would be contacting Mayor McDonald the following day.

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## **NEW BUSINESS**

### **Resignation of Council Member**

Supervisor Hotaling stated that this topic had been covered earlier.

### **Intermunicipal Cooperation Grants**

Supervisor Hotaling stated that several meetings have taken place on a County level going back to last year about how municipalities within Albany County can either work better with themselves or each other to hold down costs in addition to how the County can be helpful to municipalities in terms of bidding, purchasing and those type of things.

He continued by saying that it is a great concept and an example is Highway Superintendent Deering's association with the County with respect to salt and added that the Town of Coeymans Highway Department and the County of Albany share the salt shed on Alcove Road, which enables Highway Superintendent Deering to acquire salt from the shed and in turn have it charged back to the Town in a cooperative arrangement and added that he has been told that the Town of Coeymans makes out pretty well because they do not charge for every ton that they use. He added that it was touted by the County Executive and the Commissioner of Public Works as a vivid example of cooperation between and among governments and municipalities and continued by saying that the County of Albany has advised that the Town has the opportunity to access their bids on the County's website in order to piggy back on the bids that they have already done the work on to insure that the lowest price and commodities that they are seeking can be done through the bidding process. He added that the Town of Berne has engaged in dialog with the County of Albany to combine the Town of Berne Highway Department and absorb it into the Albany County Highway Department in an effort to save money, which will not result in a loss of jobs. He continued by saying that at the most recent meeting they were advised that the State of New York through their grant process has put forth a 25 million dollar pool of money for grants to encourage municipalities to interact with each other and study the cooperation efforts that they can come up with in order to save dollars. He added that the State will support those studies with the proper application through a grant and it is funded at a 90/10 ratio, which would only be a 10% match on the part of the municipalities involved in the cooperation study. He continued by saying that one of the components of the grant is that the municipality has to declare intent by passing a resolution to indicate that and it has been included in the resolutions for the meeting. He concluded by saying that he does not know if the Village of Ravena, who is the Town's obvious partner, is going to pass a similar resolution about intent and added that the resolution will authorize him to reach out to other municipalities to explore ways of saving money for the taxpayers through shared services.

Councilman Boehm stated that it is a great opportunity to look at different things other municipalities and added that it would be an ideal time to consider doing this.

### **Court Clerks Request To Attend NYS Magistrate Court Clerks Annual Conference for Training**

Supervisor Hotaling stated that he had received a request from the Town Judges for the Court Clerks to attend NYS Magistrate Court Clerks Annual Conference for training and added that it was submitted in writing and it is to include a fee for registration. He continued by saying that it is a request for the two Court Clerks to attend training on October 9<sup>th</sup> & 10<sup>th</sup> in the amount of \$25.00 for registration for each in addition to reimbursement for mileage, meals and tolls. He added that the complicating factor is that October 9<sup>th</sup> is the Columbus Day holiday and continued by saying that he would like to incorporate in the motion consideration to exchange that day of work with a floater that could be used prior to December 31, 2006.

### **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing expenses for registration, meals, mileage, and tolls on a daily basis in addition to providing a floater day to replace the October 9<sup>th</sup> Columbus Day holiday.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

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### **RESOLUTIONS**

#### **RES. #113-06 APPOINTMENT OF BUILDING INSPECTOR**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) SO MOVED

**WHEREAS**, the Building Department has been without the services of a full-time Building Inspector

**WHEREAS**, Mr. Laverne H. Conrad has taken and passed the Civil Service Test for the position of Building Inspector and Code Enforcement Officer, and

**WHEREAS**, Mr. Conrad's rank on the Building Inspector list is Number 1, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby appoint Laverne H. Conrad to the position of Building Inspector and Code Enforcement Officer, at the hourly rate of \$19.23, effective immediately.

**RES. #114-06 STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)  
REVIEW OF COMPREHENSIVE PLAN IMPACTS**

On motion of Supervisor Hotaling, Jr., seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

**WHEREAS**, the Town of Coeymans Town Board is the Lead Agency pursuant to the State Environmental Quality Review Act (SEQRA) in the adoption of the 2006 Town of Coeymans Comprehensive Plan; and

**WHEREAS**, pursuant to SEQRA, the Town Board has prepared Parts 1 and 2 of the Environmental Assessment Form (EAF); and

**WHEREAS**, the Town Board has considered the probable environmental impacts of the adoption of the Town of Coeymans Comprehensive Plan; and

**WHEREAS**, the Town Board has concluded that there will be no adverse impact impacts to the cultural, social, economic or environmental resources of the Town.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans adopts the findings and conclusion relating to probable environmental impacts contained within the attached Environmental Assessment Form (EAF) and Negative Declaration and authorizes Diane Millious, Town Clerk, to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law.

**RES. #115-06 ADOPTION OF COMPREHENSIVE PLAN FOR THE TOWN OF  
COEYMANS**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, Jr., the following resolution was APPROVED – VOTE - AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)  
SO MOVED

**WHEREAS**, the update of a Comprehensive Plan is provided for in New York State Town Law Section 272-a; and the Town has diligently worked toward the completion of this Comprehensive Plan, and

**WHEREAS**, the Town Board served as the Advisory Committee for the purpose of updating the 1970 Comprehensive Plan; and

**WHEREAS**, the Town Board retained the firm, Laberge Group, to assist the Town with the process of updating the Comprehensive Plan; and

**WHEREAS**, the Town Board conducted a resident survey, held public workshops, conducted interviews with key groups, committees and officials and held a Public Hearing on July 11, 2006 in order to ensure full opportunity for citizen participation in the preparation of the proposed plan; and

**WHEREAS**, the Town of Coeymans Comprehensive Plan is a compilation of many months of planning, public feedback and information gathering from the community as a whole, and the Comprehensive Plan is intended to guide future growth and development within the Town; and

**WHEREAS**, the proposed Plan has been referred to the Albany County Planning Board, as per the General Municipal Law &239-m, for review and recommendations; and Albany County Planning Board approved the Plan without modification; and

**WHEREAS**, the Plan was made available for public review at the Town Hall and the RCS Community Library; and

**WHEREAS**, the Town Board held a second Public Hearing on September 11, 2006 to provide an additional opportunity for citizen participation; no additional public comments were received; and

**WHEREAS**, the Town Board, as lead agency, reviewed and fully considered the full Environmental Assessment Form, and all written and oral comments with respect to the proposed action in accordance with Article 8 of the Environmental Conservation Law and 6NYCRR part 617; and

**WHEREAS**, the Town Board adopted a Negative Declaration, with respect to this action, on September 25, 2006.

**NOW, THEREFORE, IT IS RESOLVED**, that the Town Board of the Town of Coeymans hereby adopts the Comprehensive Plan dated September 2006.

**RES. #116-06 AUTHORIZE SUPERVISOR TO CONTACT OTHER MUNICIPALITIES TO DETERMINE INTEREST IN GRANT**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) SO MOVED

**WHEREAS**, the State of New York has, through the Department of State, authorized \$25 million to be earmarked for grants to municipalities on a 90/10 split, and

**WHEREAS**, the grant money is designed to fund two or more municipalities research, identification and review of municipal services provided by each in an effort to obtain an analysis of whether combining either space, service, departments, or employees would result in positive outcomes including cost savings for one or each of the municipalities and/or an increase in the quality and amount of service delivery, and

**WHEREAS**, the Town Board of the Town of Coeymans is interested in exploring, with the Village of Ravena or any other municipality, the benefits of such a study,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorizes Supervisor Ronald K. Hotaling, Jr. to contact other municipalities to determine their interest in the submission of an application, noting that the deadline for any submission is October 23, 2006.

**RES. #117-06 APPROVE SEPTEMBER 2006 ABSTRACT**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) SO MOVED

<b>ABSTRACT</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	1467-1484	\$ 115,354.21
General	1538-1580	\$ 31,336.50
	<b>General Total</b>	<b>\$ 146,690.71</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	1485-1503	\$ 21,572.16
Part-Town	1581-1591	\$ 2,159.79

	<b>Part Town Total</b>	<b>\$ 23,731.95</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	1504-1513	\$ 32,451.05
Highway	1592-1623	\$ 37,751.17
	<b>Highway Total</b>	<b>\$ 70,202.22</b>
<b>SEWER (SS)</b>		
Sewer Pre-Pay	1514-1528	\$ 9,696.05
Sewer	1624-1637	\$ 17,906.82
	<b>Sewer Total</b>	<b>\$ 27,602.87</b>
<b>GROVE CEM. (TE)</b>		
Pre-Pay Grove Cemetery	1529-1530	\$ 215.20
Grove Cemetery	1638	\$ 330.00
	<b>Grove Total</b>	<b>\$ 545.20</b>
<b>CAPITAL PROJECTS (H)</b>		
Capital Projects	1639	\$ 706.00
	<b>Cap. Projects Total</b>	<b>\$ 706.00</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$269,478.95</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	1531-1537	\$165,985.62
	<b>Trust &amp; Agcy. Total</b>	<b>\$165,985.62</b>

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## CORRESPONDENCE

### ASCAP (American Society of Composers, Artists & Publishers)

Supervisor Hotaling stated that he had received correspondence from ASCAP, which is a group that licenses songs, and other writing and publications for the author, songwriter or performer. He continued by saying that Ms. Jennifer Chadwick, who represents ASCAP had suggested in fairly strong terms that the Town of Coeymans should purchase a license to play the songs, either on its phones on hold or during the performances of Evenings on the Green at the gazebo. He added that she is making the presumptions that some of the songs are licensed and as a result has said that the Town of Coeymans is responsible for obtaining a license in the amount of \$280.00.

Town Attorney Rotello interjected that this would be for the performers who are members of ASCAP.

Supervisor Hotaling stated that phone company has since removed the music from the phones and added that anyone who provides entertainment next year at the gazebo will be responsible for proving that they have the appropriate licenses for the songs that are going to be performed. He concluded by saying that he had asked Town Attorney Rotello to communicate that with Ms. Chadwick, which he had done.

### Callahan Industries

Supervisor Hotaling stated that he had received a letter from Callanan Industries relative to the Comprehensive Plan and added that they want the Town to be cognizant to the fact that they have been in operation since 1883 and would like to be informed of any district

changes that might be proposed for the land that they own. He concluded by saying that he has a scheduled meeting with Mr. Stokes the next day in order for him to raise with the Town any concerns that Callanan's may have in addition to inviting him to the next Joint Town Board, Planning Board, Zoning Board of Appeals Meeting.

Councilman Boehm stated that he does not see the need for Mr. Stokes to meet with Supervisor Hotaling individually and added that he believes that his comments should be made in a public forum as provided by the Joint Meeting.

Supervisor Hotaling stated that he offered that to him and added that Mr. Stokes wants to look at the zoning map that they are currently being using and added that at some point the draft plan was on the website and the proposed land use maps were included. He continued by saying he had told Mr. Stokes that they had tweaked some of the lines at the Joint Workshop of the Town Board, Planning Board and Zoning Board of Appeals and added that he will bring Mr. Stokes up to date with that and then invite him to the next Joint Workshop to participate.

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### **TOWN BOARD WORKSHOPS/MEETINGS**

- Town Board Meeting, October 10, 2006, 7:00pm (Tuesday due to Columbus Day)
- Town Board, Planning Board, Zoning Board of Appeals Workshop, October 16, 2006, 6pm
- Town Board Workshop, October 17, 2006, 6:00pm

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### **CLOSING COMMENTS**

Supervisor Hotaling invited the Town Board, Town Clerk Millious, Town Attorney Rotello, First Sergeant Darlington,

Town Attorney Rotello stated that he wanted to congratulate the Town Board on the adoption of the Comprehensive Plan and added that it was a long relatively smooth road. He continued by saying that hopefully they can move forward and implement some of the changes, which goes along with the wonderful opportunity that is out there with the 90% State Grant that will allow them to look into the feasibility of sharing services with other municipalities. He continued by saying that there are many shared services that don't necessarily combine manpower or departments but rather going in on insurance policies and equipment sharing and added that it is as limited as your imagination in addition to it being a wonderful opportunity to take advantage of. He concluded by saying that the adoption of the Comprehensive Plan should put their application for the grant in a good position to be considered to have funding for a study where they can achieve a further savings.

Supervisor Hotaling stated that at the presentation for the grant it was stated that there will be many applications and they are looking for innovations in the possibility of achieving savings. He added that the more innovative they are the more likely they are to get the grant.

First Sergeant Darlington stated that at the last Workshop they had discussed some personnel issues and continued by asking if they were going to memorialize them.

Supervisor Hotaling stated that they had discussed authorizing him to canvas and present names at the October meeting and continued by saying that they should offer a motion to do this.

Councilman Boehm asked for clarification on what he was asking for.

First Sergeant Darlington stated that there were three part-time Telecommunicators, three part-time Police Officers and one full-time Police Officer.

**MOTION**

On motion of Supervisor Hotaling, seconded by Councilman Boehm, authorizing First Sergeant Darlington to seek the services of three part-time Telecommunicators, three part-time Police Officers and one full-time Police Officer by virtue of the Civil Service list canvassing.

Judge Pearson made mention of a grant award that had been received by the Justice Department.

Supervisor Hotaling stated that the Justice Department had been awarded approximately \$4,500.00, which was an OCA Grant and added that it is designated for two PC's along with the installation and networking and continued by congratulating the Justice Department on the award.

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

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

**MOTION**

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

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

Time: 8:48pm

*Respectfully Submitted,*

**APPROVED:**

\_\_\_\_\_  
*Diane L. Millious, Town Clerk*

**A Town Board Workshop was held Tuesday, October 17,2006 at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York.**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Albert Deering, Highway Superintendent  
Nelson Perry, Maintenance Supervisor

\*\*\*\*\*

The Notice for the Special Town Board Workshop Meetings was posted in various locations around town.

**NOTICE  
TOWN OF COEYMANS  
SPECIAL BUDGET WORKSHOP MEETINGS**

Please take notice that the Town Board or the Town of Coeymans has scheduled Special Budget Workshop Meetings for the following dates:

- Saturday, October 14, 2006 at 9:00am
- Tuesday, October 17, 2006 at 6:00pm (Regular Scheduled Workshop)
- Tuesday, October 24, 2006 at 6:00pm

The meetings will be held at Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, New York.

**By Order of the Town of  
Coeymans Town Board  
Diane L. Millious  
Town Clerk**

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**AGENDA ITEMS**

- Drainage Issue on Rte. 9W – John Caladin
- Beautification Department, Nelson Perry
- Building Department, Laverne Conrad
- Justice Court, Justices Dardani & Pearson

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**Respectfully Submitted,**

**APPROVED:**

\_\_\_\_\_  
**Diane L. Millious, Town Clerk**

**A Special Town Board Budget Workshop was held Saturday, October 14,2006 at 9:00am at Town Hall, 18 Russell Avenue, Ravena, New York.**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Albert Deering, Highway Superintendent  
Larry Breedlove, Chief Operator WWTP

\*\*\*\*\*

The Notice for the Special Town Board Workshop Meetings was posted in various locations around town.

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The meetings will be held at Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, New York.

**By Order of the Town of  
Coeymans Town Board  
Diane L. Millious  
Town Clerk**

\*\*\*\*\*

**AGENDA ITEMS**

- 9:00am – Highway Department, Highway Superintendent Deering
- 10:00am – Town Clerk, Town Clerk Millious
- 11:00am – Waste Water Treatment Plant, Chief Operator Breedlove
- 12 Noon – Assessor, Assessor VanValkenburg

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**Respectfully Submitted,**

**APPROVED:**

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**Diane L. Millious, Town Clerk**

**A Bid Opening was held Wednesday, October 11, 2006 at 2:00pm, at the Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, New York.**

**PRESENT:** Diane Millious, Town Clerk  
Lucinda Vatararo, Deputy Clerk

**ALSO PRESENT:** Shane Morselino, Heavenly Air

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The following Legal Notice appeared in the Ravena News Herald:

**NOTICE TO BIDDER**

Notice is hereby given that the Town Board of the Town of Coeymans does hereby invite sealed bids for the purchase and installation of two (2) Central Air Units and the Removal of Old Central Air Equipment.

All prospective bidders may call the Building Maintenance Superintendent, at 756-6366, between the hours of 7:00am – 11:00am regarding this bid.

Bids will be received at the Town Clerk's Office, Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, NY 12143 up to 2:00pm on Wednesday, October 11, 2006 and read aloud on that same day at 2:00pm.

Non-Collusive Bidding Forms must be submitted with all bids. The Town Board of the Town of Coeymans reserves the right to waive any informality and to reject any and all bids.

The bidder is responsible for compliance with all federal and state laws and guidelines for this bidding process.

**By Order of the Town Board  
of the Town of Coeymans  
Diane L. Millious  
Town Clerk**

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<b>BIDDERS:</b>	<b>BID PRICE:</b>
Heavenly Air	\$23,876.00

*Respectfully Submitted,*

*APPROVED:*

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*Diane L. Millious, Town Clerk*



**A Town Board Meeting was held Monday, October 10, 2006 at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York.**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Joseph Rotello, Town Attorney  
Greg Darlington, First Sergeant  
Albert Deering, Highway Superintendent (Arrived Late)

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Supervisor opened the meeting and led the Pledge of Allegiance.

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### **SUPERVISOR'S OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there is a full Town Board present in addition to Town Clerk Millious, Town Attorney Rotello, First Sergeant Darlington. He continued by giving an overview of the agenda.

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### **AGENDA ITEMS**

- Public Comment
- Approval of Minutes
  - Town Board Workshop, July 17, 2006
  - Town Board Meeting, July 24, 2006
  - Joint Town Board, Zoning Board & Planning Board Meeting, August 21, 2006
  - Town Board Workshop, August 22, 2006
  - Public Hearing, August 28, 2006
  - Town Board Meeting, August 28, 2006
  - Public Hearing, September 11, 2006
  - Town Board Workshop, September 19, 2006
  - Special Town Board Meeting, October 3, 2006
- Old Business Update & Discussion
  - Furnace Replacement, Highway Garage
  - Police & Communication Staffing
  - Economic Advisory Board Report
- Resolutions
  - Appoint WWTP Sewer Treatment Plant Operator Trainee
  - Approve Assessment Settlement
  - Approve Assessment Settlement
  - Establish Tax Stabilization Fund
- Correspondence
  - City of Cohoes – Election Charge Back
  - Albany County – Response to Election Charge Back Letter
  - NYS Department of Environmental Conservation – WWTP
  - US Department of Agriculture – Life Study of Plant in Town of Coeymans
  - American Society for Composers – Authors & Publishers
  - Miller, Mannix, Schachner & Hafner
- Town Board Workshops/Meetings
  - Special Budget Workshop Meeting – October 14, 2006, 9am
  - Town Board, Planning Board, Zoning Board of Appeals Meeting – October 16, 2006, 7pm
  - Town Board Workshop (Budget Meeting) – October 17, 2006, 6pm
  - Town Board Meeting – October 23, 2006, 7pm

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**PUBLIC COMMENT PERIOD**

Ms. Joyce Behuniak – Stated that she lives off of Miller Road on Kruger Road. She continued by saying that the road has recently been repaired and inquired as to what the cost of the repair was.

Supervisor Hotaling stated that he didn't know but could find out for her.

Ms. Behuniak stated that she would like for it not to be ruined because there have been numerous problems with the gentleman that does the plowing. She added that he has destroyed Town property such as signs and personal property such as mailboxes, signs and trees and continued by saying that she has spoken with Highway Superintendent Deering about the problem. She concluded by saying that this has gone on for years and Highway Superintendent Deering has spoken with the gentleman over and over again and added that a lot of tax payer dollars went into the repair of the road and added that she does not want to see it destroyed.

Supervisor Hotaling stated that they will not go into dialog about the individual at the meeting and added that if Highway Superintendent arrives he will give her the opportunity to raise this with him and have him respond.

Ms. Behuniak added by saying that when this individual is out sick, takes a personal day or a vacation there is not a problem. She continued by saying that she wanted to address the Police Chief about patrols and added that there have been many problems on Miller and Kruger roads. She concluded by saying that she knows that the Police Department is short-handed and added that she hopes that they get more help so they can see more police in that area.

Supervisor Hotaling stated that this is the first that he has heard about specific reference to Miller Road. He continued by asking First Sergeant Darlington has made any adjustments in regard to patrolling Miller Road.

First Sergeant Darlington stated that the officers were advised of the problems, especially with regard to the littering along Miller Road.

Ms. Behuniak stated that she has called dispatch and spoken to Judy Tucker and Dawn LaMountain numerous times and in turn they were going to put it on the line-up board.

Supervisor Hotaling stated that he thought that she was going to mention the mitigation regarding where Kruger Road comes out to Miller Road and continued by saying that it is staged to move ahead. He added that Highway Superintendent has obtained permission to enter upon land adjacent to Kruger Road in order to address the conditions and make the necessary drainage improvements. He continued by saying that he had asked Highway Superintendent Deering to keep him informed as to the work schedule and then asked Ms. Behuniak if she had any knowledge of the work being started.

Ms. Behuniak stated that work has been done on the roadway between Kleike and Gruss' and added that it has been dug out but they have not put in a culvert pipe.

Supervisor Hotaling reiterated that the authority to do that has been granted to Highway Superintendent Deering and added that he does not know about his work schedule and continued by saying that he might be working on another project.

Ms. Behuniak thanked the Town Board for their time.

Supervisor Hotaling asked if anyone else wished to make a comment.

Karen Harmon – Stated that she is the Executive Director for the STARS Intergen Corporation and added that they are a small non-profit corporation located in Glenmont. She continued by saying that they provide Intergenerational Programming for the Towns of Coeymans and Bethlehem in addition to the R-C-S School District, which recruits adults age 60 and above to come into the School District and work in the elementary schools directly with the children in grades Pre-K through 5<sup>th</sup>. She added that the Psychology Department at P.B. Coeymans would like to have seniors come in and work in the lunch room with children in kindergarten and first grade to help those without socialization at home or those that may be a bit delayed. She continued by saying that she wanted to raise awareness about their Program and added that P.B. Coeymans has a lot of needs and there are a lot of children that need some extra attention that they might not be getting at home and could use the extra love and support from senior mentors. She added that they are always looking for more volunteers and last year they provided 1900 hours of service to P.B. Coeymans, which means a great deal to the school as well as it meaning a lot to the seniors because they are able to give back to the community and make a difference in the lives of these children. She continued by saying that they can contribute as many hours as they want in addition to an opportunity of getting special recognition that they might not otherwise get and added that two senior volunteers, 88 year-old Teresa Jenkins and 86 year-old Marion Fross were just honored at the Capital District Senior Issues Forum and were give Lifetime Achievement Awards for their many years of service to many organizations including the STARS Program. She added that according to the census there are approximately 1,000 seniors living in the Town of Coeymans but only 8 are STARS volunteers and added that she would love to see if more people might be interested in helping out with the kids because once they get in the school they see that it is very rewarding. She continued by saying that the Head Start Program is also in P.B. Coeymans Elementary and added that they are also looking for volunteers. She concluded by saying that she wanted to get the word out and added that she will be leaving brochures at Town Hall in addition to them being available at the library and P.B. Coeymans Elementary and added that anyone interested can contact her at 439-1505.

Supervisor Hotaling thanked Ms. Harmon for her time and added that there are several seniors that watch the meetings on television and continued by reiterating the phone number. He added that seniors could also phone his office at 756-6006 and he would make the connection between them and Ms. Harmon. He then asked how many hours it would be a week.

Ms. Harmon stated that it could be for as many hours as they want.

Supervisor Hotaling inquired as to what capacity they work.

Ms. Harmon stated that there are different opportunities and added that they mostly work in the classroom. She added that the senior works under the direction of the teacher and is never left alone with the students, which protects both the child and the senior. She continued by saying that they usually set the volunteer up with 1-2 children who need extra help or may set them up with a small group of 2-4 children.

Supervisor Hotaling stated that he learned from Teresa and Marion that they get as much benefit out of it as they give in interacting with the children.

Ms. Harmon stated that it totally depends on the seniors schedule and they can volunteer for as many or as few hours as they want.

Supervisor Hotaling inquired as to if the application process is an arduous procedure.

Ms. Harmon stated that it is not and she would send an application to anyone interested in volunteering and added that they would be interviewed and in turn there would be a reference check and finger prints would be taken. She added that after this is done she would match the volunteer up with a teacher and between the teacher and volunteer they would work out a schedule, which could be very flexible and changed at any time

and continued by saying that they are very understanding about bad weather and this type of thing. She concluded by saying that you would have to be reliable but they are also very flexible.

Supervisor Hotaling inquired about the seniors that go south for the winter months.

Ms. Harmon stated that it would not be a problem as long as they know in advance so it can be arranged and added that they welcome as many volunteers as they can bring in. She continued by saying that it serves the entire community and it keeps retirees active and connected to the community and added that it gives them a purpose.

Supervisor Hotaling thanked Ms. Harmon again for coming to the meeting and added that it is a very beneficial program in need of volunteers.

Ms. Behuniak stated that she is a substitute teacher working for the school and added that she has done this for four years. She continued by saying that she would also like to volunteer and added that she has already gone through the hiring process, including fingerprinting and then inquired as to how this would be coordinated if she volunteered for a certain day and then had to substitute.

Ms. Harmon stated that she could work it out with the teacher and reiterated that it is a totally flexible schedule.

Ms. Behuniak stated that she could get a call to substitute on the same day that she had volunteered.

Supervisor Hotaling stated that substituting would take precedence over volunteer work and added that she could do both.

Ms. Harmon thanked the Town Board for the opportunity to speak.

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## **APPROVAL OF MINUTES**

Supervisor Hotaling stated that there are nine sets of meetings for Town Board approval and continued by asking if everyone had the opportunity to review them.

Councilwoman Chmielewski stated that she had reviewed five sets, which were a Town Board Workshop on July 18, a Town Board Meeting on July 24<sup>th</sup>, a Joint Town Board-Planning Board-Zoning Board of Appeals Meeting on August 21<sup>st</sup>, a Public Hearing on August 28<sup>th</sup>, and a Town Board Meeting on August 28<sup>th</sup>. She continued by saying that the other four sets were given to them at a later date.

Supervisor Hotaling asked if everyone agreed to approve those five sets of minutes.

Collectively it was agreed.

Supervisor Hotaling asked for a motion to approve the minutes for the dates suggested by Councilwoman Chmielewski.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm to approve the Town Board minutes.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that they would reserve review of the Town Board Workshop on August 22<sup>nd</sup>, a Public Hearing on September 11<sup>th</sup>, a Town Board Workshop on September 19<sup>th</sup> and a Special Town Board Meeting on October 3<sup>rd</sup>.

## **OLD BUSINESS**

### **Furnace Replacement – Highway Garage**

Supervisor Hotaling stated that at the last meeting they had engaged in reviewing quotes for the furnace replacement at the Highway Garage and continued by saying that there were 3-4 quotes with the lowest one being significantly lower than the others and as a result issues were raised by members of the Town Board relative to whether or not any additional work would be required. He added that they now have another submission for clarification that on the original \$4,800.00 bid from Heavenly Air Systems and there was a note added to the first paragraph and continued by reading the following:

Note: This price would include everything, piping, electrical, duct work, blocks that would raise the unit off the ground, no hidden cost.

Supervisor asked if this serves to answer the Board's concern.

Councilman Boehm stated that the concern was that there was \$2,000.00 between the lowest and next lowest bidder. He continued by saying that he did raise the question as to if all of the work had been included and added that with the additional note he would be satisfied and it is a great tax savings for the Town of Coeymans.

Supervisor Hotaling stated that there is no pouring of concrete necessary and a pre-cast slab can be put down for the unit to sit on, he added that he had checked with the Building Inspector and according to code it is permitted. He then asked for a motion to award the job of the new installation of a new furnace in the Highway Garage to Heavenly Air.

### **MOTION**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski, awarding the job of a new installation of a furnace in the Highway Garage to Heavenly Air System for a low quote of \$4,800.00.

Councilman Boehm asked that the motion include the noted wording on the most recent quote indicating that the price will include the piping, electrical, duct work, and blocks to raise the unit with no additional hidden cost.

Supervisor Hotaling asked if Councilwoman Rogers was willing to change the wording to reflect the most recent bid with the additional note and then asked Councilman Boehm how he wanted it worded.

Councilman Boehm stated that the motion should include the invoice dated 09-30-06.

Supervisor Hotaling stated that the award will be based on the invoice that was submitted by Heavenly Air on 09-30-06, which included the clarification of the job.

Supervisor Hotaling stated that it would stand as amended and then asked for the vote.

**VOTE – AYES – 4 – NAYS 0 – SO MOVED**

Supervisor Hotaling stated that he would notify Maintenance Supervisor Perry and in turn he can work with Highway Superintendent Deering and Heavenly Air to coordinate that job.

### **2007 Budget**

Supervisor Hotaling stated that Town Law requires the budget process to follow a certain schedule and added that by September 30<sup>th</sup>, he as Budget Officer had to submit to the Town Clerk his Tentative Budget for 2007 and in turn it was done on September 29<sup>th</sup>. He continued by saying that it also states that by October 5<sup>th</sup>, Town Clerk Millious, must at a

Regular or Special Meeting of the Town Board, present the Supervisor's Tentative Budget to the other members of the Town Board and in turn this was done on October 3<sup>rd</sup>. He added at that time he read into the record a Budget Message that he wished to read into the record now and proceeded to read the following:

### **2007 Budget Message**

I am pleased to present my 2007 Tentative Budget to the people of the Town of Coeymans. It is noteworthy that the 2007 Budget I propose to the Town Board has a reduction of 2.4% in the tax rate, from \$5.08 per thousand of assessed value to \$4.96 per thousand. The 2007 Budget also reduces spending by \$189,752.00, or 3.9%.

The 2007 Tentative Budget includes \$1,614,797.00 of Albany County Sales Tax revenue. This budgeted amount represents approximately a \$200,000.00 reduction from 2006, due to the uncertainties of the local economy, as well as the 2006 action of the Albany County Legislature to limit the collections of sales tax on gasoline purchases. I believe it to be prudent not to rely too heavily on variable revenue sources as a means to fund recurring expenditures.

The 2007 Budget does provide for funding for additional staff in the Police, Communications, Community Beautification and Highway Departments. These additional staff will address the increasing need to provide expected services and assist in sustaining the improvements we have achieved in the maintenance of our parks and cemeteries. Additionally, this Budget provides \$175,000.00 for road improvements. Equipment purchases, without borrowing, are also included in the Budget for next year. These purchases include a tractor for road mowing, a backhoe for cemetery and other uses, and a police car to update our fleet of law enforcement vehicles.

Money is also budgeted to finalize the Town Revaluation Project, further examination of the Town Zoning as an extension of the recently enacted Comprehensive Plan, as well as funding for our portion of the Old Ravena Road bridge replacement.

I am looking forward to working with the Town Board in the conversion of the Tentative Budget to the Preliminary Budget, ultimately presenting the spending plan to the citizens, seeking their input at an upcoming Public Hearing.

Supervisor Hotaling stated that this was the budget message that was handed out by Town Clerk Millious to the Town Board members in addition to his sharing it with the local media, which will be shared in this week's edition of the paper. He continued by saying that they have scheduled three Budget Workshops where they will be going over the Budget and work amongst themselves as well as Department Heads to see if it needs to be modified in any way before it is presented to the public for their examination. He added that he had mentioned the elimination of sales tax on gasoline purchases and continued by saying County Executive Breslin, in his 2007 County Budget has lifted the cap on the sales tax for gasoline and the portion above \$2.00 a gallon would be sales taxable again in the 2007 proposal. He continued by saying that the budget for Albany County for 2007 reinstates the full sales tax revenue on gasoline and added that some of his fears regarding the \$200,000.00 reduction might be allayed if they do this. He concluded by saying that he would still rather be conservative on revenues in order to balance the Town's Budget.

Supervisor Hotaling invited Town Board comment, hearing none he moved to the next agenda item.

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### **NEW BUSINESS**

#### **Police & Communications Staffing**

Supervisor Hotaling stated that a couple of weeks ago First Sergeant Darlington sent a memorandum relative to hiring some part-time Police Officers and added at the last

Board Meeting they authorized him to examine the resumes to hire part-time Officers as well as additional staff for the Communication Department. He continued by saying that in an October 3<sup>rd</sup> memorandum he suggested three people in each of those departments for hiring in addition to in a separate memorandum suggesting the elevation of an existing full-time Police Officer to the promotion rank of Sergeant. He added that subsequent to receipt of the memorandums he had asked that First Sergeant Darlington supplement the submission of the resumes with an updated performance evaluation of the person that he suggested be elevated to Sergeant. He concluded by saying that he would prefer that the Board review them all together and added that this will be done in Executive Session.

Supervisor Hotaling stated that he would turn it over to First Sergeant Darlington to suggest to the Town Board any immediacy that he has with respect to his request.

First Sergeant Darlington stated that it was his hope that they would be considered for hiring at the current meeting and added that the schedule for November has to be posted by October 15<sup>th</sup> and the hope was that their training would have been completed and they would be available for the November schedule. He continued by saying that the current staffing is strained and with the Holiday season coming up scheduling is going to be very tight.

Supervisor Hotaling inquired as to if they were appointed immediately and screened and trained for the remainder of October, if they would be able to start in November.

Councilwoman Chmielewski inquired about the resumes and stated that she had not seen any of them.

Supervisor Hotaling stated that he has them and they will be going over them in Executive Session. He continued by asking that the Town Board conjure up a motion to take to Executive Session allowing First Sergeant Darlington to proceed with the hiring process.

Councilwoman Chmielewski interjected that First Sergeant Darlington should have arranged this before now in order to get them trained and on the schedule and in turn could have been appointed. She added that this was not done and she does not feel as though they should.

Supervisor Hotaling stated that he agrees and added that the best way to do it is to review them and put them out to the public in resolution format at the October 23<sup>rd</sup> meeting. He continued by saying that if they do that there will still be an opportunity to get them ready to go and added that he will share with First Sergeant Darlington the Board's decision in terms of hiring and give him a sense to line up his needs.

First Sergeant Darlington stated that he would be rushing the training in the time period from today's meeting to the first of the month.

Councilwoman Chmielewski inquired as to what type of training he is talking about and added that two of them on the list are familiar to the Department.

First Sergeant Darlington stated that all three of them are currently Police Officers and added that the basic training has been done and they will have to either requalify to use the Town's weapons unless their Department allows them to use their weapon here.

Supervisor Hotaling stated that First Sergeant Darlington would have to be in agreement that they could use the other department's weapon here.

First Sergeant Darlington stated that the training would be to familiarize them on how the Town does their paperwork.

Supervisor Hotaling interjected that it is fast-track training.

Councilwoman Rogers inquired about the dispatchers and how long it will take to train them.

Supervisor Hotaling stated that the candidates have no familiarity with it at all and added that it will take longer.

Councilman Boehm inquired as to how long it takes to get a Dispatcher up to speed.

First Sergeant Darlington stated that a full-time Dispatcher can take from 2-3 weeks.

Supervisor Hotaling stated that there are some issues relative to the scheduling of telecommunicators but they are not as paramount as the issues that there are in the Police Department.

First Sergeant Darlington reiterated that the schedule has to be out by November 15<sup>th</sup> and added that as a result the Officers could not be scheduled until December.

Supervisor Hotaling stated that they would move it along as expeditiously as they can and added that the review will take place in Executive Session and the approval will take place at the October 23<sup>rd</sup> meeting. He continued by saying that he also wanted to discuss with the Town Board their efforts to search and identify a Police Chief and added that former Chief Giroux left in May 2006. He went on to say that Mr. Darlington elevated to First Sergeant and then was given the responsibility of running the Police Department and added that he has handled the job very well. He continued by saying that members of the Board have expressed their satisfaction as well and added that his sense is that the Board has advised him a search is not necessary because they believe that Mr. Darlington should be given an opportunity to discuss with the Board full-time employment as the next Police Chief of the Town of Coeymans. He concluded by saying that if the Board desires they can simultaneously authorize him to identify some Police Officers as well as sitting down with Mr. Darlington and discuss the parameters of the position of Police Chief and whether or not he accepts.

Supervisor Hotaling asked if there were any comments from the Board.

Councilman Boehm stated that in speaking with Mr. Carey, Deputy Director of the New York State Police Chief Association, he said that you should not spend a lot of time searching if you have a strong internal candidate. He continued by saying that he believes that they do and he is very comfortable with the decision.

Councilwoman Chmielewski interjected that she would like First Sergeant Darlington to meet with the entire Town Board to discuss this with him.

Supervisor Hotaling stated that he would like them to make the decision to end the concept of searching for a Police Chief and move ahead with next level of discussion with Mr. Darlington.

Councilwoman Chmielewski stated that she does not have a problem with doing that.

Supervisor Hotaling stated that they are sitting in unanimity in terms of ending the search and in turn they will be asking Mr. Darlington to meet with the Town Board as a group and individually if they want to have individual discussions. He continued by saying that they would be presenting the hiring resolution at the October 23<sup>rd</sup> meeting.

### **Utility Work Force**

Supervisor Hotaling stated that Mr. Richard Perrine retired in July 2006 and left a void in the position to lead the newly created department that has made great strides in the maintenance of the Town's parks and cemeteries and added that they want to sustain that. He continued by saying that since July Nelson Perry has stepped up to the plate in terms of leadership in that area and added that he wanted the Town Board to give him permission to set up a meeting between Mr. Perry and the Board about discussing the offer of the position of Supervisor for Parks & Maintenance.

Collectively it was decided that this would be acceptable.

### **Economic Advisory Board Report**

Supervisor Hotaling asked that Councilman Boehm give the report for the Economic Advisory Board.

Councilman Boehm stated that on October 4<sup>th</sup>, he along with Charlie Brooks, Bob Fisk, Pam Moore, Joe Rotello and Albert Collins met with Nicole Allen from the Laberge Group as an Economic Advisory Panel. He added that they discussed the definition and target market areas, which included Rte. 144, Rte. 9W, the waterfront area, and parts of Rte. 143. He continued by saying that they looked at expanding economic development in those areas in addition to showing them the maps that were done during the Joint Meetings of the Town, Planning and Zoning Boards in addition to reviewing a questionnaire that will be sent out to business owners in the Town of Coeymans. He concluded by saying that the next meeting will be in Town Hall on November 8<sup>th</sup> at 7:00 pm and added that they will be discussing the assets and liabilities of the Town of Coeymans from an economic development perspective in moving forward with the economic development portion of the Comprehensive Plan and added that anyone interested may attend the meeting to share their concerns or ideas.

Supervisor Hotaling thanked Councilman Boehm for heading up that effort.

### **Snow-Plowing on Kruger Road**

Supervisor Hotaling stated that during Public Comment, Ms. Behuniak had spoken about her concern with snow plowing on Kruger Road and added that Highway Superintendent had now arrived. He then asked that Ms. Behuniak return to the microphone to restate it and address it with Highway Superintendent Deering.

Ms. Behuniak reiterated that her concern is with the money that was put into fixing the road and the possibility of it being destroyed, as well as things that have been destroyed on the road, such as signs, mailboxes, manhole covers, trees, etc., by the person that snow plows the road. She added that she has spoken to the person that does the plowing and continued by saying that it seems like no one has any control over him, including Highway Superintendent Deering.

Highway Superintendent Deering stated that he had spoken with Ms. Behuniak and advised her that he would speak with this person. He continued by saying that this person has been on the route for several years and knows the route.

Supervisor Hotaling asked Highway Superintendent Deering if there is an opportunity for him to redeploy staff and change routes.

Highway Superintendent Deering stated that once they know the route they continue to do it from year to year.

Ms. Behuniak interjected that when this particular person is out or on vacation and someone else does it there are not any problems.

Supervisor Hotaling stated that Highway Superintendent Deering has had dialog with this person trying to review the parameters with doing the job relative to the concerns that Ms. Behuniak had raised. He continued by asking that Highway Superintendent Deering get back to Ms. Behuniak to let her know of the discussion.

Ms. Behuniak stated that her concern is that the road will be destroyed and added that she will complain everyday until it gets fixed. She continued by saying that the residents of the road have nice cars and don't want them ruined and added that speed is also an issue with this particular person and a co-worker was thrown through the snow plow window because of this.

Councilman Boehm inquired as to if the mailboxes are replaced when the snow plow hits them.

Highway Superintendent Deering stated that if they are knocked down they are put back up and replaced if necessary.

Councilman Boehm continued by asking if signs are replaced.

Highway Superintendent Deering stated that most of them were replaced.

Supervisor Hotaling stated that approval was given by Mr. Franchini, which allows the work outlined by Boswell Engineering to be done and continued by asking Highway Superintendent Deering if the work has been started.

Highway Superintendent Deering stated that the work has not been started and he has scheduled it for next year and added that he had spoken with Mr. Franchini about doing it then. He continued by saying that the permit is good until August 2007.

Town Attorney Rotello stated that the Board had authorized Highway Superintendent Deering to do the work as long as he had received the directive from the County and added that based on this and the authorization by the Board for Highway Superintendent Deering to do the work he would provide notice to the property owners in addition to providing advance notice prior to the work starting.

Supervisor Hotaling stated that there are several items such as the fence and junk truck that are in the Town right-of-way.

Town Attorney Rotello stated that Highway Law is very specific that it authorizes the right-of-way of three rods. He continued by saying that there still are some title issues that need to be addressed before land can be conveyed and added that anything in the right-of-way can be removed.

Supervisor Hotaling stated that the drainage is an issue as well and if they have an opportunity to fix this prior to next spring some of the water may be re-routed by the reconfiguration of culvert pipes, which will make them more efficient.

Highway Superintendent Deering stated that the work outlined by Boswell Engineer should take care of this. He continued by apologizing for being late.

Councilwoman Rogers informed Highway Superintendent Deering that the replacement of the furnace was approved.

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## **RESOLUTIONS**

### **RES. #118-06 APPOINT WASTE WATER TREATMENT PLANT OPERATOR TRAINEE**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Sewer Department is desirous of filling the current Sewer Plant Treatment Operator Trainee position, and

**WHEREAS**, several applications have been received and the recommended candidate has been forwarded to Albany County Civil Service of qualification review,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint John H. Lennon III to the position of Sewer Treatment Plant Operator Trainee, provisional, effective immediately, contingent upon approval of qualifications, and subject to further Civil Service review. Appointment is made at the

hourly rate of \$12.79, consistent with the current Labor Management Agreement in effect.

**RES. #119-06 APPROVE REAL PROPERTY TAX SETTLEMENT**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, a petition to review the assessment for the year 2006 of Real Property of Joseph Bove, in the Town of Coeymans, tax map number 166-2-32.2, was filed and served upon the Town of Coeymans, and

**WHEREAS**, the Town and the Petitioner are prepared to enter into a stipulation and settlement of this action in accordance with the attached stipulation, and

**WHEREAS**, upon the recommendation of the Assessor it appears to be in the best interest of the Town to settle said matters,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorizes and approves the settlement of this matter pursuant to the attached stipulation and directs the establishments of said assessments pursuant to the same, and the Town Attorney is authorized to consent to the entry of said order to accomplish this settlement.

**RES. #120-06 APPROVE REAL PROPERTY TAX SETTLEMENT**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, a petition to review the assessment for the year 2006 of Real Property of Verizon New York, Inc. (formerly New York Telephone Company, in the Town of Coeymans, tax map number 624.89-9999-631.900/1881 and 624.1-9999-631.900/1881 was filed and served upon the Town of Coeymans, and

**WHEREAS**, the Town and the Petitioner are prepared to enter into a stipulation and settlement of this action in accordance with the attached stipulation, and

**WHEREAS**, upon the recommendation of the Assessor it appears to be in the best interest of the Town to settle said matters.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorizes and approves the settlement of this matter pursuant to the attached stipulation and directs the establishments of said assessments pursuant to the same, and the Town Attorney is authorized to consent to the entry of said order to accomplish this settlement.

**RES. #121-06 DESIGNATE TAX STABILIZATION AMOUNT FOR FUTURE YEARS**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, it has been determined, by examination of current fund balance in the General Fund, coupled with an estimate of anticipated expenditures for October – December 2006, that the General Fund will have a fund balance at the end of the year,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby designates the amount of \$115,000 to be set aside for tax stabilization in future years.

## **CORRESPONDENCE**

### **City of Cohoes – Election Charge Back / Albany County – Response to Election Charge Back Letter**

Supervisor Hotaling stated that the County had suggested that the Town of Coeymans as well as other municipalities have a significantly increased cost for running an election to \$45,000.00 in 2006 and in 2007 it was anticipated to be approximately \$42,000.00. He continued by saying that the Town Board in meetings along with other municipal leaders in other communities have expressed their concern about the manner in which it is being apportioned. He added that he is pleased to announce that based upon a recommendation made by a group of community leaders, including the Mayor of Albany, Supervisors of Bethlehem, Coeymans, Colonie, Green Island, Guilderland, Knox, Rensselaerville, Westerlo, along with the Mayors of Village of Green Island, and the City of Watervliet, had offered an alternative plan to the County for their consideration and in turn by a letter dated October 5<sup>th</sup> have written back and indicated that they agree with the plan. He continued by saying that they will be charging back to the municipalities Election Day expenses related to staff, transportation, space rental and insurance, which is approximately 1/3 of the total cost that they were going to apportion. He added that approximately \$615,000.00 will be spread amongst the municipalities and the Town of Coeymans will be responsible for approximately \$13,000.00, which is an acceptable number compared to \$11,000 - \$12,000 that was expended in the past for the elections. He continued by saying that this is an agreement reached between the towns and cities within the County of Albany and added that County Executive Breslin's 2007 Budget has this in there as well and added that they will see how it plays out with the Albany County Legislature. He concluded by saying the budget for next year has \$42,000.00 for election costs and if Albany County only requires \$13,000.00, there will be an additional \$30,000.00 that the Town Board can reassign to another area of the budget.

Councilwoman Chmielewski inquired as to if this would be for 2006 or 2007.

Supervisor Hotaling stated that at the meeting it was said that 2006 charges were only going to be on actual expenses because the municipalities are in fact going to do the 2006 Election because the County is not ready to do it. He continued by saying that his guess is that it will be for the 2007 Election and reiterated that they will have to wait and see how it plays out in Albany County's Budget process.

### **NYS Department of Environmental Conservation – WWTP**

Supervisor Hotaling stated that notice was given to the Town that the SPDES Permit for the Waste Water Treatment Plant is up for renewal and added that they are in the process of filing it with the State. He continued by saying that any modification will be subject to discussion by the Town Board.

### **US Department of Agriculture – Life Study of Plant in Town of Coeymans**

Supervisor Hotaling stated that he was in receipt of correspondence dated September 11, 2006 from the United States Department of Agriculture. He continued by saying that it is a request for someone to conduct a survey at the Coeymans Landfill to study the life history of the black swallow-wort. He added that Research Entomologist Lindsey R. Milbrath had visited the site along with another representative from the Department of Environmental Conservation and found black swallow-work growing along Jarvis Road and in the woods on the west side of the road. He continued by saying that establishment of studies would begin next spring and would last through the fall and would entail periodic visits from April to October to collect swallow-wort plants and any insects and mites found on the plants. He concluded by saying that he had spoken with Mr. Milbrath on the telephone and he had advised him that he didn't have a problem with it and would present it to the Town Board.

Councilwoman Chmielewski inquired as to if they would need to have access to the landfill.

Supervisor Hotaling stated that they probably would and added that the Highway and Sewer Department's have access along with the Utility Work Force and added that the coordination of their presence and notification to the Chief of Police would also be required.

### **American Society for Composers, Authors & Publishers**

Supervisor Hotaling stated that he is in receipt of a response from ASCAP regarding the Town of Coeymans having to obtain a license to play music on the phones, or at the Coeymans Landing. He added that based on an opinion from the Association of Towns, Town Attorney Rotello wrote a letter to ASCAP saying that the Town was not going to pay and in turn ASCAP has now responded. He continued by asking that Town Attorney Rotello offer an explanation.

Town Attorney Rotello stated that the advice from the Association of Towns was that in the occurrence that there were any Town sponsored events, specifically Evenings on the Green at the Gazebo, is that as long as the performer only plays licensed music it would be legitimate.

Supervisor Hotaling interjected that the contract, which is signed by the performer, should state that they required playing only licensed music.

Town Attorney Rotello stated that this was correct. He continued by saying that companies, such as ASCAP, are trying to protect their members because of the internet and the pirating that is going on.

Supervisor Hotaling interjected that they are losing money because songs are being downloaded from the internet and in turn they are trying to gain some more money by hijacking municipalities for licensing agreements.

Town Attorney Rotello stated that it is the opinion of the Town Board that they are not going to give in to their request and had responded to it. He added that he does not think that any further letters from him or any other attorney is necessary.

Supervisor Hotaling stated that he agrees and then asked Town Attorney Rotello if he wanted to provide to them the Association of Towns contact person so they can discuss it.

Town Attorney Rotello stated that he believed that they were already in contact with the Association of Towns and added that his suggestion is that they put it in the file and govern themselves accordingly.

Councilman Boehm asked that Town Attorney Rotello review the contact for the Evenings on the Green and make any recommendations necessary.

Town Attorney Rotello stated that he would and added that the letter cites cases from 1929 & 1942 and their position is that even in a situation where there is a contract it would not withstand judicial scrutiny. He continued by saying that there are no recent cases that they are pointing to because it was not a vastly litigated topic and added that it might be now and the Association of Towns may change their opinion if there is a recent case that clarifies the issue. He concluded by saying that it appears that the performer is on the hook and agrees to indemnify and hold the Town harmless from any liability that arises and added that they even took the music off the hold on the phones, which might not if fact be prohibited.

Supervisor Hotaling stated that the letter indicates that it is specifically prohibited.

Town Attorney Rotello interjected that this is their opinion that it is prohibited and added that he does not know for sure because copyright and patent law is a specialized area.

Supervisor Hotaling inquired as to if the Town Board agrees with their stance.

Collectively it was agreed that they do.

**Miller, Mannix, Schachner & Haffner**

Supervisor Hotaling stated that he is in receipt of correspondence, which was sent to the Town Board from their attorney's for the landfill matter. He continued by saying that he would relay it to the public because he believes that it is a follow-up to his stance with DEC that occurred several months ago. He added that he sent a letter to DEC and asked them why the City of Albany has not been required to file a permit application for the last ten years as directed by DEC under their own guidelines in addition to suggesting that DEC work with Mayor Jennings and the City of Albany to identify the North Umberland Landfill, which is a regional landfill that was approved by DEC years ago and has yet to accept one bag of waste. He continued by saying that he also asked DEC if it is an issue about revenue for the City of Albany to work with the Mayor of the City of Albany to allow him to acquire, lease, use or somehow borrow the space in North Umberland Landfill to place his trash that he is receiving revenue on and added that to date he has not received a letter, call or response from DEC acknowledging receipt of the letter. He concluded by saying that he had asked that Miller, Mannix, Schachner & Haffner follow it up with the Regional Attorney for DEC and ask them why they have not responded and to also ask for a meeting to talk about the issues addressed.

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**TOWN BOARD WORKSHOPS/MEETINGS**

- Special Budget Workshop Meeting, October 14, 2006, 9am
- Town Board, Planning Board, Zoning Board of Appeals Meeting, October 16, 2006, 7pm
- Town Board Workshop (Budget Meeting), October 17, 2006, 6pm
- Town Board Meeting, October 23, 2006, 7pm
- Special Budget Workshop Meeting, October 24, 2006, 6pm
- Public Hearing for the 2007 Budget, Tentatively – November 1, 2006

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**CLOSING COMMENTS**

Supervisor Hotaling asked if there were any closing comments.

Town Attorney Rotello suggested that they get together to submit an application for the Intermunicipal Cooperation Study, which is due October 23<sup>rd</sup> and continued by asking if Supervisor Hotaling had gotten a response from the Village.

Supervisor Hotaling stated that he had not gotten a response and added that the Village did have discussion about it at a meeting and it was a report from one of the Trustees that attended the meeting. He continued by saying that he would follow it up with the Mayor and added that he does not believe that there is an interest for a joint presentation.

Town Attorney Rotello interjected that the Town's application does not have to be limited to the Village and for an example it can be with the County, fire district or any other political subdivision. He added that he would not want to miss the opportunity and reiterated that they should put something together.

Supervisor Hotaling stated that the State has earmarked 25 million dollars in grant money this coming year for any government entity to consider ideas about running government more efficiently through consolidation, sharing of services or any other means of saving money. He continued by saying that it is a grant that is 90% funded by the State and 10% by the municipality.

Town Attorney Rotello stated that this would be a study to look and see if it would be feasible to do and if so funding to achieve that.

Councilwoman Chmielewski asked Supervisor Hotaling if he had been in touch with the Mayor.

Supervisor Hotaling stated that he is aware of the fact that one of the Trustees had attended the informational meeting.

Councilwoman Chmielewski inquired as to if had been discussed at a Village Meeting.

Supervisor Hotaling stated that it was only to the extent that the Trustee who had attended did report to the Village Board that he did attend and that there is money out there. He concluded by saying that it has not been reported to him that there has been any further action and reiterated that he would contact the Mayor.

Supervisor Hotaling asked if there were any additional comments.

First Sergeant Darlington stated that he wanted to touch on some items that were mentioned at the last Board meeting and continued by saying that one of the issues was speeding on Westerlo Street. He added that he had asked the officers to periodically throughout their shifts do speed enforcement as well as a survey as to the speed actually on the road and continued by saying so far the average speed is 27mph.

Supervisor Hotaling inquired as to if they had taken the survey at various locations on Westerlo Street.

First Sergeant Darlington stated that they had and added that there were three summons issued for speeding. He continued by saying that the issue with the DA's Office has also been addressed and added that he has talked to District Attorney Soares as well as Supervisor Hotaling and will be meeting very soon to talk about the concerns and issues that they have with the DA's Office and the issues within the Town.

Supervisor Hotaling stated that DA Soares had expressed a strong desire to come and make a presentation to Town Board at a Town Board Meeting once they identify the issues and he does a study with his staff, which will include the community. He continued by saying that he will give as much advance notice as much as possible.

Supervisor Hotaling asked if there were any additional comments.

Highway Superintendent Deering inquired as to how First Sergeant Darlington is making out regarding the no parking in the Hamlet during a snow emergency in order to remove snow.

Supervisor Hotaling inquired as to what he wanted the police to enforce and if would be similar to what the Village has.

Highway Superintendent Deering stated that this is what he had in mind.

Town Attorney Rotello stated that he along with First Sergeant Darlington would discuss whether it is in the context of making the amendment to the existing Local Law as it relates to parking or redoing the entire law and adopting it.

Supervisor Hotaling inquired as to if Town's have an opportunity to make ordinances and if it is a cumbersome process.

Town Attorney Rotello stated that it is the same process and added that since the Town has codified by Local Law a Code, they will make changes and additions to that by the same process as a Local Law in which a law is presented, there is a Public Hearing and then the adoption of the law and filing with the Secretary of State.

Highway Superintendent Deering stated that he had gotten the specifications for the trucks and continued by saying that he is not in favor of one of them, which is an airflow.

Supervisor Hotaling inquired as to if the specifications were not really generic and leading toward an airflow.

Highway Superintendent Deering stated that this was correct.

Supervisor Hotaling asked if it was for the 2-wheel or 4-wheel drive.

Highway Superintendent Deering stated that it is the 4-wheel drive and added that he wants it to be the tub and not airflow.

Councilwoman Chmielewski inquired as to if he had heard anything about the other truck that had been ordered and paid for.

Highway Superintendent Deering stated that he had not and added that he believed that it was going to be September.

Supervisor Hotaling added that he believed that they had said November, he continued by asking which of the trucks Highway Superintendent was in agreement with.

Highway Superintendent Deering stated that he would suggest that they advertise to put out to bid the 2-wheel pursuant to the specifications because it has been bought and paid for. He then asked how the Town Board wanted to resolve the issue with the 4-wheel drive.

Councilman Boehm asked if there was any monetary difference.

Highway Superintendent stated that there is a difference and added that the tub costs more but he was not sure how much more.

Councilwoman Rogers inquired as to if the trucks would be up and running by the winter.

Highway Superintendent Deering stated that he doubted that they would.

Supervisor Hotaling stated that Town Clerk Millious should advertise for the bid on the 2-wheel and added that on the issue of the tub vs. airflow they need to have further discussion. He continued by asking that Highway Superintendent Deering point out the area where he believes that it is an inappropriate specification and then asked if it is a concept or a specific vendor only airflow.

Highway Superintendent Deering stated that there are many different kinds.

Supervisor Hotaling stated that Highway Superintendent Deering has a problem with the airflow vs. the tub and added that the airflow is not specific to a vendor.

Highway Superintendent Deering stated that it is specific to a particular vendor.

Supervisor Hotaling inquired as to how the Town Board wished to proceed.

Councilwoman Chmielewski stated that they have to get the specifications back and added that they can't put the 4-wheel out to bid.

Supervisor Hotaling stated that he is seeing it as it can go out to bid and the problem is that Highway Superintendent would prefer the tub over the airflow.

Councilwoman Chmielewski asked if the vendor that does the tub type could bid as well.

Highway Superintendent Deering stated that they could.

Councilwoman Chmielewski stated that he could choose from that and make his recommendation to the Town Board that he would rather have the tub.

Councilman Boehm interjected that they should put them both out to bid and then take a look at them.

Supervisor Hotaling inquired as to if Highway Superintendent Deering was going to put the tub specifications and the generic specifications out for the 4-wheel drive.

Collectively it was agreed that both would go out for the 4-wheel drive in addition to the generic specifications for the 2-wheel drive, which has no conflict.

Supervisor Hotaling asked if there were any additional comments, hearing none he asked for a motion to adjourn to Executive Session to review the employment history of the candidates for employment in the Police and Communication Departments.

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**ADJOURNMENT TO EXECUTIVE SESSION**

**MOTION**

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

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that they would not be making any decisions that will result in any formal action and added that they will be returning to formally close the meeting

Time: 8:42pm

Executive Session was called to order at 8:42pm and adjourned at 10:05pm.

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**RECONVENE MEETING**

Supervisor Hotaling called the meeting back to order and asked for a motion to formally adjourn.

**ADJOURNMENT**

**MOTION**

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

VOTE – AYES 4 – NAYS 0 – SO MOVED

\*\*\*\*\*

*Respectfully Submitted,*

**APPROVED:**

\_\_\_\_\_  
*Diane L. Millious, Town Clerk*

**Subject:** 10-03-06 Special Town Board Workshop  
**A Special Town Board Meeting was held Tuesday, October 3, 2006, at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk

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Supervisor Hotaling called the meeting to order and led the Pledge of Allegiance.

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Supervisor Hotaling asked that Town Clerk Millious read the Notice for the Special Town Board Meeting, which was published and placed at various locations around town.

**NOTICE  
SPECIAL TOWN BOARD MEETING**

In compliance with Public Officer's Law, this will inform you that the Town Board of the Town of Coeymans has scheduled a Special Town Board Meeting for Tuesday, October 3, 2006 at 6:00pm. The purpose of the meeting will be for the Town Clerk to submit the 2007 Tentative Budget to the Town Board. The meeting will be held at Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, NY.

**By Order of the Town of  
Coeymans Town Board  
Diane L. Millious  
Town Clerk**

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**OVERVIEW OF AGENDA**

- Presentation of 2007 Tentative Budget
- Establish Budget Workshops and Public Hearing Dates

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**SUPERVISOR'S OPENING**

Supervisor Hotaling stated that Town Law, Section 106 (3), requires that the Town Clerk present the Tentative Budget to the Town Board by October 5<sup>th</sup> and added that prior to that, as Budget Officer, he was required to submit his Budget, the Tentative Budget, to the Town Clerk by September 30<sup>th</sup>, which he had done on September 29<sup>th</sup>. He then asked that Town Clerk Millious submit the 2007 Tentative Budget to the Town Board.

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**PRESENTATION OF BUDGET**

Town Clerk Millious presented the 2007 Tentative Budget to the Town Board.

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**SUPERVISOR'S 2007 BUDGET MESSAGE**

I am pleased to present my 2007 Tentative Budget to the people of the Town of Coeymans. It is noteworthy that the 2007 Budget I propose to the Town Board has a reduction of 2.4% in the tax rate, from \$5.08 per thousand of assessed value to \$4.96 per thousand. The 2007 Budget also reduces spending by \$189,752.00, or 3%.

The 2007 Tentative Budget included \$1,614,797.00 of Albany County Sales Tax revenue. This budgeted amount represents approximately a \$200,000.00 reduction from 2006, due to the uncertainties of the local economy, as well as the 2006 action of the Albany County Legislature to limit the collections of sales tax on gasoline purchases. I believe it to be prudent not to rely too heavily on variable revenue sources as a means to fund recurring expenditures.

The 2007 Budget does provide for funding for additional staff in the Police, Communications, Community Beautification and Highway Departments. These additional staff will address the increasing need to provide expected services and assist in sustaining the improvements we have achieved in the maintenance of our parks and cemeteries. Additionally, the Budget provides \$175,000.00 for road improvements. Equipment purchases, without borrowing, are also included in the Budget for next year. These purchases include a tractor for road mowing, a backhoe for cemetery and other uses, and a police care to update our fleet of law enforcement vehicles.

Money is also budgeted to finalize the Town Revaluation Project, further examination of the Town Zoning as an extension of the recently enacted Comprehensive Plan, as well as funding for our portion of the Old Ravena Road bridge replacement.

I am looking forward to working with the Town Board in the conversion of the Tentative Budget to the Preliminary Budget, ultimately presenting the spending plan to the citizens, seeking their input at an upcoming Public Hearing.

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## **BUDGET WORKSHOP & PUBLIC HEARING DATES**

Supervisor Hotaling stated that he would ask for the Town Board to consider some dates for Budget Workshops. He continued by asking the Town Board if they had received the all of the budget submissions from every department.

Collectively it was responded that they didn't have them. Budget

Supervisor Hotaling stated that he would ask that Confidential Secretary Lewandowski copy the submissions that he had used to prepare the Tentative Budget and in turn get them to each Town Board member. He continued by saying that the Town Board needs to tell him if they want Department Heads to be present for discussion for every Workshop or if they want selected ones for specific Workshops. He concluded by saying that the Preliminary Budget will be developed as a result of Town Board and Department Head's input and in turn they must have a Public Hearing by the Thursday following Election Day.

Discussion ensued regarding the selection of Budget Workshops and a Public Hearing dates.

Collectively it was decided on the following dates for Budget Workshops

- Budget Workshop, Saturday, October 14, 2006, 9:00am
- Budget Workshop, Tuesday, October 17, 2006, 6:00pm
- Budget Workshop, Tuesday, October 24, 2006, 6:00pm

Collectively it was decided that the Public Hearing would be tentatively scheduled for Wednesday, November 1, 2006 at 7:00pm and added that they will be formally scheduling the date at the October 23<sup>rd</sup> Town Board Meeting.

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**ADDITIONAL COMMENTS**

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

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**ADJOURNMENT**

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, the Special Town Board Meeting was adjourned.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Time 6:18pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Town Board Workshop was held Tuesday, October 24,2006 at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York.**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Albert Deering, Highway Superintendent  
Greg Darlington, Police Chief

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The Notice for the Special Town Board Workshop Meetings was posted in various locations around town.

**NOTICE  
TOWN OF COEYMANS  
SPECIAL BUDGET WORKSHOP MEETINGS**

Please take notice that the Town Board or the Town of Coeymans has scheduled Special Budget Workshop Meetings for the following dates:

- Saturday, October 14, 2006 at 9:00am
- Tuesday, October 17, 2006 at 6:00pm (Regular Scheduled Workshop)
- Tuesday, October 24, 2006 at 6:00pm

The meetings will be held at Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, New York.

**By Order of the Town of  
Coeymans Town Board  
Diane L. Millious  
Town Clerk**

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**AGENDA ITEMS**

- Format & Submission of Highway Department Bills
- Police Department & Communications
- 2007 Tentative Budget, Town Clerk Millious

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**Respectfully Submitted,**

**APPROVED:**

\_\_\_\_\_  
**Diane L. Millious, Town Clerk**

**A Public Hearing was held Tuesday, December 26, 2006, at 6:30pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk

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**SUPERVISOR'S OPENING COMMENTS**

Supervisor Hotaling stated that the Public Hearing was for the purpose of hearing comment from the public on the adoption of Proposed Local Law #2-06, which provides for the administration and enforcement of the NYS Uniform Fire Prevention and Building Code. He continued by saying that ordinarily he would turn it over to Town Clerk Millious to read the Notice of Public Hearing into the record, which was published in the Town's Official Newspaper and added that he has been advised that the Notice was at the newspaper in time to be published, by some error of omission it was not published. He went on to say that Town Clerk Millious had contacted the Association of Towns and was advised that if it is not published in the paper for the required number of days prior to the Public Hearing, it is impossible to conduct the Public Hearing. He continued by saying that no one was available for comment, which would be taken and added those making the comments would be assured that it would be part of the record when the Public Hearing is conducted. He concluded by saying that he would suggest that the Town Board close the non-official meeting and resume at 7:00 for the regularly scheduled Town Board Meeting and added that at the meeting they will discuss and create a date for a Public Hearing and Special Town Board Meeting to deal with the Local Law, which was introduced by a member of the Town Board on December 11<sup>th</sup> relating to the Code Enforcement for the Town of Coeymans. He then asked Town Clerk Millious if she was in agreement with it.

Town Clerk Millious stated that the Association of Towns said to adjourn it to set a date and time but not close the Public Hearing.

Supervisor Hotaling interjected that there was not a Notice in the paper so it was not a Public Hearing. He reiterated that he would have taken comments if someone had wanted and any comments will be reserved for the actual date when they establish the Public Hearing. He continued by saying that there is no need to adjourn and he has informed the public that an error occurred with the News Herald and the Notice was not promulgated as required by law, which means that they cannot conduct the Public Hearing.

Supervisor Hotaling stated that they would be returning for the regular Town Board Meeting at 7:00pm.

Time: 6:40pm

*Respectfully Submitted,*

**APPROVED:**

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**Diane L. Millious, Town Clerk**

**A Town Board Meeting was held Monday, December 11, 2006, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Joseph Rotello, Town Attorney  
Albert Deering, Highway Superintendent  
Gregory Darlington, Chief of Police

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**SUPERVISOR'S OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there is a full Town Board in attendance in addition to Town Clerk Millious, Town Attorney Rotello, Highway Superintendent Deering, and Chief of Police Darlington and continued by giving an overview of the agenda.

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**OVERVIEW OF AGENDA**

- Public Comment Period
- Approval of Minutes
  - Town Board Meeting – 10/10/06
  - Town Board, Planning Board, Zoning Board of Appeals – 10/16/06
  - Town Board Meeting – 10/23/2006
  - Public Hearing – 11/1/06 (Previously Tabled)
  - Special Town Board Budget Workshop – 11/7/06 (Previously Tabled)
  - Special Town Board Workshop – 11/8/06 (Previously Tabled)
  - Town Board Workshop – 11/21/06
- Old Business
  - Wastewater Treatment Plant Capacity Analysis
  - Rental Agreement for Police & Dispatch for 2007
  - Town of Coeymans Business Survey Highlights
- New Business
  - Pre-Registration for Association of Towns 2007 Training School & Annual Meeting February 18-21, 2007
- Resolutions
  - Establish Public Hearing for Adoption of Local Law #2-2006
  - Authorize Adding Medical Insurance Section to Employee Handbook
  - Authorize Map, Plan & Petition for Rte. 143 Waterline Extension
- Correspondence
  - Petition Regarding Proposed Tire Storage Facility
- Town Board Workshops/Meetings
  - December 18, 2006, Town, Zoning and Planning Boards Worskhop, 6pm
  - December 19, 2006, Town Board Workshop, 6pm
  - December 16, 2006, Town Board Meeting, 7pm
- Executive Session
  - Ravena Rescue Squad

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**PUBLIC ANNOUNCEMENT**

Supervisor Hotaling stated on December 1<sup>st</sup> they kicked off the holiday parade at the gazebo in Coeymans Landing and Mr. Albert Nunziato, a VFW member and veteran of foreign wars lit the Christmas tree. He continued by saying that after 60 years in the

Town of Coeymans Mr. Nunziato is moving to New Jersey and they felt it would be appropriate for him to light both the Town and Village trees. He added that the following Wednesday he had directed that the tree and decorations be taken down due to several incidents of vandalism at the gazebo involving the holiday decorations and as a result they determined that decorations should be removed. He concluded by saying that there were repeated replacement and repairs of the decorations by staff and added that it became a monetary decision to remove them.

Supervisor Hotaling invited the public to comment at this time.

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## **PUBLIC COMMENT PERIOD**

Ms. Evelyn Griffen stated that she lives on Main Street in Coeymans and added that her car was on fire last week at NAPA. She continued by saying that she was at the meeting because there was such a delayed response from the Fire Department and added that she has heard two rumors after the fire, one was that there was an argument as to whether or not it was Coeymans or Ravena that was suppose to respond and then a rumor that the truck that was responding was out of water. She went on to say that it took 15 minutes for a truck to appear on the scene and added by that time the car was completely gone and continued by saying that there were several lives at stake because the car could have exploded. She then inquired as to why it took so long for a fire truck to respond and added that there were police present in a matter of seconds.

Supervisor Hotaling stated that he had spoken with Ms. Griffen the day following the fire and he had instructed that she call Chief Darlington or Senior Telecommunicator LaMountain and then asked if she had done this.

Ms. Griffen stated that she had spoken with Telecommunicator La Mountain and she had suggested that she come to the Town Board Meeting.

Supervisor Hotaling stated that all of the calls are taped and can be reviewed and then asked Chief Darlington if he had an opportunity to review the call.

Chief Darlington stated that he has not reviewed the tape and added that the times were looked at and it is believed that it was 12 minutes from the time of the call to actually responding.

Supervisor Hotaling inquired as to if there were any concerns earlier in the call about some confusion as far as who should be dispatched.

Chief Darlington stated that they were not and Dispatch summoned Ravena Fire Department and reiterated that there were 12 minutes from the time of the call to arrival on the scene.

Supervisor Hotaling stated that he didn't know what else he could offer to Ms. Griffen and continued by saying that the Ravena Village Board has jurisdiction over the Ravena Fire Department and added that she could attend their Board Meeting on December 19<sup>th</sup> at 7pm. He concluded by saying that she might want to contact Mayor Bruno prior to the meeting to raise the concern.

Ms. Griffen thanked Supervisor Hotaling.

Supervisor Hotaling asked if there were any additional comments.

Ms. Laurie Schaible stated that she lives on Colvin Avenue and added that she has a letter and petition that she wants to present to the Town Board. She continued by saying that she wants the Town Board to review them and added that she wants for it to be a topic for future discussion. She went on to say that Colvin Avenue is suppose to be a dead-end

street and added that last week a speeding car went through as a short-cut to Rte. 144 and killed her cat while her husband was unloading groceries from the car. She continued by saying that she had spoken with Chief Darlington and he had informed her that the speed limit on Town roads is 30mph unless it is decided that it is an imprudent speed and then asked if it could be looked at in addition to inquiring as to if one of the entrances could be blocked off as a short-term resolution.

Supervisor Hotaling stated that when he had spoken with her regarding the incident with her cat she had made reference to the fact that she thought it was someone that had used it as a short-cut to Rte. 144.

Ms. Schiabile stated that she has lived there for 20 years and added that they would not believe some of the things that occur on that street with vehicles and people. She continued by saying that one of the things included in the petition is to place a blinking light at the intersection of Rte. 144 and Westerlo Street because of the speeding. She added that it is not a new issue and continued by saying that that they have tried various things in the past to curtail the speeding and added that they have handled it the best way that they could. She concluded by saying that when her cat was hit she had decided that it was enough and this is when she decided that something has to be done and added that she hopes that it does not take a fatality like the one that occurred on Rte. 9W.

Ms. Schiabile then distributed the letter and petition to each Town Board Member and Town Clerk Millious and then thanked the Town Board.

Supervisor Hotaling stated that he had spoken to Chief Darlington and Building Inspector Conrad about investigating the short-cut theory and added that Building Inspector Conrad may have some input.

Building Inspector Conrad stated that there is in fact a road that goes through to Main Street.

Ms. Schiabile stated that Hillside House has also expressed concern and has complained prior to this. She continued by saying that it is only locals that are using this short-cut because they are the only ones that know it is there.

Supervisor Hotaling interjected that he does not know why it is referred to as a short-cut because it takes more time to do that than it would to go the other way.

Ms. Schiabile stated that this is her terminology and should not be calling it that.

Supervisor Hotaling stated that it is more difficult to maneuver through there than it is to go around.

Ms. Schiabile stated that it could be someone trying to lose someone and added at one point a car was parked there in order to elude another person.

Supervisor Hotaling asked Chief Darlington if he had received any complaints from Hillside House or New Visions.

Chief Darlington stated that he was not aware of any and none have been brought to his attention.

Ms. Schiabile stated that they have not filed any formal complaints.

Chief Darlington stated that one of the things that commonly happens is that no one notifies the police until it is a large problem and added that if they are notified they can look into it.

Ms. Schiabile stated that this is not necessarily true because they have spoken to officers in the past when they have personally tried to intervene.

Supervisor Hotaling stated that Ms. Schiable had given him a partial description of the vehicle.

Ms. Schiable stated that her husband saw the tail-end of the vehicle and added that he did not get a license number.

Supervisor Hotaling stated that it was a dark sedan with rectangular shaped stop lights and added that it was an older vehicle.

Ms. Schiable stated that she had gone to Hillside House and they assured her that it was not one of their vehicles.

Supervisor Hotaling stated that he would like the Chief of Police, Building Inspector and Highway Department to collaborate on the possibility of going to New Visions and asking that they take some effort to put either a private road or no thoroughfare sign or maybe a speed bump in order to discourage traffic.

Ms. Schiable interjected that it would be excellent to have a speed bump and added that she will keep in touch. She then thanked Supervisor Hotaling.

Supervisor Hotaling stated that they would collaborate and hopefully by the next meeting they will have a report on what their strategy will be.

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

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## **APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were seven sets of minutes for Town Board approval, a Public Hearing November 1<sup>st</sup>, a Special Town Board Budget Workshop on November 7<sup>th</sup>, a Special Town Board Workshop on November 8<sup>th</sup>, a Town Board Meeting on October 10<sup>th</sup>, a Town Board, Planning Board and Zoning Board of Appeals Workshop on October 16<sup>th</sup>, a Town Board Meeting on October 23<sup>rd</sup> and a Town Board Workshop on November 21<sup>st</sup>. He then asked for comments or a motion to approve any or all of them.

Councilwoman Chmielewski stated that she would make a motion to approve all of them with an amendment/correction to the October 23<sup>rd</sup> Meeting and added that on page five it was lacking the name of a Councilwoman for a second to a motion at the bottom of the page. She suggested that Town Clerk Millious listen to the audio tape and make that correction.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, to accept the minutes with the understanding that Town Clerk Millious will make the correction to include the name of the Councilwoman.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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## **OLD BUSINESS**

### **Wastewater Treatment Plant Capacity Analysis**

Supervisor Hotaling stated that the Town along with the Village are in receipt of a report that they had asked that C.T. Male prepare and added that one report dealt with the possibility and the cost associated with a second interceptor line for the Waste Water Treatment Plant to go on the south side of Main Street and going down through properties off Westerlo Street, past Grove Cemetery and then down to the Waste Water

Treatment Plant. He added that this would relieve some of the pressure in the flow from the antiquated lines in the other parts of the Hamlet. He continued by saying that he had attended a meeting earlier in the day with DEC and the Village of Ravena and added that it was clear that both municipalities have some issues with respect to their aged infrastructure and went on to say that the Village is 100 years old and the Town's is 50 years old. He went on to say that they now have a situation in the Hamlet where they have undersized pipes and added that on a regular day it is fine and the plant can handle the capacity but on a day with a significant rainfall, the system is surcharged by the water running down the hill. He added that the engineers have staged it in such a way to slow it down to get to the plant and added that in doing so it backs up the system and manholes are popped within the system. He continued by saying that it was a possible costly solution, which the Town Board is going to take under advisement along with their colleagues in the Village to see if negotiations can result in it being the preferred option.

Supervisor Hotaling stated the second report was for C.T. Male to provide to the Town their view of what the capacity at the Waste Water Treatment Plant could be and added that since May of 2001 they have been under a moratorium with DEC, which prohibits additional hook-ups to the sewer system unless and until they can demonstrate that an equal or greater amount of infiltration and inflow is removed from the system. He continued by saying that it has always been a challenge and added that the issue is that the plant is rated at 820,000 gallons a day and they have undertaken a million dollar upgrade and the new clarifier suggests that the plant can handle more because they are clarifying the waste water and treating it better and the effluent going into the river is a much better quality than it has been in the past. He went on to say that the report broke down all of the components of the Waste Water Treatment Plant system and provided an opportunity for them to explore the weakest link and added that there are 2.26 million gallons a day that is in the aeration tanks and the primary clarifiers and went on to say that they are going to upgrade the aeration tanks in early 2007 with the joint effort of the Village and Town forces, which is double what the plant is rated now. He continued by saying that if they can convince DEC to rate the plant higher they will have a good chance of having the moratorium lifted, which will provide an opportunity for both the Town and Village to continue with the planned development with hook-ups to the system. He concluded by saying that hopefully they will be able to sit in joint committee session with the Village and review the information and chart a course for both municipalities for the future.

Supervisor Hotaling continued by saying that he was also in receipt of letter from C.T. Male, which outlines in bullet form things that need to be done and it asked that the Town prioritize and give authorization to them or someone else to lead the effort to get them done. He continued by saying that he was going to schedule that document for the December 19<sup>th</sup> Town Board Meeting in order to see if they can somehow prioritize the list and give Mr. Vopelak from C.T. Male a better understanding of the order that they are going to be accomplished. He concluded by saying that the Town Board, with the exception of Councilwoman Rogers had toured the plant and Chief Operator Breedlove had shown them the new clarifier and its operation and added that he had explained the treatment of sewage as it enters the plant and then ultimately finds its way to the Hudson River.

### **Rental Agreement for Police Dispatch for 2007**

Supervisor Hotaling stated that he was in receipt of a letter from Village Trustee Bailey dated December 5<sup>th</sup>, which made reference to previous discussions with him about the Village offer to continue to rent space to the Town of Coeymans for the Police Department and Dispatch operations. He continued by saying that the proposed rent is \$9,000 for the year in addition to the Town of Coeymans paying 5/16 of the total heat and electric bills for the entire municipal building. He added that there was also a paragraph relating to cleaning services and the Village proposes 10 cleaning hours per week for a total of \$7,800 with an additional cost of \$500 for cleaning supplies with a total for cleaning of \$8,300. He continued by saying that his guess would be that the combined cost would be approximately \$22,000 - \$25,000 to keep the police operation in Village Hall and then asked which step the Town Board would like him to take.

Councilman Boehm interjected that the actual rent is going from \$6,000 to \$9,000.

Supervisor Hotaling stated that last year the rent was \$6,000 but the Village from the police prospective wrote off ½ of that because the Village of Ravenna Police Department occupied the same space. He continued by saying that he believes that the rent for Dispatch was \$6,000 a year and the rent for the Police Department was \$6,000 a year, of which \$3,000 was written off, which would be a total of \$9,000. He added that the increase would be the other portion of the utilities because the Town would be taking on twice the utilities that they had in the past and added that the cleaning is an add on.

Councilwoman Chmielewski inquired as to if Supervisor Hotaling had an agreement.

Supervisor Hotaling stated that he has a letter and it is their proposal for rent for 2007 and continued by saying that this is what they will be charging. He then asked if the Town Board wanted to write back and offer a counter proposal.

Councilwoman Rogers interjected that they should negotiate it.

Councilwoman Chmielewski inquired as to if there have been any negotiations thus far.

Supervisor Hotaling stated that there have not been and added that Trustee Bailey had contacted him and given the figures verbally, which he shared with the Town Board at a Workshop and in turn they suggested that he ask for it in writing.

Councilwoman Chmielewski stated that she agrees with Councilwoman Rogers in that they should negotiate it.

Supervisor Hotaling stated that Trustee Bailey wrote the letter on behalf of the Village Board.

Councilwoman Chmielewski interjected that Supervisor Hotaling should send a letter to Trustee Bailey with a copy to the Mayor and asked that they discuss it. She continued by saying that she believes that they should start exploring bringing the Police Department back to Town Hall and added that there is plenty of space that they are not utilizing.

Supervisor Hotaling stated that he does not disagree and added that he should negotiate with the Village for month to month. He continued by saying that Town Clerk Millious has a records retention project going on downstairs, which will require the removal of records from their current location to be placed in an area to secure them while the renovations take place. He concluded by saying that he does not believe that it would be prudent to have two renovations simultaneously and added that after the records project is done they can focus their attention on the Police Department.

Councilwoman Chmielewski stated that for records management she would like Town Clerk Millious to look into getting all of the records done electronically, which would eliminate the paper and free up space.

Supervisor Hotaling stated that the voting machines were moved earlier in the day, which freed up space for the records to be moved to while the renovations are being done and added that after that they can look into doing other things.

Town Clerk Millious stated that she has talked to consultants about scanning the records and eliminating paper.

Councilwoman Chmielewski interjected that she can eliminate all of it.

Town Clerk Millious stated that there are things that should not be eliminated and they would have to really consider what it is before they get rid of it.

Councilwoman Chmielewski stated that a company can either come on site to do it or they can be taken off site and reiterated that they should explore moving the Police Department and Communications back to Town Hall. She added that the Justice Court

could also go on an electronic management program and get rid of the paper, which would free up even more space. She concluded by saying that she knows that it can be done because it was done when she was employed with the Appellate Division for the Supreme Court.

Supervisor Hotaling inquired as to if this would be a component of a Record Management Grant.

Town Clerk Millious stated that it is.

Town Attorney Rotello inquired as to if the rent charge is an A Fund.

Supervisor Hotaling stated that it is.

Councilwoman Chmielewski stated that she knows that it cannot be done this year and added that they do have to do something this year as far as an agreement for rent in Village Hall.

Supervisor Hotaling stated that they could inform the Village of their intent and goal.

Councilman Boehm inquired as to if the cleaning would be included.

Supervisor Hotaling stated that he believes that it is a lot of money for cleaning and continued by asking Chief Darlington if the cleanliness issue had been resolved.

Chief Darlington stated that there has been no change.

Councilwoman Chmielewski stated that there is a lady that cleans Communications once a week and does a good job.

Supervisor Hotaling inquired as to if the Town Board wanted to engage the current cleaning service to employ this woman more than once a week. He continued by saying that it will come with a modest increase in cost and added but it won't approach \$8,300 a year because it is currently \$45.00 per week. He added that even if it goes up at 50% they still will not be approaching \$8,300.

Councilwoman Chmielewski stated that she has gone over there and looked and agrees that there is a problem with the current cleaning and added that she believes that they should do something to make it better.

Supervisor Hotaling asked if they agree that they are not going to adopt the offer in the letter for cleaning.

Collectively it was decided that they would not be.

Supervisor Hotaling stated that he would be communicating back to the Village.

### **Town of Coeymans Business Survey Highlights**

Supervisor Hotaling invited Councilman Boehm to give the Business Survey highlights.

Councilman Boehm stated that postcards were mailed in November and have been compiled by Laberge Group and continued by saying that a copy of the findings will be available at the Town Clerk's Office and added that it will be broken down by question and it will give a summary of the survey. He went on to say that there were 60 that responded and the primary reasons for having their business in the Town were: close proximity to their residence and close proximity to their customers and added that 82% of the businesses have been operating for more than 15 years and one of the downsides was that 39% indicated that the business climate is deteriorating in Town. He continued by saying that 27.2% are considering expanding their services and some of the recommendations were: improvements to encourage shopping in Town, a greater diversity of shops, special events, enhanced marketing, facade improvements, building

improvements, expanded water and sewer, improved landscaping, signage, cultural opportunities, road improvements, expanded telecommunications and internet network, better parking, expanded business hours and sidewalk improvements. He continued by saying that for the recommended development program they want to see more micro-enterprise assistance programs and the recommended marketing opportunities included promoting the riverfront, inventory vacant and other utilized properties so they can be marketed, a business attraction program, support and strengthen the current Business Association of Ravena-Coeymans and improve local and regional marketing efforts in general. He concluded by reiterating that the survey is available for review in the Town Clerk's Office.

Supervisor Hotaling inquired as to how the meeting had gone with respect to minority business opportunities and added that Mr. Daniels had been present at the last Town Board Meeting and was interested in the topic and also was present at the Economic Development Meeting.

Councilman Boehm stated that it went well and Mr. Daniels was impressed by what they are trying to do and added that he realized that one of the things that they are trying to do is bring in new business in general. He continued by saying that Mr. Daniels has a solid business plan and idea to come to this community and added that with the assistance of some of the people on the Board and the Town he will go forward with it. He concluded by saying that he contributed to the group and he is glad that they have him.

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## **NEW BUSINESS**

### **Pre-Registration for Association of Towns 2007 Training School and Annual Meeting, February 18-21, 2007**

Supervisor Hotaling stated that this has been discussed before and added that they had submitted their registration forms for the Association of Towns 2007 Conference in February and continued by saying that they can take advantage of pre-registering. He added that there is a resolution every January at the Organizational Meeting authorizing them to do that. He concluded by saying that the offer to attend is extended to Highway Superintendent Deering and Town Clerk Millious and added that if they are going to take advantage of this they need to pre-register in addition to any Department Head who has an intention of going by approval of the Town Board.

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## **RESOLUTIONS**

Supervisor Hotaling stated that the first resolution is to establish a Public Hearing for adoption of Local Law #2-06 and added that the law is being set forth and offered for introduction by a Town Board Member and it is due to the fact that New York State Department of State, Division of Code Enforcement and Administration has adopted a different threshold for the Building Code beginning January of 2007 and added that this particular law is provided by the State of New York through the Department of State. He continued by saying that in turn they made minor adjustments to include the Town of Coeymans and added that it is a mirror image of the suggested law for the State of New York for adoption by local municipalities and the State expects every municipality within the state to adopt it into Local Law effective January 1<sup>st</sup>. He concluded by saying that by introduction they will be setting the stage and holding a Public Hearing and adopting the Law by the next meeting of the Board, which will be December 26<sup>th</sup> and added that in turn it will be filed with the Department of State and they will have it in place by January 1<sup>st</sup> so that the Building Department will then operate under this Local Law as opposed to the one that currently exists.

**RES. #136-06 ESTABLISH PUBLIC HEARING FOR ADOPTION OF LOCAL LAW #2-06**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm the following resolution was APPROVED – VOTE AYES 4 – NAYS 0

**WHEREAS**, a local law, being proposed Local Law No. 2 of 2006, a copy of which is attached hereto, was introduced at this meeting by a member of the Town Board of the Town of Coeymans, and

**WHEREAS**, this Board desires to hold a Public Hearing with respect to the adoption of said Local Law.

**NOW, THEREFORE, BE IT RESOLVED** that a public hearing be held by this Board with respect to the adoption of aforesaid Local Law #2-06 at 6 pm on the 25<sup>th</sup> day of December, 2006, at the Town Hall, 18 Russell Avenue, Ravena, New York, and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby authorized and directed to cause Public Notice of said hearing to be given as provided by Law.

Councilman Boehm inquired as to if it will be available in the Town Clerk's Office for review.

Supervisor Hotaling stated that it will be turned over to the Town Clerk and available for public inspection between now and the Public Hearing date of December 26<sup>th</sup>. He added that they will take into account any comments received on that particular night and then make any necessary adjustments that the Town Board feels are necessary, appropriate and prudent and in turn move to approve the law. He continued by saying that it is 21 pages long and added that there is some substance to the changes as far as how Code Enforcers and Inspectors operate under the law. He concluded by saying that there are not any dramatic changes and added that it is being set forth from the State and if municipalities are going to operate under New York State code they are in a position to be required to pass a Local Law of this nature.

Town Attorney Rotello interjected that the current law was brought about by the same directive from the State and added that with the new directive they are replacing Chapter 71 in its entirety of the Town Code. He continued by saying that it is the same process that they had gone through a few years ago and added that now that they have made changes at the state level to the Building Code it is required that all municipalities adopt it.

Supervisor Hotaling stated that he would read Section 1 of the proposed law, which is the purpose and intent and continued by reading the following:

1. Purpose and Intent

This Local Law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. Except as otherwise provided in the Uniform Code, other state law, or other section of this Local Law, all buildings, structures, and premises, regardless of the use or occupancy, are subject to the provisions of this Local Law. This Local Law shall replace, in its entirety, the language contained in Chapter 71 of the Town Code of the Town of Coeymans

**RES. #137-06 AUTHORIZATION TO ADD MEDICAL & HOSPITAL INSURANCE SECTION TO EMPLOYEE HANDBOOK**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0

**WHEREAS**, the Town of Coeymans has a handbook for employees, and

**WHEREAS**, the Town Board is soon to be involved in a complete rewrite of the handbook, and

**WHEREAS**, the Town Board is desirous of adding a medical and hospital insurance section to the handbook prior to the complete rewrite,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the addition of the Medical & Hospital Insurance section of the handbook, which is designed to apply to non-union employees and elected officials. However, any elected official declining health insurance coverage from the Town of Coeymans, shall not be eligible for Medical Insurance buy-out. The full text of the additional section is attached and shall be deemed part of this resolution.

Supervisor Hotaling stated that the Employee Handbook covers all of the things that do not appear in any Labor Management Agreement and added that it applies to everyone. He continued by saying that the Labor Management Agreements supersede where there is a reference to that particular section in the Union Agreement and added that the Council 82 Agreement is the same language for medical & hospital insurance and medical insurance buy-out. He concluded by saying that one of the components of the CSEA negotiations is to do the same and added that this is an effort to cover all non-union employees and elected officials consistent to CSEA and Council 82.

Councilwoman Chmielewski interjected that hopefully this will get everyone on the same page for January 1<sup>st</sup>.

Supervisor Hotaling stated that the new text will include: coverage, date coverage begins, change in insurance plans, premium payment, medical insurance buy-out, eligibility for buy-out, amount of buy-out, method of payment for buy-out and reinstatement after buy-out.

Supervisor Hotaling stated that former Councilman Conrad had been the one that led the way in the effort of extending the water main up Martin's Hill and added that many residents had attended a meeting to complain about the quality of the water. He continued by saying that they engaged in an engineering effort to determine the cost associated with getting water to those people and added that it was combined and coordinated with the upcoming Rte. 143 re-alignment. He went on to say that they are at a stage now where they have to formalize the process by resolution and continued by asking that Building Inspector Conrad talk about the process that they are about to be engaged in.

Building Inspector Conrad stated that they engaged the engineering firm of C.T. Male to collect enough information to put together an estimated cost to create the waterline extension and added that they ended up looking at a situation where the water main would come out of Skyview Drive to Martin's Hill and extend up the hill for a few feet where they determined the 1000 foot border of the Water District would be and then continue down the hill and take in the homes in need of the water. He continued by saying that they have identified 20 parcels in that area that would become a separate part of a bonding issue and added that there is a good number of people that are interested in water. He went on to say that in order to move forward there has to be a map drawn of the district of those properties that are affected and that along with the plan are to be sent to the Comptroller's Office for approval or disapproval because the amount exceeds the amount of money that is normally allowed. He continued by saying that it then could become a referendum situation and it could be brought to vote if there are not enough people and added that this will bring to a close their attempt to get water in that area. He concluded by saying that if it is approved each person within the district will be subject to the cost of the bond for the next 20-30 years and added that a majority of the people are interested and continued by saying if they ever go over the top of Martin's Hill the line will be there and ready to be adapted to and it would be a possibility for the future.

Supervisor Hotaling stated that the State did agree to put a sleeve in the upper part of Martin's Hill to potentially get it across the road without cutting. He continued by saying that an expenditure of \$20,000 was initially authorized because of the problem with the water supply and added that all of those expenditures along with any additional ones that will be incurred for the map, plan and petition, will be converted back into the district for repayment.

Councilman Conrad stated that the Town Board has done its portion of the job of securing water in the Martin's Hill area.

**RES. #138-06 AUTHORIZATION FOR MAP, PLAN & PETITION FOR ROUTE 143 WATERLINE EXTENSION**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0

**WHEREAS**, the Town Board of the Town of Coeymans has engaged the services of C.T. Male & Associates to develop plans and costs estimates for a proposed waterline extension along State Route 143 from Skyview Drive to US Route 9W, and

**WHEREAS**, such plans and costs have been completed and supplied to the Town of Coeymans, and

**WHEREAS**, an investigation as to the needs of the public's best interests has been reviewed along with surveys to determine the interests in area of this proposed extension by the Town, and

**WHEREAS**, the need to bring this proposed extension to the required compliance with State Law a map plan and petition is needed to be completed and reviewed by the New York State Comptroller's office, and

**WHEREAS**, the Town has previously approved monies for the project,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby authorizes C.T. Male to prepare such Map Plan and Petition for this extension at a cost not to exceed \$2,500.

Supervisor Hotaling stated that the \$2,500 will provide an opportunity for the engineer to come to closure and prepare it in a package to be submitted to the State Comptroller for final review.

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**CORRESPONDENCE**

**Petition Regarding Proposed Waste Tire Storage Facility**

Supervisor Hotaling stated that he was in receipt of a petition regarding the Waste Storage Tire Facility on Rte. 143 and added that it is addressed to the Planning and Zoning Board members. He continued by saying that it contains the signature of approximately 40 residents in and around that area that are opposed to the landowners plan to obtain a Special Use Permit for the purpose of operating a Waste Tire Storage Facility. He then asked Building Inspector Conrad if he had received a copy.

Building Inspector Conrad stated that he was personally given a copy and added that Mr. Krzykowski did not give copies to the Planning and Zoning Boards.

Supervisor Hotaling stated that it is his understanding that this is an ongoing matter.

Building Inspector Conrad stated that there will be a Public Hearing on December 20<sup>th</sup> at 7pm in front of the Zoning Board of Appeals relative to this matter.

Supervisor Hotaling reiterated that on December 20<sup>th</sup> at 7pm there will be a Special Meeting of the Zoning Board of Appeals to discuss the application for a Special Use Permit. He then asked if the public is invited to attend and make comments.

Building Inspector Conrad stated that it is a Public Hearing.

Supervisor Hotaling stated that the public is encouraged to attend and make public comments.

## **Mud Hill Road Extension**

Supervisor Hotaling stated that there is a judgment that was rendered in 1999 against the Town of Coeymans and Highway Superintendent Deering along with a couple of residents relative to the Mud Hill Extension area. He added that at the time there was a directive of the court to do certain things and one thing that has become problematic is the identification of the right-of-way. He continued by asking if Highway Superintendent Deering could get some delineating poles to place in and around the approximate 15 feet that they have an obligation to maintain according to the Court Order until June 2014. He concluded by saying that by marking it the people in the area will know exactly where the right-of-way is and no blocking of it will take place and added that if blocking should occur it would assist the Police Department in the identification of the fact pattern surrounding the allegation of blocking the right-of-way.

Highway Superintendent Deering stated that he would like to have permission to authorize Surveyor Hite to mark it out on the house side before he delineates a post.

Building Inspector Conrad stated that it is approximately 18-20 feet parallel to the house owned by Mr. Adams and added that the problem is that a portion of it extends over the top of his private septic system.

Supervisor Hotaling stated that the actual road extension bed is a bit skewed from the right-of-way that appears on the map.

Building Inspector Conrad stated that it was determined by the Judge that the road bed as it stands would be the area of the right-of-way for the trucks to plow. He added that it is a problem if cars are parked there, especially with winter coming.

Supervisor Hotaling stated that Highway Superintendent Deering was asking for authorization to have Surveyor Hite do this.

Highway Superintendent Deering stated that Surveyor Hite has done this before for the same thing.

A member of the audience stated that there are already pins in the ground on the house side.

Town Attorney Rotello stated that this was something that was resolved as a result of the lawsuit and added that he did not know that there were issues as to where the travel portion of the right-of-way was.

Supervisor Hotaling stated that there have been recent issues with respect to allegations of blocking the access to that.

Town Attorney Rotello stated that if it is an issue as far as one private individual blocking the right-of-way that may exist between neighbors, it might not have the same impediment to the right-of-way area that the Town is obligated by the Court Order to plow. He continued by saying that if there is a vehicle interfering with plowing they can ask that it be moved out of the way.

Councilman Conrad stated that the problem is that it is not clear where it is and added that this has to be determined.

A member of the audience interjected that Highway Superintendent Deering has been unable to maintain the road because he cannot get around vehicles. She continued by saying that the road is small and bottlenecks and you can't get through, which could be an emergency situation for an ambulance or fire trucks.

Town Attorney Rotello reiterated that he did not know that it was a problem.

Councilman Conrad reiterated that they need to find out exactly how many feet it is, whether it be 18 or 20.

Supervisor Hotaling stated that if Surveyor Hite can offer this assistance he would be all for it because it would also be helpful to the Police Department if complaints are made.

Town Attorney Rotello interjected that Assessor Hite has already surveyed it and has it on a map.

Supervisor Hotaling asked that Highway Superintendent Deering follow it up with Surveyor Hite as soon as possible so he can fix the posts and then everyone will know where the roadway begins in proximity to the homes.

A member of the audience inquired as to what will happen if the posts do not allow enough width for the plow truck to get through.

Town Attorney Rotello stated that there is a large file on this and there is a survey map that shows what they need.

Supervisor Hotaling stated that he believes that it shows a little more than 20 feet from the front of the house.

Councilman Conrad interjected that the actual right-of-way is 20 feet and he used that scale.

Highway Superintendent Deering stated that the actual right-of-way of the road is 20 feet.

Supervisor Hotaling asked that Town Attorney Rotello take a look at it and give them some guidance as to Highway Superintendent Deering's application of the agreement for the up-coming winter season.

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#### **TOWN BOARD WORKSHOPS/MEETINGS**

- December 18, 2006 – Town Board, Planning Board, Zoning Board of Appeals Workshop, 6pm
- December 19, 2006 – Town Board Workshop, 6pm
- December 26, 2006 – Public Hearing, 6pm
- December 26, 2006 – Town Board Meeting, 7pm

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#### **ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments and continued by saying that Councilman Boehm had asked that they engage in Executive Session.

Supervisor Hotaling extended Holiday greetings for a safe and peaceful Holiday season.

Councilwoman Chmielewski stated that she wanted to remind everyone of the Public Hearing on December 20<sup>th</sup> regarding the proposed Waste Tire Storage Facility.

Councilman Boehm wished everyone a healthy and happy holiday season and continued by saying that he wanted to make a motion to move to Executive Session to discuss the Ravena Rescue Squad Contract.

Supervisor Hotaling asked if there were any additional comments.

Chief of Police Darlington asked to be placed on the agenda for the December 19<sup>th</sup> Workshop relative to full-time employment of an officer.

Supervisor Hotaling inquired as to if it was pertaining to a particular individual or in general.

Chief Darlington stated that it is regarding the full-time position, which was approved and authorized 3 months ago.

Councilwoman Chmielewski stated that it would be for a start date of January 1<sup>st</sup>.

Supervisor Hotaling stated that it would be an Executive Session matter regarding the employment history of a specific individual and added that he would get him on for an Executive Session on December 19<sup>th</sup>. He then asked if there were any additional comments.

Town Attorney Rotello wished everyone a Merry Christmas, happy holiday, season's greetings and Happy New Year.

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**ADJOURNMENT TO EXECUTIVE SESSION**

Supervisor Hotaling stated that Councilman Boehm had offered a motion earlier and asked for a second.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Town Board Meeting was adjourned to Executive Session.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

Time 8:15pm

**RECONVENE MEETING**

Supervisor Hotaling called the meeting back to order.

**ADJOURNMENT**

Supervisor Hotaling asked for a motion to formally adjourn the meeting.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Town Board Meeting was adjourned.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

Time 9:00pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane Millious, Town Clerk*



**A Town Board Meeting was held Monday, November 27, 2006, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Albert Deering, Highway Superintendent  
Joseph Rotello, Town Attorney

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there is a full Town Board in addition to Town Clerk Millious, Town Attorney Rotello, and Highway Superintendent Deering.

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**OVERVIEW OF AGENDA**

- Public Announcement
- Public Comment Period
- Approval of Minutes
  - Public Hearing, November 1, 2006
  - Special Town Board Budget Workshop, November 7, 2006
  - Special Town Board Workshop, November 8, 2006
- Supervisor's Report – October 2006
- Department Report Review
  - Building Department Monthly Report – October 2006
  - Town Clerk Monthly Report – October 2006
- Old Business Update and Discussion
- New Business topics for Discussion and/or Action
  - Mutual Aid Agreement for Albany County Municipalities
  - Reimbursement for Town Clerk - Town Clerk's Meeting
- Resolutions
  - Appointment of Part time Custodian (Hamilton)
  - Amendment to 2006 Budget
  - Approval of Abstract – November 2006
- Correspondence
  - Ladies Auxiliary VFW Post #9594
  - Ravena-Coeymans-Selkirk Central School-Panel
- Town Board Workshops/Meetings
  - December 11 – Town Board Meeting, 7:00PM
  - December 18 – Town Board, Planning Board, ZBA Workshop, 6:00 PM
  - December 19 –Town Board Workshop, 6:00PM
  - December 26 – Town Board Meeting, 7:00PM

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**PUBLIC ANNOUNCEMENT**

Supervisor Hotaling stated that Mystery Lake Snowmobile Club will be conducting a meeting on Wednesday, November 29, 2006, at 7:00PM at Ravena Grange and it will be

open to the general public. He continued by saying that the topics of discussion will be of special interest to property owners and prospective snowmobile purchasers and the topics will be trails, funding, and where registration costs are dispersed when you purchase a snowmobile and added that representatives from the NYS Snowmobile Association and Kool Insurance Carrier will be present to answer questions. He concluded by thanking Mystery Lake Snowmobile Club for donating and erecting the Christmas tree for the gazebo and added that the Christmas Parade will start at the gazebo and continue up Main Street to Monument Park in the Village for the tree lighting there and then there will be refreshments at the Ravena Fire House

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## **PUBLIC COMMENT PERIOD**

Supervisor Hotaling invited the public to comment at this time.

Mr. Kyle Daniels stated that he lives in Ravena and added that he was present to make some comments and ask some questions. He continued by saying that he moved to the community within the last few months and added that he was interested in getting into business and he had conducted his own survey in order to take a look at what businesses are currently in the Town. He went on to say that minority businesses is an issue and he is concerned with an incident that he had earlier in the day where he was stopped by a police officer and added that he was concerned about the treatment of minorities within the Town and it needs to be looked at. He continued by saying the minorities need support just like everyone else and added that he has not seen a lot of it and he is concerned with what the Town has to offer to minorities.

Supervisor Hotaling stated that he was confused about the comments because he started off by talking about the lack of minority businesses and what the Town could do to encourage minorities to create a business and then segwayed to a complaint about the treatment of minorities.

Mr. Daniels stated that he was expressing anger for an incident that happened earlier in the day and apologized. He continued by saying that there are no minority businesses in the Town and then asked what is available for them.

Supervisor Hotaling inquired as to in what respect and if he was talking about ethnic programs.

Mr. Daniels stated that he was talking about ethnic programs for the school system and for the Town as a whole such as a Community Center where they can get congregated and talk.

Supervisor Hotaling interjected that the Town does not have a Community Center for Caucasians.

Mr. Daniels stated that he is not separating the two and added that there is no place for anyone to gather.

Supervisor Hotaling interjected that he was making a distinction.

Mr. Daniels stated that he was only speaking for what his complaint was about and added that this is why he was speaking this way. He added his concern is that there are no minority businesses or support for them in the Town and continued by asking if anyone knew of any.

Town Attorney Rotello interjected that the Town has just adopted a Comprehensive Plan and added that there is a business survey on the Town's website. He continued by saying that it is not specific to anyone and is for the interest in growing the community as a whole in addition to there being an opportunity for additional comments. He added that Laberge Group will be taking all of the information and compiling it to go over at a meeting.

Supervisor Hotaling stated that they have developed an Economic Development Committee and added that the meetings have been open to the public in terms of input and have been advertised frequently.

Mr. Daniels reiterated that he wanted to know if there were any minority businesses within the Town.

Councilman Boehm stated that Boxley's is a minority business.

Supervisor Hotaling stated that Mr. Boxley has a car wash and polishing business on the 9W property of Marshall's Garage.

Town Attorney Rotello interjected that there are two Chinese restaurants in addition to Laberge having a list of the businesses that would indicate any in-home businesses that happen to be minority.

Mr. Daniels inquired as to if the list is available to the public.

Town Attorney Rotello stated that he believes that it can be as well as being able to Google zip codes in the area for businesses.

Councilman Boehm interjected that there is a meeting on December 6<sup>th</sup> at 7pm and added that hopefully he could attend and talk about economic development for the Town as a whole.

Mr. Daniels stated that he wanted to know how he can get involved.

Councilman Boehm stated that he could attend the meeting for a start.

Mr. Daniels thanked the Town Board.

Supervisor Hotaling stated that on the issue about being stopped by the police earlier in the day, he could contact Chief of Police Darlington, who is available Monday thru Friday during regular business hours.

Mr. Daniels stated that Chief Darlington was not in and he had spoken with a Sergeant and added that he was going to file a formal complaint.

Supervisor Hotaling asked if there were any additional comments.

Ms. Beth Moss stated that she is a resident of Westerlo Street and added that there was an article in the Ledger approximately one month ago regarding some concerns about speeding and activities on Westerlo Street and continued by asking if anything has been done to address the issues.

Supervisor Hotaling stated that Chief of Police Darlington was absent and added that at the last meeting he had reported that he had done some speed assessments and the average speed was in the upper twenties on Westerlo Street, which included patrols at various times of the day and on weekdays and weekends. He added that the speed was substantially lower than the speed that had been reported and complained about and continued by saying that the other issues are being addressed and they are waiting for District Attorney Soares to contact them for a meeting. He added that DA Soares has assigned a new Assistant DA to the Town of Coeymans to take over the prosecution of cases in addition to having the new ADA meet with a couple of representatives from the Westerlo Street area on a specific case that is before the court now in order for the new ADA to be informed on the case matter for prosecution. He reiterated that they are waiting for DA Soares to get back to them on a date that he along with the Chief of Police and Town Supervisor can sit down and talk about the quality of life issues that were raised and in turn plan a strategy on how to deal with the issues.

Ms. Moss stated that one of the main concerns in the article is still a major concern and added that the same activities are going on and the same problems are occurring. She

concluded by saying that something needs to be done because there were 4 calls to one residence.

Supervisor Hotaling stated that he does not know and is not speaking to a specific residence and whether or not those police visits resulted in any particular charges that are before the court. He continued by saying that he knows that there have been some charges brought in general in the Hamlet of Coeymans on some quality of life issues and added that he does not know whether or not they are still before the court. He reiterated that they are waiting for DA Soares to come and talk to them and added that he has expressed his interest in working with them on the issues and there is a sign of his willingness to do so in that he already changed the Assistant DA and added that it has been reported that the new ADA is seemingly more aggressive than the past one.

Ms. Moss inquired as to when the meeting with DA Soares will occur.

Supervisor Hotaling stated that they are waiting for DA Soares to set up the meeting and added that they are waiting for a return call.

Ms. Moss thanked Supervisor Hotaling.

Danielle Marvelli stated that she is a property owner in the Town and added that she wanted to discuss landlord accountability with the Town Board. She continued by saying that the quality of life on Westerlo Street is beyond deplorable and added that she does not see that landlord accountability is being addressed. She added that someone who owns a property and rents to people that commit crimes should be held accountable and continued by saying that she would like for the Town Board to see what they can do to look into the laws that are in place and codes that can be enforced. She added that there are a lot of code violations and continued by saying that she knows that with a rental there is a lot more that can be done as opposed to a single owner occupied residence. She concluded by saying that she would like to see the Town Board explore this avenue.

Supervisor Hotaling stated that he is aware to some extent of a program that is in the City of Albany in conjunction with the District Attorney's office and added that he believes that it allows the police or other enforcement officers to enter a property where there seems to be no useful purpose for the person on the property to be there. He continued by saying that it is an opportunity for intervention on the part of enforcement officers to take a look at the property and added that it does not get exactly to landlord accountability but it gets to the result of renting to people who are there for some underhand reason, which relates directly to the quality of life issues in the area.

Town Attorney Rotello stated that the Local Law for the adoption and enforcement of the Uniformed Code has some slight changes regarding the timeframe for inspections that is under the responsibility of the Building Department as opposed to the Fire Department in the City of Albany. He continued by saying that the absentee landlord issue is being looked at in the context of the zoning phase of the Comprehensive Plan, specifically in the Hamlet area.

Supervisor Hotaling stated that they will be looking at the newly mandated NY State Code at the next Board Meeting and added that the State has required municipalities to step-up the enforcement of codes and has required municipalities to adopt a higher threshold for code enforcement by January 1, 2007. He continued by saying that Town Attorney Rotello has been working on this and it will be presented at the next meeting and in turn setting it up for a Public Hearing in the hopes of adopting it by January 1<sup>st</sup>. He concluded by saying that they are using a lot of sources to tackle the problem and added that hopefully they will be successful.

Ms. Marvelli stated that the particular area that she was referring to is a present landlord and added that she believes that there are grounds that can be looked into when a landlord has knowledge of conduct and things that occur on the property and added that she believes that more accountability can be put on that landlord. She continued by saying that with a landlord acting as a landlord and using the establishment as a rental unit, there would be grounds to look at a residence and have more power as far as a landlord having

knowledge of what is occurring and condoning it and added that there is adequate proof to substantiate that.

Supervisor Hotaling stated that there have been examinations of that area by a lot of sources and they will see where it goes.

Ms. Marvelli thanked Supervisor Hotaling.

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

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**APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were three sets of minutes for Town Board approval, a Public Hearing on November 1, 2006, a Special Town Board Budget Workshop on November 7, 2006 and a Special Town Board Workshop on November 8, 2006. He continued by asking if the members of the Board had the opportunity to review them.

Councilwoman Chmielewski mentioned she didn't have a chance to read them.

Collectively it was decided to table the minutes.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm the Town Board Minutes were tabled.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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**SUPERVISOR'S REPORT**

Supervisor Hotaling presented his report for October 2006.

FUND	BAL. FWD.	RECEIPTS	DISBURSE.	BALANCE
General	\$ 831,107.95	\$ 46,802.77	\$ 316,785.17	\$ 561,125.55
Part-Town	\$ 77,701.48	\$ 386,507.67	\$ 43,215.75	\$ 420,993.40
Spec. Water	\$ 65,641.57	\$ 33,942.12	\$ -0-	\$ 99,583.69
Highway	\$ 336,776.56	\$ 1,346.25	\$ 35,605.21	\$ 302,517.60
Bridge Const.	\$ 37,378.85	\$ 101,393.52	\$ 100,050.00	\$ 38,722.37
Sewer	\$ 179,985.50	\$ 18,677.76	\$ 25,852.02	\$ 172,811.24
Sewer Cap Proj.	\$ 240,237.44	\$ 316.18	\$ 283.55	\$ 240,270.07
			<b>Total Rec. Bal.</b>	<b>\$1,836,023.92</b>

**CD CITIZENS BANK**

<b>90 DAYS</b>	<b>A FUND</b>	<b>\$ 107,346.00</b>
<b>30 DAYS</b>	<b>A FUND</b>	<b>\$ 500,000.00</b>
<b>30 DAYS</b>	<b>B FUND</b>	<b>\$ 200,000.00</b>

90 DAYS HIGHWAY-DA \$ 200,000.00

SAVINGS ACCOUNTS

SECTION 8 - HUD

UNEMPLOYMENT \$ 3,122.64  
GROVE CEMETERY \$ 42,104.37  
SEWER-DEDICATED \$ 6,145.80  
TOTAL \$ 51,372.81

OCCUPIED UNITS 59  
HUD PAYMENTS \$23,288.00  
ADMIN. FEE \$ 80.10  
TOTAL HUD PMT. \$23,380.10  
TENANT RENT \$13,073.00  
CONTRACT RENT \$36,118.00

**COLLATERAL  
COVERAGE**

**FDIC COVERAGE**

**COLLATERALIZED**

National Bank of Coxsackie \$100,000.00 \$ 696,981.57  
Citizens Bank \$100,000.00 \$ 1,056,298.44  
First Niagara \$100,000.00 \$ 491,380.81

Supervisor Hotaling asked for a motion to accept the October 2006 Supervisor’s Report.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the October 2006 Supervisor’s Report was accepted as presented.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Councilwoman Chmielewski stated that she wanted to clarify the \$100,050.00 disbursement for the bridge construction and added that they had received the sales tax check and as a result they took \$100,000 from that and put it in the CD and now there is \$200,000 in the bridge account.

Supervisor Hotaling stated that the 2007 budget calls for a rollover fund balance of \$200,000 and they added \$60,000 of sales tax anticipated revenue, for a total of \$260,000, which is the amount that Mr. Franchini had indicated was going to be needed for the 2007 expected construction.

Councilwoman Chmielewski interjected that they moved the money to a CD so they can earn some interest on it.

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**DEPARTMENT REPORT REVIEW**

**Building Department Report – October 2006**

Supervisor Hotaling asked that Councilman Boehm give a summary of the Building Department Report for October 2006.

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Supervisor Hotaling, the Building Department Monthly Report for October 2006 was accepted as presented.

VOTE – AYES 4 – NAYS 0 – SO MOVED

**Town Clerk – October 2006**

Supervisor Hotaling asked that Town Clerk Millious give the Town Clerk’s Monthly Report for October 2006.

Town Clerk Millious continued by giving the report.

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, the Town Clerk's Monthly Report for October 2006 was accepted as presented.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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**OLD BUSINESS**

Supervisor Hotaling stated that there was no Old Business on the agenda and continued by moving to the next item on the agenda.

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**NEW BUSINESS**

**Mutual Aid Agreement for Albany County Municipalities**

Supervisor Hotaling stated that he was in receipt of a request from County Executive Breslin a draft Mutual Aid Agreement, which was circulated to all municipalities in Albany County. He continued by saying that it is an agreement that transcends county lines and was thought of as a result of post 911 realities and the need for mutual aid across county lines. He added that the County Attorney drafted the Capital Region Inter-County Mutual Aid and Assistance Agreement and in turn each municipality was asked to forward it to their legal counsel for review and in turn he had sent it to Town Attorney Rotello for review. He concluded by saying that Town Attorney Rotello had reviewed it and found that there were no problems with it.

Town Attorney Rotello stated that it basically is an Agreement which sets forth the duties and responsibilities when municipal services cross county lines and added that the hope of the County Executive's Office is that all of the municipalities within each of the counties will affix their signature so that when there is a call, duties, rights and responsibilities are set forth. He continued by saying that the primary purpose is taking care of the residents within your own county and if the need arises there will be no liability passed onto the county that they are going in to and each municipality will be responsible for their own employees. He added that it also has to do with the sharing of equipment and if there is compensation to be paid it will be done in a uniform scale.

Supervisor Hotaling stated that the cover letter suggests that they will be contacted by a member of Mr. Breslin's staff to gauge interest and to assist in advancing the initiative. He then asked the Town Board for their permission to let them know that they are in favor of adopting it and will be happy to take a look at the next formal presentation of it.

Town Attorney Rotello stated that it is all part of the County initiative to encourage the Intermunicipal Cooperation and uniting forces where possible in the hope of saving some money.

Councilwoman Chmielewski inquired as to if Attorney Rotello thought that the contract was fine for the Town to enter into.

Town Attorney Rotello stated that they are not being asked to enter into it at this point in time and added that they are just asking them to weigh in on it.

Councilwoman Chmielewski inquired as to if he saw anything that he would want to change.

Town Attorney Rotello stated that he didn't see anything that would strike him as a need for them to change.

Supervisor Hotaling stated that as a municipality within Albany County they are being asked if the concept is agreeable to them. He continued to say that he believes that it is and added that they had previously talked about people within the County aiding each other. He concluded by saying that if this gets in place within the County chances are they will be looking at Intermunicipal Agreements that make sense amongst municipalities.

Town Attorney Rotello stated that it is important for them because the Town of Coeymans borders another county and added that they may be called upon to send assistance to Greene County.

Supervisor Hotaling stated that he will wait until further contact from the County Executives Office and added that they have preliminary reviewed. He continued by saying that the Town Board can continue to take a look at it and added that if something does come to mind they can make mention of it.

**Reimbursement for Town Clerk – Town Clerk’s Meeting**

Supervisor Hotaling stated that Town Clerk Millious is requesting approval to attend a Town Clerk’s Meeting on December 8<sup>th</sup> and added that pursuant to the requirement to submit for approval this is being offered for Town Board consideration. He then asked Town Clerk Millious where the meeting is being held.

Town Clerk Millious stated that it is in Glenville.

Supervisor Hotaling stated that Town Clerk Millious would be looking for reimbursement and then asked Town Clerk Millious what she wanted to be reimbursed for.

Town Clerk Millious stated that it is a luncheon meeting and she would be looking to be reimbursed for the luncheon cost and mileage. She added that the luncheon cost will not be any more than \$15.00.

Supervisor Hotaling stated that it was for the Town Board’s consideration and asked if there was any further discussion. Hearing none he asked for a motion.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, authorizing the Town Clerk to be reimbursed for the luncheon cost and mileage for a Town Clerk Meeting in Glenville, NY.

Town Clerk Millious thanked the Town Board.

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**RESOLUTIONS**

**RES. #133-06 APPOINTMENT OF PART-TIME LABORER**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0

**WHEREAS**, the Town Board is desirous of hiring a part-time laborer to perform general duties at Town Hall and assorted grounds, and

**WHEREAS**, this laborer will also assist the Beautification Department at times with their efforts in maintaining the parks and cemeteries of the town, and

**WHEREAS**, the Albany County Civil Service Department has confirmed this job title as a non-competitive position requiring the chosen candidate to meet minimum qualifications.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Thomas R. Hamilton to the part-time position of Laborer, at the hourly rate of \$12.00 effective immediately, contingent upon a successful pre-employment drug screening report.

**RES. #134-06 AMEND 2006 BUDGET**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0

**WHEREAS**, the Town Board has the authority to distribute excess sales tax revenue to the A Fund, and

**WHEREAS**, the Town Board has determined that a portion of the 2006 budgetary designation is unnecessary,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the amendments to the 2006 Budget in the General Fund (Town-wide) as follows:

- Reduction of A1120 by \$300,000 to an adjusted amount of \$221,433
- Increase the Appropriated Fund Balance account A0909 by \$300,000 to an adjusted amount of \$400,000

**RES. #135-06 APPROVAL OF ABSTRACT – NOVEMBER 2006**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski the following resolution was APPROVED –VOTE – AYES 4 – NAYS 0

**BE IT RESOLVED**, that the Town Board, of the Town of Coeymans, does hereby approve and allow the following claims of vouchers for the November 2006 Abstract.

<b>ABSTRACT</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	1839-1878	\$387,812.99
General	1946-1972,1974-2000, 2002-2010	\$ 55,687.63
	<b>General Total</b>	<b>\$ 443,500.62</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	1879-1900	\$ 31,406.23
Part-Town	2011-2012,2014-2020,2083	\$ 1863.62
	<b>Part-Town Total</b>	<b>\$ 33,269.85</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	1901-1910	\$ 42,606.01
Highway	2021-2047,2049-2056,2081,2082	\$237,440.98
	<b>Highway Total</b>	<b>\$280,046.99</b>
<b>SEWER (SS)</b>		
Sewer Pre-Pay	1911-1933	\$ 17,243.73
Sewer	2001,2057-2078	\$ 16,653.06
	<b>Sewer Total</b>	<b>\$ 33,896.79</b>
<b>GROVE CEM. (TE)</b>		
Pre-Pay Grove Cemetery	1934-1936	\$ 322.97
Grove Cemetery	2079-2080	\$ 266.90

	<b>Grove Total</b>	<b>\$ 589.87</b>
<b>SPECIAL WATER</b>		
Special Water	1937	\$ 68,777.87
	<b>Spec. Water Total</b>	<b>\$ 68,777.87</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	1938-1945	\$253,111.40
	<b>Trust &amp; Agcy. Total</b>	<b>\$253,111.40</b>

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**CORRESPONDENCE**

**Ladies Auxiliary VFW Post #9594**

Supervisor Hotaling stated that he was in receipt of a thank-you card from the Ladies Auxiliary VFW Post #9594 thanking the Town for allowing them to place flags on the corners where there are Veteran’s markers. He added that it also thanks Highway Superintendent Deering and his crew for putting them up and continued by saying that they are on Biechman Road, Lindskoog Road and another road that he could not recall.

**Ravena-Coeymans-Selkirk Central School – Panel**

Supervisor Hotaling stated that he was in receipt of a correspondence from Vicki Wright, Superintendent of R-C-S schools and added that it advises that the R-C-S Board of Education is in the process of forming a Budget Advisory Panel to provide input on the 2007-08 school year budget. He added that the school budget preparation will commence anytime and the vote will be in May. He concluded by saying that they are looking for one volunteer/representative of each municipal governing body, which includes the Town Board and added that he was making the Town Board aware and anyone interested should make their desire known.

Councilwoman Chmielewski stated that she would like to know when they will meet.

Supervisor Hotaling stated that he does not know and added that he could try to find that out and let her know.

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**TOWN BOARD WORKSHOPS / MEETINGS**

- December 6, 2006 – Economic Development Meeting
- December 11, 2006 – Town Board Meeting, 7pm
- December 18, 2006 – Town Board, Planning Board, Zoning Board of Appeals Workshop, 6pm
- December 19, 2006 – Town Board Workshop, 6pm
- December 26, 2006 – Town Board Meeting, 7pm

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**ADDITIONAL COMMENTS**

Councilman Boehm stated that he wanted to include the December 6<sup>th</sup> Economic Development Meeting to the list of meetings and added that it will be 7pm at Town Hall.

Supervisor Hotaling asked if there were any additional comments.

Councilwoman Rogers stated that she wanted to remind everyone that the lighting of the tree will be Friday, December 1<sup>st</sup> at the gazebo at 6:30.

Supervisor Hotaling interjected that 6:30pm is the lighting of the tree at the gazebo and the parade will start at 6:45pm. He then asked if there were any additional comments.

Town Clerk Millious inquired as to if they want her to advertise for the December 6<sup>th</sup> meeting.

Collectively it was decided that it is a sub-committee meeting and should not be advertised as a Town Board meeting.

Supervisor Hotaling asked if there were any additional comments.

Town Attorney Rotello stated that there is a Workshop coming up regarding the adoption of the updated Fire Prevention Building Code Law and added that it should be announced that they will be setting a Public Hearing date and it will be scheduled for the Town Board Meeting at the end of the month.

Supervisor Hotaling stated that they have meetings on December 11<sup>th</sup> and December 27<sup>th</sup> and they could introduce the law on the 11<sup>th</sup> and establish the Public Hearing for ½ hour prior to the Town Board Meeting on the 27<sup>th</sup>.

Town Attorney Rotello stated that it would work and added that he didn't want them to feel rushed as the end of the year approaches with closeout meetings.

Supervisor Hotaling stated that they no longer have closeout meetings for auditing books and added that the meeting on December 27<sup>th</sup> will work. He continued by saying that if the law is ready to go on the 11<sup>th</sup> a member of the Board will introduce it and in turn they will establish the Public Meeting date for December 27<sup>th</sup> at 6:30pm. He concluded by asking Town Clerk Millious if the timeframe will work for posting it.

Town Clerk Millious stated that it should not be a problem.

Town Attorney Rotello interjected that there is plenty of time between the two meetings.

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

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

**MOTION**

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

VOTE – AYES 4 – NAYS 0 – SO MOVED

**Time 7:58pm**

*Respectfully Submitted,*

**APPROVED**

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*Diane L. Millious, Town Clerk*



A Joint Workshop of the Town Board, Planning Board and Zoning Board of Appeals was held Monday, November 20, 2006 at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

TOWN BOARD: Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

PLANNING BOARD: Cynthia Kunz, Vice-Chair., Planning Board  
David Ross, Planning Board  
Joseph Kapusta, Planning Board  
Winthrop Irwin, Planning Board

ZONING BOARD: Gerry McDonald, Zoning Board of Appeals

ABSENT: Peter Foronda, Chairman, Planning Board  
Richard A. Cumm, Planning Board  
Laurie Felter, Planning Board  
Kerry Marsh, Chairman, Zoning Board of Appeals  
Sarah Hafensteiner, Zoning Board of Appeals  
Wayne Flach, Zoning Board of Appeals  
Patrick Brown, Zoning Board of Appeals

ALSO PRESENT: Diane L. Millious, Town Clerk  
Nicole Allen, Senior Planner, Laberge  
Anjali Malhotra, Planner, Laberge

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The following Notice was published in the Ravena News Herald:

NOTICE  
JOINT TOWN BOARD, PLANNING BOARD,  
ZONING BOARD OF APPEALS  
WORKSHOP MEETING

In compliance with Public Officer's Law, this will inform you that the Town Board of the Town of Coeymans has scheduled a Joint Workshop of the Town Board, Planning Board, and Zoning Board of Appeals for Monday, November 20, 2006 at 6:00pm. The purpose of the Workshop is to continue discussions regarding suggested revisions of the Town of Coeymans Zoning Code that may follow the anticipated approval of the Town's Comprehensive Plan.

By Order of the Town of  
Coeymans Town Board  
Diane L. Millious  
Town Clerk

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AGENDA ITEMS

Schedule of Uses and Off-Street Parking Regulations (revised)

Off-Street Parking and Loading (new)

Special Use Permits (new)

SUPERVISOR'S OPENING

Supervisor Hotaling stated that Mr. Jim Cross had called him concerned about a discussion relative to an outside wood boiler and added that his impression was that they were going to ban them. He continued by saying that he would like to take the opportunity to discuss this later in the meeting and added that Mr. Cross might be coming to participate in the discussion. He then turned the meeting over to Ms. Allen

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#### MS. ALLEN'S INTRODUCTION

Ms. Allen stated that they would get started and continued by saying that they would be moving to the next step and going through the Schedule of Uses and Off-Street Parking. She added that she would like to review the Schedule of Uses along with the off-street parking and specifically address the Rte. 143 corridor. She continued by saying that there was an Economic Development Committee Meeting earlier in the month and they discussed the Rte 143 corridor and whether or not the entire corridor or specific areas be commercially developed. She added that one way that can be done is through an overlay district in which the commercial recommendations don't necessarily apply to the entire district and would accommodate a specific area.

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#### COMPREHENSIVE PLAN DISCUSSION

Ms. Allen stated that they would start with the Rte. 143 corridor with the usage in mind and added that it is primarily Residential/Low Density with some Residential/Agricultural and continued by asking if there were any thoughts about a focused area with a commercial overlay. She added that some of the uses are not high-density commercial but might not be appropriate elsewhere within the R/A.

Councilman Boehm inquired about leaving it low-density vs. commercial and the basic difference between making it a commercial district and leaving it low-density.

Ms. Allen stated that the option with an overlay district is that you can designate a specific area, which would override the R/A.

Councilman Boehm interjected that there are permitted uses for businesses in the R/A.

Ms. Allen stated that her question would be as to if they want those uses for the whole district or if they want to specifically define an area.

Zoning Board Member McDonald stated that they might want to add to it with a more intense use and added that an overlay would be the way to go for a specific area as opposed to everywhere.

Planning Vice-Chair Kunz inquired as to if the Economic Development Committee had a suggestion as to where the commercial development should be.

Councilman Boehm stated that the whole Committee brainstormed relative to the Rte. 143 corridor and their thought was that with the reconstruction of Rte. 143 businesses may start to grow. He added that there are smaller businesses and he does not believe that it is a true Commercial District and continued by saying that there should be an opportunity to develop out there within reason.

Ms. Allen stated that some of the area is not conducive to development.

Supervisor Hotaling stated that he was at the Economic Development Committee Meeting and added that his sense was that they were not buying into developing Rte. 143.

Ms. Allen stated that they shelved it at the last meeting because they wanted to talk about it further and get input from the Economic Development Committee.

Planning Member Irwin stated that eventually there will be more Mom & Pop type businesses and added that he does not see that area ever becoming commercially developed because of the distance to Rte. 9W or Rte. 144. He continued by saying that if they thought that there would be some kind of Industrial Park or something similar he could see having commercial and added that he does not see this type of thing happening.

Councilman Boehm stated that they were not talking about anything big like Walmart or an Industrial Park but rather a small business such as a restaurant.

Planning Member Irwin interjected that a restaurant could go in any district.

Ms. Allen stated that right now a restaurant would be by Special Use Permit in the R/A.

Planning Board Vice-Chairman Kunz stated that she does not have a problem with developing out there and added that her problem is what it would look like and if it would look like it belongs in a rural setting and continued by saying that in any development they should aim for making it look like it belongs.

Zoning Board Member McDonald stated that this would be done by requiring a Special Use Permit and having requirements for the architectural design.

Planning Board Member Kapusta stated that it could be in the Site Plan Review and would not have to be a Special Use Permit.

Councilwoman Chmielewski stated that they would have to be willing to make their places look like it is specified by the Site Plan Review.

Zoning Board Member McDonald stated that they would either have to do it or not come in.

Ms. Allen interjected that you are required to do it and the design guidelines have to be in place.

Planning Board Vice-Chairman Kunz stated that this is their opportunity to have design guidelines.

Planning Board Member Kapusta stated that there use to be three stores in Coeymans Hollow and added that as gas prices go up you need to have mixed-uses or places like Coeymans Hollow remain remote. He continued by saying that mixed-uses are good and some standard uses should be allowed with a stipulation to follow the guidelines for things such as architecture.

Ms. Allen stated that there only a handful of uses that have been designated for the R/A District and added that if they are fine with those uses being allowed anywhere within the District not specific to Rte. 143, they will leave it as it is without an overlay. She continued by saying that for the R/L District those uses are not permitted and it would be whether or not they want to have the overlay within the District to create the opportunity.

Planning Board Member Irwin inquired about Rte. 144.

Ms. Allen stated that Rte.144 is also being evaluated by the Economic Development Committee.

Planning Board Member Irwin stated that he is worried because there is a large vast area of land at the brickyard that could be developed into an industrial site or commercial site.

Ms. Allen interjected that the land is in the Riverfront Community and there are additional uses that are permitted there.

Planning Board Member Irwin stated that the north-end of Rte. 144 and Rte. 9W are set-up for some industrial and commercial sites and added that the southern end of Rte. 143 comes into the Village and he does not know if you would want the impact in that area.

Councilman Boehm stated that he wanted to get back to Rte. 143 and suggested that they put the Residential/Agricultural specifications in for the low-density which would allow a retail space for less than 5,000 feet.

Ms. Allen stated that they can and added that the question would be whether or not they want to limit it to an overlay for a particular area.

Planning Board Member Kapusta stated that he was not sure why they were excluding uses from the northern end of the Town and added that the uses were always there and should still be allowed. He continued by saying that as the residential density increases small businesses limited to 5,000 should be allowed.

Ms. Allen stated that they do not want to over commercialize the strip so there is not a focused commercial area.

Planning Board Member Kapusta stated that he was referring to the Rte. 143 corridor and added that he does not see why they want to exclude from that type of business.

Supervisor Hotaling stated that they had extended the area as far as Bronck Road and there is still an opportunity to develop. He continued by saying that this was also the sense of the Economic Development Committee.

Planning Board Member Kapusta interjected that there is an area north of that which could also be developed.

Councilman Boehm inquired as to why they stopped at Bronck Road.

Ms. Allen stated that the area will make a nice gateway entrance and transition from residential to a more commercial area. She continued by saying that they can add an overlay district or they can add the uses to the entire district.

Zoning Member McDonald inquired as to what type of uses they were referring to.

Ms. Allen stated that it would include office, restaurant, and retail business less than 5,000 square feet.

Planning Board Member Irwin stated that if they did an overlay a fast food business could be included.

Planning Board Member Kapusta interjected that it is fairly restrictive and not that many uses fit in.

Ms. Allen stated that there are uses that could be added if they wanted. She continued by saying that they didn't have to decide right away and added that they should think about targeting the growth areas. She added that as she had stated earlier, they don't want to over commercialize or over industrialize and it should be more of a limited focused area.

Planning Board Member Kapusta stated that a heavily developed area would have to have water and sewer and added that they are restricted by that. He continued by saying that the push has been for mixed uses.

Ms. Allen stated that because they don't have a solid feeling about it they could table it and think about it.

Planning Board Member Irwin inquired as to how the Economic Development Committee felt about it.

Ms. Allen stated that they had initially had from Gedney Hill Road to Rte. 9W as the economic corridor and added that she had driven the route and didn't have the sense that it would be appropriate to make it such a long commercial corridor. She continued by saying that it might be better to focus on one or two areas.

Planning Board Vice-Chair Kunz inquired as to if this would be done with an overlay.

Ms. Allen stated that was correct and added that this way they keep the district and allow some additional uses and regulations.

Planning Board Member Kapusta inquired as to if the overlay would be limited to 500 feet from the road.

Ms. Allen stated that it could be between 500 – 1000 feet.

Councilwoman Chmielewski inquired as to where the area is actually located.

Ms. Allen stated that it is from Greening Lane to Jarvis Road South.

Planning Board Member Kapusta stated that he does not see any difference between that area and the rest.

Councilman Boehm interjected that there are no businesses after Osterhout's.

Planning Board Member Kapusta stated that currently there are not any but there has been in the past.

Ms. Allen stated that it might be more appropriate to add the uses and allow it overall.

Planning Board Member Kapusta stated that once you come over Martin's Hill it is the same all the way out.

Councilman Boehm inquired as to where the residential low-density had originally come from and if it was because of Spoor Development and the cluster of houses.

Ms. Allen stated that in the previous zoning it was primarily R-2, single and two-family and then R-1 further down.

Councilman Boehm inquired as to if the R-2 would be what they will now consider low-density.

Planning Board Member Kapusta stated that in the past there were several businesses and added that it is really mixed use.

Supervisor Hotaling inquired as to if they would be adding the uses to the low-density, and then inquired as to if Planning Board Member Kapusta meant for it to go all the way out Rte. 143.

Planning Board Member Kapusta stated that they already exist all the way out and continued by saying that he does not believe that it should be restricted in one area.

Zoning Board Member McDonald stated that the uses would require a Special Use Permit.

Ms. Allen stated that it was true and they would have design control.

Zoning Board Member McDonald interjected that they could also revoke them if they do not conform. He continued by stating that his question would be as to if a Special Use Permit would be adequate or if they would want it to be more structured in the Code.

Ms. Allen stated that she has the Special Use Permit regulations for them to look at and added that in addition you would also be required to do a Site Plan Review, which would give them double control. She continued by saying that the question would be whether or not they want to put a business next to a single-family home and added that they do not want to change the residential character of a residential neighborhood by allowing the uses.

Planning Board Member Kapusta reiterated that it is mixed use now.

Ms. Allen pointed out that there are areas that are more residential and added that it might not be appropriate to have a business in that area.

Planning Member Irwin inquired as to how you can accomplish this and whether or not it would be an overlay in the area that they do want it.

Ms. Allen stated that it would be done with an overlay for the area where they do want it.

Planning Board Vice-Chairman Kunz interjected that she believes it should be done by an overlay.

Councilwoman Chmielewski stated that as they had said earlier it could be done by a Special Use Permit.

Ms. Allen stated that you could and added that the person could meet the requirements but it might not be a use that you want in that neighborhood and in turn it would be allowed because it would be a permitted use.

Planning Board Member Kapusta stated that a business could add a lot to an area, such as Yanni's by the river.

Ms. Allen stated that the river area is mixed use and the opportunity is already there.

Councilman Boehm inquired as to if the overlay would be in the Hamlet if Rte. 143 and Rte. 144 were the same.

Ms. Allen stated that it would not have to be and you could do it in a specific area.

Planning Board Member Kapusta stated that it would give the opportunity to pick an area and added that this would be the way to do it if they don't want it for all of the areas.

Ms. Allen stated that she had put something together for them to look at and continued by illustrating on the map the area.

Planning Board Member Kapusta stated that you could keep it close to the road away from housing.

Planning Board Member Irwin stated that he agrees with 500 feet.

Planning Board Member Kapusta interjected that the businesses should be kept on the main road.

Supervisor Hotaling stated that he does not see the wetlands ever being developed and added that going out further there are some fields. He continued by saying that he would agree that an overlay would be the better way to do it.

Planning Board Member Kapusta stated that if you don't want the whole area an overlay would definitely be the way to do it.

Ms. Allen inquired as to if there were any uses that they want to add to the overlay.

Supervisor Hotaling stated that Animal Hospital would work.

Planning Board Member Kapusta stated that a gas station would fit as well as a grocery store.

Ms. Allen stated that they can add grocery store and it will have its own definition, which will enable you to limit the size.

Planning Board Member Kapusta stated that 5,000 feet is a good idea and added that a gas station and grocery store are necessary.

Ms. Allen stated that she would recommend Special Use Permits.

Zoning Board Member McDonald inquired as to what the distinction is between retail food establishment and grocery store.

Ms. Allen stated that it is primarily a grocery store and added that they can get rid of retail food establishment.

Zoning Board Member McDonald inquired as to if retail business less than 5000 square feet is other than grocery or if it could be included.

Ms. Allen stated that they could define it that way or they could define it separately and that way they could have some extra control.

Zoning Board Member McDonald inquired as to defining it that way and if it would limit a retail grocery store to 5000 square feet.

Ms. Allen stated that it currently does not.

Zoning Board Member McDonald stated that it is the distinction and added if they did include it in the Special Use Permit they could have control over the size and in turn it would save them from adding another category. He continued by saying that he did not understand why other communities had trouble distinguishing it.

Ms. Allen stated that a grocery store may have additional traffic volume that is separate from another retail business, she continued by saying that there could also be different parking requirements for a neighborhood grocery store as opposed to a large grocery store such as Price Chopper.

Planning Board Member Kapusta interjected that it should be kept small and less than 5000 square feet.

Zoning Board Member McDonald stated that the only distinction that he sees between the two is the amount of parking space.

Ms. Allen stated that they would be discussing this later in the meeting as a supplemental regulation if they wanted to further regulate a specific use such as grocery store or gas station and added that they can define it anyway that they want and retail could just be grocery.

Planning Member Kapusta inquired as to if the definition is now for all.

Ms. Allen stated that they are defined separately and grocery is separate from retail.

Zoning Board Member McDonald stated that if they took out grocery it would fall under retail with less than 5000 square feet and added that they could have a detail under that for parking space requirements.

Ms. Allen stated that they could take strike grocery store altogether and define it under retail.

Planning Board Member Kapusta stated that it would be alright with him and added that he just wanted it included along with gas station.

Supervisor Hotaling inquired as to if it would limit retail in a Commercial District where a grocery store larger than 5000 square feet should be encouraged.

Ms. Allen stated that a retail business greater than 5000 square feet would still be permitted. She continued by saying that she does not see a problem with striking it because the parking requirements are the same.

Planning Board Member Kapusta inquired about a gas station.

Ms. Allen stated that right now it is currently under Commercial and Industrial and by adding it to the overlay they could have the extra requirements.

Zoning Board Member McDonald inquired about the requirements.

Ms. Allen stated that it would be necessary for gas stations to meet specific requirements such as landscaping and pumps being 30 feet from the road in addition to the design of the building.

Planning Board Member Kapusta inquired as to if it would just be limited to the overlay area and not the R/A itself.

Ms. Allen stated that they are currently not allowed in the R/A.

Planning Board Member Kapusta inquired as to if there is an objection to it being in the R/A.

Supervisor Hotaling stated that he didn't recall a discussion about it.

Councilwoman Chmielewski inquired as to if Planning Member Kapusta wanted to see gas stations included.

Planning Board Member Kapusta stated that it would be a good use out there and added that they were there in the past. He continued by saying that it would eliminate having to come to Ravenna for gas.

Councilwoman Chmielewski stated that they were along Rte. 143.

Planning Board Member Kapusta agreed and added that it would be in the overlay and not the whole district. He added that the only one that exists is in Alcove.

Ms. Allen interjected that it will continue to exist and be grandfathered in. She continued by saying that she had one question with regard to uses and continued by saying that under mixed use it was originally office, retail and residential and then the Committee deleted residential. She added that she was not at the meeting when it was done and continued by asking why that component would be deleted.

Supervisor Hotaling stated that he was not at the meeting either.

Ms. Allen stated that the idea of mixed use was that you would have the office or retail on the first floor and the residential on the second floor to get that component in.

Collectively it was decided that no one remembered why.

Zoning Board Member McDonald stated that there was a question about including it in the Industrial Zone and agreed that it should be included with a Special Use Permit.

Ms. Allen stated that it got added.

Planning Member Irwin stated that it was allowed by Special Permit.

Planning Board Member Kapusta inquired as to whether or not you would want it in the R/A as well and added that he does not know why it is excluded.

Ms. Allen stated that it would be for a two-three story development and added that it would be more appropriate for another district, such as the Riverfront Community but not necessarily in the R/A District.

Councilwoman Chmielewski stated that the building would be too large.

Councilman Boehm inquired about the definition of mixed use and whether or not the space for the retail and residence combined would apply to the 5000 square foot requirement.

Ms. Allen stated that they did not specifically define the mixed use requirement and added that it would not necessarily fall under the 5000 square foot.

Planning Board Member Kapusta stated that an example would be the Alcove Store where there is a Post Office, store and apartment and added that it is good use.

Ms. Allen stated that you would encourage those types of uses in a pedestrian environment such as the Riverfront Community. She continued by asking if residential should be added back to mixed uses.

Councilwoman Chmielewski inquired as to if she was referring to adding it back into the R/A.

Ms. Allen stated that it would be adding the residential component back to mixed use and not changing the district that it is allowed in.

Planning Board Member Kapusta stated that if you restrict it to size, it would not be allowed to be a complex and added that it would still be less than 5,000 feet.

Councilwoman Rogers stated that she thought that it was Building Inspector Conrad that had the problem with it.

Councilman Boehm stated that it could mean that you could have a store and apartment at ground level and added that there could be a strip mall with apartments.

Ms. Allen interjected that it would be for a commercial area and added that for an example if the brickyard property were to be developed there would be an opportunity to have condos, townhouses and a commercial business all within one development parcel.

Planning Board Member Irwin stated that he didn't know why you would want to take residential out of it.

Ms. Allen stated that they could leave it and get Building Inspector Conrad's opinion. She continued by saying that they would move on and added that the table is a schedule of off-street parking requirements that are standard with the uses.

Planning Board Member Irwin stated that in looking at it there is a very good use of square footage and added that he had a question as to why some are based on occupancy such as restaurant.

Ms. Allen stated that the square footage is for fast-food and the other is one parking space per three seats. She continued by saying that in addition to that an off-street parking and loading section has been drafted and added that they need to review it for the next meeting. She went on to say that she did want to discuss the area requirements for specific districts and added that they need to define lot sizes for each district.

Residential Agriculture – R/A

Ms. Allen stated that the minimum lot size was previously 2 acres, which was 80,000 square feet and continued by asking if it is still appropriate for the district.

Planning Board Member Kapusta stated that he believes if they go over that they will exclude a lot of people.

Councilman Boehm interjected that the only problem is that there is a lot of septic out there.

Planning Board Member Kapusta stated that it use to be ¼ acre and added that it was not enough room with septic.

Ms. Allen stated that 2 acres is acceptable for septic in addition to there being enough room for a well.

Planning Board Member Kapusta interjected that it is enough room for a house, garage, septic and well.

Ms. Allen stated that there would be enough room with the separation distances that is required. She added that if they are concerned with preserving agriculture 2 acres is on the small side and continued by saying that if they make it larger it will exclude some people.

Councilman Boehm inquired as to if larger lot requirements were done in the past.

Councilwoman Chmielewski inquired as to if the requirement was five acres.

Supervisor Hotaling stated that it was five acres.

Planning Board Member Kapusta interjected that it would be a lot of money for young people to build a house.

Zoning Board Member McDonald inquired as to if they were going to include conservation subdivision.

Ms. Allen stated that they could and added that they will include a Planned Development District, which would give some of the same flexibility in addition to adding a conservation or cluster subdivision requirement.

Zoning Board Member McDonald inquired as to if the Planned Subdivision Districts were going to be in the R/A.

Ms. Allen stated that a Planned Development District is a floating district and it would be done be petition in addition to having to meet the specific requirements. She continued by saying that in a Planned Development District they could afford more retail opportunities, which would be within its own community. She added that under the cluster development it would be different in that they would require lots to be clustered with conserving the remaining land. She continued by saying that in a five lot subdivision they could require that number to be put on ½ acre lots instead of 2 acre lots with the remaining land being conserved.

Zoning Board Member Kapusta inquired as to if it would be required or made available.

Ms. Allen stated that it would be required.

Zoning Board Member Kapusta interjected that there are areas around the creek that would be nice.

Ms. Allen stated that typically they would set the lot number for the subdivision, and a conventional site plan or subdivision plan and cluster subdivision plan would be required in order to determine which would be the most appropriate for the parcel.

Planning Board Vice-Chair Kunz interjected that she likes the conservation subdivision.

Ms. Allen stated that the only question would be the minimum number of dwelling units that they would require.

Planning Board Member Kapusta interjected that they could still require the minimum that they would want per acre which could be laid out different with open space.

Ms. Allen stated that her question would be what the number of units would be before they would require the cluster.

Zoning Board Member McDonald interjected that a major subdivision is 5.

Ms. Allen stated that for every major subdivision they could require both a conventional and cluster subdivision.

Zoning Board Member McDonald stated that it would be as an example a 10 acre parcel.

Ms. Allen stated that they would not be allowed more units but rather allowing them to be put on smaller parcels.

Planning Board Member Kapusta stated that it would leave it looking more rural.

Councilman Boehm inquired as to if they should increase the 2 acre minimum and added that they are trying to maintain the integrity.

Planning Board Member Kapusta stated that by making larger lots they are going to consume it quicker.

Councilman Boehm interjected that when the number of houses increases it will no longer be Residential/Agricultural.

Ms. Allen stated that to really preserve the agriculture they would have to have 100 acre parcels.

Planning Board Member Kapusta stated that 5 acres will eat up the land faster than 2 acres.

Planning Board Member Irwin stated that they have not had any real problems with the 2 acre parcels.

Planning Board Member Kapusta stated that there have been some problems with certain soils and added that the Health Department deals with that. He continued by saying that the cluster development allows 2 acres with larger parcels as well and added that this is a better way than eating up big parcels of land.

Planning Board Member McDonald interjected that it would also eat up road frontage, which has been an issue. He continued by saying that someone with a 20 acre parcel with 1000 feet of road frontage could divide it into 100 foot wide lots and this would give them ten 2 acre lots.

Councilman Boehm interjected that they would want houses every 100 to 200 feet along the road in Residential/Agricultural otherwise they would be compromising the integrity of the district by increasing the availability for development.

Zoning Board Member McDonald stated that he would disagree if in that hypothetical situation they allow someone to do a conservation subdivision using ½ acre lots. Councilman Boehm stated that it would be for multiple homes and added that with that amount of land there would be a lot more homes against the road and with 5 acres there would be fewer homes and in between there would be more open space in an area that was Residential/Agricultural.

Planning Board Member Kapusta interjected that if it is agricultural it has to be 100 acres and added that 5 acres is not agricultural but rather upper scale development. He continued by saying that typically the parcels going out Rte. 143 are 2 acre lots or less and added that they are probably less because the requirements use to be ¼ acre and added that they should now encourage conservation.

Zoning Board Member McDonald stated that the parcels are 5 acres and larger in the more remote areas and added that houses are spread apart.

Councilman Boehm stated that you would want to maintain that type of characteristic in that type of R/A neighborhood and added that they should leave it 5 acre lots as opposed to 2 acre lots.

Supervisor Hotaling inquired as to if he wanted to keep the side roads larger lot parcels as opposed to the 2 acre minimum.

Zoning Board Member McDonald stated that it could be a larger lot size coupled with conservation subdivision and having a 5 acre minimum. He added that a 20 acre parcel with 1,000 feet of road frontage could either have four houses in a row or one row going into the land with four houses and the rest maintained as open space. He continued by saying that raising the minimum lot augments the conservation.

Supervisor Hotaling stated that he believes that it will turn out to be a balance between those in favor and those opposed to a change in parcel size. He continued by saying that there was opposition when they restricted it to 5 acres and added that in keeping it at 2 acres there will be the possibility of the 2 acre developments encroaching into areas where there are currently larger spaces, which will be perceived as intrusive on the part of the people that have 5 acres.

Zoning Board Member McDonald stated that the quality of the land for 2 acre lots in the rural areas is not that great for well and septic because there is only a couple of feet of dirt on the rock.

Planning Board Member Kapusta interjected that most of them require transvaps.

Zoning Board Member McDonald stated that even with the transvap some of the dissolved nutrients still get into the ground.

Councilman Boehm stated that his concern is that 30-40 years from now it will become developed to the point of losing the Agricultural/Residential feel.

Zoning Board Member McDonald inquired as to what the minimum lot sizes are in the other hill towns.

Ms. Allen stated that it varies and most of them are between 3-5 acres.

Tape change, some dialog lost.

Planning Board Member Kapusta stated that agricultural property is going to be kept agricultural and farmers who own a lot of land will want to keep their land and won't want to divide it up.

Councilman Boehm stated that whether it is 100 acres, 5 acres or 2 acres you will want to get as many houses as you can on it.

Planning Board Member Kapusta stated that from a sale point it does not matter because you could get \$50,000 for a five acre lot or \$20,000 for a two acre lot. He continued by saying that what matters is that you will start to eat up the big parcels quicker with the 5 acre requirement, which will result in getting rid of the agricultural land quicker.

Councilman Boehm stated that he is concerned about the characteristic of the land.

Planning Board Member Kapusta stated that the flat areas could be fairly dense and added that the hill areas cannot be split into 2 acre lots. He continued by saying that in order to get a 2 acre building lot you would have to start with 5-10 acres. He concluded by saying that the land itself will restrict it.

Planning Board Member Irwin stated that it is true because there are large tracts of land with only 2-3 acres actually being used.

Planning Board Member Kapusta stated that the problem is that you would have to put \$50,000 into a piece of land with an additional \$20,000 for septic and \$20,000 for a well and added that no one would be able to buy.

Councilman Boehm inquired as to how Councilwoman Chmielewski felt about it.

Councilwoman Chmielewski stated that she agrees with Planning Board Member Kapusta about people not being able to buy and build themselves a nice home in the country.

Planning Board Member Kapusta interjected that the conservation developments would allow this and added that they should push in that direction so there are small clusters of housing with some open space, which will keep the look of what they want.

Supervisor Hotaling wanted to clarify that Planning Board Member Kapusta was saying that 2 acres is the way to go and in areas where 2 acres don't fit, the land itself will seek its own level and require a five acre lot in order to build.

Planning Board Member Kapusta stated that conservation development encourages this and allows one large tract and a number of smaller ones and added that this will keep the rural look.

Councilwoman Chmielewski stated that even though it says that it should be 2 acres, someone could say that the house is going to be on an acre with another on ½ acre and the rest would be left alone.

Ms. Allen stated that a major subdivision would be allowed to cluster and it would have to be 5 or more acres.

Planning Board Member Kapusta stated that a water system would have to be engineered into and added that it is a lot of cost but it would conserve in a long run.

Councilman Boehm stated that he does not believe that they will ever see a development like Dowerskill in Glenmont.

Planning Board Member Kapusta stated that there is not sewer and water and added that there is not anything preventing them from having a water district. He continued by saying that this could be done if there were enough people interested in doing it.

Ms. Allen interjected that it could happen.

Planning Board Member Kapusta stated that he does believe that it will happen in time and added that you will see cluster developments with sewer and water.

Ms. Allen stated that she is hearing 2 acre vs. 5 acre parcels with a push for cluster development.

Planning Board Member Vice-Chair Kunz interjected that it would be a conservation subdivision.

Collectively it was decided to go with 2 acres.

Ms. Allen stated that the previous width was set at 100 feet and then asked if that would still be appropriate.

Planning Board Member Kapusta interjected that they always went with the mean because it would prevent having a strip 100 feet wide and 1000 feet long and added that the mean was always 60 feet.

Ms. Allen stated that they could get rid of the width requirement all together.

Zoning Board Member McDonald interjected that he believes that 60 feet would promote spaghetti lines.

Planning Board Member Kapusta stated that spaghetti lines were all that they were doing for a while.

Supervisor Hotaling stated that they should keep in mind that this is their opportunity to fix those things that they had previously done.

Zoning Board Member McDonald stated that they could make the requirement for the mean a minimum of 200 feet with 100 feet of road frontage, which would mean that the lot would have to be 400 feet.

Planning Board Member Kapusta interjected that road frontage is precious.

Zoning Board Member McDonald stated that he realizes that and added that they can't have it both ways.

Supervisor Hotaling stated that this is something that the Planning and Zoning Boards have to hold people accountable for.

Planning Board Member Kapusta interjected that this is why they started allowing private drives and it was for those that did not have 100 feet of road frontage.

Ms. Allen inquired as to if they want to continue to allow the shared drives or private drives.

Planning Board Member Kapusta interjected that they have to.

Zoning Board Member McDonald stated that in the conservation subdivision this would be allowed.

Supervisor Hotaling stated that if there is a developer involved this will be an opportunity to make the developer make the road. He continued by saying that he would rather have the roads built to the Town's specifications than having to deal with private drives and added that the owners then want it to become a Town road.

Planning Board Member Kapusta stated that they can make this request if they meet Town specifications.

Supervisor Hotaling stated that his option would be to make the developer build the road to Town specifications.

Planning Board Vice-Chairman Kunz interjected that they will have to change the Town specifications because a developer could not afford it the way it is now.

Planning Board Member Kapusta stated that there would not be any development in the Town of Coeymans if this were done because a Town road is now \$1,000 a foot. He continued by saying that this is why they went with private drives and added that the Town is free of any liability for the road.

Planning Board Vice-Chairman Kunz interjected that they should require that a private road be labeled private so there would not be any question as to whether or not it would be maintained or plowed by the Town.

Planning Board Member Kapusta stated that they went with 60 feet because it could always be converted to a Town road and added that this will have to be the case if they want to do conservation developments. He continued by saying that there would be a single cut to the highway.

Planning Board Member Irwin stated that they can't have the cuts meeting the roads all over.

Planning Board Member Kapusta stated that this is the problem with the spaghetti strips.

Ms. Allen stated that with the width at 100 feet they can define it so that there would be a mean width.

Planning Board Member Kapusta stated that 60 feet is always what they have gone with.

Zoning Board Member McDonald stated that he does not understand the 60 feet.

Planning Board Member Kapusta stated that it is the square footage divided by the depth.

Zoning Board Member McDonald stated that he can understand having a minimum of 60 feet for access to a Town road and added that the mean is the average, which could be a lot that is 100 feet wide at the front, down to 60 feet wide, and goes back 1000 feet, which would constitute 3 acres. He continued by saying that supposedly a house could be put on the lot but this is not what they want.

Planning Board Member Kapusta stated that the logic of the mean was to keep the narrow development from happening.

Ms. Allen stated that she is not sure how the mean would fit in.

Zoning Board Member McDonald stated that this is something that the Zoning Board has had to deal with on a number of occasions and added that they end up having to interpret the Code.

Planning Board Member Kapusta interjected that a Town road requirement is 60 feet and he would like for it to be 60 feet.

Ms. Allen stated that typically they would see that the width point might be the building set-back line of 60-100 feet and added that where you would place the building at the set-back line would have to be the minimum. She added that if they define where the width point is it will eliminate having to go before the Zoning Board of Appeals.

Planning Board Member Kapusta stated that if they make it 60 feet they will be safe because it is the width for a Town road.

Ms. Allen interjected that 60 feet would encourage the long spaghetti parcels and added that the road frontage is currently 100 feet, which could also be changed.

Planning Board Member Kapusta stated that if they make it smaller they are land-locking land.

Ms. Allen stated that the frontage is currently set at 100 feet and added that it sounds like it was being interpreted different.

Planning Board Member Kapusta interjected that it has always been 60 and the 100 feet was put in when they came up with the road specification and added that he would like to see common drive road specifications, feeder street road specifications and highway road specifications and added that then they could require that a road be built.

Zoning Board Member McDonald inquired as to if they are going to put in road specifications.

Ms. Allen stated that roads would be a separate issue and chapter. She then asked if they were in agreement with the 60 feet.

Supervisor Hotaling reiterated that this is their opportunity to figure out what they really want to do.

Planning Board Member Kapusta stated that if they make it 200 feet it will be more restrictive and added that it has to be at least 60 feet for a road. He continued by saying they can change the road specification and make it a common drive.

Councilman Boehm interjected that if you make it bigger it will eliminate the spaghetti strip parcels.

Planning Board Member Kapusta stated that anywhere between 60-200 feet would be a narrow strip. He continued by saying that they need to change the road in order to make it easier to put roads in and added that there would be one road going into a development. He added that currently there is a single entrance for each parcel and went on to say that the County is not going to continue to allow this.

Ms. Allen inquired as to what the County would like to see.

Planning Board Member Kapusta stated that they want a common drive and one cut into the road instead of multiple cuts and added that this makes sense. He added that it does not matter now but in ten years when there is development from 9W to Alcove it will matter.

Supervisor Hotaling stated that if there are multiple houses coming out to a common cut they would want a significantly wider road frontage in order to maintain the view of people coming in and out and added that 60 feet seems small to him.

Zoning Board Member McDonald stated that access out onto the road should be considered differently and added that there are probably DOT specifications.

Planning Board Member Kapusta stated that if there is one acre in the front and 100 acres in the back of it, if they make it 200-500 feet they will be eliminating all of the back property from being developed.

Supervisor Hotaling stated that if there is 100 feet of road frontage with several acres behind it, he would suggest that a road be built rather than having a private common road.

Planning Board Member Irwin stated that this is what Planning Board Member Kapusta is saying and added that the minimum is 60 feet.

Planning Board Member Kapusta stated that even a through-way road specification requires 60 feet and added that the road frontage is to maintain enough property to get to the property in the back of the parcel.

Zoning Board Member McDonald interjected that the 60 feet has to be exactly in the right spot where it accesses the road and added that it can not be on a blind curve. He added that 100 feet would give some leeway as to where it can be.

Planning Board Member Kapusta stated that 60-100 feet is not that much.

Zoning Board Member McDonald stated that it could make a big difference when dealing with the terrain.

Planning Board Member Kapusta stated that the Town is restricted a lot by the terrain. He continued by saying that in order to put in a development to fund a \$1,000 a foot road there has to be sewer and water. He added that there is no way that a developer would look at developing land without sewer and water if he has to put in a \$1,000 a foot road.

Zoning Board Member McDonald inquired as to housing density along a Town road in an area other than a conservation sub-division and whether or not they want to have a house every 100 feet and continued by saying asking if they want to have another minimum width for a single lot on a Town road. He added that there are two different issues between an access road and a single lot.

Planning Board Member Kapusta stated that 60-200 feet will not make that much difference for an access road and reiterated that they maintain 60 feet so an access road could be put in.

Zoning Board Member McDonald stated that he understands that and added that his question is how wide the access should be for a single lot.

Ms. Allen stated that another twist would be once the access road is in and there are shared lots there would be a question of how wide they would want the lots off the access road.

Planning Board Member Kapusta stated that they are trying to make the width of the lot done by access to the road and they can't do that.

Zoning Board Member McDonald stated that they can do that by a mean lot width or the width at the place where there will be a building.

Ms. Allen stated that she has seen it both ways and added that the most common is the set-back line for where the building is set at and added that this way the houses are so far apart that you create a definitive distance.

Planning Board Member Kapusta stated that it makes more sense to go with at the placement of the house and added that at the point of the road does not do anything at all.

Ms. Allen stated that she was not suggesting putting it at the road because there is already a 100 foot of road frontage requirement and added that if you put it at the building set-back line there would not be spaghetti lots. She continued by saying that they can put in a footnote describing the width defined as the building set-back point.

Zoning Board Member McDonald asked for clarification of the building set-back point.

Ms. Allen stated that it would be the building line and not the front set-back point.

Planning Board Member Irwin stated that this would take care of eliminating spaghetti lines.

Ms. Allen stated that she likes 200 feet for the lots because it encourages wider and not narrow.

Planning Member Kapusta stated that he sees no problem with at the point of the building and added that if you do it at the point of the road it will eat up road frontage.

Collectively it was decided that 200 feet was fine.

Zoning Board Member McDonald inquired as to what the side lot set-backs are in the R/A.

Ms. Allen stated that it would be 30 feet for each side for a total of 60.

Zoning Board Member McDonald stated that with 200 feet it would give 50 feet to swing the building.

Ms. Allen stated that it would give them a lot of flexibility. She continued by saying that the set-back for the front is 40 feet from the road.

Collectively it was decided that it was alright.

Ms. Allen stated that the rear yard set-back is 50 feet.

Collectively it was decided that it was alright.

Ms. Allen stated that there is a minimum of 750 square feet for the first floor area of dwellings only and continued by asking if there have been any problems.

Planning Member Irwin stated that they usually don't get into that.

Supervisor Hotaling interjected that the issue is silent and added that he does not know why they would add it now.

Planning Board Member Kapusta stated that it would limit putting in a 400 square foot house.

Ms. Allen added that it would also limit the mobile home type dwelling.

Planning Board Member Kapusta stated that it's not a bad idea if you don't want little cabin type dwellings.

Councilman Boehm stated that it could be a possibility for someone to build a cabin.

Planning Member Kapusta stated that 750 feet is small.

Zoning Board Member McDonald stated that some sub-divisions have stipulations as far as size.

Planning Member Kapusta stated that 750 feet would be a 20X30 dwelling and inquired as to if it would be total area or ground floor.

Ms. Allen stated that it says first floor area.

Planning Member Kapusta stated that he does not think that it should say that.

Councilman Boehm inquired as to if it would mean that you could have a one-story home for a total of 750 square feet.

Ms. Allen stated that it was correct and added that if you have a two-story house it states that you have to have a minimum of 750 square feet on the first floor.

Councilman Boehm stated that a 750 square foot dwelling would be tiny and questioned how the characteristic would fit in.

Planning Board Vice-Chairman Kunz interjected that it could be an in-law dwelling.

Councilman Boehm stated that he was thinking about someone with a 6,000 square foot home next to a dwelling of that size on a big piece of property.

Zoning Board Member McDonald stated that people are going down in size because of energy costs.

Ms. Allen concurred that 750 feet is a small dwelling.

Planning Board Member Kapusta stated that it is a reasonable amount.

Supervisor Hotaling inquired as to if it belongs there.

Ms. Allen stated that there is usually silence on the issue and added that you do not see dwellings of that size. She continued by asking if they want to keep the 750 square feet in.

Zoning Board Member McDonald stated that he does not recall ever having it as a variance issue.

Ms. Allen stated that most homes are at least 2,000 square feet.

Planning Board Member Irwin stated that it would be something that the Building Department would deal with and not Zoning or Planning.

Ms. Allen stated that this is something that they can ask for in part of the site-plan or subdivision review.

Supervisor Hotaling stated that it would be an appropriate question to ask.

Planning Board Member Kapusta reiterated that it is a Building Department issue.

Ms. Allen stated that there are some communities that specifically put it in the subdivision plan.

Councilman Boehm inquired as to what the average size would be.

Ms. Allen stated that most houses that are going to come in on a subdivision are going to be 2,000 square feet or greater.

Councilwoman Chmielewski referred back to the in-law dwelling and inquired about putting it next to a 2,000 + square foot home.

Supervisor Hotaling inquired as to if putting up an in-law dwelling would be appropriate for the R/A.

Zoning Board Member McDonald stated that it would also be a possibility for someone of the retirement age, who wants to stay in the rural area and build a small home due to rising energy costs.

Planning Board Member Kapusta added that it could be south facing, passive solar and could be heated with a wood stove. He continued by saying that it has to be kept in mind that energy costs are going to double within the next ten years and added that he does not think that 750 is unreasonable.

Ms. Allen stated that it would be for the primary structure and added that the in-law dwelling would fall under separate regulations.

Zoning Board Member McDonald interjected that he does not believe that they should restrict someone who wants to build small and be efficient.

Planning Board Member Kapusta agreed.

Ms. Allen stated that they don't want to restrict the portability and added that she believes the 750 feet is fine and continued by saying that the question is as to if they want to delete it altogether.

Planning Board Member Kapusta stated that they have never had someone put something up of that size.

Ms. Allen stated that if it is a non-issue they can leave it.

Planning Board Member Kapusta stated that he would rather not see it there and added that if they leave it in it is a reasonable size.

Supervisor Hotaling interjected that it is 25X30 feet.

Planning Board Member Kapusta stated that it is enough room to live in for two people.

Ms. Allen asked if they wanted to leave it and added that she does not see a problem with it.

Collectively it was decided to leave it.

Ms. Allen stated that the maximum height is 40 feet – 3 stories.

Planning Board Member Kapusta stated that it has to be maintained because of the fire district.

Zoning Board Member McDonald stated that the only problem that they have had is radio towers or wind turbines and added that people come in for variances.

Planning Board Member Kapusta stated that this is not for a house and added that the height of the house has to be maintained because the fire companies do not have equipment to go above three stories.

Zoning Board Member McDonald stated that he realizes that and added that he was inquiring as to if they wanted to tailor it. He continued by saying that his understanding is that the current code covers things such as radio towers.

Ms. Allen stated that this type of thing is not permitted in the R/A district.

Planning Board Member Kapusta interjected that wind towers is something that probably will come in.

Ms. Allen stated that it is something that is not in it now and added that they should address it.

Planning Board Member Kapusta stated that they can be permitted by a Special Use Permit.

Councilman Boehm stated that it would be exempt from getting a Special Use Permit for agricultural purposes.

Zoning Board Member McDonald stated that it came before the Zoning Board because it exceeded 40 feet.

Councilman Boehm inquired as to if wind towers are exempt for agricultural uses.

Ms. Allen stated that she was not sure and would check into it and continued by saying that 40 feet is a good height.

Zoning Board Member McDonald inquired about telecommunication towers not being allowed in the R/A.

Ms. Allen stated that they are not.

Zoning Board Member McDonald stated that the Zoning Board had one case where an individual wanted to operate a ham radio tower and continued by asking if they would need a variance.

Ms. Allen stated that they would unless they wanted to change it.

Collectively it was decided that they didn't want to change it.

Ms. Allen stated that the minimum distance to a principal building is 10 feet.

Planning Board Member Irwin inquired as to what the minimum distance would be from.

Zoning Board Member McDonald stated that it would be the minimum distance from an accessory building.

Ms. Allen inquired as to if it would be for an accessory building and added that it is not clear.

Zoning Board Member McDonald stated that there have been a number of variances where a garage would be 30 feet and continued by asking if it would fit the definition.

Supervisor Hotaling interjected that Ms. Allen didn't know what the definition was for.

Planning Board Member Kapusta stated that there was not any difference between having a garage 5 feet away or attached to the dwelling.

Ms. Allen stated that they can define accessory uses.

Planning Board Member Kapusta stated that he would delete the minimum distance.

Collectively it was agreed that they should delete it.

Ms. Allen inquired as to if there are any issues that they should address with accessory uses and whether or not they should set a minimum under separate standards.

Zoning Board Member McDonald stated that they should look at the Uniform Building Code and defer to that.

Ms. Allen stated that she would look into it.

Residential Low Density District – R/L

Ms. Allen stated that they would be moving on to the Residential Low Density District and added that it is a combination of the R-1, R-2 and a little bit of the R-3. She went on to say that previously the R-1 had a minimum lot size of 15,000 square feet, R-2 is 10,000 square feet and R-3 is 25,000 square feet and then asked if it is a density that they want to continue. She added that it is an affordable parcel at 15,000 square feet and continued by saying that it encourages single-family uses.

Zoning Board Member McDonald stated that the minimum requirement for that area is 1/3 acre without water and sewer.

Ms. Allen stated that it does not specify it and added that they can specify it.

Planning Board Member Kapusta stated that they have to specify that the minimum lot size is acceptable if there is water and sewer.

Ms. Allen stated that if there is no water and sewer it has to be 2 acres.

Planning Board Member Kapusta stated that you could not fit a well, septic and dwelling on a 1/3 acre lot.

Ms. Allen stated that currently it says 15,000 square feet.

Planning Board Member Irwin stated that 1/3 acre would be fine if you had municipal water and sewer.

Zoning Board Member McDonald interjected that they have not had a problem with it in 30 years.

Planning Board Member Kapusta stated that the Health Department would not allow you to have a well, septic and dwelling on 1/3 acre.

Ms. Allen stated that the width is 100 feet and continued by asking if it was acceptable.

Planning Board Member Kapusta stated that he would like to reduce it to 60 feet, which would be the width required for a Town road and added that this is all that you would ever need.

Zoning Board Member McDonald stated that he would disagree and added believes that the topography and conditions might restrict it.

Planning Board Member Kapusta stated that when they do site-plan reviews they look at the cut into the road and added that they make sure that it would be possible for an access. He continued by saying that the set-back line makes a difference and at the road it makes no difference.

Ms. Allen stated that she believes that it should be limited to the building set-back line and whether it is 60 or 100 feet is up to them.

Planning Board Member Irwin inquired as to the distance for each side.

Ms. Allen stated that it is 15 feet per side for a total of 30 feet and added that it would work.

Collectively it was decided that it would work.

Ms. Allen stated that the rear is 40 feet and the front is 25 feet. She continued by saying that there is a maximum percentage of lot to be occupied and added that the principal building is 30%.

Zoning Board Member McDonald stated that if there was a 15,000 square foot lot, 30% would be 4,500 square feet.

Ms. Allen stated that it also includes an accessory building for 15% maximum. She continued by saying that the principal minimum for the first floor is 900 square feet and 2 to 2 ½ stories is 750.

Planning Board Member Kapusta stated that it does not make sense and added that he would make the 900 square feet 750.

Ms. Allen stated that the maximum height is 2 ½ stories or 35 feet.

Collectively it was decided that it was acceptable.

Ms. Allen stated that they would strike the accessory building distance as they did in the R/A.

Planning Board Member Kapusta stated that it causes a lot of problems.

Zoning Board Member McDonald stated that it should be deferred to the Building Code.

Planning Board Member Kapusta stated that it would not make any sense to have it because it is only 5 feet.

Ms. Allen stated that the side lot line is 15 feet and 15 from the rear line.

Collectively it was agreed that it is acceptable.

Ms. Allen stated that accessory structures should be revisited in the R/A and whether or not they want to put 5 feet there.

Planning Board Member Kapusta stated that it would eliminate building from being right next to each other.

Ms. Allen stated that it gives a chance to have a detached garage and the ability to walk through the area as well as restricting how close you are to the property line. She continued by saying that they should define it a little bit better so it is not confusing.

Zoning Board Member McDonald stated he wanted to discuss another matter.

Ms. Allen stated that she would give Zoning Board Member McDonald an opportunity to speak and added that when he was done she would conclude the meeting.

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ADDITIONAL COMMENTS

Zoning Board Member McDonald stated that he wanted to discuss outdoor wood boilers and continued by saying that it is a box surrounded by a water jacket, which is filled with fuel, or wood, and it has a blower on it and a pump for the water. He added that the fire only fires up on demand and when this happens it initially creates a lot of smoke. He continued by saying that once the water is heated and it reaches the set point temperature the blower kicks off and the smoke dies down and added that it is a very poor design and a cold burner. He went on to say that the Attorney General's Office sent a report to the EPA and it was titled "Smoke Gets In Your Lungs" and continued by saying that a letter was sent from Elliot Spitzer to the EPA petitioning them to regulate the wood boilers the way that they regulated wood stoves in 1992, which required that woodstoves had to be certified to meet emission standards. He added that the wood boilers put out about 12 times more smoke particulate for the same amount of fuel burned as an EPA certified woodstove and continued by saying that they pollute a lot.

Planning Board Member Kapusta interjected that it is because of the way that they heat.

Zoning Board Member McDonald stated that within the report is a study on residential trash burning and added that a person with a burn barrel who burned 10 lbs. of trash was putting out the same amount of pollution as an incinerator burning 400,000 lbs. of trash because of the low temperature burn and continued by saying that it puts out 1,000 times the amount of an oil boiler. He added that he had gotten an article from someone in Chicopee Massachusetts where the Board of Health banned outdoor wood boilers. He continued by saying that there is a wood boiler within 1000 feet of his home and the smoke has been an issue.

Tape change – some dialog lost.

Planning Board Member Kapusta stated that there should be state regulations and added that they would work properly if they were redesigned.

Zoning Board Member McDonald stated that an unregulated boiler costs approximately \$5,000 and one with controls would cost \$12,000 - \$15,000.

Planning Board Member Kapusta reiterated that he believes that there should be a state regulation and it should be a regulation that they burn clean.

Supervisor Hotaling stated that it seems that the State has walked away from the issue.

Zoning Board Member McDonald interjected that essentially the EPA walked away from it.

Supervisor Hotaling stated that they are left with the decision as to whether or not they should permit them or regulate them somehow. He added that Building Inspector Conrad had advised that they require a permit prior to installation and continued by saying that no one other than Mr. Cross has applied to put one in.

Councilwoman Chmielewski stated that Assistant Building Inspector DeBacco stated that it is covered under the Building Code regulations.

Zoning Board Member McDonald stated that the Health Department, where he is employed has done a study to try to be able to quantify what the impact is and he has run some of the inhalable particulate monitors and added that the particulate sizes are 2.5 microns, which can get into your lungs. He continued by saying that they are going to do a study of the surrounding 6 counties around Albany area to get enough hard evidence data to have DEC say that they have to be regulated.

Supervisor Hotaling interjected that things are moving along.

Zoning Board Member McDonald stated that it has been at a snails pace and added that one of the problems is that the rate of increase in the installation of the boilers has been three times what it was a couple of years ago.

Planning Board Kapusta interjected that it is because of the energy costs.

Zoning Board Member McDonald stated that if there are too many of them in one area it's not going to be healthy. He added that there are currently 60 municipalities within New York State that have either banned or regulated them and continued by saying that some of the regulations make sense and continued by reading a list of them. He went on to say that he is an outdoors person and added that a lot of days in the winter he cannot go outside because it is socked in with smoke and continued by saying that the boilers clearly have a significant impact on air quality.

Zoning Board Member McDonald continued by giving statistics done by an organization called NESCOM who study air emissions and added that they did a risk assessment of wood boilers and continued by giving the statistics that showed an increased risk of getting cancer. He concluded by saying that he believes that this is a great opportunity to include something in the zoning.

Supervisor Hotaling stated that it is their opportunity and added that they have to be mindful of those that have them, either with or without permits. He continued by saying that they have three options, do nothing, ban them completely or do something in between that would require conformity to meet specific regulations. He added that it is a quality of life issue and when it crosses the line there should be an opportunity to draw back on something.

Zoning Board Member McDonald interjected that the emissions interfere with reasonable enjoyment of life, health, safety or property.

Planning Board Member Kapusta stated that he would not one next to him because he knows how bad they smoke.

Councilwoman Chmielewski inquired as to Zoning Board Member McDonald had made a formal complaint.

Zoning Board Member McDonald inquired as to who he would have complained to.

Councilwoman Chmielewski stated that it would have been the Building Department.

Planning Board Member Kapusta stated that there is nothing that the Building Department can use.

Councilwoman Chmielewski reiterated that Assistant Building Inspector DeBacco had said that it was in the Building Code. She continued by saying that she does not believe that everyone should be penalized because Zoning Board Member McDonald has a problem at his home with a neighbor. She then asked Zoning Board Member McDonald if he had made the proper complaints to the proper departments and continued by saying that she had spoken with Mr. Cross, who also has a wood boiler and had asked him if he had received any complaints and Mr. Cross stated that there were not any to his knowledge.

Supervisor Hotaling interjected that they have to be reasonable in the way that they approach it and added that there has to be some common ground that they can reach. He added that if there is someone that is being unreasonable and affecting the quality of life to another, this would be their opportunity to say no.

Councilwoman Chmielewski stated that she agrees and reiterated that a complaint would have to be made against the violator in order for the proper department to investigate.

Councilwoman Rogers interjected that it is very expensive for the homeowner to have this installed.

Councilwoman Chmielewski inquired as to if Zoning Board Member McDonald had a wood boiler in the past.

Zoning Board Member McDonald stated that he had one year ago.

Planning Board Member Kapusta stated that he has experienced with a wood stove that if you burn damp wood there will be a lot of smoke.

Councilwoman Chmielewski stated that there are many people with wood burners within their homes.

Zoning Board Member McDonald stated that he has a fireplace and added that he burns seasoned hard wood, which is a low temperature burn. He then asked Councilwoman Chmielewski if she has a wood boiler near her home.

Councilwoman Chmielewski stated that she does not.

Zoning Board Member McDonald interjected that it is not a Norman Rockwell type odor coming from a fireplace.

Councilwoman Chmielewski stated that the Building Department could look at Zoning Board Member McDonald's neighbors unit.

Zoning Board Member McDonald stated that he has not complained.

Supervisor Hotaling stated that this is a situation that they will review within their own horizon in addition to giving the public an opportunity to be heard.

Ms. Allen stated that she was going to suggest that they open it up to the public and have a public Workshop to introduce the districts and added that they could couple the issue with the wood boiler.

Supervisor Hotaling stated that they could also discuss other targeted topics to talk about in a public forum.

Ms. Allen stated that they will get feedback from the public and then move forward.

Planning Board Member Kapusta stated that he would love to see what's in the books right now on wood boiler.

Zoning Board Member McDonald stated that he would as well.

Councilwoman Chmielewski reiterated that it was Assistant Building Inspector DeBacco who said that it is in the Code.

Planning Board Member Kapusta inquired as to if they can get a copy from Assistant Building Inspector DeBacco.

Councilwoman Chmielewski stated that Assistant Building Inspector DeBacco suggested that they come to a Town Board Meeting to give a presentation on the wood boilers and added that she thought that it was a good idea because the public might not be aware that they need permits for this.

Zoning Board Member McDonald stated that Building Inspector Conrad had mentioned that the piping going through the wall needs to be inspected before a permit can be issued.

Ms. Allen stated that the December meeting can be a Public Workshop, which will be December 18<sup>th</sup>.

Collectively it was decided that it would be poorly attended due to Christmas.

Ms. Allen suggested a regular meeting on the 18<sup>th</sup> and the Public Workshop in January.

Discussion ensued, collectively it was decided that they would have the Public Workshop on Tuesday, December 12<sup>th</sup>.

Supervisor Hotaling stated that they have to drum up public interest.

Ms. Allen stated that the public announcement needs to state the topics that will be discussed.

Supervisor Hotaling stated that it will also be announced at the next Town Board Meeting as well as the topics that will be discussed.

Councilman Boehm suggested that they specify land use in general as well as lot size and wood boilers.

Ms. Allen stated that she will draft her suggestions on lot sizes for the other districts and get it to them within a week and in turn the Town Board can provide additional comment at the meeting.

Supervisor Hotaling inquired as to the plan for the Public Workshop and whether or not the public will be invited to the microphone to either make comment or ask questions.

Ms. Allen stated that she would recommend that and added that they can set a limit on time.

Supervisor Hotaling inquired as to if it should be televised.

Ms. Allen stated that it would make sense to do it because they did it for the Comprehensive Plan and added that it would be good for the zoning as well.

Councilman Boehm interjected that it should be televised because these are the changes that will take place.

Councilwoman Chmielewski interjected that they might not get people to attend if they televise it.

Ms. Allen stated that it would be the introductory Workshop and added that it will get people interested prior to the Public Hearing.

Supervisor Hotaling inquired as to if Ms. Allen feels as though they are prepared for it to be televised and added that they should be prepared with answers and responses to the issues.

Zoning Board Member McDonald interjected that they are not prepared for the topic of outdoor wood boilers.

Ms. Allen stated that it would be an opportunity for public opinion and added that they can wait and have the Public Workshop in January, which will give the Boards the opportunity to see what is on the books and become more educated prior to the meeting.

Collectively it was decided that they should wait.

Supervisor Hotaling stated that they would invite Assistant Builder Inspector DeBacco to the next meeting and discuss the issues in the code that he believes are relevant to wood boilers as well as the permitting processing and what the Code Enforcer looks for in those type installations.

Zoning Board Member McDonald stated that he believes that it deals with how the piping goes through the wall of the structure and not where it is cited or what is burned.

Supervisor Hotaling stated that the Town Board by extension could ultimately make regulations as to the specifics of a permitted wood boiler such as what is burned.

Ms. Allen reiterated that they would have their regular Meeting on December 18<sup>th</sup> and added that she will be giving them their first draft in addition to talking about the supplemental regulations.

Councilman Boehm inquired as to if they could get the draft prior to the meeting.

Ms. Allen stated she will be giving it to them the first week in December.

Councilman Boehm inquired as to how many pages it will be.

Ms. Allen stated that it will be approximately 70 pages and added that she will e-mail it to those with e-mail capabilities and added that she will give a hard copy to Supervisor.

Supervisor Hotaling stated that they would make copies for anyone that needs one.

Ms. Allen stated that they will pick a date at the next meeting for the January public meeting and added that they had gotten a lot done and they will continue to move forward.

Meeting ended at 8:35pm

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*Respectfully Submitted,*

APPROVED:

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*Diane L. Millious, Town Clerk*



**A Bid Opening was held Wednesday, November 1, 2006 at 2:00pm, at the Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, New York.**

**PRESENT:** Diane Millious, Town Clerk  
Lucinda Vatararo, Deputy Clerk  
BillieJo Mueller, Clerk

**ALSO PRESENT:** Ron Koron, T&T Sales  
Kay Ely, Arrowhead Equipment

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The following Legal Notice appeared in the Ravena News Herald:

**NOTICE TO BIDDER**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Coeymans, Albany County, New York, hereby invites sealed bids for:

**One (1) Heavy Duty Dump Body & Snow Plow Equipment**

**One (1) Heavy Duty Multi-Purpose Dump Body & Plow Equipment**

All prospective bidders may call the Highway Superintendent, at 756-2251, between the hours of 7:30am – 3:30pm regarding this bid. Bid specifications can be obtained at the Town Clerk's Office between the hours of 8:30am – 4:30pm.

Bids will be received at the Town Clerk's Office, Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, NY 12143 up to 2:00pm on Wednesday, November 1, 2006, and aloud on that same day at 2:00pm.

Non-Collusive Bidding Forms must be submitted with all bids. The Town Board of the Town of Coeymans reserves the right to waive any informality and to reject any and all bids.

The bidder is responsible for compliance with all federal and state laws and guidelines for this bidding process.

**By Order of the Town Board  
of the Town of Coeymans  
Diane L. Millious  
Town Clerk**

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**BIDDERS:**

T & T Sales Inc. 409-411 Old Niskayuna Rd. Latham, NY 12110	Heavy Duty Dump Body & Snow Equipment \$35,378.00
T & T Sales Inc. 409-411 Old Niskayuna Rd. Latham, NY 12110	Multi- Purpose Body and Plow Equipment for 4X4 Truck \$56,624.00
Arrowhead Equipment, Inc. 106 Luzerne Rd. Queensbury, NY 12804	One New Heavy Duty Multi-Purpose Dump Body & Plow Equipment \$62,097.00
Arrowhead Equipment, Inc. 106 Luzerne Rd. Queensbury, NY 12804	One New Heavy Duty Multi-Purpose Dump Body & Plow Equipment \$57,918.00

Arrowhead Equipment, Inc.  
106 Luzerne Rd.  
Queensbury, NY 12804

One New Heavy Duty Multi-Purpose Dump Body  
& Snow Plow Equipment  
\$33,954.00

Ms Ely from Arrowhead Equipment Inc. stated that there were two bids submitted for the Heavy Duty Multi-Purpose Dump Body and Plow Equipment.

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*Respectfully Submitted,*

*APPROVED:*

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*Diane L. Millious, Town Clerk*

**A Town Board Meeting was held Monday, December 26, 2006, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Albert Deering, Highway Superintendent  
Gregory Darlington, Chief of Police

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect that there is a full Town Board in addition to Town Clerk Millious, Town Attorney Rotello, Highway Superintendent Deering and Police Chief Greg Darlington.

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**OVERVIEW OF AGENDA**

Supervisor Hotaling proceeded to give an overview of the agenda.

- Public Comment
- Approval of Minutes
  - Town Board Meeting – November 13, 2006
- Supervisor’s Report – November 2006
- Department Report Review
  - Town Clerk Monthly Report – November 2006
  - Building Department – November 2006
- Old Business Update and Discussion
  - Discussion of Proposed Local Law #2 of 2006
  - Landfill Litigation Update
  - Update on meeting with District Attorney
  - Changes to Waste Water Treatment Plant Upgrade Project
  - Local Government Records Management Improvement Fund Grant Project Quote Reviews
- New Business Topics for Discussion and/or Action
  - Resignation of Part Time Laborer (Hamilton)
  - Resignation of Bookkeeper (Nunziato)
  - Enforcement of Property Maintenance re Motor Vehicles
  - Contract for Services –American Legion
  - Approval to attend Association of Towns Training & Annual Meeting February 18-21, 2006
- Resolutions
  - Transfer of Funds
  - Approval of Abstract –December 2006
- Correspondence
  - Mohawk & Hudson River Humane Society
  - NYS Department of Environmental Conservation
- Town Board Workshops/Meetings
  - Town Board Organizational Meeting – January 1, 2007, 9:00am
  - Economic Development Meeting –January 3, 2007, 6:30pm
  - Town Board Workshop –January 16, 2007, 6:00pm
  - Public Information Meeting re: Proposed Zoning Changes, 7:00pm

- Town Board Meeting, November 27, 2006, 7:00pm
- Executive Session
  - Ravena Rescue Squad Contract
  - Employment History of Two Police Officers
  - Resolution to Hire Full-Time Police Officer

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## **PUBLIC COMMENT PERIOD**

Supervisor Hotaling invited the public to comment at this time.

Ms. Laurie Schiable stated that she is a resident of Colvin Avenue in Coeymans and added that she had attended a meeting two weeks ago and presented a petition with 30+ signatures on it to the Town Board. She continued by saying that she now has approximately 50 signatures regarding the installation of a blinking traffic light at the intersection of Westerlo Street and Rte. 143, additional speed limit signs along Westerlo Street, temporary installation of cameras to catch speeders, block off the entrance to Rte. 144 from Colvin Ave, and to add additional traffic signs to Colvin Ave. indicating that it is a dead-end street and no through traffic is permitted. She added that she has had conversations with Supervisor Hotaling, Chief Darlington and Building Inspector Conrad and continued by saying that she wanted to follow-up and find out whether or not New Visions was contacted and whether or not they had agreed to speak to their staff or install speed bumps.

Supervisor Hotaling stated that an update is on the agenda for later in the meeting and added that he would discuss it now. He continued by saying that following her last presentation to the Town Board and submission of a petition a memorandum was done the next day to Chief Darlington with a copy going to Highway Superintendent Deering, Building Inspector Conrad and Town Board and added that he had provided them a copy of the petition and asked that an assessment of a blinking light be done for the intersection of Westerlo and Main. He went on to say that SR 144 is a state route and under the jurisdiction of the Department of Transportation and those requests have to go to DOT for purposes of a study and then the appropriateness of that. He added that he had asked that Chief Darlington contact whom ever was appropriate to contact and then asked Chief Darlington if he was successful.

Chief Darlington stated that there have been attempts and they have been playing phone tag.

Supervisor Hotaling stated that when he makes contact with them he will request that a study be done to determine what is appropriate, whether or not it is the speed limit, which is controlled by the State on New York, given the class of the Town as it relates to other towns around it.

Ms. Schiable stated that she went to the online site for the Town of Coeymans to find the traffic codes for the Town and is confused as to if the Town does not set the speed limit for a particular street, why would there be a code listing the street.

Supervisor Hotaling stated that the reason is that the law requires them to make a request for speed limits in the Town because the class of the Town is a Class 2 Community. He added that they petitioned the State of New York to unless otherwise posted; the town-wide speed limit would be 30mph and continued by saying that the State approved the request and this is why it is in the code that way.

Ms. Schiable stated that it is saying that unless otherwise posted it is 30mph. She continued by saying that the question is then as to whether or not 30mph is a prudent speed for what is suppose to be a dead-end street with only four houses.

Supervisor Hotaling stated that he does not see it as a street that could accommodate 30mph and added that he does not think that it necessarily has to be posted 15mph to get some rational driver to agree with it.

Ms. Schiable interjected that this is where the problem comes in because of New Visions and the cars, vehicles and vans that travel on the street and continued by saying that an added problem is the outlet to Rte. 144. She added that she is confused as to how they got permission to use the street as an outlet.

Supervisor Hotaling stated that he is not sure whether or not they got permission to do so.

Ms. Schiable inquired as to if it was rezoned to include the outlet.

Supervisor Hotaling stated that it was not.

Ms. Schiable reiterated that it is a dead-end street and added that there are many vehicles on the street that exceed 20mph.

Supervisor Hotaling stated that the staff for New Visions parks in the rear of the building and added that the drive off the cul-de-sac was Planning Board approved.

Ms. Schiable interjected that they took it upon themselves to make a change. She continued by saying that she wants to know how they can get it reversed and in place because it could have been her grandchildren instead of her cat that got hit. She added that another problem is with stray animals in the Hamlet and continued by saying that it is a result of irresponsible pet owners.

Supervisor Hotaling inquired as to why type of animals they are.

Ms. Schiable stated that they are cats.

Supervisor Hotaling stated that the Town of Coeymans nor any other town to his knowledge has any control over cats.

Ms. Schiable interjected that she understands that and added that an Ordinance was created for dogs and continued by inquiring as to why the same can not extended for cats.

Supervisor Hotaling stated that it is because the Department of Agriculture and Markets does not give the towns authority to act for cats and added that they only have the opportunity to have a Dog Control Officer.

Ms. Schiable inquired as to if there is a possibility if the Animal Control Officer can try to create some kind of an alliance.

Supervisor Hotaling interjected that the Town does not have an Animal Control Officer and added that they have a Dog Control Officer.

Ms. Schiable inquired as to if it was alright for all of the strays in the Hamlet of Coeymans to starve, spread disease and be a nuisance.

Supervisor Hotaling reiterated that the Town does not have control over it.

Ms. Schiable inquired as to the Town not having any control and it continuing with no one doing anything about it.

Supervisor Hotaling stated that she has been researching the laws of the State of New York and suggested that she take a look at the Agriculture and Market laws.

Ms. Schiable inquired as to whether or not as Town Supervisor he knows that there is nothing within his power or recommendations or anything that he can think that they can do about the problem of stray animals.

Supervisor Hotaling stated that they can do something and they have and continued by saying that there were a number of feral cats in a house not far from her home and added that with the assistance of the Police Department the Humane Society came and took

custody of several of the cats, which were taken to Mohawk Hudson Humane Society. He then asked Chief Darlington how many cats were taken.

Chief Darlington stated that he believes that there were 18 cats.

Supervisor Hotaling stated that whatever state law provides the Humane Society to do with the cats was done.

Ms. Schiabile stated that it needs to be done again because of the number of stray cats.

Supervisor Hotaling stated that they could contact the Humane Society and added that he does not think it will be done because they removed cats from a home and not stray cats roaming the streets.

Ms. Schiabile stated that she is asking that someone create an alliance with an organization that takes in the animals to spay, neuter and give shots and in turn find them a home or euthanize them. She continued by saying that there are many cats on the streets that need to be taken care of and added that they are multiplying and added that the problem will not go away if the animals are left as strays. She went on to say that there are many organizations and programs that take in animals to spay or neuter and find a home and added that rather than letting the animals continue to starve and die or spread disease to other household pets, something needs to be done. She concluded by saying that she understands that there is no law that says that the Town of Coeymans has to do that and added that she believes that it would be a good thing for them to do instead of letting the problem continue on.

Supervisor Hotaling stated that a positive result of her speaking might be that the irresponsible pet owners will get the message that they have to do a better job. He continued by saying that he will not be spending anymore town dollars to do anything because it is not their responsibility.

Ms. Schiabile stated that they have to spend some money to create an alliance and added that all they need is to have some Have A Heart Traps and some people. She continued by saying that she will wait to hear about the update from Chief Darlington on the Colvin Avenue situation.

Supervisor Hotaling stated that there were other requests in her memo and continued by asking if she wanted him to follow-up on them now.

Ms. Schiabile stated that she would like for him to.

Supervisor Hotaling stated that Highway Superintendent Deering was advised to review the petitioners request for additional traffic sign placement in the area and added that he was requested to collaborate with Chief Darlington on a single response back to the Town Board. He continued by asking Highway Superintendent Deering if he had done anything.

Highway Superintendent Deering stated that they are going to put another Dead End sign just past the last house on the right along with a No Through Traffic sign.

Supervisor Hotaling stated that in his recent discussion with Town Attorney Rotello, he also made reference to a vehicle and traffic statute section, which would seemingly provide an opportunity for Highway Superintendent Deering along with the Town Board to create by resolution areas where they can establish signage. He continued by saying that in the past towns have been forced to go the Local Law route as they had done recently and added that there was a recent communication between the Court and his office where they had said that there was a traffic ticket issued and it was argued that there was not enough signage and then asked that Highway Superintendent Deering check to see if the signs have been installed. He added that Highway Superintendent Deering had said that he will install two signs.

Highway Superintendent Deering reiterated that he will put another Dead End sign at the last house along with a No Through Traffic sign.

Supervisor Hotaling stated that New Visions is a tenant in a house owned by Hillside House Inc. and added that there will be an exchange of property in the near future.

Ms. Schiable stated that this is what she has been told and continued by inquiring as to why they would need two entrances. She continued by saying that they can put up the signs and added that she does not believe that it will curtail the traffic. She concluded by saying that she would like to see one of the entrances closed off.

Supervisor Hotaling stated that he could not speak for the Planning Board's review of that and added that she could follow-up with the Building Department because there probably is a Planning Board file on that issue and continued by saying that maybe the answer to her question can be found by review of the file that they can make available to her. He concluded by saying that an entrance was put off the cul-de-sac and added that his assumption is that it was created for the employees of the building to park back there.

Ms. Schiable stated that she believes that it was done for the fire and garbage trucks. She reiterated that she would like to see one of the entrances closed off and continued by saying that on the night that her cat was killed she was assured by New Visions that it was no one from their building and added that if it was no one from their building then it was someone local who used it to get to Rte. 144. She went on to say that if this was the case a sign is not going to stop them if they want to do it and added that with a new speed limit and enforcement it might stop them or slow them down. She concluded by saying that she appreciated that the portable speed limit, which displays your speed, was moved down to the Hamlet and added that it has acted as a deterrent because for the last few weeks her street has been quiet.

Supervisor Hotaling stated that it will have an impact for a period of time and added that the public notice that she has made of the issue is also something that will have an impact.

Ms. Schiable inquired as to if she has to follow-up with the Planning Board regarding the two entrances.

Supervisor Hotaling stated that this would have been a discussion of the Planning Board during the time when they were converting the house and reiterated that it was probably a Planning Board Review and added that he is fairly certain that the file exists and she can contact Building Inspector Conrad.

Ms. Schiable inquired as to if the speed limit has to go through DOT even though the Town of Coeymans has the code on their web page.

Supervisor Hotaling stated that this is his understanding and added that this is what he had been advised by former Police Chief Giroux in addition to Highway Superintendent Deering.

Ms. Schiable thanked the Town Board.

Supervisor Hotaling asked if there were any additional comments.

Ms. Mary Driscoll stated that she has been a resident of the Town of Coeymans for 40+ years and continued by saying that she had three questions and some comments. She added that she understands that there is a Department of Beautification.

Supervisor Hotaling asked if it was a question.

Ms. Driscoll stated that it was.

Supervisor Hotaling stated that it was not in the form of a question and continued by saying that there is a Community Beautification Department.

Ms. Driscoll inquired as to if it is under the Highway budget or if it has a separate budget.

Supervisor Hotaling stated that it is not under the Highway budget and has a separate budget.

Ms. Driscoll inquired as to what they do in the winter and if they plow roads.

Supervisor Hotaling stated that they do.

Ms. Driscoll stated that it would go under the Highway Department.

Supervisor Hotaling stated that when those personnel are used for plowing roads under the jurisdiction of Highway Supervisor Deering in an arrangement between Highway Superintendent Deering and the Town Board had when the Department was created in 2005; they are plowing roads under the Highway Department.

Ms. Driscoll inquired as to if they have a separate budget.

Supervisor Hotaling stated that they do.

Ms. Driscoll stated that there is another tier of bureaucracy in the Town of Coeymans.

Supervisor Hotaling stated that he chooses not to call it that and added that she has her own opinion.

Ms. Driscoll stated that she understands that the paramedic is now stationed in Bethlehem during the day.

Supervisor Hotaling stated that he does not know if it has happened yet and added that they met with Mr. Brian Wood at the last Workshop and in turn Mr. Wood put forth a new deployment plan that the Albany County Sheriff's Department, who controls the paramedics, is going to implement. He continued by saying that it was his sense that it was going to be done the first of the year.

Ms. Driscoll inquired as to why the Town can not keep the medic in Ravena.

Supervisor Hotaling stated that the medic is not the Town's and added that the medic works for the Sheriff's Department, who run the program.

Ms. Driscoll inquired as to if Supervisor Hotaling had any influence with the Sheriff Department to keep the medic in town.

Supervisor Hotaling stated that he did ask Mr. Wood what the cost of adding another paramedic would be and they were advised that the cost would be ¼ million dollars.

Ms. Driscoll stated that the Town of Coeymans pays county taxes the same as everyone else does.

Supervisor Hotaling stated that in addition to county taxes they also pay a substantial amount of money for the Town's portion of the Paramedic Program. He added that it has been reduced from previous years from \$270,000 down to \$140,000 for 2007 based upon the Sheriff's Department reapportionment of the cost based upon population, which is opposed to the way that they use to do it in the past where the Town of Coeymans paid 25% of the program and now pays 16%.

Ms. Driscoll stated that the dump is coming in and now they have lost their medic during the day.

Supervisor Hotaling stated that he didn't know that the dump was coming in and added that they are continuing to fight it.

Ms. Driscoll stated that it will be coming in and added that the Town of Coeymans is pretty low on the county's list. She then inquired about the empty Council position and the fact that it has not been filled either by appointment or election.

Supervisor Hotaling stated that they have not focused on it and added that they have had some interviews but it has not been filled.

Ms. Driscoll inquired as to why it hasn't been filled.

Supervisor Hotaling stated that he didn't have a reason why and added that he believes that they have been operating fine. He continued by saying that they have every intention to fill it and added that there is no rush to fill it.

Ms. Driscoll stated that she realizes that there are four on the Board and the reason that there should be five is in case of a tie. She then asked if they are waiting until the Village election in March to fill it.

Supervisor Hotaling stated that he was not aware of a Village election in March.

Ms. Driscoll stated that everyone knows there is a Village election in March.

Supervisor Hotaling stated that he knows they are in March and added that he does not know if there is a Village election this March for Village Trustees.

Ms. Driscoll stated that she had some comments and continued by congratulating Greg Darlington on his appointment of Police Chief and added that it is long time overdue. She added that during the Vic Caark administration she spoke at a Town Board Meeting detailing the deplorable conditions that the Police Department and Dispatchers worked under at Town Hall. She continued by saying that it was a great move when they moved to Village Hall and added that they moved to new and spacious rooms. She went on to say that it is something that the Town can be proud of when other Police Departments visit the Police headquarters.

Ms. Driscoll continued by saying that Albert Deering has made a great Highway Superintendent regardless of the obstacles that have been placed in front of him. She added that residents know that for every dollar of their tax money that he spends they get at least \$2.50 worth of service in return. She continued by saying that he has constantly been the best vote getter for the Democratic Party over the years and added that she wishes him the best in the coming years.

Ms. Driscoll continued by saying that every time that she has visited the Town Clerk's Office she has been treated courteously and with respect. She added that her office respects very well for the Town to the public and continued by telling her to keep up the good work.

Ms. Driscoll stated that it is good to see a young face on the Town Board in Tom Boehm and added that she admired the fact that he had the fortitude to sign the petition against the dump when the other Board members would not and continued by saying that she hopes that he brings new direction to the Board.

Ms. Driscoll continued by saying that last year when the Village was being coerced into dissolving their small Police Department, Councilwoman Chmielewski made the remark that she would feel safer knowing that a patrol car would be patrolling her road. She added that maybe she feels safer but she has not seen a patrol car on Hillcrest Drive since last March. She continued by saying that the Village residents were promised 63 shifts a week from the Town Police Force and a Police Chief at the Village meetings and added to date they have not received either. She went on to say that they tried to explain that the Town did not have enough personnel to keep that promise and added that it amazes her

that they had to have a Police Chief come down from Glens Falls and tell them what they said right along.

Ms. Driscoll concluded by saying that in approximately 12 days she will no longer be a resident of the Town of Coeymans and added that she has come to a stage in her life where she has to move on. She added that before she leaves she wanted to encourage the residents to keep on attending the Town Board Meetings and bring their concerns out in the open without any repercussions and continued by saying that you have a right to disagree with what the Town Board is doing, especially the new people in Town. She concluded by saying that it is their future and should make it count.

Ms. Driscoll thanked the Town Board.

Supervisor Hotaling thanked Ms. Driscoll and continued by asking if there were any additional comments, hearing none he moved to the next item on the agenda.

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**APPROVAL OF MINUTES**

Supervisor Hotaling stated that there was one set of Minutes for November 13<sup>th</sup> for Town Board approval 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 4 – NAYS 0 – SO MOVED

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**SUPERVISOR’S REPORT**

Supervisor Hotaling presented his report for November 2006.

<b>FUND</b>	<b>BAL. FWD.</b>	<b>RECEIPTS</b>	<b>DISBURSE.</b>	<b>BALANCE</b>
<b>General</b>	<b>\$ 561,125.55</b>	<b>\$ 550,414.19</b>	<b>\$ 287,196.07</b>	<b>\$ 824,343.67</b>
<b>Part-Town</b>	<b>\$ 420,993.40</b>	<b>\$ 2,767.28</b>	<b>\$ 33,849.61</b>	<b>\$ 389,721.51</b>
<b>Spec. Water</b>	<b>\$ 99,583.69</b>	<b>\$ 7,542.64</b>	<b>\$ 68,777.87</b>	<b>\$ 38,329.82</b>
<b>Highway</b>	<b>\$ 302,517.60</b>	<b>\$ 1,149.05</b>	<b>\$ 286,586.71</b>	<b>\$ 17,079.94</b>
<b>Bridge Const.</b>	<b>\$ 38,722.37</b>	<b>\$ 34.37</b>	<b>\$ -0-</b>	<b>\$ 38,756.74</b>
<b>Sewer</b>	<b>\$ 172,811.24</b>	<b>\$ 23,209.23</b>	<b>\$ 37,312.62</b>	<b>\$ 158,707.85</b>
<b>Sewer Cap Proj.</b>	<b>\$ 240,270.07</b>	<b>\$ 296.42</b>	<b>\$ -0-</b>	<b>\$ 240,566.49</b>
			<b>Total Rec. Bal.</b>	<b>\$1,707,506.02</b>

**CD CITIZENS BANK**

<b>90 DAYS</b>	<b>A FUND</b>	<b>\$ 107,346.00</b>
<b>30 DAYS</b>	<b>B FUND</b>	<b>\$ 200,000.00</b>
<b>90 DAYS</b>	<b>HIGHWAY-DA</b>	<b>\$ 200,000.00</b>

**SAVINGS ACCOUNTS**

UNEMPLOYMENT	\$ 3,124.69
GROVE CEMETERY	\$ 42,988.08
SEWER-DEDICATED	<u>\$ 6,140.84</u>
TOTAL	\$ 52,262.61

**SECTION 8 - HUD**

OCCUPIED UNITS	56
HUD PAYMENTS	\$21,698.00
ADMIN. FEE	\$ 80.10
TOTAL HUD PMT.	\$21,798.10
TENANT RENT	\$12,121.00
CONTRACT RENT	\$33,623.00

**COLLATERAL  
COVERAGE**

**FDIC COVERAGE**

**COLLATERALIZED**

National Bank of Coxsackie	\$100,000.00	\$ 679,746.20
Citizens Bank	\$100,000.00	\$ 555,909.85
First Niagara	\$100,000.00	\$ 491,282.50

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

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

VOTE – AYES 4 – NAYS 0 – SO MOVED

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**DEPARTMENT REPORT REVIEW**

**Town Clerk Monthly Report – November 2006**

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

Town Clerk Millious continued by giving her report.

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, the Town Clerk's Monthly Report was approved as presented.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Town Clerk Millious stated that she is currently Secretary/Treasurer for the Albany/Schenectady Town Clerk's Association and added that she was recently nominated Vice-President at the last meeting. She concluded by saying that she is proud and honored to be asked to hold the position.

Supervisor Hotaling congratulated Town Clerk Millious and told her to enjoy her two-year term.

**Building Department Monthly Report – November 2006**

Supervisor Hotaling asked that Councilman Boehm give the Building Department Monthly Report.

Councilman Boehm continued by giving the report.

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Chmielewski, the report was approved as presented.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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**OLD BUSINESS**

**Proposed Local Law #2-06**

Supervisor Hotaling stated that Proposed Local Law #2-06 was originally going to be adopted at this meeting and added that at 6:30pm prior to the meeting there was a Public Hearing scheduled to hear public comment on the proposed law, which was introduced by a Board Member on December 11<sup>th</sup>. He continued by saying that there was a mix-up at the News Herald and as a result the Notice was not published in the paper and added that Town Clerk Millious had consulted the Association of Towns and in turn was advised that if there was not a Public Notice published in the paper, there could not be a Public Hearing. He concluded by saying that there were no members of the public at 6:30pm and in turn they closed down a non Public Hearing and added that they now had to discuss the advertisement of a new Public Hearing date and added that in discussing this with Town Clerk Millious, the earliest date that it can get in the News Herald is January 4, 2007.

Town Clerk Millious stated that this was correct.

Supervisor Hotaling stated that the requisite number of days is 5 that it has to be published prior to the Public Hearing and added that as a result of this they would be able to have a Public Hearing on January 9<sup>th</sup>. He continued by saying that there is a Planning Board Meeting scheduled for January 9<sup>th</sup> and added that January 10<sup>th</sup> appears to be free and then asked if the date was acceptable to the Town Board.

Collectively it was agreed that it was acceptable.

Supervisor Hotaling stated that in addition to this they need to discuss the establishment of Sewer rates for the Hamlet of Coeymans, which is also done following a Public Hearing. He continued by saying that the Notice for that Public Hearing, with Town Board approval can also take place in the News Herald on January 4<sup>th</sup> and added that this Public Hearing could also be on January 10<sup>th</sup>. He went on to say that he also wanted the Town Board to establish a Special Town Board Meeting on the same night following the two Public Hearings and added that the purpose of that will be to create some continuity because there is a need to get the Sewer Bills out in addition to passing the Local Law, which relates to Code Enforcement. He continued by saying that this a law that the State of New York has mandated and it is a change in code enforcement rules, which was adapted to fit the Town of Coeymans needs. He concluded by saying that he would like to have the Sewer Rate Public Hearing at 6pm, the Local Law Public Hearing at 6:30pm and Special Meeting at 7:00pm and then asked for a motion from the Town Board approving this.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, authorizing on January 11, 2007, a Public Hearing at 6pm for the establishment of Sewer rates, a Public Hearing at 6:30pm for proposed Local Law #2 and a Special Town Board Meeting at 7pm.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling asked that Town Clerk Millious check with him in the morning on the Notice. He continued by saying the Organizational Meeting for the Town is routinely held on January 1<sup>st</sup> and added that he wanted to establish this meeting date as well, which will enable them the opportunity to promulgate and post Notice of this meeting. He then asked for a motion to set this date and suggested that it be 9am.

## **MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Chmielewski, setting the date of January 1, 2007 at 9am, for the Town of Coeymans Organizational Meeting.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling added that the meeting will be televised.

### **Landfill Litigation Update**

Supervisor Hotaling stated that the Town had filed a motion to intervene in the lawsuit of the members of the public who had so far unsuccessfully sued the City of Albany about the purchase of the land for the landfill and the bifurcation of the SEQUR process. He continued by saying that although it was litigated successfully in 2001, somehow a decision was made opposing that even though it was based upon a favorable fact pattern of the Appellate Division decision and the citizens lost the law suit. He added that the Town felt that since they had an Appellate Division ruling that was in their favor, the lower court decision seemed to reverse all that and it was in the best interest of the Town to have a motion to intervene in the citizens lawsuit to be able to protect their interest that the Appellate Division had given them in 2001. He continued by saying that they filed a motion and was denied, which was announced at a prior meeting and added that the denial remains a mystery because no reason was given. He went on to say that the appeal of the citizen's law suit is going on separately and added that the Town had recently filed an amicus brief, which was a request for an opportunity to file a brief so the judge would be able to review some other fact pattern that they could make in some attachment to the earlier decision of the Appellate Division. He continued by saying that a decision was decided and entered on December 7, 2006 and continued by reading the following: "In the matter of Linda E. Marshall et al. vs. the City of Albany and upon a motion by the Town of Coeymans and the Coeymans Town Board for permission to file a brief amicus curiae upon the appeal, upon the papers filed in support of the motion and the papers filed in response thereto, it is ordered that the motion is denied, without costs." He concluded by saying that once again the Town of Coeymans is denied access to the court to get a judicial review of a fact pattern that they believe they already won five years ago.

Councilwoman Chmielewski interjected that they also never tell them why they were denied.

Supervisor Hotaling stated that the mystery remains as to why and added that the Town has engaged with their attorneys an effort to try to determine the reason and added that the amicus brief was not argued or opposed by the citizens, landowners or the City of Albany. He continued by saying that without them saying why it was denied, the Appellate Division leaves a mystery as to what it was and added that they will continue to explore opportunities to get in the game. He went on to say that it's not about strictly opposing the dump being cited in Coeymans but rather the process that the City of Albany has frustrated for 12 years by not completing their application with DEC and the process is being frustrated further by DEC's failure to respond to any correspondence that the Town has sent to them and the process is being further frustrated by the fact that they had a decision in 2001 in their favor and now a lower court decision in the face of those facts has turned it around and not given the Town an opportunity to come back to the table. He concluded by saying that they are not giving up and they will continue to protect the people of the Town of Coeymans and added that even if the landfill is cited in the Town there is a responsibility that they have to protect the citizens to make sure that if cited it is cited in the most responsible way, the most environmentally sensitive way and to the benefit of the host community and added that they believe they need to have an opportunity to be heard and they will explore every avenue in order to obtain it.

Supervisor Hotaling asked if there were any other comments.

Councilwoman Chmielewski inquired as to if the Town's attorneys asked the Appellate Division if there is anything in writing.

Supervisor Hotaling stated that he had a conference call with Town Attorney Rotello and Attorney Schachner and it was determined that Mr. Schachner will contact the clerk of the court to see if it was based on the facts or on the ill timing of it. He added that if it was the timing the Town would be happy to submit it at another time.

Councilwoman Chmielewski stated that she would think that the judges would have had to write their decision down and added that it must be written somewhere.

Supervisor Hotaling stated that Attorney Schachner is trying to obtain a reason for the decision.

### **Follow-Up of Hamlet Issues**

Supervisor Hotaling stated that they had discussed the Hamlet issues and Ms. Schiabile's petition earlier in the meeting.

Mr. Tony Pastore a writer for The Ledger inquired as to if one specific judge cited the denial on the amicus brief and if so what his name was.

Supervisor Hotaling stated that it was a panel and continued by giving the following names: Mercure, J.P., Mugglin, Rose, Lahtinen and Kane, J.J.

### **Update of Meeting with District Attorney**

Supervisor Hotaling stated that issues have been raised about the quality of life on Westerlo Street and added that there have been several discussions and articles in the paper and in turn they had been attempting to arrange a meeting with District Attorney Soares. He continued by saying that on December 21<sup>st</sup> he along with Chief Darlington met with DA Soares and he along with his staff spent two hours with them in discussion. He added that the discussion was very productive about the quality of life issues and the role of the DA's office to assist the Town Board and its citizens of moving forward in addition to bringing in his top level staff to talk to the Chief on a couple of cases that are actively being pursued. He went on to say that Chief Darlington brought them up-to-date and get some assurances from them about the aggressiveness of their support of the Town in their prosecution of those cases. He continued by saying that there is a commitment from Mr. Soares to meet with the Town Board at a Town Board Meeting on the air to talk to them about what role his office can play in addressing some of the issues in our community not only in the Hamlet but the community in general. He concluded by saying that he also agreed to meet with a specific group of individuals who express some concerns and continued by saying that shortly after the first of the year DA Soares will give a presentation at a Town Board Meeting and added that he demonstrated his commitment to not only the Town of Coeymans but Albany County in general.

### **Changes to Waste Water Treatment Plant Upgrade Project**

Supervisor Hotaling inquired as to if the Town Board had Change Orders 3 & 4 for the Waste Water Treatment Plant Upgrade Project. He continued by saying that Change Order 3 brings the cost of the project up by \$3,369.00 for a total of \$850,269.00 and added that it is for the extra time that it took to change the troughs, which were concrete and Change Order 4 is for pump discharge valves in the amount of \$4,185.05, which now brings the total cost of the project to \$854,454.05. He then asked for a motion authorizing him to sign the Change Orders and added that the project is about complete with only one other thing that has to be done.

Tape change – some dialog lost

Supervisor Hotaling stated that they have got the \$582,000 back in grant money minus a contingency of 10%, which is approximately \$58,000 and it is being held by the State. He added that when the project is completed and the State signs off on the project they will release the \$58,000 to the Town and continued by saying that they have \$73,000 in bills to pay and will get \$58,000. He went on to say that the Supervisor's Report reported \$240,000 in that fund and they will be paying \$73,000 and then receiving \$58,000 within

the next couple of months. He continued by saying that they will then sit down with their colleagues at the Village about the cost of the project since they are responsible for 50% and added that he would like to negotiate some other arrangement with them in the overall context of sewer costs. He concluded by saying that after they get the final bottom line on the cost associated with it they can bring the Village over to talk about reimbursement from their perspective as well.

Councilwoman Chmielewski inquired as to if Mr. Vopelak has approved the Change Orders.

Supervisor Hotaling stated that he suggested and signed off on both.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing the Supervisor to sign the Change Orders authorized by Mr. Vopelak in the amount of \$3,369.00 for Change Order 3 and \$4,185.05 for Change Order 4.

VOTE – AYES 4 – NAYS 0 – SO MOVED

## **LGRMIF Grant Project Quote Review**

Supervisor Hotaling stated that they are staged to commence the reconstruction of the Records Room in the basement of Town Hall and continued by saying that during the course of the Grant Application, Town Clerk Millious had to seek at the State's request, three quotes for the work. He added that they received three quotes from Town Clerk Millious and continued by saying that the grant was based on the lowest quote, which was submitted by T&T Builders in the amount of \$14,200. He concluded by saying that Town Clerk Millious is requesting that they review the quotes and in turn award the low quote to Bernard Teriele, Jr. from T&T Builders in the amount of \$14,200 in order for the work to commence.

Town Clerk Millious interjected that Mr. Teriele had stated that work could be started immediately after the authorization.

Supervisor Hotaling asked if there were any questions or discussion.

Councilwoman Rogers pointed out that one of the quotes is \$10,000 more.

Councilwoman Chmielewski inquired as to if it has to be put out to bid.

Supervisor Hotaling stated that he does not believe so.

Councilwoman Chmielewski stated that she can understand having to submit quotes in order to get the grant and added that in turn it would be have to be put out to bid.

Supervisor Hotaling stated that he had the same thought and had a discussion with Town Clerk Millious and in turn she called the State of New York. He added that they had indicated that you could award it based on the bid.

Councilwoman Chmielewski inquired as to whom in the State.

Town Clerk Millious stated that it is up to the Town Board as far as how they want to handle it.

Supervisor Hotaling stated that he is not in favor of putting it out to bid. He added that he knows what Councilwoman Chmielewski is saying and continued by saying that the money that the Town of Coeymans got was based upon the low quote and if they put it out to bid and T&T does not bid they could receive a low bid in the amount of \$27,170. He concluded by asking Town Clerk Millious how much grant money she received.

Town Clerk Millious stated that the grant award was \$19,720.

Supervisor Hotaling inquired as to what they would do if this happened.

Councilwoman Chmielewski inquired as to if the grant money was received.

Town Clerk Millious stated that she has received part of it and added that when that portion gets used she has to show that it has been spent and then can request some more.

Councilwoman Chmielewski stated that she believes that Town Clerk Millious should contact the State Comptroller's Office to see if it has to be bid.

Supervisor Hotaling reiterated that he is not in agreement to bid it because there were three quotes for the grant, which the State has already accepted and awarded based on the quotes.

Councilwoman Chmielewski stated that she would be on the safe side and contact the Comptroller's Office to see if it would have to go out to bid.

Supervisor Hotaling inquired as to how the other Board members felt.

Councilman Boehm stated that he agrees with Councilwoman Chmielewski.

Councilwoman Rogers inquired as to what Town Clerk Millious was told.

Town Clerk Millious stated that she had to send in three quotes and added that it is up to the Town Board as to how they want to handle it.

Councilwoman Rogers stated that Town Clerk Millious should check into it.

Supervisor Hotaling stated that they could hold off until the Special Town Board Meeting on January 10<sup>th</sup> if they get the answer and added that if they don't it will have to be on the January 22<sup>nd</sup> Town Board Meeting agenda. He then asked if the sense of the Board was to hold off.

Councilwoman Chmielewski stated that this is her feeling and added that Town Clerk Millious should contact the Comptroller's Office.

Councilman Boehm agreed.

Supervisor Hotaling informed Town Clerk Millious that they are requesting that she contact the State Comptroller's Office to get an opinion as to whether or not they have to put the project out to bid.

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## **NEW BUSINESS**

### **Resignation of Part-Time Laborer**

Supervisor Hotaling stated that it apparently did not work out for Mr. Hamilton and added that he was employed for 10 days. He added that he has a letter dated 12/13/06 in which he thanked him for the opportunity to work for the Town and continued to say that it did not work out because the job conflicted with his own business that was picking up, which was combined with personal circumstances within his family. He concluded by saying that it lead him to take action to resign from the position, which became effective immediately.

Supervisor Hotaling asked for a motion to accept the resignation.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, accepting the resignation of Thomas Hamilton, part-time laborer.

VOTE – AYES 4 – NAYS 0 – SO MOVED

December 13, 2006

Dear Ron,

First thanks so much for considering me for the Town position. As you know I also have my own business. In the last week things have changed to affect me working for the Town. My own business has picked up and many of the jobs will be lost because of my time with the Town. My wife also accepted a job with the State and she will be working only 24 hours a week instead of 40. Therefore, I have no choice but to resign my position as part-time laborer with the Town to work full-time with my own business. This will take effect immediately due to the fact that I have to work and devote my time to my business. Thank you once again.

Thomas R. Hamilton

Supervisor Hotaling stated that Mr. Hamilton's duties have been reassumed by Nelson Perry and crew.

### **Resignation of Bookkeeper**

Supervisor Hotaling stated that Ms. Lori Nunziato has been the bookkeeper for the Town for the last year and has done an excellent job and added that Mr. Purintan, the Town's auditor had also given her rave reviews for her work. He continued by saying that unfortunately Ms. Nunziato was lured away by another local job and added that he had told her that she has to do what is right for her family. He concluded by saying that she will be resigning the position effective December 29, 2006 and then asked for a motion to accept the resignation.

### **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, accepting the resignation with regret of Lori Nunziato, Bookkeeper.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling asked if there were any additional comments.

Councilwoman Chmielewski stated that Lori did a very good job and was very conscientious and dedicated and added that she is sorry to see her go.

### **Enforcement of Property Maintenance re: Motor Vehicles**

Supervisor Hotaling stated that the Building Department is taking a look at the enforcement of property maintenance regarding motor vehicles. He continued by saying the Building Inspector is taking a very active and responsive role in the issues that the Town Board has brought to him in addition getting the Building Permits up to speed in the Town. He added that Building Inspector Conrad had asked that he announce that letters will be going out to people who are in violation of Section 302.8 of the Property Maintenance Code of New York, which deals with motor vehicles and continued by reading the following: "Except as provided for in statute or other regulations, two or more inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth" and added that an exception to the law is: "A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes." He added that letters will be going out to those that have been noticed by the Building Department Code Enforcement Officers to be allegedly in violation of the statute and added that ten days will be given to rectify the situation and violation tickets will be issued returnable to the Town of Coeymans Court if no action is taken on the part of the property owner. He continued by saying that if

anyone has any questions they can contact the Town of Coeymans Building Department at 756-2850, Monday through Friday between the hours of 8:00am-4:30pm and added that if you are in receipt of a letter you should take action to rectify it or if you think that you are not in violation you should make it known to the Building Department and they will either offer some guidance or respectfully disagree. He concluded by saying that they are going to be moving ahead to get rid of some the junk vehicles on property within the Town.

**Contract for Services – American Legion**

Supervisor Hotaling stated that the Veteran’s Organizations VFW and American Legion have provided services to the Town for a number of years and added that the American Legion has done many things over the years such as placement of flags and Veteran’s markers at cemeteries, attendance and coordination of Veteran’s Memorial Services and have been advisors on citizen and constituent questions and matters. He continued by saying that with that in mind the Town of Coeymans would like to engage in a Contract for Exchange of Services or Compensation to continue providing those services to the Town of Coeymans and residents of the Town. He concluded by saying that he had a contract for the Town Board to review and approve him to affix his signature, which will provide them a \$400.00 payment. He then asked for a motion to authorize his signature.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, authorizing that the Town enters into a contract for services with American Legion RCS Post #114.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling interjected that the contract is for one year from the date that he signs it, which will be December 26, 2006 and added that he will be asking that Commander George Babcock affix his signature as well.

**Approval to Attend Association of Towns Training & Annual Meeting**

Supervisor Hotaling stated that Building Inspector Conrad has requested permission to attend the Association of Town’s Annual Conference on February 18<sup>th</sup> - February 21<sup>st</sup> in New York City. He continued by saying that training is a requirement for a Code Enforcement Officer and added that Building Inspector Conrad will receive a substantial number of credit hours for attending the meeting. He then asked for a motion to authorize his attendance.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, authorizing Building Inspector Conrad to attend the Association of Town’s Annual Conference.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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**RESOLUTIONS**

**RES. #139-06 AUTHORIZE TRANSFER OF FUNDS**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**GENERAL FUND**

<b>AMOUNT</b>	<b>FROM ACCOUNT</b>	<b>TO ACCOUNT</b>
\$2,252.81	A1315.4 Accountant (Personal Services)	A1320.4 Auditor (Contractual)

\$ 543.24	A1355.1 Assessor (Personal Services)	A1355.4 Assessor (Contractual)
\$1,677.89	A1990.4 Contingency	A1430.4 Human Resources
\$ 4.45	A1410.4 Town Clerk (Contractual)	A1460.4 Records Mgmt.
\$ 848.61	A1010.4 Councilman (Contractual)	A1650.4 Central Comm.
\$ 672.56	A1355.1 Assessor (Personal Services)	A1989.1 Revaluation Proj.
\$ 797.08	A1990.4 Contingency	A5132.4 Highway Garage
\$ 53.25	A1010.4 Councilman (Contractual)	A7310.1 Youth Services
\$ 1,711.63	A8160.1 Refuse & Garbage (Personal Services)	A8160.4 Refuse & Garbage
\$ 598.32	A9070.8 Dental Insurance	A9040.8 Workers Comp.
\$ 3,343.36	A1990.4 Contingency	A9730.6 BANS
\$ 2,656.64	A1620.1 Town Hall (Personal Services)	A9730.6 BANS
\$165,000.00	A599 Appropriated Fund Bal.	A7110.2 Parks Equip.
\$ 20,717.50	A599 Appropriated Fund Bal.	A9950.8 Transfer to P/T

**PART-TOWN FUND**

\$ 20,717.50	B510 Estimated Revenues Transfer from General	B3620.2 Safety Ins. Equip.
\$ 879.59	B5410.4 Sidewalks	B5182.4 Street Lighting
\$ 2,153.01	B5410.4 Sidewalks	B8510.4 Comm. Beaut.
\$ 2,765.21	B1990.4 Contingency	B9030.8 Social Securitiy
\$ 38.12	B1990.4 Contingency	B9040.8 Workers Comp.
\$ 18.54	B1990.4 Contingency	B9045.8 Life Insurance
\$ 135.33	B1990.4 Contingency	B9055.8 Disability Ins.
\$ 4,949.12	B599 Appropriated Fund Bal.	B9060.8 Health Insurance

**HIGHWAY**

\$ 6,277.08	DB5112.4 - \$5,225.94 DB5142.4 - \$1,051.14	DB5110.4 General Repairs
\$ 99,869.26	DB599 Appropriated Fund Bal.	DB5130.2 Machinery
\$ 1,703.44	DB5142.1	DB9040.8 Workers Comp.
\$ 264.02	DB5142.1	DB9070.8 Dental Insurance

**SEWER**

\$ 1.34 SS8130.5 Contractual SS9730.7 BAN Interest  
 \$ 725.08 SS8130.5 Contractual SS1380.4 Fiscal Agent Fees

**RES. #140-06 APPROVE DECEMBER ABSTRACT**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

<b>ABSTRACT</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	2084-2104	\$273,976.93
General	2159-2222,2297	\$ 31,846.49
	<b>General Total</b>	<b>\$ 305,823.42</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	2105-2122	\$ 50,622.48
Part-Town	2223-2232,2234-2241	\$ 3,050.61
	<b>Part-Town Total</b>	<b>\$ 53,673.09</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	2123-2135	\$ 60,313.67
Highway	2242-2289	\$ 19,154.21
	<b>Highway Total</b>	<b>\$79,467.88</b>
<b>SEWER (SS)</b>		
Sewer Pre-Pay	2136-2149	\$ 24,406.47
Sewer	2290-2296,2298-2314	\$ 14,655.32
	<b>Sewer Total</b>	<b>\$ 39,061.79</b>
<b>GROVE CEM. (TE)</b>		
Pre-Pay Grove Cemetery	2150-2151	\$ 215.27
Grove Cemetery	2315-2316	\$ 330.89
	<b>Grove Total</b>	<b>\$ 546.16</b>
<b>CAPITAL PROJECTS (H)</b>		
Special Water	2317-2318	\$ 2,081.65
	<b>Capital Projects Total</b>	<b>\$ 2,081.65</b>
	<b>TOTAL FOR ALL FUNDS</b>	<b>\$480,653.99</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	2152-2158	\$379,418.11
	<b>Trust &amp; Agcy. Total</b>	<b>\$379,418.11</b>

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**CORRESPONDENCE**

**Mohawk & Hudson River Humane Society**

Supervisor Hotaling stated that he received a correspondence from Mohawk & Hudson River Humane Society and added that there were prior issues relative to the contract with them. He continued by saying that there was a change in administration and as a result it was determined that they were going to calculate the contract according to different parameters. He added that in the past it was based upon the number of dogs that the Dog Control Officer brought to the Humane Society in addition to it mysteriously including dogs brought by the general public. He went on to say that last year they agreed to a \$1,500 contract fee and added that it was generous based on the number of dogs. He continued by saying that the letter now suggests that they are going to calculate the 2007 cost based on 2005, which was 18 dogs at a \$275.00 per dog rate, which will be a yearly cost of \$4,950.00. He added that Interim Executive Director Warren Cox invited him to discuss the contract, which has to be signed and returned with payment by February 15, 2007 and added that he anticipated that the Board would not agree with the terms. He concluded by saying that he contacted Chief Darlington to explore some other alternatives with local kennels and added that he will also call Supervisor Egan from the Town of Bethlehem to see what they are doing.

Chief Darlington interjected that he believes that the Town of Bethlehem also uses Mohawk & Hudson River Humane Society and continued by asking why they are using the 2005 figures and not 2006.

Supervisor Hotaling stated that it was the last complete year for which they had data.

Councilwoman Chmielewski inquired as to if Chief Darlington will be looking into an alternative.

Supervisor Hotaling stated that he is and then asked Chief Darlington to review the Town's obligation as far as Agriculture & Markets relative to dog control and added that the Town will provide the bare minimum.

Chief Darlington stated that it has to be an approved shelter and added that the minimum requirement is to hold an unidentified dog for 7 days and added that it would then be put out for adoption and the Town would receive the adoption fees.

Supervisor Hotaling stated that the contract also makes mention of additional services such as cruelty seizures, rabies holds, court order or municipal requests to hold animals, and continued by saying that these costs would be added to the \$4,950 yearly fee. He added that in addition to that Mohawk & Hudson River Humane Society will no longer issue licenses for redemption and continued by saying that the owner will now have to visit their municipal clerk's office and arrange payment of fees and fines and licensing.

Chief Darlington inquired as to when that takes effect.

Supervisor Hotaling stated that they arbitrarily changed the rules and added that it is apparently effective January 1<sup>st</sup>.

Chief Darlington interjected that when the Town had a contract with Hannacroix Kennels the owner had to pay the Town Clerk for the licensing and fines in addition to an adoption fee and in turn take the paperwork with them to the kennel.

Supervisor Hotaling asked that Chief Darlington keep him informed of his findings for an alternate plan.

### **NYS Department of Environmental Conservation**

Supervisor Hotaling stated that he is in receipt of a correspondence from NYS DEC and added that it is for Proposed Rule Making and Public Hearing and Public Information Meetings to Amend Water Quality Regulations. He continued by saying that according to Federal Clean Water Act and the resulting implementing regulations, every three years there has to be a review of the State's water quality standards and added that this triennial review is taking place in various spots in several areas around the State of New York and is being sponsored by NYS DEC Bureau of Water and Assessment Management. He

concluded by saying that on Monday, January 22, 2007 from 1:00pm – 4:00 pm in the DEC office building 625 Broadway, Albany, NY, Rooms 129A and 129B there will be a Public Informational Meeting and an opportunity to participate and added that it will be posted on the bulletin board in Town Hall.

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## **TOWN BOARD WORKSHOPS/MEETINGS**

- January 1, 2007 – Town Board Organizational Meeting, 9:00am
- January 3, 2007 – Economic Development Meeting, 6:30pm
- January 10, 2007 – Public Hearing to Set Sewer Rates at 6:00pm, Public Hearing on Local Law 6:30pm and Special Town Board Meeting at 7:00pm
- January 16, 2007 – Town Board Workshop, 6:00pm
- January 16, 2007 – Public Information Meeting – Proposed Zoning Changes, 7:00pm

Supervisor Hotaling stated that the Workshop on January 16<sup>th</sup> will be devoted exclusively to a Public Information Meeting on the Zoning Ordinance update and continued by saying that a flyer will be posted along with a draft zoning ordinance use map. He continued by saying that it will be a session that encourages all residents, property owners, civic groups, businesses and governmental officials to attend and added that it will be from 7pm to 9pm. He went on to say that they will be reviewing the Draft Zoning Map, Draft Zoning Districts and Draft Schedule of uses and added that this is an extension of the approved Comprehensive Plan. He concluded by saying that the Notice and Land Use Map will be available on the Town's website and reiterated that he encourages everyone to attend to share their thoughts.

Councilman Boehm stated that there is a lot of concern with how they move forward with the Town in the future and continued by adding that those concerned should attend and share their input so they can formulate it and move forward.

Supervisor Hotaling stated that they are searching to get some services for the Planning & Zoning Board for 2007 and added that he would recommend that they engage the services of special counsel to make sure that there are not any procedural errors. He continued by saying that by the meeting on January 22<sup>nd</sup> he would like to present some recommendation for special counsel for that purpose.

Councilman Boehm stated that it makes sense to him due to the amount of people who attended a prior Zoning Board Meeting with concerns that they expressed.

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## **ADDITIONAL COMMENTS**

Supervisor Hotaling stated that there is an Executive Session request from a Town Board member relative to the Ravena Rescue Squad contract review in addition to Chief Darlington requesting an Executive Session to discuss the employment history of two Police Officers. He then asked for a motion to dismiss to Executive Session.

Councilwoman Chmielewski added that before they do that she wanted to inquire as to if Supervisor Hotaling had heard anything back from the Village on the Police entering into an agreement for the Police Department and Communications.

Supervisor Hotaling asked that Chief Darlington bring them up-to-date.

Chief Darlington stated that shortly after Supervisor Hotaling's letter was delivered he had a discussion with Mayor Bruno relative to the continuing construction of the radio tower at the old water tank, which has been in the process since Chief Giroux was here. He continued by saying that he had discussed with him digging some footings for the tower to be mounted on and was advised that the construction was to halt and added that the Mayor had stated that the Village Board was not happy with the Town's response and

wanted to hold-off as they may choose to charge the Town rent for the radio towers that are on Village property.

Supervisor Hotaling stated that as soon as he was aware of the situation he phoned Mayor Bruno in an attempt to get some dialog going to address the concerns. He added that to date he has not gotten a response.

Councilman Boehm inquired as to if it is a new radio tower.

Chief Darlington stated that two of the antennas are mounted to the top of the water tank and added that because of the growth of the trees it is blocking radio transmissions to the Coeymans Hollow area, which is a problem when the page out the fire companies. He added that they want to raise it up above the trees so it can reach out there better.

Councilman Boehm inquired as to if it will actually go alongside the water tank.

Chief Darlington stated that it is actually mounted to the side of the tank and it rests on a 3X3 platform and added that the new one will be braced on the tank, which will go above the tank an additional 20-30 feet.

Councilwoman Chmielewski interjected that this was previously discussed and added that it was all set to be done and added that it seems to be a little vindictive.

Councilman Boehm stated that it is putting public safety in jeopardy for such a petty issue.

Supervisor Hotaling stated that there are legitimate issues that he wants to discuss with them.

Councilwoman Chmielewski interjected that Supervisor Hotaling has reached out to the Village.

Councilman Boehm stated that they need to have a Joint Meeting with the Village to discuss this issue as well as other issues and added that they need to do it before things get out of hand.

Supervisor Hotaling stated that that could do a Special Meeting sometime in January or early February.

Councilwoman Chmielewski stated that Supervisor Hotaling should try to set this up.

Supervisor Hotaling reiterated that there are recommendations to go to Executive Session for the Rescue Squad contract and employment history of Police Officers and then asked for a motion.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm to dismiss the meeting to Executive Session.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that they will be returning to formally adjourn and then asked if there were any additional comments.

Councilman Boehm wished everyone a Happy New Year.

Councilwoman Rogers wished everyone a safe and Happy New Year.

Town Clerk Millious stated that she will miss Bookkeeper Nunziato and added that they worked well together and she went beyond her duties. She continued by saying that she will miss her and added that she wanted to wish everyone a Happy New Year.

Chief Darlington stated that he also wanted to wish Bookkeeper Nunziato good luck and added that she helped him with his transition as Chief. He continued by saying that he wishes her well and is sorry to see her go. He went on to say that he also wanted to set up discussion for a Workshop to discuss the newspapers request for printing names for those being arrested.

Supervisor Hotaling inquired as to if there are two different view points on it and continued by saying that the request came from The Ledger. He then inquired as to if there is a similar request from The News Herald.

Chief Darlington stated that there is and continued by saying that in the past they have been most commonly giving names for felony arrests or arrests of interest and added that it has been left up to the Chief of Police.

Supervisor Hotaling stated that they can discuss it at an upcoming Workshop and added that if they are going to do it they have to establish a policy which is not discretionary or subjective to whatever the Police Chief or authorities seem to think is of interest.

Councilwoman Chmielewski inquired as to if it is the same request.

Chief Darlington stated that it is the same request.

Councilwoman Chmielewski inquired as to if they will follow-up on cases where names were reported.

Chief Darlington stated that they rely on the Police Department to report everything and added that it is his understanding that other agencies provide a blotter of the incidents, which is a copy of the incident or arrest report with certain things blacked out. He added that the newspaper can report whatever they want.

Councilwoman Rogers interjected that they had the same request last year.

Councilwoman Chmielewski stated that she didn't like seeing names in the paper.

Supervisor Hotaling stated that his opinion would be to put the name in and added that there should be an obligation on the part of the media to do a follow-up on a case and report the outcome of the charge or arrest and added that he does not like the discretionary method of deciding which ones go in the paper. He added that Chief Darlington should share with the Town Board what his ideas as far as how he would like to do it and what he thinks that his obligation should be.

Chief Darlington stated that in regard to the radio tower he would like for expedience to be given to it because it is a public safety issue to the Coeymans Hollow Fire Department.

Supervisor Hotaling stated that it has been a couple of weeks and added that he has discussed with Chief Darlington the possibility of installing their own tower. He continued by saying that he would like the Board's permission to discuss this with LaFarge and added that it would be a viable solution. He went on to say that it is a significant expenditure but it would significantly improve and guarantee the communication in Coeymans Hollow that they deserve.

Councilwoman Chmielewski interjected that they have an obligation to look out for all of the Town residents and their safety in getting all of the calls. She added that they will have to look in the budget and try to make do in other areas.

Supervisor Hotaling stated that he has a meeting with LaFarge coming up and added that he plans on raising this issue. He continued by saying that he will be sharing their thoughts with the Town Board and Chief Darlington.

Highway Superintendent Deering stated that he would like to see the Highway Department on the same tower.

Chief Darlington stated that this was discussed with the upgrade and added that either tower wherever it goes will be for town government as a whole as well as the Town of Coeymans.

Supervisor Hotaling stated that Chief Darlington had indicated that the School District has also been having problems with communications and added that a partnership would provide an opportunity to handle a lot of issues.

Highway Superintendent Deering stated that he also wanted to address the light issue on Westerlo and Rte. 144 and added that he had sent a request for a blinking light to Mr. Franchini at the Department of Transportation. He continued by saying that he would like to see one installed and added that it would be helpful.

Supervisor Hotaling asked if there were any additional comments, hearing none he asked for a motion to adjourn to Executive Session.

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**ADJOURNMENT**

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Town Board Meeting was adjourned to Executive Session.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

Time: 8.53pm

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**EXECUTIVE SESSION**

Executive Session was called to order at 8:53pm, all Town Board members were present in addition to Chief Darlington. The employment history of two Police Officers was discussed in addition to the Ravena Rescue Squad contract.

Supervisor Hotaling asked for motion to adjourn Executive Session.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, Executive Session was adjourned.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

Time 10:10pm

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**RECONVENE MEETING**

Supervisor Hotaling called the meeting back to order, the following resolution from Executive Session was read as follows:

**RES. #141-06 AUTHORIZE HIRING OF FULL-TIME POLICE OFFICER**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town Board has undertaken, in consultation with Chief Darlington, a review of the staffing pattern of the Town Police Force, and

**WHEREAS**, Chief Darlington has requested, reviewed and canvassed the current Albany County Civil Service list, and

**WHEREAS**, the Chief has made a recommendation to hire a current certified part-time Coeymans Police Department Officer to the approved full-time position authorized by the Town Board in the fall of 2006, and

**WHEREAS**, part-time Police Officer VanEps is eligible for selection from the Albany County Civil Service List,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby hires Michael VanEps as a full-time Police Officer effective immediately, and

**BE IT FURTHER RESOLVED**, that Police Officer VanEps compensation be maintained at his current hourly rate of \$19.75, and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes Supervisor Hotaling to contact Council 82 and meet to develop a Memorandum of Agreement on the compensation issue, in light of the current contract language on starting salary of full-time new officers.

Supervisor Hotaling asked for a motion to adjourn the meeting.

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**ADJOURNMENT**

**MOTION**

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

VOTE – AYES 4 – NAYS 0 – SO MOVED

Time 10:15pm

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*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*