

**A Town Board Organizational Meeting was held Monday, January 01, 2007, 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  
Joseph Rotello, Town Attorney

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Supervisor 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 Board of the Town of Coeymans has been scheduled for Monday, January 01, 2007, at 9:00am.

The Meeting will be held at Town Hall, 18 Russell Avenue, Ravena, N.Y.

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

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**SUPERVISOR’S OPENING COMMENT**

Supervisor Hotaling wished a good morning and Happy 2007 and added that they were at Town Hall to conduct the annual Organizational Meeting. He continued by saying that it is a meeting that all towns are required to have within a certain timeframe, commencing the beginning of the year and added that in the Town of Coeymans history it has been traditionally held on January 1<sup>st</sup>. He concluded by saying that they welcome 2007 and wish that their year as well as everyone’s year be safe and healthy not only in Town government but for everyone in the Town of Coeymans.

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**RESOLUTIONS**

Supervisor Hotaling stated that there were 28 resolutions to go through, which are necessary to make the transition from 2006 to 2007 and continued by asking that Councilwoman Chmielewski offer the first resolution.

**RES. #001-07 ESTABLISH TOWN BOARD MEETING DATES FOR 2007**  
On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4- 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 Meetings for 2007. Please note that Town Board meetings start at 7:00 P.M.

|         |                  |                  |      |                  |
|---------|------------------|------------------|------|------------------|
| January | 1 <sup>st</sup>  | (Organizational) | June | 25 <sup>th</sup> |
| January | 22 <sup>nd</sup> |                  | July | 23 <sup>rd</sup> |

|          |                   |  |           |                     |
|----------|-------------------|--|-----------|---------------------|
| February | 12 <sup>th</sup>  |  | August    | 27 <sup>th</sup>    |
| February | 26 <sup>th</sup>  |  | September | 10 <sup>th</sup>    |
| March    | 12 <sup>th</sup>  |  | September | 24 <sup>th</sup>    |
| March    | 26 <sup>th</sup>  |  | October   | 9 <sup>th**</sup>   |
| April    | 9 <sup>th</sup>   |  | October   | 22 <sup>nd</sup>    |
| April    | 23 <sup>rd</sup>  |  | November  | 12 <sup>th</sup>    |
| May      | 14 <sup>th</sup>  |  | November  | 26 <sup>th</sup>    |
| May      | 29 <sup>th*</sup> |  | December  | 10 <sup>th</sup>    |
|          |                   |  | December  | 26 <sup>th***</sup> |
|          |                   | Moved to Tuesday for:<br>*Memorial Day<br>**Columbus Day<br>Moved to Wednesday<br>***Christmas Holiday |           |                     |

**RES. #002-07 ESTABLISH TOWN BOARD WORKSHOP MEETING DATES FOR 2007**

On motion of Councilman Boehm, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 4 – AYES -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 2007 as Workshop Meetings. These meetings will take place on Tuesday evenings, commencing at 6:00 P.M.

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

**RES. #003-07 ESTABLISH PLANNING BOARD MEETING DATES FOR 2007**

On motion of Supervisor Hotaling, seconded by Boehm, the following resolution was APPROVED – VOTE – 4 – 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 2007. Please note that Planning Board Meetings start at 7:00 P.M.

|          |    |           |       |
|----------|----|-----------|-------|
| January  | 8* | July      | 9**   |
| February | 5  | August    | 6     |
| March    | 5  | September | 10*** |
| April    | 2  | October   | 1     |
| May      | 7  | November  | 5     |
| June     | 4  | December  | 3     |

- \* New Year Holiday Observed
- \*\* Independence Day Observed
- \*\*\* Labor Day Observed

**RES. #004-07 ESTABLISH ZONING BOARD OF APPEALS MEETING DATES FOR 2007**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – VOTE – AYES 4 – 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 meetings for 2007. Please note that Zoning Board of Appeals meetings start at 7:00 P.M.

|          |    |           |     |
|----------|----|-----------|-----|
| January  | 17 | July      | 18  |
| February | 21 | August    | 15  |
| March    | 21 | September | 19  |
| April    | 18 | October   | 17  |
| May      | 16 | November  | 14* |
| June     | 20 | December  | 19  |

\* Thanksgiving Holiday

**RES. # 005-07 ESTABLISH DATES OF HOLIDAY OBSERVANCE FOR 2007**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – NAYES 0 – SO MOVED

**BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby set the following Holidays for 2007 for employees not covered by union contracts. Holiday schedules for covered employees are pursuant to active agreements in force.

|           |                  |                          |
|-----------|------------------|--------------------------|
| January   | 1st              | New Year's Day           |
| January   | 15th             | Martin Luther King Day   |
| February  | 19 <sup>th</sup> | President's Day          |
| May       | 28th             | Memorial Day             |
| July      | 4th              | Independence Day         |
| September | 3rd              | Labor Day                |
| October   | 8th              | Columbus Day             |
| November  | 6th              | Election Day             |
| November  | 12 <sup>th</sup> | Veteran's Day (Observed) |
| November  | 22nd             | Thanksgiving Day         |
| November  | 23rd             | Day after Thanksgiving   |
| December  | 25th             | Christmas Day            |

**RES. #006-07 AUTHORIZE SUPERVISOR TO EXECUTE AGREEMENTS WITH CONTRACTUAL EMPLOYEES, CSEA & COUNCIL 82**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – VOTE – AYES 4 – 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. #007-07 DESIGNATE DEPOSITORY OF FUNDS**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – 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. # 008-07 ADOPT INVESTMENT POLICY**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans has previously adopted a “Model Investment Policy” supplied by the State Comptroller’s office on April 29, 1996, and

**WHEREAS**, all towns must adopt an investment policy according to the State Comptroller’s office, and General Municipal Law, and

**WHEREAS**, that “Investment Policy” shall be reviewed on an annual basis and shall be adopted at the Annual Organizational Meeting, and

**WHEREAS**, the Town of Coeymans Accountant has reviewed and amended the Investment Policy,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby adopt the amended “Investment Policy” for the year 2007.

**RES. # 009-07 AUTHORIZE PAYMENT IN ADVANCE OF AUDIT OF CLAIMS**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – 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. #010-07 DESIGNATE OFFICIAL NEWSPAPER**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – 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. #011-07 APPOINT ADMINISTRATOR OF ACCESS**

On motion of Supervisor Hotaling, 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, 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 Administrator of Access for the purpose of coordinating, programming, and overseeing individuals involved in the telecasting of approved programs, to serve without remuneration.

**RES. #012-07 SET MILAGE RATE**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 4 – 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 48.5 cents per mile for the authorized use of personal vehicles by town employees in performance of their duties.

**RES. #013-07 AUTHORIZE PREFERENTIAL PRE-REGISTRATION RATE FOR ASSOCIATION OF TOWNS CONVENTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Association of Towns has developed an in-office pre-registration procedure for the 2007 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 11, 2006, 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 18-21, 2007, and that Town will reimburse them at a per diem of \$75 per day.

**RES. #014-07 APPOINT DELEGATE & ALTERNATE FOR ASSOCIATION OF TOWNS CONVENTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – 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 18-21, 2007, and Councilwoman Nita J. Chmielewski as an alternate.

**RES. #015-07 RE-APPOINT ZONING BOARD OF APPEALS CHAIRMAN**

On motion of Supervisor Hotaling, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – 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, 2007.

**RES. #016-07 APPOINT ZONING BOARD OF APPEALS MEMBER**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town Board appointed Sarah Hafensteiner to the Zoning Board of Appeals to complete the term of office left by Thomas Cooper's departure, and

**WHEREAS**, that term expired on December 31, 2006,

**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, 2011.

**RES. #017-07 APPOINT PLANING BOARD MEMBER**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the term of Town of Coeymans Planning Board member Peter Foronda has expired December 31, 2006, and

**WHEREAS**, the Town Board has determined his service to be of value to the town,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby appoint Peter Foronda to a seven-year term on the Planning Board to expire December 31, 2013.

**RES. #118-07 APPOINT PLANNING BOARD CHAIRMAN**

On motion of Councilman Boehm, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 4 – 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, 2007.

**RES. #119-07 APPOINT BOARD OF ASSESSMENT REVIEW MEMBER**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the term of Gerald VanAlstyne on the Board of Assessment Review expired on September 30, 2006 and,

**WHEREAS**, the Town Board has determined his service to be of value to the Town and,

**WHEREAS**, Mr. VanAlstyne has expressed an interest in retaining a seat on the Board of Assessment Review,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby reappoint Gerald VanAlstyne to a five-year term on the Town of Coeymans Board of Assessment Review to expire September 30, 2011.

**RES. #120-07 APPOINT EMERGENCY MANAGEMENT COMMITTEE CHAIRMAN**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – 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, 2007. Compensation for this position is \$1,500 per year.

**RES. #121-07 APPOINT TOWN HISTORIAN**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – 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, 2007. Compensation for this position is \$500 per year.

**RES. #122-07 APPOINT MARRIAGE OFFICER**

On motion of Councilman Boehm, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 4 – 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, 2007.

**RES. #123-07 APPOINT DEPUTY TOWN CLERK**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – 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 the Deputy Town Clerk. This appointment is for a term to expire on December 31, 2007.

**RES. #124-07 APPOINT ETHICS BOARD**

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 is advised that the terms of office for the members of the Ethics Board expire December 31, 2006, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby reappoints Mark Principato, Sean Parker and Jeff Sorensen to the Ethics Board with term expiring December 31, 2007.

**RES. #125-07 APPOINT EMERGENCY MANAGEMENT COMMITTEE**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans, Village of Ravena, Emergency Management Committee has an Emergency Management Plan to be implemented at the 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, 2007:

Bill Bruno, Committee Chairman  
Mark Deyo, Coeymans Fire Company #1  
Steven Payne, Coeymans Hollow Volunteer Fire Corporation  
Chief Greg Darlington, Coeymans Police Department  
Brian Dunican, Jr. Ravena Hose Company  
Sarah Disonell, Ravena Rescue Squad  
Jack Bailey, Ad Hoc Member

**RES. #026-07 APPOINT PROSECUTOR FOR TRAFFIC TICKETS**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – 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 Prosecutor for traffic tickets issued by Town of Coeymans Police Officers, for a yearly fee of \$5,100, payable by monthly voucher submitted by Mr. Brick.

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Coeymans does hereby also appoint Andrew Brick, Esq. to prosecute traffic tickets issued by New York State Police Officers for a monthly fee of \$500, payable by monthly voucher submitted by Mr. Brick.

**RES. #027-06 AUTHORIZE UNDERTAKING**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, Public Officers Law Section II 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 the aforementioned undertaking and the expense thereof 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

**RES. #028-07 AUTHORIZE 2007 EMPLOYEES**

On motion of Supervisor Hotaling, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town Board has previously approved the 2007 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 2007, in accordance with labor contracts in effect and budgeted amounts for positions outside the scope of negotiated contracts. (See attached list)

| NAME                | POSITION                | ANNUAL PAY PERIODS | RATE/HR. OR SALARY |
|---------------------|-------------------------|--------------------|--------------------|
| R. K. Hotaling, Jr. | Supervisor              | 26                 | 1,346.15           |
| M. Lewandowski      | Confidential Secretary  | 26                 | 1,115.38           |
| (Vacant)            | Bookkeeper              | 26                 |                    |
| S. Fitch            | Clerk 1 p/t             | 26                 | 12.72              |
| S. Boehlke          | Account Clerk I         | 26                 | 15.00              |
| G. Bullock          | Clerk 1 p/t             | 26                 | 11.64              |
| D. Rogers           | Councilperson           | 26                 | 346.15             |
| N. J. Chmielewski   | “                       | 26                 | 346.15             |
| T. Boehm            | “                       | 26                 | 346.15             |
| (Vacant)            | “                       | 26                 |                    |
|                     |                         |                    |                    |
| J. Rotello          | Town Attorney           | 26                 | 576.92             |
|                     |                         |                    |                    |
| G. Dardani          | Justice                 | 26                 | 634.62             |
| V. Pearson          | “                       | 26                 | 634.62             |
| L. Eissing          | Court Clerk f/t         | 26                 | 19.22              |
| R. Luchkiw          | “                       | 26                 | 11.81              |
|                     |                         |                    |                    |
| D. Millious         | Town Clerk              | 26                 | 1,442.31           |
| L. Vatalaro         | Deputy Town Clerk       | 26                 | 16.77              |
| B. Lyons            | Clerk p/t               | 26                 | 11.64              |
| B. Mueller          | “                       | 26                 | 11.23              |
|                     |                         |                    |                    |
| L. Van Valkenburg   | Assessor                | 26                 | 990.38<br>+96.15   |
| D. DeRose           | Clerk p/t               | 26                 | 12.22              |
| R. Sevilla          | Assessment Aide p/t     | 26                 | 10.53              |
| S. Zielonko         | Assessment Aide p/t     | 26                 | 10.53              |
|                     |                         |                    |                    |
| D. Crowley          | Youth Services Director | 26                 | 10.65              |
|                     |                         |                    |                    |
| L. Breedlove        | Chief Sewer Plant Opr.  | 26                 | 21.95              |
| J. Polverelli       | Sewer Plant Operator    | 26                 | 17.35              |
| J. Lennon III       | STPO Trainee            | 26                 | 12.79              |
|                     |                         |                    |                    |
| A. Deering          | Superintendent          | 26                 | 1,803.08           |
| S. Searles          | Deputy Highway Sup.     | 26                 | 18.68              |



|                    |   |    |          |
|--------------------|---|----|----------|
| D. Wilber          | Mechanic                                      | 26 | 15.14    |
| G. Stevens         | Equipment Opr. II                             | 26 | 16.13    |
| E. Barrett         | Equipment Opr. I                              | 26 | 15.26    |
| G. LaMountain      | “   | 26 | 15.26    |
| D. Merrill         | “   | 26 | 15.26    |
| W. Clarke          | “   | 26 | 14.04    |
| D. VanAlstyne      | “   | 26 | 14.04    |
| M. Coons           | “   | 26 | 14.04    |
| (Vacant)           | “   | 26 |          |
| (Vacant)           | Clerk 1 p/t                                   | 26 |          |
| L. Southwick       | Seasonal p/t                                  | 26 | 13.76    |
| R. O’Bryan         | “   | 26 | 13.76    |
|                    |   |    |          |
| G. Darlington      | Police Chief                                  | 26 | 2,713.15 |
| D. LaMountain      | Sr. Telecommunicator & Confidential Secretary | 26 | 19.95    |
| D. Contento        | Sergeant                                      | 26 | 22.99    |
| M. Powell          | “   | 26 | 22.99    |
| J. Albert          | Police Officer f/t                            | 26 | 20.90    |
| C. Alberts         | “   | 26 | 17.27    |
| M. VanEps          | “   | 26 | 20.34    |
| T. Polverelli      | Police Officer p/t                            | 26 | 15.70    |
| G. DeLuca          | “   | 26 | 20.34    |
| J. Dunn            | “   | 26 | 20.34    |
| R. Griffith        | “   | 26 | 20.34    |
| J. Lare            | “   | 26 | 20.34    |
| M. Miller          | “   | 26 | 15.70    |
| C. Parker          | “   | 26 | 20.34    |
| S. Prokrym         | “   | 26 | 20.34    |
| B. Rinaldi         | “   | 26 | 20.34    |
| G. Rivituso        | “   | 26 | 20.34    |
| L. Roe             | “   | 26 | 20.34    |
| K. Thompson        | “   | 26 | 15.70    |
|                    |   |    |          |
| J. Tucker          | Telecommunicator                              | 26 | 17.67    |
| M. VonSchenk       | “   | 26 | 17.37    |
| K. Babcock         | Telecommunicator p/t                          | 26 | 16.82    |
| R. Cross           | “   | 26 | 14.43    |
| J. D’Ambrosio      | “   | 26 | 16.82    |
|                    |   |    |          |
| S. Disonell        | Telecommunicator p/t                          | 26 | 14.43    |
| B. Dunican         | “   | 26 | 16.82    |
| Randy Hotaling     | “   | 26 | 16.82    |
| Richard Hotaling   | “   | 26 | 16.82    |
| K. Kearney         | “   | 26 | 16.82    |
| F. McDonagh        | “   | 26 | 14.43    |
| S. Searles         | “   | 26 | 16.82    |
| H. Traver          | “   | 26 | 16.82    |
| H. Traver/J. Shear | DCO p/t                                       | 26 | 10.15    |
|                    |   |    |          |
| L. Conrad          | Bldg. Inspector/CEO                           | 26 | 19.23    |
| J. Weidman         | Bldg. Inspector p/t                           | 26 | 16.59    |
| J. Cashin          | “   | 26 | 16.59    |

|                 |  |    |                               |
|-----------------|--|----|-------------------------------|
| S. DeBacco      | Asst. Bldg. Inspector p/t                    | 26 | 16.59                         |
| C. Barger       | Clerk 1                                      | 26 | 11.22                         |
|                 |  |    |                               |
| N. Perry        | Parks & Recreation<br>Maintenance Supervisor | 26 | 17.73                         |
| D. Mergendahl   | Laborer                                      | 26 | 14.24                         |
| T. Plath        | “  | 26 | 14.24                         |
| (vacant)        | “  | 26 |                               |
|                 |  |    |                               |
| (vacant)        | Bingo Inspector                              | 12 |                               |
|                 |  |    |                               |
| W. Bruno        | Civil Defense Director                       | 12 | 125.00                        |
|                 |  |    |                               |
| M. Wolfe        | Town Historian                               | 12 | 41.66                         |
|                 |  |    |                               |
| S. Zielonko     | Cemetery Services<br>Coordinator             | 26 | 100.00                        |
|                 |  |    |                               |
| P. Foronda      | Planning Board Chair                         | 12 | 100.00/50.00                  |
| C. Kunz         | Planning Board Vice<br>Chair                 | 12 | 90.00/45.00                   |
| D. Ross         | Planning Board Member                        | 12 | 80.00/40.00<br>Per Mtg/Wkshop |
| W. Irwin        | “  | 12 | 80.00/40.00<br>Per Mtg/Wkshop |
| R. Cumm         | “  | 12 | 80.00/40.00<br>Per Mtg/Wkshop |
| J. Kapusta      | “  | 12 | 80.00/40.00<br>Per Mtg/Wkshop |
| L. Felter       | Planning Board Member                        | 12 | 80.00/40.00<br>Per Mtg/Wkshop |
| K. Marsh        | Zoning Appeals Bd<br>Chair                   | 12 | 125.00 per<br>mtg             |
| G. McDonald     | Zoning Board Member                          | 12 | 75.00 per mtg                 |
| P. Brown        | “  | 12 | 75.00 per mtg                 |
| W. Flach        | “  | 12 | 75.00 per mtg                 |
| S. Hafensteiner | “  | 12 | 75.00 per mtg                 |
|                 |  |    |                               |
|                 |  |    |                               |

Supervisor Hotaling stated that the title for Mr. Nelson Perry is not Foreman and added that they will be adjusting it. He then asked if there were any other discussion.

Councilwoman Chmielewski inquired as to if Police Officer Van Epps salary was correct.

Supervisor Hotaling stated that he would reserve his opportunity to check it out with Chief Darlington and payroll.

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**TOWN BOARD WORKSHOPS / MEETINGS**

- January 10, 2007, Public Hearing for Sewer Rates, 6pm, Public Hearing for Local Law, 6:30pm, Special Town Board Meeting, 7:00pm
- January 16, 2007, Town Board Workshop, 6pm
- January 22, 2007, Town Board Meeting, 7pm

Councilman Boehm interjected that on January 3<sup>rd</sup> at 7pm there is an Economic Advisory Board Workshop.

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**ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Councilwoman Rogers wished everyone a Happy New Year.

Supervisor Hotaling stated that it is Councilman Boehm’s first anniversary on the Town Board and added that he appreciates his efforts within the last year in taking the lead on a couple of issues.

Councilman Boehm wished everyone a Happy New Year and added that he has learned a tremendous amount in the last year and looks forward to the next three.

Councilwoman Chmielewski wished everyone a happy and healthy New Year.

Town Clerk Millious wished everyone Happy New Year.

Town Attorney Rotello wished everyone a Happy New Year.

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, the Town Board Organizational Meeting was adjourned.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

Time 9:37am

*Respectfully Submitted,*

**APPROVED:**

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



**A Public Hearing was held Wednesday, January 10, 2007, 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  
Joseph Rotello, Town Attorney

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Supervisor Hotaling opened the Public Hearing and led the Pledge of Allegiance.

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The following Notice appeared in the Ravena New Herald.

Supervisor Hotaling asked that Town Clerk Millious read the notice.

Town Clerk Millious read the following Notice.

**NOTICE  
OF  
PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a Public Hearing will be held by the Town Board of the Town of Coeymans, on Wednesday, January 10, 2007 at 6:30pm at Town Hall, 18 Russell Avenue, Ravena, on Proposed Local Law #1 of 2007 as follows:

**Town of Coeymans  
Proposed Local Law #1-2007**

**A LOCAL LAW PROVIDING FOR THE  
ADMINISTRATION AND ENFORCEMENT OF THE  
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE**

A Local Law providing 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. This Local Law is adopted pursuant to Section 10 of the Municipal Home Rule Law. 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 occupancy, are subject to the provisions of this Local Law. This Local Law shall amend and replace Chapter 71 of the Town Code of the Town of Coeymans, in its entirety.

A copy of the proposed law may be obtained at the Town Clerk’s office during regular business hours.

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

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**SUPERVISOR’S OPENING COMMENTS**

Supervisor Hotaling stated that Town Attorney Rotello took the lead on this and continued by saying that the State of New York provided a template to municipalities to work from and the effort to convert this into a Town of Coeymans document was done by Town Attorney Rotello. He then asked Town Attorney Rotello if he had any comments.

## **TOWN ATTORNEY ROTELLO'S COMMENTS**

Town Attorney Rotello stated that there was a great contribution on the part of Building Inspector Conrad as well. He continued by saying that this is similar to what the State had mandated approximately ten years ago when all municipalities adopted the State Code. He added that the Local Law provides for the administration and enforcement of the State Code and comes from a directive of the State to allow the Town and its Code Enforcement Officer and staff to administer and enforce it.

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## **PUBLIC COMMENT**

Supervisor Hotaling stated that the manner of the Public Hearing will be the same as it was for the prior Public Hearing for the Sewer Rates and added that anyone who chooses to make a comment about proposed Local Law #1-2007 as it relates to the Uniform Fire Prevention and Building Code should sign the sign-in sheet and come to the microphone. He continued by saying that if the proposed Local Law is implemented it will be for areas outside the Village of Ravena and added that the State of New York requires both Village and Towns to adopt it. He went on to say that it is his understanding that representatives from the Village are contemplating something similar for adoption in the Village.

Town Attorney Rotello stated that when New York State adopted the new Building Code it was an all-encompassing document, which based on his interpretation creates some uniformity between municipalities. He continued by saying that it is one uniform code and it might be another area where they can focus efforts in a unification of services that might show some cost savings.

Supervisor Hotaling invited the public to comment at this time.

Mr. Tom Tucker, Reporter for the News Herald inquired as to what the difference is between the way it was and the way it will be now.

Supervisor Hotaling stated that there were some chapters in the old law that were unenforceable under the old statutes without certain permits and guidelines being issued.

Town Attorney Rotello stated that it was that in addition to the fact that the State, two years ago, adopted a new Building Code similar to what was applicable in other states. He continued by asking Building Inspector Conrad what the name of the Code was.

Code Enforcement Officer interjected that it was a Uniform Code and it was called the International Building Code.

Town Attorney Rotello stated that this went into effect January 1, 2003 and the State has now mandated that all municipalities have to adopt a Local Law to administer and enforce the new Code, which for the most part is the same with some updated provisions.

Supervisor Hotaling asked Building Inspector Conrad if there were any distinctions that stood out.

Building Inspector Conrad stated that with every new Model Code there were some errors and oversights when they went from what was the New York State Building Code to the Model Code or International Building Code, which they now enforce today. He added that there are areas of property maintenance in addition to other updates and changes of things that were either wrong or missed, which have now been fixed by revisions to the Code. He continued by saying that the changes are pretty minute and it is basically the same.

Supervisor Hotaling stated that it still preserves the elements of Building Permit Applications, Building Permits and inspections through the course of it in addition to Certificates of Compliance and Certificates of Occupancy.

Building Inspector Conrad stated that there were some clarification and wording issues that had to be resolved and it is basically corrections to the Code that needed to be done and added that in turn the State has asked that the Building Inspectors encourage their Town Boards to collectively come together and use the Model Code, which is on the State's website. He continued by saying that each individual town and village has adopted a remnant or their best guess version of how to enforce the Code and added that they have run into some troubles when they try to enforce certain features of it because it is for each municipality to adopt under home rule even though the State adopts it on their level and if it is not adopted by the municipality it goes back to the County to enforce. He concluded by saying that unless they adopt the changes legally, the Town has no legal recourse to enforce it on this level and reiterated that the changes are fairly minute.

Supervisor Hotaling interjected that the property maintenance aspect of it will give them a new tool to be able to utilize on a local level to be able to make positive changes in areas where they previously could not.

Building Inspector Conrad stated that it will address the quality of life issues that they have been faced with in the Hamlet and added that the Code establishes minimum conditions and added that this is where they will work from to try and solve some of the issues.

Supervisor Hotaling stated that just recently they have started talking about abandoned vehicles, which fall under the property maintenance umbrella and added that the public response to that effort has been very positive. He continued by saying that it is an effort to make the town better from a community perspective.

Building Inspector Conrad stated that the new Model Code is the reason that they are repealing the whole law the way it was written because there was a need to revise and update the Code to meet the State's new template. He added that the one major thing that is different is that there is a paperwork requirement placed on the municipality and for clarification purposes there is a described amount of information that they must prepare in order to issue a Building Permit. He continued by saying that the municipality is required to gather the information in order to make sure that the Building Permits are being issued with the utmost efficiency.

Supervisor Hotaling inquired about building plans.

Building Inspector Conrad stated that the Code Enforcement Officer use to have some latitude with exceptions and added that there are new methods prescribed in the Code and they do not have a choice that they use to have, which is where a lot of the problems came up. He concluded by saying that it was creating problems when a building contractor was dealing with more than one municipality and added that the new code will create uniformity because the response will be the same.

Supervisor Hotaling thanked Building Inspector Conrad and continued by asking if there were any further comments, hearing none he asked for a motion to adjourn the Public Hearing.

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## **ADJOURNMENT**

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

VOTE – AYES 4 – NAYS 0 – SO MOVED

Time 7:12pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*





**A Public Hearing was held Wednesday, January 10, 2007, 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  
Joseph Rotello, Town Attorney

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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.

Supervisor Hotaling asked that Town Clerk Millious read the notice.

Town Clerk Millious read the following Notice.

**NOTICE  
OF  
PUBLIC HEARING**

**PLEASE TAKE NOTICE**, pursuant to Section 452 of the General Municipal Law, a Public Hearing will be held by the Town Board of the Town of Coeymans, at Town Hall, 18 Russell Avenue, Ravena, New York at 6:00pm on Wednesday, January 10, 2007. The Public Hearing will be regarding the setting of the Sewer Rates.

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

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**SUPERVISOR’S OPENING COMMENTS**

Supervisor Hotaling stated that the format will be typical for a Public Hearing and those interested to make a comment will be able to by going to the microphone and signing the sign-in sheet prior to speaking. He continued by saying that it is the required Public Hearing for the establishment of Sewer Rates and added that he wanted to apologize for not announcing the rates because right up until earlier in the day they were factoring in some final data to be able to come up with the rates. He went on to say that one of the toughest things that they have to deal with is the Hamlet Sewer District relative to the cost associated with running the District and paying off the debt of the District being borne by a relative small number of constituents compared to the overall number of users. He added that they have in a variety of ways massaged the contract that goes back to 1967 between the Town of Coeymans and Village of Ravena. He continued by saying that there have been several addendums to the contract and added that there have been agreements to assign the appropriate portion of cost by percentages and it was done initially based upon a benefit derived formula. He went on to say that over the years they have done a variety of things to try to ascertain the true cost of the operation and added that in 2004 one of the components to an Annexation Agreement was to continue to research ascertaining the true cost of the operations in addition to also agreeing to continue to explore the benefits of metering the water usage coming into a home or commercial establishment and be able to use it as a measuring stick. He continued by saying that last year they broke up and separated the Sewer Rents in to two components, which was a debt service component and an operations and maintenance component, which is required to be done in a Sewer Billing and added that the Sewer District carries

the only remaining debt of the Town of Coeymans. He went on to say that they have repeatedly stated that it is a problem and added that doing a Sewer Budget is as difficult as doing a Town Budget and added that they need to come up with some strategies to fix it. He continued by saying that there have been on-going meetings between the Village and Town in open session and in turn sub-committees were established and added that he is heartened to say that he is confident that the meetings will resume and they will achieve a database that both municipalities can use to determine the true cost of the apportionment of the District. He added that they have struggled with the upgrades for the Sewer Plant, which are now completed and continued by saying that it was a 1.1 million dollar project that has been bonded, which plays a major role in the debt service that the Sewer District is responsible for. He went on to say that the debt for the project is a debt that is shared between the Village and Town and added that there is other debt that the Sewer District incurred between 2000 and 2004, which was for a variety of facility upgrades that were required in order to continue to operate and maintain the Sewer District. He continued by saying that the debt has existed for a number of years and that portion of the debt has been paid by the Village of Ravena, which leaves them not owing anything on that particular debt and added that an annual payment of the debt is \$35,000 to \$40,000, which is being borne exclusively by those in the Hamlet Sewer District. He added that last year's rate totaled approximately \$200.00 every six-months and added that this year's rate is broken down by bond debt and operations and maintenance as required and continued by saying that the rate for 2007 is anticipated to be \$141.70 for bond debt and \$110.50 for operation and maintenance, which is a total of \$252.20 for six-months, which is an increase of approximately \$52.00 every six-months and \$104.00 on an annual basis. He concluded by saying that he is confident that the negotiations that have been resumed with the Village might result in some modification before the July billing and added that Building Inspector Conrad has been engaged with the Code Enforcer Burns at the Village in trying to establish a database in both the Town and Village that is based upon the same foundation to lead to a better assessment of the cost of the operation.

Supervisor Hotaling continued by giving the following data, the total to be collected for the first half six-month period is \$99,764.49, which is broken down to \$43,360.20 for bonding and \$56,404.29 for operations and maintenance plus water usage, which is a total of \$252.20 on a six-month basis, commercial users will be charged \$3.45 for 1,000 up to 40,000 gallons and \$4.50 per thousand gallons for any amount over 40,000 with no instance of a charge being smaller than \$110.50 per unit.

Supervisor Hotaling stated that is a struggle that they are dealing with now and added that they have pledged to continue working on it. He continued by inviting the public to comment.

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## **PUBLIC COMMENT**

**Ms. Josie Bruno** stated that she is a resident of the Sewer District and owns two parcels and added that she is concerned about the rates, which affect the elderly. She continued by saying that there are approximately 400 units in the Town and 1200 in the Village and added that the Town owns the Sewer Plant and the Village owns the Water Plant. She went on to say that a lot of people do not realize that the Town owns the Sewer Plant and added that there is no building going on, which would add to the number of users. She continued by saying that there are elderly people in the District that are being forced to sell their houses due to the rising costs and added that in 2000 they were paying \$137.00 a year and now they are paying \$504.00 for a year and added that Village residents are paying \$176.00 a year. She then inquired as to if more work will need to be done at the Sewer Plant, which would create more bonding.

Supervisor Hotaling stated that there will not be more bonding and added that in 2002 the Sewer District received a grant from the State of New York in the amount of \$582,000 based upon what was then estimated to be a \$690,000 project, which was not set forth at that rate and added that it was not successfully bid until 2005, which resulted in a \$1,000,000 bid due to increased costs in materials and other things that drive the cost up. He added that they had to pick and choose from the overall project that once cost

\$690,000 and narrowed it down and picked components of the project for approximately \$900,000 and awarded the bid. He continued by saying that they were going to fund the project with monies from Environmental Facilities Corporation, which in 2003 had earmarked an opportunity for the Town of Coeymans to borrow money from them to use as seed money to get the project going in order for the Town to reap the benefit of the \$582,000 grant and added that unfortunately the threshold for EFC changed and in turn they were told that the Town was no longer eligible. He went on to say that they still had a need for the project, there was still a moratorium, the project was going to increase in cost and they did not have seed money to get the project going and added that contractors are not going to wait for the State of New York to give them money and the State of New York is not going to give money until they spend money. He continued by saying that they needed seed money to start the project and this is where the \$500,000 came in and added that this is when the Town Board borrowed the money and as the project moved on they received bills and they were paid with that \$500,000 and in turn the Town submitted to the State for their 85% reimbursement, which replenished the \$500,000. He added by saying that they had a revolving source of funding that allowed them to complete the project and added that the fund now has \$240,000 in that dedicated account. He concluded by saying that in response to the question there are still more projects that have to be done and added that there is a Change Order from C.T. Male to have Jett Industries undertake approximately a \$35,000 - \$40,000 addition, which is going to be able to retool the existing clarifiers with a new aeration system, which was part of the larger project that they could not do because of the increased cost and added that this type of upgrade will hopefully convince DEC that the moratorium makes no more sense, which in turn will open up the opportunity for development, which will be more customers to help pay for the cost associated with it.

Ms. Bruno stated that she wanted to let them know that there are very concerned residents in the Hamlet. She added that they are getting hit hard and continued by saying that there is no relief in sight and it is only going to get worse. She then inquired about the residential rates going up but not the commercial.

Supervisor Hotaling stated that the commercial rates are metered rates and added that the Village has an ordinance that requires meters in all commercials. He continued by saying that there are commercial users who do not have meters and in turn Mr. Trombley from the Village will be installing those so that they can be charged accurately. He added that those commercial users will be charged at \$3.45 per thousand for the first 40,000 gallons and then \$4.50 per thousand over that.

Ms. Bruno inquired as to if those rates are the same as last year.

Supervisor Hotaling stated that they are the same and added that they also have the bond debt, which did increase.

Building Inspector Conrad interjected that what decreased overall on residential and commercial was the amount of operations and maintenance.

Supervisor Hotaling stated that last year during the budget process a Village Trustee questioned the sewer portion of the budget and added that he was concerned that it was under funded. He continued by saying that the budget was cut considerably from \$185,000 in 2005 to \$120,000 in 2006 to \$70,000 in 2007, which is very lean in terms of operation. He added that if he had kept it at \$185,000 or \$120,000, the operation and maintenance cost for users in the Hamlet would have sky rocketed even more. He concluded by saying that they have tried to reign it in as much as they can, recognizing that they have to run the plant and reiterated that it is on a very lean budget.

Ms. Bruno stated that she wanted to suggest that a committee be formed of the residents of the Hamlet Sewer District and added that not one member of the Town Board is a resident of the Hamlet but rather Ravena and Coeymans Hollow.

Supervisor Hotaling stated that the Hamlet residents have never been shy on giving ideas and added that he would still encourage that they do that. He continued by saying that he

would be happy to discuss her suggestion with Town Board members, which could funnel through some ideas to the Town Board.

Ms. Bruno stated that there were a number of concerned people that said they would not attend the Public Hearing because they said that nothing would be done.

Supervisor Hotaling stated that as a resident of the Village he would be happy to pay more because he thinks that it would be the right thing to do. He continued by saying that his colleagues in Coeymans Hollow are as committed to addressing the issue as anyone else is and added that they sit shoulder to shoulder representing the people in the Hamlet Sewer District and concluded by saying that they are clear on who their constituency is.

Ms. Bruno thanked the Town Board.

Supervisor Hotaling asked if there were any additional comments.

**Ms. Donna Pasquini** stated that she echoes Ms. Bruno's concerns and added that the residents of the Hamlet feel unrepresented by the Town Board. She continued by saying that they look at the Town Board and see the Village and the Hollow but they do not see any representation from the Hamlet and added that when it comes to the sewer they are the ones that actually get stuck year after year. She continued by inquiring as to if the contract with the Village is up in one year.

Supervisor Hotaling stated that he understands that the 1999 Agreement extended it until June 2008.

Ms. Pasquini inquired as to if anything can be done as far as them paying their fair share prior to that date.

Supervisor Hotaling stated that on that date there will be an opportunity for the Hamlet Sewer District to be more assertive in another contract. He continued by saying that he believes that before that date they will be able to come to some resolutions as far as fairness and equity on the cost.

Ms. Pasquini stated that she does not get that impression from the Village Trustees that she has spoken with. She reiterated that it is a major concern and added that there are a lot of homes that were foreclosed and continued by saying that the continuing rising costs are going to push a lot of home owners out. She went on to say that there are also the quality of life issues in the Hamlet and added that there are a lot of things that need improving. She continued by saying that the costs will be forcing some of the owners out and added that as a result there will be more landlords that do not care and will bring in bigger problems in addition to there being a lot more absentee landlords and problems. She concluded by saying that she is hoping that some way there will be a solution to keeping the sewer down until they can work with the Village and get them to pay their fair share and added that she does not understand the difference between 400 Town and 1200 Village users. She then asked as to who was on the Town Board when the agreement was done with the Village.

Town Attorney Rotello stated that there have been a number of contracts and the make up of the Town Board had changed every two years for a period of time. He added that there were Town Board members that were residents of the Hamlet Sewer District who took part in the negotiations when they went to the meter system and added that subsequently there was a renegotiation of the initial 1999 Agreement in 2000 or 2001 resulting in new Sewer Rates. He reiterated that there were representatives during that timeframe that sat on the Town Board from the Hamlet Sewer District. He concluded by saying that this particular Board regardless of their makeup has indicated on many occasions their commitment in attempting to create some parity with the Sewer Department.

Ms. Pasquini stated that the Hamlet situation is hurting and added that this increase is going to hurt a lot of people down there. She continued by saying that there are a lot of elderly people who own their homes and low income workers that are on strict budgets. She then thanked the Town Board.

Supervisor Hotaling asked if there were any additional comments.

**Mr. John Allen** stated that he wanted to thank the Town Board for reducing the operating budget of the Sewer Plant and added that he is concerned with the disparity in the rates. He continued by saying that what strikes him odd is that irrespective of how it is calculated and how the decisions are made about flow or meters, it is inconceivable to him that a house in the Village produces ¼ of the amount of waste that a house in the Hamlet does, which is the disparity in the Sewer Rates. He added that he would ask that the Town Board consider that once the moratorium is lifted on the expansion of new hook-ups that they institute an absolute moratorium on any new Village hook-ups until the disparity is corrected. He continued by saying that as Hamlet users bearing the brunt of the cost, there is great inequity and added that one of the ways to eliminate the inequity is to put an enticement agent for all parties to negotiate in good faith. He went on to say that there is no interest on the Village's part to change the rates for themselves until the contract expires and any new addendums to the contract expire. He continued by saying that people are annexing property into the Village to get the Village benefits and reiterated that the Town Board can put a stop to any expansion once the moratorium is lifted by putting a moratorium on the Village until the rate disparities are fixed. He concluded by saying that this is what he is asking that the Town Board do and added that he does not mind paying for the upgrades and costs of the bonds and continued by saying that he supports the efforts that the Town Board is making and added that he finds it unconscionable that the rates are so disparate between houses that are a couple of blocks apart.

Supervisor Hotaling stated that he is fairly confident that this time when they sit down with the Village it will be positive and added that the initial meeting was positive in the sense that Building Inspectors Conrad and Burns have been charged with working jointly together to ascertain a database that will be apples to apples, which will level the playing field with regard to the numbers. He continued by saying that once the numbers are identified they will clearly talk about a ratio between the Village and Town in terms of users and added that it will then be their job to work with the Village representative to find some common ground on those numbers and in turn seek a simple solution. He added that he does not believe that they necessarily need meters for flowing one way or the other because those numbers will be skewed by rain events.

Mr. Allen stated that this is his concern and added that his concern is also that all of this data base not wait and play it self out over years. He continued by saying that he would ask that if it is not an equitable relationship and they do not get an equitable rate, that they would institute a moratorium once the existing moratorium is lifted from any further expansion in the Village until the rates are corrected. He added that the rate of sewer a block apart should not be different for two houses of comparable size and continued by saying that he understands the household issue and how many people and units are in one dwelling versus another and went on to say that he applauds the effort and he is glad that they are doing that and not focusing on the meters. He concluded by saying that he wants to be sure that they are leveraging all of the resources to make it happen very rapidly and reiterated that if they cannot come to an equitable agreement that they are taking all efforts to make sure that there is a level playing field.

Supervisor Hotaling stated that he understands the platform from which Mr. Allen comes and added that he didn't want it to be a Village bashing Public Hearing.

Mr. Allen interjected that he was not trying to bash the Village.

Supervisor Hotaling stated that he believes that they are making progress at this point and added that he does not want to send a message either through Mr. Allen or anyone that might be listening that it is an us versus them kind of thing. He continued by saying that he believes that the Village has joined them in the effort to find some kind of resolution.

Mr. Allen stated that he is hearing him say that and added that he also wants them to hear that the residents of the Sewer District are very frustrated about the disparity and continued by reiterating that if it is not equalized they want him to take all steps to make sure that it is equalized including extending a moratorium on any further Village

expansion, which would give them some feeling that they are getting something out of the process rather than being the victims of however the calculation were done in the past. He concluded by saying that he believes that the calculation were done in good faith and added that things change and continued by saying that whomever did the calculations did not anticipate the kinds of changes that they are now operating under, which he is assuming how they got so out of whack.

Supervisor Hotaling stated that there were multiple reasons why it may have done that and added that some of it is the Town of Coeymans own making in terms of borrowing money and using it for operation costs, which is not the way to budget for a Sewer District.

Mr. Allen interjected that there is no question about that and added that the payment should be spread equitably amongst all of the users.

Supervisor Hotaling continued by saying that this kind of borrowing is coming back to bite them now in that those operational costs under the current practice is to bill the Village on a monthly basis for their share and get reimbursed. He continued by saying that the Village reimbursed for those shares on expenses and payments that were made from bond money and added that the Village legitimately says that they paid for the borrowed money already, which means that the Town is left with a fairly big debt service for which they are getting no contribution from Village residents, which adds to the burden of the debt portion of the rate.

Mr. Allen stated that he understands and then thanked the Town Board.

Supervisor Hotaling asked if there were any further comments.

**Mr. William Bruno** stated that he had some questions and continued by inquiring as to when the debt will be retired and if there are one or two debt notes.

Supervisor Hotaling stated that there a four debt notes, he continued by saying that the main one is \$500,000.

Mr. Bruno interjected that it will help when they are retired and added that he's sure that some of them are long-term and continued by saying that hopefully some of them are short-term.

Supervisor Hotaling stated that one of them is in excess of \$100,000; one is \$80,000, which is principal stuff and added that they are paying a combined total of \$30,000 with no contribution from the Village. He added that there is a Serial Bond from 1976, which is being retired this year and continued by saying that it was not the troublesome one because there is only \$9,000 principal left on it and \$450.00 worth of interest. He continued by saying that there are \$89,000 worth of principal payments to be made and \$26,920 in interest payments to be made and added that they are not made jointly by the Village and Town in all instances.

Mr. Bruno stated that he would suggest that the news media have the figures so people will be able to digest it and they will know where they stand and understand where the money is going and how long they will be responsible for it.

Supervisor Hotaling stated that to the extent possible, when he mentioned that he has \$245,000 in the dedicated fund out of the \$500,000 that they borrowed, the half that the Village is not responsible for and any principal left, he is looking for an opportunity to take the principal and buy down some of the other debts that are Hamlet District residents only. He continued by saying that whatever debt would be left would be truly a joint debt, which they could both settle and focus on resolving. He concluded by saying that he does not know what he is going to have left because it is too early to tell and added that right now they are starting a \$35,000 project for the aeration project.

Mr. Bruno stated that he agrees that no one should fault the Village for negotiating hard and getting a good rate, however it may have come to this point and added that their job

was to represent their taxpayers. He continued by saying that in going forth he does not understand the contract and added that the water compared to the sewer is a flat rate fee with commercial paying more and the sewer was negotiated differently many years ago. He went on to say that he assumes that they can't do that because they are talking about consumption and usage.

Supervisor Hotaling stated that he does not know if that would not be possible and added that he chooses not to look at that.

Mr. Bruno stated that it is nothing negative against the Village and added that it is ideas. He continued by saying that personally he feels that a moratorium as suggested by Mr. Allen is not the way to go because it will stunt growth of the Town and added that in order for the Hamlet to be a viable Sewer District they need growth. He went on to say that there have been discussions about the need for sewage treatment on the 9W corridor trailer parks in addition to the School District and added that it would be a long run to Coeymans but it would provide future growth to the District. He continued by saying that if the Town does not have the same number of customers or parity with the Village they are always going to be a bit behind the eight ball unless they do away with the percentage basis and go on another system. He concluded by saying that the Hamlet users are 25% of the operation and added that there must be some capacity for them and added that they are paying for more than half of the plant and added that any capacity that comes out of any work should go toward the Hamlet Sewer District and continued by saying with the work that they are doing and paying for they will get more capacity and in turn they should take it, consume it and expand the district because the Village is doing fine with their rates and there would still be room for them as well with the areas that they are looking for develop.

Supervisor Hotaling stated that DEC has not talked about the upgrades to be related to an increase in the capacity and added that the capacity is still 820,000 gallons a day, which was approved by DEC. He continued by saying that on moderate rain days they exceed one million, medium rain days they go over two million and added that they have even gone over three million, which is due to a lot of inflow and infiltration in the system. He concluded by saying that he thinks that because of the upgrades they are beginning to demonstrate to DEC that they can handle about 2.2 million gallons a day and added that DEC is not looking at the upgrade to relax the moratorium and increase the plant capacity but they are requesting that they do.

Mr. Bruno reiterated that any increased capacity should come to the Hamlet Sewer District and added that they might even be able to sell it to another community. He continued by saying that it would be excess capacity that they have for future potential growth that, which would be there for the Hamlet Sewer District to use. He went on to say that the bottom line is that they need new customers and added that it could mean coming from north Coeymans, the 9W corridor or talking to New Baltimore about them coming in with the Town. He concluded by saying that they need to find a solution and they need to negotiate with the Village to make it a more equitable balance between the two communities and if this cannot be done an alternative may be more users. He then thanked the Town Board

Supervisor Hotaling stated that he has the 2007 maturity schedule for the debt and reiterated that the Sewer Construction is retired this year with a payment of \$9,000 principal and \$450.00 worth of interest. He continued by saying that in addition to the \$500,000 debt for the improvements there are three other Sewer District BANS, one with an outstanding principal, after a \$17,000 payment in 2007, of \$75,000 in addition to after a \$18,700 payment in 2007 there will be a \$90,000 balance and after a \$12,100 payment in 2007 there will be a \$50,000 balance, which is a total of \$215,000 of sewer debt in principal at the end of 2007, which is the total responsibility of the people in the Hamlet Sewer District. He added that in addition to that after a \$67,850 payment there will be a \$450,000 balance in principal on the joint debt between the Village and Town. He concluded by saying that he would share the information with Mr. Tom Tucker from the News Herald.

Supervisor Hotaling asked if there were any further comments.

**Mr. Laverne Conrad**, former Councilman and present Building Inspector stated that he had served on the Town Board and added that he too is a user of the Coeymans Hamlet Sewer District. He continued by saying that in representing the Sewer District he has an interest because he too is paying the extravagant cost. He added that he wanted to clarify what Supervisor Hotaling had said and continued by saying that he feels as though the Town and Village, based on the last meeting, has shown some promise to try and work out what everyone has referred to as a fair system. He went on to say that the unfair system is not any one Board's responsibility and added that it goes back to 1967. He continued by saying that the main problem is the bonding set-up, which was done when they felt that all of the bonding was going to be borne by the Town of Coeymans and added that in actuality the Village only paid at one point 20-30% when it first came out. He went on to say that when it was structured over the years it raised slowly to 46.2% and currently the Village still only pays 50% of the bonding, when in fact all of the growth since 1968 has been in the Village. He continued by saying that there are actually 306 parcels in the Hamlet Sewer District that are paying toward the bond with 949 of 1,110 parcels in the Village that are paying for sewer and of that 1,110 parcels some of the vacant lots do not pay any sewer at all and added that the vacant lots in the Hamlet District do pay. He went on to say that these are some of the things that contribute to the unfairness in the bonding and added that it is the bonding that has gotten everyone in trouble over the years and added that when the McHugh annexation happened it was changed from 60% Village - 40% Town to 65% Village – 35% Town for operation and maintenance, which got them closer to where they should be. He continued by saying that the reason for this was that the McHugh sub-division was 22 lots and when they looked at it and saw what has been going on since 1970, when they did their survey, the Town of Coeymans would base it on units and has 441 units and they have estimated the Village to be at 1,628 units, which made them believe that the growth has been primarily in the Village and added that there have been 600 new homes since 1970 vs. the Hamlet with approximately 50 new homes. He went on by saying these are the issues that have been the point in the negotiations between the Town and Village and added that he has felt good that the Village is looking at a fair system understanding some of the facts, which they are still trying to work out. He continued by saying that the contract over the flow expired at the end of last year and added that they are still working at trying to get the rates negotiated and added that it has caused a dilemma with the rates and added that hopefully by June of this year they will have a newly negotiated agreement, which will fix some of the problems. He reiterated that he is from the Sewer District and added that in him they do have representation and continued by saying that he has done a lot of research and they have spent a lot of hours on it as a Board. He concluded by saying that there is a limited amount that they can do and added that they have to work within the context of the contract itself and continued by saying that hopefully they will reach a new agreement. He then thanked the Town Board.

Supervisor Hotaling stated that the Public Hearing's time had run over into the second Public Hearing and added that it was with good cause. He continued by asking if there were any additional comments.

Councilwoman Chmielewski interjected that she takes offense to the comments about what Ms. Bruno and Ms. Pasquini had said about no one from the Town Board residing in the Hamlet. She continued by saying that a few years ago there were three people on the Town Board from the Hamlet and added that at that time they could have voted to put the job out to bid with a lower rate of indebtedness, which they didn't do and added that one year when three of them were sitting on the Board they lowered the rate. She concluded by saying that this Town Board has taken the bull by the horns and has done what they have to do to get the Sewer Plant back in compliance and have all of the problems solved and added that she knows that it is a lot of money and continued by saying that if she was a resident she still would have voted for and done the things that they have done.

Supervisor Hotaling stated that some people had just arrived and added that he understands that there was some confusion in an article in the paper that seemed to suggest that the Sewer Rate Public Hearing was going to commence at 7:00pm, which actually commenced at 6:00pm. He continued by saying those that just arrived would be given the opportunity to make comment because they had not closed the Public Hearing.



He concluded by asking if any of the new arrivals had any comments about the Sewer Rates. Hearing no further comments he asked for a motion to adjourn the Public Hearing.

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**MOTION**

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

VOTE – AYES 4 – NAYS 0 – SO MOVED

Time: 6:55pm

*Respectfully Submitted,*

**SO MOVED:**

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*Diane L. Millious, Town Clerk*

**A Special Town Board Meeting was held Wednesday, January 10, 2007 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

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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 in the News Herald 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 the purpose of discussing comments heard at the Public Hearings, establishing Sewer Rates for 2007, adopting or amending Local Law I of 2007 and conducting additional Town business. The meeting will be held 7:00pm on Wednesday, January 10, 2007 at 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 that the record should reflect that due to the Public Hearings the Special Town Board Meeting commenced at 7:20pm. He continued by saying that the record should also reflect that there is a full Town Board in addition to Town Clerk Millious and Town Attorney Rotello. He continued by saying that since the Notice of Special Meeting was promulgated for the two Public Hearing issues, there were other topics that came before them and he felt that they should be placed on the agenda as well given the fact that the next meeting is January 22, 2007. He continued by giving an overview of the agenda.

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**OVERVIEW OF AGENDA**

- Public Comment
- Approval of Minutes
  - Town Board Workshop, December 19, 2006
- Old Business Update & Discussion
  - Local Government Records Management Improvement Fund Grant - Construction of Records Room
  - Economic Development Committee - Update
- New Business Topics for Discussion and/or Action
  - NYS DEC Requested I&I Report 2006
  - Special Counsel for Zoning Board of Appeals

- Resignation of Court Clerk
- Authorization to Hire Grants Writer for SARA Grant
- Planning Board Request for Conference Attendance
- Resolutions
  - Appointment of Part-Time Clerk
  - Appointment of Seasonal Equipment Operator I
  - Establishment of Sewer Rates for January & June 2007
  - Adoption of Local Law #1-2007
  - Annual Accounting
- Correspondence
  - Assemblyman Tim Gordon
- Town Board Workshops/Meetings
  - January 16, 2007, Town Board Workshop, 7pm
  - January 16, 2007, Public Information Meeting-Proposed Zoning Changes, 7pm
  - January 22, 2007, Town Board Meeting, 7pm

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## **PUBLIC COMMENT**

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

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## **APPROVAL OF MINUTES**

Supervisor Hotaling asked for a motion to approve the minutes of the Workshop on December 19, 2007.

## **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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## **OLD BUSINESS**

### **Local Government Records Management Improvement Fund Grant – Construction of Records Room**

Supervisor Hotaling stated that Town Clerk Millious had presented to the Town Board an opportunity to award the job for the construction phase of the Records Management Grant to the low quoter. He added that there had been discussion regarding the possible need for it going out to bid and in turn Town Clerk Millious had contacted the State Comptroller's Office. He continued by saying that he was in receipt of a memorandum from Town Clerk Millious dated 12-28-06 along with supporting documents that indicate that they can award the low quote because it was consistent with the grant application and part of the grant award. He then asked for a motion to award the construction portion of the Records Management Grant to the low quoter, T&T Builders in the amount of \$14,200.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, accepting the low quote of \$14,200 for construction of the Records Room.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling asked that Town Clerk Millious contact T&T Builders and advise that they can start the project.

## **Economic Development Committee Update**

Supervisor Hotaling stated that Councilman Boehm requested that an update to the Economic Development Committee be included on the agenda. He then asked that Councilman Boehm give an update.

Councilman Boehm stated that Nicole Allen from Laberge had attended the last meeting, which was very lightly attended and continued by saying that there is a need for more community input in developing a strategy. He added that the next meeting will be February 7<sup>th</sup> at 6:30pm at Town Hall and continued by encouraging anyone interested members of the community to attend the meeting.

Supervisor Hotaling interjected that there will also be a Workshop, which has been converted to an Informational Meeting regarding the Comprehensive Plan on January 16, 2007 at 6pm.

Councilman Boehm stated that Ms. Nicole Allen will be present and she will be giving an update on the proposed zoning changes and maps and added that they are looking to simplify the zoning. He continued by saying that maps will be available for viewing and added that the public will be able to give input.

Supervisor Hotaling stated that the effort with respect to the modification of the Zoning Code/Ordinance is a result of the Comprehensive Plan, which they instituted in the Town of Coeymans recently and added that the Plan sets forth a path for the future, which would be complicated if the existing Code was not looked at and changed. He continued by saying that they have spent several months in a joint effort of the Zoning and Planning Boards, Town Board and members of the public contributing toward the modification of the Zoning Ordinance and added that a proposed draft of it will be ready on January 16<sup>th</sup> and they will be devoting the entire Workshop to that. He concluded by saying that they value the input of the community and continued by encouraging involvement.

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## **NEW BUSINESS**

### **NYS DEC Requested I&I Report 2006**

Supervisor Hotaling stated that they are required to do an I&I Report based upon the moratorium that occurred in the Sewer District in 2002 and added that the report of 2006 will reflect the improvements that they have made in the system. He continued by saying that they will calculate in an engineering way their best estimate of how much I&I they have taken out of the system, which freed up an opportunity for hook-ups in the Hamlet if the opportunity arises. He added that they are in a position to demonstrate to DEC that they have taken a considerable amount of I&I out of the system and as a result he has asked that Ed Vopelak, Engineer for C.T. Male, send a proposal for him to do the I&I Report, which he will present to the Town Board at the next meeting on January 22<sup>nd</sup>. He concluded by saying that upon review he hoped that the Town Board would authorize him to engage with C.T. Male to prepare the report.

### **Special Council for Zoning Board of Appeals**

Supervisor Hotaling stated that there was a recent Zoning Board of Appeals Public Hearing on the issue of a business proposal in the Coeymans Hollow area, which filled Town Hall and required several hours for everyone to speak and raise their concerns. He added that the Town has lost the services of Mr. Andrew Brick from a Zoning Board of Appeals prospective advisory counsel and as a result the Zoning Board has requested special counsel on this particular case because they need guidance to make an appropriate decision based on all of the facts. He continued by saying that he had sought a proposal from Mr. David Wukitsch from the law firm McNamee, Lochner, Titus & Williams, which indicated that he will bill at a discounted hourly rate of \$185.00 per hour. He concluded by saying that his advice will be very helpful to the Zoning Board of Appeals and then asked for a motion authorizing him to sign the proposal.

Town Attorney Rotello interjected that it might be more appropriate for him to execute it as Town Attorney since he would be considered Special Counsel.

Supervisor Hotaling agreed that it would be a better way to do it and added that Town Attorney Rotello should be the one executing the proposal.

Town Attorney interjected that it could be both of them.

Councilman Boehm inquired as to what Town Attorney Rotello's experience has been with the firm and why he suggested Mr. Wukitsch.

Town Attorney Rotello stated that Mr. Wukitsch came upon the recommendation of Mr. Kerry Marsh, Chairman of the Zoning Board of Appeals and added that Mr. Marsh, as an attorney had worked with Mr. Wukitsch in the past. He continued by saying that one of the areas of Mr. Wukitsch's practice is Municipal Law in addition to him being the Town Attorney for New Baltimore and added that he has extensive experience in zoning in the municipal arena. He concluded by saying that he also was recommended by Building Inspector Conrad and added that he has worked with him on a number of municipal issues and he and his firm has represented the Town in the past.

Councilman Boehm stated that this is an important component of the Comprehensive Plan and added that he had attended the Public Hearing on the Special Use Permit for Mr. Krzykowski and continued by saying that there were 40+ in attendance that had voiced their concerns. He added that it is important that they move forward and no mistakes are made and added that there is no place for something like that out there within the Comprehensive Plan and continued by saying that hiring Mr. Wukitsch is a great idea.

Supervisor Hotaling asked for a motion authorizing him along with Town Attorney Rotello to execute the proposal.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, accepting the proposal of Mr. Wukitsch for Special Counsel for the Zoning Board of Appeals on the case currently before them.

VOTE – AYES 3 – NAYS 0 – ABSTAIN 1 – SO MOVED

Councilwoman Chmielewski stated that she wished to abstain from the vote because Mr. Wukitsch does not pre-date her time with the Town.

## **Resignation of Court Clerk**

Supervisor Hotaling stated that he was in receipt of a resignation from Court Clerk Luchkiw. He added that she was hired by the Town Board in September 2006 and was learning the job and had also gone for training. He continued by saying that there is a letter indicating that she is moving on to help further her career and continued by reading the following:

December 28, 2006

Judge George Dardani  
Judge Virginia Pearson

It is with both regret and anticipation that I submit this letter of resignation, effective January 12, 2007.

I have decided that it is time to move on and I have accepted a position with the New York State Comptroller's Office, granting me to further my career.

This was not an easy decision for me and took a lot of consideration. Thank you for giving me the opportunity to work here.

Please be assured that I will do all I can to assist in the smooth transfer of my responsibilities before leaving.

Sincerely,

Rachelle Luchkiw

cc: Ronald Hotaling, Town Supervisor

Supervisor Hotaling asked for a motion to accept the resignation.

### **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the resignation was accepted. VOTE – AYES 4 – NAYS 0 – SO MOVED

Councilman Boehm inquired as to if there has been any indication that the position would be filled right away.

Supervisor Hotaling stated that there have been contacts made between the Justices and himself about posting the position.

### **Authorization to Hire Grants Writer for SARA Grant**

Supervisor Hotaling stated that Building Inspector Conrad has advocated GIS as the next step in allowing them and giving them the tools to assist in the implementation of the Comprehensive Planning. He continued by saying that there is a Grant that is comparatively easily attainable and added that some leg work is involved in terms of writing it and in turn they have received a quote for writing the grant from Ed Vopelak from C.T. Male in the amount of \$2,400. He concluded by saying that he was looking for authorization from the Town Board to hire the grant writer to do the needs assessment for the SARA Grant for Phase I. He then asked that Building Inspector Conrad explain the process.

Building Inspector Conrad stated that the first step is a needs assessment to determine the whole grant money and added that he has been in contact with Mr. Andy Raymond from New York State Archives and continued by saying that he will be engaging in some more conversation with him as far as to how to proceed with this to make sure that they are headed in the right direction.

Supervisor Hotaling interjected that they need to hire a Grant Writer to establish a needs assessment.

Building Inspector Conrad stated that they are on a tight schedule and may run into some problems and added that they are currently on track.

Supervisor Hotaling asked if it is his recommendation that a Grant Writer be hired.

Building Inspector Conrad stated that he would recommend that they authorize the Supervisor to hire a Grant Writer in lieu of the fact that the grant has to be in by February 1<sup>st</sup> and added that based on additional conversation with Mr. Raymond it may or may not come to fruition.

Supervisor Hotaling stated that the motion that is being suggested is to authorize him, if necessary, to engage the services of a Grant Writer based upon the outcome of the discussion with Mr. Raymond.

Councilman Boehm inquired as to what the cost would be.

Supervisor Hotaling stated that it would not exceed \$2,400.

Councilwoman Chmielewski inquired as to if the Grant Writer would be Mr. Vopelak.

Building Inspector Conrad stated that the Grant Writer would be Mr. Moss from the firm of C.T. Male.

Supervisor Hotaling stated that he wanted to remind the Board that in the budget for 2007 there is a \$6,000 appropriation for a Grant Writer.

Building Inspector Conrad stated that there were actually two applications for a Grant Writer but the second one was \$3,000.

Supervisor Hotaling stated that of the two the lowest was chosen.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing the Supervisor to hire a Grant Writer from the firm of C.T. Male not to exceed \$2,400 with the stipulation that they are going to continue working with New York State Archives.

VOTE – AYES 4 – NAYS 0 – SO MOVED

## **Planning Board Request for Conference Attendance**

Supervisor Hotaling stated that he was in receipt of a memo sent to him by the Building Department Clerk earlier in the day. He continued by saying that there is an upcoming conference “Sustainable Development II: Strategies for Growth in the Capital Region” and added that it will be held at Union College in Schenectady and is \$25.00 per person. He went on to say that three members of the Planning Board wanted to attend, Chairman Peter Foronda, Vice-Chairman Cynthia Kunz and David Ross and continued by saying that this is an extension of what the Town Board has asked them to do in becoming more engaged in the Comprehensive Planning, which is a very intricate and involved matter and added that this type training will assist them. He concluded by saying that the \$25.00 will cover the conference as well as lunch in addition to encouraging them to carpool.

Building Inspector Conrad interjected that there is a Town vehicle for them to use.

Supervisor Hotaling stated that the attendance would allow the attendee to put in for a Workshop attendance, which is \$40.00.

Building Inspector Conrad interjected that there is a new requirement that Planning and Zoning Board Members have to have a 4 hour minimum requirement for training and added that this will satisfy that requirement for those attending.

Supervisor Hotaling asked for a motion authorizing attendance at the conference.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, allowing the three Planning Board members to attend the conference.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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## **RESOLUTIONS**

### **RES. #029-07 APPOINT PART-TIME CLERK, HIGHWAY DEPARTMENT**

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 clerical vacancy created by resignation of Jennifer VanAlstyne in November 2006, and

**WHEREAS**, the Superintendent has publicly advertised and interviewed several applicants for this position, and

**WHEREAS**, the Albany County Department of Civil Service has reviewed and approved the candidate's qualifications, and

**WHEREAS**, the Superintendent 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 Ella L. Ruso to the position of part-time Clerk I, at the hourly rate of \$10.65, effective immediately.

**RES. #030-07 APPOINT SEASONAL EQUIPMENT OPERATOR I**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – 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 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 Superintendent of Highways has confirmed the candidate meets minimum qualifications for appointment,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorizes the appointment of Lewis S. Stone to the position of Seasonal Equipment Operator I, effective immediately, contingent upon successful pre-employment testing, and at the hourly rate of \$13.76 commensurate with the Union Agreement.

Councilman Boehm inquired as to if this hire will bring the Highway Department up to the number of seasonal employees that Highway Superintendent Deering would like.

Collectively it was decided that two were previously hired.

**RES. #031-07 ESTABLISH SEWER RATES**

On motion of Supervisor Hotaling, 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 is required to establish Sewer Rates for 2007, and

**WHEREAS**, the Town Board billing process is to separate funding necessary for debt from funding necessary for operation and maintenance, and

**WHEREAS**, a Public Hearing on the proposed Sewer Rates was held at 6:00pm, on January 10, 2007 pursuant to Section 452 of the General Municipal Law, and

**WHEREAS**, the Town Board considers the number of uses per parcel to calculate the parcel billing for operation and maintenance and each use is charged \$110.00, and

**WHEREAS**, the Town Board has further determined that each parcel shall be charged \$141.70 for debt service, and

**WHEREAS**, the Town Board has further determined that water usage for commercial meter rate customers to be \$3.45 per 1,000 gallons up to \$40,000 gallons with a minimum of \$110.50 per unit per billing cycle and \$4.50 per 1,000 gallons over \$40,000 gallons of usage, and

**WHEREAS**, the Town Board establishes a late penalty of 10% to be imposed on all balances as of February 15, 2007 in the first billing cycle.



**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the Town Clerk to collect for the first billing cycle of 2007, pursuant to the above established rules, and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes Town Clerk Diane Millious to collect a total sewer warrant of \$99,764.49 for the first half plus late fees.

Supervisor Hotaling stated that the resolution represents the presentation earlier at the Public Hearing prior to the meeting. He added that after hearing the comments and concerns, which were well intended, there is no way that the rates can be reduced at this juncture.

Councilwoman Chmielewski inquired as to if the bills are ready to go out.

Supervisor Hotaling stated that they are and added that ordinarily they are out by January 1<sup>st</sup>, which would make them due by February 1<sup>st</sup> without penalty. He added that the resolution provides the opportunity to make payment until February 15<sup>th</sup> without penalty.

**RES. #032-07 ADOPT LOCAL LAW #1-2007**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Coeymans for a Public Hearing to be held on January 10, 2007 at 6:30pm at Town Hall to hear all interested parties on a propose Local Law entitled “A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code”, and

**WHEREAS**, Notice of said Public Hearing was duly advertised in the official newspaper of the Town, and

**WHEREAS**, said Public Hearing was held on January 10, 2007, at 6:30PM AT Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof, and

**WHEREAS**, the Town Board of the Town of Coeymans after due deliberation, finds it in the best interest of said Town to adopt said Local Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby adopts Local Law #1-2007 entitled “A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code”, a copy of which is attached hereto and made a part of this resolution, and

**BE IT FURTHER RESOLVED**, that the Town Clerk is directed to enter said Local Law and minutes of this meeting in the Local Law Book of the Town of Coeymans, and to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

**RES. #033-07 DIRECT TOWN OFFICERS AND EMPLOYEES TO TURN OVER ALL PERTINENT BOOKS AND RECORDS FOR AUDIT**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, Town Law Sections 62 and 123 require an annual accounting of all receipts and disbursements for the fiscal year, and

**WHEREAS**, the Town Board is responsible for the conduct of such audit, and

**WHEREAS**, all pertinent books and records for such audit must be turned over to the Town Board on or before January 20, 2007,

**NOW, THEREFORE, BE IT RESOVED**, that the Town Board directs all Town officers and employees, except Town Justices to file detailed statements of all receipts and disbursements for fiscal year 2006, and further directs the production of all pertinent books and records for audit, and

**BE IT FURTHER RESOLVED**, that the Town Board directs each Town Justice to produce their dockets for examination on or before January 20, 2007.

Supervisor Hotaling reiterated that this is pursuant to Town Law requiring annual audits and added that the last two years they had engaged Marvin & Company and added that because of the annotations of internal control needs they are now comfortable in taking back the responsibility of performing the audit.

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## **CORRESPONDENCE**

### **Assemblyman Tim Gordon**

Supervisor Hotaling stated that he got a correspondence earlier in the day from Assemblyman Tim Gordon inviting him to a Regional Housing Action Day on Tuesday, January 16<sup>th</sup> and continued by saying that on that day he will be involved with contract negotiations with CSEA. He then extended the invitation to any other Board member who might have the opportunity to attend and if so they should let him know so he can RSVP. He concluded by saying that ARISE (A Regional Initiative Supportive Empowerment) planned the event to shape a new agenda for revitalization and affordable housing in the Capital Region in New York State.

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## **TOWN BOARD WORKSHOPS/MEETINGS**

- January 16, 2007 – Town Board Workshop, 6pm
- January 16, 2007 – Public Information Meeting re: Proposed Zoning Changes, 7pm-9pm
- January 22, 2007 – Town Board Meeting, 7pm

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## **ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Councilman Boehm stated that he wanted to reiterate the importance of attendance at the January 16<sup>th</sup> Informational Meeting regarding the Proposed Zoning Changes and added that it is a good opportunity for public input.

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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 4 – NAYS 0 – SO MOVED

Time: 8:03pm

*Respectfully Submitted,*

**APPROVED:**

Diane L. Millious, Town Clerk

**A Special Informational Meeting was held Tuesday, January 16, 2007 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 Boehm, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Joseph Rotello, Town Attorney  
Laverne Conrad, Building Inspector  
Cynthia Kunz, Vice-Chairman – Planning Board  
David Ross, Planning Board  
Sarah Hafensteiner, Zoning Board

**ABSENT:** Peter Foronda, Chairman – Planning Board  
Kerry Marsh, Chairman – Zoning Board  
Gerald McDonald, Zoning Board  
Patrick Brown, Zoning Board  
Wayne Flach, Zoning Board  
Laurie Felter, Planning Board  
Richard Cumm, Planning Board  
Winthrop Irwin, Planning Board  
Joseph Kapusta, Planning Board

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The following Notice appeared in the News Herald and at various locations throughout the Town.

**LEGAL NOTICE  
PUBLIC INFORMATION MEETING  
ZONING ORDINANCE UPDATE**

The Town of Coeymans will facilitate a Public Informational Meeting as an opportunity for residents to review and provide input on the Draft Zoning Ordinance for the Town. The purpose of this meeting is to introduce and discuss the planning process date, the draft zoning map, the boundaries and intent of the draft zoning districts, and the proposed uses for each district. The revisions to the Zoning Ordinance are a result of the recent adoption of the Town’s Comprehensive Plan.

The Public Informational Meeting will be as follows:

Date: January 16, 2007  
Time: 7:00pm  
Location: Town Hall  
18 Russell Avenue  
Ravena, NY 12143

All residents, property owners, civic groups, business owners, community leaders, and all interested stakeholders are welcome to participate. An electronic copy of the Draft Zoning Map and Draft Schedule of Uses and Off Street Parking Requirements can be downloaded from the Town’s website at <http://www.coeymans.org> . Paper copies are available at Town Hall, 18 Russell Avenue, Ravena, New York 12143 and at the R-C-S Community Library, 15 Mountain Road, Ravena, New York 12143.

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

**SUPERVISOR’S OPENING COMMENTS**

Supervisor Hotaling stated that most of those present had attended and participated in Workshops or Economic Development Meetings and added that he appreciated that they were at the Informational Meeting. He continued by saying that they worked feverishly trying to fill Town Hall for the meeting by way of announcements and added that the meeting was to present to the public and obtain public input for the proposed Zoning Ordinance, which is the product of the Joint Workshops between the Town Board, Planning Board and Zoning Board of Appeals in addition to some ancillary information provided by the Economic Development Committee. He went on to say that Nicole Allen, Senior Planner from Laberge and staff have put together the result of those Workshops and will be presenting it.

**NICOLE ALLEN’S OPENING COMMENTS**

Ms. Allen introduced herself as a Senior Planner for Laberge and added that they have been working with the Town in putting together zoning recommendations and updates to the zoning. She continued by saying that they have been working with the Town Board, Planning Board and Zoning Board of Appeals and added that everyone has been included for providing feedback throughout the process in order to get an understanding as to what the problems are and what they have been faced with the current Code and in turn they will be making revisions. She went on to say that she would be going over why zoning is necessary in addition to a basic zoning model and what goes in the Code and added that she will then present the Draft Zoning Districts, the map, and uses for each district and in turn hopefully get some feedback from the public as far as what their thoughts are and what changes should be made.

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**ZONING DISCUSSION**

Ms. Allen stated that zoning is intended to protect and further advance the goals that are in the Comprehensive Plan, which was adopted in September 2006 and added that one of the strategies of the Comprehensive Plan was to update the Zoning Ordinance. She continued by saying that part of the Comprehensive Plan is to preserve and enhance the quality of the residential neighborhoods, protect the public health and safety, protect the open space and historic resources and manage future development and added that as they go forward with the zoning recommendations they need to look at all of those resources and be able to best manage how they want to grow in the future. She went on to say that the basic Zoning Ordinance is going to be very similar to the one that the Town currently has and will have general provisions, title, authority, zoning district regulations, special development standards, administration and enforcement, definitions and map.

**District Breakdown and Review of Map**

Ms. Allen reviewed the map, which has been drafted to date and added that there is a Residential/Agricultural District (RA), Residential Low-Density District (RL), Riverfront Community District (RC), Commercial District (C), Industrial General District (IG) and Planned Development District (PDD). She added that the Planned Development District is a floating district and it is not a mapped district to date and is not on the map. She continued by saying that one of the key components of doing the Zoning Ordinance is to define what is the intent is for each district and added that then the Planning Board and Zoning Board of Appeals can look at the district intent and understand whether or not uses are intended for particular districts. She continued by reading the intent for the Agricultural/Residential District as follows:

**Agricultural Residential District** – Areas of the Town designated under this district are characterized as important agricultural areas often having historic structures defined as those being 100 years or older to be protected and preserved. As identified in the Comprehensive Plan and vision for the Town, the Agricultural Residential District’s intent is to support and protect farming by stabilizing the agricultural land base. The

agriculture zone is designed specifically to protect farmland as a non-renewable resource for future generations.

Ms. Allen continued by saying that the table of specific uses contains a “P”, which stands for permitted and “SP”, which stands for specially permitted and added that all uses other than single and two-family would require a Site Plan Application and if it is a specially permitted use there would be additional requirements to satisfy the Planning Board in assuring that there are not going to be negative impacts on the adjacent property and added that is a safety net for the Planning Board to look at to insure that the standards are being met. She continued by saying that there are a lot of specially permitted uses and primarily the permitted uses are agriculture and one and two family homes. Zoning Board Member Hafensteiner inquired about a transportation terminal being a specially permitted use.

Tape change – some dialect lost.

Ms. Allen stated that she did not believe that it was for a negative reason but rather because of the space available.

Supervisor Hotaling stated that the effort of the three Boards was to take a look at all of the uses and get input from everyone as to where they would be appropriate uses.

Building Inspector Conrad stated that a transportation terminal is permitted in the Commercial and Industrial Districts.

Supervisor Hotaling stated that he believes that the thought on transfer stations was that they are talking about areas such as where the previous landfill was and there is a possibility of one being in the R/A District with a Special Permit and added that if they were ever to get a Transfer Station it would not likely be in the Rte. 9W, Rte. 144 or Rte. 101 corridor. He reiterated that it would be more likely to be in the area of the former landfill and added that he is not saying that they are going to get one or in the market for one. He concluded by saying that conceptually it would be a possibility in the R/A District with a Special Use Permit.

Building Inspector Conrad interjected that a Transfer Special is only by Special Use Permit in three districts.

Supervisor Hotaling stated that the uses in each District are the result of the input from the members of the three Boards who have attended the meetings.

Town Attorney Rotello interjected that for clarification purposes anyone with an existing use such as a Riding Academy, which is a use that would now require a Special Use Permit; if it is already being used as such it would not have to come before the Board.

Ms. Allen stated that if it is a use that is not even listed it would be grandfathered in as long as you continue to operate the non-conforming use and added that you would have all rights related to it as long as you continue to use the property as originally used. She continued by saying that the only time that a use becomes not permitted is when it becomes dormant or vacant for over a year and added that you would then have to come before the Planning Board and get a Site Plan, Special Use Permit or variance if it is not permitted at all. She added that the Residential Low-Density District was intended primarily to encourage single-family and two-family and continued by reading the District intent as follows:

**Residential Low Density District** - Areas of the Town designated under this District are characterized by traditional single-family and two-family residential development, the neighborhoods often have historic structures defined as being 100 years or older. The purpose of the District is to ensure that the character of these rural neighborhoods is protected.

Ms. Allen stated that they looked at the uses and added that it is a smaller condensed list of uses for that area. She continued by saying that it is primarily focused on the

residential components and residential uses and added that there are some additional mixes with regard to daycare, Bed & Breakfasts as well as some agriculture uses that were in the Residential/Agricultural District. She then asked if there were any questions with regard to the District.

Councilman Boehm inquired as to what accessory uses were.

Ms. Allen stated that accessory uses are generally a garage or some type of structure that is not the principal use of the property, which would be secondary in nature and considered an ancillary building. She continued by reading the proposed District intent for the Riverfront Community District as follows:

**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, 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 historic resources are protected. Careful consideration will be given to architectural design, building form and signage to ensure new development retains the District with quality and unique identity.

Ms. Allen stated that they have looked at this District as an opportunity to create some unique uses and opportunities within the Town and added that it does not appear that way right now. She continued by saying that in the near future by adjusting the zoning they can create some mixed-used opportunities such as retail on the first floor and residential on the second floor. She added that the goal is to create a destination place for Coeymans and continued by saying that there is an expansive area, which does not include the Hamlet that is vacant property, which can be an expansion of the District and would afford some unique opportunities for uses.

Ms. Kunz stated that they had talked about some sort of design guidelines as to what the buildings would have to look like and continued by saying that it should be written in stone that anything that goes on the Rte. 143 corridor or Rte. 144 corridor should look like it belongs.

Ms. Allen stated that in the district intent, it emphasizes that there are development standards including the buffering and compatibility with historic structures in the area, which has set up the ground work for adopting the design standards. She continued by saying that in order to regulate the design guidelines something has to be in place so everything builds on each other and in adopting it, it would be set in stone. She added that it came up at the Economic Development Committee Meeting and it was discussed that it should be both sides of Main Street as you go down the corridor and then asked if there were any comments or feedback on that.

Zoning Board Member Hafensteiner stated that with Architectural Design Standards it would be a shame to create a district where one side does not match the other and added that it does not make sense not to capture the other side at the same time. She continued by saying that there are some beautiful and significant houses on both sides and added that it would be important to maintain the character all the way down the corridor.

Ms. Allen stated that it would not create the gateway that they are trying to achieve.

Zoning Board Member Hafensteiner stated that only one side of the road would not be a gateway.

Ms. Allen continued by defining the Commercial District Intent as follows:

**Commercial 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.

Ms. Allen continued by saying that the Commercial District was primarily Rte. 9W and it has been expanded to Rte. 101, which affords some unique opportunities for a business park or larger commercial use areas. She added that there have also been some comments about expanding three parcels by the diner in addition to the Kinley farm.

Mr. Jon Audietis inquired about agricultural retail and roadside stand or farm stand being permitted but general farming and market gardening by Special Permit in addition to asking why special events are not permitted at all.

Ms. Allen stated that special events as defined by the Town were larger in nature.

Building Inspector Conrad interjected that it would be mass gatherings.

Mr. Audietis inquired about having something as simple as a Fall Festival.

Building Inspector Conrad stated that it would depend on how it is defined.

Ms. Allen asked if there were any further questions or comments.

Mr. Audietis stated that a Riding Academy is also another agricultural type item that is not permitted.

Zoning Board Member Hafensteiner questioned why it would not be permitted.

Ms. Allen stated that she believes that a Riding Academy specifically requires a greater amount of space.

Building Inspector Conrad stated that they have tried to enlarge the Commercial District and added that they have had some variations as far as what should and should not be permitted.

Mr. Audietis stated that outdoor storage and sales is also not permitted.

Building Inspector Conrad stated that it would depend what is classified as outdoor storage.

Zoning Board Member Hafensteiner reiterated that she does not understand why a Riding Academy would not be a permitted use or by a Special Use Permit.

Mr. Audietis stated that a golf course also is not permitted and added that there are large tracts of land that are commercial.

Councilwoman Chmielewski stated that traffic in a Commercial District could be an issue with some of these uses and added that they tried to keep things such as a golf course out in the country.

Ms. Allen agreed that traffic could be an issue.

Building Inspector Conrad stated that the Residential/Agricultural and Commercial Districts are very controversial and added that he does not believe that they have resolved some of the issues. He continued by saying that he has had some serious concerns where the Industrial and Residential/Agricultural have collided, such as some of the property owned by Callanan Industries on Bushendorf Road and added that it has been discussed and other issues have arisen about the conflicting uses back and forth. He went on to say that farming in general is a commercial business and added that in the Residential/Agricultural District in the Coeymans Hollow area farming is fine but they don't want business to interact with the farming and continued by saying that on the other hand where there is a Commercial District some farming is commercial. He continued by saying that Mr. Audietis is looking to open a retail stand along Rte. 9W in addition to



Eck's on Rte. 144 wanting to open up an operations similar to Blackhorse Farms and added that the area is now going to be a Residential/Low Density District. He reiterated that there are several conflicts that need to be worked out and added that if they are looking at farming in the Commercial District they have to distinguish farming in Residential/Agricultural District and added that they have to be very careful with what they permit and don't permit. He continued by saying that he agrees that there are some problems with the way that it is set up and added that they have to be careful with the uses and then referenced Mr. Biers property on Rte. 32 where the neighbors are upset about the business operation and added that the growth of the business due to the two Special Use Permits that were granted has gotten more toward an industrial operation. He concluded by saying that they have to be careful how they work the balance of Special Use Permits in the residential corridors versus the commercial corridors.

Councilman Boehm interjected that in the same sense they have to be open-minded because the Commercial District that they have along Rte. 101 is a lot of open land and added that they cannot deny an agricultural opportunity for someone to take over Stalker's Dairy with a huge corn farm.

Building Inspector Conrad stated that it would be a permitted use.

Zoning Board Member Hafensteiner interjected that agricultural is permitted but a Riding Academy is not.

Councilman Boehm stated that a Riding Academy would not be included under agricultural as defined by New York State Agriculture and Markets.

Mr. Audietis interjected that there are 6-7 uses such as riding academy, market gardening, roadside stand, greenhouses, general farming that are all agriculturally based in his mind.

Building Inspector Conrad stated that the Town is trying to go after the Agriculture Districts where a New York State regulated item is \$10,000 worth of income. He added that businesses such as Verstanding's, Hewitt's, Blackhorse Farm, or Kolber's, which are farming type issues but more retail in nature would become obtrusive to the area. He continued by saying that they have to be careful where they place them and added that it should be in a more commercially zoned district rather than farming. He went on to say that if this type business were allowed in the Residential/Agriculture District in Coeymans Hollow on Stanton Road there would be a traffic problem when you get into retail.

Councilman Boehm interjected that they cannot disconnect it from the farm and added that farming itself is not generally retail.

Building Inspector Conrad stated that they are not trying to do this.

Mr. Audietis stated that Kolber's versus Black Horse Farm is a tough comparison because Blackhorse is a large farming operation with a very high retail aspect, which is buy it in and sell it and added that Kolber's for the most part grows their own produce with very little buying in.

Building Inspector Conrad stated that they are talking for the most part about the retail operation where you would bring it in and resell it.

Mr. Audietis interjected that this is what Black Horse Farm is and continued by saying that it is really two operations.

Building Inspector Conrad stated that it is the retail operation that gives them the problems.

Mr. Audietis stated that a farm stand would address that and market gardening would address things such as roads.

Building Inspector Conrad stated that Special Use Permits would address both.

Ms. Allen stated that she would agree with that.

Mr. Audietis interjected that he was confused as to why it is Special Use Permit for many of the uses.

Building Inspector Conrad stated that it is to distinguish between those types of operations. He continued by saying that there was in depth discussion about this and added that he does not believe that they accomplished anything.

Ms. Allen stated that it is still the draft format and continued by saying that she was moving on to the Industrial General District and read the District's intent as follows:

**Industrial General District** – Areas of the Town designated under this District are deemed appropriate for general industrial and other appropriate non-residential 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. The 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 to insure that environmental resources are protected.

Ms. Allen stated that this District had more significant changes and added that it eliminated the buffer that had previously existed along the outside and continued by saying that the new language incorporates the buffer within the Industrial District. She went on to say that it is now parcel based rather than arbitrarily crossing through parcels, which made it difficult for the Planning Board to define. She added that three Industrial Districts were combined to make one Industrial General District and continued by saying that the emphasis is on manufacturing, light assembly and light industrial.

Building Inspector Conrad stated that agriculture retail support was a line that was added because it was permitted in the Commercial, Industrial and Residential/Agricultural. He continued by saying that the problem with zoning is that if it is not specifically noted, it is not allowed and added that they are trying to pick up terminology to cover most everything that comes up. He added that boundaries is still an issue that needs to be resolved and continued by saying that one of the boundaries that they took care of was Old Ravena Road, where it is not going to be parcel based and went on to say that another area that they need to look at is Deer Mountain Village off Jarvis Road North and the area off Bushendorf Road where it comes in to Jarvis. He continued by saying that there are numerous residential properties that are there and added that because it is primarily wetland in that area they should overlay the wetlands. He reiterated that the area has to be looked at because Callanan Industries has infringed upon residential properties and have violated every piece of zoning that the Town has.

Zoning Member Hafensteiner inquired about a section of Old Ravena Road not being parcel based.

Building Inspector Conrad stated that it is because LaFarge owned a piece of property that came down to far into an area where they were trying to preserve the integrity of Old Ravena Road and added that they placed a 500 foot boundary from the center of the road.

Zoning Member Hafensteiner inquired about a set-back from the Onesquethaw Creek and added that if they are firmer on this it might actually protect the natural resources.

Ms. Allen stated that they have not actually put in a set-back or an overlay district and added that it has not been overlooked. She continued by saying that they have not gotten to that yet.

Zoning Member Hafensteiner interjected that they have to insure that the watershed is not disrupted.

Town Attorney Rotello inquired as to if the Industrial District identified is the area that they had previously identified

Building Inspector Conrad stated that it is parcel based by the properties owned by Callanan and LaFarge, whether they are or are not being used as industrial at this point.

Town Attorney Rotello stated that his question would be as to whether or not the community wants Industrial at all or not want to make it that large an area. He continued by saying that in looking to the future if LaFarge had exhausted their natural resources, if it were zoned industrial would they want another industrial user to come in.

Building Inspector Conrad stated that they are under a game plan to recover some of their property by 2070 and added that the problem is that they are dealing with two companies that own all of the Industrial District, LaFarge and Old Castle. He continued by saying that it is his understanding that LaFarge owns 3,400 acres alone and they should not allow the Industrial District to overwhelm the Town of Coeymans based on the number of farms and residential usage in that area. He added that he believes that they should decrease the intensity down to a Commercial District or possibly more of a Residential Agriculture District.

Zoning Member Hafensteiner stated that if they decrease the Industrial and convert it to Commercial or Residential/Agricultural in some of the parcel specific areas they already have a continuous non-conforming use. She continued by asking why they wouldn't make it the way that they want it to be.

Building Inspector Conrad stated that Callanan's has overwhelmingly gone into the Residential/Agriculture District without any permits.

Zoning Member Hafensteiner asked for clarification as far as if the decrease in the Industrial District had been done.

Ms. Allen stated that they are getting close to doing it but it is not reflected on the current map. She continued by saying that they continue to make changes at each meeting.

Mr. Audietis stated that it makes sense to have a Commercial District on both sides of the road.

Town Attorney Rotello stated that any thoroughfare should have both sides of the road.

Mr. Audietis stated that it would eliminate some of the industrial properties.

Ms. Allen stated that a lot of the parcels are very large and added that they have to determine how far off the road they want to go with commercial set-backs.

Building Inspector Conrad stated that the natural surround on Rte. 101 is steep banks in most places and added that it is not buildable. He continued by saying that there was no aversion to the Industrial District in those areas.

Ms. Allen stated that some of the smaller parcels are currently residential and could become Industrial.

Building Inspector Conrad interjected that there have been letters addressed to the Town Board from Callanan's asking that their land be left industrial. He added that he does not believe that they should give in to their every whim.

Councilman Boehm inquired as to if they are grandfathered in.

Building Inspector Conrad stated that they are only to the extent that it is being used when they adopt the zoning.

Ms. Allen stated that they probably own property that is adjacent to their own property that is not currently used as industrial but is zoned as industrial, which would give them

the perception of invested rights for that use. She continued by saying that if they are not currently using the vacant property as industrial they would not be allowed to develop it as industrial if it is changed.

Zoning Board Member Hafensteiner stated that Callanan's will not develop close to the homes or in the wetlands.

Ms. Allen continued by reading the definition of the Planned Development District as follows:

**Planned Development District** – Areas of the Town designated by the Town Board provides mixed uses, which have been approved by the Town Board in accordance with the regulations and conformance guidelines.

Ms. Allen continued by saying that a developer would have to specifically petition for in addition to having a Site Plan or Sub-Division Proposal to request a zoning change. She added that nothing could be done until the Town Board and Planning Board both approves it.

Building Inspector Conrad stated that he disagrees with it and added that Planned Development Districts should be Special Use Permits in a district and should not be districts on their own.

Ms. Allen stated that they had also talked about a Conservation Sub-Division, which would be more of the Planned Development District that Building Inspector Conrad was referring to.

Supervisor Hotaling stated that it would be a mixture of uses such as storefronts and residence.

Ms. Allen stated that it would be considered a Planned Development District and added that you would have the right to look at whether a Mixed Use District is appropriate with the Residential/Agricultural District.

Building Inspector Conrad reiterated that he does not believe that a Planned Development District should be a separate District and added that it will be too complicated. He continued by saying that it should remain a PUD (Planned Unit) and not changed to PDD (Planned Development).

Ms. Allen stated that a PDD and PUD is the same thing.

Building Inspector Conrad stated that he does not know why they would complicate it by making it a PDD and added that it should be PUD with a Special Use Permit.

Supervisor Hotaling inquired as to if the "D" in PUD stands for District.

Ms. Allen stated that it does.

Town Attorney Rotello stated that PUD stands for Planned Unit Development.

Supervisor Hotaling inquired again as to if "D" in PUD stands for district.

Ms. Allen stated that in this scenario it does.

Supervisor Hotaling stated that the "D" in PUD does not stand for district but rather development.

Ms. Allen agreed.

Supervisor Hotaling stated that he would lean toward what Building Inspector Conrad had said and not call it a district and added that it could be a PUD concept in any district if they go through the process.

Building Inspector Conrad stated that the reason that it should be handled by Special Use Permit is because the zoning effect very rarely takes place by a Town Board in addition to the Town Board being able to trust the Planning Board to work under the premise of the guidelines of the Comprehensive Plan to well place those areas, which could be in the Residential Agriculture District or in a Residential Low-Density District where it is not offensive to those areas.

Supervisor Hotaling asked Ms. Allen what benefits she sees with making an actual Planned Development District over leaving it Planned Unit Development.

Ms. Allen stated that it is more of a control issue and continued by saying that if they are confident that the Planning Board is going to enforce the Special Use Permit requirements for a mixed use development, they can set it up that way.

Building Inspector Conrad stated that if they set it up as a District it becomes a special location, which they don't want.

Ms. Allen interjected that it would be one more layer of control.

Town Attorney Rotello stated that he wanted to state something hypothetically and continued by saying that if he were a developer and wanted to put in a development with parks, houses and townhouses in the Rte. 143 area next to Stott Drive in the R/A District, it would be an example of a PUD or PDD. He continued by saying that in this scenario as a developer, whether it is called a PUD or PDD he would have to come to the Town to present the proposal.

Building Inspector Conrad stated that they are talking about the difference between a district and development.

Town Attorney Rotello stated that if the development were approved it would be an overlay district in the R/A area and added that the question would be in either scenario, whether PUD or PDD, whether they would want to have both the Town Board and Planning Board sign off on the proposal.

Ms. Allen stated that if it is a rezoning district an extra layer of control is there and added that if it is a Special Use Permit they have already said that the uses are acceptable in the District if they meet all of the requirements. She reiterated that it would be another layer of control to determine if it would be appropriate.

Town Attorney Rotello inquired as to what the aversion would be to what is called spot zoning whether it is called a PUD or PDD and either the Planning Board, Town Board or both would be reviewing it. He continued by asking what the aversion is to having the Town Board have some say in the process.

Building Inspector Conrad stated that this is the purpose of Site Plan Review and what Planning Board review is all about.

Supervisor Hotaling stated that it presumes that it will be applied thoroughly by the Planning Board.

Town Attorney Rotello stated that there have been times where it has been asked as to why there has been no say over what another Board has done in years past and added that there has been some concern of lack of control. He continued by saying that he is looking at it from a standpoint of it being a better sampling of what the community wants as opposed to five members of a Board showing up for a meeting.

Building Inspector Conrad stated that Planning Board Member Kunz has stated that she wants it more defined in the Site Plan Review Law as far as exactly what they are going to allow. He continued by saying that there are some complex issues as far as a public water and sewer supply.

Town Attorney Rotello stated that for an example a Cabella's might want to open a store.

Building Inspector Conrad stated that it would not be considered a Planned Unit Development and added that they are talking about residential development and not retail or commercial.

Town Attorney Rotello stated that under this scenario there could be different opinions between what the Town Board and Planning Board might think about it.

Building Inspector Conrad interjected that he is talking about Planned Unit development only.

Ms. Allen stated that under that scenario it could not be just Cabella's and added that it would have to include a mixed use of the business along with town homes or another mixed use component.

Zoning Board Member Hafensteiner stated that with the PDD someone would have to come in with a very comprehensive plan and the Town Board could establish a Planned Development District, and in turn then have to go to the Planning Board. She continued by saying that it seems to make a lot of sense as opposed to just going to the Planning Board and added that Special Use Permits seem to go through a lot easier than a PDD.

Building Inspector Conrad stated that he was not suggesting allowing retail at all and added that a PUD would have to be a residential building.

Supervisor Hotaling inquired as to if a PUD would be a combination of mixed uses.

Ms. Allen stated that it could be defined either way, residential or mixed use.

Zoning Board Member Hafensteiner stated that using the Rte. 143 example across from the Golf Course a mini-community could be proposed and added that she would think that they would want to look at it comprehensively. She continued by saying that she does not know if they would want to limit it forever to strictly R/A without any mixed uses.

Building Inspector Conrad stated the Councilman Boehm had suggested an overlay district along Rte. 143.

Supervisor Hotaling stated that what Councilman Boehm had said is not pertinent to the current discussion.

Ms. Allen stated that they would get into this portion next.

Building Inspector Conrad stated that it would handle that.

Zoning Board Member Hafensteiner interjected that it handles it in a different way and added that she sees it differently.

Building Inspector Conrad stated that Zoning Board Member Hafensteiner didn't know what Councilman Boehm had suggested.

Zoning Board Member Hafensteiner stated that she does know what he had suggested.

Town Attorney Rotello stated that so many times the Planning Board looks at their rules and it is either allowed, not allowed or goes to the Zoning Board of Appeals. He continued by saying that there are other things that might impact the Town on a larger scale that would come before them, which would have an impact on the Town as a whole and would impact the budget. He continued by saying regardless of whether it is call a PUD or PDD it makes sense to him to have some Town Board input.

Supervisor Hotaling stated that Town Board oversight of the large unique requests might have some ramifications that the Planning Board might not have in mind during their review process such as budgetary impact.

Town Attorney Rotello stated that it does not matter whether it is called a PUD or PDD and added that it would be a checks and balances if it were going to be allowed.

Ms. Allen stated that by having the PDD rezoning option in the Code you would not be cited on spot zoning and added that if you don't have the option and someone wants to make a parcel commercial it becomes an issue.

Building Inspector Conrad stated that he thought that at the last meeting they had decided to entertain Councilman Boehm's suggestion to envision an overlay all the way out and include Rte. 32. He continued by saying that they were going to see what the public input is and added that they have already gotten input from some saying that they don't want to see commercial out that way. He concluded by saying that they need to do this before they make a decision.

Ms. Allen stated that she would move on to the final segment of the zoning, which is the Neighborhood Commercial Overlay District and continued by reading the following:

**Neighborhood Commercial Overlay District** – Areas of the Town designated under this Overlay District are intended to preserve and enhance residential and rural character while permitting a concentration of neighborhood commercial uses to be conducive with the goal recommendations of the Comprehensive Plan.

Ms. Allen stated that the idea behind the Overlay District was to allow some limited commercial use not as intensive as the actual Commercial District. She continued by saying that it would allow some opportunity in a limited stretch within the Town. She added that there were a couple of different scenarios that have been discussed.

Building Inspector Conrad inquired as to if the only difference between the PPD and Overlay District was the approval by the Town Board.

Ms. Allen stated that the Overlay District would be its own District.

Building Inspector Conrad stated that it is a District, which does not require Town Board approval.

Ms. Allen continued by saying that those in the Overlay District would have an opportunity for limited commercial development such as a gas station, restaurant, convenience store, etc. and continued by saying that it extends out to Rte. 32.

Ms. Hafensteiner stated that the area along the Alcove Reservoir is one of the prettiest areas in Town.

Councilman Boehm stated that it would be limited because the City of Albany owns the property on the left side.

Ms. Hafensteiner stated that some of the most beautiful land in the Town is on the right side.

Mr. Audietis interjected that it would have to be at least 500 feet off the road.

Ms. Hafensteiner stated that it is beautiful rural county that is nicely quietly developed and added that putting storefronts such as Rite Aid and Stewart's would not be desirable.

Mr. Audietis stated that it would be very limited as far as uses.

Councilman Boehm stated that it is the main road through Coeymans Hollow and added that there are limited uses now and there have been in the past such as Collins, Webb's Variety, Tom's Red Front, and Rodney Krzykowski's

Ms. Hafensteiner stated that she would not call Rodney's a limited use.

Councilman Boehm stated that a tire recycle facility is not on the chart of uses for out there.

Ms. Allen stated that the underlying district regulations are Residential Agricultural and added that they will apply to all of the properties and continued by saying that some of uses would be slightly different such as retail less than 5,000 square feet, restaurant, small grocery, etc.

Mr. Charlie Brooks inquired as to if it would be a zoning change or Special Use Permit.

Ms. Allen stated that it would not be a zoning change but rather by Special Permit. She continued by saying that besides the listed uses there are a handful of additional uses if you were in the Overlay District.

Mr. Brooks stated that you would have to have a Special Use Permit and you would not automatically be permitted for a use.

Councilman Boehm stated that Rte. 143 is a main artery through the Residential Agricultural District out to Route 32 and added that it is likely an area where development will occur.

Mr. Audietis stated that it would make more sense to make the Overlay District the northern part of Rte. 32 because it is a much more traveled road.

Zoning Board Member Hafensteiner agreed that it would make more sense than the area along the Alcove Reservoir. She continued by saying that if it were to become a Neighborhood Commercial District there could be some nice opportunities like Antique Shops. She concluded by saying that she would not change the area going out Rte. 143 along the Alcove Reservoir.

Mr. Brooks stated that they might want to check how Rte. 32 is zoned in the Town of Bethlehem.

Town Attorney Rotello inquired as to if the overlay would include the area of the Alcove Store.

Supervisor Hotaling stated that he has not been able to vision this district.

Building Inspector Conrad reiterated that Special Use Permits need to be the answer to controlling the issue and added that the Planning Board has to be guided on Special Use Permits by Site Plan Review.

Ms. Allen stated that her concern with Special Use Permit is that if someone is willing to comply, would the use be appropriate throughout the District.

Building Inspector Conrad interjected that it needs to be consistent with the character of the District.

Zoning Board Member Hafensteiner stated that on Rte. 9W there are 16 different auto, used car shops just because they did it once, which resulted in losing the opportunity for development along a major artery in the Town.

Supervisor Hotaling stated that some of the problem with the eye sore businesses is the enforcement of the Code and added that there has to be a higher level of scrutiny to make the developer meet the level of scrutiny before you say yes to the request and in turn assure that it is done before any permits are given. He concluded by saying that he can't speak for the entire Board and added that independent judgment has to be used in every case and then let the challenge come from the other side of the table.

Tape change – some dialect lost



Zoning Board Member Hafensteiner stated that it seems unanimous that all along the Alcove is not the right place and added that it also seems unanimous that along Rte. 32 north is the right place.

Building Inspector Conrad interjected that he does not believe that it is unanimous because there are 15-20 residents coming to the Zoning Board of Appeals Meeting complaining about Mr. Bier's property, who are residents of that area.

Zoning Board Member Hafensteiner stated that the keyword for her in Neighborhood Commercial Overlay District is neighborhood and added that for Mr. Biers the keyword may be commercial and continued by saying that his property is not a neighborhood business.

Town Attorney Rotello inquired as to what the process would be for someone that wanted to establish a business in the Neighborhood Commercial Overlay Business.

Ms. Allen stated that for an example a restaurant is currently not permitted in the R/A District.

Town Attorney Rotello stated that hypothetically he wants to bulldoze RK's and put up a log cabin restaurant.

Ms. Allen stated that as a specially permitted use he would have to submit a site plan and all of the specially permitted requirements that go along with it and added that the bulk requirements for the property would be the same as the R/A, which would be the set-back requirements, height requirements, and the style of structure would have to be similar in nature to the character of the community. She continued by saying that the difference would be that there would be a parking lot and other amenities that would be more commercial in nature.

Town Attorney Rotello inquired as to if the Planning Board would still have the discretion to deem it not appropriate even after he meets all of the requirements.

Ms. Allen stated that as a Planning Board they would have to weigh in all of the environmental impacts of the neighborhood.

Mr. Audietis stated that he likes the idea of the concept and added that he does not like it near the Alcove Reservoir.

Building Inspector Conrad stated that there was a restaurant that failed along with a gas station that failed along with several other businesses.

Councilman Boehm stated that there could be a converted farm house into a County Inn with a nice restaurant, which could actually be a destination.

Building Inspector Conrad interjected that this is why he suggested Special Use Permits in order to control those limited things with some criteria that you would be able to fall back on. He continued by saying that if you just add an Overlay District there would be nothing saying that it has to be a restaurant and someone may want to put an adult use bar out there.

Town Attorney Rotello stated that he does not see the difference between having an Overlay District or Special Use Permits.

Building Inspector Conrad stated that he believes that there is more control with a Special Use Permit.

Ms. Allen stated that it is still a Special Use Permit under the Overlay District.

Town Attorney Rotello stated that they are identifying it as an area where some commercial business might work.

Building Inspector Conrad interjected that his feeling is to keep it residential with no business at all and continued by saying that no restaurant is going to come out to that area without sewer and water.

Mr. Brooks stated that 10 years from now there may be 5-6 new housing developments out that way.

Building Inspector Conrad stated that the Zoning in the Comprehensive Plan is suppose to be updated every five years and added that they should not be trying to plan for 10 years from now but rather 5 years from now. He added that in ten years if sewer and water were evolved out there he would agree to an Overlay District.

Town Attorney Rotello inquired as to what harm there would be in adding the Overlay District as opposed to Special Use Permits.

Supervisor Hotaling interjected that he does not believe that it equates to harm and added that Building Inspector Conrad is right in saying that at some point in the future it might be something to add as infrastructure develops in the Town.

Councilman Boehm stated that it does not permit you to grow as you go along.

Mr. Brooks stated that an Overlay District will make people think more about future growth.

Councilman Conrad stated that for an example someone is trying to build a house on Powell Hill and added that the run-off is so close to the Coeymans Creek that they will not be allowed to put in a residential septic system. He continued to say that a restaurant with an occupancy of 100 people would have similar problems.

Town Attorney Rotello stated that he is looking at it from a different perspective that if there was the idea that if you had an infrastructure it would work and continued by asking if there would be a benefit to putting the Overlay District in place if they are talking about attracting development in order to make it shovel ready, which might open up grant applications or any doors to getting some water and sewer in that area.

Supervisor Hotaling stated that in there is no harm in it when using that scenario.

Ms. Allen stated that the area does have some environmental constraints and added that any business is going to have to comply and meet the environmental necessities. She continued by saying that if they can't comply it is a denied use.

Building Inspector Conrad stated that the development across from Rodney's is in a flood plain and on top of an aquifer. He continued by saying that you cannot put a discharge within 250 feet of the creek and added that he does not see how anything is going to be developed properly and went on to say that it is also solid rock.

Councilman Boehm stated that it would be for future development.

Building Inspector Conrad stated that he would agree whole heartily if there were infrastructure and added that they can't even get it to the top of Martin's Hill, which they have been trying to get for the last 20 years. He continued by saying that he would give it credibility if it goes over Martin's Hill.

Mr. Brooks interjected that if there is an Overlay District people will come and look at it as a possibility for development and added that without it no one will look at it and continued by saying that it opens up the area for people to look at.

Councilwoman Chmielewski inquired as to if you would have to have a Special Use Permit for a Mom & Pop store.

Building Inspector Conrad stated that this is what he is suggesting if the occasion arises.

Supervisor Hotaling stated that if it is not there they are not visionaries and thinking about it as a possibility and added that there are developers that are innovative and entrepreneurs.

Mr. Brooks stated that with the Overlay District there is an open idea about development and added that you can't do anything with it unless you have a Special Use Permit.

Councilman Boehm interjected that it would allow for flexibility for the future.

Supervisor Hotaling inquired as to what the overlay width from the side of the road would be.

Ms. Allen stated that they had talked about 500 feet, which could be cut back.

Supervisor Hotaling stated that going out Rte. 143 the road parallels Coeymans Creek and continued by saying that within 500 feet you would be hitting water.

Zoning Board Member Hafensteiner stated that it could be 350 feet.

Mr. Brooks interjected that in not having an overlay they are saying that they don't want commercial development.

Building Inspector Conrad stated that they were hoping that more of the public would have come to the meeting to voice their opinions about the Overlay District and added that most of them in the room have hashed it over 20 times. He added that Mr. Brooks and Mr. Audietis are the only new faces and continued by saying that it appears that they are still at odds with it.

Zoning Board Member Hafensteiner stated that she is not opposed to the idea because all of the same restrictions and standards as the R/A apply. She continued by saying that she does not like the idea of going along Rte. 143 out to Rte. 32.

Mr. Brooks stated that if they have an Overlay District it will be viewed as visionary.

Ms. Allen stated that she is hearing that they will extend it to the Powell Hill area and then eliminating it along Rte. 143 out to Route 32 and then starting it again going north on Rte. 32.

Councilwoman Chmielewski interjected that she would agree to it going as far as the Golf Course on Rte. 143.

Ms. Allen stated that they had gotten additional feedback, which is what they were hoping for and added that they will move forward with some of the changes and fine-tune the definitions based on their conversation.

Councilman Boehm stated that he wanted to go over the PDD and PUD again and continued by asking what the PDD would do for the Town.

Ms. Allen stated that the PUD is primarily limited to the more residential units and continued by saying that it means Planned Unit Development. She added that PDD is Planned District Development, which is like a floating zone that can be incorporated. She continued by saying that a PUD can be its own supplemental regulation without being its own district and having rezoning, which would be similar to the brickyard property on Rte. 144 and added that it would allow for mixed uses.

Councilman Boehm stated that PDD is what they are trying to avoid in creating small overlay districts.

Ms. Allen stated that the PUD or PDD is designed primarily to encourage town center, new urbanism type development, which would be a walkable environment with a mixed use amenity.

Councilman Boehm stated that in the PDD scenario for a restaurant or bed and breakfast, which is zoned for that, they are right back to the maps that they are replacing with spot zoning.

Ms. Allen stated that they are potentially doing it and added that it would be pockets of the rezoned PDD area that would have those types of uses.

Supervisor Hotaling stated that Ms. Allen had described it as a town center, new urban type development and added that he did not think that the definition of PUD would default to a residential but also the opportunity for the town center concept and added that he thought that the default would be town center concept for PUD.

Ms. Allen stated that the “U” in PUD is primarily limited to the residential unit component and added that it is still a town center idea of creating a mixed residential use.

Supervisor Hotaling stated that the whole concept was to encourage the walking zone where you live, where you shop, and where you work.

Building Inspector Conrad stated that those are PPD’s.

Ms. Allen stated that they are PPD’s with the retail component.

Supervisor Hotaling stated that PUD and PPD is the same idea.

Building Inspector Conrad stated that they are also supposed to save space and added that rather than have 10 houses on 10 acres you would put 10 houses on one acre and conserve the image of the farm land. He added that they would also have a common water and sewer supply.

Ms. Allen stated that they had incorporated something along those lines in the Conservation Subdivision, which didn’t necessarily have the mixed residential components of town houses and single family, etc. but has allowed the single family, etc. on the smaller lot sizes on the same lot count that would have been on the conventional subdivision on a conservation subdivision.

Town Attorney Rotello stated that when PUD first came into being as far as the Planning Board he does not believe that it is the same thing now as it was then.

Building Inspector Conrad stated that it is the same and added that Ms. Allen is talking about PDD.

Town Attorney Rotello stated that she is not talking about cluster homes where you park on one end and put your home in one area.

Ms. Allen stated that you would put your house on a smaller lot, ¼ to ½ acre, and the remainder of the land is open space or green space.

Town Attorney Rotello stated that this is conservation subdivision and continued by saying that this is how HUD started.

Ms. Allen stated that HUD has evolved into more of a residential component.

Building Inspector Conrad interjected that this is copying the condominiums versus two-family versus single-family mixture of townhouses and continued by saying that PUD is still residential with no commercial.

Ms. Allen agreed and added that it is still different from the Conservation Subdivision, which is limited to single-family.

Building Inspector Conrad interjected that HUD was the alternative to consuming the green space in the R/A District.

Ms. Allen stated that both served the same purpose conservation wise and added that HUD provided more residential and the PDD provides the retail.

Building Inspector Conrad stated that the retail is the danger and continued by saying that the biggest fault with retail up to this point has been that there was no Planning Board approval and added that they are now trying to handle those items. He went on to say that they want to expand on it even further and specify that there has to be at least 25% of green space. He concluded by saying that through Site Plan and Special Use Permits they will be able to control those issues and still allow the mixture.

Supervisor Hotaling stated that this presupposes the Site Plan Law to be imposed and enforced and have the components of all of the different things that they need the Planning Board to deal with. He continued by saying that they currently have Site Plan Review but no law with components of how the review must take place or how it has an impact on the overall decision making.

Ms. Allen stated that they have drafted Site Plan Review requirements that are intended to be adopted as part of this process, which should not be part of the Zoning Law itself because that way they would have to go before the Zoning Board of Appeals for a variance.

Building Inspector Conrad stated that Rodney Krzykowski is well within his right in the general business zone looking for a Special Use Permit for his tire recycling business and added that in his opinion he is not going to be able to meet the standards necessary to get the permit. He continued by saying if he did meet the standards of the zone through the Overlay District they would have a tough time stopping him.

Town Attorney Rotello interjected that it would not be consistent with the neighborhood and added that this would be their fall-back.

Building Inspector Conrad stated that this would be a Special Use Permit, which would give them control.

Supervisor Hotaling agreed that it would be a fall back and they could use that when there is no other reason to make a decision. He continued by saying that each time they make a decision to grant something they are establishing some precedent that can later backfire when they are trying to apply that it does not meet the neighborhood standards.

Councilman Boehm interjected that this could always give them a problem.

Supervisor Hotaling stated that when all else fails they can go to the default of it not conforming to the neighborhood standards and added the more that they use it the less effective it will be to make the standard apply as more scrutiny and comparisons come in to play. He concluded by saying that it should be something that they should not rely upon generally as a fall-back.

Town Attorney Rotello inquired as to what they rely on with a Special Use Permit and whether or not it is the same. He continued by saying that with or without the Overlay District they have the same issue.

Councilman Conrad interjected that by creating the Overlay District they are offering a vision to try and test the limits and continued by saying that by not offering the vision they have a tendency to keep it away.

Town Attorney Rotello inquired as to if they can further limit the type of business to ones that would conform to the neighborhood such as convenience store, restaurant, antique shop

Ms. Allen stated that this is what they are talking about.

Building Inspector Conrad stated that this is something that they can do.

Ms. Allen stated that these are the type of things that would be defined.

Mr. Brooks interjected that by giving an Overlay District they are giving a chance for people to envision for the future in addition to it possibly attracting others to the area and added that there are two sides of the issue.

Building Inspector Conrad stated that there are two sides and added that he is willing to concede with that portion of it. He continued by saying that over the years he has watched businesses come and go and added that people don't generally support businesses in the community. He went on to say that in Bethlehem businesses are supported by a large population in addition to it being convenient travel along the corridor and added that 143 does not have enough traffic to support any kind of business added that they can hardly support the ones on Rte. 9W

Mr. Brooks interjected that Rte. 32 does have enough traffic and added that it is similar to Rte. 9W.

Building Inspector Conrad stated that Rte. 32 may and added that he does not know for sure.

Mr. Brooks stated that he can see Rte. 143 opening up opportunities.

Councilman Conrad stated that he was hoping that businesses on Rte. 9W corridor and Rte. 101 would be supported.

Councilman Boehm interjected that small businesses in all parts of the Town should be supported.

Mr. Brooks stated that if you automatically say that you can't have a business it will deter growth.

Councilman Conrad stated that he is not saying that you can't have them but rather that you have to have a Special Use Permit.

Mr. Brooks inquired as to the difference between a Special Use Permit and an Overlay District.

Ms. Allen stated that they are similar things.

Supervisor Hotaling stated that they are similar and continued by saying that the way to measure it would be done effectively at a Public Hearing. He added that he would default putting the Overlay District on it and in turn illicit input from the public. He continued by saying that it is the plan and it will be so unless there are ideas to the contrary. He added that if they put it out to Public Hearing and they don't get public comment it can be removed before the final approval. He concluded by saying that for purposes of inviting other input in a different format like a Public Hearing by having it there it will give the opportunity to conjure up some input.

Ms. Allen stated that by adding the word Hearing it will attract some attention.

Supervisor Hotaling stated that he is happy that there appears to be a level of confidence placed in the Town Board, Planning Board and Zoning Board of Appeals in their efforts to do this in a right way and continued by saying that he is also sad that people have not attended the meetings.

Zoning Board Member Hafensteiner interjected that she's not sure that absence of people means confidence. She continued by saying that she does not believe that there was any dispute about taking the R/A District over the commercial part near Deer Mountain Village and not leaving it parcel specific.

Building Inspector Conrad stated that he had suggested that they should look at it again.

Supervisor Hotaling stated that he thought at the last Workshop they had decided that they had come down on the fact that they were going to add the pieces back in to the R/A. Ms. Allen stated that they had talked about it and added that they had left it as it was. She continued by asking what ones they were referring to on the map.

Building Inspector Conrad stated that it was not necessarily the whole area and added that it was the major portion along Bushendorf Road.

Zoning Board Member Hafensteiner inquired about doing the entire area.

Ms. Allen stated that some of the parcels would be landlocked industrial.

Town Attorney Rotello interjected that the entire area should be Agricultural Residential and Commercial. He continued by saying that if Blue Circle were to go out of the cement business and the operation closed and they sold and the new owner wanted to use it for something other than the production of cement and were going to burn everything and anything in the kilns, would they want them to be able to do that.

Collectively it was decided that they would not want that.

Town Attorney Rotello stated that if it was not going to be used for the production of cement it will be commercial and residential.

Mr. Audietis stated that if they did close the operation and a new buyer came in, they would be left with a huge facility that is useless and it would cost the developer a tremendous amount of money to remove and clean up in order to put up either residential or commercial. He continued by saying that he is leaning more toward the cement plant.

Building Inspector Conrad stated that he does not like his theory and continued by saying that there is General Electric with their cancer causing agents, Owens Corning across the street from there and everything is blowing south in addition to the City of Albany wanting to put a dump in the Town's front yard.

Councilwoman Rogers interjected that without those taxes would be so high you would have to move out of town.

Building Inspector Conrad stated that it was not necessarily true and added if they had not allowed them in the first place there would have been a lot more residential building. He continued by saying that LaFarge has 3,400 acres tied up, which could have been buildable land.

Councilman Boehm interjected that they are an existing use and added that they can do whatever they want within their existing boundaries.

Building Inspector Conrad stated that it is all subject to five-years and if they see something happening they can change it.

Ms. Allen continued by making changes to the map to the Bushendorf Road area, Rte. 101 and the Kinley Farm.

Mr. Audietis stated that in leaving some of it Industrial they are letting the world know that there is an industrial area within the Town.

Building Inspector Conrad stated that they need to go and look at what is there because there is wetland and houses.

Zoning Member Hafensteiner interjected that they had previously changed it to green.

Mr. Audietis inquired as to if they were eliminating the Industrial all together.

Building Inspector Conrad stated that if you look along Jarvis Road North there are several locations that are owned by private residents and added that he does not believe that they should be in the Industrial District.

Ms. Allen stated that they could change it to green.

Building Inspector Conrad stated that they need to take a look at them along with other areas.

Supervisor Hotaling stated that as things evolve they take a look at it and make decisions.

Zoning Board Member Hafensteiner inquired as to what the process from here will be. Ms. Allen stated that they will fine tune some draft language, add some definitions, discuss issues that had just arisen, have one more Committee Meeting and then a Public Hearing.

Building Inspector Conrad stated that some of the uses they have as permitted and Special Use Permit and continued by saying that everyone should look at their list again and come up with the ones that they feel are still an issue.

Ms. Allen stated that they will put a full draft on the website for people to view.

Zoning Board Hafensteiner interjected that there will have to be good coverage in the newspapers.

Supervisor Hotaling stated that they begged people to show up for the Informational Meeting. He added that it is the individual responsibility of people within the Town to understand what is going on in order to be vibrant members of the community.

Councilman Boehm inquired about having the Public Hearing in another location.

Zoning Board Member Hafensteiner stated that they could have it at one of the facilities on the school site and advertise it on the bill board.

Councilwoman Chmielewski stated that they could use the bill board to advertise the meeting at Town Hall.

Supervisor Hotaling inquired about the ability to hook it up to cable and broadcast.

Zoning Board Member Hafensteiner stated that they could also have it in the High-School auditorium.

Town Attorney Rotello interjected that it could also be advertised on the Cross Roads bill board.

Councilwoman Chmielewski stated that advertisement is the main thing and it does not matter if it is a school facility or Town Hall.

Zoning Board Member Hafensteiner agreed that it is how you get the word out.

Town Attorney Rotello inquired as to if the most recent comments would be included.

Ms. Allen stated that they would be.

Supervisor Hotaling suggested that they have hand-outs at the diner and asked that Zoning Board Member Hafensteiner check in to having it at the school.

Ms. Allen stated that they are looking at March for a Public Hearing, which will follow another meeting in February and added that they will go forward from there.



Supervisor Hotaling interjected that President’s week will not be a good time because several members of the Board will be participating in the Association of Towns Annual Meeting.

Discussion ensued regarding the next meeting date and February 27<sup>th</sup> was agreed upon.

Supervisor Hotaling encouraged attendance from the public.

*Respectfully Submitted,* **APPROVED:**

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*Diane L. Millious, Town Clerk*



**A Town Board Workshop was held Tuesday, January 16, 2007 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  
Greg Darlington, Chief of Police

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**AGENDA**

- Family Self-Sufficiency Funding for 2007
- Zoning Board of Appeals Counsel
- Mohawk & Hudson River Humane Society

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*Respectfully Submitted,* **APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Town Board Meeting was held Monday, January 22, 2007, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

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

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

**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 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 Councilwoman Chmielewski is absent due to illness and continued by saying also present were Town Clerk Millious, Town Attorney Rotello and Chief of Police Darlington.

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**OVERVIEW OF AGENDA**

- Public Announcement
  - Closing of Bridge over Old Ravena Road
- Public Comment Period
- Approval of Minutes
  - Town Board Workshop, November 27, 2006
  - Town Board Meeting, December 11, 2006
  - Public Hearing, December 26, 2006
- Family Self-Sufficiency Program
- Supervisor Report – December 2006
- Department Report Review
  - Building Department Monthly Report – December 2006
  - Town Clerk Monthly Report – December 2006
- Old Business Update & Discussion
  - Update on Proposed Landfill
  - Rental for Coeymans Police Department at Village Hall
- New Business for Update & Discussion
  - Speed Limit Review, Colvin Avenue
  - ALS 4<sup>th</sup> Quarter Payment
- Resolutions
  - Genesis Systems, Inc. Agreement
  - Appointment of Bingo Inspector
  - Appointment of Counsel to Zoning Appeals Board
  - Appointment of Highway Equipment Operator I
  - Appointment of Part Time Mechanic
  - Appointment of Internal Control Officer (Daryl
  - Approval Abstract of Claims – December 2006
  - Approval Abstract of Claims (Prepaid) – January 2007
- Correspondence
  - Lafarge – 2006 Year End Summary
  - NYS Department of Environmental Conservation – SPDES Permit
  - Caswell Funeral Home

- Town Board Workshops/Meetings
  - February 7, 2007 – Economic Advisory Board, 6:30 PM
  - February 12, 2007 – Town Board Meeting, 7:00 PM
  - February 26, 2007 – Town Board Meeting, 7:00 PM

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## **PUBLIC ANNOUNCEMENT**

Supervisor Hotaling stated that he was formally announcing that on Friday, January 12, 2007 he had gotten a call from Highway Superintendent Deering indicating that a recent inspection of the North Bridge on Old Ravena Road resulted in the Department of Transportation recommending a red flag situation. He continued by saying that over the past several years both bridges were contemplated for replacement and added that after several years they were successful in getting the South Bridge opened. He went on to say that plans commenced at that time for the design and replacement of the North Bridge and added that they had pledged to keep the existing North Bridge open for as long as they could, which was up until the red flag situation. He continued by saying that the bridge was deteriorating and during various times of the day school buses went across it and as a result it became a serious situation and added that Highway Superintendent recommended and he concurred that the bridge be closed immediately and in turn commenced a notification process to let emergency service know through dispatch and Chief of Police Darlington. He went on to say that the neighboring communities were also notified and they took action by 6:00pm that evening by erecting barricades resulting in the bridge being closed and added that it will remain closed until such time that it is torn down and replaced. He continued by saying that the new bridge will be west of the existing bridge on a different angle, which was part of the delay in getting the project underway along with the fact that there were some issues with properties and added that the Town had to go through an eminent domain procedure for one of the properties. He went on to say that he had spoken to Mr. Franchini, Commissioner of Public Works for Albany County and was told that DOT recently has given their approval for the final design for the replacement bridge and those final plans are being sent to CSX Railroad for their review, which will be paid for by the taxpayers, and in turn they will estimate the timeline for them to maintain rail traffic during the construction process. He continued by saying that an individual or individuals will have to be hired at that location during the tear down and replacement, which will also be paid for by the taxpayers and added that 85% of the project will be funded by the Federal Government, 10% will be funded by the County and 5% funded by the Town of Coeymans. He went on to say that the Town's apportionment is 5%, which is still big dollars on a 7 million dollar project and added that it adds up to \$350,000. He continued by saying that once the review takes place, they estimate the timeframe, and payment is made to CSX, the County on the Town's behalf will advertise for the contractor for the project sometime in April or May 2007 and added that the construction is now estimated to commence in the summer 2007 and will probably run through the winter season and end in the fall of 2008. He concluded by saying that if there are no other delays they will be cutting the ribbon for a new bridge in the fall of 2008. He concluded by saying that it will cause some disruption and concerns for those that travel the road in knowing that the bridge is closed and the only access to Old Ravena Road will be from the south entrance of Rte. 9W.

Supervisor Hotaling asked Highway Superintendent Deering if he had any additional comments.

Highway Superintendent Deering stated that he believed that Supervisor Hotaling had covered everything and added that it went from a yellow flag to red flag situation.

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## **PUBLIC COMMENT**

Supervisor Hotaling invited the public to comment at this time.

Ms. Chris Breen stated that she is a resident of Meilak's Trailer Park and added that she had believed that there were signs that were suppose to go up for the bridge in order to keep the heavy traffic off from it. She continued by saying that it did not happen and added that maybe if they had used the signs they would not have the problem of closing the bridge. She went on to say that she also believed that the Town had the money for the bridge a while ago and it was contracted by the previous Board.

Supervisor Hotaling stated that she was probably referring to the South Bridge.

Ms. Breen stated that she was talking about both bridges and added that the contractor is a friend of her family and continued by saying that he was suppose to get the contract but it never happened. She concluded by asking if the Town has the money.

Supervisor Hotaling stated that the County will put forth the money for the project and in turn the Town will get billed for the 5% share as the County approves the bills from the contractor. He continued by saying that over the course of the South Bridge project the County paid the bills and in turn the Town paid the County 5% and added that the North Bridge will be done similarly.

Ms. Breen inquired as to where the Federal Government money is now.

Supervisor Hotaling stated that it is money funded for projects such as this and continued by saying that this project qualified and it will be primarily used to replace the two bridges.

Ms. Breen asked for clarification as to when the North Bridge project will start.

Supervisor Hotaling stated that according to information that he had received earlier in day construction will be starting in the summer of this year.

Ms. Breen stated that she has a granddaughter that travels with her now and stated nothing better happen to her. She continued by saying that Old Ravena Road is treacherous at night and it needs street lights and then asked if there would be any chance of getting lights.

Supervisor Hotaling stated that getting lights on the road would mean the establishment of a Lighting District and the cost associated with installation and upkeep would be born by those on Old Ravena Road.

Ms. Breen stated that there are not that many people on the road and added that it would not be fair.

Supervisor Hotaling stated that he is just explaining the rules and added that the answer to her question would be that lights can be put on the road. He continued by saying that in executing the process it would be creating a Lighting District separate and apart from everyone else in the Town and reiterated that the cost of the installation, maintenance and electricity costs would be born by the residents of that District.

Ms. Breen reiterated that they need lights on the road by the embankment.

Supervisor Hotaling inquired as to if he had spoken with Ms. Breen prior about the problem.

Ms. Breen stated that she had not spoken to him and added that there has to be a way to fix it.

Supervisor Hotaling stated that he had discussed with someone else from Old Ravena Road the same area that Ms. Breen was concerned with. He then asked Highway Superintendent Deering if anything could be done about that portion of the road where there is a wash-away.

Highway Superintendent Deering stated that years ago it was quoted as a 3 million dollar project and added that it is probably more now. He continued by saying that he tried to get FEMA involved but they didn't respond.

Ms. Breen inquired as to how much it is costing to keep the rocks on top of it and the trucks to bring it in and continued by asking if the emergency access road through LaFarge property was cleaned out.

Supervisor Hotaling stated that he didn't know.

Highway Superintendent Deering stated that the road was for when the South Bridge was closed and continued by saying that he didn't know because it is LaFarge property.

Ms. Breen thanked Highway Superintendent Deering and Supervisor Hotaling.

Supervisor Hotaling asked if there were any additional comments.

Ms. Donna Pasquini stated that she was glad to see that a review of the speed limit on Colvin Avenue was on the agenda and added that it is long overdue because that street has been a problem for quite some time. She continued by saying that Mr. Conrad resigned his Town Board position in September and then asked why there is not a fifth person on the Town Board.

Supervisor Hotaling stated that it is because they have not appointed anyone.

Ms. Pasquini inquired as to the reason why it is taking so long.

Supervisor Hotaling stated that there have been other stresses and factors that have played into it and continued by saying that at this point there has not been an agreement as to who the person should be.

Ms. Pasquini inquired as to if something will be done soon and added that five heads are better than four.

Supervisor Hotaling stated that the search continues.

Ms. Pasquini thanked Supervisor Hotaling.

Supervisor Hotaling asked if there were any additional comments.

Mr. Gerald McDonald introduced himself and continued by saying that he has a problem with an outdoor wood boiler that exists near his house. He added that he had brought it up during another meeting and continued by saying that it is probably more likely addressed through a local law. He then read the following:

Outdoor wood boilers adversely affect the reasonable enjoyment of property by adjoining residents who have to tolerate the acrid smoke and associated health problems produced from their poor combustion design and respirable PM2.5 particulate emissions. In my particular case I am socked in with acrid pine smoke 2-4 nights per week during calm conditions. Some nights my house can smell like pine smoke. My pets have to contend with pine smoke. I cannot tolerate being outside. This has severely affected my quality of life, health, liberty and pursuit of happiness. This wood boiler is 1000 feet away from the house. The operator burns strictly pine wood, this year it is unseasoned and remains uncovered. He only started splitting the big pieces for this winter's use in October and as late as December, there are fresh big chunks of unseasoned white pine. I didn't want to make this personal, but I will provide a little background so you get the flavor of what this does to a neighborhood. Word got out after I brought this up at the November committee meeting. Mr. Derway called me on November 21<sup>st</sup> to say that Mr. Beck, a neighbor across from him burns construction material and causes my complaints. I spoke with Bob Beck that evening and he said he burns stuff very infrequently and would cease based on my request. I was inundated with pine smoke that night. I spoke to Mr. Derway on December 21<sup>st</sup> and told him he was ruining my life and all the smoke he creates. He

pointed to the 4 houses across the street and said they all burn wood. This is his jurisdiction. To add insult to injury, now I see Mr. Derway sneaking around my house taking pictures of my wife and me. Mid afternoon on January 7<sup>th</sup> my wife asked me to come out and sit by a campfire and have a glass of wine. While walking out, I see Mr. Derway on the road taking a picture of me walking toward the campfire behind my house. We had a fire in the fireplace over the weekend of January 14<sup>th</sup>, late afternoon on January 15<sup>th</sup> I see Mr. Derway what appears to be taking pictures from the road in front of my house. I have tried to be reasonable but I can't sit back anymore. I built my house in 1997 and have never had a problem with smoke until 2004 when Mr. Derway obtained this wood boiler. Please look at these pictures of the smoke created by this filthy contraption. It can obstruct visibility to the point that I cannot see my pond 100 yards from my house. Its plume can travel and be visible for more than ½ mile. It can create unhealthy levels of fine respirable particulate for extended periods at my house. From October to April I am made a prisoner of this thing when I get smoked out. The New York State Agriculture Department reported in 2005 that outdoor wood boilers can emit 12 times the amount of fine particulate as an EPA certified woodstove. More recent info indicates this to be a conservative estimate. Since early November I have used portable nephelometric respirable particulate monitors at home in preparation for work-related studies. These units use a light scattering sensor to estimate the levels of respirable particulate in air. I have graphs of respirable particulate levels for the 6 monitored weeks showing that I was significantly impacted by pine smoke for 25 of the 46 days. That is about 1 out of 2 days that I am affected by acrid smoke, always during nice calm conditions. Here are pictures taken of my pond on December 10<sup>th</sup>, a nice beautiful morning. At 8:20 the view is so obstructed that it is difficult to see the pond. About 9:30 after the atmosphere started warming up and air was moving, the smoke cleared out and the view of the pond was crystal clear. Here is another picture from December 19<sup>th</sup> at 9:00am showing the smoke plume traveling down the valley as far as I can see, perhaps ½ mile. I have highlighted on graphs when the pictures were taken. You can clearly see the pattern of peaks and valleys in the graph that illustrate the cycling of wood boiler blowing and resultant smoke. I used to like watching the planets and stars on my deck with my telescope. I can't do that anymore because I am smoked out on clear calm evenings. I couldn't watch the meteor showers in late November even though it was clear because we were smoked out. Beside the aesthetic effects this has, it can clearly have an effect on health. I have a sampling of many research articles done on respirable particulate. Respirable particulate are referred to as PM2.5 and are those that can be inhaled deeply into the lung and either lodge or get absorbed in the blood stream. The National Institute of Environmental Health Services published a study report in 2001 that concluded "this study provides strong evidence that short-term exposure to PM2.5 causes increased risk of heart attack". The Journal of American Medical Association (JAMA) reported in 2006 that there was a short-term increase in hospital admission rates associated with PM2.5 for all of the health outcomes except injuries. The article concluded that short-term exposure to PM2.5 increases the risk for hospital admission for cardiovascular and respiratory diseases. The American Lung Association, the Harvard School of Public Health and numerous state health agencies have all come to similar conclusions. The states of Washington, Maryland, Vermont, and Connecticut have adopted regulations or outright bans. There are over 60 local municipalities in NYS that have adopted local laws either regulating or banning these units. Rockland County has essentially banned their use. More recently, the Suffolk County legislature passed a law restricting the citing of outdoor wood boilers to no closer than 1000 feet to any residential structure, day care center, hospital, etc. and for those that can be cited, restricting their use to the heating months. This included a 180 day sunset for units currently in use. Something has been done. In my particular case, the operation of this unit has severely affected my quality of life and is potentially affecting my health. I continually observe the operation of fireplaces and woodstoves and they emit some smoke that quickly dissipates. There is no comparison to the thick smoke plume produced by the outdoor wood boiler. I leave for you a number of articles from the New York Times to a Canadian Wood Heat Organization that discuss the problems caused by these units. Almost everyone agrees that an owner does not have the right to use property in any way desired. Since 1960 we have had zoning to limit property rights from spillover such as noise, smell, building height, unsightly conditions and protect neighbors and the community at large. Land use laws reflect the community standards as to what is acceptable between an owner and neighbors. Where are the rights of landowners that reside in the area of these



filthy contraptions and are severely affected by the smoke plumes? Town Board members are elected to represent the interest and fairness of all town residents. My case is a harbinger of problems to come in our town is something isn't done. I believe the Town Board should adopt a Local Law that bans these units, or otherwise strictly regulate where these can be cited and how they are operated. I pity the unsuspecting neighbors that are going to wake up one day and realize their clean rural environment has dramatically changed and will remain so for years to come because someone got a wood boiler with no emission controls. We can't wait for the State to do something. They have known about the problem for several years and are several more years from enacting any kind of legislation. I understand there may be a loss to some individuals that invested in these, but let's limit their number by doing something now. Please adopt a Local Law for the greater good of all the residents of the Town and restrict where these units can be located and control the impact they can produce.

Supervisor Hotaling thanked Mr. McDonald and continued by asking if anyone else wished to comment.

Ms. Laurie Schiabile stated that she also was glad to see that the speed limit on Colvin Avenue was on the agenda and continued by saying that she wanted to follow-up on the supposed dead-end street. She added that she had done some research in addition to checking with the Building Department regarding how Colvin Avenue came not to be a dead-end street and continued by saying that it is her understanding that legally if a town road has not be accessed and an organization, business or home wants to access it and it is a dead-end road they would have had to have followed some kind of formal process and gotten approval from the Town Board. She went on to say that there is no record of that anywhere for the Town of Coeymans for either New Visions, Hillside House or Fillipone House and added that they should not be accessing Colvin Avenue and continued by saying that technically the address for that business is Rte. 144 on Main Street in the Town of Coeymans. She continued by saying that she wanted to know what the Town is going to do about that and added that she can think of several other dead-end streets within the Town limits that it would be a detriment to that street if one of the homeowners on a parallel street decided to start using and creating their own driveway to access another street. She concluded by saying that she does not know how the Town Board feels about that and what the Town Board's inclination might be to do something about it and added that she is hoping that it can be addressed.

Supervisor Hotaling stated that her reference to her legal base of information is one of which he is not familiar with.

Ms. Schiabile stated that she had confirmed it with Albany County, and an attorney in addition to Planning Board Chairman Foronda.

Supervisor Hotaling interjected that Mr. Foronda is the person that he will be consulting and added that he would like for him to weigh in from his position as Chairman of the Planning Board to the Town Board as to what the Planning Board may or may not have done to permit access from that piece of property.

Ms. Schiabile stated that it is her understanding that it is not true and added that they should have received some kind of formal approval for access.

Supervisor Hotaling stated that he will make the inquiry to the Planning Board Chairman.

Ms. Schiabile inquired as to what will take place after that.

Supervisor Hotaling stated that it will depend on what it says.

Ms. Schiabile stated that there are two options, which are either they should have gotten formal approval or they should not have.

Supervisor Hotaling interjected that they are the two options that come to mind and added that there might be more.

Ms. Schiable inquired as to if they should have gotten approval and didn't, will they be making Colvin Avenue a dead-end street again.

Supervisor Hotaling stated that Colvin Avenue is a cul-de-sac street.

Ms. Schiable interjected that cul-de-sac means dead-end with no thoroughfare and continued by saying that there is a thoroughfare.

Supervisor Hotaling stated that it is a thoroughfare that adjoins New Visions property.

Ms. Schiable stated that it goes right through to Rte. 144 and added that people use it that way. She continued by asking what they are going to do about it.

Supervisor Hotaling stated that he is going to wait for the report from the Planning Board and in turn will take appropriate action in public forum and added that she will then be aware of what the next step will be, whether it is bringing it to the attention of the Town Attorney or someone else.

Ms. Schiable stated that other residents should know that if they are technically on a cul-de-sac or dead-end street that one of the other houses on a street that is parallel to it can create a road to access another town road.

Supervisor Hotaling stated that if they didn't already know, Ms. Schiable had just told them and continued by asking if there were any further comments.

Ms. Pasquini stated that at the last Town Board Meeting they had discussed the possibility of moving the Police Department back to Town Hall.

Supervisor Hotaling stated that a Town Board member had suggested that it could be an opportunity.

Ms. Pasquini stated that since the Town had purchased the old Coeymans Fire House, it be more logical to move the Police Department there.

Supervisor Hotaling stated that the intended purpose of the purchase was to put the Utility Work Force there and added that to put the communications down there would require a level of radio repeaters that would have to reach throughout the town and continued by saying that in order to do that there might be some significant problems. He concluded by saying that the current use is fine and added that the present use is the most appropriate use considering the potential problems of putting communications there.

Ms. Pasquini stated that she was thinking that since the Town already owns the building it would solve a lot of problems.

Supervisor Hotaling thanked Ms. Pasquini 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 were three sets of minutes for Town Board approval, a Special Town Board Meeting on 11-27-2006, a Town Board Meeting 12-11-2006 and a Public Hearing on 12-26-06. He then asked if everyone had the opportunity to review the minutes.

Councilman Boehm suggested that they table the minutes until the next Town Board Meeting.

MOTION

On motion of Councilman Boehm, seconded by Councilwoman Rogers the minutes were tabled.  
VOTE – AYES 3 – NAYS 0 –ABSENT 1 (Chmielewski)

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FAMILY SELF-SUFFICIENCY PROGRAM – JANUARY 2007

Supervisor Hotaling gave the Family Self-Sufficiency Report for January 2007 and reported that there are 6 active participants of which 5 have escrow accounts. He added that as they go forward in 2007 the number will be weaned even further as the people either graduate or move on in light of the fact that the Town has chosen not to fund the staff person required in Mr. Mastrianni’s office to have the program.

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SUPERVISOR’S REPORT

Supervisor Hotaling gave his report for December 2006.

December 2006

| BALANCE          | BAL. FWD.    | RECEIPTS     | DISBURSE.       | BALANCE        |
|------------------|--------------|--------------|-----------------|----------------|
|                  |              |              |                 |                |
| GENERAL          | \$824,343.67 | \$ 35,401.26 | \$298,359.61    | \$561,385.32   |
|                  |              |              |                 |                |
| PART-TOWN        | \$389,911.07 | \$201,789.89 | \$325,859.95    | \$265,841.01   |
|                  |              |              |                 |                |
| SPEC. WATER      | \$ 38,348.46 | \$ 185.67    | -0-             | \$ 38,534.13   |
|                  |              |              |                 |                |
| HIGHWAY          | \$ 17,079.94 | \$343,912.33 | \$ 82,981.64    | \$278,010.63   |
|                  |              |              |                 |                |
| BRIDGE CONST.    | \$ 38,756.74 | \$ 19.51     | -0-             | \$ 38,776.25   |
|                  |              |              |                 |                |
| SEWER            | \$158,707.85 | \$ 20,345.97 | \$ 38,045.77    | \$141,008.05   |
|                  |              |              |                 |                |
| SEWER CAP. PROJ. | \$240,566.49 | \$ 291.68    | \$ 75,095.65    | \$165,762.52   |
|                  |              |              |                 |                |
|                  |              |              | Total Rec. Bal. | \$1,489,317.91 |

CD-CITIZENS BANK

|         |                 |              |
|---------|-----------------|--------------|
| 90 DAYS | GENERAL A FUND  | \$115,000.00 |
| 90 DAYS | HIGHWAY DA FUND | \$200,000.00 |

SAVINGS ACCOUNTS

|                   |                    |
|-------------------|--------------------|
| UNEMPLOYMENT      | \$ 3,126.88        |
| GROVE CEMEMTERY   | \$43,464.77        |
| SEWER – DEDICATED | <u>\$ 6,153.75</u> |

SECTION 8 - HUD

|                |             |
|----------------|-------------|
| OCCUPIED UNITS | 61          |
| HUD PAYMENTS   | \$23,976.00 |
| ADMIN. FEE     | \$ 160.00   |
| TOTAL HUD PMT. | \$24,136.20 |
| TENANT RENT    | \$12,208.00 |
| CONTRACT RENT  | \$35,929.00 |

COLLATERAL  
COVERAGE

FDIC COVERAGE

COLLATERALIZED

|                  |              |                |
|------------------|--------------|----------------|
| National Bank of |              |                |
| Coxsackie        | \$100,000.00 | \$1,813,054.28 |
| Citizens Bank    | \$100,000.00 | \$373,613.31   |

First Niagara

\$100,000.00

\$490,693.51

Councilman Boehm inquired about the Bridge Construction Fund and if it was from the South Bridge or if it is funds that will be used for the North Bridge.

Supervisor Hotaling stated that because the projects has been delayed what happens in budget season is that he contacts the County and they give him their best guess as far as what will be expended in the upcoming year. He continued by saying that in September of the previous years he has put in what the Town's 5% portion is likely to be and added that as the years have gone by because of the delay and because of the funds that the County anticipated spending were not spent, as a result each year there is a fund balance. He went on to say that the fund balance has been rolled over and that amount of \$38,756.74 combined with the Highway DA fund, which is also bridge money indicates that there is \$238,776.25 in that fund. He concluded by saying that if the construction starts in 2007 this is the money that they will draw their 5% from and added that as it goes into 2008 there will also be some responsibility for the Town's 5% and continued by saying that if they don't spend the \$238,776.25 in 2007 when the construction begins that will also be rolled over and he will ask Mr. Franchini what the cost for 2008 will be and that roll over plus whatever he says they will need will hopefully end the Town's bridge construction responsibility.

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

#### **MOTION**

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

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

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#### **DEPARTMENT REPORT REVIEW**

##### **Building Department Monthly Report – December 2006**

Supervisor Hotaling asked that Councilman Boehm give a summary of the Building Department Monthly Report.

Councilman Boehm continued by giving a summary of the report.

Supervisor Hotaling stated that he was offering a motion to approve the report.

#### **MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, the Building Department Monthly Report was approved as presented.

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

##### **Town Clerk Monthly Report – December 2006**

Supervisor Hotaling asked that Town Clerk Millious give her monthly report.

Town Clerk Millious continued by giving her monthly report.

Supervisor Hotaling stated that he was offering a motion to approve the report.

#### **MOTION**

On motion of Supervisor Hotaling, seconded by Councilman Boehm, the Town Clerk Report was approved as presented.

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

## **OLD BUSINESS UPDATE AND DISCUSSION**

### **Update on Proposed Landfill**

Supervisor Hotaling asked that Town Attorney Rotello brief the Town Board as well as the public as to the status of the proposed landfill litigation.

Town Attorney Rotello stated that a letter was sent January 3, 2007 to Judge McCarthy from the Town's Special Council Mark Schachner. He added that in September the Town filed a new action at the Supreme Court level by petition and it was adjourned without date pending the outcome of the Town's applications at the Appellate Division and potentially the outcome of the appeal. He continued by saying that the new action had the same judge as the action that the private citizen's group was appealing from and added that if his decision was reversed it may make moot the new action that the Town filed. He went on to say that the letter was an inquiry as to the status and an update of the case and added that Mr. Schachner had indicated that the Town wants to continue to adjourn it and added that it is possible that one of the other parties is not in agreement with that continuation and may request some re-judgment or move the court for some immediate relief and continued by saying that he does not believe that anyone has answered the action since it was put on hold. He added that Judge McCarthy got appointed to the Appellate Division Second Department and continued by saying that he is not sure which judge will be assigned to the case. He went on to say that the Town initially moved to intervene for standing to be heard as a party on that appeal and the motion was denied by a decision of the Appellate Division called a Memorandum Decision and added that the Town then made a request to be granted what is called Friend Of The Court Status so that they could make argument and perhaps if the courts chose to consider their briefs as contributing to the issues before the court. He continued by saying that the motion, the private landowner group who is a party to the appeal by their counsel, Michael Moore did not oppose the request and sent a letter stating that they took no position and added that the City of Albany objected on the grounds that the request was not timely and in turn by a one line decision the Appellate Division denied the motion. He went on to say that the letter is an effort by special counsel, Mr. Schachner to get some clarification as to if the motion was denied as premature and if so they would re-file at the time that the appeal is due to be perfected, which is mid February. He concluded by saying that his sense is that he will not hear back from the Appellate Division because the decisions are one-line decisions, which is common for that Court to give and added that he will just renew the motion at the time that the appeal briefs are filed and hopefully they will have some reconsideration at that time.

Councilman Boehm inquired as to if it is a common occurrence to deny something without any rational or reason.

Town Attorney Rotello stated that when you make a motion at the Appellate Division level it is common practice to say that it is either granted or denied, without any reason. He added that motion practice is not common at the Appellate level because you have already gone through a trial at the Supreme Court level and now are appealing that decision. He concluded by saying that not many motions are made at the Appellate Division level.

Supervisor Hotaling interjected that this one is unique since they were not party to the earlier decision and added that all they are trying to do is be a Friend of the Court and file a brief.

Town Attorney Rotello stated that it is a bit confusing to the attorneys involved and it was surprising that the motion was denied. He added that this is why Mr. Schachner wrote the letter to Mr. Novack, Chief Clerk of the Appellate Division.

Supervisor Hotaling stated that they are still moving forward in an effort to protect the interest of the residents. He continued by saying that the residents need to be protected regardless of whether the landfill is here or not and added that if it is here they still need to have their interest protected in term of how it is cited in the most environmentally sensitive and beneficial way for the community. He went on to say that they continue to

fight it because they feel that it is not in the best interest for them to have the landfill in the Town of Coeymans and added that it is an interest that they are trying to protect. He concluded by saying that they will continue to do it in whatever form that it takes.

### **Rental for Coeymans Police Department at Village Hall**

Supervisor Hotaling stated that there has been previous discussion about rental for the Police Department at Village Hall. He continued by saying that at the direction of the Town Board he had sent a December letter to Village Trustee Bailey in regard to the Town Board's counter proposal with a smaller number. He added that the original request from the Village was \$9,000 rental fee for both Dispatch and the Police Department in addition to 5/16 of the utility cost of Village Hall along with a proposal for cleaning that was approximately \$800 per year. He continued by saying that he counter proposed a smaller number, which included heat and electric as well as letting them know that the proposal for cleaning services was not going to be considered by the Town Board. He added that the counter proposal resulted in a meeting between himself and Trustee Bailey at Town Hall where clarification of both positions were put on the table and continued by saying that it was his sense that Trustee Bailey, by extension of the Village Board wants a long-term commitment.

Councilman Boehm inquired as to if 1-2 years would be long-term.

Supervisor Hotaling stated that it would be much longer than that and continued by saying that Trustee Bailey had indicated that the library may be interested in more space for an expansion. He added that they are looking for a long-term commitment for rental for the space at Village Hall.

Councilman Boehm inquired as to who the tenants of Village Hall are and what portion of the utilities they pay.

Supervisor Hotaling stated that the library and R-C-S School District has a contract and added that he is not sure what the arrangement is with the Historical Society. He added that he had also inquired as to what percentage each tenant pays and continued by saying that Trustee Bailey didn't have the specifics but did indicate that he believed that part of the utility costs were woven into the rental agreements.

Councilwoman Rogers stated that she would also like to know what they mean by long-term in addition to wanting to know how much the rent would increase over the term of the contract.

Councilman Boehm stated that they would have to see if there was a built-in increase. He continued by inquiring as to if the utilities are electricity and fuel oil.

Supervisor Hotaling stated that was correct and added that in addition to that the Town was given a bill for June – December 2006, which represents 5/16 and added that in turn he had questioned it and continued by saying that Trustee Bailey's position on that was the Ravena Police Department was consumed and went away and as a result the Coeymans Police Department was the sole tenant and since the 5/16 had been previously split between the Ravena and Coeymans Police Departments, the 5/16 would now be billed to the Town as they are the only tenant.

Councilwoman Rogers inquired about Communications, which is also being used by the Village of Ravena.

Supervisor Hotaling stated that it is not going to be an easy solution and added that in his proposal he had also pointed out that the 24/7 presence of the Police Department provides a level of positive presence, which would hold down the opportunity for vandalism and added that the thought was rejected because there is still vandalism in addition to the police not responding to the request to take action against people that are on the property. He then asked that Chief Darlington give an update on that.

Chief of Police Darlington stated that routinely it is unofficially reported to the Police Department and in turn he advises that the filing of a report would initiate an investigation in addition to it being necessary. He continued by saying that the Communication Center cannot see anything other than only one part of the parking lot and added that a patrol car is not going to sit in the parking lot all day because they have to cover many square miles throughout the Town. He added that they are in and out frequently and continued by saying that it has been an ongoing battle about youth hanging around Village Hall and went on to say that some Village Board Trustees feel that they should be chased off while others believe that it is alright for them to be there playing football in addition to youth coming in and out because of the library being there. He concluded by saying that he would like to be able to sit down and discuss a long-term arrangement with the Town Board to discuss the pros and cons.

Supervisor Hotaling stated that he would inquire as to how long a term they are talking about in addition to the other tenant's contribution toward utilities and then report back to them.

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## **NEW BUSINESS TOPICS FOR DISCUSSION AND/OR ACTION**

### **Speed Limit Review – Colvin Avenue**

Supervisor Hotaling stated that he has many discussions and e-mails with Ms. Schiabile regarding the speed limit on Colvin Avenue and added that he had advised to her that he had asked that Highway Superintendent Deering initiate a speed limit review of Colvin Avenue utilizing the regular process of Albany County and New York State involvement. He continued by reading the memorandum which he had received from Highway Superintendent Deering as follows:

To: Ronald K. Hotaling, Jr., Supervisor

From: Albert Deering

Date: 01-07-07

RE: Speed Limit

Please accept this memo as a recommendation that the New York State Department of Transportation reduce the speed limit in the interest of traffic and residents safety on Colvin Avenue in the Town of Coeymans.

I would anticipate the Town Board of the Town of Coeymans would agree that the speed limit should be lowered and authorize the Attorney for the Town, the engineer for the Town and myself the Highway Superintendent to request that the New York State Department of Transportation reduce the speed limit on Colvin Avenue and have the Town Clerk complete and forward a TE 10A form to the Albany County Department of Public Works.

Thank you for your time in this matter.

Albert Deering

Supervisor Hotaling stated that previous requests have come with a recommended speed limit and continued by asking Highway Superintendent what he would recommend.

Highway Superintendent Deering stated that he would rather that they make a recommendation.

Supervisor Hotaling inquired as to whom they are and if it is the County and State.

Highway Superintendent stated that it goes to the County and in turn to the State who will send someone down to ride on the street and look at it and added that it is then determined what the speed should be.

Supervisor Hotaling inquired as to if Highway Superintendent Deering had a number in his head as far as what he would recommend.

Highway Superintendent Deering stated that he doesn't and added that he also wants to address the Hamlet by itself as well because there is not a speed limit other than Rte. 144 and Church Street. He continued by saying that there will be a separate correspondence suggesting a change in the Hamlet.

Councilman Boehm inquired as to what the current speed limit of Colvin Avenue is.

Highway Superintendent Deering stated that it is 55 mph.

Supervisor Hotaling stated that he recalled that on all roads that are otherwise posted the speed limit in the Town, the Town Board had passed a resolution that created a town-wide speed limit of 30 mph.

Town Attorney Rotello interjected that there is a Local Law that set unless otherwise posted, the speed limit of 30 mph.

Supervisor Hotaling inquired as to if the Town Law is unenforceable.

Town Attorney Rotello stated that that he does not know if he would go as far as saying that it is unenforceable and continued by saying that it would be appropriate for purposes of New York State Vehicle and Traffic Law enforcement that once the Department of Transportation has passed on it, the police officers could then enforce under the law.

Supervisor Hotaling inquired as to if he was just talking about Colvin Avenue.

Town Attorney Rotello stated that he was generally speaking.

Supervisor Hotaling stated that he was generally speaking and continued by inquiring as to if the law needs to be reviewed.

Town Attorney Rotello stated that he was addressing what he believed Highway Superintendent Deering was saying as far as the speed limit for the Hamlet. He continued by saying that in regard to NYS Vehicle and Traffic Law as opposed to the Town of Coeymans Local Law, the NYS Vehicle and Traffic Law would require the input from the Department of Transportation regarding the setting of a speed limit on a Town road, which is what they are trying to do on Colvin Avenue.

Supervisor Hotaling interjected that it is because the Town of Coeymans is a Town of the second class and added that if they were regarded as a first class with over 10,000 people they would be able to establish their own speed limit.

Town Attorney Rotello stated that there may even be something in the Vehicle and Traffic Law that requires the population to be 25,000.

Supervisor Hotaling continued by saying that the Superintendent of Highways is about to send a memo to the Town Board suggesting that the Hamlet be referred to the County of Albany and therefore the State of New York for a review of the speed limit and added that it seems like an all encompassing request. He continued by saying that from his perspective if he were the County and/or the State he would want more specifics.

Town Attorney Rotello stated that he believes that it would be an appropriate time to review the Hamlet and give them a list and request that they make recommendations. He added that there is some information to suggest that at some point in time there was the authorization for the 30 mph speed limit and continued by saying that no one can put their hands on anything specific. He concluded by saying that if it is something that the



Town Board feels appropriate to get absolute clarification on they should make the request now.

Chief of Police Darlington stated that he does believe that it should be looked at and added that there is an area of Rte. 144 coming out of Greene County that says 30 mph, which the State erected. He continued by saying that it has been his understanding that the Hamlet of Coeymans has been an area speed limit that was never posted.

Supervisor Hotaling stated that he agreed and added that he has personally observed individuals coming out of a 45 mph speed limit and not adjusting their speed for the Hamlet. He continued by saying that Rte. 144 is a State Highway and in turn it is a state responsibility.

Chief of Police Darlington stated that it the speed limit states “area speed limit” any entrance into the area would result in a 30 mph speed limit and continued by saying that on the north end there is not an area speed limit sign and added at one point he does believe that the Hamlet was made 30 mph unless otherwise posted.

Supervisor Hotaling stated that it could be a miscommunication with signs and inquired as to if that was true, could they change the signs.

Highway Superintendent Deering stated that he could make a call and added that as far as an area speed limit, the County has no record of it.

Supervisor Hotaling stated that he believes that it was done in his tenure on the Town Board, which was between 1984-1999 and added that his recollection is the early 90’s when the resolution took place. He continued by saying that he does not know why it was never sent on.

Highway Superintendent Deering stated that he has all of the paperwork and added that it never went to the State because something was wrong with it.

Town Attorney Rotello interjected that there was information when then Chief Giroux was doing the research that indicated at some point in time there was a Local Law that addressed parking and some other vehicle and traffic type issues.

Supervisor Hotaling stated that he recalls a simple resolution that stated unless otherwise posted.

Town Attorney Rotello stated that it was done on the premise that prior to that the State had given the approval for the 30 mph limit on town roads unless otherwise posted.

Supervisor Hotaling inquired as to what the wisdom would be in separating the Hamlet from the rest of the town. He continued by saying that he would charge Town Attorney Rotello, Chief of Police Darlington and Highway Superintendent Deering with sitting down with a list of roads provided by Highway Superintendent Deering and in turn Chief Darlington could enter in from a law enforcement perspective in what he knows the laws to be now with the guidance of Town Attorney Rotello and put together a packet for the Town Board to review and be able to act on and forward it to the appropriate parties. He added that he would not limit it to the Hamlet of Coeymans and went on to say that their actions of the past were failed efforts in an attempt to make it 30mph throughout the Town unless other wise posted. He concluded by saying that if they see a need from Highway Superintendent Deering, Town Attorney Rotello and Chief of Police Darlington along with hearing the need from the community, he believes that it is time to do it.

Town Attorney Rotello stated that he does not believe that there were failed efforts and added that he believes that there might be an issue if a road came into existence over the past ten years subsequent to an initial approval by the Department of Transportation. He added that he does not know if it would automatically fall under it or if you would have to make a new request each time a road is identified. He continued by saying that they need to clarify it once and for all and added that they have a road list to go by and it should not be that difficult a task.

Supervisor Hotaling inquired as to if Colvin Avenue should be separated out as a unique request and done in advance or it should be done in the context of the town-wide effort.

Town Attorney Rotello stated that if it is ready to go he would suggest that they do it now.

Supervisor Hotaling stated that he does not know if it is ready to go and added that he got a memo from Highway Superintendent in which there are no recommendations and continued by saying that it suggests that it go to the Town Attorney and the engineer for the Town, who they do not have, to initiate a request.

Highway Superintendent Deering stated that the Town Board should send it to the County and in turn the County would send it to the State.

Councilman Boehm inquired as to what the State does when they look at the road and continued by asking if they talk to residents on the road.

Highway Superintendent Deering stated that he does not know and added that he has never been with them. He continued by saying in turn they send a report to the Town.

Councilman Boehm stated that he thinks that they put too much faith in it and suggested that they put a number on it before it gets sent that makes sense to the residents of Colvin Avenue.

Ms. Schiabile interjected that there are two residents present and continued by saying that she does not know why it is going to take so long. She continued by saying that she is concerned with it being lumped in with the Hamlet of Coeymans and added that the road has been an issue for years.

Councilman Boehm asked Ms. Schiabile what she believed would be a good speed.

Ms. Schiabile stated that there are only four houses on the street and added that 15-20 mph would be recommended because it is approximately 200 feet and added that the bigger issue is that it is being used as a thoroughfare.

Highway Superintendent Deering stated that in speaking with the Association of Towns he does not believe that they will go any lower than 25 mph unless it is in a school zone.

Chief of Police Darlington interjected that Vehicle and Traffic Law states that the speed limit can be no lower than 30 mph unless it is in a school zone at which it can be reduced to 20-25 mph during school hours.

Ms. Schiabile stated that there are always exceptions to the law and added that in Hempstead New York and other areas it has been specifically stated that the speed limit cannot surpass 15 mph.

Supervisor Hotaling interjected that they were probably special exceptions done by the State Legislature.

Ms. Schiabile stated that this is what Colvin Avenue is.

Supervisor Hotaling reiterated that they were probably special exceptions done by the State Legislature within the DOT Law that addresses certain members or organizations concerns that may have been brought through the members of the Legislature to get them to pass a law that specifically adds a paragraph in the DOT law that deals with certain areas, street, town, etc.

Ms. Schiabile stated that this might be what they need because the street is very narrow and not very long and continued by saying that it is a special circumstance. She added that she lives on the street and the number of cars using the street is dangerous. She concluded by saying that those who do not live there do not understand and reiterated that

the speed limit has to be lowered and in turn law enforcement will have the power to do something about it.

Supervisor Hotaling inquired as to if the Town Board wanted to take any action on Highway Superintendent Deering's memorandum dated 01-07-07.

Councilman Boehm stated that he would recommend specifying a speed limit of 20 mph so there is some kind of a guideline to go with and move forward.

Supervisor Hotaling stated that he would be cautious to do that in the face of Highway Superintendent Deering's duty to do that himself and added that he would put anything in the letter that the Town Board wants.

Councilman Boehm asked Highway Superintendent Deering if he thought that 20 mph was reasonable.

Highway Superintendent Deering stated that it is not up to him and added that it is up to the State to make the recommendation.

Councilman Boehm stated that his concern at the County and State level is that they won't understand the local issue with the speed and the problems that the residents are having if they don't recommend a speed limit.

Town Attorney Rotello stated that he understands Highway Superintendent Deering's concern is as far as deferring to them for reduction lower than the 30, which may require an act of the Legislature, which would require contacting Assemblymen and Senators for the Town's area. He added that if necessary and if the process can be done, the residents in conjunction with the Highway Superintendent could make that request of those representatives directly. He continued by saying that if they were to suggest a speed limit something less than 30 mph, it might get some attention in that there is a need to go lower than 30 and in turn get their input, which might be to contact the State Legislature. He concluded by saying that it might not be a bad idea to make a request and added that he believes that there is a town-wide speed limit of 30 mph unless otherwise posted and in turn a Local Law was enacted because of supporting information. He reiterated that it won't hurt to suggest something lower because it may prompt them to look at it and added that it should come from Highway Superintendent Deering.

Supervisor Hotaling interjected that if Highway Superintendent Deering does not want to give a recommendation he would pass it on without it. He added that before they do anything with respect to the State Legislature with respect to speed limits, he wants the entire town analyzed so that the same would apply for similar roads in the Town.

Ms. Schiabile inquired as to what this means for Colvin Avenue.

Supervisor Hotaling stated that he had given some latitude with the discussion and added that the Town Board is in session and public comment is over. He continued by asking the Town Board for a motion to move it along to the Commissioner of the Public Works Department at Albany County, State of New York.

Councilman Boehm stated that he would make a motion and then asked if Highway Superintendent Deering was going to insert a recommendation for a 20 mph speed limit.

Supervisor Hotaling stated that there was a motion to forward it to Albany County.

Councilman Boehm interjected that it was a motion with a recommendation that 20 mph be added.

Supervisor Hotaling asked if there was a second to Councilman Boehm's motion.

Councilwoman Rogers stated that she would second the motion.

Supervisor Hotaling asked Ms. Rogers if she was aware that she was accepting a motion that adds a 20mph speed limit to the recommendation.

Councilwoman Rogers stated that it was by the suggestion of the Town Attorney.

Town Attorney Rotello stated that he didn't suggest that.

Supervisor Hotaling stated that Town Attorney Rotello's suggestion was Highway Superintendent Deering was charged with the responsibility of making the suggestion.

Councilwoman Rogers asked Highway Superintendent Deering if he would agree with putting 20 mph.

Highway Superintendent Deering stated that they could try it.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing Supervisor Hotaling to forward a letter to Mr. Franchini to undertake the study and process for a review of a speed limit of 20 mph on Colvin Avenue.

VOTE – AYES 5 – NAYS 0 – SO MOVED – ABSENT 1 (Chmielewski)

Supervisor Hotaling asked if the Town Board agreed that the memorandum dated 01-07-07 needed to be redone or an addendum to include the 20 mph recommendation.

Collectively it was agreed that it should be redone or amended.

Supervisor Hotaling stated that Highway Superintendent Deering is directed to redo the submission to the Town Board and added that upon receipt he would forward it to Mr. Franchini.

## **ALS 4<sup>th</sup> Quarter Payment**

Supervisor Hotaling stated that the Town is in receipt of the 4<sup>th</sup> quarter payment for ALS Services provided by the paramedic to the Rescue Squad and continued by saying that the Rescue Squad soft-bills for their services and added that as per an agreement with the previous administration there are components in a formula relative to the breakdown of apportionment for the ALS calls. He continued by saying that the 4<sup>th</sup> quarter payment indicates that there were 62 ALS calls and the average payment for each of the calls was \$544.72 in addition to 85 BLS calls with an average payment of \$413.52, which is a payment difference of \$131.20 minus a 12% service fee of \$15.74 for a total of \$115.46, which was multiplied by 52, the actual number of calls that they were paid for, for a total of \$6003.83. He concluded by saying that there are on-going negotiations with respect to a contract with the Ravena Rescue Squad.

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## **RESOLUTIONS**

### **RES. #034-07 AUTHORIZE TOWN CLERK TO ENTER INTO AGREEMENT WITH GENESIS SYSTEMS, INC.**

On motion of Councilman Boehm, seconded by Councilwoman Rogers the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

**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 agreement with Genesis Systems, Inc. to provide services for the period of March 1, 2007 to February 28, 2008 to sign the agreement, and

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

Supervisor Hotaling asked Town Clerk Millious if she had anything to add.

Town Clerk Millious stated that it is a yearly contract for the Town Clerk software.

**RES. #035-07 APPOINT BINGO INSPECTOR**

On motion of Supervisor Hotaling, seconded by Councilman Boehm the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

**WHEREAS**, the position of Bingo Inspector recently became vacant, and

**WHEREAS**, the Town of Coeymans is in need of a Bingo Inspector to ensure that games being run in the town are in compliance with New York State regulation.

**NOW THEREFORE, BE IT RESOLVED**, that the town Board of the Town of Coeymans does hereby appoint Edward J. Domanico as Bingo Inspector, effective immediately at the yearly rate of \$800, with a term to expire December 31, 2007.

**RES. #036-07 APPOINT COUNSEL TO ZONING APPEALS BOARD**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

**BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Aline D. Galgay, Esq. to serve as legal counsel to the Zoning Board of Appeals for a yearly fee of \$6,000 payable by monthly vouchers submission.

Supervisor Hotaling stated that this is to replace Mr. Brick who can no longer provide his services to the Zoning Board of Appeals and added that Town Attorney Rotello had a conversation with Ms. Galgay and found her to be enthusiastic about the appointment and well versed in the area of zoning and related laws.

**RES. #037-07 APPOINT INTERNAL CONTROL OFFICER**

On motion of Councilman Boehm, seconded by Supervisor Hotaling the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

**WHEREAS**, the Town Board of the Town of Coeymans understands that the most important aspect of town government relates to its fiscal stability, and

**WHEREAS**, the recent accounting reports indicate substantial improvement, and

**WHEREAS**, the implementation of internal controls is critical to achieving that stability,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Coeymans, after consideration of options, hereby authorizes the hiring of Darryl Purinton as Internal Control Officer, and

**BE IT FURTHER RESOLVED**, that Mr. Purinton will be employed on an “as needed” basis at an hourly rate of \$100. This appointment shall take effect immediately.

Supervisor Hotaling stated that the appointment is an extension of what he had envisioned for this year in terms of internal control and added that they have been since 2004 getting their hands around the fiscal status of the Town. He continued by saying that the auditing threshold has been raised considerably because of new laws and added as a result they need to be prepared. He added that Mr. Purinton’s expertise with the Town goes back several years as an auditor and employee of Marvin & Company and continued by saying that he is no longer employed by Marvin & Company and he is now going to provide his services to only a handful of municipalities or IDA’s. He went on to say that he has discussed this with Albany County Civil Service and filed a CC-1 form to create the position of Internal Control Officer in addition to strongly urging Civil Service to take

the lead in creating the position in other municipalities as well and added as a result they agreed and forwarded the request to the State of New York. He concluded by saying that Mr. Purinton's availability as needed for \$100 an hour will prove to be much less costly and more directly efficient to the Town than hiring Marvin & Company as an auditor on an annual basis and added that he is pleased that he has picked the Town as one of the municipalities that he wishes to assist and continued by saying with his guidance he knows that the Town will be ready for the next State audit.

**RES. #038-07 APPOINT HIGHWAY EQUIPMENT OPERATOR I**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

**WHEREAS**, the Highway Superintendent is desirous of filling the vacant position of Equipment Operator I in his department, and

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

**WHEREAS**, the Superintendent of Highways has confirmed the candidate meets minimum qualifications,

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Coeymans authorizes the appointment of Lawrence R. Southwick to the position of Equipment Operator I. Effective immediately, at the hourly rate commensurate with the union agreement currently in effect.

Supervisor Hotaling stated that this appointment was at the request of Highway Superintendent Deering.

Councilwoman Rogers interjected that all of the Highway positions are full.

Councilman Boehm inquired as to if there were still positions available for seasonal workers.

Highway Superintendent Deering stated that he still needs two.

**RES. #039-07 APPOINT PART-TIME MECHANIC**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

**WHEREAS**, the repair and maintenance costs for police vehicles have required increased appropriations due to more patrol hours of operation, and

**WHEREAS**, the upkeep of these vehicles is very important in the Town's efforts to help insure safety of our officers, and

**WHEREAS**, the Chief of Police has recommended a plan to assist the Town in that effort, and

**WHEREAS**, applications, following advertisement, have been received for a part time auto mechanic, and

**THEREFORE, NOW BE IT RESOLVED**, the Town Board of the Town of Coeymans hereby authorizes the hiring of Terrance Maddage as an "on call" part-time auto mechanic at an hourly rate of \$18, subject to any Civil Service review necessary. It is further stipulated that Mr. Maddage will supply his personal tools for this task.

Supervisor Hotaling asked if Chief of Police Darlington had anything to add.

Chief of Police Darlington stated that it is greatly needed with the number of patrols.

Supervisor Hotaling stated that they did try to get a contractual arrangement with local businesses within the community at hopefully a reduced rate but found it difficult for anyone to lock into anything other than the book rate for labor in addition to a mark-up for parts. He continued by saying that this was the best course of action and added that it will result in sufficient savings because the work will be done in the two-bay garage at Town Hall.

Councilman Boehm inquired as to if it will also be used for other departments.

Supervisor Hotaling stated that at this point they are resolving for the Police vehicles and they will see what level work there is and added that they will then look by extension at other departments. He continued by saying that the work for the Police Department would be out of the A Fund and any other department would be a different fund, which would result in the Police Chief having to keep track of the funds if the mechanic is used in any other capacity.

**RES. #040-07APPROVE ABSTRACT OF CLAIMS – DECEMBER 2006**

On motion of Councilman Boehm, second by Councilwoman Rogers the following resolution was APPROVED –VOTE- AYES 3 –NAYS –ABSENT 1 (Chmielewski)

**BE IT RESOLVED,** that the Town Board, of the Town of Coeymans, does hereby approve and allow the following claims of vouchers for the December 2006, Abstract.

| ACCOUNT                        | VOUCHER #                      | AMOUNT              |
|--------------------------------|--------------------------------|---------------------|
|                                |                                |                     |
| <b>GENERAL (A)</b>             |                                |                     |
| General Pre-Pay                | 2319-2337                      | \$ 63,134.17        |
| General                        | 2365-2400                      | \$ 14,125.87        |
|                                |                                |                     |
|                                | <b>General Total</b>           | <b>\$ 77,260.04</b> |
|                                |                                |                     |
| <b>PART-TOWN (B)</b>           |                                |                     |
| Part-Town Pre-Pay              | 2338-2346                      | \$ 12,090.24        |
| Part-Town                      | 2401-2406                      | \$ 11,939.39        |
|                                |                                |                     |
|                                | <b>Part-Town Total</b>         | <b>\$ 24,029.63</b> |
|                                |                                |                     |
| <b>HIGHWAY (D)</b>             |                                |                     |
| Highway Pre-Pay                | 2347-2350                      | \$ 10,613.04        |
| Highway                        | 2407-2440                      | \$ 20,156.97        |
|                                |                                |                     |
|                                | <b>Highway Total</b>           | <b>\$ 30,770.01</b> |
| <b>SEWER (SS)</b>              |                                |                     |
| Sewer Pre-Pay                  | 2351-2359                      | \$ 7,042.55         |
| Sewer                          | 2441-2453                      | \$ 6,125.92         |
|                                |                                |                     |
|                                | <b>Sewer Total</b>             | <b>\$ 13,168.47</b> |
|                                |                                |                     |
| <b>GROVE CEM. (TE)</b>         |                                |                     |
| Pre-Pay Grove Cemetery         | 2360                           | \$ 107.60           |
| Grove Cemetery                 | 2454                           | \$ 250.00           |
|                                |                                |                     |
|                                | <b>Grove Total</b>             | <b>\$ 357.60</b>    |
|                                |                                |                     |
|                                | <b>TOTAL FOR ALL FUNDS</b>     | <b>\$145,585.75</b> |
|                                |                                |                     |
| <b>TRUST &amp; AGENCY (TA)</b> |                                |                     |
| Trust & Agency Pre-Pay         | 2361-2364                      | \$ 96,079.25        |
|                                |                                |                     |
|                                | <b>Trust &amp; Agcy. Total</b> | <b>\$ 96,079.25</b> |

Supervisor Hotaling stated that the previous resolution was for December bills only and added that the following resolution is for pre-pays only and added that they currently have not paid for any non pre-paid vouchers for 2007. He continued by saying that in February they will be paying the January 2007 vouchers and added that hopefully the 2006 vouchers will all be in by then and they will be able to close out the year.

**RES. #041-07 ABSTRACT OF CLAIMS (Pre-Paid) – JANUARY 2007**  
On motion of Supervisor Hotaling, seconded Councilman Rogers APPROVED –VOTE – AYES 3 –NAYS 0 – ABSENT 1 (Chmielewski)

**BE IT RESOLVED,** that the Town Board, of the Town of Coeymans, does hereby approve and allow the following claims of vouchers for the January Pre-Pays 2007 Abstract.

| ACCOUNT                        | VOUCHER #                      | AMOUNT               |
|--------------------------------|--------------------------------|----------------------|
|                                |                                |                      |
| <b>GENERAL (A)</b>             |                                |                      |
| General Pre-Pay                | 1-8                            | \$ 73,768.01         |
|                                |                                |                      |
|                                | <b>General Total</b>           | <b>\$ 73,768.01</b>  |
|                                |                                |                      |
| <b>PART-TOWN (B)</b>           |                                |                      |
| Part-Town Pre-Pay              | 9-14                           | \$ 10,808.39         |
|                                |                                |                      |
|                                | <b>Part Town Total</b>         | <b>\$ 10,808.39</b>  |
|                                |                                |                      |
| <b>HIGHWAY (D)</b>             |                                |                      |
| Highway Pre-Pay                | 15-18                          | \$ 29,942.60         |
|                                |                                |                      |
|                                | <b>Highway Total</b>           | <b>\$ 29,942.60</b>  |
|                                |                                |                      |
| <b>SEWER (SS)</b>              |                                |                      |
| Sewer Pre-Pay                  | 19-24                          | \$ 8,814.71          |
|                                |                                |                      |
|                                | <b>Sewer Total</b>             | <b>\$ 8,814.71</b>   |
|                                |                                |                      |
| <b>GROVE CEM. (TE)</b>         |                                |                      |
| Grove Cemetery Pre-Pay         | 25                             | \$ 107.68            |
|                                |                                |                      |
|                                | <b>TOTAL FOR ALL FUNDS</b>     | <b>\$ 123,441.39</b> |
|                                |                                |                      |
| <b>TRUST &amp; AGENCY (TA)</b> |                                |                      |
| Trust & Agency Pre-Pay         | 26-28                          | \$ 104,655.00        |
|                                |                                |                      |
|                                | <b>Trust &amp; Agcy. Total</b> | <b>\$ 104,655.00</b> |

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**CORRESPONDENCE**

**Lafarge – 2006 Year End Summary**

Supervisor Hotaling stated that on January 3, 2007 he received a letter from Martin Turecky, the Plant Manager of Lafarge and continued by saying that it outlined the year-end summary of Lafarge and its relationship to the communities in which it sits. He continued by reading the following excerpt from the letter: “We remain committed to being a good neighbor and will continue to work with all interested parties in resolving issues of concern for our neighbors and stakeholders”. He continued by saying that it also invites questions or comments in addition to outlining the many donated funds to support many local causes. He added that the letter also outlined the two most significant events for 2006, the issuance of the necessary permits to allow for the use of Tire Derived Fuel



in addition to being the primary sponsor for the 2006 Ravena Friendship Festival and continued by reading the following excerpt: “The Tire Project was awarded final approval at the end of April 2006 following over 2 ½ years of detailed review by the Environmental Protection Agency. Installation of the project has been delayed due to the timing of issuance of the permits in late April and the acquisition by Lafarge SA of the outstanding charges of Lafarge North America. Timing of the project will be re-evaluated in early 2007”. He concluded by saying that the letter extends an invitation to all interested parties to tour the plant in addition to offering an opportunity to contact Mr. David Vahue, Community Relations Manager with any questions or comments.

**NYS Department of Environmental Conservation – SPDES Permit**

Supervisor Hotaling stated that he received a letter earlier in the day from the New York State Department of Environmental Conservation, which is a modification addendum to the State Pollutant Discharge Elimination System (SPDES) Permit for the Town of Coeymans Sewage Treatment Plant. He continued by saying that they were notified in fall 2006 that this was going to take place and added that it is necessary to ensure compliance by the year 2009 with Goal 10 of the Hudson River Estuary Action Plan 2005-2009, enacted by the Governor in 2004 to improve water quality. He went on to say that the modification revolves around the disinfection process for which they treat the effluent and added that it was originally treated successfully with chlorine but under the Estuary Action Plan the levels of chlorine allowed were reduced and as a result the level was higher than permitted. He continued by saying that because of that it now requires that they modify the process to an ultraviolet method, which was discussed at previous meetings in relationship to a grant application and as a result \$260,000 was granted to the Town for them to make the conversion. He concluded by saying that they will be initiating the process for the engineer to start designing the ultraviolet system and requesting some grant money to assist them.

**Caswell Funeral Home**

Supervisor Hotaling stated that he received a letter from Mr. Scott Zielonko, Funeral Director at Caswell Funeral Home and continued by reading the following:

Dear Supervisor Hotaling:

I am writing to offer my thanks to Chief Gregory Darlington and members of the Coeymans Police Department, the Fire Police and State Police. These organizations provided assistance with traffic on Martins Hill during the calling yours and funeral services for 10 year old James Dean Lambert. A great number of visitors attended the calling hours on Thursday, January 4 at the funeral home, and many returned for the funeral service the next morning. The assistance rendered by the above named forces was invaluable, Again, my thanks.

Sincerely,  
Caswell Funeral Home  
Scott Zielonko  
Funeral Director

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**TOWN BOARD WORKSHOPS/MEETINGS**

- February 7, 2007, Economic Advisory Board, 6:30 PM
- February 12, 2007, Town Board Meeting, 7:00 PM
- February 26, 2007, Town Board Meeting, 7:00 PM

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**ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Councilman Boehm stated that he wanted to encourage attendance at the Economic Advisory Board Meeting and added that public input is crucial at this phase of the plan.

Councilman Boehm inquired about the installation of the communication tower.

Chief of Police Darlington stated that the footing was poured and they are waiting for the tower to be installed and added that the weather has not permitted this to be done.

Supervisor Hotaling asked if there were any additional comments.

Councilwoman Rogers stated that she wanted to address the letter that was received from the Mohawk and Hudson River Humane Society in Menands stating that because of a lack of a contract with the Town of Coeymans, no Town of Coeymans dogs will be allowed at the shelter. She continued by saying that she wanted the residents to know that it is not true

Supervisor Hotaling stated that it was good advice and added that it is in fact not true, He continued by saying that he didn't know where the Interim Executive Director, Mr. Cox is getting his information for his strongly worded letter and added that they are taking a look at their requirements and responsibilities under the Agriculture and Markets Law. He went on to say that he will be reporting back with a plan that they have to comply with the Law that does not require tithing over \$5,000 to an organization such as the Mohawk and Hudson River Humane Society.

Councilwoman Rogers interjected that if anyone from the Town is denied they should contact the Town Board.

Supervisor Hotaling reiterated that it is good advice and added that if anyone is denied access as a private citizen to the Mohawk and Hudson River Humane Society they should contact the Town Board who will in turn act as their advocate.

Supervisor Hotaling asked if there were any additional comments.

Town Attorney Rotello asked if there is a Joint Town Board, Zoning Board and Planning Board Workshop scheduled.

Supervisor Hotaling stated that he believes that there is one later in the month.

Town Attorney Rotello stated that in trying to spark more interest it should be well advertised.

Supervisor Hotaling stated that at the last meeting there were 2 people present and continued by saying at some point the Draft Zoning Ordinance is going to become the Proposed Zoning Ordinance and there will be a Public Hearing. He added that if anyone wants to have input before it gets to the Public Hearing he would urge participation when they have the Joint Meetings. He concluded by saying that they have gone out of their way trying to make sure that there is citizen involvement in the development of the process and does not want the Public Hearing to be consumed by the notion that no one was aware of it.

Councilman Boehm stated that there is obviously some concern because of the attendance at some of the Zoning Board of Appeals Meetings where there has been approximately 40 people voicing their concerns. He continued by saying that this is the opportunity to be proactive in looking at the zoning and regulations and going forward.

Town Attorney Rotello stated that he thought that an effort was going to be made to update the website with the Draft Ordinance and maps.

Supervisor Hotaling stated that they are available at Town Hall in addition to there being a draft map online.

Town Attorney Rotello stated that the map clearly lays things out as far as the proposals based on public input and on the process, which ultimately started as the first step of the Comprehensive Plan. He added that the Comprehensive Plan was the foundation in moving forward with a more comprehensive and complete Zoning Ordinance that accurately reflects the Plan.

Supervisor Hotaling interjected that it reflects the Plan as well as the intent of the community as to what it should look like in 5-10 years.

Councilman Boehm inquired as to when it has been done in the past.

Supervisor Hotaling stated that it has never been an extension of a Comprehensive Plan.

Town Attorney Rotello stated that a Zoning Ordinance was adopted and as issues arose or growth occurred adjustments were made.

Supervisor Hotaling stated that the adjustments have been the discussion of some of the problems that were a result of spot zoning and those type things.

Supervisor Hotaling asked if there were any additional comments.

Chief of Police Darlington stated that a new 2007 Crown Victoria Police car has been ordered and should arrive within 3-4 weeks.

Supervisor Hotaling asked if there were any additional comments.

Highway Superintendent Deering stated that he does have paperwork showing that he tried to do something through FEMA on Old Ravena Road.

Supervisor Hotaling inquired about driving a bulkhead near the road and create a dam type situation and added that it seems like a moderate solution and cost.

Highway Superintendent Deering stated that an engineer has looked at it and added that it is a real problem.

Supervisor Hotaling asked if there were barrels by it.

Highway Superintendent Deering stated that there are barrels and added that they keep filling it in.

Chief of Police Darlington interjected that they have added that area to their property checks.

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 Rogers, the Town Board Meeting was adjourned.

VOTE – AYES 3 – NAYS 0 – 1 ABSENT (Chmielewski) SO MOVED

Time 9:00pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*



**A Town Board Workshop was held Tuesday, November 20, 2007 at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

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

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

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Greg Darlington, Chief of Police  
Daryl Purinton, Internal Control Officer

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**AGENDA**

- Internal Control Officer Report to the Board
- Proposals for Replacement of Computer Server
- Police Staffing Issues
- Planning Board Staffing

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the Workshop.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the Workshop was adjourned.  
VOTE – AYES 3 – NAYS 0 – SO MOVED

*Respectfully Submitted,* **APPROVED:**

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

**A Town Board Meeting was held Monday, November 12, 2007, 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 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 Darlington and Highway Superintendent Deering and continued by giving an overview of the agenda.

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### **AGENDA**

- Public Announcement
  - NYS Department of Transportation Public Meeting
- Public Comment
- Approval of Minutes
  - Town Board Meeting, October 9, 2007
  - Town Board Workshop, October 16, 2007
  - Town Board Meeting, October 22, 2007
  - Town Board Workshop, October 24, 2007
- Adoption of 2008 Budget
- Family Self-Sufficiency Program Report – November 2007
- Old Business
  - Finalization of Old Fire District Line Coeymans Hollow/Coeymans
  - Bid Opening, Surplus Equipment
- New Business
  - Disposition of 2000 Crown Victoria Police Car
  - National Incident Management System (NIMS) Training Workshop
- Resolutions
  - Adopt Town Vehicle Use Policy
  - Adopt Boot Reimbursement Policy for Non-Union Employees
  - Authorize Hiring of C.T. Male for FEMA Projects
  - Amend Sewer Rent Billing/Warrant (Tracey)
  - Amend Sewer Rent Billing/Warrant (Williams)
  - Authorize Supervisor to Petition for Speed Reduction on Jarvis Road North
  - Authorize Supervisor to Petition for Speed Reduction on Bushendorf Road
  - Authorize Supervisor to Sign Laberge Proposal for Grant Application
  - Authorize Police Chief Petty Cash Fund
  - Authorize Pre-Payment of Claims for Law Enforcement Activities
  - Authorize Budget Amendment
- Correspondence
  - NYS Department of Environmental Conservation, Albany Tank Services
- Town Board Workshops/Meetings
  - Town Board Workshop, November 20, 2007, 7:00pm
  - Town Board Meeting, November 26, 2007, 7:00pm

- Zoning Committee Meeting, November 28, 2007, 7:00pm

## **PUBLIC ANNOUNCEMENT**

### **NYS Department of Transportation**

Supervisor Hotaling stated that a New York State Department of Transportation Public Open House Meeting was previously scheduled and then cancelled because of the possibility that the Route 143 realignment project was in jeopardy. He continued by saying that they have talked about the arrangement for a Gray Water Sewer System to be contemplated, designed and approved for the 3-4 homes on Martins Hill that were potentially jeopardizing the entire project. He went on to say that there has been discussion between and among the Town's engineer and the Department of Transportation as well as the Department of Environmental Conservation and Albany County Department of Health. He concluded by saying that it is moving along in a positive way and added that he does not anticipate that the project will be held up as a result of it and continued by reading the following public announcement that he received from DOT:

"The New York State Department of Transportation Public Open House Meeting which was cancelled in October has now been rescheduled for Tuesday, November 20, 2007, 5-7pm at Town Hall. The purpose of the meeting will be to discuss the final design phase of the highway reconstruction project on Route 143 between Nolan Road and US Route 9W, that construction is expected to begin in April 2008. DOT design and real estate staff will be available that evening to informally discuss the project's final design plans and any concerns that the public might have on an individual basis."

Supervisor Hotaling continued by saying that in order to accommodate the meeting the Town Board will move the start time of the regular Town Board Workshop, which was originally at 6:00pm, to 7:00pm. He added that the DOT Meeting will be from 5-7pm with the Town Board Workshop commencing at 7pm.

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## **PUBLIC COMMENT**

Supervisor Hotaling invited the public to comment at this time.

Ms. Kathy Emory stated that she lives at 607 SR 143 and continued by saying that the snow season is coming up quick and added that she is sure that the Town Board is aware of the problems that they experienced last year. She then asked how the Town Board plans on handling it so there is not a repeat of last year and added that she wants to know what can be done and if there is anything that they can do.

Supervisor Hotaling inquired as to how she feels that the Town Board has a role to play.

Ms. Emory stated that they had property damage at their residence due to the plowing snow by the Town of Coeymans and added that it happened twice last year and continued by saying that she does not want it happening again because last year there was over \$1,600.00 damage done to her property. She went on by saying that Highway Superintendent Deering will back her on the fact that they have requested in the past that the snow be plowed from the intersection around and into the vacant lot across from them.

Supervisor Hotaling inquired as to if Highway Superintendent Deering will back her on the fact that they had made the request in the past or back her on the fact that he agrees that it should be done a different way.

Ms. Emory stated that they have requested it numerous times and added that she believes that he would back her on both.

Supervisor Hotaling interjected that seemingly it is the answer.

Ms. Emory stated that it isn't the answer because it's not being done.

Supervisor Hotaling asked that Highway Superintendent Deering join the conversation.

Highway Superintendent Deering stated that he had asked the employee who plows that area to do it a different way and added that he responded that he has been plowing it that way ever since he has been on the route.

Supervisor Hotaling stated that he suggested it to him but did not direct him to do it.

Highway Superintendent Deering stated that he didn't direct him and added that he had left it up to him to make the change.

Supervisor Hotaling stated that the driver's position is that the way that he plows it is the way that it should be plowed.

Highway Superintendent Deering stated that he has been plowing it that way for years.

Supervisor Hotaling inquired as to if this is his position as he knows it.

Highway Superintendent Deering stated that it is.

Supervisor Hotaling inquired as to if it will be plowed the same way when it snows.

Highway Superintendent Deering stated that it will be.

Supervisor Hotaling inquired as to how Ms. Emory believes that Highway Superintendent Deering agrees with her because he said that it would not be changed.

Ms. Emory stated that because in the past, prior to last year it was being plowed the other way by pushing it around into the vacant lot, which eliminated them from being buried with snow. She continued by saying that there is no reason as to why it can't be pushed into the vacant lot rather than on her property and causing damage to their basement, which happened twice last year and added that she called last year and got no response.

Supervisor Hotaling inquired as to who she had called.

Ms. Emory stated that they called Highway Superintendent Deering as well as speaking with him.

Supervisor Hotaling stated that this means that he responded.

Ms. Emory stated that they tried to reach him and got no response.

Supervisor Hotaling stated that when they have had discussions about it he had told her that he does not know what the Supervisor or by extension the Town Board has to do with the manner in which the roads are plowed and in turn he deferred her to Highway Superintendent Deering.

Ms. Emory stated that was true.

Supervisor Hotaling stated that they still have some issues as to how it is going to be plowed this year.

Ms. Emory agreed that they do and reiterated that something has to be done because she is not putting her property in danger again and added that she has spoken to Highway Superintendent Deering on several occasions.

Supervisor Hotaling stated that they are hearing that something has to be done and continued by asking Highway Superintendent Deering what he intends to do if anything.



Highway Superintendent Deering stated that he does not know what to do and continued by saying that if they start doing it there, they will have to do it throughout the whole town whenever someone wants a change.

Supervisor Hotaling inquired as to what that means.

Highway Superintendent Deering stated that people will be coming out and telling the driver that they want snow pushed here and not there and added that the Hamlet of Coeymans will be a disaster and there are some streets they can't get through.

Ms. Emory stated that they are right back to where they started, which is a snow plow emergency vehicle having a license to do whatever they want without any repercussions because this is what they are saying to her according to State law.

Supervisor Hotaling stated that he is not saying that and added that this was the insurance company's position based upon her claim last year and continued by saying that she knows that as well because this is what she was advised. He went on by saying that he was shocked as well to find out that emergency vehicles are exempt because hers was not the only incident that he examined in terms of insurance claims. He added that the position of the insurance company is that the Town of Coeymans is absolved from the claim as a result of that because of the law. He concluded by saying that he does not want her to suggest that this is what he said and reiterated that it is was the position on that particular claim and added that the way to fix it is to have Highway Superintendent Deering take a look at it again and rather than ask his staff he should direct his staff to do something different.

Ms. Emory continued by saying that she would like to request that the Town Highway Department start keeping more appropriate records of their personnel and added that it has not been done.

Supervisor Hotaling asked as to the records in terms of what.

Ms. Emory stated that they would be records in terms of accidents, property damage and this type of thing.

Supervisor Hotaling inquired as to what Highway Superintendent Deering's record keeping has been relative to his employees.

Highway Superintendent stated that if there is an accident there is a report.

Ms. Emory inquired as to if it is put in their personnel file.

Highway Superintendent stated that it is and reiterated that there is a report if there is an accident.

Supervisor Hotaling asked the Town Board if they had any comments.

Councilwoman Chmielewski interjected that Highway Superintendent Deering has to instruct his plow drivers of what to do.

Supervisor Hotaling interjected that he should instruct and direct.

Councilwoman Rogers inquired as to if Highway Superintendent Deering can take a look at the possibility of pushing it across the street.

Highway Superintendent Deering stated that he can and added that it might change for a while but then revert back.

Ms. Emory stated that if it is reported, it should be corrected.

Highway Superintendent Deering stated that the driver will say that it is the way that it has always been done.

Ms. Emory stated that he should say as Highway Superintendent this is how he wants it done and added that this is all she is asking for so that they are not totally bombarded with snow and there is more damage to her property and concluded by saying that she does not believe that she is being unreasonable.

Highway Superintendent Deering stated that once the employees get aggravated, when the snow comes he does not have them.

Ms. Emory stated that the employees are holding him hostage.

Highway Superintendent Deering stated that they are short of help when it snows.

Ms. Emory stated that it is a Highway Department problem and added that as Town Supervisor he holds top card over all of them and is suppose to manage the town.

Supervisor Hotaling stated that he would disagree with that and added that the law does not support him in that effort.

Highway Superintendent Deering stated that he agrees and added that his authority would be to a point.

Ms. Emory reiterated that she does not want to have the problems that they had last year.

Supervisor Hotaling stated that he concurs with her request.

Councilwoman Chmielewski interjected that she believes that they all do and added that she believes that it falls on Highway Superintendent Deering to make sure that the request is done.

Ms. Emory stated that she is looking for an assurance that it will be done.

Supervisor Hotaling stated that he was as well.

Councilwoman Chmielewski interjected that she does not believe that they got that.

Ms. Emory stated that she didn't think that they did either.

Supervisor Hotaling asked if she had any other comments.

Ms. Emory stated that she didn't and thanked the Town Board.

Supervisor Hotaling asked if there were any other comments.

Mr. John Palange stated that he lives at 508 Biers Road and continued by saying that he wanted to announce that the road has been completed and he is looking forward to the Town approving the construction effort and accepting Biers Road Extension as a town road.

Supervisor Hotaling stated that they have not fully discussed the project in a meeting forum given the fact that it is a project that was between Mr. Palange, Highway Superintendent Deering and other regulatory agencies such as the county. He continued by saying that he knows that it is a project that has been going on for months and added that just prior to the meeting he put in his correspondence a letter that he received on November 9<sup>th</sup> from Highway Superintendent Deering about recommending that Biers Road with the recent changes be accepted as a town road. He concluded by saying that going back to Town Boards prior to this one there was a road specification approval that took place in town government that requires roads to be certain specifications before they can be accepted and added that the letter is shallow with regard to those points of information and went on to ask Highway Superintendent Deering if he has any plans to provide assurances, certifications and specifications that the road meets town specifications.

Highway Superintendent Deering stated that he does.

Supervisor Hotaling inquired as to if he had any plans to provide it to the Town Board.

Highway Superintendent Deering stated that they should have the specifications already for town roads.

Supervisor Hotaling stated that he understands that and continued by asking if he has any plans.

Highway Superintendent Deering stated that the Attorney for the Town has the layout of the road description.

Supervisor Hotaling interjected that he was not talking about that type of plan and continued by asking if he has any plans to inform them in writing in his capacity as elected Highway Superintendent to tell the Town Board that the road that has been prepared under Mr. Palange's supervision is one that now meets the town road specifications as written and approved by the Town Board previously.

Highway Superintendent Deering stated that he already had.

Supervisor Hotaling stated that he did not and continued by reading what he had sent by letter as follows:

"I would like to recommend that Biers Road with the recent changes be accepted as a Town Road and that the Town Attorney begins to process the appropriate documents for the new road to become a town road and that the old portion of the road will become the property of Mr. Palange. Please review and act on this matter at the next Board meeting."

Supervisor Hotaling continued by saying that this is the next Board meeting and added that he is not prepared to act on that letter. He then asked Highway Superintendent Deering if deeds had been exchanged.

Highway Superintendent Deering stated that this is what has to be done and added that he is trying to tell them what to do and that they need to get the appropriate paperwork together in order to make it a town road.

Supervisor Hotaling asked the Town Board if they had any comments.

Councilwoman Chmielewski stated that she believes Supervisor Hotaling said it all and reiterated that they need the deeds. She continued by asking Highway Superintendent Deering if Attorney Wukitsch was working on it.

Highway Superintendent Deering stated that he had given him the map at the last Board meeting and reiterated that he wants the Town Board's permission for him to move forward with getting the proper paperwork and added that he had said this in his letter.

Councilwoman Rogers inquired as to if Highway Superintendent Deering was looking to get their ok to move forward with it.

Highway Superintendent Deering stated that he is.

Supervisor Hotaling stated that he has no problem with Highway Superintendent Deering contacting Attorney for the Town Wukitsch for that purpose and added that after that is done he wanted him to submit to the Town Board a complete package of all the elements that they require for a review before they can take formal action to abandon a portion of Biers Road and convey it to Mr. Palange. He continued by saying that this would be assuming the new section that was formerly his property that now contains the road bed meets the specifications and deeds are exchanged. He concluded by reiterating that the package has to be done.

Highway Superintendent Deering stated that this is what he wants the Attorney for the Town to do.

Supervisor Hotaling stated that he moves to allow Highway Superintendent Deering to speak with the Town Attorney and work with him to present to the Town Board the full package.

**MOTION**

On motion of Supervisor Hotaling, seconded by Councilman Boehm, authorizing Highway Superintendent Deering to work with Attorney for the Town Wukitsch on the Biers Road Extension conveyance.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling 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 were four sets of minutes for Town Board approval, a Town Board Meeting October 9<sup>th</sup>, a Workshop October 16<sup>th</sup>, a Town Board Meeting October 22<sup>nd</sup> and a Workshop on October 24<sup>th</sup> and continued by asking if everyone had an opportunity to review them.

Councilwoman Chmielewski stated that they had discussed prior to the meeting that they had not had an opportunity to review the minutes and suggested that they be tabled until the next Town Board Meeting.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski the Town Board minutes were tabled.

VOTE – AYES 4 – NAYS – SO MOVED

Supervisor Hotaling stated that they would be placed on the agenda for the November 26<sup>th</sup> Town Board Meeting.

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**FAMILY SELF-SUFFICIENCY – NOVEMBER 2007**

Supervisor Hotaling continued by giving the Family Self-Sufficiency Program Report for November 2007. He added that it reflects a total of 4 participants, 3 of whom have Escrow Accounts and went on to say that it is down from the 6 that they had in January because approximately 15 months ago they ended the program and directed that Mr. Mastrianni’s office phase the program from the Town of Coeymans. He concluded by saying that since May 2007 the Town has not contributed toward the administration of the program and added that the attrition has taken place on Mr. Mastrianni’s dime.

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**OLD BUSINESS**

**Finalization of Fire District Line Coeymans Hollow/Coeymans**

Supervisor Hotaling stated that in order to close the issue out he is making reference to an October 11, 2007 letter to Assessor VanValkenburg from John K. Davis, Project Manager from Cipperly & Associates, the company that the Town Board had authorized to recreate and establish the fire district line going back to 1971. He continued by saying that since receipt of the letter there was a meeting between and among Assessor VanValkenburg, Mr. Davis and a representative from each Fire District and added that

there was a dissemination to each Fire District of the properties that were affected by the line. He went on to say that some properties were affected by being moved from one district to another in addition to some parcels having to be apportioned based on the fact that the line somehow bisected each particular parcel and then the values of each were discussed. He added that in turn the property owners were notified and then had the opportunity to grieve at another Grievance Day that was established as a result of the changes and continued by saying that some people took advantage of that and talked to the Board of Assessment Review about their changed Fire District and/or apportionment to the Fire District. He concluded by saying that there is a copy of the map that shows the line completely and then asked if there were any additional comments.

Chief Darlington inquired as to if the Police Department will be advised of the changes.

Supervisor Hotaling stated that they could be.

Chief Darlington inquired as to who will be providing the information and added that to date they have not been notified of any changes.

Supervisor Hotaling stated that there is an Emergency Management Coordinator and continued by saying that he is a member of one of the fire companies affected. He added that he should be contacted to see to what extent that information could be obtained and went on by saying that there is a CD as well, which he could make a copy of. He concluded by saying that he will be giving Town Clerk Millious the original map for safe keeping.

Chief Darlington stated that he will check with Emergency Management Coordinator Bruno to see what they can get.

Supervisor Hotaling stated that approximately 50% of the properties that were impacted were apportioned and added that he will leave it up to them as far as who responds to a call.

Councilman Boehm interjected that the apportionments would be more for tax purposes and added that the firematic consideration would be for the fire companies to decide.

Supervisor Hotaling stated that ultimately it would end up with the Fire Districts themselves and added that in turn it should be communicated to the Emergency Management Committee and then Chief Darlington. He concluded by asking that Chief Darlington take the lead and added that he will be happy to give him anything that he has to get him started.

### **Bid Opening – Surplus Equipment**

Supervisor Hotaling stated that they had previously put out to bid a couple pieces of equipment, a freezer and desk and continued by saying that it was considered to be surplus equipment by the Town Board. He added that there was a bid opening for each and then asked Town Clerk Millious to summarize the results.

Town Clerk Millious stated that there were two bids on the freezer, one for \$100.00 from Thomas Plath and the other for \$76.00 from Thomas Tucker and continued by saying that there were no bids received for the oak desk.

Supervisor Hotaling inquired as to if both Mr. Plath and Mr. Tucker submitted bids in accordance with the rules set forth.

Town Clerk Millious stated that they did.

Supervisor Hotaling stated that the apparent high bidder was Mr. Plath for \$100.00 and continued by asking if this is something that the Town Board is willing to accept.

Councilwoman Rogers inquired as to how old the freezer is.

Supervisor Hotaling stated that he thinks that it is approximately 5 years old and added that it was only in service for 2002-2003. He continued by asking if they wanted to award the high bid to Mr. Plath.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, awarding the freezer to Mr. Thomas Plath in the amount of \$100.00.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling asked that Town Clerk Millious advise Mr. Plath and added that he should be given adequate time to get access to it. He continued by saying that he does not know what they will be doing with the desk and added that the Town Board can make any suggestions to him.

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## **NEW BUSINESS**

### **Disposition of 2000 Crown Victoria Police Car**

Supervisor Hotaling stated that they had some brief discussions at previous meetings about a the 2000 Crown Victoria police car that is located at the landfill and they were suggesting that it be disposed of in accordance with the proper procedures and moved to Donald Trickey's and continued by saying that he could not locate it in the minutes of previous meetings. He added that it is on the agenda as a new topic because it now has to be disposed of because the windows have been smashed.

Chief Darlington stated that the sides of it have also been smashed in and added that it is a hazard at this point.

Supervisor Hotaling stated that the car is behind a locked gate at the Jarvis Road landfill and continued by saying that behind that same locked gate someone ran a dirt bike through the liner of the Leachate Plant pond and caused hundreds of dollar of damage and added that this was the second time that it happened.

Councilwoman Chmielewski inquired as to if the gate is locked.

Chief Darlington stated that it is.

Councilwoman Chmielewski inquired as to if it is locked all the time.

Chief Darlington stated that the property is only fenced on one side.

Councilwoman Chmielewski asked again if it is locked all the time.

Chief Darlington stated that it is to his knowledge.

Highway Superintendent Deering interjected that it is locked most of the time.

Councilwoman Chmielewski stated that she has heard that it is not locked all the time.

Highway Superintendent Deering stated that he has closed it and locked it from time to time.

Chief Darlington stated that one month ago they dispersed a large party out of there and arrested several for trespassing with one trying to run over a police officer on the way out and added that it is a hot spot for parties.

Highway Superintendent Deering inquired as to which pond they went through and whether or not it was the one that they had just built.

Supervisor Hotaling stated that he's not sure which one and added that it is the one that has the liner in it.

Highway Superintendent Deering inquired as to if it is the one along the road.

Supervisor Hotaling stated that it is adjacent to the Leachate Plant and added that it the holding pond for the material before it is processed and let out in the creek and continued by saying that they tore up the membrane liner on the bottom. He went on to say that it was patched and then twice as much damage was done again and added that they have to use tax dollars to fix it because of the inconsiderate actions of someone.

Highway Superintendent Deering stated that he agrees and added that the first thing that people want to complain about is tax dollars.

Supervisor Hotaling continued by asking for a motion to authorize Chief Darlington to work with Town Clerk Millious to file the appropriate paperwork to dispose of through DMV forms the 2000 vehicle and make arrangements for Mr. Trickey to pick it up.

## **MOTION**

On motion of Councilman Boehm, seconded by Supervisor Hotaling, authorizing Chief Darlington to arrange the disposal of the police car with Mr. Trickey and work with Town Clerk Millious to file the necessary disposition forms with DMV.

VOTE – AYES 4 – NAYS 0 – SO MOVED

## **National Incident Management System (NIMS) Training Workshop**

Supervisor Hotaling stated that County Executive Breslin advised him by letter dated November 5<sup>th</sup> that the Emergency Management Office is conducting a NIMS Training Workshop, which will take place on Wednesday, November 28<sup>th</sup> from 12:30-4:30pm at Bethlehem Town Hall, 455 Delaware Avenue, Delmar. He continued by saying that most of the Town employees had the training next year in conjunction with the Village of Ravena and added that given the newly elected Councilmen's presence he would urge them to consider the training session, which will expose them to the protocols that have been in place since 9/11 for incidents of this nature. He concluded by saying that it might provide the basic training certification that everyone received who had attended the training last year and added that he had asked that his secretary get in touch with them about this as well as giving their contact numbers and how they can be reached in every venue of their lives.

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## **RESOLUTIONS**

### **RES. #113-07 ADOPT TOWN VEHICLE USE POLICY**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, during the budget discussion for the 2008 Preliminary Budget, the Town Board reviewed the current practice of permitting certain employees and/or elected officials to travel to and from work in a town-owned vehicle, and

**WHEREAS**, each circumstance of such practice was individually considered as to the public benefit derived, if any, and

**WHEREAS**, the Town Board has concluded that a pronounced policy statement would be appropriate on this topic,

**NOW, THEREFORE, BE IT RESOLVED**, effective immediately, the Town Board prohibits the use of a town vehicle to and from work, as well as for any reason other than work, for all town employees and elected officials. The Town Board specifically grants the Highway Superintendent and the Chief of Police an exemption from this prohibition,

after a finding of a public benefit which justifies these individuals continuous access to town vehicles. However, with this exemption, the Highway Superintendent and the Chief of Police are prohibited from:

- (1) Transporting any other person not a town employee, except in an emergency.
- (2) Traveling outside the Town of Coeymans, except in the specific performance of their duties.

Supervisor Hotaling stated that both individuals that are exempt are at the meeting and reiterated to both Highway Superintendent Deering and Chief Darlington that they are exempt, given their 24 hours roles with the Town. He continued by saying that even though they have the exemption they are prohibited from transporting any other person not a Town employee except in an emergency in the regular course of business in addition to traveling outside the Town of Coeymans except in the specific performance of their duties. He concluded by saying that those currently having Town vehicles that travel to and from work, effective immediately will not be authorized to do so and added that there is an employee in the Highway Department as well as the Sewer Plant who will be notified upon their return to work the following day that they will not be able to travel to and from their homes with a Town vehicle.

**RES. #114-07 ADOPT BOOT REIMBURSEMENT POLICY FOR NON-UNION EMPLOYEES**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the current Labor/Management Agreement with CSEA provides for a boot allowance of \$150.00 per year to bargaining unit members including laborer, mechanic, Equipment Operator I, Equipment Operator II, Working Foreman, Sewer Treatment Plant Operator (Trainee) and Sewer Treatment Operator, and

**WHEREAS**, some non-union employees and/or elected officials of the aforementioned employee's departments do not receive such allowance, and

**WHEREAS**, the Town Board is of the belief that those non-union personnel should be required to maintain their footwear in the same manner as those in the unit,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby establishes a policy for the reimbursement for up to \$150.00 per year for boots applicable to the following titles and/or positions:

- (1) Highway Superintendent
- (2) Deputy Highway Superintendent
- (3) Chief Waste Water Treatment Plant Operator
- (4) Parks & Recreation Maintenance Supervisor

Supervisor Hotaling stated that the genesis of the first two resolutions were during their budget negotiations and added that it makes sense for the Town to provide the opportunity for those non-union employees and/or elected officials to require their equipment to be of a certain type and continued by saying that with the incentive it will make it happen.

**RES. #115-07 AUTHORIZE HIRING OF C.T. MALE FOR FEMA PROJECT**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans has been granted FEMA work projects as a result of the April 2007 storm event, and

**WHEREAS**, one of those projects pertains to the Hannacroix Creek as it passes through the Town park known as Joralemon Park, and



**WHEREAS**, a Capital Project Account has been established to record the costs associated with this project, and

**WHEREAS**, state permits and expert engineering will be required, and

**WHEREAS**, a proposal was received from C.T. Male for \$4,000.00 to obtain the services of a Fluvial Geomorphologist to work with the NYS Department of Environmental Conservation in the permit process,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorizes C.T. Male to provide engineering services and coordination of specialty services for a fee not to exceed \$4,000.00, and

**BE IT FURTHER RESOLVED**, that C.T. Male will identify further anticipated costs for engineering this project and provide these estimates to the Town of Coeymans for review and consideration.

Supervisor Hotaling stated that a Geomorphologist is one who studies landforms as a result of water erosion and added that this is the type of engineering specialty that DEC wants in the plans since the permit process to go in the creek is through them.

Councilman Boehm inquired as to if there is any possibility to extend the project beyond the Town property.

Supervisor Hotaling stated that the reason that they can do the project is because it is part of the Hannacroix Creek that it truly within the Town's jurisdiction and runs through the Town's land. He continued by saying that there has been discussion with Highway Superintendent Deering about Miller Road and the requests from residents to go in the creek up there and added that the Town does not have the authority to go in the creek because it is land owned by someone else, which places the responsibility of cleaning the creek to the adjoining landowners.

Councilman Boehm inquired as to if they had permission from the landowners if the project could be extended past the Joralemon Park area.

Supervisor Hotaling stated that it would not be with his tax dollars and added that the grant does not include anywhere other than area within Joralemon Park.

Councilman Boehm stated that they will have to ask the Geomorphologist when they remediate and correct that part of the creek bed if it will create problems further down the line for other landowners.

Supervisor Hotaling stated that they would be the one to ask.

**RES. #116-07 AMEND SEWER RENT BILLING/WARRANT – TRACEY**

On motion of Councilwoman Chmielewski, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town Board of the Town of Coeymans has previously approved the total warrant second billing for the 2007 Sewer Rent in the amount of \$69,384.34, and

**WHEREAS**, the said Sewer Rent Billing for Richard S. & Nancy Tracey, SBL# 168.12-1-49.2 was billed in error on the last sewer billing as a separate parcel, and

**WHEREAS**, the said parcel was previously merged with Mr. Tracey's original parcel,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby amend the Sewer Rent Roll to reduce the total amount to be collected by \$141.70 and any late charges accrued.

**RES. #117-07 AMEND SEWER RENT BILLING/WARRANT – WILLIAMS**

On motion of Councilman Boehm, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town Board has previously established the Sewer Rent Warrant for the second half of 2007 at \$69,384.34, and

**WHEREAS**, included in that billing cycle was a parcel previously removed from the database by action of the Town Board, on resolution, due to a parcel merger being filed, and

**WHEREAS**, the Town Board is desirous of correcting this inaccurate billing,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the Town Clerk to reduce the second half Sewer Billing by the amount of \$141.70 and any late charges accrued to this billing for customer #313, known as Thomas & Lois Williams.

**RES. #118-07 AUTHORIZE SUPERVISOR TO PETITION FOR SPEED REDUCTION ON JARVIS ROAD NORTH**

On motion of Councilman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, a petition was presented to the Town Board at the October 22, 1007, meeting asking for review of the speed limit on Jarvis Road North, and

**WHEREAS**, the Highway Superintendent of the Town of Coeymans, in a letter dated October 26, 2007, has indicated that there is a no posted speed limit on Jarvis Road North making 55 mph the legal speed limit, and

**WHEREAS**, the Highway Superintendent feels that 55 mph is an unsafe speed for this road, and

**WHEREAS**, the Highway Superintendent requests that the Town Board consider adopting a resolution for initiating the process to reduce the speed limit on Jarvis Road North in the Town of Coeymans to 35 mph.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize Supervisor Ronald K. Hotaling, Jr. to initiate the process with the County of Albany and the State of New York to petition for said reduction in speed limits on Jarvis Road North, pursuant to Highway Superintendent Deering's written request.

Supervisor Hotaling stated that the request was initiated at the last meeting by petition presented by Ms. Roth and added that she had e-mailed Highway Superintendent Deering to thank him as well as his staff for installing 40mph speed limit signs as well as putting a stop sign back up and continued by saying that it was a quick response to her request. He went on to say that changing a speed limit is a more involved process and added that with approval of the resolution as well as the following resolution it will initiate the process and be sent to Mr. Franchini, Commissioner of Public Works, who will forward it on for review and in turn the Town will be notified as to whether or not it has been approved.

**RES. #119-07 AUTHORIZE SUPERVISOR TO PETITION FOR SPEED REDUCTION ON BUSHENDORF ROAD**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, a petition was presented to the Town Board at the October 22, 2007 meeting asking for review of the speed limit on Bushendorf Road, and

**WHEREAS**, the Highway Superintendent of the Town of Coeymans, in a letter dated October 26, 2007, has requested that the Town Board consider adopting a resolution for

initiating the process to reduce the speed limit on Bushendorf Road from 40 mph to 35 mph, and

**WHEREAS**, the Highway Superintendent is in agreement with the petitioners that the speed limit should be changed to 35 mph,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize Supervisor Ronald K. Hotaling, Jr. to initiate the process with the County of Albany and the State of New York to petition for said reduction in the speed limit on Bushendorf Road, pursuant to Highway Superintendent Deering's written request.

**RES. #120-07 AUTHORIZE SUPERVISOER TO SIGN LABERGE PROPOSAL FOR GRANT APPLICATION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans has been involved in the development of a planning tool for our future development and preservation of our community's resources, and

**WHEREAS**, the Town Board has approved a Comprehensive Plan that presents a model for the future, and

**WHEREAS**, the Town Board has also adopted the Economic Development Plan presented by the Committee for Economic Development, and

**WHEREAS**, the Town Board awaits the submission of a revised zoning ordinance after review and discussion by the representative committee developing the ordinance, and

**WHEREAS**, the Town Board is desirous of exploring additional benefits which may be derived by the development of a Local Waterfront Revitalization Program, and

**WHEREAS**, New York State is accepting applications for a grant for such purpose,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby accepts the proposal submitted by Laberge Group for the purpose of preparing a grant application to be submitted to the New York Department of State, and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the Supervisor to sign such proposal for such service for a fee not to exceed \$4,000.00.

Supervisor Hotaling stated that the grant application has a deadline of November 30<sup>th</sup> and added that it places the Laberge Group on the fast track given the fact that it is November 12<sup>th</sup> and continued by saying that they indicated that they would have no problem developing the grant application. He went on by saying that the Local Waterfront Revitalization Project (LWRP) goes back many years and was never completed and added that a bad taste was planted in the mouths of those in the Department of State relative to the fact that grant monies were assigned to it last time. He continued by saying that preliminary discussions with those familiar with the process indicate that the Town of Coeymans has signaled a dramatic turnaround by the Comprehensive Plan and Economic Development moves and the way that the Department of State sees the Hamlet and riverfront area staged for emerging out of its shell. He concluded by saying that he has every confidence that if they put in an application they will be funded for a LWRP and added that it has yet to be determined if the old one can be used as a basis to create a new one.

Councilman Boehm stated that this is also tied to the Neighborhood Association and what they are planning.

Supervisor Hotaling interjected that it is specific to the LWRP and added that what they are doing is a pro bono attempt for some students from SUNY Albany to do studies and planning and continued by saying that it is an outgrowth of the grant that was provided by

the Kellogg Foundation in the amount of \$40,000.00 for Main Street studies and added that the projects may run parallel to each other and not cross the streams. He concluded by saying that the Neighborhood Association did suggest that the Town take the opportunity to apply for the grant and added that he did not get the sense that they were asking for it to be made part of money that could be wrapped into what they are doing.

**RES. #121-07 AUTHORIZE POLICE CHIEF PETTY CASH FUND**

On motion of Councilwoman Rogers, seconded by Council, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Police Chief has demonstrated a need for a petty cash fund to enforce police force activity that involve the use of money, and

**WHEREAS**, as the need to use these monies is not flexible, to utilize the Town's regular disbursement process system would not permit efficient availability of funds,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans will authorize a \$400.00 impressed petty cash. When the funds need to be replenished it will be done through the Town's normal claim processing procedure.

**BE IT FURTHER RESOLVED**, that the Town Board appoints the Police Chief as custodian of this fund.

Supervisor Hotaling stated that as the resolution indicates the usual manner in which money is paid does not provide the flexibility that is needed in regard to the use of these discretionary funds and added that the use of the funds can be fruitful in attempting to collar some bad people who do some bad things in our community. He continued by saying that it gives Chief Darlington, as custodian of the fund a revolving \$400.00 petty cash fund.

Councilman Boehm inquired as to if it will come through with vouchers and receipts in order to be replenished.

Supervisor Hotaling stated that Chief Darlington met with the Internal Control Officer and bookkeeper.

Chief Darlington stated that it would be a voucher with receipts along with an explanation of what the money was used for.

**RES. #122-07 AUTHORIZE PRE-PAYMENT OF CLAIMS FOR LAW ENFORCEMENT ACTIVITIES**

On motion of Councilwoman Chmielewski, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town has passed resolution #009-07 that authorizes certain expenditures to be paid in advance of the audit of claims by the Town Board, and

**WHEREAS**, the Town desires to expand the scope of prepayments to include certain payments made for law enforcement activities by the Town Police Department.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the payment in advance of the audit of claims the use of the crime forfeiture funds held by the Town for restricted use of law enforcement up to the amount of available funds.

Supervisor Hotaling asked that Chief Darlington explain the resolution.

Chief Darlington stated that as a result of much of the law enforcement activities one of the things that has been happening is money and properties have been seized in which they established a Police Forfeiture Fund, which is restricted to law enforcement activities. He continued by saying that waiting for the monthly abstract to be approved, funds are needed in the larger amounts than the \$400.00 and added that this would allow

them to make those requests to the Supervisor in the amount that is in the forfeiture account.

Councilman Boehm inquired as to how much there is in the Forfeiture Account.

Chief Darlington stated that he believes that it is approximately \$3,000.00.

Supervisor Hotaling interjected that he believes that it was \$3,200.00 for the last Supervisor's Report.

**RES. #123-07 AUTHORIZE BUDGET AMENDMENT CORRESPONDENCE**

On motion of Councilman Boehm, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town desires to expend the crime forfeiture money to enhance law enforcement within the Town, and

**WHEREAS**, the Town desires to provide for the proper accountability over the use of those funds, and

**WHEREAS**, the Town had not provided the entire cost of the law enforcement activities will be reimbursed by the crime forfeiture monies,

**NOW, THEREFORE, BE IT RESOLVED**, that the 2007 budget be amended as follows: Increase revenue account A2626, Forfeiture of Crime Proceeds, Restricted by \$2,060.00 and increase the apportion of the Miscellaneous Reserve – Forfeiture of Crime Proceeds by \$2,940.00, and increase expenditure account A3197.4, Law Enforcement Equipment and Capital Outlay by \$5,000.00

Supervisor Hotaling stated that this is the accounting of previous resolutions.

Chief Darlington stated that it shows \$5,000.00 and added the amount in the account is what is actually available.

Supervisor Hotaling stated that the \$5,000.00 is a cap and added that there is currently \$3,200.00 in the account.

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**ADOPTION OF 2008 BUDGET**

Supervisor Hotaling stated that in August they started the budget process and the Tentative Budget was due September 30<sup>th</sup>, which was submitted to the Town Clerk on time and subsequent to that on October 4<sup>th</sup> the Town Clerk presented the Supervisor's Tentative Budget to the Town Board. He continued by saying that three Workshops took place after that for their review and a Public Hearing was held Tuesday, October 30<sup>th</sup> and no comments were heard at that time, which puts them at a point where they have to by law adopt the budget by November 20<sup>th</sup>. He went on by saying that with a motion, second and approval they will covert the Preliminary Budget to an adopted 2008 Budget.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers to convert the 2008 Preliminary Budget to a 2008 Adopted Budget.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling continued by saying that the impact in tax dollars is that in 2007 considering the adjustment in light of the revaluation, it was \$3.20 per thousand to raise \$1,934,000.00 in taxes and in 2008 the rate will go to \$2.80 per thousand to raise \$1,692,000.00, which reflects a 12.51% reduction in both the tax rate and tax levy. He continued by saying that one Fire District, Coeymans Hollow has given him a final budget and added that the law is a little odd in that it requires Fire Districts to hold their own Public Hearing that allows them until November 20<sup>th</sup> to give it to the Town, which is

after the date by law that they have to adopt the budget. He added that the Coeymans Hollow Fire District's increase is 3.93% with a rate per thousand of \$1.11 to raise \$261,425.00 and went on to say that when he gets Coeymans Fire District's numbers he will also be reporting those. He then asked if there was any further discussion.

Councilwoman Chmielewski stated that at one of the Public Workshops when all of the Elected Officials salaries were raised from the Tentative Budget she voiced her opposition then and continued by saying that she is also voicing it now. She added that the only one that did not get raised from the Tentative Budget was the Supervisor's salary and went on to say that as far as the Council, Judges, Town Clerk, and Highway Superintendent she feels that you can't give the Council a 33% raise, the Town Clerk a 8% raise, the Judges a 6% raise and Highway Superintendent a 7% raise when the rest of the workers will be getting a 3% raise.

Supervisor Hotaling stated that it would be determined as to if it reflects her vote and then inquired as to whether or not she was just addressing that component of the budget and would be in favor of passing the budget.

Councilwoman Chmielewski stated that she is in favor of passing the budget and added that she wanted to make it known that she voiced her opinion against the raises at a Workshop.

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

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## **CORRESPONDENCE**

### **Village of Ravena – Attorney Biscone**

Supervisor Hotaling stated that he had received a letter from Michael Biscone, who represents the Village of Ravena as their counsel and added that it is in response to the Water Agreement that the Town put together on behalf of and for the Village and in turn gave it to them for their review. He continued by saying that there seems to be some areas of concern that Attorney Biscone has in the document that they prepared in accordance to what they believed that the Village wanted. He went on by saying that he has not had the opportunity to read and compare one document to the other and added that for the record he wanted to acknowledge its receipt and will be sharing it with the Town Board because he will need to ask them for a specific component of the request, which seems to be a little unusual.

### **NYS Department of Environmental Conservation – Albany Tank Services**

Supervisor Hotaling stated that he had received a copy of a notice received by the Town on behalf of Mr. Dale Hitchcock from Albany Tank Services that there was an application for a DEC Permit. He continued by saying that the application is complete and a technical review has commenced and the opportunity for public comment is open until 11-23-07 and added that comments to the project must be submitted in writing to the contact person no later than November 23, 2007 or 16 days after the publication date of the notice, whichever is later.

He continued by saying that it is signed by Angelo Marcuccio, who is also the contact person and added that his phone number is 357-2069 and a copy of the notice will be posted on the bulletin board in the Town Clerk's office for review or for obtaining a copy and continued by reading the following:

“The applicant proposes to construct and operate a used oil transfer facility at the former Quaker State distribution facility located on the east side of Rte. 9W and added that used oil, waste oil and fuel oil collected from various businesses, residence and oil spill clean-ups will be transported to the facility by tank trucks and off-loaded and consolidated in large storage tanks in the building which can store up to 72,000 gallons of product. Waste

residual gasoline from cleaning of tanks will be temporarily stored in gasoline tank trucks. When sufficient quantities of oils and gasoline are collected, they will then be off-loaded to larger oil tank trucks and transported to a waste oil/gasoline recycling facility or fuel user. An existing exterior truck unloading pad on the north side of the building will be removed and replaced with an enclosed truck bay for loading/off loading of petroleum product and will incorporate appropriate secondary containment features which meet current regulatory requirements.”

Supervisor Hotaling reiterated that until November 23<sup>rd</sup> comments from the public can be directed to Angelo Marcuccio at DEC.

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## **TOWN BOARD WORKSHOPS/MEETINGS**

- Town Board Workshop, November 20, 2007, 7:00pm
- Town Board Meeting, November 26, 2007, 7:00pm
- Zoning Committee Meeting, November 28, 2007, 7:00pm

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## **ADDITONIAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Councilwoman Rogers stated that they are meeting earlier on the 20<sup>th</sup> for an interview.

Supervisor Hotaling stated that they will be conducting a personnel interview at 6:15pm and asked if there were any additional comments.

Councilman Boehm inquired as to if Mr. Palange will be leaving a driveway on both the county road and Biers Road.

Highway Superintendent Deering stated that he does not believe so and added that in speaking for himself he does not want one there.

Councilman Boehm stated that it will be important to address this with Attorney for the Town Wukitsch.

Supervisor Hotaling asked if there were any additional comments.

Chief Darlington stated that he wanted to give an update on the Police Department renovations and continued by saying that the additional 100 hours, which was used for the framing of the Phase II patrol area, which has also been sheet rocked, the electric has been run and it was primed earlier in the day. He added that as of today he used up all of the hours for Phase I and Phase II and then asked for additional hours to complete Phase II and possibly start the Communications construction.

Supervisor Hotaling inquired as to if there is an estimate of the number of hours.

Chief Darlington stated that he would suggest that they stay with 100 hours as benchmarks.

Councilman Boehm inquired as to if 100 hours is needed to finish Phase II.

Chief Darlington stated that it would be to continue with Phase II and added that he does not see why it would not be enough to finish it.

Supervisor Hotaling stated that the sheet rock, electric and primer have been done.

Chief Darlington stated that it would be for the doors, trim work, ceiling and lighting.

Supervisor Hotaling stated that the Sally Port just needs to be cleaned out and will not need any construction and continued by saying that it is likely that Phase II can be completed with the additional 100 hours. He added that he does not know about Dispatch because it is a totally different construction type thing.

Chief Darlington stated that the construction is the walls, ceiling and console desks, which can be all be done by the contractor.

Supervisor Hotaling stated that the infrastructure will all be there when the equipment is ready to be moved over and continued by saying that it appears to him that some of the Dispatch work will be incorporated into the requested 100 hours.

Chief Darlington stated that it would be without a doubt.

Supervisor Hotaling interjected that he would think that it would be at least half of it and continued by saying that he does not have a problem with the request. He then asked if there were any additional questions or comments and added that if the Board is in agreement they will need a motion to extend the authority for William Darlington to continue to work an additional 100 hours at an hourly rate of \$30.00.

Councilwoman Chmielewski inquired as to if it was in the form of a motion.

Supervisor Hotaling stated that it could be.

## **MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Chmielewski, authorizing an additional 100 hours of work to continue Phase II and move on to Phase III, described as Communications at a rate of \$30.00 per hour.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling asked Chief Darlington if he had any additional comments.

Chief Darlington stated that his office, along with his secretary's and evidence locker are in the process of being moved over and added that the flooring for the patrol section is suppose to start Thursday, which will allow them to start moving the patrols and sergeants over next week.

Supervisor Hotaling stated that this would be by the 19<sup>th</sup>, which would leave two weeks until the end of the month and added that he is estimating that by the first of the month they could have the patrols in Town Hall.

Chief Darlington stated that was correct.

Councilwoman Chmielewski inquired as to if the whole Police Department would be moved by then.

Chief Darlington stated that it would be and added that the Evidence Room is more timely.

Supervisor Hotaling stated that there is a chain of custody for that and continued by thanking Chief Darlington for the update. He then asked if there were any additional comments.

Highway Superintendent Deering stated that their radios are terrible and continued by saying that they get surrounding towns clearer than they can talk to each other within the Town.

Supervisor Hotaling stated Highway Superintendent Deering had sent a memo to him about that.



Highway Superintendent Deering stated that he was also inquiring about what was going on with the no parking on the streets and town roads during a snow storm.

Supervisor Hotaling stated that he thought that in their discussion about no parking they had talked about the Police Chief's ability to declare an emergency no parking situation during snow events.

Chief Darlington interjected that he didn't believe that it was ever done officially and added that in New Baltimore they have a sign that is posted under a section of law stating that if a state of emergency or snow emergency is declared there will be no parking on Town streets. He continued by saying that his concern is that he believes that it refers to when they do snow removal and added that what Highway Superintendent Deering is referring to is in the Village if there is a snow event of 3" or more there would be no parking on Town roads in the Hamlet of Coeymans and if they are, at the discretion of the Police Department they can be towed.

Supervisor Hotaling stated that he does not know how the Village did it and added that it could have been as simple as a motion and second. He continued by saying that if it is that simple he does not have a problem with saying that if it snows 3" it is a snow emergency and cars can be towed.

Councilman Boehm inquired as to if this is what the Village does now and whether or not it is their policy.

Chief Darlington stated that it is and added that they have a Local Law.

Supervisor Hotaling stated that they would then have to go through a Local Law procedure.

Highway Superintendent Deering interjected that he would like to see it for the Hamlet as well as the entire Town, which would be for everyone.

Councilman Boehm stated that it is not as much of an issue in the Hollow.

Highway Superintendent Deering stated that if it would be for everyone and added that this way you're not singling out the Hamlet.

Supervisor Hotaling inquired as to if this is something that they want him to engage in with the Attorney for the Town to start developing or whether or not they want to discuss it more at the next Workshop.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, giving the Town Supervisor authority to engage with the Attorney for the Town to compile a Local Law.

**VOTE – AYES 4 – NAYS 0 – SO MOVED**

Supervisor Hotaling continued by asking about Highway Superintendent Deering's mentioning that his radios are bad and then asked Highway Superintendent Deering if he had put money in his budget for radios this year.

Highway Superintendent Deering stated that he did not.

Supervisor Hotaling inquired as to how he plans to buy new ones and added that if they are bad they will need to do something.

Highway Superintendent Deering stated that he does not know if it the tower or the radios.

Supervisor Hotaling stated that there was a meeting with a company that was interested in putting a tower in the Town and in turn he found out that they could not fill it up with cell

phone antennas. He added that they did find the best place to put a tower and continued by saying that the question is now how to get one there.

Chief Darlington stated that the concern that Highway Superintendent Deering was referring to is they were hearing surrounding towns and added that mysteriously the Town of Bethlehem Police Department is being heard on the Town's radios. He continued by saying that he met with Deputy Highway Superintendent Searles and provided him with the avenues to travel, which would be for them to contact the radio vendor for the highway and make sure that the repeaters were intact and added that he is waiting to hear that they are. He went on by saying that if they are intact the Town of Bethlehem needs to be contacted to have their radios checked because sometimes the repeaters go off kilter. He added that the frequencies are close but not close enough to be bleeding over and continued by saying that their repeaters may have jumped a frequency and are transmitting on both. He continued by saying that the contour of the Town makes radio communication very difficult and added that they are researching it and have decided not to throw up repeaters not knowing if they are going to work. He went on by saying that currently they have tested one site and at ground level it provided some improvement and the next step is that they will try to put an antenna in the air at approximately 60-70 feet to see if they get improvement down this way and added that when it improves outback they lose it here because of the escarpment. He concluded by saying that it is a slow, tedious process and added that they may put up temporary antennas, which will be a minimal cost to the Town, which might resolve Highway Superintendent Deering's problem.

Supervisor Hotaling stated that he is hearing from Albert that there may be some antenna issues and added that he is also hearing that the radios are old and don't work well. He continued by asking Highway Superintendent Deering if the radios are ok.

Highway Superintendent Deering stated that the radios are fine and are fairly new and added that the problem is that they cannot get a hold of anyone on them.

Chief Darlington stated that the radio communication people are not providing the services that they were and added that the Highway Department was higher on a tower that collapsed and they are now half the height that they use to be, which would be creating some of their problems. He added that a benefit to researching their own towers is that they can control where they are.

Supervisor Hotaling stated that Highway Superintendent Deering had raised this before and continued by asking if there was a time when transmission to Communications had taken place and in turn they could not hear the transmission back again.

Chief Darlington interjected that it was the Police Department that had that problem.

Highway Superintendent Deering continued by saying that he had one more thing to address and added that some people seem to think that he is not in charge of his department and continued by saying that when there is a snow storm he has to have a crew and went on to say that if they get mad, which has happened, they will not show up.

Supervisor Hotaling stated that he is glad that he said he is in charge and added that he agrees that he is and continued by saying that they need to act like they are in charge.

Highway Superintendent Deering stated that all they have to do is say that they are sick and then not come in and reiterated that he only has so many to plow snow and added that if they get a storm and someone does not come in they are in trouble.

Supervisor Hotaling inquired as to if he has given any thought to hiring some contracted workers to take their place.

Highway Superintendent Deering stated that he will be advertising for part-time again and added that they are hard to find because most people can make more collecting unemployment and added that they also have to like to plow snow.

Supervisor Hotaling stated that he would encourage him to try a different recruitment tactic because it has not worked in the past and continued by saying that there are a number a seasonal employees who have started and in turn not shown up for the rest of the year and then hit the Town up for unemployment the following year. He added by saying that he has challenged it each and every time and added that they still have gotten unemployment. He concluded by saying that there are some things in their control and some are not and added that those things they do have control over, sometimes a different tactic or plan should be tried.

Highway Superintendent Deering stated that he just wanted to let the public know.

Supervisor Hotaling asked if there were any additional comments, hearing none he in turn asked Councilmen Elect Youmans and Touchette if they had any 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 Chmielewski, the Town Board meeting was adjourned.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

Time 8:37pm

*Respectfully Submitted,*

**APPROVED:**

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

**A Bid Opening was held Thursday, November 8, 2007, at 2:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Diane L. Millious, Town Clerk  
BillieJo Mueller, Clerk

**ALSO PRESENT:** George Dardani, Justice  
Virginia Pearson, Justice

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The following Legal Notice appeared in the Ravena News Herald.

**TOWN OF COEYMANS  
NOTICE TO BIDDER  
INVITATION TO BID**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Coeymans, Albany County, New York, hereby invites sealed bids for:

One (1) Oak Desk measuring 5 x 34 x 30 with 7 drawers.

One (1) 7 cubic foot Frigidaire Frost Freezer, approximately 5 yrs old

All prospective bidders may call the Maintenance Supervisor at 756-6366 between the hours of 7:00am – 3:30pm regarding this bid. Bid packages 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 Thursday, November 8, 2007, 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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**BID OPENING**

Town Clerk Millious opened the bids and read as follows:

**Oak Desk** – No bids were received.

**Frigidaire Frost Freezer**

| <b>BIDDER</b> | <b>BID PRICE</b> |
|---------------|------------------|
| Thomas Plath  | \$100.00         |
| Tom Tucker    | \$ 76.00         |

Town Clerk Millious stated that it was conclusion of the bid opening and added that it will be on the agenda and possibly awarded at the next Town Board Meeting.

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Public Hearing was held Tuesday, October 30, 2007, 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 Millious, Town Clerk

\*\*\*\*\*

Supervisor opened the Public Hearing and led the Pledge of Allegiance.

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The following Notice appeared in the Ravena New Herald.

Supervisor Hotaling asked that Town Clerk Millious read the notice.

Town Clerk Millious read the following Notice.

**NOTICE  
OF  
PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Coeymans will meet and review said Town of Coeymans Budget for January 1, 2008, and hold a Public Hearing, thereon, at the Town Hall, 18 Russell Avenue, Ravena, New York, at 7:00pm on Tuesday, the 30<sup>th</sup> day of October 2007.

Pursuant to Section 108 of Town Law, listed below are the proposed salaries of Elected Officials.

|               |     |                  |
|---------------|-----|------------------|
| Supervisor    | (1) | \$45,000.00      |
| Councilman    | (4) | \$12,000.00 each |
| Justice       | (2) | \$17,500.00 each |
| Highway Supt. | (1) | \$50,000.00      |
| Town Clerk    | (1) | \$40,500.00      |

A copy of the Preliminary Budget will be available beginning October 25, 2007 at the Town Clerk’s Office, 18 Russell Avenue, Ravena, New York, where it may be viewed, and a copy can be obtained during regular business hours.

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

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**SUPERVISOR’S OPENING COMMENTS**

Supervisor Hotaling stated that the Budget process began in August 2007 where Department Heads were requested to submit to him, as Budget Officer, their proposals for 2008 to include their anticipated appropriations and revenues with any new programs requiring justification. He added that those documents were received and during the month of September it was his duty as Budget Officer to prepare the Tentative Budget, which was done and presented to Town Clerk Millious on October 1<sup>st</sup> along with his Budget Message, which was read into the record at the October 4<sup>th</sup> Special Town Board Meeting. He went on to say that the law requires the Town Clerk to present the

Supervisor's Tentative Budget to the Town Board by October 5<sup>th</sup> and continued by saying that it was accomplished and in turn began their scrutiny of the Budget as well as discussions with Department Heads. He added that between and amongst themselves they came up with a Preliminary Budget, which is what they have before them and continued by saying that the Tentative Budget called for a 13.55% reduction in the tax rate as well as the tax levy and added that in numbers it meant that the 2007 rate adjusted to account for the revaluation that year. He went on to say that the Town of Coeymans rate for 2007 was \$4.96 per thousand based on the old value of the properties in the Town and added that when the revaluation was done and completed in 2007 those values increased and that number was used by him in the Tentative Budget phase to grab a base line of what the rate would have been had the new number been available, which would have been \$3.20 per thousand. He continued by saying that with the 2007 adjusted rate to \$3.20 per thousand to account for the revaluation, the proposed Tentative Budget for a 13.55% reduction would have provided for a \$2.77 per thousand reduction and added that in addition to that the 2007 Tax Levy was \$1,934,816.00 and the proposal for 2008 reduced that number to \$1,672,623.00, which was a \$262,193.00 reduction in the Tax Levy to be collected. He went on to say that the Preliminary Budget that they have before them made some changes to some salaries of Elected Officials as well as changes to salaries of some non-union personnel, which resulted in an increase of approximately \$19,000.00, which is reflected in the tax levy. He continued by saying that it was pointed out prior to the meeting by Councilman Boehm that the increase in the Justice's salaries was not reflected in the Preliminary Budget under appropriation account A1110.1 and added that he has done the calculations and new pages have been printed. He went on by saying that it made a \$1,010.00 difference, which would change the A1110.1 personal service account to \$100,066.00 with a total of \$111,316.00 for that department and continued by saying that in order to accommodate the additional \$1,010.00, this amount had to be added to the tax levy, which makes the new number \$1,692,825.00, which changes the tax rate to \$2.80 per thousand, which makes the tax rate decrease 12.51%. He continued by saying that the Town Board was very cognizant of the revaluation and has for some time begun to prepare for that in a variety of ways and added that the simplest way to do it is if there is a fiscal conservatism attached to the last couple of years that would permit them to absorb the revaluation in a more appropriate way than perhaps it has been absorbed in other tax rates and levies. He went on by saying that the budget for 2008 is not a short budget and added that it continues to have the General Fund, Part-Town Fund and Highway Fund without debt and added that equipment purchases for each of those funds is included in the budget, which is the replacement of two police vehicles, tractor, zero-turn mower, loader, and a tractor flume arm. He continued by saying that the union employees were beneficiaries of a contract negotiation that effectively granted a raise of 3% and added that it does require them to share a portion of the cost of the health insurance that is provided by the Town of Coeymans as well as having up to \$1,000 funded for the VFW, American Legion, Alcove Preservation Society and Ravena Coeymans Historical Society for a mutually agreed upon contract for services to provide a public benefit purpose for the residents of the Town in addition to the Paramedic Contract increasing approximately \$10,000.00. He added that he had recently had a discussion with Mr. Brian Wood who had indicated that an increase in the overall Albany County Paramedic budget, which operates in the hill towns, Bethlehem, Coeymans and other areas calls for an acquisition of an additional paramedic vehicle that will be located in the Village of Ravena if the budget is passed by the County and continued by saying that the budget also reflects a continuation of the recently enacted contract with the Ravena Rescue Squad that provides for \$69,440.00 in 2008 and added that the procedural negotiations between the Rescue Squad and the Internal Control Officer for the Town concluded approximately 30 days ago and as a result they are in the process of executing the first payment. He concluded by asking if any other Town Board members wished to add to his comments, hearing none he then invited the public to comment.

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## **PUBLIC COMMENT**

None

Supervisor Hotaling stated that the Public Hearing will remain open for 20 minutes for public comment and continued by asking that the video be kept on while the audio be turned off until someone wishes to speak.

Supervisor Hotaling stated that no one wished to comment on the 2008 Preliminary Budget and added that 20 minutes had elapsed and continued by asking if anyone on the Town Board wished to make any additional comments, hearing none he asked for a motion to adjourn the meeting.

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**ADJOURNMENT**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Public Hearing was adjourned.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

Time: 7:24pm

Respectfully Submitted,

APPROVED:

\_\_\_\_\_  
Diane L. Millious, Town Clerk



**A Town Board Workshop was held Wednesday, October 24, 2007 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:** Cindy Vatalaro, Deputy Town Clerk

\*\*\*\*\*

The following Notice appeared in the News Herald and was posted at various locations throughout the Town.

**NOTICE  
SPECIAL  
TOWN OF COEYMANS  
BUDGET WORKSHOP MEETINGS**

Please take notice that the Town Board of the Town of Coeymans has scheduled Special Budget Workshop Meetings for the following dates:

Saturday, October 13, 2007, 9:00am  
Tuesday, October 16, 2007, 6:00pm  
Wednesday, October 24, 2007, 6pm

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**

- Boots for Non-Union Employees
- Continued Review of 2008 Budget

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the Special Workshop was adjourned.

Time: 7:08pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*



**A Bid Opening was held Thursday, October 18, 2007, at 2:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Diane L. Millious, Town Clerk  
Cindy Vatalaro, Deputy Town Clerk

**ALSO PRESENT:** Scott Searles, Deputy Highway Superintendent  
Edward Eck, Bidder

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The following Legal Notice appeared in the Ravena News Herald.

**NOTICE TO BIDDER  
INVITATION TO BID**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Coeymans, Albany County, New York, hereby invites sealed bids for:

One (1) 1975 John Deere Model 301 tractor with John Deere side mower and Alamo flail, in addition to many parts for the side mower and flail.

One (1) 1992 International Dump Truck with snow plow attachment for 6 way blade in addition to sander pluming on back of truck with control inside of truck.

All prospective bidders may call the Highway Superintendent at 756-2251 between the hours of 7:00am – 3:30pm regarding this bid. Bid packages 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 Thursday, October 18, 2007, 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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Town Clerk Millious opened the bids and read as follows:

**1992 International Dump Truck**

| <b>BIDDERS</b>                  | <b>BID PRICE</b> |
|---------------------------------|------------------|
| JSSJR Ent. Inc. – Village Truck | \$2,190.00       |
| Charles H. Biers III            | \$3,361.00       |
| Dan Baker                       | \$1,500.00       |
| Jeff Lukens                     | \$2,550.00       |
| Albert Collins                  | \$ 900.00        |

**1975 John Deere Model 301 Tractor**

| <b>BIDDERS</b>                  | <b>BID PRICE</b> |
|---------------------------------|------------------|
| JSSJR Ent. Inc. – Village Truck | \$2,790.00       |
| Charles H. Biers III            | \$2,361.00       |
| Jeff Lukens                     | \$2,150.00       |
| Edward Eck                      | \$1,299.00       |
| Vernon Schermerhorn             | \$1,550.00       |
| Albert Collins                  | \$2,851.00       |

Town Clerk Millious stated that it was conclusion of the bid opening and added that it will be on the agenda and possibly awarded at the next Town Board Meeting.

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Town Board Workshop was held Tuesday, October 16, 2007 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  
Larry Breedlove, Chief Operator W.W.T.P.

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Supervisor opened the meeting and led the Pledge of Allegiance.

\*\*\*\*\*

The following Notice appeared in the News Herald and was posted at various locations throughout the Town.

**NOTICE**  
**SPECIAL**  
**TOWN OF COEYMANS**  
**BUDGET WORKSHOP MEETINGS**

Please take notice that the Town Board of the Town of Coeymans has scheduled Special Budget Workshop Meetings for the following dates:

Saturday, October 13, 2007, 9:00am  
Tuesday, October 16, 2007, 6:00pm  
Wednesday, October 24, 2007, 6pm

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**

- Replacement of Computer Server
- Sewer Department Budget
- Police/Communications Budget
- Town Clerk’s Budget

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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: 8:45pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Special Budget Workshop Meeting was held Saturday, October 13, 2007 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:** Cindy Vatalaro, Deputy Town Clerk  
Albert Deering, Superintendent of Highways  
Nelson Perry, Parks and Maintenance Supervisor  
Laura VanValkenburg, Assessor  
Larry Conrad, Code Enforcement Officer  
George Dardani, Judge  
Virginia Pearson, Judge

\*\*\*\*\*

Supervisor Hotaling called the meeting to order and led the Pledge of Allegiance.

\*\*\*\*\*

The following Notice appeared in the News Herald and was posted at various locations throughout the Town.

**NOTICE**

**TOWN OF COEYMANS  
SPECIAL WORKSHOP  
BUDGET MEETING**

Please take notice that the Town Board of the Town of Coeymans has scheduled Special Budget Workshop Meetings for the following dates:

Saturday, October 13, 2007, 9:00am  
Tuesday, October 16, 2007, 6pm (Regular scheduled Workshop)  
Wednesday, October 24, 2007, 6pm

The meetings will be held at Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, New York.

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

\*\*\*\*\*

**AGENDA**

- Highway Department, Albert Deering
- Community Beautification, Nelson Perry
- Assessor, Laura VanValkenburg
- Building Department, Larry Conrad
- Justice Court, Judges Dardani & Pearson

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**ADJOURNED**

Time 12:25pm

**APPROVED:**

*Respectfully Submitted,*

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*Diane L. Millious, Town Clerk*



**A Town Board Meeting was held Monday, October 9, 2007, 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  
Laura VanValkenburg, Assessor

\*\*\*\*\*

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, Chief of Police Darlington, Superintendent of Highways Deering and Assessor VanValkenburg.

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### **AGENDA**

- Public Comment
- Presentation
  - New York State Office of Real Property Services
  - Proclamation – Cornell Cooperative Extension
- Approval of Minutes
  - Town Board Meeting, September 10, 2007
  - Public Hearing, September 24, 2007
- Old Business
  - Small Cities Grant Application
  - Sewer Treatment Plant Operator Trainee Ad
  - FEMA Authorized Projects Update
  - CDPHP Contract 9/1/07-8/31/08
  - Police/Communications Construction Update
- New Business
  - Repair of Highway Department Gradall
  - Additional Board of Assessment Review Compensation
  - Town Attorney 2008
- Resolutions
  - Cornell Cooperative Extension & 4H Week 10/7-13/07
- Correspondence
  - Department of the Army, NY District Corps of Engineers
  - Carol deClerq, re: Martins Hill
- Town Board Workshops/Meetings
  - October 10, 7pm, Zoning Committee Meeting
  - October 13, 9am, Town Board Budget Workshop
  - October 16, 6pm, Town Board Workshop
  - October 22, 7pm, Town Board Meeting
  - October 24, 6pm, Town Board Budget Workshop

### **PUBLIC COMMENT**

Supervisor Hotaling invited the public to comment at this time.

**Ms. Carol deClerq** stated that she lives at 49 Martins Hill Road and continued by saying that she had sent Supervisor Hotaling a letter relative to the sewer conditions and added that she wonders what the Town Board members would do if they lived in the houses on Martins Hill Road.

Supervisor Hotaling stated that they would do the same things that they have done for the past two years and added that two years ago residents on Martins Hill Road came to the Town Board and exhibited non-palatable water, which was demonstrated very clearly. He continued by saying that immediately after learning that on the following day he contacted the Department of Health and asked that they come down and intervene immediately in that area of Martins Hill where apparently the well and septic systems were incompatible. He added that after a couple of calls the Health Department came down and in turn observed water bottles in the complainant's kitchen, which was purchased water, and in turn they decided that there was not a problem because they had a source of drinking water, which he didn't appreciate. He continued by saying that in addition to that close to two years ago the State of New York decided that they were going to redo Rte. 143 and in doing that they came to the Town with some Public Meetings and designs and theories about how that was going to be accomplished in addition to being aware that the Town was attempting to resolve the water problem on Martins Hill by negotiating with their colleagues in the Village of Ravena to provide a source of water for those individuals numbering approximately 20 homes. He went on to say that those homes would be permitted to get water because they are currently in a Water Supply District, which is now going to be converted if they favorable negotiate between the Village and the Town to a Water District to provide that water. He continued by saying that unfortunately during the course of the project the State discovered that the sanitary sewer systems were either insufficient or nonexistent and when that happened they suggested to the Town as well as the Health Department that something needs to be done because they were not going to permit the discharge of sanitary waste into the State's right-of-way of a newly redesigned Rte. 143. He added that in turn the Health Department chose to sit on their hands for a number of months as a result of that.

Ms. deClerq interjected that the Health Department stopped by in the Spring and did dye testing and added that they are still waiting.

Supervisor Hotaling added that the spring was months after he requested that they get involved in the first place and then asked Ms. deClerq when she saw them next.

Ms. deClerq stated that she saw them approximately a month ago and then within the last two weeks.

Supervisor Hotaling stated that it took six-months from their visit in the spring.

Ms. deClerq interjected that it depends on if you are home as far as being able to know if they were there.

Supervisor Hotaling stated that his information is that they have not been in the area until approximately one month ago as she had described. He continued by saying that they went to 4-5 homes and said that there was a problem with sanitary waste not being properly disposed of and/or it is being leached into the right-of-way of the State. He added that Ms. deClerq had stated in a form letter sent to several people that one of the Health Department's solutions was to get the Town to request an Emergency Hardship Dispensation from the moratorium to put a sewer system in.

Ms. deClerq stated that it is a hardship at this point.

Supervisor Hotaling interjected that he is not denying that there is a hardship and added that there is a moratorium in Town and in order for a Sewer District to be formed there has to be a petition from the residents of that District to the Town government, which is also a law. He reiterated that the law requires that the residents petition the Town Board

stating that there is a problem and would like to form a Sewer District and added that they need to understand that the formulation of the Sewer District, once approved, is a cost that will be borne only by those people in it.

Ms. deClerq inquired about funding with grant money through the State.

Supervisor Hotaling stated that the reality is that the Sewer District is going to be a cost associated with those people in it and added that long ago in his discussions with Jim Boni from the Department of Transportation and the Department of Environmental Conservation he had suggested that he did not believe that the people in that area are in a fiscal position to support that burden. He concluded by saying that for several months he has been trying to get to DEC based upon the moratorium existence, the Department of Transportation based on their deep pockets and long arms with respect to a 5 million dollar road improvement project in addition to trying to get the Department of Health and the County of Albany to understand that the people need to get together to talk about how they are going to resolve the sewer issue because it does not make any sense to have a 5 million dollar project put together and have 4-5 residents condemned in their homes and being told to move out.

Ms. deClerq stated that this is what is going to happen and added that if they want to buy her house they can have it.

Supervisor Hotaling stated that it might sound like he is taking a different position from her and added that he does not think that he is. He continued by saying that he is trying to explain to her and to the public that are interested that this is the direction that the Town Board is going and went on to say that within the past few days he has heard that finally the Department of Health in the County have gone to the Commissioner level, who in turn has contracted County Executive Breslin to convene a meeting of all of the parties involved consisting of the Town of Coeymans, Department of Transportation, Department of Environmental Conservation, Department of Health, Legislative leaders Mr. Schafer, Mr. Clouse, Senator Breslin and Assemblyman Gordon. He concluded by saying that all players may finally be meeting to talk about the issues and the need to create a solution to the hardship for people that have lived there for years and added that he is trying to coordinate a reasonable solution to the problem and continued by saying that he does not know if it will be successful.

Ms. deClerq inquired as to how many homes are affected by the problem.

Supervisor Hotaling stated that he believes the number to be between 4-7 that have the sanitary sewer problem and added that there are also a number of people that have water issues such as pressure and palability in addition to some that have both with it being piped directly into the State's right-of-way. He concluded by saying that if they create a solution there is also an issue about the Village of Ravena talking about their system not being able to be overrun with any more sanitary sewer or storm water.

Ms. deClerq interjected that they are getting the storm water anyway because it is running down Martins Hill.

Supervisor Hotaling stated that she started her dialog by asking what the Town Board would have done if they were residents of Martins Hill.

Ms. deClerq interjected that they need help.

Supervisor Hotaling stated that he understands and added that he does not want her to think that they have done nothing within the past two years and added that a lot of things have been done and continued by saying that it has not been done as successfully as they would have liked or would have put her in a position of feeling comfortable about the project.

Ms. deClerq stated that at this point they are being threatened with being fined because they have not fixed the problem.

Supervisor Hotaling stated that the Department of Health's responsibility is to not permit people to live in homes that do not have proper sanitary and added that the Department of Health can come in and condemn the houses.

Ms. deClerq stated that she was not told that and added that she was told that she would be fined.

Supervisor Hotaling stated that condemning houses would not be a viable solution given a 5 million dollar project that is going to have a ribbon cutting and having people thrown out of their homes and continued by saying that this is why he is trying to get the people in Albany to understand the wisdom in putting some money toward the project because they do not have a request for a Sewer District.

Ms. deClerq stated that she didn't know that this is what they had to do.

Supervisor Hotaling stated that this is the process and how it initiates and added when people want a Sewer District there has to be a request by the members who are of a similar mind with the understanding that if one is created and the cost of building one falls within the Comptroller's guidelines, the cost of the creation and building will be born exclusively in debt service by those people who benefit from it.

Ms. deClerq interjected that this is how the Water District was going to be set up.

Supervisor Hotaling stated that she was correct and added that the water process is far beyond where the sewer is and continued by saying that they have a chance at the water. He continued by saying that at this point he cannot predict what is going to happen with the sewer and added that he can predict the outcome if the Department of Health exercises their responsibility, which they don't want to do because it won't make them look very good. He added by saying that he is trying to convince them that there are other ways to do this and it is not going to mean that all of the taxpayers will have to reach in their pockets to solve the problem and its not going to be that those 4-7 homes will have to reach in their pockets to put a District together but rather with the help of the County Health Department, Department of Transportation, and Department of Environmental Conservation to weave together a plan to be able to have this project go along and still have the people served in terms of sanitary sewer and water. He concluded by saying that he and his colleagues stand ready to facilitate it and added that he cannot commit in terms of tax dollars because he has already committed \$25,000.00 to \$30,000.00 of general tax dollars to the water issue, which will have to be paid back to the General Fund by those in that Water District.

Ms. deClerq stated that she is not sure if she is in the Water District.

Supervisor Hotaling stated that this is how it works and added that it is based on the formula of benefit derived, which is those who benefit from the service pays. He continued by saying that the problem has been long standing and has surfaced recently with respect to the sanitary sewer and added that the solution will be under the same benefit derived theory that those who benefit will be asked to pay. He reiterated that he has been trying to soften that by getting the State of New York in their multi-million dollar project and the County of Albany in their great effort to avoid confronting their responsibilities, to contribute to the solution as well.

Ms. deClerq inquired as to how she and her neighbors will know when the meeting takes place amongst all of the agencies involved and added that they would like to be involved.

Supervisor Hotaling stated that he didn't know and added that he does not know at this point and added that they need to let them come up with a solution and not be distracted by the individual comments made by individual homeowners. He continued by saying that they need to step up to the plate because the residents cannot afford it and the Town cannot do it with respect to the moratorium and because of their neighbors to the east flowing through a system that is already being over burdened. He added by saying that he understands that a Special Meeting is being called by the Village Board to talk about a Consent Order that is being propered to them from DEC about their sanitary sewer

system and added that there are enough problems in both sewer systems and if the Village has a continuing problem with DEC and a Consent Order it will be another stumbling block. He concluded by saying that he believes that the answer lies with the County Department of Health, the State and its two entities, Department of Transportation and DEC.

Ms. deClerq 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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## **PRESENTATION**

### **NYS Office of Real Property Services**

Supervisor Hotaling stated that he wanted to read a letter that was received by him from Robert Jacobs, Real Property Analyst II from the State of New York Office of Real Property Services in Albany. He continued by reading the following:

Dear Supervisor Hotaling:

It is with great pleasure that the New York State Office of Real Property Services presents you with this Certificate of Excellence in Equity. The State appreciates your efforts to provide your town's property owners with fair and equitable assessments, and I personally value your cooperation and hard work. Laura deserves special praise; her dedication to the project was evident from the very beginning and was crucial in making it a success. Once again, congratulations on completing a successful reassessment project.

Sincerely,

Robert Jacobs, Real Property Analyst II

Supervisor Hotaling stated that he has the Certificate that was presented to him representing the Town of Coeymans and continued by saying that he wanted to take the opportunity to convey the Certificate to Assessor VanValkenburg and ask that she be the keeper of it in her office because it was with her good work that they were able to achieve 100% value in the Town's equity. He concluded by saying that he appreciates her efforts.

Assessor VanValkenburg thanked Supervisor Hotaling.

### **Proclamation/Resolution**

Supervisor Hotaling stated that he thought that Mr. Tom Dolan was going to be present to receive a proclamation, which is also a resolution. He then asked that the Town Board allow him to move to the resolution section of the agenda and have read into the record the proclamation for Cornell Cooperative Extension and 4-H Week. He added that he will give it to Mr. Dolan at his first opportunity to do so.

### **RES. #109-07 PROCLAIM THE WEEK OF 10/7-10/13 CORNELL COOPERATIVE EXTENSION AND NATIONAL 4-H WEEK**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, Cornell Cooperative Extension of Albany County enables people to improve their lives and communities through partnership that put experience and knowledge to work; and

**WHEREAS**, the Cornell Cooperative Extension system is a viable partnership among federal, state and county governments; the educational outreach of Cornell University knowledge and research; and youth, volunteers, and staff; and

**WHEREAS**, 500 professional educators partner with over 40,000 volunteers to assist more than six million individuals, families, communities, and business people in New York State and continues to provide meaningful youth development experience for 2,000 youth of Albany County; and

**WHEREAS**, Cornell Cooperative Extension through the 4-H Youth Development Program invests in the state's future by creating opportunities for youth to develop their personal leadership skills, contribute to their communities, and strengthen their science, engineering, and technology abilities; and

**WHEREAS**, Cornell Cooperative Extension will continue to provide high quality, innovative educational programs and products that help New Yorkers build strong and vibrant communities; and

**WHEREAS**, the Albany County association operates the C.H.O.I.C.E.S. Program in the Town of Coeymans;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans, proclaims October 7 through October 13, 2007, as Cornell Cooperative Extension Week and National 4-H Week in the Town of Coeymans.

Supervisor Hotaling stated that this will be conveyed to Mr. Tom Dolan at C.H.O.I.C.E.S. either later in the meeting if he arrives or the following day.

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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 September 10, 2007 and a Public Hearing on September 24, 2007 and continued by asking if everyone had an opportunity to review them and if so offer a motion to approve them.

## **MOTION**

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

VOTE – AYES 4 – NAYS 0 – SO MOVED

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## **OLD BUSINESS**

### **Small Cities Grant Application**

Supervisor Hotaling stated that he wanted to thank everyone involved with putting the application together and continued by saying that Mr. Steve Kirk had done tremendous work and added that Lisa Pempaze turned the review around very shortly. He went on by saying that Mr. Laraway and Mr. Weiss were in to execute the affidavits that Ms. Pempaze had suggested to be included and incorporated in the PEQ. He went on by saying that Mr. Kirk has taken under advisement the changes that they had talked about making.

Mr. Kirk stated that he took the suggestions and made the changes and continued by saying that he printed out copies of the entire PEQ for the Town Board and added that the process is once the approval is made it goes to Small Cities.

Supervisor Hotaling asked that Ms. Pempaze summarize her review and the point that they are right now in the process.

Ms. Pempaze stated that she reviewed the documents to insure that the application appeared complete and added that she does not know if the affidavits need to be a part of

the PEQ and continued by saying that her intention was that the Supervisor and Town Board had the backup to support the representations that are being made and added that it should be part of the record before the Town Board but it does not have to go to Small Cities.

Supervisor Hotaling stated that it was good advice and continued by asking if she had any issues with putting the resumes of the Corporate Officers in it.

Ms. Pempraze stated that she didn't look at the resumes and added that she just made sure that the other documents were in there.

Supervisor Hotaling asked Mr. Kirk if the resumes are a necessary component.

Mr. Kirk stated that resumes of the Corporate Officers should be included.

Supervisor Hotaling inquired as to whether or not a formal resolution has to be passed or whether a simple motion to authorize the submission of the PEQ would suffice and continued by asking if there is a deadline for time.

Mr. Kirk stated that the sooner they submit it the better and continued by saying that he does not know what other projects are out there and added that they have a finite amount of money. He went on by saying that he wants to make sure that they get it in on time. He continued by saying that a resolution is not a requirement for the submission application and added that a motion would be fine. He concluded by saying that the next phase of the application requires two Public Hearings and added that at that point a resolution will be required to submit the final application and continued by saying that this is the second step of a three step process.

Ms. Pempraze stated that they addressed this at the last Town Board Meeting and continued by saying that Attorney Wukitsch stated that he would prefer to have a resolution and added that they have not coordinated on that so there is not a proposed one for the Town Board. She added that this would be his call as Attorney for the Town and went on to say that it should be what he is comfortable with.

Supervisor Hotaling inquired as to what the Town Board wanted to do and added that the next Town Board Meeting is October 22<sup>nd</sup>.

Ms. Pempraze interjected that she would suggest that the Town Board move to authorize the Supervisor to sign the application so it can be submitted and continued by saying that they can contact Attorney Wukitsch and added that if he believes that a resolution would be necessary and they could have one for the next meeting.

Councilman Boehm inquired as to if they can move forward if Supervisor Hotaling signs the application.

Ms. Pempraze stated that was correct.

Supervisor Hotaling stated that he is comfortable either way and added that he does recall Attorney Wukitsch saying that he would prefer a resolution.

Councilwoman Chmielewski inquired as to what else Attorney Wukitsch had said regarding a resolution.

Supervisor Hotaling stated that a resolution is more procedural and clean cut and added that a motion could be buried in the minutes.

Ms. Pempraze interjected that if the Town Board votes on it and passes it based on the fact that only a motion is required, the Supervisor can go forward with signing and submitting the application without having to wait for the next meeting.

Supervisor Hotaling stated that he is comfortable with an authorization should the Town Board choose to give it to him.

Councilman Boehm stated that he would offer a motion.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, authorizing Supervisor Hotaling to sign the PEQ for initial submission to the State for its review followed up by a resolution to be prepared for presentation at the October 22<sup>nd</sup> Town Board Meeting if necessary.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling asked that Mr. Kirk leave him a clean copy for his signature.

Mr. Kirk stated that he would hand deliver it to the State.

Councilman Boehm inquired as to what the rest of the process is after it is submitted.

Mr. Kirk stated the State will review the PEQ for completeness and continued by saying that it should be turned around within three weeks. He continued by saying that they might request additional supporting information, which would have to go back to P&M and added that it could be turned around within a day and back to them. He concluded by saying if everything requested is submitted they would then give the Town authorization to submit a full application, which would in turn go to the State's Board New York State Housing Trust Fund for approval and added that they could then start the Environmental Review Process.

Supervisor Hotaling inquired as to if the Public Hearings take place prior to the final application.

Mr. Kirk stated that the Public Hearings can take place once the PEQ is submitted at any time.

Supervisor Hotaling inquired as to how the Public Hearing is advertised in terms of asking for input.

Mr. Kirk stated that they would have to do a Public Notice and added that there are two separate purposes for each one. He continued by saying that the first is to distribute and disperse information about the Community Development Block Grant Program and Small Cities Program and added that it does not talk specifically about the project and invites people to submit ideas for potential projects for the Town to consider. He went on by saying that the second one talks specifically about the components of the project that the Town is applying for. He concluded by saying that he can get the language that is needed in the Public Hearing Notice.

Supervisor Hotaling thanked Mr. Kirk and Ms. Pempraze.

## **Proclamation Presentation**

Supervisor Hotaling stated that Mr. Dolan was now present and continued by saying that the Proclamation Resolution was moved by Councilwoman Chmielewski and seconded by Councilman Boehm and added that it was unanimously passed. He then asked Mr. Dolan for a brief explanation of the C.H.O.I.C.E.S. Program.

Mr. Dolan stated that Land Grant Colleges were started throughout the United States and added that each state in the United States got a plot of land that they could sell and then use the money for educational purposes and added that in New York State, Cornell University is the Land Grant College. He continued by saying that every County in New York State has a Cooperative Extension and added that the C.H.O.I.C.E.S. Program, which was started in 1988, is part of Cornell Cooperative Extension, which is part of a larger network of research based knowledge that they put to work on a local level. He continued by saying that the purpose of the Agriculture Department was to work with the farmers and the Home Economics Department would work with the farmer's wife and added that it has evolved over the years to the Human Ecology Department. He went on



by saying that C.H.O.I.C.E.S. offers HEAP, a heating program, and RAP a senior program as well as a community based organization where people can come for resources for getting help from Social Services. He concluded by saying that he had received an e-mail stating that it was National 4-H Cooperative Extension Week and in turn he contacted Supervisor Hotaling.

Supervisor Hotaling stated that he was glad that he made the presentation and added that he did not realize the concept of Land Grants. He continued by inquiring as to how many individual or local families the C.H.O.I.C.E.S. Program has helped since starting in 1988.

Mr. Dolan stated that he would guess in the thousands.

Supervisor Hotaling stated that many families have been assisted through HEAP and RAP and added that a number of homes were in dire need of new windows and insulation.

Mr. Dolan stated that they also use to have a GED Program and added that hundreds of people went through that program and continued by saying that to this day he is being thanked by individuals that went through the program. He continued by saying that they get a lot of donations that are passed on to people that are trying to restart their lives.

Supervisor Hotaling inquired as to if he is looking for people to make donations and inquired as to if there is any particular need that they have.

Mr. Dolan stated that they have a space problem and added that they do get great donations that go out as quick as they come in.

Supervisor Hotaling continued by presenting Mr. Dolan the Proclamation on behalf of the Town and continued by saying that it is proclaiming the week of October 7 – October 13 as Cornell Cooperative Extension Week and National 4-H Week in the Town of Coeymans. He continued by thanking Mr. Dolan for his good work as well as his cooperation with the Youth Summer Program.

### **Sewer Treatment Plant Operator Trainee Ad**

Supervisor Hotaling stated that they had originally authorized Chief Operator Breedlove to canvas the list of Operator Trainees and added that previously they had hired John Lennon as an Operator Trainee who in turn took the Civil Service Exam and is now an Operator. He continued by saying that similarly there were other people on the list that were canvassed and have declined to be interviewed for the position, which places them in a position to send to Albany County Civil Service the results of that canvas. He added that they have now been given authority to advertise locally in the paper for a provisional appointment and in turn the person hired would have to take a test, pass it and then be reachable and if they are a Town of Coeymans resident, be reachable on the Coeymans specialty list. He then asked for a motion authorizing to advertise in the local paper to see if they can get some candidates to come in and added that he believes that the starting salary is \$12-\$14 per hour.

### **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers authorizing the Supervisor to advertise for the position of Sewer Plant Operator Trainee.

VOTE – AYES 4 – NAYS 0 – SO MOVED

### **FEMA Authorized Projects Update**

Supervisor Hotaling stated that he had received correspondence regarding the FEMA Projects that addressed two projects under Highway Superintendent Deering's jurisdiction, which relate to the 1692 FEMA disaster that was declared during the April storms. He continued by saying that the first one is in the amount of \$6,377.77, which is for replacement of the materials that were washed away when the creek came through the Highway Garage. He continued by saying that he is being told that the Town will be

receiving that amount, which is the Federal share of \$4,600.00 and the State share of \$1,500.00 plus an administrative small share and added that he wanted Highway Superintendent Deering to know that it is coming in addition to letting the public know that they are starting to reap some rewards from the FEMA submissions that they put in. He then asked Highway Superintendent Deering if he had replaced the materials.

Highway Superintendent Deering stated that he has.

Supervisor Hotaling stated that the cost associated with that replacement will be offset by this and added that out of the direct highway funds this would be re-funneled back into those accounts, which the bookkeeper and Internal Control Officer can work out. He continued by saying that the second one is much larger and added that it is a compilation of a number of roads that suffered some shoulder erosion and washouts and added that the amount for this is \$54,122.45, with the Federal share being \$39,400.00, the state share being \$13,100.00 and administrative costs of \$1,500.00. He then asked Highway Superintendent Deering if those roads had all been mitigated.

Highway Superintendent Deering stated that not all of them have been done.

Supervisor Hotaling stated that he knows that there is a Blue Book for each one that requires a final inspection and continued by asking if any of this had taken place with the material replacement.

Highway Superintendent Deering stated that it has not been done.

Supervisor Hotaling asked that he work with Emergency Management Coordinator Bill Bruno on this.

Highway Superintendent Deering stated that he had called him and talked to him about the final inspection and money.

Supervisor Hotaling stated that the money is in the pipeline for the two projects and added that there is another project, which is the culvert pipe at the Highway garage as well as a component of the project for the damage at Joralemon Park and Coeymans Landing Park and added that it was approximately \$3,000.00. He continued by saying that the big project in Joralemon Park is where the creek runs through it and added that it is \$200,000.00 and is open ended and in the process by resolution of the Town Board. He concluded by thanking Highway Superintendent Deering for moving the projects along and asked that he work with Emergency Management Coordinator Bruno to get them closed.

#### **CDPHP Contract 09/01/07-08/31/08**

Supervisor Hotaling stated that the Town Board had authorized a change in the annual year from September to August and continued by saying that he is not sure whether or not that would extend to permitting him to sign the contract. He added that each Town Board member has a representative sampling of the contract signature page of the CDPHP Contract for all of the Town's covered employees. He continued by saying that staff has gone over it and he has a note from the Town's consultant Benetech stating that it was checked over and correct and ready to be signed as well as Payroll Clerk Fitch saying that the figures were correct and then asked for a motion authorizing him to execute the contract on behalf of the employees. He concluded by saying that the contract calls for individual premiums of \$388.69 for individual coverage, \$777.38 a month for dual coverage and \$1,036.88 a month for family coverage and added that as announced in his Budget Message all individuals who receive health insurance through the Town as an employer will contribute a portion of that cost back to the Town and continued by saying that it varies from 10% - 20%.

Councilwoman Chmielewski inquired as to if the agreement applies to the retirees.

Supervisor Hotaling stated that it does not and added that the agreement for the retirees was separate and called CDPHP Gold.

Councilwoman Chmielewski inquired as to if they should have an agreement for that one as well.

Supervisor Hotaling stated that it sounds like they should and added that he would have Confidential Secretary Lewandowski check into it.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski authorizing Supervisor Hotaling to sign the contract with CDPHP.

VOTE – AYES 4 – NAYS 0 – SO MOVED

## **Police/Communications Update**

Supervisor Hotaling asked that Chief Darlington give an update on the Police/Communications construction project.

Chief Darlington stated that the Albany County Sheriff's Department Communications Supervisor called him due to his belief that they were packing up right away and moving Communications and added that he advised him that the plan for that move has not officially been put in motion as well as assuring him that he will be one of the first phone calls made in the planning process because they administer the 911 system. He continued by saying that they currently vacated the three offices in Village Hall as a result of the meeting with the Mayor, effective October 1<sup>st</sup> and added that the offices were the records room, sergeants office and break room and added that he anticipates the move of the upstairs offices, which includes his office, his secretary's office, evidence room, meeting room and class room no later than November 1<sup>st</sup> as the current construction is going and went on to say that the anticipated move for the patrols, if they continue at the pace, will be no later than December 1<sup>st</sup>.

Supervisor Hotaling interjected that it is accelerated from what they had thought originally.

Chief Darlington stated that currently they have completed Phase I of the project as far as framing, drywall and painting and added that he will be seeking approval for flooring.

Supervisor Hotaling asked that he talk about the flooring in the update context and added that they can consider them during the discussion.

Chief Darlington stated that he wanted to go over a couple of things that they have completed so far and continued by saying that the wiring change over took effect the day prior when Town Hall was closed by Bullock Electric and added that the floor was poured and wall was constructed for Phase II.

Supervisor Hotaling interjected that the floor was poured earlier in the day.

Chief Darlington stated that was correct and added that the wall was completed last week and continued by saying that the footings for the generator were poured earlier in the day. He went on to say that the walls will be poured the following day and the slab on Thursday and added that the air conditioning has been started and has been installed as far as it can be.

Supervisor Hotaling inquired as to if the heat is also included in the air conditioning.

Chief Darlington stated that the air conditioning and heat is one unit and added that the gas was supposed to be installed earlier in the day. He continued by saying that the backhoe was delivered and went on to say that he is assuming that the gas will be done the following day. He went on by saying that he wants to keep the project going and added that he would be absent from the next Town Board Meeting and would like to request 100 additional hours for the construction start of Phase II. He continued by saying that they currently have 80 hours left of Phase I and to allow the air conditioning and electric work to continue in Phase II and not stop work, is to get the framing done in

Phase II and let the air conditioning and electric continue in Phase I while they finish the finer work in Phase I and added that when they are done they can continue right into Phase II dry walling and painting.

Supervisor Hotaling stated that this is a result of the unexpected accelerated status of the project of the patrols coming in by December 1<sup>st</sup> if all things stay on track.

Chief Darlington continued by saying that the additional hours do not affect Phase I and added that some of the work has already started in Phase II using the Phase I money. He concluded by saying that it is going quicker than they anticipated.

Supervisor Hotaling stated that it is unusual in a Public Works Project.

Chief Darlington stated that this would be his first request.

Supervisor Hotaling stated that they should lump it together and added that there is also a Phase I request in order to finalize the flooring.

Chief Darlington stated that the flooring would ultimately affect Phase I, Phase II and Phase III.

Supervisor Hotaling interjected that it is all of the flooring throughout the whole project.

Chief Darlington stated that he contacted three local vendors that do flooring, Perrine's, Way's Home Design and Fori's and added that Perrine's was providing the flooring at his cost, which he did not share with him.

Supervisor Hotaling inquired as to the labor.

Chief Darlington stated that they could either provide their own laborer or they could use Perrine's installer and added that he does not know how it would affect any warranty if they use their own. He continued by saying that Way's quote for carpeting averaged \$14.99 a yard with labor being \$3.00 a yard, including adhesive as well as their BCT tile being \$.89 a square foot and labor would be \$.50 a square foot. He added that Fori's quoted \$15.51 per yard and the installation was \$3.96 a yard with adhesive at \$.50 cents a yard and BCT tile at \$.67 per square foot and continued by saying that he did not get a quote on the labor cost. He went on to say that there was some confusion with Ms. Fori as far as what needed to be done and added that he provided her with the information earlier in the day.

Tape change, some dialect lost.

Supervisor Hotaling stated that in regard to the comparison for the materials the BCT tile would be like comparing apples to apples and continued by inquiring as to if he was quoted on comparable carpeting.

Chief Darlington stated that Ms. Fori provided him with samples and continued by saying that she suggested having at least 26 ply carpet and added that hers was 28 and added that Way's was 28 as well. He went on to say that they appeared to be comparable and continued by saying that each individual company says that theirs is better than the other ones.

Supervisor Hotaling interjected that it is part of marketing and then asked the Town Board if anyone had any questions.

Councilman Boehm inquired as to roughly what the square footage is.

Chief Darlington stated that the carpeting is the only one that he has the full quote on and added that when he originally set it up he set it up to look at Phase I and added that they decided that they were not going to get different people putting in floors throughout. He continued by saying that Ways did not include the patrol rooms and sergeants office but did include the locker room, secretary's office, his office and Communications and the

cost for the carpet and labor for the installation was \$1,829.00, which would be the whole Phase I section and added that it would be an additional \$657.00 for the BCT tile, which included the bathroom off Communications, main entrance and hallway.

Councilman Boehm interjected that based on what has been provided Way's is the lowest price.

Supervisor Hotaling asked Chief Darlington if he had any recommendations and added that the lowest responsible bidder would be the proper way to go.

Chief Darlington stated that they are definitely comparable and added that Way's would be his recommendation and continued by saying that he is also providing the labor and warranties. He concluded by saying that Way's appears to be the lowest quote

Supervisor Hotaling stated that he would assume by presenting it and wanting to go from one phase to the other and wanting to get Phase I done, Chief Darlington would like for it to be considered immediately. He then asked if there were any additional comments or discussion, hearing none he stated that he wanted to offer a motion.

### **MOTION**

On motion of Supervisor Hotaling, seconded by Councilman Boehm, authorizing Chief Darlington to execute a contract with Way's Home Design for the purposes of installation of carpet and DCT tile in the Phase I and Phase II areas of the Police Department and Communications construction at a per yard cost of \$14.99 and a per yard labor cost and DCT tile at a cost of \$.89 per square foot and \$.50 for installation.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that the next meeting is October 22<sup>nd</sup> and continued by asking Chief Darlington if they will make the transition from Phase I to Phase 2 between now and then.

Chief Darlington stated that they allotted a set amount for Phase I and added that there may be some hours left over and continued by saying that while there is time he would like to jump over to phase II and start that construction.

Supervisor Hotaling inquired as to if he was talking about the framing.

Chief Darlington stated he was and continued by saying that he could get the framing done and then go back over for the final work of Phase I and continued by saying that the carpenter had to reduce his hours while the air conditioning and electric was being put in.

Supervisor Hotaling stated that Chief Darlington asked earlier in the meeting for up to 100 hours for additional construction.

Councilman Boehm inquired as to the rate of pay.

Supervisor Hotaling stated that it is \$30.00 per hour.

### **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski authorizing 100 additional hours for labor construction at an hourly rate of \$30.00 per hour to continue the project for the Police Department and Communications.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that Chief Darlington can notify the contractor accordingly and continued by asking that he keep track of the Phase I and Phase II hours.

Chief Darlington stated that the contractor keeps track of this in his books.

Councilwoman Chmielewski inquired as to how long they have to wait for the cement to dry.

Chief Darlington stated that with the approval he can start framing on it the following day.

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

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## **NEW BUSINESS**

### **Repair of Highway Department Gradall**

Supervisor Hotaling stated that earlier in the day he had received a purchase order request for the repair of the Gradall and added that there are two engines in it and continued by asking which one is not used that much.

Highway Superintendent Deering stated that it is the one that makes it drive up and down the road.

Supervisor Hotaling stated that this is the one that became problematic and seized up and continued by asking that Highway Superintendent Deering talk about the repairs.

Highway Superintendent Deering stated that he wants to get a complete engine and have it installed.

Supervisor Hotaling stated that this was part of his submission from Vantage Equipment and continued by asking how old the Gradall is.

Highway Superintendent Deering stated that it is a 1997 and added that it was a year old when he got it.

Supervisor Hotaling stated that the price for the remanufactured engine with a two year warranty, appropriate gaskets, labor to remove and replace it and engine oil and coolants is a total of \$10,498.72. He continued by saying that he did not sign off on it because he felt as though it was important for the whole Town Board to discuss in light of the fact that in the highway repair accounts, the machinery contractual has approximately \$8,000.00 and the general repair account, which would be the material, there is approximately \$9,900.00 left. He added that when they advertised for the tractor for cutting along the sides of the roads the budget provided for an \$81,000.00 appropriation for that and continued by asking Highway Superintendent Deering how much it was.

Highway Superintendent Deering stated that it was \$61,000.00.

Supervisor Hotaling stated that it was approximately a \$20,000.00 difference between what they anticipated paying for it based on the quotes that they had gotten to the State Contract's \$61,000.00 machine that is working adequately and added that it is conceivable that if the Town Board chooses they can given authorization for the repair to take place for the most needed piece of equipment. He concluded by saying that they could transfer the money from one account to another.

Councilman Boehm inquired as to if they would deplete the account and then transfer the balance.

Supervisor Hotaling stated that there are also some October bills that will be drawn from the account and added that the number will go down to the point where they will start to transfer money and reiterated that with the \$20,000.00 it will be enough to cover the repair. He continued by saying that it is an unanticipated expenditure and added that when you look at repairs you do not think of it as being \$10,000.00 for one repair.

Councilwoman Chmielewski stated that she looked in the accounts prior to the meeting and added that there is \$13,953.00 left in the account and continued by saying that she believes that the tractor was \$67,000.00.

Highway Superintendent Deering interjected that it was \$61,000.00.

Supervisor Hotaling stated that they can double check that.

Councilwoman Chmielewski stated that there is still \$13,953.00, which is more than enough to cover it.

Supervisor Hotaling stated that it will be the plan and added that they don't have it ready for transfer because they don't know the numbers yet and continued by saying that he believes it is the sense of the Town Board that the purchase order should be signed, the repair should take place and they will find other areas in the budget to recover the shortfalls that may exist. He concluded by saying that he does not believe that they need to have a motion and added that it will be handled in terms of a transfer of funds.

### **Additional Board of Assessment Review Compensation**

Supervisor Hotaling stated the Board of Assessment Review met several times during the revaluation process and added that they handled the extra meetings a couple of months ago by calculating the number of hours over their usual hours and paid them at a rate of \$10.00 per hour. He continued by saying that two more meetings took place with the first one lasting 20 minutes and added that there was no expectation voiced by any member of the BAR that they wanted to be compensated. He went on by saying that there was a second meeting that occurred recently relative to Fire District line parcels for Coeymans Hollow and Coeymans and continued by saying that the lines were altered and parcels were adjusted in some areas and added that the BAR had to meet to hear the grievances of those impacted by that with the meeting lasting approximately 1 ½ hours. He concluded by saying that his recommendation would be to give them credit for 3 hours for those that attended at a rate of \$10.00 per hour and authorize submissions of vouchers to come to them for review and pay and added that they served a great purpose this year and went through a lot of meetings and trying discussions between themselves and members of the community.

Councilwoman Chmielewski interjected that she believes that it is fair.

Supervisor Hotaling inquired as to if her statement was in the form of a motion.

### **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, authorizing an additional compensation of \$30.00 for 3 hours at \$10.00 an hour for the members of the BAR.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that he would communicate it to Assessor VanValkenburg and added that the vouchers will be forthcoming.

### **Town Attorney**

Supervisor Hotaling stated that Town Attorney Rotello left his position approximately a month ago and took a job with the State and added that they now have Attorney Wukitsch who is acting in Attorney Rotello's stead. He continued by saying that he does not know whether or not Attorney Wukitsch would be of a mind to suggest that he be continued into 2008 and added that Attorney Wukitsch is a candidate for public office and should he win he will have to curtail some of his services that he provides to municipalities. He went on to say that they need to discuss about how they are going to satisfy their needs for a Town Attorney for 2008 and added that he had a discussion with someone who has expressed an interest as well as receiving a request from an attorney in Glenmont who wants to replace Attorney Brick who has also indicated that he will not service the Town

of Coeymans in 2008 for the purposes of Town Court. He continued by saying that he wanted to raise it with the Town Board so they can get some strategies and thoughts about whether or not the Board would be comfortable with him gathering together a group of possible candidates for them to access their compatibly and added that they are open to suggestions. He concluded by saying that they are in a position to feel comfortable about their environmental attorney in terms of their fight against the Albany County landfill as well as being comfortable with their Water and Sewer District Attorney because of their expertise in that field and added that they need someone to be able to bounce things off of on a day to day basis with respect to Town issues and went on to say that he will continue to gather information and pass the word around to determine interest.

Councilman Boehm inquired as to whether or not there would be any value in advertising in the paper.

Councilwoman Chmielewski stated that she thinks as time goes by the word is getting out that Attorney Rotello has resigned and in turn will contact Supervisor Hotaling.

Supervisor Hotaling stated that the attorney that he spoke with earlier in the day now knows the voids that the Town has and added that they are going to relay that to other attorneys.

Ms. Pempraze stated that her firm has two attorney's that are Town Attorneys and added that one is Attorney for the Town of Duanesburg and the other is Town Attorney for the Town of Guilderland and added that they have experience handling town matters on a one to one basis with Town Boards in those municipalities as well as the other representations that they do with different counties and municipalities throughout the Capital District. She continued by saying that she would like the opportunity to submit her firms resume to the Town Board for consideration and added that as far as the other position it would something that she would like to consider and has 3 years experience with the Department of Motor Vehicles Appeals Board. She reiterated that she would like an opportunity to submit her firms resume and talk to him on an informal basis as far as how that relationship could be formed because she believes that there are several options.

Supervisor Hotaling stated that there are options as far as hiring an entire firm or hiring individuals in the firm and having the firm as the umbrella back up.

Ms. Pempraze inquired as to if Attorney Rotello was an employee of the Town.

Supervisor Hotaling stated that he was and continued by saying that she should feel free to give him a call.

Ms. Pempraze stated that she is expecting a child in December and added that Attorney Wukitsch is covering through the end of the year and added that she would not have the personal abilities to actually perform that work during the first few months of the year and continued by saying that if her firm or herself were given the opportunity they would work it out one way or the other.

Supervisor Hotaling thanked Ms. Pempraze and added that she can also feel free to pass the word around relative to the Town's needs.

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## **CORRESPONDENCE**

### **Department of the Army, NY District Corps of Engineers**

Supervisor Hotaling stated that he had received a correspondence from the NY District Corps of Engineers and continued by saying that there is a federally funded reconnaissance level study to determine if Federal involvement in flood damage reduction ecosystem restoration or other water resource opportunities is advisable for the 14 counties covered by the Federal Emergency Management Agency (FEMA) Disaster



Declaration, FEMA-1692-DR, New York and continued by saying that the FEMA-1692-DR is the same one that they already have projects for. He added that by way of example there is Miller Road that they have tried to get repaired as a result of the fact that it exists in a flood plain and is constructed in a way that exacerbates travel throughout that area whenever the creek goes over its banks. He continued by saying that the correspondence seems to suggest that there is going to be a study to determine if there are areas such as that or potentially other areas of the town that are particularly prone to problems and added that they are going to invest some resources in a preventative way to stop the problems from having a negative impact when the next disaster occurs. He concluded by saying that he wanted to relay it to the Board members and asked that they take a look at it to see if it is something that they should engage someone to demonstrate that the Town is one of the communities within one of the 14 counties that could benefit from the study.

Highway Superintendent Deering inquired as to if they would be told what they could do in the area of Miller Road.

Supervisor Hotaling stated that they might and added that he would give him a copy and continued by reading the following excerpt:

“This study will examine the current field conditions to determine whether any watershed-based opportunities for flood damage reduction, ecosystem restoration or other allied purposes exist for continued Federal and/or non-Federal participation during detailed evaluation and construction. As part of this effort, the water resources problem(s) in the study area will be identified as will potential solutions to the problem(s). Determination of Federal interest in any identified opportunity will be based on the water resources problem(s), authority of Corps of Engineers involvement, as well as the extent of support by local officials and interested parties.”

Supervisor Hotaling continued by saying that if they suggest that they have continuing areas in town that are problematic they might be able to get their attention to come and take a look at it and come up with a plan to mitigate it from happening in the future. He reiterated that he would like for the Board to take a look at it and let him know what they think.

**Carol deClerq – Martins Hill Road**

Supervisor Hotaling stated that they had discussed this earlier in the meeting and continued by asking Ms. deClerq if she had any other comments.

Ms. deClerq stated that she didn’t.

Supervisor Hotaling moved to the next item on the agenda.

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**TOWN BOARD WORKSHOPS / MEETINGS**

- October 10, 7pm, Zoning Committee Meeting
- October 13, 9am, Town Board Budget Workshop
- October 16, 6pm, Town Board Workshop
- October 22, 7pm, Town Board Meeting
- October 24, 6pm, Town Board Budget Workshop

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**ADDITIONAL COMMENTS**

Supervisor Hotaling stated that they need to establish a Public Hearing date so that Town Clerk Millious can advertise it and continued by saying that they will not be going beyond the October 24<sup>th</sup> date for Budget Workshops. He added by saying that there has to be at least five days between the Notice and the date of the actual Public Hearing and added that Tuesday, October 30<sup>th</sup> would be a possibility.

Collectively the Town Board agreed on the date.

Councilwoman Chmielewski inquired as to if it should be 6pm or 7pm.

Collectively it was decided that it should be 7pm.

Supervisor Hotaling stated that it has been agreed that the Public Hearing will be October 30<sup>th</sup> at 7pm and added that Town Clerk Millious has the freedom to advertise whenever she wants. He continued by saying that it in order to comply with the statutory five days it has to be by October 25<sup>th</sup>.

Town Clerk Millious stated that she has to have the salaries for the Elected Officials included in the notice.

Supervisor Hotaling stated that at Saturday's Budget Workshop he will make sure that they have a discussion of those salaries required by statute to be listed in the Public Hearing Notice and added that he will report back to her on Monday.

### **MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Chmielewski, establishing the Public Hearing date as Tuesday, October 30<sup>th</sup> at 7pm at Town Hall and instruct Town Clerk Millious to advertise for same consistent with the statutory timeframe.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling asked if there were any additional comments.

Chief Darlington stated that he wanted to remind the Town Board that he will be on vacation October 20<sup>th</sup> – October 28<sup>th</sup>.

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

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### **ADJOURNMENT**

Time 8:37pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Special Town Board Meeting was held Tuesday, October 4, 2007, 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 in the News Herald 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 4, 2007 at 6:00pm. The purpose of the meeting will be for the Town Clerk to submit the 2008 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 AGENA**

- Presentation of 2008 Tentative Budget
- Establish Budget Workshops and Public Hearing Dates

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**PRESENTATION OF BUDGET**

Supervisor Hotaling stated that the purpose of the meeting is for Town Clerk Millious to present the Supervisor’s 2008 Tentative Budget to the Town Board members.

Town Clerk Millious presented the 2008 Tentative Budget to the Town Board.

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**SUPERVISOR’S OPENING COMMENTS**

Supervisor Hotaling stated that he wanted to make a note of the statutory change this year with respect to the Budget presentation and continued by saying that in the past the Budget Officer furnished to the Town Board the Tentative Budget, which included the Fire District’s Budgets. He added that a law was passed last year and became effective this year that Fire Districts are responsible for their own Public Hearings and went on to say that the law requires that they have to submit their Budget to the Town Board by November 20<sup>th</sup>, which is the last day statutorily that they can pass their budget. He continued by saying that he intends to present it for passing on November 12<sup>th</sup>, which is

the first Town Board Meeting in November and added that conceivably the Fire District's numbers won't be included. He concluded by saying that when they are given to him he will make some amendments to include and incorporate their numbers.

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## **SUPERVISOR'S 2008 BUDGET MESSAGE**

Supervisor Hotaling provided each Town Board member and Town Clerk Millious his 2008 Budget Message and continued by reading the following:

I am pleased to present my 2008 Tentative Budget to the Town Board and the community. This year's budget development process is the most critical one in recent memory, in that it comes on the heels of a complex, but necessary revaluation of town wide assessments. Although I've stated over and over again during the revaluation process that the **budget** and **assessments** are two totally different aspects of government, care must be taken to acknowledge the impact that one has upon the other. Unless the budget officer is vigilant and aware of the consequences of inattentiveness, inadvertent outcomes can arise. I have kept this in mind and, what is being presented in my budget is, in my opinion, a sound fiscal strategy that preserves the services provide to the citizens while reducing the tax burden considerably. **The 2008 Budget reduces both the tax rate per thousand and the total tax levy by 13.55%.**

In 2007, the tax rate was \$3.20/1000, adjusted to account for the revaluation during that year. The tax levy in 2007 was \$1,934, 816. My 2008 budget proposes a tax rate of \$2.77/1000 and a tax levy of \$1,672,623. This calculates to a \$0.43/1000 reduction in the tax rate (13.55%) and a \$262,193 reduction in the tax levy (13.55%).

In terms of the impact on the taxpayer, giving consideration to the increased assessment experienced after the revaluation by the vast majority of the properties in town, **any taxpayer whose property assessed value rose by up to 80% will see a tax reduction in dollars as compared to their 2007 town taxes paid.**

As to what is in the 2008 budget, I am pleased to say that the Town continues to be without debt in the General, Part Town and Highway funds. Equipment purchases for each of those funds are included, such as the replacement of two police vehicles, a tractor and another zero turn mower for mowing grass in parks and cemeteries, and a 950H loader (replacing a 30+ year loader) plus a tractor boom arm for the Highway Department. All above-mentioned purchases are made with cash appropriations and will not require debt.

The budget also accounts for the stipulations included in the contracts reached with unionized employees of the town, as well as requiring all recipients of health insurance to contribute to a portion of the costs of providing it. The budget provides for staff development funding, as well as acknowledges the increased roles being performed by the town's Planning and Zoning Boards, coupled with increased activity expected in the building Department. The budget also provides for the continuation of the town Internal Control Officer who, in the first year of existence, has suggested and implemented strategies to streamline our policies and procedures to assist in achieving greater accountability and efficiencies in services, while saving costs and increasing revenues. Additionally, up to \$1000 is funded for each of the following organizations; Veterans of Foreign Wars, American Legion, Alcove Preservation Society and the Ravena-Coeymans Historical Society. This funding anticipates a mutually agreed upon contract for services providing a public benefit purpose to the residents of the town.

It is my belief that the Town Board would not be in the position to offer the 2008 budget plan providing this level of services with a significant tax reduction in a revaluation year, if steps had not begun in 2004 to correct the fiscal instability of the town existing at that time. Much has been done without fanfare but, it is important to note that, without the tough decisions to cut spending, reduce and reassign staff, institute sound investment strategies and establish a vision for the future through comprehensive planning, the outcome of this proposal for the 2008 might have been much different.

I want to acknowledge that some significant work remains, particularly in the area of the Coeymans Sewer District. I pledge to continue to work with the Town Board to seek appropriate, long overdue relief for the sewer users in this district currently paying sewer rents that are too high. The debt in this district is certainly a component of the problem, but I am hopeful that negotiations with the Village of Ravena will prove to be more successful in the immediate future.

In summary, I am very confident that this spending plan, if met with acceptance by the Town Board, will provide the services necessary and the tax relief so desperately sought by the citizens of our town. I will work hard with the Town Board to make that happen.

Supervisor Hotaling continued by saying that the message speaks for itself and added by saying that they have a lot of work to do. He went on by saying that they have established some Budget Workshop dates to go over his Tentative Budget and prepare for a Preliminary Budget.

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## **BUDGET WORKSHOP DATES**

- Budget Workshop, Tuesday, October 16, 2007, 6pm
- Budget Workshop, Wednesday, October 24<sup>th</sup>, 6pm

Supervisor Hotaling continued by asking the Town Board if there are any particular departments that they would want at the Workshops specific to those days and added that they can let him know when they decide and in turn they will be present. He continued by saying that in addition to that he would like to contemplate the setting of a Public Hearing date and added that there is a statutory mandate that they have to pass the Budget by November 20<sup>th</sup>. He went on by saying that the only scheduled Town Board Meeting that they can do this is November 12, 2007, which means that the Public Hearing will have to take place during Election week or earlier and added that it is required to take place by the Thursday after Election Day, which is no later than Thursday, November 8<sup>th</sup>. He concluded by saying that in order to do that and have it published in the weekly newspaper at least five days before the Public Hearing it has to be in the paper by November 2<sup>nd</sup>.

Town Clerk Millious stated that it also has to specify salaries of Elected Officials.

Supervisor Hotaling stated that it has been his practice in the past to have the Public Hearing before Election Day to give everyone the opportunity to have their say. He continued by saying that if this is what they want to do it has to be in the paper by October 26<sup>th</sup> and having the Public Hearing some time during the week of October 30<sup>th</sup>. He concluded by saying that it would not give them many Saturdays to contemplate after the October 23<sup>rd</sup> Workshop and added that every Department Head has to have the opportunity to talk to the Town Board about it if they want to.

Councilwoman Chmielewski inquired as to if the Department Heads had said that they wanted to meet with him.

Supervisor Hotaling stated that the Department Heads submitted their requests and from that is his Preliminary Budget and continued by saying that at this point they have not been given a copy of the Preliminary Budget and added that once they see it they may have some issues relative to what they requested and what he actually budgeted so far. He concluded by saying that no later than next Tuesday they have to establish the Public Hearing date in order to get it in the paper on time.

Councilman Boehm inquired as to if they want to set the date for the Public Hearing now or if they want to do it at the next Town Board Meeting.

Supervisor Hotaling stated that they can do it now if they want to set a Public Hearing before election and continued by saying that Thursday, November 8<sup>th</sup> is the last day statutorily that they can have it. He added that if they do it that way they will miss the

opportunity on November 12<sup>th</sup> to actually consider passing the Budget and putting it to rest far in advance of the November 20<sup>th</sup> statutory deadline.

Councilwoman Chmielewski stated that it does not matter to her and added that they have only scheduled two dates and continued by saying that she does not know if they will be able to get through and look at everything that they want to on those two dates.

Councilman Boehm stated that the Department Heads also need an opportunity to review it and come before the Town Board.

Supervisor Hotaling interjected that in the past Department Heads have been scheduled to come before the Town Board and respond with questions to the Town Board of which the Town Board responds back.

Councilman Boehm stated that he believes that they should schedule a Saturday Budget Workshop and added that it went well last year and they were able to get through a lot of people in one day.

Supervisor Hotaling inquired as to if the Town Board wished to add a Saturday.

Councilman Boehm suggested October 20<sup>th</sup>.

Councilwoman Chmielewski stated that she might not be able to attend on that day.

Councilman Boehm suggested October 13<sup>th</sup>.

Supervisor Hotaling stated that they might be able to get through a lot in one day and added that it might eliminate the need for a Workshop for the 16<sup>th</sup> or 24<sup>th</sup>.

Collectively it was agreed to meet for a Budget Workshop on November October 13<sup>th</sup> at 9:00am.

Supervisor Hotaling asked for a motion to establish the date and direct Town Clerk Millious to advertise the Workshop.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers establishing a Budget Workshop on October 13<sup>th</sup> at Town Hall at 9:00am.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling asked that Town Clerk Millious advertise for the Workshop.

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## **CLOSING COMMENTS**

Supervisor Hotaling stated that he did not put it in his Budget Message and continued by saying that it is worthy to note that last year's budget provided \$175,000.00 for road improvements and continued by saying that he is proposing to increase it to \$230,000.00. He continued by saying that in the past Highway Superintendent has said that there was not enough money to do the roads and added that he wanted to point out that there has been a substantial increase of \$55,000.00 in road improvement money. He went on by saying that the actual tax rate in 2007 was \$4.96 per thousand and added that in order to create a apples to apples comparison he converted it to the new tax levy, which would have made the tax rate \$3.20 per thousand. He continued by saying that he used \$3.20 as a starting point and prior rate for this year and after putting in the new value with the tax levy of 1.6 million it comes to \$2.77 per thousand, which is an actual 13.55% reduction and not created as a fiction as a result of the revaluation and the difference of assessed value.

**ADJOURNMENT**

Supervisor Hotaling stated that court was due to start session at 7:00 and added that the purpose of the meeting had been fulfilled. He then asked for a motion to adjourn the meeting.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers the Special Town Board Meeting was adjourned.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

Time: 6:20pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Town Board Meeting was held Monday, September 24, 2007, 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 Millious, Town Clerk  
David Wukitsch, Attorney for the Town  
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 there was a full Town Board present as well as Town Clerk Millious, Chief of Police Darlington and the newly appointed Attorney for the Town. He continued by introducing Attorney Wukitsch and added that he was going to give him the opportunity to talk about his presence and what services he is going to provide.

Attorney Wukitsch thanked Supervisor Hotaling and continued by saying that he wanted to thank the Town Board for appointing him to serve as Attorney for the Town for a term to end at the end of the year. He added that he has been in a practice in Albany for the past 22 years, which includes municipal law and went on to say that he is pleased to say that he has represented the Town in other matters. He concluded by saying that he is pleased to be here and added that he hopes to advise the Board on issues of Town Law and other issues that come up from time to time and continued by saying that he is available for any advice on matters affecting the Town Board and will be happy to answer any questions.

Supervisor Hotaling thanked Attorney Wukitsch and added that he will be present for the second of the two monthly meetings each month and continued by saying that he cannot be at the first meeting each month because he has another role to play for another municipality. He added that he wanted to make the public aware that there will be an attorney present for the second of the two monthly meetings and went on to say that the Town Board should know that in anticipation of any issues for the attorney. He concluded by saying that there is an issue with regard to the Real Property Tax Law and the offset of property taxes in a Franchise Agreement that they will be discussing later in the meeting.

Mr. Wukitsch stated that he recalls the issue and added that he has some paperwork that he would like to look at.

Supervisor Hotaling stated that they would not be asking him for an opinion immediately and added that he would be given it to examine because they will be dealing with it in the up-coming tax roll.

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**AGENDA**

- Public Comment  
NYS Department of Transportation – Route 143
- Approval of Minutes
  - Town Board Meeting, August 27, 2007
  - Public Hearing, September 10, 2007



- Town Board Workshop, September 18, 2007
- Supervisor Report – August 2007
- Department Report Review
  - Sewer Department Report – August 2007
  - Town Clerk Monthly Report – August 2007
  - Youth Services – CHOICES Program
- Old Business
  - Small Cities Grant Application Preliminary Evaluation Questionnaire
- New Business
  - Request to Attend DEC Workshop
  - Construction of Police Station at Town Hall
    - Air Conditioning/Heat
    - Generator
    - Communications
- Resolutions
  - Approve Renewal of Cable Television Franchise Agreement
  - Appoint Police Sergeant
  - Appoint Full-Time Police Officer
  - Approve Town Clerk Software Contract
  - Authorize Budget Amendment
  - Approve September 2007 Abstract
  - Approve Transfer of Funds
- Correspondence
  - RCS Central School – First Day Celebration
- Town Board Workshops/Meetings
  - October 9, 2007 Town Board Meeting, 7pm
  - October 16, 2007 Town Board Workshop, 6pm
  - October 22, 2007 Town Board Meeting, 7pm

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## PUBLIC ANNOUNCEMENT

Supervisor Hotaling stated that there will be a meeting at Town Hall on Tuesday, October 23, 2007 from 5pm to 7pm on the issue of the Rte. 143 reconstruction from Nolan Road to Rte. 9W. He continued by saying that Department of Transportation Professional Engineer James Boni will be present along with other staff members from DOT and added that it will be an open house to talk one-on-one about any concern that is out there in the public's eye with respect to the redesign or realignment that is scheduled to begin in April 2008. He went on to say that property owners along that route have received a letter directly from Mr. Boni inviting them to attend and added that Mr. Boni wanted to make sure to announce that the purpose of the meeting is not exclusively for the property owners and that anyone wishing to attend is invited.

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## PUBLIC COMMENT

Supervisor Hotaling invited the public to comment at this time.

**Mr. Mike Albano** stated that he is Commander of VFW Post 9594 in Ravena and added that he is present because he along with his comrades thought that it would be a good idea to discuss the voucher that they had submitted for their services. He added that every year they submit a voucher and ask the Town to help them to defray their expenses. He continued by reading the following:

“The money is used to aid our fellow Town's people and community who use our Sick Room supply of wheelchairs, motorized hospital beds, walkers, commodes and many handicap items to numerous to mention. In addition to the Sick Room we purchase large flags to fly over the Town and community cemeteries, of which we provide every other year because the American Legion does it on the opposite year, to represent our comrades who have passed on. We also provide at Easter time Easter egg hunts and provide

chocolates to the community children at our expense. Our room is also used by community members at a very low cost whenever the need arises for meetings, parties, etc. We also sponsor the high-school children and the Voice of Democracy Program Essay Contests and present them with bonds to the winners which are \$100.00 a piece. We hold programs in our local schools on national holidays and services in the community on Memorial Day, Veteran's Day and other days. We send money to the Veterans Hospital each year so they may provide entertainment to the Veterans; we give them a large donation as well as to the Saratoga National Cemetery. We have locals at both these places as you know. We send money as does our Lady's Auxiliary to the organization in charge of letting our service men call home free of charge in countries like Iraq and wherever they are located. This all costs a lot of money and we do not come here asking for a large amount. To cut us down from \$800.00 to \$500.00 seems like an unappreciative gesture on your part toward the Veteran volunteers who do the giving to yours in our community. We ask you to reconsider your decision, our costs have increased also and we are finding it awfully hard to continue to aid our community as we have become accustomed to. I thank you for this time."

Supervisor Hotaling stated that Mr. Albano initially sent in a voucher for \$800.00 and added that the budget for 2007 was prepared in the fall of 2006 and approved by the Town Board. He continued by saying that prior to the approval there was an opportunity for everyone who has a role in the budget to submit an application and request for budget monies for the following year. He added that the Town had a contract with the VFW and went on to say that he and Mr. Albano had spoken several times in the last couple of years talking about the requirements that a municipality must have a contract even if it is with a Veteran's service, to provide services in return for taxpayer money. He then asked Mr. Albano if they had that agreement.

Mr. Albano stated that they had talked about it.

Supervisor Hotaling interjected that they had that agreement in the year prior.

Mr. Albano stated that he signed a voucher.

Supervisor Hotaling interjected that he signed a contract.

Mr. Albano stated that he didn't think that he had to sign a contract to do good in the community.

Supervisor Hotaling stated that on 08-28-06 Mr. Albano signed a contract with the Town for \$800.00 the previous year. He continued by saying that for this 2007 budget year because of circumstances surrounding the budget the VFW was to receive \$500.00 in the budget and added that neither Mr. Albano nor anyone else from the organization came to discuss the needs for \$800.00. He went on by saying that they are now in the budget season for 2008 and added that before the budget goes to the Town Board by September 30<sup>th</sup> he should submit some requests to be included in the budget for specific purposes because the contract that they signed expired in August 2007. He concluded by saying that he asked the Board to approve the contract that he prepared for Mr. Albano to sign on August 27<sup>th</sup> and had phoned Mr. Albano on the next day and in turn he wanted to know what the Town Board had approved and was told that the Town Board had approved \$500.00.

Mr. Albano stated that was true.

Supervisor Hotaling continued by saying that Mr. Albano had said to keep it because they had asked for \$800.00.

Mr. Albano stated that was correct.

Supervisor Hotaling stated that to date he has not signed the contract and added that the \$500.00 voucher is still there for his signature and continued by asking Mr. Albano if he wanted the \$500.00.

Mr. Albano stated that he was present at the meeting because for the past 25 years they have submitted an \$800.00 voucher and it was approved without having to go through signing a contract.

Supervisor Hotaling stated that he was sorry for that and added that it is not his doing. He continued by saying that it is required by the State of New York Comptroller's Office.

Mr. Albano stated that no one told him that he had to sign a contract after signing a voucher.

Supervisor Hotaling stated that he was wrong and continued by saying that he was told that he had to sign a contract and added that he signed a contract in August 2006, which was for one year. He went on to say that a voucher was sent on July 13, 2007 and in turn he called him and said that it was early because the contract did not expire until August. He concluded by saying that on August 28<sup>th</sup> the Town Board authorized a \$500.00 expenditure consistent with what is in the budget and added that it is there ready for his signature.

Mr. Albano stated that he was present to ask the Town Board to be reasonable for the VFW and what they do for the community and added that he believes that they are worth more than \$800.00.

Supervisor Hotaling stated that he is not disputing that and added that he is telling him that there is a process that he has to go through as the fiduciary responsible person for the Town.

Mr. Albano stated that he was using legal mumbo jumbo to screw him up and added that he does not like it. He continued by saying that he has signed a voucher for \$800.00 and continued by saying that ordinarily this is all he had to do and in turn the check was sent to them. He went on to say that he knows that the Town Board has to either approve or disapprove it and added at that point they would either get or not get the money.

Supervisor Hotaling invited the Attorney for the Town or any member of the Town Board to respond.

Councilman Boehm interjected that he would suggest that they reinstitute \$300.00 that the Veterans have received in the past and continued by offering a motion.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, to reinstitute the contract to \$800.00, contingent on them signing a contract with the Town of Coeymans.

Supervisor Hotaling stated that there was a motion of the floor, in spite of the budget amount of \$500.00, to authorize an additional \$300.00 for the VFW for this year contingent upon signing a contract.

Councilwoman Chmielewski inquired as to what line item Councilman Boehm thinks they should take it from and continued by saying that the American Legion got \$500.00.

Councilman Boehm interjected that he agrees with Mr. Albano and continued by saying that they should be given the amount that they originally had. He added that he does not know what particular line and went on to say that he does not know what line the money was used for renovating the Police Department. He concluded by saying that if they sat down with the budget they could find \$300.00.

Supervisor Hotaling stated that it is not a question of finding \$300.00 but rather him sitting there months ago approving a budget that had \$500.00 for the VFW and continued by saying that the budget had \$1000.00 for Veteran's services.

Councilman Boehm interjected that it was an oversight on his part and added that he wants to correct it now.

Councilwoman Rogers inquired about putting the full \$800.00 in the 2008 budget.

Supervisor Hotaling stated that it is budget season now and added that he would be happy to receive any request that they or any other organization has with respect to their services. He continued by saying that it will require contractual services to provide a service to the Town for the Town government to turn over tax dollars, in spite of the fact that it is a tremendous organization, which he is a member of.

Mr. Albano stated that the money that they spend is four times what he is asking for and continued by saying that he is not asking for a lot. He added that \$800.00 is a pittance that they have been getting for the last 30 years and went on to say that it is not about not appreciating the Town giving them the money. He concluded by saying that he didn't think that they had to go through a legal aspect to get the \$800.00, which was never done before.

Supervisor Hotaling interjected that he understands that and added that he has tried to explain why. He continued by saying that it had not been done for the Senior Center in which the Town conveyed \$6,000.00 for senior services and added that they now have a contract with them and went on to say that for \$6,000.00 the building is available for training and emergency housing. He went on by saying that it is a simple one page contract that is called a Contract for Exchange of Services or Compensation, which is required by the State of New York and added that it has not been done in the past and continued by saying that he concluded that if they are going to do this type of thing, it is going to be done right. He continued by saying that they are not going to deny anyone the opportunity to be funded with tax dollars for appropriate organizations and then read the following excerpt from the contract:

“Whereas, the Town of Coeymans is in need of services consisting of coordination of Veteran services for Memorial Day, Veteran's Day and other special events, sick room supplies and emergency shelter housing for all community residents, and

Whereas, the VFW is in need of services consisting of financial support for providing such Veteran services and emergency services, which can be performed by the Town of Coeymans.”

Supervisor Hotaling continued by saying that it is a simple agreement that consists of what Mr. Albano said the VFW does and reiterated that it is a requirement before they can convey the money. He added that when the Town Board authorized him, with the opposition of Councilman Boehm, to sign the contract for \$500.00, he refused to do it. He concluded by saying that he would not sign it because they did not have to do it 30 years ago and added that a lot of things didn't have to happen 30 years ago that have to happen now in government.

Mr. Albano interjected that 30 years ago prices were not what they are today.

Supervisor Hotaling stated that he as Commander of the organization and his members should put together a budget and tell him what he needs and added that by then the Town Board will know up front in the September 2007 date for the 2008 budget and the contract that they will entertain in August 2008 can perhaps be conveyed for that amount.

Mr. Albano inquired as to what they will be given for this year.

Supervisor Hotaling stated that there was a motion on the floor and seconded to change the amount from \$500.00 to \$800.00 and then asked if there was any other discussion, hearing none he asked for a vote.

**VOTE – AYES 2 – NAYS 0 – MOTION NOT CARRIED**

Councilwoman Rogers asked Mr. Albano if he was going to sign the voucher to get the \$500.00 that the VFW is entitled to and added that they can put the \$800.00 back in the budget for next year.

Mr. Albano stated that he would and thanked the Town Board.

Supervisor Hotaling stated that he agrees that they take the \$500.00 and added that they should tell him an amount for next year and not be silent until the end of the process.

Mr. Albano reiterated that he put in a voucher for \$800.00.

Supervisor Hotaling stated that he submitted it in July at the time when they were already in contract until August at a time when the budget for the same year that he put \$800.00 in only had \$500.00 in the budget. He reiterated that he should get involved in the process earlier for 2008. He concluded by saying that he is a member of the VFW and knows of the good that they do.

Mr. Albano stated that he has been Commander for 12 years and added that this is the first time that they have ever been knocked down and continued by saying that the only thing that he ever had to do was sign a voucher and in turn got a check. He went on by saying that he was not aware of the new policy for signing a contract and added that a volunteer organization like the VFW does things because they want to do it for the community and it is not because they have to by form of a contract. He concluded by saying that they would open their doors to any disaster in the community and added that he does not need a paper telling him that he can do it.

Supervisor Hotaling stated that the people who are in control in the State of New York Comptroller's Office say that they do need a piece of paper.

Mr. Albano stated that he understands that now and added that he understands his situation and continued by saying that he still feels that it was not the right thing to do. He went on to say that one wheelchair costs over \$800.00, which they provide a lot of every year in addition to a hospital bed with a motor costing more than that. He concluded by saying that they do it because they want to do it to help the people in this community and added that he wants the \$800.00 to help support them because it won't be long before there is not a VFW in the Town.

Supervisor Hotaling stated that he wanted to remind Mr. Albano of a conversation when he and Mr. Tanner had come into his office and asked for \$800.00 two years ago, which was an enhancement of what was in the budget. He continued by saying that Mr. Albano and Mr. Tanner had indicated that their handicapped ramp needed to be rebuilt and added that at that time they agreed to \$800.00 in the contract because they needed it then.

Mr. Albano stated that this was the same amount that they had gotten every year.

Supervisor Hotaling interjected that he didn't believe that they had gotten \$800.00 every year and added that the \$800.00 that was in the contract originally was an enhancement primarily because of the plea to redo the handicapped ramp. He continued by saying that the money was given to them then and added that at the time of the request the contract was put together very quickly and went on by saying that within a couple of days it was signed and the money was given to them so that they could redo the ramp.

Mr. Albano stated that he didn't want to belabor the point.

Supervisor Hotaling invited Mr. Albano to sign the contract.

Mr. Albano stated that he didn't realize that the time limit was up on it and added if he had he would have been in to discuss it.

Supervisor Hotaling interjected that he was called on August 29<sup>th</sup>.

Mr. Albano stated that this is when he found out that it went from \$800.00 to \$500.00.

Supervisor Hotaling stated that Confidential Secretary Lewandowski had spoken with Mr. Albano and advised him that it went from \$800.00 to \$500.00.

Mr. Albano stated that he had told her to keep it because it was not enough.

Supervisor Hotaling inquired as to if he was now changing his mind.

Mr. Albano stated that he didn't change his mind and added that the other members did.

Supervisor Hotaling inquired as to if anyone else wanted to sign it on behalf of the VFW.

Mr. Albano stated that he would be signing it as the Commander and reiterated that he is not happy. He continued by signing the contract and then thanked the Town Board.

Supervisor Hotaling stated that the check would be ready the following day.

Mr. Albano stated that he would come in to pick up the check.

Supervisor Hotaling stated that he would get a phone call when it was ready. He continued by asking if there was anyone else that wished to make a public comment.

**Mr. Daniel Boomer** stated that lives in the Town and continued by saying that they should give the VFW \$1,600.00 because it is a very important organization and continued by saying that \$500.00 is a pittance and is a slap in the face. He went on by saying that he wanted to comment on the idea to move the waterline at Joralemon Park, which was discussed at a Workshop. He added that he believes that there should be water service so that there can be a bathroom by the pavilion because it is the focal point of the park and continued by saying that a basketball court would also be a good thing to have there.

Supervisor Hotaling stated that a basketball court was budgeted for in 2007 and added that unfortunately it did not get done. He continued by saying that \$41,500.00 was budgeted for park contractual and of that \$7,000.00 was earmarked to create a basketball court to the west of the second tennis court.

Mr. Boomer continued by saying that a bathroom in the pavilion area would better suit the people and added that it is also where the existing leach field is. He went on to say that for patrol they could consider the idea of putting in another road by the tennis court, past the proposed basketball court and down toward the pavilion, which would be better access to the park. He reiterated that he thinks it is a good idea to run a waterline to the work building and added that he also thinks that there should be a bathroom somewhere near the pavilion.

Supervisor Hotaling stated that Mr. Boomer is suggesting that they split the waterline and bring one line across the road and then continue with one further down by the pavilion.

Mr. Boomer stated that there is already a leach field by the pavilion.

Supervisor Hotaling stated that his suggestions are now noted by the Town Board members in addition to him being timely in terms of budget planning, which the Town Board will be getting by October 4<sup>th</sup>. He continued by saying that the Town Board will then have the opportunity to have Budget Workshops during October and in turn formulate his Tentative Budget into a Preliminary Budget by making those changes that they deem appropriate.

Mr. Boomer stated that they had also discussed opening up the park for a wider range of use by putting in a paved walking trail and added that it is something that they should think about for the future.

Supervisor Hotaling thanked Mr. Boomer and continued by asking if there were any additional comments.

**Mr. Mark Stanton** stated that a couple of months ago the roadway at the end of Macintosh Street that is a field that they work. He added that he does not know if it is the appropriate time to ask about it and continued by inquiring as to if there has been any progress.

Supervisor Hotaling stated that he didn't know if there was any progress and continued by saying that there have been some developments that he can share. He added that it was determined that Mr. Stanton's farm has been farming 11 acres back there for years by accessing it through Hannacroix Creek and continued by saying that subsequent to that they had F.E.M.A. come down and in turn they put together a Public Works Project for the Joralemon Park, Hannacroix Creek area that is under the Town's jurisdiction, which is the line from the golf course as it enters in Joralemon Park through almost to the Fish & Game Club. He went on to say that the project talks about clearing out the Hannacroix Creek riverbed and its flooding tributaries around there to permit the creek to flow more easily through the area and mitigating the flooding that occurs in that area. He continued by saying that the project required the Town to contact DEC, who require a permit application for entrance into the creek to perform the work and added that the permit application went even though it was incomplete because it required an engineer study. He went on to say that they discussed at the last meeting about getting an expert engineer who specializes in creek beds and creek banks and its restoration and added that DEC has preliminarily indicated that they would frown upon anyone going into the creek after the work has been done. He continued by saying that this is the F.E.M.A. and DEC perspective up to date and added that they are in the process of and will be approving some engineering costs later in the meeting for the F.E.M.A. project and DEC application. He went on to say that the residents that complained initially about someone accessing through the creek came to meet with him along with Highway Superintendent Deering and Code Enforcement Officer Conrad and in turn they were updated and as a result he wrote to the Town Board and asked that they consider at some point blocking access to that road going through the creek because of the DEC request to stay out of the creek and added that at this point there has been no response.

Councilman Boehm inquired as to if Mr. Stanton is done or if he is still cutting on that property.

Mr. Stanton stated that they are done for the season and added that they have to understand that there is quite an investment in the crop that is there. He continued by saying that there is not a law that says they cannot cross the creek and added that he has a copy of the law saying that they can and went on to say that they have been through this before with DEC

Supervisor Hotaling stated that he understands and added that he is not disputing the fact that this was his position or even the position that DEC gave him and continued by saying that this is what they are being told now. He continued by saying that the suggestion is that the way to alleviate it would be to have other access to the property.

Mr. Stanton inquired as to if the problem is surface flooding or subsurface flooding.

Councilman Boehm stated that he believes that it is a bit of both with the tributaries going around the creek in addition to it being in a low spot.

Mr. Stanton inquired as to whether or not they believe that the flooding around the homes is surface flooding or subsurface.

Councilman Boehm stated that he is not an engineer and reiterated that he believes that it is both.

Mr. Stanton stated that he believes that it is subsurface and added that the Town should have a copy of the Albany County Soil Survey Map and continued by saying that the soil there is sanded soil. He added by saying that it is graveled soil and it even says in the Soil Survey that there should not be any houses built there because there would be flooding from November through May every year. He concluded by saying that it is a great idea to clean the creek out and added that this won't solve the home owner's problem with the flooding.

Supervisor Hotaling stated that he does not know what the home owners believe and added that he would tend to agree with him in that it is not just the rain events that cause the flooding. He continued by saying that the homes were built in a time that was

approved against some suggestions of where they were located and added that he does not know if it's officially marked as a flood plain.

Mr. Stanton interjected that it is absolutely a flood plain according to the Albany County Soil Survey Map and added that they should be talking to the Natural Resource Conservation Service.

Supervisor Hotaling stated that this is why they are hiring an engineer to do it and added that F.E.M.A. has said that they will be going in and cleaning it out. He continued by saying that he requested an update and added by saying that this is what is going to be done.

Mr. Stanton stated that they might be putting the cart before the horse and continued by saying that it is prime farm land and added that it would mean a lot for them to be able to continue to use the land.

Mr. Boomer interjected that he has a right to cross the creek and added that there are many farms in New York State that cross creeks to get to fields.

Mr. Stanton stated that the Town of Coeymans owns the land and added that if they don't want them on the land they understand if it is the wish of the Town.

Supervisor Hotaling stated that it may be a statement that was leaps and bounds over their position and continued by saying that their position was at least from some perspectives that some Board members would want to continue to do that but given the reality of their restrictions now that appear to be in the project about what the creek mitigation is going to be it might behoove the Town Board to work with the Highway Department and Parks Department to provide other access to that area of Joralemon Park property. He added that while it is in its current state and not developed it makes sense for him as a farmer or a farmer in general to have the opportunity to cut that down and continued by saying that from some of their perspective it is viewed as advantageous because he would be keeping it mowed for them.

Mr. Stanton stated that this is what he thinks.

Supervisor Hotaling stated that this was the position of the Town Board at the time and added that it is not a question about not wanting him to do it but rather a matter of providing an alternative access until such time that it is decided that Joralemon Park should be further developed.

Mr. Stanton stated that they would appreciate as a business that has been in the Town since 1873, to have the opportunity to be included in the discussions.

Supervisor Hotaling stated that Mr. Stanton had attended a prior Workshop and added that they did have a discussion.

Mr. Stanton stated that he has not heard anything since then.

Supervisor Hotaling stated that there has not been any change yet and continued by saying that he sent a memo to the Town Board members asking that they consider some action to regularize the relationship with him in such a way that it might satisfy the Town's need to do the creek under the F.E. M.A. project and continued by saying that it is a significant project. He concluded by saying that it does not mean that they shut the door on him but rather for the Town Board to tell him what they want to do.

Councilwoman Chmielewski inquired as to what is planted there now.

Mr. Stanton stated that it is alfalfa.

Councilwoman Chmielewski inquired as to if it has to be cut by a certain time.

Mr. Stanton stated that it has to be cut 3 to 4 times a year.



Councilwoman Chmielewski inquired as to if he has to cut it again this year.

Mr. Stanton stated that he is done for this year and added that it will be alfalfa for one more year and then cycled to something else.

Tape change – some dialect lost.

Mr. Stanton stated that there is a stream or creek bed that comes from north to south that is deeper than the Hannacroix Creek and added that it is not feasible to come through Joralemon Park.

Councilman Boehm stated that they would want some access eventually when they develop the park.

Mr. Stanton stated that it would be one thing to be Town equipment and added that they would not want someone running their business by access through Joralemon Park. He continued by saying that the access that is there now is the best way and added that he understands that there are problems with flooding. He went on to say that he wants to caution them that those houses are going to experience flooding all the time whether or not they clean the creek out or not. He concluded by saying that to spend \$200,000.00 of the Town's money is not the most feasible thing and added that they might want to be cautious with proceeding to spend a lot of money.

Supervisor Hotaling interjected that the \$200,000.00 is under a F.E.M.A. project reimbursable at 100% as well as the project itself being open ended. He continued by saying that F.E.M.A. recognized that as they go forth with it DEC will require a permit and other restrictions, which might increase the cost and added that F.E.M.A.'s approval process included as long as they continue to outline the cost and keep track of it that there would be Federal reimbursement for that as well. He went on by saying that he does not want to say that it will be without expenditures on the part of the Town and added that assumably it will be reimbursed by F.E.M.A. and continued by saying that they saw this as an opportunity knowing that it might not be the full answer but a considerable response to the concerns. He added by saying that it will provide some mitigation to help the home owners that are there as well as up and down stream from that location and continued by saying that because the creek runs through property under the jurisdiction of the Town and it creates an opportunity to mitigate the flooding with federal dollars from F.E.M.A., in turn they would like to be able to build upon it. He continued by saying that whatever accommodations they can reach with him as the farmer or in the community itself as a park user they will attempt to accommodate and added that the project is going to move forward but he does not know how quickly. He concluded by saying that he does not know how it will work out and added that they will not be making the decisions but rather guided by the experts sending the reports and plans.

Mr. Stanton stated that it makes sense and asked that they keep in contact with him to let him know what is going on and added that they deserve that because they have taken good care of the ground.

Supervisor Hotaling thanked Mr. Stanton and continued by asking if anyone else wished to make a public comment, 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 consideration, a Town Board Meeting on August 27, 2007, a Public Hearing on September 10, 2007 and a Town Board Workshop on September 18, 2007. He then asked if everyone had an opportunity to review the minutes that were submitted by the Town Clerk's office and added if they had he would ask for a motion to approve them.

Councilwoman Chmielewski stated that she was absent from the Public Hearing on September 10, 2007.

Supervisor Hotaling stated that they would be separating the motion and doing individual ones.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Boehm the minutes for the Town Board meeting on August 27, 2007 were accepted as presented.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

On motion of Councilwoman Rogers, seconded by Councilman Boehm the minutes for the Town Board Workshop on September 18, 2007 were accepted as presented.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

On motion of Councilwoman Rogers, seconded by Councilman Boehm the minutes for the Public Hearing on September 10, 2007 were accepted as presented.  
VOTE – AYES 3 – NAYS 0 – ABSTAIN 1 – SO MOVED

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SUPERVISOR’S REPORT

August 2007

| FUND                | BAL.<br>FWD. | SAVINGS<br>BAL. FWD. | RECEIPTS     | DISBURSE.          | BALANCE        |
|---------------------|--------------|----------------------|--------------|--------------------|----------------|
|                     |              |                      |              |                    |                |
| GENERAL             | \$187,703.68 | \$137,327.87         | \$ 45,409.43 | \$166,167.74       | \$206,273.24   |
|                     |              |                      |              |                    |                |
| PART-TOWN           | \$139,896.43 | \$265,990.42         | \$ 195.08    | \$139,701.35       | \$266,380.58   |
|                     |              |                      |              |                    |                |
| SPEC. WATER         | \$ 17,090.14 | \$ 16,448.92         | \$ 1,329.53  | \$ 18,419.64       | \$ 16,448.95   |
|                     |              |                      |              |                    |                |
| HIGHWAY             | \$145,565.47 | -0-                  | \$ 729.09    | \$ 52,563.26       | \$ 93,731.30   |
|                     |              |                      |              |                    |                |
| BRIDGE<br>CONST.    | \$ 87,518.18 | -0-                  | \$ 36.10     | -0-                | \$ 87,554.28   |
|                     |              |                      |              |                    |                |
| TRUST &<br>AGCY.    | \$ 7,726.07  | -0-                  | \$202,463.21 | \$201,408.67       | \$ 8,780.61    |
|                     |              |                      |              |                    |                |
| SEWER               | \$ 41,557.42 | \$126,892.23         | \$ 32,554.21 | \$ 42,867.91       | \$158,136.05   |
|                     |              |                      |              |                    |                |
| SEWER CAP.<br>PROJ. | \$211,627.47 | -0-                  | \$ 298.38    | -0-                | \$211,925.85   |
|                     |              |                      |              |                    |                |
|                     |              |                      |              | TOTAL REC.<br>BAL. | \$1,049,230.86 |

CERTIFICATES OF DEPOSITS

|               |         |         |                |
|---------------|---------|---------|----------------|
| FIRST NIAGARA | A FUND  | 30 DAYS | \$1,100,000.00 |
| CITIZENS BANK | A FUND  | 90 DAYS | \$ 115,000.00  |
|               | B FUND  | 90 DAYS | \$ 200,000.00  |
|               | B FUND  | 90 DAYS | \$ 200,000.00  |
| NATIONAL BANK | DA FUND | 90 DAYS | \$ 200,000.00  |

SAVINGS ACCOUNTS

|                       |              |
|-----------------------|--------------|
| POLICE FORFEITURES/CK | \$ 351.05    |
| POLICE FORTEITURES    | \$ 2,587.52  |
| UNEMPLOYMENT          | \$ 3,139.17  |
| GROVE CEM. – SAVINGS  | \$ 36,134.77 |
| GROVE CEM. – CHECKING | \$ 10,358.50 |
| SEWER – DEDICATED     | \$ 6,186.86  |

SECTION 8 - HUD

|                |              |
|----------------|--------------|
| OCCUPIED UNITS | 71           |
| HUD PMTS.      | \$ 29,056.00 |
| ADMIN. FEE     | \$ 81.78     |
| TOTAL HUD PMT. | \$ 29,137.78 |
| TENANT RENT    | \$ 13,670.00 |
| CONTRACT RENT  | \$ 42,726.00 |

|             |              |                     |                |                    |
|-------------|--------------|---------------------|----------------|--------------------|
| CWI/GENERAL |              | <u>\$104,030.91</u> |                |                    |
|             | <b>TOTAL</b> | <u>\$162,788.78</u> | SECTION 8 – CK | \$160,025.65       |
|             |              |                     | SECTION 8 – SV | <u>\$ 4,147.01</u> |
|             |              |                     | <b>TOTAL</b>   | \$164,172.66       |

| <b>COLLATERAL<br/>COVERGE</b> | <b>FDIC COVERAGE</b> | <b>COLLATERALIZED</b> |
|-------------------------------|----------------------|-----------------------|
| National Bank                 | \$100,000.00         | \$3,019,253.18        |
| Citizen’s Bank                | \$100,000.00         | \$ 493,106.43         |
| First Niagara                 | \$100,000.00         | \$1,641,107.59        |

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 REPORTS**

**Waste Water Treatment Plant Monthly Report – August 2007**

Supervisor Hotaling continued by giving the report.

**Town Clerk Monthly Report – August 2007**

Supervisor Hotaling asked that Town Clerk Millious give her monthly report.

Town Clerk Millious continued by giving her report.

**Youth Services – C.H.O.I.C.E.S Summer Program**

Supervisor Hotaling asked that Mr. Tom Dolan give a report on the Youth Services C.H.O.I.C.E.S. Program.

Mr. Dolan continued by giving his report.

Supervisor Hotaling asked for a motion to approve the reports.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the reports were accepted as presented.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

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**OLD BUSINESS**

**Small Cities Grant Application Preliminary Evaluation Questionnaire**

Supervisor Hotaling stated that the PEQ was prepared by Mr. Kirk and DBS Planning Consultants and in turn was submitted to the Town Board members by form of a large binder. He continued by saying that he initially had some discussions with Mr. Kirk indicating that there were some things in the document that need to be addressed, which were directly communicated to him by phone and added that Town Board members were asked to do the same. He went on by saying that Ms. Lisa Pempraze was present and added that she will engage in conversation with the Town Board and continued by saying

that she has been hired by the Town to counsel them through the process of the Small Cities Grant Application and the subsequent loans that might flow as a result of any grant being awarded to the Town. He then asked that she give a summary of her review of the PEQ.

Ms. Pempraze stated that she has looked at the documentation that he had sent to her and added that she just received a copy of the binder and added that she would like the opportunity to review the back-up documentation before she recommends that he sign off on the PEQ application. She continued by saying that they want to make sure that the back-up supports what they put in the PEQ and then asked Supervisor Hotaling if he wanted her to give an overview of the project.

Supervisor Hotaling stated that he would like for her to do that.

Ms. Pempraze stated that the project concerns the former Powell & Minnock Brickyard, which is now P&M Brick, LLC and added that they are the project promoter with the Town being the applicant that is applying to the New York Office for Small Cities, which involves a \$750,000.00 Community Block Grant for community development. She went on to say that her understanding is that the way the Supervisor and Town Board want to approach this is to have the Town as the applicant and in turn if it is approved by Small Cities, the grant, which is federal money, would flow to the Town and then the Town would in turn set up a revolving loan account. She continued by saying that the basis of the initial grant would be to fund the P&M project, which involves the development of a deep water port, renovation of a barge slip, preservation of a historic building on site with the long term goal of the project owner to put in climate controlled warehouses. She added that in the short term they are projecting the creation of 62 new full-time jobs within three years ranking from \$10.00 to \$19.00 an hour and continued by saying that long term if they go ahead with the storage facility they are projecting that there could be up to 300 jobs created and went on to say that at this point they should focus on the short term goals. She continued by saying that the full project that P&M is proposing is 11 and ½ million dollars and added that the loan through the Community Block Development Grant is approximately 6 ½ % of that and went on to say that the rest of it will be funded through other financing that the owner has arranged as well as through leveraging their equity, existing property and equipment. She added by saying that the timeline is that once the PEQ is submitted they expect the Office for Small Cities will take approximately 30 days to do their review with any questions being fielded by P&M and their consultant DBS Planning and after that if it is approved there will be an invitation to submit the full application, which they would be ready for in 2-3 weeks. She continued by saying that they would be looking at a closing in early 2008 and added that the terms have not been worked out as far as the financial arrangement on the loan with the Town and went on to say that typically they are low interest loans, which would provide the Town initially approximately \$21,000.00 in interest, which would go down as the principal is repaid. She concluded by saying that the principal that is repaid will go back into the revolving loan fund so that the Town can use that money for other similar type projects in the future.

Councilman Boehm inquired as to if the Town can actually loan itself money from the revolving fund for infrastructure repairs and things like that.

Ms. Pempraze stated that it was a good question and added that she is not sure that it would qualify because there are federal requirements as far as what qualifies for community development, which are typically tied to job creation and job retention and added that they can look into it depending on the specifics of the project.

Supervisor Hotaling stated that the next step is for her to review the entire binder and in turn will make a recommendation to the Town Board in letter form of the changes that she sees not only in the PEQ documents but also certify that the supporting documents are contained in the binder that he will be signing off on in the cover document.

Ms. Pempraze stated that she agrees.

Supervisor Hotaling inquired as to the timeframe for getting back to him.

Ms. Pempraze stated that she hopes to get back to him within a week.

Supervisor Hotaling stated that Board members are still encouraged to review the document and make any necessary changes or suggestions for change and in turn he will filter them through his office and get them to Ms. Pempraze. He then inquired as to what the next step will be and whether or not he will have to formally accept it by resolution or just sign it and submit it and added that the final application comes after that.

Ms. Pempraze stated that it is the interim step to get the information to Small Cities in order for them to invite the Town to submit the full application. She continued by saying that she would defer to the Attorney for the Town as to whether or not a resolution of the Town Board is necessary for the Town Supervisor to sign the PEQ.

Attorney Wukitsch interjected that he believes that a resolution would be necessary and added that it can be a simple resolution authorizing the Supervisor to sign it on behalf of the Town Board.

Ms. Pempraze stated that the only change that she would make as a result of her initial review of the document is to leave the repayment terms to open because they have not negotiated it with the project proponent and continued by saying that they have put some terms in it and added that they would not have to have a binding effect as far as what the terms would be.

Supervisor stated that as he had indicated earlier he had a discussion with Mr. Kirk and added that he got a bit of a different answer in terms of it always being able to be changed later on. He continued by saying that he is glad that she mentioned it because it was troubling him to keep the number in.

Ms. Pempraze reiterated that they would want to take the number out and added that she had already spoken to Mr. Kirk and continued by saying that it would not be a problem. She then inquired as to if it will be done at the next Town Board Meeting or some other mechanism to do it.

Attorney Wukitsch stated that it will be at the next Town Board Meeting.

Supervisor Hotaling stated that the next meeting is two weeks from now on Tuesday October 9th and asked that she get it back in time for a resolution to be prepared for that meeting.

Ms. Pempraze stated that she will coordinate it with Attorney Wukitsch as far the preparation of a resolution.

Attorney Wukitsch stated that was fine.

Councilman Boehm stated that Mr. Kirk had mentioned Public Hearings and continued by asking if it was with regard to the PEQ or the formal application.

Supervisor Hotaling stated that he is getting the impression that this is the preliminary stage and added that after that the true application comes. He continued by saying that he believes that the Public Hearing would come after that.

Ms. Pempraze stated that was correct.

Supervisor Hotaling thanked Ms. Pempraze and then moved to the next item on the agenda.

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## **NEW BUSINESS**

### **Request for W.W.T.P. Chief Operator to Attend Training**

Supervisor Hotaling stated that there is a request from Chief Operator Breedlove to attend a seminar that provides 6 ½ contact hours for his Waste Water Treatment Plant Operator renewal on Test Methods for Biological Nutrient Removal Processes.

Councilwoman Chmielewski inquired as to if this is just for Chief Operator Breedlove to attend and continued by saying that there are two Operators.

Supervisor Hotaling stated that it is a request for his attendance and inquired as to if she was referring to Operator Lennon as well.

Councilwoman Chmielewski stated that she was.

Supervisor Hotaling stated that Mr. Lennon's appointment to Waste Water Treatment Plant Operator requires him to take some basic course first and continued by saying that he does not believe that it is a basic course level. He added that there is a requirement for him to attend within a certain prescribed period of time and went on to say that he does not know if it has been contemplated by Mr. Breedlove. He then asked if there was any additional discussion.

Councilman Boehm stated that the cost is \$60.00 per person.

Supervisor Hotaling interjected that the deadline to register is October 24<sup>th</sup> with a limitation of 24 attendees.

Councilwoman Chmielewski stated that it is worthwhile and added that it is in Windham, which is not that far away.

Supervisor Hotaling continued by asking for a motion.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, granting permission for Chief Operator Breedlove to attend the seminar as well as allowing use of a Town vehicle for transportation in addition to covering the registration fee of \$60.00.

VOTE – AYES 4 – NAYS 0 – SO MOVED

## **Construction of Police Department – Town Hall**

Supervisor Hotaling stated that for the purpose of discussion there were three subcategories, air conditioning, generator and communications of the agenda item construction of the Police Department at Town Hall and continued by saying that he does not know if all of the components are ready for discussion. He added that he has not seen much of Chief Darlington because he has been working on the project and then asked that he update the Town Board of those three components as well as any others that he thinks are worth mentioning.

### **Air Conditioning**

Chief Darlington stated that he provided the Town Board a memorandum with regard to the air conditioning and heating system and added that with the time limit that they are looking at for the move he attempted to speak with four companies and went on to say that he was able to make contact with three of the companies. He continued by saying that he spoke with Mr. David Giardanelli from Eastern Heating and in turn gave him a tour of the current station and communications to observe the heat load that Communications presents as well as the future station to see what they are looking for. He added that Mr. Giardanelli had stated that he would submit a quote within 3-4 days and after a week he was contacted and advised that he felt that his company could not do it in a timely manner and declined to provide a quote. He went on to say that he met with Mr. Morsellino from Heavenly Air and did the same as he had done with Mr. Giardanelli and continued by saying that he provided him with many suggestions as well as determining that they do not need an additional broiler and continued by saying that he provided a plan as well as a quote, which he attached to the memo. He added that he also

contacted Persico Oil and went over the same as the prior two and continued by saying that they preferred an engineer's specification as to what they were going to require. He went on to say that he advised him of the timeline as well as discussing an additional expense for an engineer.

Supervisor Hotaling interjected that they were looking for a plan and wanted to get their expertise to tell them what plan would satisfy them.

Chief Darlington stated that he was told that he would have a quote within 2-3 business days and added that when he didn't receive a quote he called and was advised that a letter was sent stating that based on the way that it was being done they were going to decline on giving a quote.

Supervisor Hotaling stated that there were four attempts for quotes and added that they are down to one plan and quote. He continued by inquiring if based upon Chief Darlington's discussion with Heavenly Air and the plan that has been outlined, if he is confident that the plan will accommodate the Police Department's needs particularly in the areas of the heat load in Communications.

Chief Darlington stated that he was and continued by saying that the different vendors that he had spoken with were in agreement as far as Communications creating its own heat source and the need for its own separate unit.

Supervisor Hotaling interjected that the rest of the area would have been too cold trying to cool Communications with the same unit.

Chief Darlington stated that they would also provide heat to the court because they removed their boiler.

Supervisor Hotaling asked if there were any Town Board comments.

Councilman Boehm stated that he had a question about the additional heat load that had already been answered.

Chief Darlington stated that there would be a requirement for an additional air conditioner but not a heat unit.

Councilwoman Chmielewski stated that the quote indicates that it would also be for the removal of the old boiler and controls and all other old equipment and continued by saying that this has already been done by the Town's own work force.

Chief Darlington stated that was true and continued by saying that there will be an adjustment for that.

Councilwoman Chmielewski interjected that she believes that it will be good for Heavenly Air to do the work because they had already put air conditioning in Town Hall.

Supervisor Hotaling stated that the quote for the plan and process is \$22,000.00.

Chief Darlington stated that was correct in addition to \$650.00.

Supervisor Hotaling interjected that the \$650.00 is for an air space guard media filter.

Chief Darlington stated that there is also \$750.00 for installation of a humidifier.

Supervisor Hotaling stated that the two added together is an additional \$1,400.00, which makes the entire project \$23,400.00. He continued by asking when he could start if Heavenly Air were to be awarded the bid and added that they are under a time constraint. Chief Darlington stated that he is prepared to meet with them along with the contractor the following morning and continued by saying that he is also aware of the 30 day limit and added that he intends to start the work later in the week or early next week.

Supervisor Hotaling inquired as to if it will be a problem to him knowing that certain areas will have to be serviced initially with other areas being added on to the space.

Chief Darlington stated that it is not a problem.

Supervisor Hotaling asked the Town Board if there were any other questions and continued by asking if they believe that it is appropriate at this time to handle the air conditioning.

Councilwoman Chmielewski stated that Chief Darlington had mentioned a 20-day limit and continued by saying that they should let everyone know what the limit is.

Supervisor Hotaling interjected that it is a 30 day limit.

Councilwoman Chmielewski stated that it was originally 30 days and added that they are now down to 20 days that they have to be out of Village Hall.

Chief Darlington stated that when they refer to a 20-30 day limit it is referencing a letter that he received from the Village of Ravena advising him to vacate the upstairs offices within 30 days.

Councilwoman Chmielewski reiterated that they are down to 20 days.

Supervisor Hotaling asked the Town Board what their pleasure was.

Attorney Wukitsch inquired as to if they have agreed upon a credit for the removal of the old boiler and equipment.

Chief Darlington stated that it would have to be discussed.

Attorney Wukitsch interjected that it would be a credit against the \$22,000.00.

Supervisor Hotaling inquired as to if Mr. Morsellino assisted in the removal.

Chief Darlington stated that it was quoted as \$40.00 an hour and continued by saying that it took Town personnel 2-3 hours to do it.

Supervisor Hotaling interjected that it could conceivably be 3-4 hours of work at \$40.00 an hour that should be credited off the job and continued by saying that the stipulation should be included that there will be a credit.

Chief Darlington stated that he does not believe that it will be an issue.

Supervisor Hotaling thanked Attorney Wukitsch for pointing it out and continued by asking if there were any other comments or concerns and then asked if the Town Board thought as though they should move ahead on it.

Councilwoman Chmielewski interjected that they have to because they only have 20 days.

Supervisor Hotaling stated that he would offer a motion.

## **MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Chmielewski, accepting the plan and cost associated with it submitted by Heavenly Air Systems from Blodgett Hill Road, Coeymans Hollow, NY., in the amount of \$23,400.00 minus a credit of \$40.00 per hour for removal of the old boiler, for purposes of installing heat and air conditioning in the new Police Department in Town Hall at 18, Russell Avenue.

VOTE – AYES 4 – NAYS 0 – SO MOVED



Supervisor Hotaling stated that the award of the job goes to Heavenly Air and asked that Chief Darlington advise Mr. Morsellino as well as putting together a document for affixing signatures on the part of both parties.

## **Generator**

Supervisor Hotaling stated that once the 24/7 Communication Center is moved to Town Hall they will need back-up power and continued by saying that the opportunity presented itself to look at the aged electrical system in the building. He added that they have had some electrical contractors review the plan and specifications suggested by the contractor in terms of a generator. He then asked that Chief Darlington talk about his quest for a generator and how it evolved.

Chief Darlington stated that he met with the electrician to determine how they are going to upgrade the electric service for the Police Department as well as Town Hall in general. He continued by saying that the wiring is very old and the main service is currently three lines coming in with the meter being in a Building Department closet.

Supervisor Hotaling interjected that the electric is undersized for what has happened over the years.

Chief Darlington stated that it is overloaded and continued by saying that adding the Police Department would create a severe overload. He added that as recommended they are adding a new service as well as the generator and went on to say that the plan is to run Communications as well as Town Hall in its entirety in case of a power outage. He continued by saying that originally they thought about a natural gas power generator but then they learned that if power is out for a long period of time you will also lose natural gas.

Supervisor Hotaling interjected that it would be because of the requirement to pump it from other locations and added that if they lost power at the pump station the gas could not be delivered.

Chief Darlington stated that at the recommendation of the electrician they decided to go with a diesel generator at least 75kw. He continued by saying that he started his quest for quotes on that because there was a big push for bids.

Supervisor Hotaling interjected that one of the vendors when asked to quote had stated that it should have been by sealed bids. He continued by saying that in turn he contacted the State of New York to see if there was a State contract on generators of this nature and was advised that there is not a specific contract on that size unit except for a HIRE (Hazardous Incident Response Equipment) Contract that the State has. He added that there is such a State contract and went on to say that Better Power is on the State contract vendor list for generators of that size and added that in accessing the bid document they found that there is a 80kw generator and continued by saying that initially on the surface the State contract price was \$27,000.00. He went on to say that he had asked that Building Maintenance Supervisor Perry and Chief Darlington reach out to the vendor under State contract to ask for the specifications and quotes on it. He then asked Chief Darlington as to what has been done.

Chief Darlington stated that they provided him with the contract price, which is \$27,447.00 for the generator alone in addition to \$3,143.00 for the transfer switch and added that reading in the contract it says that freight to a loading dock is included but unloading, rigging, storage and installation is not included. He continued by saying they will train them after it is hooked up.

Supervisor Hotaling stated that they are talking about \$30,000.00 with no installation or start up. He continued by saying that they then went to some local vendors and were successful in getting quotes and then asked Chief Darlington what they provided.

Chief Darlington stated that he contacted two local vendors and added that one responded and Francisco Equipment provided them with an 80k generator with automatic transfer

switch, all of the requirements for silencing it and 24 hour-150 gallon fuel tank, all of the wiring exhaust system components installed and free start-up for a total of \$18,918.00.

Supervisor Hotaling asked what Chief Darlington found in comparing the generator provided by Francisco Equipment to the generator under State Contract.

Chief Darlington stated that based on his comparison he found that they are comparable and added that Francisco's provided far more of what they need and added that the generator itself is comparable.

Supervisor Hotaling stated that in addition to the generator they need the set-up, fuel tank, start up and other items.

Chief Darlington stated that installation would also be a charge.

Supervisor Hotaling interjected that there is also a \$3,000.00 charge for the transfer switch under the State contract. He continued by saying that there is a State contract fee of \$30,000.00 with no setup, startup or fuel source and added that the quote from Francisco is \$18,918.00, which includes setup, start up, a fuel source as well as local service for the generator.

Chief Darlington stated that Francisco Equipment has serviced the existing generator for the Police Department as well as the Village and continued by saying that they are local and easy to get in touch with.

Supervisor Hotaling stated that he is doing this because he wants the public to know that going for a State contract is suppose to short-stop the system and added that it might be the simplest course to take but not always the lowest price. He continued by saying that they sought out the State contract price and compared and will have a professional comparison as well and went on to say that if they conclude the two are equal they will go with the vendor who will provide it for \$12,000.00 less.

Attorney Wukitsch interjected that he agrees and continued by asking if the Town has a written Procurement Policy.

Supervisor Hotaling stated that they do and added that it depends on the price and added that at various times it requires anywhere from telephone quotes to written quotes to bids and those type of things. He continued by saying that if there is a State contract, utilizing it through the Procurement Policy is the short way to do it in addition to it usually being the most efficient way to do it. He concluded by saying that in this case it does not appear to be so.

Attorney Wukitsch stated that it appears that they have done a careful analysis that meets the applicable rules and regulations.

Supervisor Hotaling stated that they are not under the same time constraint with the generator and added that they do not have to approve it immediately.

Chief Darlington stated that the only thing that they have to have is the transfer switch.

Supervisor Hotaling stated that it has to be incorporated in the upgrade of the electric system so that it can be ready to receive the generator and continued by saying that there is an urgency to identify the vendor so that the transfer switch can be ordered, delivered and installed even though the generator itself may not become useful until Communications is moved to Town Hall.

Councilman Boehm inquired as to the cost of the electrical upgrade for Town Hall to include the Police Department.

Supervisor Hotaling stated that they have not gotten the price yet and continued by asking the Town Board if they feel that it is appropriate at this point to identify the vendor for the generator so they can get the transfer switch component working.

Councilwoman Rogers inquired as to if the price of the transfer switch is \$6,000.00.

Supervisor Hotaling stated that the price of \$18,918.00 includes the transfer switch.

Chief Darlington stated that was correct.

Councilman Boehm stated that they need it to go ahead with the wiring and they need that component in place as soon as possible.

Chief Darlington stated that was correct and continued by saying that their quote for a transfer switch is \$2,624.85, which is included in the package price of \$18,918.00 and added that if you do it individually the price will change.

Councilman Boehm interjected that they should look at it as a package for \$18,918.00 and get the generator and transfer switch together.

Supervisor Hotaling stated that the Village has gotten excellent service from that vendor.

Chief Darlington stated that another advantage is that if your generator goes down the vendor supplies a portable generator.

Councilman Boehm inquired as to if there is a fee for that or if it is done as a courtesy.

Chief Darlington stated that he didn't know and added that his experience with the vendor has been that they take care of business first and then talk logistics. He continued by saying that they are a good company to work with and added that they also deal with Lafarge and the schools.

Supervisor Hotaling asked if there were any further comments.

Chief Darlington stated that Councilman Boehm had talked at the last meeting about the possibility of receiving additional eviction notices or letters advising them to move and continued by saying that there was a meeting and he was advised that the Police Department had to vacate additional space downstairs. He added that his feeling is that the project needs to be timely so there are not any further issues.

Councilman Boehm inquired as to if there was another letter.

Chief Darlington stated that it was conveyed verbally to him and the Supervisor at a meeting.

Councilman Boehm inquired as to if it was a verbal eviction.

Chief Darlington stated that it was basically that they want the space as quick as he can get out.

Supervisor Hotaling stated that he wanted to take exception to the word eviction and added that he does not want to give the impression that the Town Board has suggested that they are being evicted. He continued by saying that apparently the needs of the Village has changed and went on to say that it was discussed that they have a need for the room that is currently located between Communications and the Patrol Room for purposes of renting it to an organization for children. He concluded by saying that the meeting was to tell them of the need and suggest that those components, furniture and personnel in that room had to be out because they needed the space immediately and added that Chief Darlington is in discussion with members of the Village staff in terms of how to accomplish that in the most timely fashion.

Councilwoman Chmielewski interjected that it makes sense to get the generator for \$18,918.00.

Supervisor Hotaling stated that he was waiting for a motion.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Supervisor Hotaling, authorizing the purchase of a generator for \$18, 918.30 from Francisco Equipment.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that the Chief of Police attempted to get this under State contract and continued by saying that he is comfortable with seconding the motion and voting for it in light of the expedited way that the project is moving along. He then asked if there was any additional discussion, hearing none he moved to the next item on the agenda.

## **Communications**

Supervisor Hotaling stated that this subsection is meant in the sense of the phone system. He added that he knows that State Telephone came earlier in the day and added that he does not know if it has been gelled together enough for presentation. He then asked that Chief Darlington give them an update.

Chief Darlington stated that he met with four vendors.

Supervisor Hotaling interjected that the vendors were found under State contract for phone systems to be installed with the exception of State Telephone who has the proprietary lines coming into Town Hall and would have to be a component of any vendor coming in from some statewide vendor list.

Chief Darlington stated that Tag Solutions has given a quote and added that he is waiting on two other ones.

Supervisor Hotaling inquired as to how the meeting went with State Telephone and whether or not they understood what the needs would be and if they felt confident that they could provide a proposal.

Chief Darlington stated that they could meet the needs and will provide a quote and continued by saying that some of their biggest concerns was that they would have emergency communications and 911 alarm systems and that the system would have to be able to be brought back to service in a timely manner in addition to what their backup would be for parts if the system went down and added that they were assured that parts would be available.

Supervisor Hotaling stated that in the past when they have lost communication services in their present location they have used the bus and continued by saying that there were some issues with respect to the bus about paging that needed to be altered to bring them up to the capability of radio communications. He continued by saying that he noticed in the 2008 Police Department budget there is a suggestion that some components in the Communication bus be upgraded and then asked if this is consistent with what they use.

Chief Darlington stated that the encoder that they needed was installed this year and continued by saying that some of the upgrades from the onset of the bus being developed to today have not been done. He added by saying that some of the requirements are FCC requirements in addition to saying that they would like to look at a heater/air conditioner unit for it.

Tape change – Some dialect lost.

Supervisor Hotaling stated that they are not prepared to move on anything for communications and continued by asking Chief Darlington to continue working on it and have something for the next Town Board Meeting.

Chief Darlington stated that he believes that he will.

Supervisor Hotaling stated that the phones are going to be a fairly necessary component of the move long before the actual physical move of communications.

Chief Darlington stated that the phone system will not only be for Police and Communications and added that it will be for Town Hall in its entirety because they are limited to a number of lines.

Supervisor Hotaling inquired as to how things are going in general with the project.

Chief Darlington stated that there will be two sides to the Police Department and added that it will be Communications and Administration, which is directly under Town Hall and continued by saying that it has all been framed in and the electric has been run, inspected and approved. He went on to say that sheet rocking will begin the following morning and continued by saying that depending on what they will be told relative to the air conditioning and what they can or cannot do, they are still looking forward to the 30 day mark of moving in.

Supervisor Hotaling inquired as to who he was referring to.

Chief Darlington stated that it would be his office, his secretary's office, the Evidence Room and Record Room.

Supervisor Hotaling stated that it would accommodate the second floor request for vacancy in Village Hall.

Chief Darlington stated that it would also include the center room on the first floor and continued by saying that he wanted to thank Nelson Perry and his crew for their help.

Supervisor Hotaling stated that everyone seems to be working well together and added that there have been a lot of bumps in the road and continued by saying that each day is a challenge. He concluded by saying that Chief Darlington needs to be singled out because he has been working on the construction for a good portion of each day in addition to dealing with regular routine police business as Police Chief in the community and added that he wanted to thank him for doing double duty.

Councilwoman Chmielewski stated that she wanted to voice her objection about the Village putting little children next to the Police Communication Center and added that she does not believe that it is a good place for them.

Councilman Boehm inquired as to if it is Head Start that is going in there.

Chief Darlington stated that he believed that was the plan.

Supervisor Hotaling interjected that he wanted to stay focused on the Town's needs and continued by saying that Councilwoman Chmielewski's point was well taken. He then asked if there was any additional New Business for discussion, hearing none he moved to the next item on the agenda.

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## **RESOLUTIONS**

Supervisor Hotaling stated that prior to the meeting there was a Public Hearing relative to renewal of a Cable Television Franchise Agreement with Time Warner and added that there were comments from residents living on Copeland Hill Road about the fact that there is no cable services in that area. He continued by saying that as a result of the comments the representative from Time Warner agreed to go back and examine that from a cost per mile perspective to provide the service.

### **RES. #102-07 APPROVE RENEWAL OF CABLE TELEVISION FRANCHISE**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**BE IT RESOLVED**, that the Town of Coeymans Town Board does hereby authorize Supervisor Ronald K. Hotaling, Jr., to sign the renewal Cable Television Franchise

Agreement between Time Warner Entertainment-Advance/Newhouse Partnership d/b/a Time Warner Cable and the Town of Coeymans, New York.

Supervisor Hotaling signed and dated the contract and then asked that Town Clerk Millious also sign, date and seal it.

**RES. #103-07 APPOINT POLICE SERGEANT**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, Daniel W. Contento has been fulfilling the position as Police Sergeant on a provisional basis since October 2006, and

**WHEREAS**, he has demonstrated his ability to perform the duties and responsibilities of the position, and

**WHEREAS**, Mr. Contento has taken examination #2007707776, passed the exam and is listed on the Albany County Civil Service list established on September 5, 2007, certified to the Town of Coeymans on September 19, 2007.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Daniel W. Contento, effective immediately, as Police Sergeant for the Town of Coeymans at the rate of pay consistent with the labor contract currently in force.

**RES. #104-07 APPOINT FULL-TIME POLICE OFFICER**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans has a need for more full-time police officers, and

**WHEREAS**, Nicholas R. Westfall has applied for transfer from the Chatham Police Department, and

**WHEREAS**, the Albany County Department of Civil Service has approved this individual's lateral transfer, and

**WHEREAS**, Chief Darlington has reviewed this individual's application and experience record, and is satisfied that he meets the necessary qualifications,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby hires Nicholas R. Westfall as a full-time police officer at a rate of pay consistent with his years of service, and effective consistent with the requirements of his current position.

Supervisor Hotaling stated that he does not know what is required with his current position in terms of his breakaway from that and asked that Chief Darlington work with that jurisdiction and Mr. Westfall in terms of when it will be effective and in turn advise him so that he can advise Human Resource staff to prepare the paperwork.

**RES. #105-07 APPROVE TOWN CLERK SOFTWARE CONTRACT**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town Clerk of the Town of Coeymans desires to contract with Business Automation Services, Inc. (BAS) to obtain services for the Town Clerk's software.

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

Supervisor Hotaling asked Town Clerk Millious if she had anything to add.

Town Clerk Millious stated that she wanted to thank the Town Board. She continued by saying that Angela from BAS will be sending a contract for his signature.

Supervisor Hotaling stated that he had spoken with Town Clerk Millious earlier in the day and added that the documents that he had seen did not appear to be a proposal/contract and in turn he asked that she contact the vendor to provide such an agreement for his and Town Clerk Millious’ signature along with a vendor signature.

**RES. #106-07 APPROVE BUDGET AMENDMENT**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans has hired an Internal Control Officer to oversee the internal controls of the Town, and

**WHEREAS**, the Town of Coeymans has expended all of the original budget provided for in 2007, and

**WHEREAS**, the Town of Coeymans desires to have the position to be staffed for the remainder of 2007, and

**WHEREAS**, the Town of Coeymans has implemented suggestions from the Internal Control Officer that has increase investment revenue in 2007 which can fund the position for the remainder of the year.

**NOW, THEREFORE, BE IT RESOLVED**, that the 2007 Budget be amended as follows:

**Increase in Appropriations**

|                               |             |
|-------------------------------|-------------|
| Auditor – A1320.4 Contractual | \$10,550.00 |
| Employee Benefits – A9010.8   | \$ 950.00   |
| Employee Benefits – A9030.8   | \$ 800.00   |

**Increase in Revenues**

|                |             |
|----------------|-------------|
| A2401 Interest | \$12,300.00 |
|----------------|-------------|

Councilman Boehm inquired as to what they have paid the Internal Control Officer to date.

Supervisor Hotaling stated that he didn’t have the figure with him and added that he would guess between \$15,000.00 - \$18,000.00. He continued by saying that the resolution will fund him for the balance of the year and added that his 2008 budget will reflect an increase in the frequency of his visits to address some of the continued needs for policy development as well as issues related to Intermunicipal Agreements between other communities and the Town.

**RES. #107-07 APPROVE SEPTEMBER 2007 ABSTRACT**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby approve the following claims of vouchers for the September 2007 Abstract.

| ACCOUNT            | VOUCHER #            | AMOUNT              |
|--------------------|----------------------|---------------------|
|                    |                      |                     |
| <b>GENERAL (A)</b> |                      |                     |
| General Pre-Pay    | 1563-1584, 1758-1759 | \$151,431.60        |
| General            | 1621-1655            | \$ 19,425.41        |
|                    |                      |                     |
|                    | <b>General Total</b> | <b>\$170,857.01</b> |

|  |                                |                     |
|--|--------------------------------|---------------------|
| <b>PART-TOWN (B)</b>                               |                                |                     |
| Part-Town Pre-Pay                                  | 1585-1596, 1760-1761           | \$ 26,571.67        |
| Part-Town  | 1656-1679                      | \$ 3,953.92         |
|  |                                |                     |
|  | <b>Part Town Total</b>         | <b>\$ 30,525.59</b> |
|  |                                |                     |
| <b>HIGHWAY (D)</b>                                 |                                |                     |
| Highway Pre-Pay                                    | 1597-1604, 1762-1763           | \$ 36,071.17        |
| Highway  | 1680-1722, 1757                | \$ 15,800.26        |
|  |                                |                     |
|  | <b>Highway Total</b>           | <b>\$ 51,871.43</b> |
|  |                                |                     |
| <b>SEWER (SS)</b>                                  |                                |                     |
| Sewer Pre-Pay                                      | 1605-1616,1764-1765            | \$ 9,352.27         |
| Sewer  | 1723-1738                      | \$ 24,721.88        |
|  |                                |                     |
|  | <b>Sewer Total</b>             | <b>\$34,074.15</b>  |
|  |                                |                     |
| <b>GROVE CEM. (TE)</b>                             |                                |                     |
| Grove Cemetery                                     | 1739-1748                      | \$ 1,065.84         |
|  |                                |                     |
| *See Below   | <b>Grove Total</b>             | <b>\$ 1,065.84</b>  |
|  |                                |                     |
| <b>SPECIAL WATER (SW)</b>                          |                                |                     |
| Special Water                                      | 1749-1752                      | \$ 79,260.92        |
|  |                                |                     |
|  | <b>Special Water Total</b>     | <b>\$ 79,260.92</b> |
|  |                                |                     |
| <b>CAPITAL PROJ. (H)</b>                           |                                |                     |
| Capital Projects                                   | 1753-1756                      | \$ 5,588.20         |
|  |                                |                     |
|  | <b>Capital Proj.Total</b>      | <b>\$ 5,588.20</b>  |
|  |                                |                     |
|  | <b>Total for all Funds</b>     | <b>\$373,243.14</b> |
| <b>TRUST &amp; AGENCY (TA)</b>                     |                                |                     |
| Trust & Agency Pre-Pay                             | 1617-1620,1766                 | \$184,137.35        |
|  |                                |                     |
|  | <b>Trust &amp; Agcy. Total</b> | <b>\$184,137.35</b> |
| <b>*Future Expenditures Will Be General A-Fund</b> |                                |                     |

Supervisor Hotaling pointed out that there is an asterisk by Grove Cemetery and continued by saying that this is the last time that they will see Grove Cemetery as its own account and added that future expenditures will be in the General A Fund. He went on to say that this is a result of a journal transfer of funds suggested by the Internal Control Officer.

**RES. #108-07 AUTHORIZE TRANSFER OF FUNDS**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

| <u>AMOUNT</u>              | <u>FROM ACCOUNT</u>                              | <u>TO ACCOUNT</u>                        |
|----------------------------|--|--|
| <b><u>GENERAL FUND</u></b> |  |  |
| \$ 20.36                   | A1010.1 Councilmen<br>(Personal Services)        | A1010.4 Councilmen<br>(Contractual)      |
| \$ 194.31                  | A1430.2 Human Resources<br>(Equipment & Capital) | A1430.4 Human Resources<br>(Contractual) |



|                         |   |   |
|-------------------------|---|---|
| \$ 525.06               | A7310.4 Youth Services<br>(Contractual)         | A7310.1 Youth Services<br>(Personal Services) |
| \$ 845.22               | A8160.1 Refuse & Garbage<br>(Personal Services) | A8160.4 Refuse & Garbage<br>(Contractual)     |
| <b><u>PART TOWN</u></b> |   |   |
| \$ 122.50               | B1990.4 Contingency<br>(Contractual)            | B1420.4 Legal Services<br>(Contractual)       |
| \$ 179.69               | B8010.1 Zoning Board<br>(Personal Services)     | B8010.4 Zoning Board<br>(Contractual)         |
| \$2,651.63              | B1990.4 Contingency<br>(Contractual)            | B8510.4 Comm. Beautification<br>(Contractual) |

**HIGHWAY**

|          |                                    |   |
|----------|------------------------------------|---|
| \$ 66.38 | DB1440.4 Engineer<br>(Contractual) | DB1910.4 Highway Insurance<br>(Contractual) |
|----------|------------------------------------|---|

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**CORRESPONDENCE**

**R-C-S Central School – First Day Celebration**

Supervisor Hotaling stated that he was in receipt of a correspondence from R-C-S Central School District addressed to him and continued by saying that it thanks him for his support of the First Day of School celebration.

Councilman Boehm stated that he also received a letter and added that it was a great event and he hopes that they do it again next year. He continued by reading the letter.

Dear Mr. Boehm,

Thank you for your support of our First Day of School celebration. Your commitment to education and family involvement helped make our First Day a success.

We thank you for attending out community reception and marching in our parade.

We are now obtaining feedback from our teachers, students and parents who attended First Day. Their advice will be helpful in our continuing work to strengthen this partnership in learning. Your experiences with First Day are also important to us so if you have any information or advice you would like to share, please don't hesitate to call or forward it to our attention.

We are looking forward to working with you on future projects that benefit the families of our community.

Sincerely,

Elisabeth R. Smith  
Principal

**P&M Brick**

Supervisor Hotaling stated that a correspondence was sent to Mr. Carver Laraway on behalf of the Town of Coeymans and continued by reading the following:

September 24, 2007

Dear Mr. Laraway:

Thank you for the generous donation of the three cubes of brick that we incorporated into the renovations being made at Town Hall for the new Police Station. Thank you also for the loan of the heavy equipment and its operator to move the cubes on the worksite when the Town equipment was not available. This saved the project valuable time, your assistance and cooperation were greatly appreciated.

Sincerely,

Gregory Darlington  
Chief of Police

Nelson Perry  
Parks & Recreation Maintenance Supervisor

Chief Darlington stated that part of the construction is to make the walls in the Communication Center more secure and added that they were aware of the fact that Mr. Laraway had surplus brick. He continued by saying that he went down and spoke with him and in turn he was willing to give the Town as much as they wanted, which was quite a bit. He added that they loaded it on the Town's trailer and went on to say that the Highway Department was suppose to provide them a forklift to unload the brick but it was unavailable and in turn they called Mr. Laraway who had previously offered to follow the trailer with a forklift and offload the bricks. He concluded by saying that they came up with a piece of equipment and offloaded the brick so they could get the trailer out of the way.

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#### **ADDITIONAL COMMENTS**

Supervisor Hotaling stated that Town Clerk Millious had asked that he mention the Notice to Bid in the News Herald and continued by reading the following:

Notice is hereby given that the Town Board of the Town of Coeymans, Albany County, New York, hereby invites sealed bids for:

One (1) 1975 John Deere Model 301 tractor with John Deere side mower and Alamo flail, in addition to many parts for the side mover and flail.

One (1) 1992 International Dump Truck with snow plow attachment for 6 way blade in addition to sander pluming on back of truck with control inside of truck.

All prospective bidders may call the Highway Superintendent at 756-2251 between the hours of 7:00am – 3:30pm regarding this bid. Bid packages 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, New York 12143 up to 2:00pm on Thursday, October 18, 2007 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

Supervisor Hotaling continued by saying that there is also a freezer that was purchased in 2003 for the Camp Coeymans Program and added that beginning 2004 it was not utilized. He went on to say that it was only used for six months and then asked the Town Board to authorize the Town Clerk to advertise for bids for that as well. He continued by saying that there is also a refinished desk that is not needed and then asked the Town Board if they would also like to put that out for sealed bid.

Collectively they agreed.

Supervisor Hotaling asked for a motion to do this.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, authorizing Town Clerk Millious to advertise for bids on both the freezer and desk

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling asked that Town Clerk Millious get the specifications from Parks and Maintenance Supervisor Perry and advertise for the bids.

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## **TOWN BOARD WORKSHOPS/MEETINGS**

- October 9, 2007 – Town Board Meeting, 7pm
- October 10, 2007 – Zoning Board Meeting, 7pm
- October 16, 2007 – Town Board Workshop, 6pm
- October 22, 2007 – Town Board Meeting, 7pm

Supervisor Hotaling stated that he wanted to suggest that they establish a Special Town Board Meeting on Thursday, October 4, 2007 at 6:00pm for the purpose of compliance with Town Law with respect to the budget, which would provide for the opportunity for Town Clerk Millious to present to members of the Town Board the Tentative Budget that she will be in receipt of by that time from the Supervisor. He then asked for a motion.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing a Special Town Board Meeting on Thursday, October 4, 2007 at 6pm for the purpose of conveying the 2008 Tentative Budget.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling continued by saying that they also have to consider establishing some Workshop dates for interaction between the components of the budget and Town Board to determine what are appropriate elements of the budget. He then asked the Town Board as to when they might want to do that.

Discussion ensued.

Supervisor Hotaling inquired as to whether the Town Board wanted to authorize him to establish some dates and give them to Town Clerk Millious for advertisement or if they want to pick some dates.

Collectively it was decided that they would discuss some of the components on October 16<sup>th</sup> at the scheduled Workshop in addition to scheduling another one on October 24<sup>th</sup>.

Supervisor Hotaling asked for a motion authorizing the scheduling of a Special Budget Workshop on October 24, 2007 at 6:00pm.

## **MOTION**

On motion of Supervisor Hotaling, seconded by Councilman Boehm, authorizing a Special Budget Workshop on October 24, 2007 at 6:00pm.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling asked that Town Clerk Millious advertise for this Special Budget Workshop.

Supervisor Hotaling stated that the scheduled Workshop on October 16<sup>th</sup> will have regular Workshop topics as well as budget discussion.

Councilwoman Chmielewski inquired as to whether or not they think two Workshops will be enough.

Councilwoman Rogers stated that she didn't think it would be enough.

Councilwoman Chmielewski stated that they are coming near the end in scheduling October 24<sup>th</sup>.

Supervisor Hotaling stated that they have a statutory obligation to advertise for a Public Hearing, which has to have five days in between the advertisement and the actual Public Hearing in addition to having another statutory obligation to have the Budget approved by November 20<sup>th</sup>. He continued by saying that he wanted to have the Public Hearing prior to Election Day in order for the public to know what the Budget is about and have an opportunity to comment on it before Election Day. He added that he would like to adopt the Budget at the scheduled Town Board Meeting on November 12<sup>th</sup>. He concluded by saying that they need to keep in mind that when they get to the 24<sup>th</sup> of October they are nearing the end with regard to giving Town Clerk Millious an opportunity to meet her obligation with a weekly publication paper and added that if they are comfortable with that they will go with it.

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#### **ADDITONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Councilman Boehm stated that he was going to ask Highway Superintendent Deering if Biers Road was ready to go and continued by asking the Town Board if any of them knew.

Councilwoman Rogers stated that she went by it over the weekend and added that it looks ready.

Supervisor Hotaling stated that he had not had a discussion with Highway Superintendent Deering about it. He continued by saying that he had a request from Mr. Palange to engage himself in discussion with the Town Supervisor and Town Board about the road, which he rejected because it is Highway Superintendent Deering's project.

Councilman Boehm stated that he was curious as to whether or not they were going to leave the old bridge on the old road.

Supervisor Hotaling stated that he could not answer that and reiterated that it is Highway Superintendent Deering's project.

Supervisor Hotaling asked if there were any additional comments.

Attorney Wukitsch stated that the meeting was very interesting and efficient.

Supervisor Hotaling asked if there were any additional comments.

Chief Darlington stated that in reference to the Budget Meetings he wanted to let the Town Board know that he will be on vacation October 19<sup>th</sup> through October 28<sup>th</sup>.

Supervisor Hotaling asked if there were any additional comments.

Attorney Wukitsch stated that once he gets a handle on everything that he is working on he will provide the Town Board with a summary of what he is doing.

Supervisor Hotaling stated that he wanted him to take a look at the correspondence that Town Clerk Millious had received from the Town of Bethlehem relative to Franchise Agreements. He continued by saying that it was interesting to him because he was advised by Mid-Hudson Cable that according to Property Tax Law 626, it provides for an offset of town and county taxes and in turn took \$8,000.00 off an \$11,000.00 Franchise Fee. He added that if their interpretation/opinion is accurate, it appears that from Town Clerk Millious' review of last years numbers they should have only taken \$4,500.00 off. He then asked that Attorney Wukitsch review Property Tax Law 626 and then provide his assessment of what it means with respect to the opportunity for a cable companies to offset their property taxes.

Attorney Wukitsch stated that he would review it.

Supervisor Hotaling stated that the Town has a 3% Franchise Agreement with Mid-Hudson, which equates to \$11,000.00 a year that the Town receives and added that it is a nice revenue to have. He continued by saying that when they offset that \$11,000.00 with \$8,000.00 in property taxes and in turn only pay \$3,000.00 there is no benefit to the community. He went on by saying that if this is the case he would rather not have a Franchise Agreement, which would force them to build in places like Copeland Hill Road and added that this is the position that he might have to take.

Attorney Wukitsch stated that the opinion that he has in front of him says that the franchise holder may credit franchise fees against all Town taxes and added that it excerpts out certain charges that are imposed for the benefits received in a limited area of the Town like a Sewer District or Special Improvement District. He concluded by saying that he will study it and get back to the 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**

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 4 – NAYS 0 – SO MOVED

Time: 9:22pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Public Hearing was held Monday, September 24, 2007, 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 Millious, Town Clerk

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Supervisor opened the meeting and led the Pledge of Allegiance.

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The following Notice appeared in the Ravena New Herald.

Supervisor Hotaling asked that Town Clerk Millious read the notice.

Town Clerk Millious read the following Notice.

**NOTICE  
OF  
PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that pursuant to Section 452 of the General Municipal Law the Town Board of the Town of Coeymans will hold a Public Hearing on Monday, September 24, 2007, at 6:30pm, at the Town Hall, 18 Russell Avenue, Ravena, NY 12143 for the purpose of receiving comments from the public on the Time Warner Franchise Agreement. Copies of the Franchise Renewal Agreement are available for review by the public at Town of Coeymans, Town Clerk’s Office, 18 Russell Ave., Ravena, NY 12143, (518)756-2100.

**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 purpose of the Public Hearing is to receive comments with respect to the Time Warner Franchise Agreement and continued by saying that it is an agreement that is reached between the cable provider and municipality for a particular period of time to provide cable services to the Town under the terms and conditions of the franchise. He added that Mr. John Mucha was present to provide a summary of the franchise and continued by saying that his role in Time Warner is to deal with municipalities. He then asked that Mr. Mucha go to the microphone and summarize for them the negotiations that went on between Time Warner and the Town of Coeymans.

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**TIME WARNER – MR. MUCHA’S COMMENTS**

Mr. Mucha stated that his title is Director of Government Relations for the Albany Division and added that he attends a lot of Town Board, Village Board Meetings and meets with Mayors to discuss their cable television franchises. He continued by saying that occasionally there is a question from a municipality about some part of the agreement that he is involved with as well. He went on to say that the most current franchise that the Town had with Time Warner expired in December 2003 and added that

it has been a while since they had an agreement and continued by saying that the way it works in the State of NY is that the Public Service Commission grants the municipality and the cable operator temporary operating authority so they will be able to continue to operate while they are discussing whatever issues might be outstanding. He added that he met with Supervisor Hotaling in May to begin the process of renewal and went on to say that he had a few issues that he wanted him to work through with him. He continued by saying that in July he sent Supervisor Hotaling a proposal for a renewal, which they made changes to and in turn he sent him the latest proposal in early September. He went on by saying that the new agreement is similar to the old one and added that there were a couple of changes to reflect new rules that the Public Service Commission adopted as well as the term being changed from a ten-year term to a shorter period of 6 years in order to allow it to coincide with the expiration of the agreement that the Town has with the other cable operator in the Town. He continued by saying that the franchise fee paid to the Town in the old agreement was 3% of their cable television revenues and added that it has been increased to 5% based on Supervisor Hotaling's request, which is the maximum amount that the Federal Government allows cable operators to pay municipalities. He concluded by saying that when the Town Board is satisfied with the agreement they will need to pass a resolution authorizing the Supervisor to sign the agreement on behalf of the Town and in turn they would take the resolution and a copy of the Legal Notice and copies of the signed agreement and prepare an application for the Public Service Commission for review to make sure that there is nothing in there that does not meet Federal or State rules and once they have approved it they have a renewal, which usually takes 3 months.

Mr. Mucha then asked if there were any questions.

Supervisor Hotaling thanked Mr. Mucha and then asked if there was anyone present that wanted to make public comment about the Time Warner Cable Franchise.

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## **PUBLIC COMMENT**

**Mr. Ernest Appleby Jr.** stated that he lives on Copeland Hill Road, which is one mile off Rte. 32 and one mile off from Albany County Route 301 and continued by saying that they have no cable or access to cable and added that they are hoping to get service out there. He added that this is the first time that he has heard about any agreement with Time Warner.

Supervisor Hotaling stated that this is not the first agreement with Time Warner and added that as Mr. Mucha had indicated this is a renewal. He continued by saying that initially the agreement was ten years prior to December 2003 and added that he knows that their coverage area is fairly limited as compared to the whole town. He went on by inviting Mr. Mucha to talk about that in an open dialog in an effort to see where Mr. Appleby is located and if the possibility exists for Copeland Hill to get cable service from Time Warner.

Mr. Appleby stated that he knows that Time Warner Cable ends at the Town of Bethlehem line at the bottom of Blodgett Hill.

Supervisor Hotaling interjected that Time Warner comes up Blodgett Hill for a ways into the Town of Coeymans.

Mr. Mucha stated that it was true and added that he is not familiar with the geography of the area.

Supervisor Hotaling asked that Mr. Mucha take Mr. Appleby's name, number and contact information to bring back to Time Warner representatives.

Mr. Appleby continued by giving his information and added by saying that he has quite a few neighbors who wanted to attend but were not able to.

Mr. Mucha inquired as to how far it is from where Time Warner terminates and his home.

Mr. Appleby stated that it is approximately 3 miles and added that he does not know how far up Rte. 32 Time Warner comes and went on by saying that it turns into the Town of New Scotland on the other side. He continued by saying that they have also been trying for several years to get better phone service because of the wait for dial-up and added that they are limited because there is no one else to turn to for cable services.

Supervisor Hotaling inquired as to how far Mid-Hudson comes down.

Mr. Appleby stated that as far as he knows they do not come beyond Coeymans Hollow.

Supervisor Hotaling stated that it was not true because they run as far as Alcove.

Councilwoman Chmielewski interjected that it is in Alcove.

A member of the audience stated that she believes that it runs to Lindskoog Road.

Mr. Appleby interjected that Lindskoog Road is at least four miles from him and added that he is on the Coeymans/New Scotland border and added that they get nothing.

A member of the audience stated that they are on Morehouse Road in Coeymans Hollow, which is off of Blodgett Road.

Supervisor Hotaling asked that Mr. Mucha speak with Time Warner technicians to see what the possibility is of running cable out there. He then asked if there were any other comments.

**Ms. Lisa Appleby** stated that she is the wife of Ernie Appleby and continued by saying that they can only get dial-up for their internet service and added that in this day and age and going in to the year 2008 they should be able to have the technology that other people have. She continued by saying that they are very limited and went on to say that her children can not do a lot of things for school because it takes hours to download files, which would take only minutes with cable. She added that her daughter who is a college student cannot access her college website when she is home because the dial-up won't let her and added that it limits her to coming home and being able to do anything that she needs to get access from college when she is on vacation. She concluded by saying that they feel very limited and very disconnected from everyone else and added that it is not about the television but rather the internet because in this day and age you have to have access to it to do things for school.

Supervisor Hotaling thanked Ms. Appleby and added that the franchise is pretty consistent with most franchises in that the requirements for line extensions is 20 and added that in some municipalities with some cable companies it is a little less depending on the concentration coming up to that area. He continued by saying that typically they want 20 residential units per mile and went on to say that they have the opportunity to extend when that concentration exists and added that it does not say that they won't do it with less than that. He added that when it is done beyond that typically it is with the cost being born by those people who are receiving the benefit and went on to say that he does not know how much it costs to extend cable but believes that it would be substantial. He continued by saying that it plays both ways and added that the company does not want to extend in an area where they are not going to see a return for their investment and went on to say that the people are either unable or not willing to bear the cost for concentrations less than that. He concluded by saying that he understands that they are squeezed in the middle of the two opposing purposes.

Ms. Appleby stated that they do have neighbors that were not able to attend the Public Hearing and added that they are speaking on behalf of their neighborhood. She continued by saying that there are a lot of people that live around them that are very frustrated because they have nothing.

Supervisor Hotaling stated that it could very well be that the cost of extending lines has come down over the years as technology has advanced. He continued by saying that Mr. Mucha and his technical staff could address this.



Mr. Appleby interjected that Mr. Mucha and his people can look at it and added that if that were the case he would not have phone service because there is no way that Verizon is making a return on their phone line as well as the electric company. He continued by saying that he has the Town telling him the value of his property is an enormous amount but he has nothing.

Supervisor Hotaling stated that it would seem to him from a lay person's perspective that providing phone service is a different standard in terms of what the phone company is required to do as opposed to a cable service.

Mr. Appleby interjected that it appears that they are all jumping in the same business and in the same pool.

Supervisor Hotaling stated that Time Warner has an all in one concept and reiterated that now with the technology out there the build may be more cost per mile. He continued by saying that he would suggest that he find out from his neighbors who are interested and in turn he will communicate it to Mr. Mucha. He concluded by saying that this might send a better signal to those that make the decisions.

Mr. Mucha stated that as he had said earlier he talks to a lot of villages and towns in the Capital District and added that he hears this a lot and continued by saying that Governor Spitzer put money in his budget to help fund broad band access, which he believes was 59 million dollars. He went on to say that it seems like a lot of money but when you look at the State of New York it is a drop in the bucket and added that the State Public Service Commission density threshold where they are required to build is 35 homes per mile. He went on to say that in their agreements they normally put in 20 homes per mile, which is quite a bit better than the state requirement and added that the issue is always economics. He continued by saying that he understands what they are saying and added that the issue is always as to what point it is profitable for them to build it and get a return on it. He concluded by saying that they will be more than happy to survey where they live and see how far it is and how many homes there are from where their plant terminates and added that he will get back to them and continued by saying that he does not want to mislead anyone because it is about money.

Ms. Appleby stated that she understands that it is about money and they have to make a profit and continued by saying that she is sure that they make a profit off everyone that lives in a suburb. She added that in this day and age it should be just as much a necessity as having a phone or electricity because it is what the world is today and continued by saying that you have to obtain information from the internet that you don't get in other places.

Mr. Mucha stated that it is more of a legislative issue than an issue for a private company and continued by saying that the phone networks and electric grids were originally built with public funds and added by saying that there are no public funds involved in building cable companies. He went on to say that they are not a utility in the same way that a power company or phone company is and concluded by saying that it does not take away the problem and added that they will certainly take a look at it.

Mr. Appleby stated that he would appreciate anything that he can do.

Mr. Mucha reiterated that they will take a look at it.

Supervisor Hotaling asked that they keep him in the loop.

Councilman Boehm inquired as to whether or not another cable company could come in and provide the service where there is a franchise.

Mr. Mucha stated that in the State of New York and maybe the entire country every Cable Television Franchise is non-exclusive, which is by federal rule. He continued by saying that for example Verizon could come to the Town and say that they want to apply for a franchise for cable television. He added that there can be as many operators as you wish.

Supervisor Hotaling stated that those companies now are in an effort to put a consortium together and advocate that the State of New York grant a statewide franchise, which would eliminate the need to come to a municipality to negotiate individual franchises. He added that if the State would grant an umbrella franchise everyone in the state would be able to build where ever they want based on the franchise.

Mr. Mucha stated that there is a movement to do that and added that they are of course opposed to doing that. He continued by saying that they feel as though direct relationship is the way to go.

**Ms. Edna Kniffen** stated that she lives in Ravena and continued by saying that neither she nor her daughter was aware that Time Warner had a franchise. She then inquired as to if it will affect having cable in the Village.

Supervisor Hotaling stated that it is a non-exclusive franchise that they grant Mid-Hudson as well as Time Warner and continued by saying that he does not know if there is an unwritten honor among cable companies. He added that presumably if Time Warner chose, they could build right alongside Mid-Hudson and offer services in the same area. He continued by saying that it will not impact the ability to receive cable through her current provider, which is Mid-Hudson who also has a franchise that will expire in 2013 and added that Mid-Hudson is not restrained from building in areas served by Time Warner. He concluded by saying that the non-exclusive franchises are designed to promote competition and added that he believes that there might be an unwritten agreement not to go into each others territory.

Supervisor Hotaling continued by asking if there were any other comments, hearing none he asked for a motion to adjourn the Public Hearing.

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## **ADJOURNMENT**

### **MOTION**

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

VOTE – AYES 4 – NAYS 0 – SO MOVED

Time: 6:52pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Town Board Meeting was held Monday, September 10, 2007, 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

**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 present in addition to Town Clerk Millious, Town Attorney Rotello, Chief of Police Darlington and Superintendent of Highways Deering. He continued by saying that previous to the meeting there was a Public Hearing relative to the Section 8 Agency Plan.

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**AGENDA**

- Public Announcement
  - 2007 Middle Class STAR Rebate Program
- Public Comment
- Approval of Minutes
  - Town Board Meeting, July 23, 2007
  - Town Board Workshop, August 21, 2007
- Old Business Update and Discussion
  - Renew Sewer Bond Anticipation Note
  - Martin’s Hill Water District Project
- New Business
  - Resignation of Town Attorney
  - Resignation of Police Officer
  - Town of Coxsackie, Ambulance Service
  - Requests for Training, Building Inspectors
  - Joralemon Park and Hannacroix Creek
  - Proposal for 2007 Salary for Town Attorney
  - Town Hall Water Mitigation
- Resolutions
  - Adopt Agency Plan for 2007 Section 8 Housing Choice Voucher Program
  - Reappoint Assessor
  - Payment of Jett Industries, Inc. Claim for Fees
  - Appoint Attorney for Town of Coeymans
  - Approve Bogardus Way
- Correspondence
  - NYS Department of Transportation, Post Office Parking
  - NYS Department of State, Shared Municipal Service Incentive Grant Program
- Town Board Workshops/Meeting
  - Town Board Workshop, September 18, 2007, 6:00pm
  - Public Hearing, September 24, 2007, 6:30pm
  - Town Board Meeting, September 24, 2007, 7:00pm

**PUBLIC ANNOUNCEMENT**

**2007 Middle Class STAR Rebate Program**

Supervisor Hotaling stated that Assessor VanValkenburg had received a letter relative to the 2007 Middle Class STAR Rebate Program and continued by saying that the Assessor is advised by the acting Commissioner, Barbara G. Phillip of the Department of Taxation and Finance of the progress implementing the Middle Class STAR Rebate Program. He then read the following excerpt:

“Since this year’s Program is based on income, Basic STAR recipients must submit an application to receive their rebates. Enhanced STAR recipients do not need to apply; they will receive their rebate checks automatically.”

Supervisor Hotaling reiterated that those receiving the Basic STAR will be required to submit an application before they can receive any rebate and continued by reading the following excerpt:

“The Department’s mailings are proceeding according to schedule; therefore property owners in your area have been or will be receiving applications or Enhanced checks by mid September.”

Supervisor Hotaling continued by saying that there is a toll free number 1-877-678-2769 that you can call and access information to file an application. He added that for those homeowners that did not receive a preprinted application and STAR code from the Tax Department due to recent changes in homeownership or assessment data issues there is a blank printed application that can be supplied by the Assessor. He went on to say that homeowners are encouraged to visit the Tax Department website at [www.nystax.gov](http://www.nystax.gov) to apply online and continued by saying that filing online is fast, free and secure and the homeowner will receive an electronic confirmation that the application was received. He added that filing online is the fastest way to receive a rebate check and went on to say that the deadline for filing an application is November 30, 2007. He concluded by saying that the burden is on the taxpayer to file the application and added that the information will be on the bulletin board in Town Hall as well as any other questions regarding it can be addressed with the Assessor’s Office at 756-8927.

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**PUBLIC COMMENT**

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

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**APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were two sets of minutes for Town Board approval, a Town Board meeting on July 23, 2007 and a Town Board Workshop on August 21, 2007 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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**OLD BUSINESS**

**Renew Sewer Fund Bond Anticipation Note**

Supervisor Hotaling stated that the debt that remains in the Town is the sewer debt and added that it is time for renewal of a BAN that was taken out for \$500,000.00 for the Waste Water Treatment Plant upgrade, which began a couple of years ago and continues. He added that the \$500,000.00 is also accompanied by other sewer debt that was previously in place and continued by saying that there are two other W.W.T.P. BANS totaling \$215,000.00 and went on to say that with the \$450,000.00 that remains on the major improvement BAN they are going to resell that note for \$665,000.00 with a sale date of 09-14-07, which is being handled by Bernard P. Donegan, Inc. He concluded by saying that the award for this sale will be 09-28-07 in a call made from Rochester to his office by conference call and then asked if there were any additional questions or comments.

Councilman Boehm inquired as to what part is the Village's responsibility.

Supervisor Hotaling stated that the \$75,000.00 remaining principal on the reconstruction of the sewer system, the \$90,000.00 additional waste water improvement debt, and \$50,000.00 waste water improvement debt for a total of \$215,000.00 is not any responsibility of the Village because when the debt was incurred and when the projects were done and the money was used, the Village was billed and paid. He reiterated that the Village has no obligation for \$215,000.00 of the debt and added that the remaining \$450,000.00 of the debt they do have an obligation for. He continued by saying that it is currently contractually 50% and added that there are ongoing negotiations that will potentially recognize that the share should increase given the breakdown of the benefit derived contract, which is in continued discussion with the Village. He concluded by saying that they retired a debt for the sewer this year and added that it is the original Farmers Home Administration Sewer Construction 30 year bond that was taken out in the mid 70's for the construction of the Waste Water Treatment Plant.

### **Martin's Hill Water District Project**

Supervisor Hotaling stated that a couple of years ago it was identified to them by residents that there is a water problem on Martins Hill with regard to drinkable water. He continued by saying that they have been in discussions with the Village and have received approval for an extension of a water line into the existing Water District up Martins Hill. He added that they are in the map planning phase of the project and continued by saying that their attorney has written to them and given them the legal parameters of what is going to be required for the district users to have the obligation to pay the debt. He continued by saying that the period of debt service is anticipated to be 20 years, which requires a contract with the water supplier to be able to provide water to that Water District for that period of the debt. He went on by saying that he has sought by letter from the Village of Ravena such a contract and added that there seemed to be some confusion on the part of the Village and in turn he got back the same agreement that they had utilized in 1982 as an extension of the contract. He concluded by saying that the 1982 agreement with the Village pertains to Water Supply Districts and added that it is a Water District, which is totally different and continued by saying that in his opinion it requires a separate contract. He then asked if it is the Town Boards pleasure for him to continue to correspond with the Village in an attempt to get a contract.

Councilwoman Chmielewski inquired about #4 of the Village proposal which states: "There is to be no extension of lines beyond those originally proposed in this new supply district without prior approval of the Village Board". She continued by inquiring as to if they are going past where they had said that they would supply water to.

Supervisor Hotaling stated that it is an issue and continued by saying that the Water District has been defined already. He added that it would seem to him that as long as it is in the existing Water District, regardless of how many users there are on the line, the more users that you have the better apportion the debt service is. He concluded by saying that it does trouble him that there is no extension of lines beyond those originally proposed and added that he made it specifically clear that it was not a supply District but rather a Water District and continued by asking if the Town Board wishes him to attempt another clarification.

Councilwoman Chmielewski interjected that it needs to be clarified.

Councilman Boehm inquired as to if the sleeve that will be placed on the top of Martins Hill will include that area.

Councilwoman Chmielewski interjected that this is the area that she is questioning.

Supervisor Hotaling stated that it will be outside the Water District and added that #4 would not impact that at all. He continued by saying that what would currently impact that is the 19 homes up Martins Hill that are in the Water District and the potential subdivision of approximately 10 or 12 homes to the south of there that were an extension of the existing water line that was approved. He added that if they pick up another 10-12 other users, it would lower each property owners cost in terms of the debt and continued by saying that more is better. He concluded by saying that he does not know what the Village means when it says only the line that has been proposed is the line that is going to be approved.

Town Attorney Rotello interjected that the potential subdivision is currently in the Water District and added that it is not an extension of a further district.

Supervisor Hotaling stated that the sleeve on top of Martins Hill is outside the current District.

Councilwoman Chmielewski interjected that this is her question.

Supervisor Hotaling stated that the sleeve is something that is going to be worked out with the Department of Transportation when they do the road construction in anticipation of at some future date the Water District will be extended beyond its existing boundaries.

Councilman Boehm stated that if it is a definitive number of homes they might be able to include them in the negotiations.

Supervisor Hotaling reiterated that they are not within the existing Water District and added that this would not be part of the need for the existing District.

Town Attorney Rotello stated that there is also an issue with the other subdivision already being in the District and added that he does not know whether or not they can say that they cannot hook-up and added that he believes that they would be required to hook-up.

Supervisor Hotaling stated that this is why #4 of the proposed agreement is troublesome to him and added that he didn't realize that Councilwoman Chmielewski was talking about the sleeve at the top of Martins Hill.

Councilwoman Chmielewski stated that this is mostly what she is talking about and added that it would be going past where the Village said they will be giving water to.

Supervisor Hotaling stated that they would be going past where they originally want to give water to and continued by saying that where they are going past is already in the Water District.

Town Attorney Rotello stated that there is also one thing in the second to last paragraph that has been an issue that has come up in the past in the Hamlet and added that it is the current contracts inflated cost that goes outside the Village limits and what they pay for their water and what it is designed to cover in connection with the 1982 agreement. He continued by saying that the paragraph refers to training Town personnel to repair and replace the line.

Supervisor Hotaling stated that he had raised this with Mayor Bruno and Trustee Wade in a meeting prior to sending his original letter to the Mayor and added that if you put a new Water District together and new water lines are there you do not anticipate digging it up for 50 years. He continued by saying that if there is a problem such as an unanticipated

leak he does not know if the Town has a crew currently that would be certified to work on the water line. He added that he had asked Mayor Bruno and Trustee Wade if as part of the agreement they would contemplate giving the Town a separate contract to not only repair if necessary but also participate in the training so that the Town can have a certified crew.

Town Attorney Rotello stated that it may ultimately address other issues as it relates to the supply of water in the existing Water Supply District and the rate that is paid.

Supervisor Hotaling stated that Water Supply Districts could be adjusted from Supply Districts to Water Districts and added that the Town could take over their own infrastructure.

Town Attorney Rotello stated that there was a maintenance/replacement issue that arose in the past.

Supervisor Hotaling stated that time is of the essence and continued by saying that he tried to explain to Mayor Bruno and Trustee Wade that they are up against a DOT project that is going to tear up Rte. 143 and the fact that it makes sense that they have the project in place prior to the redo of Rte. 143. He continued by saying that they will not allow cross road cuts after the new road is in and added that they would have to bore under it, which would be three times more expensive. He reiterated that time is of the essence and went on to say that they need a Water Contract. He concluded by saying that if the Village is suggesting that they develop a contract, does he have the authority to go back to their attorney Mr. Haffner to put together a contract and proper it to the Village or should he wait for the Village to give him a contract and then deal with it.

Councilwoman Rogers inquired as to whether or not the Village might be waiting for a contract.

Supervisor Hotaling stated that he thought the he had it nailed down with he met with Mayor Bruno and Trustee Wade and added that confusing the Supply District with Water District is not going to work.

Town Attorney Rotello stated that if he was presented with a contract he would in turn provide a copy to Mr. Haffner to make changes.

Supervisor Hotaling stated that it was correct and added that the Village also states that they do not want to incur any costs associated with the drawing of the contract between the new district and the Village. He continued by saying that he does not know what the cost would be if they do it and added that they could give him a draft contract.

Councilman Boehm stated that maybe they would have to pay an attorney to do it.

Supervisor Hotaling asked what the Town Board wanted him to do.

Councilwoman Chmielewski stated that she thinks that they should contact Attorney Heffner to help them develop a contract and in turn they can send it to the Village and added that they can work from there.

Councilman Boehm stated that it has to be done so it can be part of the construction next year.

Councilwoman Chmielewski interjected that if the Village does not want to bear the expense then the Town will have to so they can get the project going.

Supervisor Hotaling stated that ultimately it is for the benefit of those in the district and added that the cost associated with that will have to be born by those in the district. He continued by saying that the Town Board has authorized some General funds to get the project going and went on to say that those costs will also have to be assigned to the district, such as Mr. Vopelak's cost for engineering. He concluded by saying that with the

Town Board's guidance he did not think that it had to be in the form of a motion and added that he will contact Mr. Haffner to do the work.

Supervisor Hotaling asked if there were any other Old Business topics that were not on the agenda, hearing none he moved to the next item on the agenda.

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## **NEW BUSINESS**

### **Resignation of Town Attorney**

Supervisor Hotaling stated that pursuant to Town Law and as recommended by the Association of Towns, Mr. Joseph C. Rotello, Town Attorney has rendered a letter dated September 7<sup>th</sup> to Town Clerk Millious and continued by reading the following:

Diane Millious, Town Clerk  
18 Russell Avenue  
Ravena, NY 12143

Dear Ms. Millious:

Pursuant to Town Law please accept this letter as notification of my resignation from the position of Town Attorney as of September 17, 2007. It has been a pleasure serving with you. The Town is fortunate to have such a dedicated and efficient Town Clerk. Best wishes to you and your staff.  
Thank you.

Very truly yours,

Joseph Rotello

Supervisor Hotaling stated that accompanying that there was also a letter to him and read as follows:

Dear Supervisor Hotaling,

As you are aware I have accepted a position with the New York State Supreme Court Appellate Division 3<sup>rd</sup> Judicial Department. This position requires me to leave private practice including my position as Town Attorney. Therefore, in accordance with Town Law I enclose herewith my resignation letter submitted to our Town Clerk Diane Millious.

I would like to thank all Board members with whom I have served, especially for the confidence that they have placed in me with each term of my appointment. It truly has been an honor to serve.

Under your stewardship and the dedication and commitment of the entire Town Board our Town is poised to make great advancements not only as a result of its now fiscally strong position but also from the implementation of the adopted Comprehensive Plan. I will miss being a part of your team and working with the Town Board in representing our fine community.

In reflecting on what I will miss most as Town Attorney as well as private practice, the answer is always the same, the people for whom I have worked. I wish the best to you, the Town Board, the entire community and extend heartfelt thanks for having been given the opportunity to serve.

Sincerely yours,

Joseph C. Rotello



Supervisor Hotaling continued by saying that those words can be turned around and said to Attorney Rotello in terms of his service to the Town Board. He continued by saying that he knows of no other person that has a greater dedication to his community than Mr. Rotello and went on to say that with regret he will accept a motion to accept his resignation.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, also with deep regret, accepting the resignation.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling asked if there were any other comments.

Councilwoman Rogers wished Town Attorney Rotello good luck.

Councilwoman Chmielewski interjected that it has been a pleasure working with him.

Town Attorney Rotello stated that it has been a pleasure for him as well.

Supervisor Hotaling stated that he knows that he will do great things as he moves on to other endeavors.

## **Resignation of Police Officer**

Supervisor Hotaling stated that he was in receipt of a resignation of a Police Officer and continued by asking that Chief Darlington give some background in regard to the circumstance.

Chief Darlington stated that Officer Miller works full-time for Schodack Police Department and added that he injured himself working there and as a result he will not be able to perform his duties as a Police Officer for the Town of Coeymans. He continued by saying that he did not want to tie up a position that he felt needed to or could be filled and as a result rendered his resignation.

Supervisor Hotaling stated that there was a letter of resignation to Chief Darlington from Michael Miller due to an injury and added that he has returned all of his equipment. He continued by asking for a motion to accept the resignation.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the resignation was accepted.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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

Attention: Chief Darlington

Effective immediately I am resigning my position as a part-time Police Officer with the Town of Coeymans. Due to my recent injury and my doctor's advice I am forced to cut back on my work schedule.

I would like to thank you again and I greatly appreciate the opportunity to work for such a professional department with high standards, as well as an ethical reputation.

Respectfully,

Michael Miller  
Police Officer

## **Town of Cossackie – Ambulance Service**

Supervisor Hotaling stated that he received a letter dated August 29<sup>th</sup> from the Town of Cossackie Supervisor Alex Betke and continued by saying that it indicates that on January 1, 2007 the Town of Cossackie created the Town of Cossackie Ambulance Service as a municipal ambulance to provide Basic Life Support service to the Town & Village of Cossackie, replacing the former Cossackie Rescue Squad. He continued by reading the following excerpt:

“At this time we are applying for a Certificate of Need to expand our operational territory to include the Medway-Grapeville Fire District in the Town of New Baltimore an area served for more than 30 years by the former agency. We have the endorsement of the Town of New Baltimore to pursue this Certificate of Need.

As a neighboring Township we are required under the Certificate of Need process to first notify you of our intentions and secondly to ask for your endorsement for this expansion of territory. The Town of Cossackie Ambulance and the Greenville Rescue Squad have a Mutual Aid Agreement in place to provide back-up ambulance service to each other. The addition of this territory would further enhance this relationship.

To assist you with this process we have enclosed a draft endorsement letter and ask that you respond no later than October 5, 2007.

Thank you for your support in our efforts to provide the finest pre-hospital emergency medical care to our community”

Supervisor Hotaling continued by saying that he had also received word that the Ravena Rescue Squad had gotten the same letter and recommend the Certificate of Need.

Mr. Bill Price stated that they had met with them and their Board and agreed to the Certificate of Need.

Supervisor Hotaling asked the Town Board if there were any other comments or questions hearing none he asked for the Town Board’s authority to send a letter to Supervisor Betke, which will meet the requirements for the Certificate to be processed.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing Supervisor Hotaling to send a letter to Supervisor Betke indicting that the Town Board supports the Certificate of Need.

VOTE – AYES 4 – NAYS 0 – SO MOVED

## **Requests for Training – Building Inspectors**

Supervisor Hotaling stated that he is in receipt of a request for training from Building Inspector Conrad and added that there are two requests. He continued by saying that the first request is for James Weidman to attend NYSBOC on October 15 & 17 and added that each Building Inspector/Code Enforcement Officer is required to meet credit hours of training on an annual basis of which this will provide 11 hours of in-service training. He went on to say that he also has a request for Sante DeBacco to attend the NYS Fire Marshalls and Inspectors Seminar on October 16 & 17 and added that it will provide 18 hours of in-service training. He continued by saying that Mr. DeBacco shares employment with the Village of Ravena and added that typically in the past there was a sharing of the cost of the training, which he outlined in a memorandum. He concluded by saying that the request from the Building Inspector is to authorize those members of his staff to attend the training and then asked if there was any discussion, hearing none he asked for motion authorizing the training.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm authorizing attendance for training for James Weidman and Sante DeBacco.

VOTE – AYES 4 – NAYS 0 – SO MOVED

### **Joralemon Park and Hannacroix Creek**

Supervisor Hotaling stated that the disaster known as DR1692NY resulted in visits from SEMA and FEMA and continued by saying that many projects were outlined from a Highway Department perspective such as road shoulder erosions, culvert pipes, etc. He added that there was one in particular through Joralemon Park, which came about because of a complaint from a homeowner in that area who said that someone was going through the creek. He went on to say that it was investigated and it was found that a farming operation was taking place across the creek in an area that was then discovered to be land owned by the Town, which is an extension of Joralemon Park. He added that in going back there to investigate it was discovered that the stream bed in that area is an area that has been inundated with stones, rubble, fill, etc., which has created a higher than ordinary stream bed and continued by saying that during rain events it creates a flood zone to a point where homes have been overwhelmed with water. He went on to say that it was an opportunity for them to bring FEMA in and discuss it and added that FEMA came down with a stream expert and as a result a public works project has been initiated by FEMA in the amount of \$200,000.00 with an opportunity to increase the reimbursement for the project to remove the stone in the creek bed as well as mitigate the vegetative debris that is along the banks and tributaries. He continued by saying that it required a permit application to the Department of Environmental Conservation and went on to say that it appears that they are going to have to get a specialist engineer, which will be reimbursable under the project. He concluded by saying that they are attempting to get such expertise and added that they will continue to report the progress of the project and continued by saying that it is anticipated that it will be done beginning in the spring of 2008.

Councilman Boehm stated that there are some concerns about the potential flooding in the spring.

Supervisor Hotaling stated that he has a meeting the following day with the resident from that area who originally raised the concern and added that he urges the Town Board to put an end to anyone crossing the creek. He continued by saying that if the Town Board is of the opinion that the field should continue to be farmed, they need to make arrangements for access from Joralemon Park as opposed to crossing the creek.

Councilwoman Chmielewski suggested that Supervisor Hotaling get in touch with DEC to see if they knew of any experts that could help them.

Supervisor Hotaling stated that he had already done that and added that State agencies may have preferences but are not permitted to make recommendations such as that.

### **Proposal for 2007 Salary for Town Attorney**

Supervisor Hotaling stated that Town Attorney Rotello had rendered his resignation that they regretfully accepted earlier in the meeting and continued by saying that there is a proposal for an attorney for the Town. He added that he and Town Attorney Rotello met with Mr. David Wukitsch and in turn he agreed to serve as attorney for the Town and has agreed to accept as full payment the balance of the retainer owed to Town Attorney who was on a salary per month. He continued by saying that Mr. Wukitsch cannot serve as Town Attorney because it requires residency within the Town and added that he will be an attorney for the Town and added that the proposal is for him to accept exactly what Town Attorney Rotello would have gotten for the balance of the year. He went on to say that this will give the Town Board an opportunity throughout the budget process to consider and contemplate what type of Town Attorney or Attorney for the Town services they expect for the upcoming year and added that there were no commitments made to Mr. Wukitsch for continuation after January 1<sup>st</sup>. He concluded by saying that it has not

been ruled out and added that they should explore other options as well to get the best possible service that they can and continued by saying that later in the meeting there is a resolution to appoint Mr. Wukitsch to the role of Attorney for the Town.

### **Town Hall Water Mitigation**

Supervisor Hotaling stated that they are in the midst of moving the Police Department and Communications from Village Hall to Town Hall and added that the Village of Ravena recently sent a letter suggesting that Chief Darlington, his support staff and the Evidence Room be vacated within the next 30 days. He continued by saying that with this in mind they need to accelerate their efforts in Town Hall and added that All Method Waterproofing and Construction, Inc. had inspected the basement and added that the area is an unusual framed wall and foundation and added that rain finds its way through the foundation, which would be a significant problem in the Police Department. He went on to say that All Method Waterproofing and Construction, Inc. proposed \$6,356.00 to fix the problem by installing 72 feet of 4 inch PVC drainage, 576 square feet of Rigid Sealer and install a sump and ½-hp Zoeller pump and added that because of the unusual nature of the installation he was not convinced that this mitigation was going to be successful. He concluded by saying that there is a verbal commitment from the Village that they will put in a berm to divert the water away and added that he would rather not spend the \$6,356.00 on that and put it into the construction of the new Police Department. He then asked Chief Darlington how he felt about that.

Chief Darlington stated that his concern is stopping the water before it makes its way into the building and added that once it is in the building the moisture is there and mold and mildew will be forming behind the walls. He continued by saying that the proposal does not alleviate the problem but rather catches the water and diverts it somewhere else. He added that there are other plans that they can do themselves that would alleviate the problem.

Supervisor Hotaling continued by asking Highway Superintendent Deering if he believes that it would be worthwhile to put a catch basin in to be able to take the water down to West Shore Street.

Highway Superintendent Deering stated that the blacktop would have to be dug up and added that they could catch the water and divert it.

Chief Darlington stated that work is going to be needed on the blacktop anyway.

Supervisor Hotaling stated that this past April the low end of the basement took on about 3 inches of water.

Highway Superintendent Deering interjected that a berm would help.

Tape change – Some dialect lost

Councilman Boehm inquired as to if Chief Darlington had any other ideas.

Chief Darlington stated that they had discussed changing the pitch, putting in a catch basin and repairing the gutter.

Councilwoman Chmielewski inquired as to whether or not they were asking Highway Superintendent Deering to dig it up and added that he is probably in the midst of doing the roads.

Supervisor Hotaling stated that he wasn't asking him to do it now but rather if something like that could possibly mitigate the problem.

Councilwoman Chmielewski inquired as to if the Town's Highway Department would do the work.

Supervisor Hotaling stated that they would in addition to the Parks & Maintenance crew.

Superintendent of Highways Deering inquired as to if the Building Department and Assessor's Office gets wet.

Chief Darlington stated that the day of the big storm there was a little dampness.

Supervisor Hotaling reiterated that he did not think that it was a good idea to spend \$6,356.00 and not get rid of the water.

Councilman Boehm stated that he believes that between Chief Darlington and Highway Superintendent Deering they will be able to do it for much less.

Supervisor Hotaling stated that they will try it before they take any drastic steps. He continued by saying that given the 30-day commitment that they are trying to give the Village to vacate the area on the second floor, he would suggest that the effort should be to bring Chief Darlington, Clerk LaMountain, the evidence locker and record room over to Town Hall for the first phase of the project. He added that he envisions it to be 30-40 days from now and went on to say that in order to accomplish that they have explored some options and believe that the best one is to have the demolition person convert to construction. He went on to say that he had discussed it with Mr. William Darlington as well as the Town Board and continued by saying that they agreed that the first phase of the project is not to exceed \$7,000.00 in addition to wanting the construction completed as close to 30 days as possible to be able to comply with the Village's direction. He concluded by saying that if the Town Board agrees he would like to offer a motion to hire Mr. William Darlington for the construction phase.

## **MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Chmielewski, authorizing Mr. William Darlington to construct the office space to include the records room, evidence locker and administrative offices for the Chief of Police and his staff as the first phase and to have the construction occur within 30 working days with a cost not to exceed \$7,000.00 billed at an hourly rate of \$30.00 under the supervision of Chief Darlington and Maintenance Supervisor Perry.

**VOTE – AYES 4 – NAYS 0 – SO MOVED**

Councilman Boehm inquired as to what would prevent the Village from saying that they had to move the first floor including Communications within 30 days.

Councilwoman Chmielewski stated that they can take care of that when and if it happens.

Councilman Boehm stated that his concern is that they will be given 30 days to vacate the first floor.

Supervisor Hotaling stated that he does not anticipate that it will happen and added that the Mayor had stated that the Village Board had said that the School needs to rent the space on the second floor. He continued by saying that the second floor is not worth fighting over and added that the first floor might be worth fighting over.

Councilman Boehm stated that he would like to suggest establishing a timeline with Chief Darlington to get the first floor moved over in an attempt to give the Village Board an idea of what they have in mind, which might prevent an eviction type situation.

Supervisor Hotaling stated that he does not believe that they have a timeline and reiterated that he has had discussions with the Mayor about a timeline and added that when they were first asked all they had was a concept paper hand drawn to show the layout. He continued by saying that it has subsequently been more formalized in a project that has led to the demolition and about to lead to the beginning of the construction. He went on to say that they are being billed monthly for the space in the Village and added that they had indicated to the Village several months ago that they would not be signing a lease as well as telling them that they will do it as quickly and in as timely a fashion as they can. He concluded by saying that the Village has a need for the second floor and

added that they are trying to accommodate their need and continued by saying that the first floor is a different story because it contains Communications.

Councilman Boehm interjected that he agrees and added that he does not want to be held hostage by the Village with another 30 day order to vacate.

Supervisor Hotaling stated that he does not intend to be held hostage and added that if he feels as though they would be with another letter they will address it then and went on to say that he does not anticipate another letter. He continued by asking Councilman Boehm what he would suggest doing in order to avoid that.

Councilman Boehm stated that he would establish a timeline for the complete move of the Police Department.

Supervisor Hotaling interjected that if he can do that he will give him the go ahead and reiterated that he does not have a timeline. He continued by asking Chief Darlington if he has a timeline.

Chief Darlington stated that the only timeline that he has is for the initial phase and added that they are hoping to make it inhabitable within 30 days for himself and his staff. He continued by saying that they need to start processing the evidence to get it to Town Hall and went on to say that it is not just a matter of boxing it up and moving it.

Supervisor Hotaling interjected that there has to be a Chain of Custody.

Chief Darlington stated that the whole Chain of Custody has to be documented from each hand that it goes in over there and logged back in here and added that this alone would take a couple of days.

Supervisor Hotaling stated that in terms of a timeline that is a timeline and added that they have established one for phase one.

Councilman Boehm interjected that he could meet with Chief Darlington to establish a more defined timeline.

Councilwoman Rogers inquired as to if he is referring to a timeline for Communications.

Chief Darlington stated that Communications is going to be very difficult to move and added that they dealing with their own agencies as well as Albany County 911, New York State Police and the FCC. He continued by saying that they can give the Village what they would like to see as their timeline and added that his hesitation with a timeline is that they might be held to it.

Councilman Boehm stated that it does not have to be shared with the Village but rather something internally. He continued by saying that his concern is that now that they have been given a 30 days notice and are complying, there is probably another deadline coming because they are going to want the first floor for the library or another agency.

Councilwoman Rogers stated that the first 30 day notice was given and they didn't fight it and added that they would fight it if they got a second notice.

Councilman Boehm inquired as to what the legal ramification could be.

Town Attorney Rotello stated that there are logistical and legal impediments to even a court forcing a move because of all of the requirements that the Chief set forth in moving Communications. He continued by saying that it is also a public safety issue and added that Communications and Dispatch is for more than just the police and added that it is also for fire and rescue calls. He went on by saying that he does not believe that it will be an issue and continued by saying that if it were he does not believe that it would be looked upon with favor by any court in which they would actually bring an eviction proceeding given the nature of the public safety aspect. He concluded by saying that they have not expressed one at this point and added that they should keep moving forward and

added that moving Communications may require approvals that could be delayed and would be beyond everyone's control.

Supervisor Hotaling stated that they are doing their best and have made arrangements to comply with the first 30 day request.

Town Attorney Rotello stated that if it can be accomplished the Village should be accommodated and added that they should not make an issue where one does not need to exist.

Supervisor Hotaling stated that they would be commencing the project as soon as possible and then asked if there were any additional comments or any other New Business topics, hearing none he moved to the next item on the agenda.

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## **RESOLUTIONS**

### **RES. # 097-07ADOPT AGENCY PLAN FOR 2007 SECTION 8 HOUSING**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, the following resolution was APPROVED – AYES 4 – 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 and 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 2007 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 2007/2008 operation of the Town of Coeymans Section 8 Housing Choice Voucher Program.

### **RES. #098-07 REAPPOINT ASSESSOR**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – AYES 4 – NAYS – SO MOVED

**WHEREAS**, the Town of Coeymans has a Sole appointed Assessor, and

**WHEREAS**, Laura VanValkenburg was appointed Sole Assessor November 1, 2004, to complete the unexpired term left vacant by the departure of Tina Dimitriades, and

**WHEREAS**, the current term expires September 30, 2007, and

**WHEREAS**, the Town Board recognizes the professionalism and experience demonstrated by Ms. VanValkenburg and has recommended her retention,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does appoint Laura VanValkenburg as Sole Assessor for a term of six years, expiring September 30, 2013.

### **RES. #099-07 PAYMENT OF JETT INDUSTRIES, INC. CLAIM FOR FEES**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans was served a Notice of Claim by Jett Industries, Inc. on March 23, 2007, claiming \$4,447.00, plus interest, for electrical subcontracting fees paid in connection with the Waste Water Treatment Plant clarifier and aeration improvements, and

**WHEREAS**, the Town has reviewed this claim in detail with its engineers and the Town Attorney, who have recommended the same be settled,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorizes the settlement of this matter for the amount of \$4,000.00, and directs that payment be made therefore and that the check be noted as “payment in full”.

Supervisor Hotaling asked that Town Attorney Rotello fill them in on his negotiation efforts.

Town Attorney Rotello stated that there were numerous discussions with Ed Vopelak regarding the issues of the subcontractor of the general contractor who claimed that the work was not in sufficient detail to provide their bid to satisfy and justify what they got paid on the project and added that additional work was required. He continued by saying that the contract, bid proposal and communications were required and went on to say that there were several communications back and forth between the general contractor, subcontractor, and the Town’s engineers. He added that given some of the issues it seemed appropriate that they would compromise this matter and be granted some consideration with regard to the interest and some off the principal that was claimed, which brought about the proposal. He concluded by saying that it has been accepted by the attorney for Jett Industries and added that it now needs Town Board approval.

**RES. #100-07 APPOINT TOWN ATTORNEY**

On motion of Councilman Boehm, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSTAIN 1 – SO MOVED

**WHEREAS**, Joseph C. Rotello, Esq., attorney for the Town of Coeymans has submitted his resignation as Town Attorney to be effective September 17, 2007, and

**WHEREAS**, the Town wishes an attorney pursuant to Town Law Section 20 to render legal advice to the Town Board through and including December 31, 2007.

**NOW, THEREFORE, BE IT RESOLVED**, that David J. Wukitsch, Esq. of McNamee, Lochner, Titus & Williams, P.C. is hereby appointed as attorney to the Town of Coeymans pursuant to Town Law, Section 20, to be effective September 17, 2007, and

**BE IT FURTHER RESOLVED**, that Attorney Wukitsch shall serve as attorney to the Town through and including December 31, 2007, and

**BE IT FURTHER RESOLVED**, that the office of Town Attorney is hereby abolished through and including December 31, 2007, and

**BE IT FURTHER RESOLVED**, that for his services Attorney Wukitsch shall be paid the pro-rated balance of Attorney Rotello’s retainer from September 17, 2007 through and including through December 31, 2007.

Councilman Boehm inquired about the wording and Attorney Rotello being Town Attorney as opposed to Attorney Wukitsch being an Attorney for the Town because he does not reside in the Town.

Supervisor Hotaling stated that Mr. Wukitsch refers to himself as Attorney to the Town.

Town Attorney Rotello stated that two different sections of Town Law govern the position and added that he was paid a salary as a Town employee. He continued by saying that Attorney Wukitsch will be paid by voucher as a 1099 recipient.



Supervisor Hotaling stated that the next resolution is a result of a request that they received from the Building Department as a result of an approved subdivision that occurred in May 2005.

**RES. #101-07 APPROVE BOGARDUS WAY**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town Board has previously received requests to approve the identifying names of private roads, and

**WHEREAS**, Building Inspector Conrad has received a letter requesting Town Board action in designating a name for a private road off Biechman Road, and

**WHEREAS**, this private road was approved by the Planning Board as part of an approved subdivision of May 2, 2005, and

**WHEREAS**, it is necessary to provide a name for 911 purposes,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby accept the recommendation of the Building Inspector and designate the private road off Biechman Road as Bogardus Way, and

**BE IT FURTHER RESOLVED**, that the Town Board directs the Town Clerk to notify appropriate public safety personnel with regard to the designation, as well as the Highway Superintendent to arrange for signage to be appropriately affixed to identify such road.

Supervisor Hotaling asked Highway Superintendent Deering as to the process for signage of a private road.

Highway Superintendent Deering stated that the owner pays for the sign.

Supervisor Hotaling inquired as to if he advises them as to the type of sign.

Highway Superintendent Deering stated that it would be the same sign as all of the Town roads.

Supervisor Hotaling asked that Highway Superintendent Deering take the lead in arranging for the sign and continued by asking that Town Clerk Millious notify the appropriate public safety personnel including Chief Darlington, Chief Dispatcher LaMountain in addition to the Fire District and County 911. He added that he is not sure as to who would take the lead on notification and continued by saying that he believes that it would be the Town Clerk.

Chief Darlington stated that as far as 911 and notifying the County he believes that it is the Building Department that does it.

Supervisor Hotaling asked that Chief Darlington work with Town Clerk Millious and the Building Department to make sure that it gets done.

Councilwoman Chmielewski stated that the road will not be plowed because it is a private road and then asked for confirmation from Highway Superintendent Deering.

Highway Superintendent Deering stated that as a private road it will not be plowed.

Councilman Boehm inquired as to why it is Bogardus Way and not Bogardus Road.

Supervisor Hotaling stated that this was the owner's request.

Highway Superintendent Deering interjected that he wanted the Town Board to understand that the owner buys the sign, post and hardware to install the sign and added that the Highway Department will install the sign.

Supervisor Hotaling asked that Highway Superintendent Deering do it in a timely fashion.

Town Attorney Rotello stated that it should be consistent with their past practice.

Supervisor Hotaling stated that it should be in accordance to the specifications that he prescribes to the owner.

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## **CORRESPONDENCE**

### **NYS Department of Transportation – Post Office Parking**

Supervisor Hotaling stated that he received a Notice of Order from the Department of Transportation relative to parking at the post office. He continued by saying that after being rejected by an offer to move the post office to the Town's 70 South Main Street Municipal Building the post office decided to renew the lease at the location on Main Street in Coeymans. He added that there continued to be parking problems and went on to say that he had a successful meeting with the Department of Transportation and County Legislature Clouse in getting DOT to agree to putting a crosswalk across the road in addition to erecting two signs that will provide two parking spaces for 15 minute parking within the prescribed hours of post office operation. He continued by saying that the Department of Transportation complied with the request and as a result sent a Notice of Order about the signs instructing the parking arrangements and added that it was amended to read not to exceed 15 minutes from 7am to 5pm weekdays and 7am to 10am Saturdays. He went on by saying that he wanted this specifically so that the residents in the area, who already rely on those two spots to get off-street parking, will be able to outside the regular hours of the post office operation be able to park in those spots legally. He continued by saying that the shoulder area needed some work and added that he had mentioned to Deputy Highway Superintendent Searles that he was going to reach out to Mike Johnson from the Department of Transportation to get someone from there to do the work and added that shortly after he had noticed the work was done. He then asked Highway Superintendent Deering if his crew had done the work.

Highway Superintendent Deering stated that they had done the work on the post office side from Fourth Street down and added that the Department of Transportation did the parking side.

Supervisor Hotaling stated that he had mentioned it to Deputy Highway Superintendent Searles because he did not get the sense that DOT was going to rush down and do it.

Highway Superintendent Deering interjected that they were there right away.

Supervisor Hotaling stated that the only other thing that they need to do is to try to get Mr. Johnson to understand the need for some warning signs, particularly in the southbound lane where you approach the crosswalk. He added that he wants a Yield to Pedestrian in Crosswalk sign that would be placed an appropriate distance up the road.

Highway Superintendent Deering stated that he would speak with Mr. Johnson about it.

Supervisor Hotaling continued by asking if Highway Superintendent Deering wanted to address his request for 5<sup>th</sup> Street.

Highway Superintendent Deering stated that he requested that he wants from 5<sup>th</sup> Street to Westerlo Street as no parking because it is so narrow.

Supervisor Hotaling asked Town Attorney Rotello as to what the process to do this is.

Town Attorney Rotello stated that the Town has a No Parking Local Law and continued by saying that it would need to be amended to include that street.

Supervisor Hotaling inquired as to what process it would be to amend it.

Town Attorney Rotello stated that they would have to have a Public Hearing in order to have an enforcement mechanism.

Supervisor Hotaling stated that the other issue is the deficiency of the sidewalks on 5<sup>th</sup> Street and added that the original thought was to remove the sidewalks completely, which would require some type of retainage wall and continued by saying that Town Attorney Rotello has indicated to Highway Superintendent Deering that it would be an appropriate expenditure. He then asked Highway Superintendent Deering if this was still his intent.

Highway Superintendent Deering stated that it is what he wants to do.

Supervisor Hotaling continued by saying that if they remove the sidewalks and make it no parking on 5<sup>th</sup> it might make sense to put one way traffic on 5<sup>th</sup> Street.

Highway Superintendent Deering stated that it makes sense to him if it is legal.

Town Attorney Rotello interjected that it would be.

Supervisor Hotaling continued by asking what side Highway Superintendent Deering would recommend for one way.

Highway Superintendent Deering stated that he would recommend coming in from Rte. 143.

Supervisor Hotaling stated that it would be from Church Street to Westerlo Street going down and continued by asking Town Attorney Rotello what the process would be.

Town Attorney Rotello stated that he believes that it would be by adoption of a local law and added that he is not sure with that designation if there is any requirement with DOT. He continued by saying that when you are traveling westbound up Rte. 143 to make a left hand turn there with cars behind you it is a short stop and added that it might be more appropriate to have it one-way the other way because your sight distance making a left turn on to Rte. 143 is greater because you see cars coming up the hill. He went on to say that he has traveled it often and in making a left hand turn a car can come up fast behind you and not realize that you are turning. He reiterated that he would make it one way from Rte. 143 down to Westerlo Street.

Highway Superintendent Deering stated that it makes sense.

Town Attorney Rotello stated that in making a right hand turn you have to hold the directional because you are on a bend when you are starting to negotiate the turn. He suggested that they investigate the running of it the other way.

Supervisor Hotaling stated that if they are going to do this they should do the no parking and one way at the same time.

Chief Darlington stated that they will have to look at the driveway of the Fisk property.

Town Attorney Rotello stated that the driveway also serves other properties.

Chief Darlington stated that they would have to go down Westerlo Street and come up to get into the driveway.

Town Attorney Rotello interjected that his suggestion would create a problem for that particular driveway.

Supervisor Hotaling stated that for now they should explore the no parking.

Chief Darlington stated that if the Town is going to adopt a local law they should review all of the property and do it all at once.

Town Attorney Rotello interjected that it was not that long ago that they addressed Westerlo Street and Civill Avenue and added that there might be some updating that they can do.

Supervisor Hotaling stated that the Town Board will stand ready to receive any recommendations from Chief Darlington, Highway Superintendent Deering and Town Attorney Rotello.

Town Attorney Rotello stated that Highway Superintendent Deering can also talk to Mike Johnson from the Department of Transportation regarding the direction of the one way and added that he believes that they would want some input given the fact that it intersects with a State highway.

### **NYS Department of State – Shared Municipal Service Incentive Grant Program**

Supervisor Hotaling stated that there was a general communication sent out to all municipalities from Secretary of State Cortes-Vazquez regarding the Shared Municipal Service Incentive Grant Program. He continued by saying that the State is reiterating their effort to get submissions for Municipal Service Shared Incentives and added that the Town Board passed a resolution to involve itself in that effort. He added that there are some workshops and conferences coming up and went on to say that there will be one in Albany on October 4, 2007, which will be conducted by Lori Hamill from Albany Law School. He continued by saying that Albany Law School is in conjunction with the State Department and the Governor's Office coordinating the efforts of the Shared Municipal Services Agreements and compiling the suggestions as well as the Agreements that flow from that. He concluded by saying that he wanted to convey to the public that it is still an urgent effort of the part of the State.

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### **TOWN BOARD WORKSHOPS / MEETINGS**

- Town Board Workshop, September 18, 2007, 6:00pm
- Public Hearing, September 24, 2007, 6:30pm (Time Warner Franchise Agreement)
- Town Board Meeting, September 24, 2007, 7:00pm

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### **ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Councilwoman Chmielewski stated that she wanted to say one more time that it has been a pleasure working with Town Attorney Rotello and added that she will miss him.

Councilman Boehm stated that he will miss him as well and added that he has always been easy to work with and open for any questions and then thanked him for his service. He continued by saying that he along with Supervisor Hotaling had attended the First Day Celebration at both the school and park and added that it went extremely well and went on to say that it made the first day of school look like the last day of school.

Councilwoman Rogers stated that she will also miss Town Attorney Rotello.

Town Clerk Millious stated that she will also miss Town Attorney Rotello and added that she wanted to remind everyone that there is a Primary Election on September 18<sup>th</sup> with the polls being open from 12pm to 9pm and continued by saying that it is a Primary for the Democratic, Conservative and Independence parties. She went on to say that she also wanted to remind everyone that the School Tax Bills were sent out and continued by

saying that she is not the collector for school taxes and added that if anyone had gotten a bill that there financial institution should have gotten they should forward it to them.

Chief Darlington stated that he will miss working with Town Attorney Rotello and continued by saying that he wants to be put on the September 18<sup>th</sup> Workshop agenda to discuss staffing levels. He continued by saying that during the weekend a police car was damaged by someone who was arrested for disorderly conduct who resisted arrest and added that when the officer put him in the car he kicked out both back doors, smashed a window and punched the plexi-glass divider and bled all over and then did some damage at the police station. He went on to say that they are waiting to hear back from the insurance company to see where they stand.

Supervisor Hotaling asked that he follow-up with him directly so they can get the car back in service.

Highway Superintendent Deering stated that he wanted to thank Town Attorney Rotello for helping him over the years and added that sometimes it was the spur of the moment. He continued by saying that the Kruger Road project is done and added that they are keeping an eye on it.

Supervisor Hotaling inquired as to if it had been checked after the most recent rain event.

Highway Superintendent Deering stated that it was fine and continued by saying that the Riverview Drive project has also been completed and added that the J&B project continues.

Supervisor Hotaling inquired as to if they have addressed the phone line issue.

Highway Superintendent Deering stated that they are beyond that and added that they went under the Verizon, State Telephone and gas lines in addition to Central Hudson still needing to come and give them a hand.

Supervisor Hotaling stated that he was going to give Town Attorney Rotello the last word and continued by saying that he wanted to say thank you as well and added that he has given the entire Town Board guidance. He went on to say that the State of New York is going to be better for his service to them as the Town was for his service to the Town Board. He concluded by offering congratulations and good luck and then invited Town Attorney Rotello to speak.

Town Attorney Rotello stated that he recently became of counsel to a law firm that will continue to run his office in addition to his staffing and phone number remaining the same. He continued by saying that one of the reasons for working with Attorney Wukitsch is his ability and familiarity to some of the issues that the Town has and added that he needs to bring him up to speed on any files that were being passed over to him. He went on to say that it has been a pleasure for him to work with everyone since he had become Town Attorney in 1996 and continued by saying that under Supervisor's Hotaling's leadership and tenure what has been done in a very short time is a result of having competent Board members at his side who are experienced and added that this is important in moving forward and in seeing what has been accomplished here. He continued by saying that it is important for the community to realize the role of the Town Board and how it has changed since he became Town Attorney, specifically the position of Town Supervisor and the political debate whether or not it is a full-time or part-time position and added that they are at a point in time where it is necessary for the position to be considered full-time in addition to the time that the Town Board members have to put in. He went on by saying that through the years people have commented that nothing ever changes around here and continued by saying that every time a Town Board has proposed a change it is often opposed and added that some of the things that this Town Board has put in place such as the Comprehensive Plan, is not to be looked down upon and the implementation of it will result in some change, which might be accompanied by some discomfort and fear and continued by saying that it should be watched. He went on by saying that this Town Board is doing that and added that this Town Board in particular has set in place the future of the Town and its growth and development and continued by

saying that the time is upon the Town and they need to be prepared for it so it happens at their pace and control. He concluded by saying that it has been a pleasure working with everyone and added that he will miss being involved as Town Attorney but will remain in the community and hopefully be involved as a resident.

Supervisor Hotaling stated that they would welcome that and thanked Town Attorney Rotello for his kind words. He continued by asking 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 4 – NAYS 0 – SO MOVED

Time: 8:37pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Town Board Workshop was held Tuesday, August 21, 2007, at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ABSENT:** Ronald K. Hotaling, Jr., Supervisor

**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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**AGENDA ITEMS**

- Inactive Records Manual
- Discussion of NYS Municipal Workers Compensation Alliance Experience Modification Factor Loss Review
- First Day of School Celebration
- Website Links to Town of Coeymans Site
- Discussion of Planning Board Vacancy
- Discussion for Participation in Albany County Feasibility Study to Develop Health Insurance Consortium
- Ravena Rescue Squad
- Executive Session

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**ADJOURNMENT**

Councilwoman Chmielewski asked for a motion to adjourn the meeting.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the meeting was adjourned.  
VOTE – AYES 3 – NAYS 0 – SO MOVED

Time: 7:00pm

*Respectfully Submitted,* **APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Town Board Meeting was held Monday, July 23, 2007, 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 Millious, Town Clerk  
Albert Deering, Highway Superintendent  
Joseph Rotello, Town Attorney  
Gregory Darlington, Chief of Police  
Larry Conrad, Code Enforcement Officer

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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 were three Town Board Members present and added that Councilwoman Chmielewski was absent. Supervisor Hotaling continued by saying that they only have one Town Board Meeting a month during the summer months and added as a result there is a fairly full agenda.

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**AGENDA**

- Public Comment Period
- Approval of Minutes
  - Joint Town Board, Planning Board and Zoning Board Workshop, May 21, 2007
  - Town Board Meeting, May 29, 2007
  - Town Board Workshop, June 19, 2007
  - Town Board Meeting, June 25, 2007
- Supervisor Report – June 2007
- Department Report Review
  - Building Report, June 2007
  - Family Self Sufficiency Program, June 2007
  - Ravena Rescue Squad, Quarterly Report (04/07-06/07)
  - Sewer Department, June 2007
  - Town Clerk, June 2007
  - Food for Thought
  - Summer Recreation Program
- Old Business
  - Kruger Road
  - Update on Foreign Trade Zone
  - Finalization of Ravena Rescue Squad Contract
  - Discussion and Award of Bid, Sewer Tanker
  - Update on Coeymans Post Office Parking
  - 2007 Section 8 Agency Plan Public Hearing Date
  - New York Capital Region Road Race
  - Fees for Reports and Dog Kenneling
  - Proposal for Small Claims Representative
  - Reconstruction of Biers Road
- Resolutions
  - Appoint Zoning Board of Appeals Member
  - Appoint Chief of Police



- Appoint Sewer Plant Operator
- Approve Special Waiver for Sewer Billing
- Establish Sewer Rate
- Creation of Budget Line and Transfer of Funds
- Approve December 2006 Abstract
- Approve July 2007 Abstract
- Correspondence
  - NYS Department of Transportation
  - NYS Association of Towns
  - Get Your Guts in Gear
- Town Board Workshops/Meetings
  - Town Board Workshop, August 21, 2007, 6pm
  - Town Board Agenda, August 27, 2007, 7pm
- Executive Session
  - Personnel Matters

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## **PUBLIC COMMENT PERIOD**

Supervisor Hotaling invited the public to comment at this time.

Mr. James Reyes stated that he resides at 209 Deyo Road Extension and continued by saying that the problem is what has been going on with their road and added that a deed was not signed over prior to work being done by the Highway Department. He went on to say that the new 18" culvert that was put in has cut his land in half and washed away his road and added that he had to put in a new one and concluded by saying that these are problems that he wants resolved.

Supervisor Hotaling stated that Highway Superintendent Deering was present and could join the discussion.

Mr. Reyes inquired as to whether or not the Town needed the deed before they started the work.

Supervisor Hotaling stated that he was going to defer it to Town Attorney Rotello.

Town Attorney Rotello stated that they were not aware of what work was getting done and added that Mr. Reyes' property was where the original cul-de-sac was going to be.

Supervisor Hotaling interjected that it was at the end of Deyo Road.

Town Attorney Rotello stated that it was the end of what they knew of Deyo Road Extension that arguably became a Town Highway by Use over time and added that originally they were proposing to put in a cul-de-sac at the end. He continued by saying that there was not an issue with the traveled portion of Deyo Road Extension and whether it was a town road but rather an issue for Highway Superintendent Deering in getting an actual deed to it as opposed to it being a Highway by Use. He went on to say that he met with the property owners a few years ago and added that at some point in time the work had been done and continued by saying that he is not exactly sure what work Mr. Reyes is referring to.

Mr. Reyes stated that it is the culvert pipe at the end and continued by saying that he had never had a problem until it was put in.

Supervisor Hotaling asked that Mr. Reyes explain the problem.

Mr. Reyes stated that since the culvert was put in his land has washed away and continued by saying that it washed away his road and added that he had to replace it. He continued by saying that as you go up Deyo Road there is a sign that says travel at your own risk and added that he has 18-wheeler trucks that do not go up it because of the sign.

Supervisor Hotaling asked that Highway Superintendent speak to the situation relative to the culvert pipe.

Highway Superintendent Deering stated that the culvert pipe actually diverted the water on the other side, which used to go directly down onto Mr. Reyes' property.

Mr. Reyes stated that this was not the culvert pipe that he was talking about and added that he is talking about the one at the turn-around.

Highway Superintendent Deering stated that this is the one that he is talking about and added that it goes off to the right and continued by saying that Mr. Reyes was there when it was put in.

Mr. Reyes stated that he was there to stop the one that they were putting on his property.

Supervisor Hotaling inquired as to what Mr. Reyes would like to see happen.

Mr. Reyes stated that he would like to see the sign taken down and the road fixed.

Supervisor Hotaling inquired as to if this was the sign about the risk.

Mr. Reyes stated that it was.

Supervisor Hotaling asked Highway Superintendent Deering if there is a sign about the risk.

Highway Superintendent Deering stated that there is a sign because it was under construction and added that it was never finished because all of a sudden there was a problem with doing the work. He continued by saying that the job is incomplete.

Mr. Reyes stated that when he comes down the road he tries to put his brakes on and he slides in the gravel. He reiterated that he wants the road fixed and the sign taken down.

Supervisor Hotaling inquired as to if there are any plans to address the condition of the road and continued by saying that he knows that the deeds are in the works.

Town Attorney Rotello stated that they got the updated survey that describes the property and added that it went beyond the initial discussion that they had a few years ago.

Mr. Reyes stated that he was curious as to why they started work without a deed.

Highway Superintendent Deering stated that they started it because he along with other residents asked that it be started as well as fixing it for their own use. He continued by saying that this part was the Town's road by use.

Town Attorney Rotello stated that there was an issue with the plow trucks and turning around and added that this is when it started with the cul-de-sac. He continued by saying that at that time he met with all of the adjoining property owners and explained what the proposal was to do for that first portion of Deyo Road Extension. He went on to say that there was a concern with a stone wall.

Mr. Reyes stated that the stone wall is on his property.

Town Attorney Rotello stated that there was concern with the stone wall being disturbed and added that there was concern as it would relate to size of the highway easement. He continued by saying that he needed to know all of the adjoining property owners and added that by coincidence there was an adjoining property that had just had a deed change, which he had been asked by Assessor VanValkenburg to review for an assessment question and continued by saying that it would necessitate a modification of the deeds.

Supervisor Hotaling inquired as to when the Town Board can anticipate getting something to them for a designation of it as an official town road.

Town Attorney Rotello stated that assuming there are no issues with the adjoining property owners it is his intention to send the deed to each of the adjoining property owners for each of them to convey their portion.

Supervisor Hotaling stated that at that time Highway Superintendent Deering will attest that the road will be built to specifications.

Mr. Reyes inquired about the 18" culvert and continued by saying that it has to be changed because it is cutting his land in half.

Supervisor Hotaling stated that this is where it has to be.

Mr. Reyes interjected that he had never had a problem until it was put there and reiterated that he had to replace his road last year and it cost him over \$2,000.00 to have it done.

Supervisor Hotaling stated that he could put a pipe across his driveway.

Mr. Reyes stated that it is not right that he would have to do this.

Councilman Boehm inquired as to if the water coming out of the pipe is causing a ravine that is cutting the land in half.

Mr. Reyes stated that it is and added that the water comes off the hill and cuts across his property to get down to the stream.

Councilwoman Rogers inquired as to where the water ran before the pipe was put in.

Mr. Reyes stated that he didn't know and reiterated that he had never had a problem prior to the culvert pipe being there.

Highway Superintendent Deering stated that it cost a lot of money to do it and added that it was done because Mr. Reyes along with other residents had complained that something had to be done. He continued by saying that he has requested that the road be paved and added that the Town owns that part of the road.

Mr. Reyes stated that they should have owned it before they started the work and continued by saying that he wants it taken care of.

Supervisor Hotaling asked Mr. Reyes if it happens only in driving rain storms or if it is with ordinary run-off.

Mr. Reyes stated that it depends and added that it happens more in the spring time.

Town Attorney Rotello inquired as to when the first time was that it happened.

Mr. Reyes stated that it was the first year that the pipe was put in and continued by saying that last spring it washed his driveway away. He reiterated by saying that he wants something done because the water cuts his land in half and added that he will get an attorney if necessary.

Supervisor Hotaling stated that he is hesitant because the Town has not accepted the road yet and added that there is a process where the Town Board will be involved and continued by saying that when there is certification that the road is up to specifications and the Town Attorney has the deeds ready to go they will be able to act. He went on to say that the problem goes back prior to Highway Superintendent Deering's incumbency as Highway Superintendent and added that it was prior to Mr. Reyes owning the property. He concluded by saying that he does not believe that Highway Superintendent Deering has any opposition to looking at the issue and added that when there are concerns about specific issues in any area of town government they are addressed.

Mr. Reyes stated that he has spoken with Highway Superintendent Deering and added that nothing gets done. He concluded by saying that he can't let this go on any longer.

Supervisor Hotaling thanked Mr. Reyes and continued by asking if there were any additional comments.

Mr. Paul McDonald stated that he is a member of the Capital Bicycling Racing Club and added that he is present to discuss the event scheduled for Saturday, August 11<sup>th</sup>.

Supervisor Hotaling stated that he is on the agenda under New Business and asked that he take a seat and added that they will get to it then. He continued by asking if there were any additional comments.

Mr. Donald Coons stated that he is a resident of Coeymans Hollow and lives at 1435 Rte. 143 across from Stanton Road. He continued by saying that his issue is Mud Hill Road Creek that goes under his driveway that leads to the Hannacroix Creek and added that he is having a problem with a neighbor encroaching from his side to enlarge their side by altering the Hannacroix Creek and putting a railroad tie retention wall in, which subsequently alters his and his neighbors wells in addition to ruining their property and added that he has approached the Department of Environmental Conservation regarding it.

Supervisor Hotaling inquired as to if approached meant a formal complaint.

Mr. Coons stated that it was a formal complaint and added that inspectors from DEC had come to look at it.

Supervisor Hotaling inquired as to what the resolution of their review was.

Mr. Coons stated that they had indicated that there is a major violation in play and added that they are not sure of the boundaries.

Supervisor Hotaling inquired as to if they are going to issue any citations.

Mr. Coons stated that they are continuing with their investigation. He continued by saying that he bought the property in 1995 as is and was told that it was  $\frac{3}{4}$  of an acre, which is now smaller according to his assessment.

Supervisor Hotaling inquired as to if he was saying that he purchased the property without a survey but with an understanding of where the boundaries were and whether or not the property line that he believed he had he really does not have.

Mr. Coons stated that was correct and added that he has been informed that the property had been surveyed within the last five years, which is public record and continued by saying that he has been told that the State has already determined the boundaries. He continued by saying that his well is on Mud Hill Creek and added that since the neighbors have altered the creek the water is stagnant and dead. He reiterated that they keep pulling from his side to enlarge their side.

Supervisor Hotaling stated that aside from the DEC investigation he is not sure of any enforcement capabilities that the Town has and continued by asking Town Attorney Rotello, Code Enforcement Officer Conrad and Highway Superintendent Deering if they were aware of any.

Town Attorney Rotello stated that he would defer to Code Enforcement Officer Conrad and Highway Superintendent Deering.

Code Enforcement Officer Conrad stated that Mr. Coons had approached the Building Department and in turn they recommended that he take action with DEC because they would be the one with jurisdictional authority. He continued by saying that they suggested making notice to the State of New York because it is a state highway in front of his house and Mud Hill Creek crosses State Route 143 and continued by saying that

the narrowing has caused the flood problem in the flooding plain. He concluded by saying that he is not sure what they can do as a Town at this point.

Supervisor Hotaling inquired as to if his assertion with regard to his well is something that Albany County Department of Health should be involved with.

Code Enforcement Officer Conrad stated that if he is feeding his well from surface water it is probably going to be deemed not useable by the Albany County Department of Health and in the event that he did not have any water he would have to move out.

Supervisor Hotaling stated that Mr. Coons has taken action based on a recommendation that the Town has given and is waiting for the results of the investigation and continued by saying that it does not appear that the Town has any other jurisdiction in the matter at this point and added that it involves a tributary that leads to a creek that is controlled by DEC.

Mr. Coons stated that from his house down no one will take responsibility and continued by saying that it is officially part of the Hannacroix Creek and added that no one wants to get involved.

Supervisor Hotaling stated that it appears to be a civil issue between neighbors.

Mr. Coons stated that he has hired an attorney and added that he will get to the bottom of it.

Supervisor Hotaling stated to the extent that the Town is involved in terms of any other enforcement capabilities or involved with regard to his attorney's investigation they will stand ready to cooperate. He continued by saying that at this point he does not see that they have any other jurisdiction.

Mr. Coons inquired about the railroad tie retention wall and their ability to stop the work and added that the creosol from the ties is ruining his water table.

Supervisor Hotaling asked that Code Enforcement Officer respond to that.

Code Enforcement Officer stated that they do not issue permits for retaining walls and continued by saying that he can look into it further as far as the creosol. He continued by saying that he and Mr. Coons did have a conversation regarding the one that redirected the creek originally and added that it was under the scope of the Rte. 32 and Rte. 143 expansion process that took place several years ago. He went on to say that the State was responsible for replacing the bridge across Rte. 143 that goes from the Mud Hill area and added that it is a sizable culvert that was put there to handle the water and continued by saying that the area on the down stream side of it is not sufficient to handle the quantity and in turn he had spoken with the State about the problem. He concluded by saying that the State indicated that they were aware of the problem and added that it appeared that they were not going to do anything about it, which was also the answer to Mr. Coons.

Supervisor Hotaling inquired as to if someone from the State had actually taken a look at it.

Mr. Coons stated that they indicated the area that they were responsible for and added that rest of the area is his responsibility. He continued by saying that he is not allowed to go in the creek but he is watching his neighbor doing it and taking from him. He added that when a flood hits the culvert it is going to create a great deal of damage and added that this past spring F.E.M.A. had to step in and pay out tens of thousands of dollars and continued by saying that they looked at the situation and said that it is not natural and has to be investigated.

Supervisor Hotaling reiterated that the Town does not have jurisdiction and added that he would like to be more helpful.

Mr. Coons stated that he understood and added that he wanted to do what is right.

Supervisor Hotaling stated that if he believes that there is a need or requirement for the Town to be involved he should give him a call and added that he should continue to keep them informed or request interaction if he believes that they have some jurisdiction in the matter.

Mr. Coons reiterated that he has an attorney and added that he has to wait for him to do his investigation.

Supervisor Hotaling stated that it is a process just like the DEC investigation is going to be a process and continued by thanking Mr. Coons for coming to the meeting. He then asked if there were any additional comments.

Ms. Lisa Deyo stated that she lives on Gedney Hill Road and continued by saying that she wanted to bring to the Town Board's attention the ongoing problems that they are continuing to have with the dirt bikes and four-wheelers. She added that there have been several calls to the Police Department and continued by saying that by the time that they get out there the kids are either gone or have gone into the mine. She went on to say that it is the same kids flying up and down the road and added that she almost hit one the other day coming out of a trail. She concluded by saying that it is a serious problem and added that someone is going to get killed and continued by asking what the residents in Coeymans Hollow are going to be able to do to address the problem.

Supervisor Hotaling stated that the problem is prevalent in all areas of the Town and added that they are present on his street, Willis Avenue as well and added that they go across Main Street and along the New York State Thruway. He continued by asking that Chief Darlington weigh in on terms of enforcement and added that years ago the Town bought ATV's to put officers in the woods, which he did not see as a great expenditure of Town resources. He went on to say that in 2004 they felt as though there were other priorities and ordered the ATV's out of the loop in terms of patrol and added that he does not know if the problem has gotten worse since then and continued by saying that Chief Darlington could address that. He reiterated that he does not think that it is a question as to whether it is Gedney Hill or Willis Avenue as far as the ability for the officers to take action and added that he believes that it is going to take a plea to the parents of those that are likely doing this. He concluded by saying that they are registered vehicles and added that the way to handle it might be to make it legal to be on the road, which will take the thrill out of it.

Ms. Deyo stated that she believes that the parents know that the kids are out there and added that it is several times a day all day long throughout the summer.

Supervisor Hotaling stated that you have to understand that there are people out there who own private property that will permit the ATV's to ride through and added that they are also riding on the property without permission as well as the parks where they are destroying property and added that they are using the transvap system in Joralemon Park as a jump. He continued by saying that they can do a lot of things in government in terms of a community and added that unless the community wraps its arms around a problem itself and takes responsibility for their own who happens to be doing this in a violative way there will not be any changes. He concluded by saying that he understands what Ms. Deyo is saying and added that he does not know what impact they could have to make a change other than continue to communicate the problem.

Ms. Deyo inquired as to if they are wasting their time calling the police when the incident is going on.

Supervisor Hotaling stated that he would not call it wasting time and then asked that Chief Darlington respond.

Chief Darlington stated that it is not a waste of time and added that on an average of at least 1 out of every 2 illegal ATV's are stopped and issued and continued by saying that they are all over the Town of Coeymans and added that they are getting complaints from every area of the town.

Ms. Deyo stated that she knows that the police are trying.

Supervisor Hotaling stated that she should not expect a dedicated patrol for ATV's and added that they are doing their best.

Ms. Deyo stated that she wanted to bring it to their attention.

Councilman Boehm interjected that he thought that Mr. Radley was a security guard at the mine on Gedney Hill.

Chief Darlington stated that he routinely checks the mine.

Supervisor Hotaling stated that he does not believe that there is an appointed security guard and added that Mr. Laraway had indicated during a meeting that Mr. Radley was going to oversee the mine.

Councilman Boehm stated that the mine is probably the big draw.

Ms. Deyo stated that you can see at the entrance where they are going in and added that she knows that this is the appeal, which is a nuisance for those that live on the road.

Chief Darlington stated that the appeal is everywhere and added that Lafarge has a large problem as well as along the power lines. He continued by saying that even with ATV patrols it is a matter of being able to catch them, which is almost impossible.

Supervisor Hotaling interjected that there are enough tragedies that happen on their own without having police officers on ATV's chasing someone through the woods.

Ms. Deyo reiterated that she wanted to bring it to their attention that it is an ongoing issue and then thanked the Town Board.

Supervisor Hotaling asked if there were any additional comments.

Ms. Christine Bell stated that she lives at 1717 Rte. 9W in Selkirk and continued by saying that she was inquiring as to whether or not the Town could talk to the State about lowering the speed limit in Selkirk. She continued by saying that she is just south of the double dips and added that she had over \$6,000.00 worth of damage done to her lawn 17 days ago and went on to say that there has never been a traffic stop there. She concluded by reiterating that she needs someone to talk to the State.

Supervisor Hotaling stated that the speed limit there is 55mph.

Ms. Bell stated that they do 70mph and added that the person that damaged her property was doing over 80mph and continued by saying that there have been numerous accidents on that hill.

Highway Superintendent Deering inquired as to if she was the woman that had called him and in turn had advised that she call the State.

Ms. Bell stated that she was and added that in turn she was advised by Mr. Mike Johnson that she had to come to the Town first and go through the proper channels.

Highway Superintendent Deering interjected that he had tried to contact Mr. Johnson as well and got his voice mail.

Supervisor Hotaling inquired as to what the conversation with Mr. Johnson pertained to.

Highway Superintendent Deering stated that he had advised her to call Mr. Johnson about the damage to her lawn and subsequent water problems.

Supervisor Hotaling asked that Chief Darlington get in touch with the Zone Sergeant for the area in addition to addressing the speeding with his patrols.

Chief Darlington stated that Rte. 9W is one of the heaviest patrols in the Town.

Supervisor Hotaling stated that the patrols are limited to the 35 and 45mph areas.

Chief Darlington stated that he would disagree with that.

Supervisor Hotaling stated that there are opportunities to move around and added that this is one area that they have been requested to patrol.

Ms. Bell stated that once they come over the hill it is like a speedway.

Supervisor Hotaling inquired as to what direction the speeders are generally going.

Ms. Bell stated that they are usually going from Ravena toward Albany.

Supervisor Hotaling stated that it is also a problem with it being a school bus stop there and added that there is limited sight distance at Fleming's and Pine Ridge Estates trailer parks. He continued by saying that if the problem is predominately going north there is not only a speeding issue but a safety issue as well for the ingress and egress of the parks. He concluded by asking that Chief Darlington do whatever he can with the assistance and contact with the State of New York.

Ms. Bell inquired about putting a stop light or blinking light there.

Supervisor Hotaling stated that a stop light was asked for and answered years ago.

Chief Darlington interjected that there also was a recent request.

Ms. Bell stated that it is a place for accidents and added that there is at least one accident a month there.

Supervisor Hotaling asked that Ms. Bell leave her name and phone number with Chief Darlington and in turn he will confirm that he has passed the word on to the State as well as her offering the use of her property for a patrol car.

Ms. Bell thanked the Town Board.

Supervisor Hotaling asked if there were any additional comments.

Ms. Barbara Langdon stated that she resides at 197 Vanderzee Road and added that she is also present because of the ATV problem. She continued by saying that her and her husband were run off the road by a four-wheeler who in turn pulled in to where Consumer Oil is and added that they party there until 3am all the time.

Supervisor Hotaling stated that Ms. Langdon was suggesting that some of the four-wheelers that she encountered on Vanderzee Road pulled into the former Consumer Oil property where they congregate and have late night parties.

Ms. Langdon stated that in addition to the four-wheeler problem the people that work on their cars at the former Consumer Oil building test their cars on Vanderzee Road side-by-side and do approximately 70-80mph.

Supervisor Hotaling inquired as to if she is fairly certain that it is cars being tested following repairs.

Ms. Langdon stated that the cars come out from across the street.

Supervisor Hotaling asked Code Enforcement Officer Conrad if he was taking notes.

Code Enforcement Officer Conrad stated that it is already on the list.

Ms. Langdon stated that she wanted to state that it is older people as well as kids.



Supervisor Hotaling stated that he didn't want to suggest that it was only younger people.

Ms. Langdon interjected that she wanted to make sure that she didn't suggest that.

Supervisor Hotaling asked that when she encounters this again she should try and get a description of the violator or vehicle.

Ms. Langdon stated that her concern is her grandchildren that are at her house quite a lot and added that she does not want to see blood spilled before something is done.

Supervisor Hotaling stated that done is a difficult word and added that there is always something being done and continued by saying that the question is the success of seeking the violators. He went on to say that they are not opposing to doing anything and added that it is a difficult problem. He concluded by saying that the problem is being worked on daily when calls are received there.

Ms. Langdon stated that there is always a response when she calls and added that a patrol car has even sat in her driveway. She continued by saying that once the car leaves they pick up where they left off, which could be all hours of the day or night.

Councilman Boehm stated that he didn't know that there was a repair shop at the former Consumer Oil property.

Supervisor Hotaling stated that he's not sure that it is official and then invited Mr. Travers to the microphone.

Mr. Travers stated that he lives on Blodgett Hill Road and added that he wants to echo the ATV problems and continued by saying that they rocket up and down Blodgett Hill Road without helmets. He went on to say that he doubts that they are registered vehicles and added that he would recommend to everyone having problems to take a picture to help identify the offender and in turn confiscate the illegally operated machines.

Supervisor Hotaling interjected that anyone that agrees with him can write to their Legislature and ask that they be legalized for road use.

Mr. Travers continued by saying that the main reason that he is present is because of the work that is going on at Powell and Minnock Brickyard and continued by saying that there is a dredging permit in place, which allows them to take the river dredgings and put them upland. He added that the work that is being done is more extensive than that because you can clearly see the brickyard.

Supervisor Hotaling stated that there are some people present that can shed some light on the operation and the manner in which it is going on and continued by saying that Councilman Boehm has been involved in terms of working with the landowner. He then inquired as to if Mr. Travers concerns are surrounding the port of Coeymans and the work going on there.

Mr. Travers stated that he is concerned about illegal work being done that is beyond the permitted work.

Supervisor Hotaling inquired as to what Mr. Travers thinks is illegal work.

Mr. Travers stated that there is no SPDES permit in place.

Supervisor Hotaling inquired as to if he was referring to the work in the river.

Mr. Travers stated that as he had said earlier the dredging is permitted and added that the work of bulldozing the land is not permitted and continued by saying that he does not know why the Town has not taken action to issue a Stop Work Order.

Supervisor Hotaling inquired as to if there were any other violations that he sees.

Mr. Travers stated that the Army Corps could be brought in and added that they could be violating their permit in taking away the growth that retains the water when it rains. He continued by saying that he is concerned with the upper Hudson River Estuary because this is where the Atlantic fishing stock comes from, which is being depleted rapidly. He went on say that he is also concerned with the historic nature of the Town and the damaging of that and added that putting in a new dock area is appropriate. He continued by saying that he is also concerned by the fact that there is no site review for this because the purpose of the operation could be foul or they could start bottling hydrogen, which would be explosive or hazardous material and added that under Homeland Security he would think that the Town would have an obligation to know what is going on down there. He concluded by saying that his concern is that the Town should take action when work is being done beyond what is permitted and added that if the Town does not have the capability of doing that they should call in other authorities such as DEC to do it.

Supervisor Hotaling stated that he would move down on the agenda because there were people present to give an update on the Foreign Trade Zone and added that Mr. Steve Kirk was there as the planner representing Mr. Carver Laraway of Powell and Minnock. He went on to say that Mr. Kirk is more familiar than most of them with the project that is contemplated and the work that is being done on the site and continued by saying that Mr. Steve Fuller was also present, who is an employee of Mr. Laraway as well as Code Enforcement Officer Conrad, who he has had discussion with and has made several visits to the site. He concluded by saying that before they go into Foreign Trade Zone he would ask that Code Enforcement Officer Conrad respond to some of the issues that were raised by Mr. Travers as well as discussing his visits and the permits that he has currently and the jurisdiction that the Town currently has.

Code Enforcement Officer Conrad stated that the work that is taking place at Powell and Minnock has been viewed by many as they travel Rte. 144 and added as a result they have gotten a lot of calls. He continued by saying that at Supervisor Hotaling's request he has visited the site on at least three occasions and went on to say that as far as the SPDES Permit, Mr. Laraway has a current valid Mining Permit of which usually the SPDES Permits are covered and added that he will check into it to make sure and went on to say that those permits are ultimately handled by DEC. He continued by saying that as far as the Army Corps of Engineers they have received reports and added that every time that Mr. Laraway makes a mistake they are there to correct the mistake and a Violation Notice is given. He added that Mr. Laraway has been upfront with the Town Board and has come in on several occasions in an attempt to try to update and keep everyone up to speed on the project and went on to say with the current zoning the Site Plan Review Process does not apply to principal uses in the Industrial Zone.

Supervisor Hotaling stated that there are proposals out there in a small group focus that will move the Site Plan Review process into things that it currently does not engage in.

Code Enforcement Officer Conrad stated that the Planning Board is currently working on new legislation that has been requested by the Town Board to update the Town's Site Plan Review and added that this has been a concern for a number of years and continued by saying that it was ludicrous to let it go, especially in the Industrial Zones. He went on to say that the Town Board has moved to upgrade and bring new zoning by the end of the year or the beginning of next year that will address all of the problems that are currently out there and lax in the current zoning.

Supervisor Hotaling inquired as to aside from the effort to change the zoning if the work down there falls under the current description of industrial.

Code Enforcement Officer Conrad stated that it does fit some of the principal uses of the zone and continued by saying that Mr. Laraway had come in approximately four months ago and outlined the project, which will be renovating buildings that are currently there with four being slated for demolition and added that the largest one was just completed and they will be closing out the permit and continued by saying that it took out 21,000 square feet of storage space where the old kilns were and continued by saying that there are three smaller buildings that are a minimal size of 20X30 that are in the way that will also be demolished.

Tape change – some dialect lost.

Supervisor Hotaling inquired as to whether the permits have been only for demolition at this point.

Code Enforcement Officer stated that to this point it has been only for demolition and added that there will be some building renovations done and the architecture work and drawings are to be forthcoming.

Mr. Travers stated that he didn't believe that the landscaping by the roadside would be covered under mining and added that if they were mining that close to the road it would be a violation of the permit. He continued by saying that when the property changes ownership the Mining Permit has to be renewed and went on to say that he does not know that it has been done and added that it is not something that is grandfathered in.

Supervisor Hotaling stated that the ownership is not a recent phenomenon in terms of the ownership and added that it goes back several years and continued by saying that modifications or transfer of the Mining Permit may have already occurred. He concluded by saying that it has already been renewed since Mr. Laraway has had ownership.

Mr. Travers stated that Mr. Conrad is the Building Inspector and added that as citizens they depend upon him to effectively do his job and added that he has admitted to knowing that work has been going on by the roadside without a SPDES Permit and continued by saying that it is not covered by a Mining Permit.

Supervisor Hotaling interjected that it is something that Code Enforcement Officer Conrad does not have any control over.

Mr. Travers stated that he should be picking up the phone and discussing it with the Department of Environmental Conservation.

Supervisor Hotaling asked Mr. Kirk if he wanted to respond to the comments.

Mr. Kirk stated that at this point he wanted Mr. Fuller to speak.

Mr. Steve Fuller stated that he is in Sales and Marketing for Mr. Laraway and added that DEC has been involved with Mr. Laraway and P&M and continued by saying that Mr. Laraway's site is immaculate and he is known for neatness. He added that he has the community and the Town of Coeymans on the top of his list for what he wants to do and continued by saying that they will be hiring 50 people this year alone in addition to hiring 250 people within the next five years. He went on to say that they want to do what the community wants them to do, which is bring the Town back economically. He continued by saying that the work by the road mentioned by Mr. Travers is a berm that has been worked on for the last two weeks and added that it will be landscaped and went on to say that if you see the concept of what they want to do you will see that it will be totally landscaped. He concluded by saying that DEC was there earlier in the day and approved what is happening.

Supervisor Hotaling inquired as to if there has been any mention of a SPDES Permit.

Mr. Fuller stated that he does not know and added that he would find out the following morning.

Supervisor Hotaling interjected that Code Enforcement Officer Conrad will be checking as well.

Mr. Fuller stated that because fish are involved with the bulkhead DEC has advised Mr. Laraway that rather than wood, rock had to be used and added that it has been complied with. He concluded by saying that Mr. Laraway is an honest individual who will do what is right for Coeymans and asked if there were any additional questions.

Mr. Travers interjected that he did not know anything about Mr. Laraway and added that he was glad to hear that.

Mr. Fuller stated that he was invited anytime to talk to them.

Supervisor Hotaling thanked Mr. Fuller and continued by asking Mr. Kirk if he had anything to add.

Mr. Kirk stated that he didn't.

Ms. Lisa Deyo inquired as to if she could comment and continued by saying that she understood that the Mining Permit applied to the mine on Gedney Hill Road and added that there was never any mining done at the P&M Brick Plant.

Supervisor Hotaling stated that his understanding is that the one that she is referring to is for Gedney Hill Road and added that he does not know if one exists at the P&M Brick Plant.

Code Enforcement Officer interjected that there are two separate permits.

Supervisor Hotaling continued by asking if anyone else wished to speak.

Ms. Linda Marshall stated that as she is present to hear more about the proposed Laraway project and added that as she is listening to everyone speak during the Public Comment period she is hearing that every concern has to do with natural resources and the preservation of the natural resources. She continued by saying that the first speaker spoke about water and water runoff, another person spoke about a concern with water blockage another spoke about ATV concerns and the last spoke about the use of the property along the Hudson River. She reiterated that all of the concerns have to do with natural resources as well as the discussions that they had last summer when they came to discuss what they envisioned Coeymans to look like, which involves taking care of the land and natural resources. She went on to say that ATV's are destroying land, the woods, forests, and the habitat, which is not what they want or what they had envisioned last year during their discussions. She continued by saying that there are some historic buildings at Powell & Minnock and added that she does not know if they are the buildings that were demolished.

Supervisor Hotaling stated that in the plans that he saw some of the super structures of the buildings were going to be refurbished with an intent to maintain their character and added that they will be expanded and modernized. He continued by saying that it is his understanding that there are going to be additional climate controlled distribution warehouses and went on to say that one of the buildings is going to be converted to an office, in which the Dutch facade will be maintained. He went on to say that it has also been contemplated that there will be a museum on Dutch heritage with respect to brick making and added that he gets the sense that Mr. Laraway has the community in mind when he does this project and continued by saying that if he loses it during the course of the project the community as well as the Town Board will remind him that it is important. He continued by saying that in the development of the Comprehensive Plan and in the effort to get the zoning updated, they have this in mind and it is grounded in the history, heritage, natural resources and the preservation of those while still recognizing the need to move the Town of Coeymans forward in the best way possible. He continued by saying that the community has not been shy in reminding them that they have to be mindful of that and added that as Code Enforcement Officer Mr. Conrad had stated Mr. Laraway is working under the industrial umbrella that the property already has.

Ms. Marshall stated that she recalled that the industrial umbrella was suppose to be light industrial along the river and added that she is not sure if it is light.

Supervisor Hotaling interjected that he does not think that there is a qualifier for light and added that he does not think that the brickyard was light.

Ms. Marshall stated that she recalls discussions last year.

Supervisor Hotaling inquired as to if she was talking about the proposed zoning.

Ms. Marshall stated that she was.

Supervisor Hotaling stated that she was in error and continued by saying that initially there was going to be a Riverfront Community down there because Mr. Laraway had received an interest from a consortium of Long Island developers to put condos there. He added that it fell apart in the infrastructure discussions of those developers with their colleagues in the Village because they are the supplier of water and continued by saying that it fell apart because of that and a variety of other reasons. He went on to say that the original proposal in the Zoning Ordinance was to change it to a Riverfront Community to make it consistent with the balance of the Hamlet and remove it from industrial and added that when the project fell apart and the concept project came to light, coupled with the opportunity for Councilman Boehm's work with the grants that are being sought after, they saw it as a way to use it as a catalyst to bring the Hamlet back up to where it should be. He concluded by saying that it might not be adequately described as a project yet and then asked Councilman Boehm for input.

Councilman Boehm stated that it is still in the planning stages and continued by asking Code Enforcement Officer Conrad if the Planning Board will have Site Plan Review on the new structures.

Code Enforcement Officer Conrad stated that with the current zoning they will not.

Councilman Boehm inquired about Site Plan Review for the newly constructed controlled atmosphere warehousing.

Code Enforcement Officer Conrad stated that anything that has to do with the principal use in the Industrial Zone will not fall under Site Plan Review.

Supervisor Hotaling inquired as to if the project itself will come under Planning Board review.

Code Enforcement Officer Conrad stated that it will not.

Supervisor Hotaling inquired as to why it would not.

Code Enforcement Officer Conrad stated that warehousing is a principal use under the zoning.

Supervisor Hotaling inquired about the concept that they have propered for changing the zoning and Site Plan Review Law and whether or not the Planning Board will play a role.

Code Enforcement Officer Conrad stated that was true.

Ms. Marshall stated that she finds it to be confusing and continued by saying that it is a major project that does not go through the Planning Board.

Supervisor Hotaling stated that he did not know.

Ms. Marshall concluded by saying that when the bicycle route comes through year after year they will continue to see improvements in the environmental, ecological, historical and sensitive nature.

Supervisor Hotaling interjected that they are not riding in the area that they are talking about.

Ms. Marshall stated that they would not be able to see the river because there is a berm that it preventing people from seeing the river.

A member of the audience stated that there is not a berm.

Ms. Marshall inquired as to whether or not there is a berm.

Supervisor Hotaling stated that it appears to be one to him.

Code Enforcement Officer Conrad stated that there is a berm.

Councilman Boehm interjected that it is a berm in progress.

Code Enforcement Officer Conrad stated that a berm was partially constructed when Rte. 144 was reconstructed by the State and added that they didn't finish it and now Mr. Laraway is finishing the construction of the berm.

Ms. Marshall interjected that it prevents people from seeing the river and added that it also prevents people from seeing whatever might be happening.

Mr. Fuller stated that anyone is welcome to come down and see them and added that he will take them on a tour.

Supervisor Hotaling asked if there were any additional comments, hearing none he stated that he would be moving to a New Business topic and invited Mr. McDonald from the New York Capital Region Road Race team to speak.

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## **NEW BUISNESS TOPIC**

### **New York Capital Region Road Race**

Supervisor Hotaling stated that a couple of months ago Mr. McDonald had attended a Workshop and spoke to the Town Board about their desire to do the Second Annual New York Capital Region Road Race. He then invited Mr. McDonald to the microphone to explain the race as well as address any issues that they may encounter.

Mr. Paul McDonald stated that he is with the Capital Bicycle Racing Club and resides in Selkirk. He continued by saying that the club is a small volunteer organization that is not for profit and added that they put on sanctioned bicycle events. He went on to say that they do a race in the spring in Cocksackie and the summer race is in the Town of Coeymans as well as doing off-road mountain biking in the fall. He continued by saying that last year was their first year in Albany County hosting a race and added that they had nearly 400 racers coming from seven different states. He went on to say that they do not have any corporate sponsors and added that the participants create all the funding that they use to put on the event and continued by saying that they have separate fields for women, juniors, seniors as well as men by age group. He concluded by saying that is a ½ day event, which will be Saturday, August 11<sup>th</sup> from 10:00am to 2:00pm, which will be a 20 mile route that will be different from last year because of the construction on CR 102. He then handed copies of the route's map to the Town Board.

Supervisor Hotaling stated that they had a link to their website and added that he believed that the route was on the website.

Mr. McDonald stated that the route is currently on the Club's website and continued by saying that he does not know if it is on the Town's.

Supervisor Hotaling stated that when they had talked a link was added about the event itself and added that he thought that the route was also included and continued by saying that if it is not they will have it updated.

Mr. McDonald interjected that he has a PDF copy that he can provide to the Town.

Supervisor Hotaling asked that he send it to him and in turn he will send it to the webmaster.

Mr. McDonald stated that they are also working on the publicity and notices will be in the News Herald, Times Union and Ledger and added that there is a significant amount of coordination with the Albany County Sheriff, State Police, municipalities, and school districts. He continued by saying that the Albany County Department of Public Works is the actual permitting body that gives them a permit to use County roads and added that there is also coordination with Albany County EMS and Ravena Rescue Squad. He went on to say that there are commitments from all of those bodies for public safety services and added that he had spoken with the Chief of Police earlier in the day asking for the Town of Coeymans help with one intersection with one police vehicle. He concluded by saying that there are no other requests from the Town and then asked if there were any questions.

Councilman Boehm stated that by the day of the race people forget about it and continued by saying that it would be helpful if there were signs at the intersections the day of the race indicating that there is a race in progress. He continued by saying that it is intimidating to be on the road and have the bikes coming at you and added that signs would be a good reminder that the race is going on.

Mr. McDonald inquired as to if he noticed the signs last year.

Councilman Boehm stated that he noticed arrows on the road and continued by saying that he does not remember seeing any signs.

Mr. McDonald stated that there are blue arrows on the road, which tell the cyclist what way the course is going and continued by saying that there are also signs that caution that a bike race is going on and added that they are put at the key intersections.

Councilman Boehm reiterated that he didn't see them.

Mr. McDonald stated that they are not that big and continued by saying that they worked with the County and State last year about the potential of putting up the large variable message signs and in turn they decided that they didn't want to. He added that they put up the smaller signs, which were no bigger than 2 feet wide, which would be easy to miss by drivers.

Councilman Boehm inquired as to if they can be made larger so that they would be more visible to drivers so they can anticipate a large amount of bikes coming through.

Mr. McDonald stated that he believes that he can easily access sandwich boards that stand four feet tall and added that they can place them at the major intersections.

Councilman Boehm interjected that there needs to be more awareness that the race is happening and added that putting it on the Town's website would be helpful in addition to a map of the route in the local papers.

Supervisor Hotaling stated that he didn't know if the Club anticipates making it a Third Annual Race and continued by saying that if they do he has been requested by the State Department of Transportation to identify any events that will be occurring between the spring of 2008 and spring of 2009 because Rte. 143 is being realigned. He added that there is a State Law that requires them to be cognizant of festivals, events and special occurrences and continued asking that Mr. McDonald identify those dates as soon as possible so that he can pass it on to DOT.

Mr. McDonald stated that they would like to have it again and added that one of their volunteers is an employee of DOT who checks the schedule of construction.

Supervisor Hotaling stated that he can check with the Engineer for the project, James Boni.

Mr. McDonald stated that they would get in touch with him.

Supervisor Hotaling stated that this is the only thing that he can think of that is coming up that far in advance and added that he would appreciate that they convey it to Mr. Boni.

Mr. McDonald stated that they would.

Supervisor Hotaling thanked Mr. McDonald and wished him luck with the race and continued by inviting him back to the meeting on August 27<sup>th</sup> at 7pm to give a post-race report.

Mr. McDonald stated that he would and if he were to be out of town he would get another volunteer to do it.

Supervisor Hotaling stated that they would be returning back to the agenda and continued with the next topic.

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## **APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were four sets of minutes for Town Board approval, a Joint Town Board, Planning Board, Zoning Board of Appeals Meeting on May 21<sup>st</sup>, a Town Board Workshop on June 19<sup>th</sup>, a Town Board Meeting on May 29<sup>th</sup> and a Town Board Meeting on June 25<sup>th</sup>.

Supervisor Hotaling asked for a motion to approve the minutes.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the Town Board minutes were approved.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

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## **OLD BUSINESS TOPIC**

### **Foreign Trade Zone**

Supervisor Hotaling stated that prior to doing the Supervisor's Report he would move to an Old Business topic because Mr. Kirk was waiting to speak about the Foreign Trade Zone and then invited Mr. Kirk to the microphone.

Mr. Steven Kirk stated that he is with DBS Planning Consultants and added that they are the consultants to P&M Brick and the development of the project. He continued by saying that on July 10<sup>th</sup> they attended a Workshop put on by the Capital District Trade Strategies, which is an entity that is currently working on putting together an application for expansion of the Foreign Trade Zone. He added that the Foreign District Trade Zone is administered by the Capital District Regional Planning Commission and went on to say that they are essentially looking for property owners that are interested in being a part of the expansion. He continued by saying that the Port of Albany currently only has 8 acres in the Foreign Trade Zone and added that they want to have their entire port facility within the Trade Zone and continued by saying that it is the same with Albany County International Airport, who also have a small portion of their property in the Foreign Trade Zone but want the entire property in it.

Supervisor Hotaling interjected that he had received inquiries from the County many months ago and added as a result of a discussion as a Town Board at a Town Board Meeting he sent a letter to the County Executive identifying Mr. Laraway's property as well as Lafarge. He continued by saying that the criteria seemed to fit the Hudson River in terms of a main transportation artery.



Mr. Kirk stated that they had followed up with them and added that the Executive Director for the Capital District Foreign Trade Strategies had agreed that it is a good partnership and the port is an excellent candidate for expansion of the zone. He continued by saying that a couple of advantages of being a part of the Zone is that once you have the status of a Foreign Trade Zone the status stays with the property forever in addition to it being out of the jurisdiction of the United States, which would enable you to import and export goods without paying any tariffs. He added that this would be an advantage to the property owner as well as anyone doing business on that property such as a major national retailer for warehousing and importing from foreign countries, which would have a significant impact on their bottom line such as their profit and creating more job opportunities. He went on to say that there is a meeting set up with some of the principals involved to get the process to the next step where they make an application to be included in the Foreign Trade Zone, which should be sometime in August or September. He concluded by saying that he believes that it will be approved by the Federal Government and they will get the Foreign Trade Zone status.

Supervisor Hotaling asked if any Town Board members had anything to add.

Councilman Boehm inquired about the cost to participate, which is \$15,000.00 and if it is divided by those wishing to participate.

Mr. Kirk stated that the application itself is \$15,000.00 and added that it is split by however many entities are applying. He continued by saying that once you implement the status there are certain fees associated with it, which would be incurred by the owners and added that the advantages are greater than the fees.

Councilman Boehm interjected that the Town will maintain jurisdiction as far as the Building Inspector and Police Department as well as Customs and Border Patrol.

Mr. Kirk stated that Customs and Border Patrol are heavily involved and added that it is not part of the United States in terms of administration and continued by saying this is where it ends. He went on to say that this is where the exemption from duties and tariffs comes into play.

Councilman Boehm stated that this is the benefit for the people that are warehousing and bringing in the products and continued by inquiring as to if the duty is paid once the product is actually shipped.

Mr. Kirk stated that once the product enters the United States economy the duty or tariff is paid.

Councilman Boehm stated that they can bring a product from China and warehouse it in Coeymans and not pay a duty until it leaves the site.

Mr. Kirk stated that was correct and added that if you are not in a Foreign Trade Zone you have to pay a duty as soon as the product enters the country. He continued by saying that all of the car manufacturers in Detroit are Foreign Trade Zone and added that they did that because initially they had to pay a duty on every little car part that came in and added as a result car prices were increased to cover the tariffs. He concluded by saying that it is a way for the United States based companies to be competitive with foreign countries.

Supervisor Hotaling thanked Mr. Kirk

Mr. Kirk stated that the PDQ has been approved from Small Cities.

Supervisor Hotaling stated that he is awaiting information from him and added that ultimately he will have to sign it.

Mr. Kirk stated that he is working on it and added that he is working with P&M trying to get some financial information and continued by saying that it will be done within the next two weeks

Councilman Boehm inquired as to if it has to be done in the form of a resolution.

Mr. Kirk stated that it does not have to be a resolution and added that they will have to hold two Public Hearings. He continued by saying that they can pass a resolution and went on to say that it is not a requirement.

Councilman Boehm asked that Mr. Kirk explain what a PDQ is as well as the grant that they are trying to get.

Mr. Kirk stated that approximately one month ago the Town met with the New York State Office for Small Cities and added that they are a funding agency that funds community development projects. He continued by saying that the Town went to the State to apply for a grant that the Town would secure from the State and in turn the Town would approve a loan to P&M to help with the importation of that project. He went on to say that P&M would then repay the loan money back to the Town and in turn the Town can use the money for local economic development projects and added that it is money that stays in the Town. He continued by saying that the process is an informal presentation of the project to the State and in turn the State takes the information and decides whether or not they want to invite the Town to apply and added that last week the Town received the invitation to apply for the funding. He added that once you get the invitation to apply they are saying that the money is there and continued by saying that once the Town meets all of their criteria the grant will be approved and in turn the loan can be approved to P&M and reiterated that the Town has gotten the first approval.

Mr. Travers from the audience inquired as to whether or not as a non-governmental agency it falls under the UN auspices and continued by inquiring as to who gets the \$15,000.00 application fee and then asked who the administration force is.

Mr. Kirk stated that it is the Federal Government and added that he believes that it is the Department of Commerce. He continued by saying that the application fee is paid to Capital District Trade Strategies.

Mr. Travers stated that he was curious because it sounded like the Federal Government was not involved at all.

Mr. Kirk stated that they are involved and added that they are the ones that created the Foreign Trade Zone to level the playing field for United States based companies and other countries.

Mr. Travers inquired as to if it will restrict future development.

Mr. Kirk stated that it would not, he added that if in the future the property is sold and the owner wanted to put residential in it would not restrict it at all.

Ms. Deyo inquired as to how much the loan is that the Town is considering.

Supervisor Hotaling stated that he believes that it is \$750,000.00.

Mr. Kirk stated that was correct.

Ms. Deyo inquired as to the square footage of the warehouses.

Supervisor Hotaling stated that the concept number of warehouses was 9 and are to be 40 by 100.

Councilman Boehm inquired as to if Mr. Kirk had the plans.

Mr. Kirk stated that he didn't and added that he could get them a copy.

Ms. Deyo inquired as to whether the warehouses will be one story.

Supervisor Hotaling stated that it would be elevated stories with an opportunity for a platform to be level with a distribution truck.

Mr. Kirk stated that he did have the plans with him and continued by giving it to Ms. Deyo.

Code Enforcement Officer Conrad interjected that they have a Concept Plan in the Building Department.

Supervisor Hotaling stated that he has a large one in his office.

Ms. Lawler from the audience inquired as to if it was P&M that applied for the grant through Small Cities.

Mr. Kirk stated that the only eligible applicants are municipalities and added that private entities are not allowed to apply for funding. He continued by saying that he is working for P&M directly and is preparing the grant application on behalf of the Town and in turn the Supervisor will sign it and it will be followed by two Public Hearings. He went on to say that they will have to complete a (PEQ) Preliminary Evaluation Questionnaire , which will be submitted to Small Cities and in turn if everything is in line they will ask for a full application to include benefits to the Town, economic impact of the project, terms of the loan, etc. He continued by saying that once it is approved by Small Cities in turn they will get a letter from the State saying that they are awarding a \$750,000.00 grant for the purpose of providing a loan to P&M according to the terms that were laid out in the previous application and added that it will take approximately 4 months. He concluded by saying that they are already in the process and added that the Town has been invited to prepare and submit the PEQ and added that it is federal dollars paid out in a Block Grant Fund and administered through the United States Department of Housing and Development.

Ms. Deyo stated that the Concept Plan states that they will be importing and exporting rock and continued by asking if there is an estimate of the percentage of rock as compared to the outside storage.

Mr. Kirk stated that he cannot answer that because they do not have any official agreements with any other outside firms to lease the space for storage.

Councilman Boehm thanked Mr. Kirk for attending the meeting and continued by saying that it is important to keep the Town Board and the public involved as the project goes forward and added that he believes that it is a great economic move for the Town with the Foreign Trade Zone status and the ability to get the grant. He concluded by saying that it will bring a lot of good paying jobs, which takes them back to their economic development strategy.

Mr. Kirk stated that it plays into rebuilding the Hamlet and reiterated that the \$750,000.00 stays in the Town.

Councilman Boehm stated that it can be used for a lot of projects in the Town and stated that Mr. Kirk could return if they need him to at a later date.

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**SUPERVISOR’S REPORT – June 2007**

Supervisor Hotaling presented his report for June 2007

| FUND      | BAL. FWD.    | RECEIPTS     | DISBURSE.    | BALANCE      |
|-----------|--------------|--------------|--------------|--------------|
| General   | \$155,037.78 | \$346,911.07 | \$196,279.52 | \$389,891.58 |
| Part-Town | \$194,609.04 | \$ 2,146.89  | \$ 31,583.01 | \$165,172.92 |

|                  |              |              |                 |                |
|------------------|--------------|--------------|-----------------|----------------|
| Special Water    | \$ 15,352.09 | \$ 2,099.13  | -0-             | \$ 17,451.22   |
|                  |              |              |                 |                |
| Highway          | \$157,165.75 | \$ 743.07    | \$ 47,571.95    | \$110,336.87   |
|                  |              |              |                 |                |
| Bridge Const.    | \$ 84,885.89 | \$ 18.57     | -0-             | \$ 84,904.46   |
|                  |              |              |                 |                |
| Trust & Agcy.    | \$ 28,571.19 | \$178,988.33 | \$179,582.82    | \$ 27,976.70   |
|                  |              |              |                 |                |
| Sewer            | \$102,217.30 | \$ 32.06     | \$ 17,354.16    | \$ 84,895.20   |
|                  |              |              |                 |                |
| Sewer Cap. Proj. | \$184,154.79 | \$ 241.59    | -0-             | \$184,396.38   |
|                  |              |              |                 |                |
|                  |              |              | Total Rec. Bal. | \$1,065,025.33 |
|                  |              |              |                 |                |

|                   |         |              |                |
|-------------------|---------|--------------|----------------|
| CD CITIZENS BANK  |         |              |                |
| AND NATIONAL BANK | 90 DAYS | A FUND       | \$ 115,000.00  |
|                   | 90 DAYS | HIGHWAY – DA | \$ 200,000.00  |
|                   | 90 DAYS | SEWER        | \$ 100,000.00  |
|                   | 30 DAYS | GENERAL      | \$1,300,000.00 |
|                   | 90 DAYS | PART-TOWN    | \$ 200,000.00  |

**SAVINGS ACCOUNTS**

**SECTION 8 - HUD**

|                      |              |                |              |
|----------------------|--------------|----------------|--------------|
| POLICE FORFEITURES/C | \$ 350.81    | OCCUPIED UNITS | 65           |
| POLICE FORFEITURES   | \$ 2,583.95  | HUD PAYMENTS   | \$ 26,074.00 |
| UNEMPLOYMENT         | \$ 3,135.05  | ADMIN. FEE     | \$ 80.10     |
| GROVE CEMETARY/S     | \$ 36,063.25 | TOTAL HUD PMT. | \$ 26,154.10 |
| GROVE CEMETARY/C     | \$ 6,394.28  | TENANT RENT    | \$ 14,330.00 |
| SEWER DEDICATED      | \$ 6,178.33  | CONTRACT RENT  | \$ 39,761.00 |
| CDBG                 | \$ 8,400.00  |                |              |
| CWI/GENERAL          | \$101,587.65 | SECTION 8/C    | \$174,843.00 |
|                      |              | SECTION 8/S    | \$ 6,305.98  |
| TOTAL                | \$164,693.32 | TOTAL          | \$181,148.98 |

|                        |               |                |
|------------------------|---------------|----------------|
| COLLATERAL             |               |                |
| COVERAGE               | FDIC COVERAGE | COLLATERALIZED |
| NAT. BANK OF COXSACKIE | \$100,000.00  | \$3,226,438.56 |
| CITIZENS BANK          | \$100,000.00  | \$ 813,205.01  |
| FIRST NIAGARA          | \$100,000.00  | \$ 124,491.65  |

Supervisor Hotaling asked for a motion to approve his report.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Supervisor’s Report was approved as presented.  
VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

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**DEPARTMENT REPORT REVIEW**

**Building Department – June 2007**

Supervisor Hotaling asked that Councilman Boehm give a summary of the report.

Councilman Boehm continued by giving the report.

### **Family Self-Sufficiency Program – June 2007**

Supervisor Hotaling continued by giving the report.

### **Ravena Rescue Squad – Quarterly Report (04/07-06/07)**

Supervisor Hotaling continued by giving the report.

### **Waste Water Treatment Plant – June 2007**

Supervisor Hotaling continued by giving the report.

### **Town Clerk – June 2007**

Supervisor Hotaling asked that Town Clerk Millious give her monthly report.

Town Clerk Millious continued by giving her report.

### **Food for Thought Program**

Supervisor Hotaling continued by giving the report.

### **Summer Recreation Program**

Supervisor Hotaling asked that Councilman Boehm give the report.

Councilman Boehm continued by giving the report.

Supervisor Hotaling stated that he was in receipt of a copy of a letter that was sent to Viki Wright, Superintendent of R-C-S Schools that expressed the Village Board's concerns that R-C-S did not provide a bus for the Summer Recreation Program.

Supervisor Hotaling stated that it was the conclusion of the Monthly Reports and continued by asking for a motion to approve all of them collectively.

### **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the reports were accepted as presented.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

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### **OLD BUSINESS**

#### **Kruger Road**

Supervisor Hotaling stated that Kruger Road has been a problem to many over the years and continued by saying that Highway Superintendent Deering engaged the services of an engineering firm to put together a plan for remediation and mitigation of the flooding problems. He continued by saying that the plan was received and accepted and added that the project has commenced and then asked that Highway Superintendent Deering give an update.

Highway Superintendent Deering stated that the project started a week prior and added that they were rained out earlier in the day. He continued by saying that there is one pipe in place and weather permitting they will continue with another.

Supervisor Hotaling inquired as to the location of the pipes and their intent.

Highway Superintendent Deering stated that they should stop some of the water from going on the road and added that it should be directed to the creek bed.

**Finalization of Rescue Squad Contract**

Supervisor Hotaling stated that Councilman Boehm and Councilwoman Rogers along with others worked diligently to finalize the contract.

Councilman Boehm interjected that Town Attorney Rotello, Bill Price, Ro Woodard, Star Ross, and Joe Scalzo also did a lot of work. He continued by saying that it has been a year in the making and added that it is a solid contract that provides the Rescue Squad with what they need to fund the EMT shifts. He added that it is something that they can build on from year to year and went on to say that he is glad that they have it and he is glad that they can fund a great organization like the Rescue Squad.

Supervisor Hotaling asked Ro Woodard and Star Ross if they had any comments.

Ms. Ross asked if they could see a final draft.

Supervisor Hotaling interjected that he thought that Bill Price had given them one.

Councilman Boehm continued by going over the minor adjustments that were made.

Supervisor Hotaling stated that they could be given additional time to review it and added that they will not move it ahead if they are not familiar with it.

Town Attorney Rotello interjected that there were a number of versions that were e-mailed to the Rescue Squad’s attorney and added that there was only one word that had to be changed on his copy. He continued by saying that he went over the contract with their attorney paragraph by paragraph and reiterated that there was only one word that needed to be changed.

Supervisor Hotaling asked if there were any other comments, hearing none he asked for a motion authorizing him to execute the contract.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers authorizing the Town Supervisor to sign on behalf of the Town accepting the Emergency Medical Services (EMS) Agreement with the Ravena Rescue Squad for the year 2007.  
VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

Supervisor Hotaling stated that he would sign and execute the contract and added that Town Clerk Millious needs to notarize it as well.

Town Attorney Rotello stated that she has to attest to it as well.

Supervisor Hotaling then turned the contract over to Town Clerk Millious.

**Discussion and Award Bid of Sewer Tanker**

Supervisor Hotaling stated that they had authorized at the last meeting the advertisement for bids for a defunct sewer tanker for the Waste Water Treatment Plant to haul sludge. He continued by saying that it was advertised in the paper with a date and time for receipt of the bids along with the bid opening and then asked Town Clerk Millious for a report of the Bid Opening.

Town Clerk Millious stated that the Bid Opening was on July 20, 2007 at 2pm and continued by saying that four bids were received and reported the bids as follows:

|                                  |            |
|----------------------------------|------------|
| Robert VanEtten                  | \$2,725.00 |
| Precision Industrial Maintenance | \$5,000.00 |
| Stanley Jasinski                 | \$3,140.00 |
| Pollard Excavating               | \$3,965.00 |

Supervisor Hotaling asked Town Clerk Millious if she found the bids to be in conformity with the requirements set forth in the advertisement.

Town Clerk Millious stated that she did.

Supervisor Hotaling asked members of the Town Board if they had any questions or comments about the bidding process.

Councilman Boehm asked Highway Superintendent Deering what the approximate value of the tanker was.

Highway Superintendent Deering stated that he didn't know and added that he does not know what shape it is in.

Supervisor Hotaling stated that the tanker was put out to bid in 2003.

Town Clerk Millious interjected that in 2003 there were two bids and added that they put a minimum bid of \$10,000.00 on it and continued by saying that there were no bids.

Supervisor Hotaling stated that the Town Board established a minimum bid of \$10,000.00 with no bids received and then asked Town Clerk Millious what the high bid was the second time that it was put out to bid.

Town Clerk Millious stated that the one and only bid was between \$7,000.00 - \$8,000.00 and added that the Town Board did not accept it because it was under \$10,000.00.

Supervisor Hotaling stated that it is now 2007 and the high bid is \$5,000.00 and continued by saying that Chief Operator Breedlove had indicated to him that a number of repairs would have to be made in order to make it road worthy. He continued by saying that in turn they would have to buy a tractor to haul the sludge or contract with a tractor owner to haul it. He went on to say that he had discussion with the Mayor earlier in the week about the possibility of the Sewer District purchasing a Blue Diamond type piece of equipment with a tank capacity of 4,000 gallons to haul their own sludge, which would eliminate them from being at the whim of gas and fuel surcharges in addition to having staff on a regular basis to do it.

Tape change – Some dialect lost.

Supervisor Hotaling asked for a motion to award the bid.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, accepting Precision Industrial Maintenance Inc. as the high bidder of \$5,000.00.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

Supervisor Hotaling asked that Town Clerk Millious advise Chief Operator Breedlove.

## **Update on Coeymans Post Office Parking**

Supervisor Hotaling stated that there has been discussion at prior meetings about engaging with the Post Office to move them from their current location to 70 South Main Street because of parking problems and added that they are not interested in doing so. He continued by saying that approximately three months ago he along with Legislator Clouse met with representatives from the Department of Transportation about other solutions to the parking problems, which included establishing a couple of parking spaces across the street with restricted time periods and a crosswalk to provide safe crossing and added that he has been advised by the Police Department that the crosswalk is in place. He went on to say that he has had some discussion with the State about restricting the parking in those two places during the hours of operation of the Post Office and added that it will be signed from 7:00am to 5:00pm as being restricted as well as Saturday from 7:00am to 10:00am. He concluded by saying that the only thing left to do is post a notification of the

crosswalk so that drivers will be mindful of the fact that they are approaching a crosswalk that could potentially contain a pedestrian and then asked that Chief Darlington work with him on trying to put signs in the proper location.

Chief Darlington interjected that there were complaints earlier in the day concerning a lack of visibility.

Supervisor Hotaling stated that he agrees that there needs to be some warning signs and reiterated that he wants Chief Darlington to work with him on getting some signs installed.

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## **SECTION 8 ANNUAL PLAN**

Supervisor Hotaling stated that they are in need of establishing a date for a Public Hearing for the Section 8 Annual Plan and continued by saying that he would suggest that it be September 10, 2007 at 6:30pm. He then asked for motion to set the date.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers setting the Public Hearing date for September 10, 2007 at 6:30pm.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

Supervisor Hotaling stated that he would give the information to Town Clerk Millious the following day and in turn she could get in touch with Mr. Mastrianni about posting the notice.

## **Fees for Reports and Dog Kenneling**

Supervisor Hotaling stated that Chief Darlington had previously submitted to the Town Board his recommendations with respect to fees and in turn he was advised to talk with Town Attorney Rotello and discuss the process. He continued by saying that they have agreed that the process is merely a motion of the Town Board to set the fees. He went on to say that they have suggested an increase in the fees for accident reports, incident reports, multiple page reports, photographs, finger printing, and dog kenneling fees.

Councilman Boehm inquired as to if there is a charge now.

Chief of Police Darlington stated that if it is under a F.O.I.L. request it is 25 cents per copy and added that fingerprinting is currently being done at no charge for Town residents.

Supervisor Hotaling stated that \$20.00 for fingerprinting is low.

Chief of Police Darlington stated that it is comparable to the surrounding agencies.

Councilman Boehm inquired as to if it will still be done for free for Town residents.

Chief of Police Darlington stated that he had suggested a fee of \$5.00 for Town residents.

Councilman Boehm interjected that he did not believe that Town residents should be charged.

Supervisor Hotaling stated that if they didn't charge Town residents for fingerprints then they could not charge for anything else and continued by saying that he moves that Chief Darlington's recommendations in his memorandum of April 10, 2007 to the Town Board related to fee for accident and incident reports, photographs and finger printing be adjusted as suggested by the Chief of Police. He continued by saying that the fees are as follows: Accident Report \$13.00, Incident Report \$6.00, 25 cents a page for multiple pages, photographs \$1.50, fingerprinting \$20.00 for non-residents and \$5.00 for residents.



He then asked for a second on his motion.

Councilwoman Rogers seconded his motion.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

Supervisor Hotaling continued by saying that the Town of Coeymans established a Dog Kennel rather than they paying Mohawk Hudson River Humane Society \$3,500.00 a year. He added that Chief Darlington as well as the two Dog Control Officers Henry Traver and Jim Shear worked with Agriculture and Markets diligently to put together a dog kennel that meets specifications and in turn it was offered for inspection, which was done by Agriculture and Markets and passed with flying colors. He continued by asking Chief Darlington for an estimate of the number of dogs that have been put there since April.

Chief of Police Darlington stated that there have been approximately 5.

Supervisor Hotaling reiterated that the shelter wanted approximately \$4,000.00 for the year. He continued by saying that the Town's kennel has costs associated with it and added that Chief Darlington is suggesting \$12.00 a day for a maximum of 10 days.

Chief Darlington stated that when a dog is seized it is held for 10 days and added that if an owner is not found after 7 days the dog is put out for adoption and kept a remaining 3 days.

Supervisor Hotaling interjected that if the dog has to be euthanized by Court Order the charge is \$162.00 and continued by asking Chief Darlington how he came up with that figure.

Chief Darlington stated that this was the cost to the Town to have the most recent dog euthanized.

Supervisor Hotaling stated that these are the two things that they would be dealing with in regard to the kennel and continued by saying that these are the suggestion of the Chief of Police. He continued by saying that they have every opportunity to set the fees because they are maintaining the kennel at the most minimal cost possible to cover the costs and then stated that he would move that Chief Darlington's recommendation in his memorandum dated April 10, 2007 to the Town Board with respect to kenneling care and euthanasia be adopted at \$12.00 a day for kennel and care and \$162.00 for euthanasia.

He then asked for a second on his motion.

Councilwoman Rogers seconded the motion.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

Supervisor Hotaling asked that Chief Darlington work with the Town Clerk to make sure that the fees are publicized and posted and with Confidential Secretary Lewandowski in getting them put on the website.

Ms. Deyo inquired as to where the kennel is located.

Supervisor Hotaling stated that it is at the Waste Water Treatment Plant in a garage that housed the tanker and continued by saying that it is open for her to take a look at it.

Mr. Traver stated that it is a break even cost for the Town and continued by saying that there is not a transportation cost for the euthanasia.

Supervisor Hotaling stated that he contemplated adding that and added that as a starting point he wanted to adopt what Chief Darlington suggested and continued by saying that they will monitor it so that it is not a cost to the taxpayers.

## **Proposal for Small Claims Representative**

Supervisor Hotaling stated that Assessor VanValkenburg had asked for some assistance in the Small Claims Property Tax matters that they anticipate receiving this year and added that she had discussed it with Andy Brick an attorney that provides services to the Town on other matters. He continued by saying that Attorney Brick has sent a proposal to the Town indicating that for \$120.00 an hour he will provide his services on Small Claims Property Tax matters for the Town. He concluded by saying that Attorney Brick indicated in his proposal that it is the same rate that he charged when he provided this service to the Town a few years ago. He then asked if there were any additional comments or a motion and continued by asking Assessor VanValkenburg if she wanted to urge the Town Board.

Assessor VanValkenburg stated that she does not know and added that the filing date is open until July 31<sup>st</sup>. She continued by saying that she will not be able to handle a large influx and Mr. Brick would be able to help her.

Councilman Boehm inquired as to if she could estimate how many hours it will be for \$120.00 an hour.

Assessor VanValkenburg stated that she does not know how Attorney Brick bills and whether or not his time is for when he actually attends the hearing or if there will be travel time or prep time.

Supervisor Hotaling stated that assistance is necessary and added that Mr. Brick has done it before and continued by saying that they need someone with expertise in this area to state the Town's case.

Town Attorney Rotello stated that they should expect some prep time for each case, which will involve contact with Assessor VanValkenburg. He continued by saying that it may be no more than the morning of the hearing and added that they should assume it will be ½ hour for prep time and 1 hour for the hearing in each case.

Supervisor Hotaling interjected that it will be approximately \$200.00 - \$300.00 per claim.

Town Attorney Rotello stated that it would be a fair estimate.

Supervisor Hotaling stated that it is probably more than they are going to save in terms of the claim and added that it has to be done.

Town Attorney Rotello stated that Small Claims are not uncommon during a revaluation and added that the 100% assessment is at stake and added that they do not want to lose that equalization rate. He concluded by saying that it is important to have the Town advocated for.

Assessor VanValkenburg stated that having the presence of an Attorney seems to garner more weight than just having a Hearing Officer.

Supervisor Hotaling stated that the Town's position will be advocated and added that ultimately a deal will be reached.

Town Attorney Rotello stated that it shows lack of concern if there is not an attorney present.

Supervisor Hotaling stated that he agrees.

Town Attorney Rotello inquired as to how many are currently filed.

Assessor VanValkenburg stated that as of this date there are 11 and added that she is expecting more.

Town Attorney Rotello interjected that there are also two Article 7's to date.

Supervisor Hotaling stated that he believes that it is a valid proposal and a necessary part of the process and continued by saying that he would move that they accept Mr. Brick's proposal for \$120.00 to deal with the Town's Small Claims Property Tax matters and then asked for a second.

Councilman Boehm seconded the motion.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

### **Reconstruction of Biers Road**

Supervisor Hotaling stated that Mr. Palange had visited his office earlier in the week in addition to an e-mail taking about the project on Biers Road and continued by asking Highway Superintendent Deering to bring them up to date as to the extent of his department's involvement as well as what might be forthcoming in the future.

Highway Superintendent Deering stated that Mr. Palange changed the plan and moved the road approximately 20 feet and continued by saying that Mr. Palange has the specifications on how to do the road and has hired a contractor to do the work. He added that the Highway Department delivered the pipe earlier in the day and pulled it into the stream.

Superintendent Hotaling stated that Mr. Palange will contact Highway Superintendent Deering and in turn he will make sure that the road is up to Town specifications. He added that if it is and meets the needs of the Town, Highway Superintendent Deering will make a recommendation to the Town Board for dedication of a Town road and whether or not the old road bed should be abandoned.

Councilman Boehm inquired about the old bridge.

Highway Superintendent Deering stated that it will stay there for personal use.

Town Attorney Rotello interjected that the section of the road has to be appropriately abandoned and access closed on both ends.

Mr. Travers inquired about the project and the type of bridge.

Highway Superintendent Deering stated that it is actually a clay pipe and not a bridge.

Councilman Boehm interjected that the pipe was intended for the old road and is now being used for the new road. He then inquired as to if there will be a problem with blockage with leaving the old bridge.

Highway Superintendent Deering stated that in the past the old one has flooded.

Councilman Boehm inquired as to if it will be a problem with the new bridge.

Highway Superintendent Deering stated that he didn't know and added that he does not care as long as it does not affect the new road.

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

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### **RESOLUTIONS**

Supervisor Hotaling stated that by motion last month they had appointed Mary K. Pape as a member of the Zoning Board to fill the vacancy of Mr. McDonald and continued by saying that ordinarily this type of appointment is made by resolution and added that it is his belief that a resolution should confirm this. He went on to say that she has taken her oath and attended a meeting and added that the resolution is a formality for the record.

**RES. #083-07 APPOINT ZONING BOARD OF APPEALS MEMBER**

On motion of Councilman Boehm, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

**WHEREAS**, upon motion of the Town Board, Mary K. Pape was approved for appointment to the Zoning Board of Appeals at the June 25, 2007 meeting, and  
**WHEREAS**, the Town Board wishes to formalize this motion in the form of a resolution, and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Mary K. Pape to the Zoning Board of Appeals for a term to expire December 31, 2009.

**RES. #084-07 APPOINT CHIEF OF POLICE**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

**WHEREAS**, the Town Board had previously provisionally appointed Gregory Darlington as Police Chief, and

**WHEREAS**, Chief Darlington was required to submit to examination by Civil Service, and

**WHEREAS**, Chief Darlington has taken the exam #20077032, passed the exam and is listed on the Albany County Civil Service list established on June 20, 2007, certified to the Town of Coeymans on July 13, 2007, and

**WHEREAS**, the Town Board is desirous of recognizing Chief Darlington's accomplishments,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby appoints Gregory A. Darlington as Police Chief for the Town of Coeymans, effective immediately.

Councilman Boehm congratulated Chief Darlington.

Supervisor Hotaling added that he is very confident and comfortable that Chief Darlington is up to the challenge and continued by saying that he is proud to make the appointment.

**RES. #085-07 APPOINT SEWER TREATMENT PLANT OPERATOR**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

**WHEREAS**, resolution #118-06 was presented and passed unanimously at the October 10, 2006, Town Board Meeting provisionally appointing John H. Lennon III as Sewer Treatment Plant Operator Trainee, and

**WHEREAS**, the provisional appointment required Mr. Lennon to submit to an examination by Albany County Civil Service, and

**WHEREAS**, Mr. Lennon has taken examination #200707120, passed the exam and is listed on the Albany County Civil Service list established July 2, 2007, certified to the Town of Coeymans on July 5, 2007,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby permanently appoint John H. Lennon III 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. Lennon has been with the Town for approximately six months and added that he will now be required to take the training within a prescribed period of time.

**RES. #086-07 APPROVE WAIVER FOR SEWER BILLING**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

**WHEREAS**, the Town of Coeymans collects sewer rents from residents in the Coeymans Sewer District, outside the Village of Ravena, and

**WHEREAS**, the Town of Coeymans has experienced problems in the sewer main line that crosses, in an easement, the land of Mr. & Mrs. Ruff in Coeymans, and

**WHEREAS**, Mr. & Mrs. Ruff have been patient in waiting for the problem to be mitigated by the Town of Coeymans, and

**WHEREAS**, in a form of protest, Mr. & Mrs. Ruff have not paid their due and owing sewer rent for the period January 2007 to June 2007, and

**WHEREAS**, Mrs. Ruff has met with the Town Board at a Workshop session on July 17, 2007, and each party agreed to work toward a resolution of this matter.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans waives the late fee total of \$39.39 with the stipulation that Mr. & Mrs. Ruff pay the principal amount total of \$393.90, and

**BE IT FURTHER RESOLVED**, that the Town Board directs Waste Water Treatment Plant Operator Larry Breedlove to seek a contractor to remedy the problem area.

Supervisor Hotaling stated that a contractor is scheduled to come in and make the repairs in the line.

Town Attorney Rotello inquired as to when the Ruff's intend to pay.

Supervisor Hotaling stated that he believes that they are awaiting the resolution.

Town Attorney Rotello stated that he didn't know if there was a certain timeframe that they had to make the payment.

Supervisor Hotaling stated that it was an agreement and added that he is confident that they will hold up their end of it.

**RES. #087-07 ESTABLISH SEWER RATES**

On motion of Supervisor Hotaling, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

**WHEREAS**, the Town Board of the Town of Coeymans is required to establish sewer rates for 2007, and

**WHEREAS**, the Town Board billing process is to separate funding necessary for debt from funding necessary for operation and maintenance, and

**WHEREAS**, a Public Hearing on the proposed sewer rates was held at 6:30pm, on July 23, 2007, pursuant to Section 452 of the General Municipal Law, and

**WHEREAS**, the Town Board considers the number of uses per parcel to calculate the parcel billing for operation and maintenance and each use is charged \$42.00, and

**WHEREAS**, the Town Board has further determined that each parcel shall be charged \$141.70 for debt service, and

**WHEREAS**, the Town Board further determined that water usage for commercial meter rate customers to be \$3.45 per 1,000 gallons up to 40,000 gallons with a minimum of \$42.00 per unit per billing cycle and \$4.50 per 1,000 gallons over 40,000 gallons of usage, and

**WHEREAS**, the Town Board establishes a late payment penalty of 10% to be imposed on all balances as of August 31, 2007 in the second billing cycle.

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Coeymans does hereby authorize the Town Clerk to collect for the second billing cycle of 2007, pursuant to the above established rules, and

**BE IT FURTHER RESOLVED**, the Town Board authorizes Town Clerk Diane Millious to collect a total sewer warrant of \$69,384.34 for the second half plus penalties.

Supervisor Hotaling stated that the rates are a result of the Public Hearing. He continued by saying that the debt service remains the same and added that there is not anything that they can do about it and went on to say that they were able to take a look at the operation and maintenance and cut it down from the previous fee of \$110.00 per unit to \$42.00 per unit. He concluded by saying that the promise is to continue working on it as the negotiations go on with their colleagues in the Village

**RES. #088-07 CREATION OF BUDGET LINE AND TRANSFER OF FUNDS**  
On motion of Councilwoman Rogers, seconded by Councilman Boehm the following resolution was tabled.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

**WHEREAS**, the Town of Coeymans, in concert with the Village of Ravena, has committed \$3,500.00 in funding to provide a Summer Recreation Program, and

**WHEREAS**, the Town of Coeymans has agreed to place the program employees on the Town’s payroll, fifty percent (50%) reimbursable from the Village of Ravena, and

**WHEREAS**, the Town 2007 Budget did not contemplate personal services of this nature,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby creates a budget line 7020.1 Recreation Personal Services, and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the following transfer of funds:

**GENERAL FUND**

| <b><u>Amount</u></b> | <b><u>From Account</u></b>    | <b><u>To Account</u></b>                  |
|----------------------|-------------------------------|---|
| \$3,500.00           | A711.4 Parks<br>(Contractual) | A7110.1 Recreation<br>(Personal Services) |

Councilman Boehm inquired as to if they should increase the amount to \$7,000.00 because they are not going to bill the Village until after.

Supervisor Hotaling interjected that they would then have to create a revenue anticipating receiving \$3,500.00 from the Village in order to offset it. He continued by saying that it does not have to be done right away and suggested that they table it until the next meeting.

Supervisor Hotaling stated that the 2006 Abstract is for the body of the truck for the Highway Department and added that it was money that was encumbered for 2006, which will require the Annual Financial Report to be altered by the bookkeeping staff.

**RES. #089-07 APPROVE DECEMBER ABSTRACT**

On the motion Supervisor Hotaling, seconded by Councilwoman Rogers the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

**BE IT RESOLVED**, that the Town Board, of the Town of Coeymans, does hereby approve and allow the following claims of vouchers for the December 2006 Abstract.

| ABSTRACT | VOUCHER #     | AMOUNT             |
|----------|---------------|--------------------|
|          |               |                    |
| HIGHWAY  |               |                    |
|          |               |                    |
| Highway  | 1252          | \$62,097.00        |
|          |               |                    |
|          | Highway Total | <b>\$62,097.00</b> |

**RES. #090-07 APPROVE JULY ABSTRACT**

On motion of Councilwoman Rogers, seconded by Councilwoman Boehm, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

| ABSTRACT             | VOUCHER #           | AMOUNT              |
|----------------------|---------------------|---------------------|
|                      |                     |                     |
| GENERAL (A)          |                     |                     |
| General Pre-Pay      | 1108-1126,1293-1295 | \$148,494.82        |
| General              | 1164-1210,1212      | \$ 33,366.65        |
|                      |                     |                     |
|                      | General Total       | <b>\$181,861.47</b> |
|                      |                     |                     |
| PART-TOWN (B)        |                     |                     |
| Part-Town Pre-Pay    | 1127-1138,1296      | \$ 25,681.69        |
| Part-Town            | 1213-1241,1301-1304 | \$ 9,969.96         |
|                      |                     |                     |
|                      | Part Town Total     | <b>\$ 35,651.65</b> |
|                      |                     |                     |
| HIGHWAY (D)          |                     |                     |
| Highway Pre-Pay      | 1139-1143           | \$ 34,455.59        |
| Highway              | 1242-1278           | \$ 69,743.40        |
|                      |                     |                     |
|                      | Highway Total       | <b>\$104,198.99</b> |
|                      |                     |                     |
| SEWER (SS)           |                     |                     |
| Sewer Pre-Pay        | 1144-1156           | \$ 12,183.00        |
| Sewer                | 1279-1287,1289      | \$ 20,831.27        |
|                      |                     |                     |
|                      | Sewer Total         | <b>\$ 33,014.27</b> |
|                      |                     |                     |
| GROVE CEM. (TE)      |                     |                     |
| Pre-Pay Grove        | 1157-1158           | \$ 215.30           |
|                      |                     |                     |
|                      | Grove Total         | <b>\$ 215.30</b>    |
|                      |                     |                     |
| SPECIAL WATER (SW)   |                     |                     |
| Special Water        | 1288                | \$ 883.00           |
|                      |                     |                     |
|                      | Special Water Total | <b>\$ 883.00</b>    |
|                      |                     |                     |
| CAPITAL PROJECTS (H) |                     |                     |

|                                |                                |                     |
|--------------------------------|--------------------------------|---------------------|
| Capital Projects               | 1290-1292                      | \$ 14,113.34        |
|                                |                                |                     |
|                                | <b>Cap. Projects Total</b>     | <b>\$ 14,113.34</b> |
|                                |                                |                     |
|                                | <b>TOTAL FOR ALL FUNDS</b>     | <b>\$369,938.02</b> |
|                                |                                |                     |
| <b>TRUST &amp; AGENCY (TA)</b> |                                |                     |
| Trust & Agency Pre-Pay         | 1159-1163                      | \$190,387.09        |
|                                |                                |                     |
|                                | <b>Trust &amp; Agcy. Total</b> | <b>\$190,387.09</b> |

**CORRESPONDENCE**

**NYS Department of Transportation**

Supervisor Hotaling stated that last month he attempted to close out the Colvin Avenue situation and continued by saying that residents in the area had petitioned for a red light or blinking device at the intersection of Westerlo Street and Main Street. He added that it was originally rejected and now he is in receipt of a letter that was sent to Ms. Laurie Schiable from Mark Kennedy of the Department of Transportation advising that they now believe that it would be beneficial to install an intersection warning sign on Rte. 144 in advance of Westerlo Street. He concluded by saying that the installation of the sign will occur as soon as possible and added that it is his understanding that the sign will be located in the northbound lane of Rte. 144 somewhere in the neighborhood of where the 70 South Main Street location is now. He then asked that Highway Superintendent Deering advise him when he knows that it is in place.

Councilman Boehm inquired as to what the wording on the sign will be.

Supervisor Hotaling stated that he believes that it is just the intersection symbol and no wording.

**State of New York Association of Towns**

Supervisor Hotaling stated that he has been advised by a letter dated July 13, 2007 that the Legislature is about to alter the renewal of Article X of the Public Service Law, which will place a new State Permit for the siting of power plants and continued by reading the following excerpt:

“Towns have had the authority to site power plants off and on over the years. Most recently with the expiration of the State power siting legislation on December 31, 2002 towns have spent considerable time and expense developing and implementing local laws to site large-scale wind turbine power generation facilities (wind farms). The legislation currently under consideration by the Legislature will preempt local authority over the siting of wind farms in favor of the “stream lined” state siting policy.”

Supervisor Hotaling continued by saying that the Association of Towns has taken the position that those in government should be writing their Legislators in opposition of the legislation. He added that it lists the sponsors of the legislation so that anyone can write and express concerns and concluded by saying that he will place it on the bulletin board for the public’s view in case they want to take a position on the matter.

**Get Your Guts in Gear (Ride for Crohn’s & Colitis)**

Supervisor Hotaling stated that Town Clerk Millious was in receipt of a thank-you letter from Get Your Guts in Gear Ride for Crohn’s & Colitis. He continued by saying that they have been using Joralemon Park as a rest-stop for their charity bike ride that took place on June 10, 2007. He added that the Town waives the fee each year and went on to say that they are very satisfied by the services that are at the park, which were expressed in the letter.



## **TOWN BOARD WORKSHOPS/MEETINGS**

- Town Board Workshop, August 21, 2007, 6:00pm
- Town Board Meeting, August 27, 2007, 7:00pm

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## **ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Chief Darlington stated that he was instructed to bring up the construction of the new Police Department in Town Hall.

Supervisor Hotaling stated that they had made a decision to move the Police Department from Village Hall and added that the move will entail significant construction. He continued by saying that in order to prepare for that there are plans already in place and went on to say that the construction will commence mid September. He added that prior to that they have to do some demolition work and concluded by saying that he had asked that Chief Darlington bring it up and have the Town Board consider authorizing him to seek and hire on an hourly basis paid by voucher submission, someone to do the work.

Chief Darlington stated that one of the things that they had discussed was hiring contractors on a per job basis rather than have one contractor do the whole job.

Councilwoman Rogers interjected that some of the work can be done in-house.

Supervisor Hotaling stated that Village staff reconstructed Village Hall under the auspices of their Code Enforcement Office and added that he believes that they can do the same thing.

Councilman Boehm inquired as to if Town personnel could be used for the demolition.

Supervisor Hotaling stated that they could and added that they are now dedicated to other things. He continued by saying that they need to focus on getting someone in there to do the demolition rather than trying to fit it into a weekly schedule with current employees. He then asked for a motion to seek and obtain a demolition contractor or someone with demolition skills.

Councilwoman Rogers inquired as to if they will be taking bids.

Supervisor Hotaling stated that it is labor intensive and added that he does not think that they have to go through that process.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing Supervisor Hotaling to hire a demolition contractor at an hourly rate to do the demolition necessary for the construction to begin on the Police Department.

VOTE – AYE – 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

Supervisor Hotaling stated that he would report at the next Town Board Meeting as to who is doing the work and added that the demolition should be done by the next meeting.

Ms. Deyo inquired as to when the new construction will be finished.

Supervisor Hotaling stated that he believes that it will be done in two stages and added that the Chief of Police and his staff will probably be in Town Hall by the end of the year and continued by saying that shortly thereafter they will be able to move the balance of the Police Department. He went on to say that Communications will be another phase of the move because it will be a more difficult coordinated effort. He concluded by saying that the Chief will be in-house to supervise the rest of the construction.

Supervisor Hotaling asked if there were any additional comments.

Town Attorney Rotello stated that the Town has been served with the 2007 list of delinquent taxes for the 2003, 2004 & 2005 tax years and added that it is a list that will be going to the Town Clerk.

Supervisor Hotaling asked if there were any additional comments.

Highway Superintendent Deering stated that he has been questioned by residents as to why the Highway Department has not been out patching roads. He continued by saying that they have been in the Hamlet for two months doing the sidewalks and added that they are a little bit behind. He went on to say that he has also been questioned about the mowing and added that two of the mowers were broken. He reiterated that they are behind and continued by saying that he wanted to let residents to know that they will be getting to it.

Supervisor Hotaling asked if there were any additional comments, hearing none he asked for a motion for the Town Board to consider Executive Session.

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### **ADJOURNMENT TO EXECUTIVE SESSION**

Supervisor Hotaling stated that there is a request that the Town Board consider an Executive Session and added that it will last approximately 1 hour and added in turn they will come back in session to formally adjourn the meeting. He continued by saying that no decisions will be reached in Executive Session that will be recordable. He then asked that the Town Board consider an Executive Session on a contractual discussion related to a personnel matter.

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

### **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the meeting was adjourned to Executive Session.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 – (Chmielewski)

Time 9:55pm

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### **EXECUTIVE SESSION**

The first topic of discussion was the reappointment and contract for same of Sole Assessor Laura VanValkenburg, whose six-year term expires September 30, 2007. Sole Assessor VanValkenburg took the opportunity to request a reappointment of the Town Board to another six-year term in addition to discussing some stipulations relative to that employment relating to salary, work hours and support staff. The Town Board requested that Ms. VanValkenburg provide a more formal presentation of the data that was verbally presented in regard to the number of hours that she averages each week as well as comparison figures for other Sole Assessors in Greene and Albany County.

The second topic of discussion was to review the attendance record of Planning Board member Laurie Felter, who was appointed to the Planning Board but failed to attend meetings in February, March, May, June and July of 2007. The Planning Board amended their By-Laws in early 2007 to provide for a mechanism to report to the Town Board through the Supervisor absences of six or more meeting per calendar year or three consecutive meetings. The Planning Board discussed the matter and directed their Chairman Peter Foronda to report Ms. Felter's absence pursuant to the By-Laws enacted by that Board. Following review of the attendance record as well as the July 18<sup>th</sup> memorandum to the Supervisor from Planning Board Chairman Foronda, suggesting that

Ms. Felter has not fulfilled her commitment and following a discussion with Ms. Felter, Mr. Foronda reported that she had missed some time from her regular job as well and thought she might be able to start attending in September. In spite of the suggestion, Mr. Foronda along with the Planning Board is recommending removal according to the By-Laws enacted by the Planning Board. In the Executive Session action by Supervisor Hotaling, Councilwoman Rogers and Councilman Boehm, it was unanimously agreed to advise Ms. Felter as well as the Town Clerk that Ms. Felter is being removed from the Planning Board for absences.

Executive Session ended at 11:15pm

## **RECONVENE MEETING**

Supervisor Hotaling called the meeting back to order at 11:16 and 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)

Time: 11:20pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Public Hearing was held Monday, July 23, 2007, at 6:30pm at Town Hall, 18 Russell Avenue, Ravena, New York**

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

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

**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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**SUPERVISOR’S OPENING COMMENTS**

Supervisor Hotaling stated that the record should reflect that there are three members of the Town Board present as well as Town Clerk Millious and added that Councilwoman Chmielewski was absent. He continued by saying that the Public Hearing is to establish sewer rates for the second half billing for the Hamlet District and then asked Town Clerk Millious to read the Notice of Public Hearing.

Town Clerk Millious continued by reading the following:

**NOTICE  
OF  
PUBLIC HEARING**

**PLEASE TAKE NOTICE**, pursuant to Section 452 of the General Municipal Law the Town Board will hold a Public Hearing on Monday, July 23, 2007, at 6:30pm, at Town Hall, 18 Russell Avenue, Ravena NY 12143 for the purpose of receiving comments from the public on the proposed sewer rates.

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

Supervisor Hotaling stated that they had a similar Public Hearing six months ago and it was determined that rather than do an annual sewer rate they would do it six months at a time due to negotiations that they were in with their colleagues in the Village of Ravena about the Sewer Contract and as part of the decision for annexation of the McHugh property in 2004. He continued by saying that a component of that annexation was to provide for a continuation of a study to identify true costs of the operation of the sewer as well as debt service and added that the data collection continues. He went on to say that the first half of the year the Town Board passed a sewer rate that was broken up in two components as required by law and continued by saying that the Sewer District is carrying a considerable debt, which is a major component of the sewer rates and added that it is the responsibility for the Hamlet residents to bear. He added that for the first half of the year the debt was determined at \$141.70 and the operational and maintenance cost was \$110.50 for a total of \$252.20, which was a significantly high rate. He continued by saying that at the time of the Public Hearing and subsequently at the passage of the resolution setting the rates he jointly with the Town Board committed to continuing working diligently on establishing the true costs and assisting to bring down the rate to the Hamlet users and went on to say that there were disparate rates between the Hamlet users and those users in the Village of Ravena. He added that the negotiations have continued and have been very productive and continued by saying that by mid next year, which is the expiration of the original contract, he is confident that a continuation of an arrangement between the Village and Town can be identified and hopefully will include a breakdown of the total cost for debt service and operations that will be more tuned to the benefit derived concept that the original contract required. He continued by saying that they are proposing for the second half a continuation of the \$141.70 for debt service and added that in taking a look at the manner in which the negotiations are going with the

Village it has been determined that the \$110.50 per unit operation and maintenance rate could be reduced to \$42.00, which is a significant reduction of \$68.50 per unit. He concluded by saying that the combination of the two debt service and operation rates is proposed to be \$183.70 rather than the \$252.20 that it was the first half of the year.

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**PUBLIC COMMENT**

Supervisor Hotaling invited the public to comment at this time, hearing none he stated that the Public Hearing would be open for an additional 15 minutes for comments.

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**ADJOURNMENT**

Supervisor Hotaling stated that no one had wished to speak during the public comment period and then asked for a motion to adjourn the Public Hearing.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Public Hearing was adjourned.  
VOTE – AYES 3 – NAYS 0 – SO MOVED

Time 6:50pm

*Respectfully Submitted,*

**APPROVED:**

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

**A Bid Opening was held Friday, July 20, 2007, at 2:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Diane L. Millious, Town Clerk  
Cindy Vatalaro, Deputy Town Clerk

**ALSO PRESENT:** Larry Breedlove, Waste Water Treatment Operator  
Robert VanEtten  
Craig Ciaccio, Pollard Excavating  
Craig Corbett, Precision Industrial Maintenance Inc.

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The following Legal Notice appeared in the Ravena News Herald.

**NOTICE TO BIDDER  
INVITATION TO BID**

**NOTICE IS HEREBY GIVEN,** that the Town Board of the Town of Coeymans, Albany County, New York, hereby invites sealed bids for:

One (1) 1989 Petro Steel Vacuum Tanker Trailer

All prospective bidders may call the Waste Water Treatment Facility at (518) 756-6180 during regular business hours (7:00am-3:30pm) to schedule an appointment to view the item for 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 the 20<sup>th</sup> day of July, 2007. Bids will be publicly opened and read aloud at 2:00pm on the 20<sup>th</sup> day of July 2007.

Non-Collusive Bidding Forms must be submitted with all bids. All bidders are reminded to comply with any applicable prevailing wage requirements. 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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**BID OPENING**

Town Clerk Millious opened the bids promptly at 2:00pm and read them aloud as follows:

**BIDDERS**

|  |            |
|--|------------|
| Robert VanEtten<br>1314 Sawmill Road<br>Ravena, NY 12143                             | \$2,725.00 |
| Precision Industrial<br>Maintenance Inc.<br>1710 Erie Blvd.<br>Schenectady, NY 12308 | \$5,000.00 |

Stanley Jasinski\$3,140.00357 South Albany RoadSelkirk, NY 12158

Pollard Excavating\$3,965.00PO Box 658Altamont, NY 12009

Respectfully Submitted,APPROVED:

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Diane L. Millious, Town Clerk

**A Town Board Workshop was held Tuesday, July 17, 2007, at 6:00pm 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

**ALSO PRESENT:** Diane Millious, Town Clerk  
Larry Breedlove, Chief Operator W.W.T.P.

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Supervisor opened the meeting and led the Pledge of Allegiance.

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**AGENDA**

- **Ruff Sewer Issue**
- **Joralemon Park Property Issue**
- **Wastewater Treatment Plant Staffing**
- **Justice Court Assistance Program Application**
- **Assessor Term Expiration 09/30/07**
- **Request for The Ledger for Link on Town of Coeymans Website**
- **Finalization of Ravena Rescue Squad Agreement**
- **Draft Inactive Records Manual Review**

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**AJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

**MOTION**

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

Time: 7:44pm

*Respectfully Submitted,*

**APPROVED:**

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



**A Town Board Meeting was held Monday, June 25, 2007, 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

**ALSO PRESENT:** Lucinda Vatalaro, Deputy Town Clerk  
Albert Deering, Highway Superintendent  
Joseph Rotello, Town Attorney  
Gregory Darlington, First Sergeant  
Albert Deering, Highway Superintendent  
George Dardani, Justice  
Virginia Pearson, Justice  
Bill Bruno, Emergency Management 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 the meeting would not be televised due to a miscommunication between Bill Price and Bill Horton. He continued by saying that the record should reflect that there is a full Town Board in addition to Deputy Town Clerk Vatalaro, Town Attorney Rotello, Chief of Police Darlington, Highway Superintendent Deering as well as Justice Pearson, Justice Dardani and Emergency Management Coordinator Bill Bruno in the audience. He went on to say that he would forgo the review of the agenda and asked that Deputy Clerk Vatalaro state in the minutes that he did make mention of the length of the agenda.

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**AGENDA**

- Public Comment
- Approval of Minutes
- Town Board Meeting, April 23, 2007
  - Town Board Meeting, May 14, 2007
  - Town Board Workshop, May 15, 2007
  - Supervisor's Report – May 2007
  - Department Report Review
- Building Department Monthly Report – May 2007
  - Waste Water Treatment Plant Monthly Report – May 2007
  - Town Clerk Monthly Report – May 2007
  - Old Business Update and Discussion
- Fire District Boundary Update
  - Colvin Avenue
  - Revaluation and Tentative Equalization Rate for 2007
  - American Society of Composers, Authors and Publishers (ASCAP) License Issue
  - Follow up to Joint Town/Village Workshop on 4/24/07
  - Court Clerks
  - NIMS Compliance
  - New Business Topics for Discussion and/or Action
- Surplus Bid of Sewer Tanker
  - Food for Thought Program
  - Notification of Defect for Sidewalks
  - Post Office Parking - Route 144
  - Board of Assessment Review Additional Compensation

- Retirement of Waste Water Treatment Plant Operator
- DEC Tank Registration Highway Department
- Summer Recreation Program Schedule
- Establish Public Hearing for Sewer Rates July - December 2007
- Resolutions
  - Cooperative Purchasing Agreement with Albany County
  - Authorization for Justice Court Assistance Program Application
  - Appointment of Zoning Ordinance Committee
  - Audit of Town Justice
  - Audit of Town Officials
  - Amend 2007 Budget re: Operation IMPACT Tools Grant Award
  - Authorization to Sign Agreement for Legal Services for Special Districts
  - Appoint Food For Thought Bus Driver
  - Appoint Food For Thought Recreational Aides
  - Appoint Temporary Personnel Supervisor
  - Authorization for Domestic Partner Health Insurance Coverage
  - Change of Health Insurance Renewal Date
  - Appointment Summer Sports Program Recreation Counselors
  - Waiver of Special Use Permit Fee Teen Challenge
  - Appointment of Part-Time Clerk
  - Approve June 2007 Abstract
- Correspondence
  - Angelo Rosato
  - Albany County Board of Elections
  - James Gause re: Parking on Westerlo Street
  - Village of Ravena
- Town Board Workshops/Meetings
  - Town Board Workshop, July 17, 2007, 6:00pm
  - Town Board Meeting, July 23, 2007, 7:00pm

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class=Section2>

**PUBLIC COMMENT PERIOD**

Supervisor Hotaling invited the public to comment at this time.

Ms. Sheryl Slingerland stated that she wanted to introduce herself and continued by saying that she is Chief of Operations for the Ravena Rescue Squad.

Supervisor Hotaling asked for an update relative to a previous discussion that they had a few weeks ago.

Ms. Slingerland stated that it was something that the Town of Bethlehem Supervisor was trying to implement but could not because he found out that he cannot rule the Bethlehem Ambulance garage and added that it will be the same mutual aid as before.

Supervisor Hotaling stated that it was great and continued by saying that he is glad that it has been straightened out. He continued by asking if there were any additional comments, hearing none he moved to the next item on the agenda.

class=Section3>

APPROVAL OF MINUTES

Supervisor Hotaling stated that there were five sets of minutes for Town Board approval and added that preliminary the Town Board had indicated that they were prepared to act on the first three and table the remaining two. He then asked for a motion to approve a Town Board Meeting on April 23, 2007, a Town Board Meeting on May 14, 2007, and a Town Board Workshop on May 15, 2007.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the Town Board Minutes were approved. VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that Deputy Clerk Vatalaro should note for the record that the Joint Town Board, Planning Board and Zoning Board Meeting on May 21<sup>st</sup> and a Town Board Workshop on June 19<sup>th</sup> were tabled.

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SUPERVISOR’S REPORT

Supervisor Hotaling presented his report for May 2007.

| FUND            | BAL. FWD.     | RECEIPTS      | DISBURSE.       | BALANCE       |
|-----------------|---------------|---------------|-----------------|---------------|
| General         | \$ 179,799.96 | \$ 319,821.60 | \$ 336,429.75   | \$ 163,191.81 |
| Part-Town       | \$ 243,842.98 | \$ 1,232.27   | \$ 50,584.26    | \$185,490.99  |
| Spec. Water     | \$ 80,307.54  | -0-           | -0-             | \$ 80,307.54  |
| Highway         | \$ 219,929.02 | \$ 840.38     | \$ 50,062.00    | \$170,707.40  |
| Bridge Const.   | \$ 104,133.00 | \$ 51.04      | \$ 19,298.15    | \$ 84,885.89  |
| Sewer           | \$ 119,857.23 | \$ 13,176.11  | \$ 26,319.13    | \$ 106,714.21 |
| Sewer Cap Proj. | \$ 223,502.41 | \$ 270.43     | \$ 39,618.05    | \$ 184,154.79 |
|                 |               |               | Total Rec. Bal. | \$ 975,452.63 |

CD CITIZENS BANK

|         |            |                 |
|---------|------------|-----------------|
| 90 DAYS | A FUND     | \$ 115,000.00   |
| 90 DAYS | HIGHWAY DA | \$ 200,000.00   |
| 90 DAYS | SEWER      | \$ 100,000.00   |
| 30 DAYS | GENERAL    | \$ 1,800,000.00 |
| 90 DAYS | PART-TOWN  | \$ 200,000.00   |

| SAVINGS ACCOUNTS    |              | SECTION 8 HUD  |             |
|---------------------|--------------|----------------|-------------|
| POLICE FORFEITURES  | \$ 2,933.01  | OCCUPIED UNITS | 65          |
| UNEMPLOYMENT        | \$ 3,135.05  | HUD PMTS.      | \$28,493.00 |
| GROVE CEM. – SAV.   | \$ 36,063.25 | ADMIN. FEE     | \$ 80.10    |
| GROVE CEM. – CHECK. | \$ 6,394.28  | TOTAL HUD PMT. | \$28,573.10 |
| SEWER DEDICATED     | \$ 6,174.41  | TENANT RENT    | \$12,551.00 |
| CDBG                | \$ 8,400.00  | CONTRACT RENT  | \$38,924.00 |
| CWI/GENERAL         | \$100,384.33 |                |             |
| COLLATERAL          |              |                |             |
| COVERAGE            | FDIC         |                | COVERAGE    |
| COLLATERALIZED      |              |                |             |

|                                   |                     |                       |
|-----------------------------------|---------------------|-----------------------|
| <b>NATIONAL BANK OF COXSACKIE</b> | <b>\$100,000.00</b> | <b>\$3,249,785.52</b> |
| <b>CITIZEN’S BANK</b>             | <b>\$100,000.00</b> | <b>\$2,344,875.77</b> |
| <b>FIRST NIAGARA</b>              | <b>\$100,000.00</b> | <b>\$ 124,523.00</b>  |

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 accepted as presented.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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**DEPARTMENT REPORT REVIEW**

**Building Department – May 2007**

Supervisor Hotaling asked that Councilman Boehm give a summary of the Building Department Monthly Report.

Councilman Boehm continued by giving the report.

**Waste Water Treatment Plant – May 2007**

Supervisor Hotaling stated that the influent meter has been calibrated and is reading much closer to affluent meter and continued by giving the Waste Water Treatment Plant Monthly Report.

**Town Clerk – May 2007**

Supervisor Hotaling asked that Deputy Clerk Vatalaro give the Town Clerk’s Monthly Report.

Deputy Clerk Vatalaro continued by giving the report.

**Justice Department – May 2007**

Supervisor Hotaling asked that Councilwoman Rogers give the Justice Department Monthly Report.

Councilwoman Rogers continued by giving the report.

Supervisor Hotaling asked for a motion to approve all of the reports.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the Monthly Reports for May 2007 were approved as presented.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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**OLD BUSINESS**

**Fire District Boundary Update**

Supervisor Hotaling stated that a few meetings ago both Fire Districts were represented by an attorney and added at that time it led the Town Board to conclude that by the June 25<sup>th</sup> meeting they would hear from the Fire Districts with respect to the negotiations that had taken place along with an agreement for the line. He then asked Attorney Young, counsel for Coeymans Hollow if this was the case.

Attorney Young stated that this was not the case and added that the day following the meeting he had been informed by his clients that subsequent to his leaving the room the Town Board took action to confirm the 1971 line and in turn they were waiting for the

Assessor to make the appropriate changes. He continued by saying that on May 29th he sent a letter asking that that Assessor follow through relative to the resolution of the Town Board and added that he has not had any conversation with the attorney representing Coeymans Fire Company relative to any negotiated settlement.

Supervisor Hotaling stated that it is disturbing to him and added that he did not join in the majority on that particular motion and added that it was not his impression that the motion was a signal to end negotiations. He then asked the Town Board what they thought.

Councilwoman Rogers stated that they came back and agreed that they would give the Fire Districts until the end of June before they did anything else.

Attorney Young stated that this was never communicated to him or the other Attorney.

Councilwoman Chmielewski interjected that she did not believe that it was the motion.

Councilman Boehm stated that the motion was to go back to the original 1971 line.

Councilwoman Rogers stated that they had tabled it.

Councilman Boehm and Councilwoman Chmielewski collectively replied that it was passed.

Supervisor Hotaling agreed that it was passed and continued by asking if the motion that was offered by Councilman Boehm, seconded by Councilwoman Chmielewski and passed by a vote of 3-1, was intended to preclude negotiations between the fire companies.

Councilwoman Rogers stated that it was not.

Councilman Boehm stated that his intent was to return the line to where it was originally.

Councilwoman Chmielewski stated that they could have negotiated a different line up until now.

Councilwoman Rogers stated that Attorney Young and the counsel for Coeymans Fire District had stated that they would have an agreement by June 25<sup>th</sup>, which was the date for a Town Board Meeting.

Attorney Young stated that it was fairly clear to him that they were going back to the 1971 line and added that a map was located with another Attorney who had represented the District. He continued by saying that the map was delivered to the Assessor's office along with a written description of the property and added that there was no need for any further negotiations.

Supervisor Hotaling stated that there were no parcel maps attached to it and added that they were not even done for the County of Albany at that time.

Attorney Young interjected that there was a written description.

Supervisor Hotaling stated that there is a written description and added that coupled with the map it did not appear that it was sufficient enough to be able to draw a line based upon the parcel maps that exist right now. He continued by saying that if this were so the apportionment of those parcels that the line would bisect would be something that had to be done subsequent to that. He reiterated that he voted in the negative and added that he will not take any more issue on it and continued by saying that he expected that both attorneys would have come to the meeting with negotiations as they had suggested that they would do. He concluded by saying that if this is not the case the Town Board will have to give some direction as to what direction to take.

Councilwoman Chmielewski interjected that she does not believe that they have to give additional direction and added that the 1971 line is what they agreed upon.

Supervisor Hotaling continued by inquiring if the map and description will provide an opportunity for the Assessor to lay out the line as well as apportion the properties that it might bisect.

Councilwoman Chmielewski stated that she didn't believe so.

Councilman Boehm interjected that they had discussed contracting Sipperly Assoc. to do this.

Councilwoman Chmielewski stated that at the last meeting they had discussed Sipperly Assoc. and added that they were going to decide whether or not to use them at this meeting.

Supervisor Hotaling stated that Sipperly Assoc. has suggested that they can do the job for approximately \$4,000.00.

Attorney Young stated that he would suggest that according to Town Law if two Districts cannot resolve their issues the Town Board has the authority to engage an Engineer and added that the cost would then be divided between the two Districts.

Supervisor Hotaling stated that if this is what the Town Board chooses to do after hearing that there has been no recommendation propered this is something that can be done. He continued by saying that the Town Board could also authorize him to sign a proposal for the drawing of that line and the overlay of the parcel map.

Councilwoman Chmielewski inquired as to if this is what Sipperly was going to do.

Councilman Boehm stated that it is and added that the price was approximately \$3,500.00.

Attorney Young stated that his understanding from the Coeymans Hollow Fire District is that this is what they want and added that they want the line to go back to what it was in 1971. He continued by saying that he is sure that Sipperly Assoc. can do this.

Councilwoman Chmielewski stated that they said they can and gave a price.

Supervisor Hotaling stated that at the time of their last discussion with Attorney Young and at the time of the vote with the Town Board to their knowledge the map did not exist and continued by saying that when the map was discovered it was turned over to Town Attorney Rotello and in turn to the Assessor and made available in the spirit of if it could be helpful in negotiations of both Fire Districts.

Attorney Young stated that the map is the best evidence of what is available.

Supervisor Hotaling stated that based upon the existence of the map Sipperly Assoc. who had previously proposed a cost of \$5,800.00 had reduced the price to approximately \$3,800.00. He continued by saying that if the Town Board wanted to move to authorize him to engage with Sipperly Assoc. the process could begin.

Councilwoman Chmielewski interjected that at the last meeting they had decided to hold off on doing that in case both Attorneys had agreed to change the line.

Attorney Young stated that on behalf of his clients they do not want the line changed and added that they want the line to be what it was in 1971.

Emergency Management Coordinator Bruno asked if he could speak and continued by saying that he is a Commissioner with the Coeymans Fire District.

Supervisor Hotaling stated that counsel for Coeymans Fire District was not present and continued by asking Attorney Young if he had any opposition to a member of the Fire Company speaking on the issue.

Attorney Young stated that he didn't have a problem with it.

Commissioner Bruno stated that when they left the meeting it was their understanding that they would negotiate the line and added that at the end of the meeting it got changed without their presence and continued by saying that subsequent to the meeting he is well aware of the discovery of the maps. He went on to say that they had every intention to continue the negotiations in trying to apportion the line along boundary lines. He continued by saying that he was not happy with the Town Board's action at the end of the meeting after Coeymans Fire Company's departure and added that it should have been done while they were present. He added that if he sat on the Town Board and his wife was a Fire Commissioner he would have recused himself from the vote. He concluded by saying that they understand that the Town Board has to make a decision and added that it has been made.

Supervisor Hotaling asked Commissioner Bruno the status of the Fire Company's counsel and whether or not he had planned on attending the meeting.

Commissioner Bruno stated that when they got the minutes from the meeting from the Town Clerk they forwarded them to their Attorney and added that he was very surprised by the Town Board's action and was not happy with what happened after they left the meeting and the fact that they did not have the opportunity to make comment or be involved. He added that their understanding was that Coeymans Hollow Fire District no longer cared to negotiate based on what the Town Board had done.

Councilwoman Chmielewski inquired as to if their Attorney had contacted Attorney Young.

Commissioner Bruno stated that to his knowledge he did not believe so and continued by saying that as a result of what the Town Board did they felt as though there was nothing left to negotiate.

Councilwoman Chmielewski stated that they had time between that meeting and now for the Attorneys to meet and change parcels.

Commissioner Bruno stated that when they left the meeting they understood that the line would remain an additional 45 days the way that it was and added that they believed that they still had time to work it out. He continued by saying that both counsel felt as though it could be worked out and added that this was the dialog at the meeting. He concluded by saying that they didn't know that the Town Board was going to change it after they left and added that at this point there is nothing further they can do.

Councilwoman Chmielewski stated that the Town Board did not have to do anything because it was already on the books and added that they were forced to take some kind of a vote, which happened at the end of the meeting. She concluded by saying that the motion was not set to come up just because they had left and added that they were as surprised as anyone else was when it came up.

Commissioner Bruno stated that it does not look right.

Councilwoman Chmielewski interjected that he could have stayed for the entire meeting but chose to leave.

Commissioner Bruno stated that Supervisor Hotaling had indicated that it was the end of the discussion for that topic and added that they took him at his word that it was the end of the discussion on the Fire District line.

Councilwoman Chmielewski reiterated that as a result of the motion they were forced to take a vote and continued by saying that the 1971 line was on the books and added that they did nothing to change the line.

Commissioner Bruno stated that the issue is the boundary description, which is a little ambiguous at some points.

Councilwoman Chmielewski stated that this is why they are hiring Sipperly Assoc. and added that they are trying to put the line where it belongs.



Commissioner Bruno stated that he did not want to discuss it any further and continued by saying that he believes that the Town Board acted irrationally because there was an honest effort to come to an agreement and concluded by saying that it is what it is.

Councilwoman Chmielewski interjected that she will continue to talk on the subject and added that when it first came up she had not and continued by saying that she had spoken with Supervisor Hotaling about it and said she was going to have nothing to say on the subject at all. She went on to say that for the first couple of meetings she didn't say anything and added that other people were involved such as the Town Attorney who also is a member of the Coeymans Fire Department. She continued by saying that if he feels as though she should not talk about it he can take her before the Ethics Board and added that he has a right to do that if he wishes.

Commissioner Bruno stated that he was not accusing her and added that if he were on the Town Board he would have recused himself.

Councilwoman Chmielewski stated that when it first came up she had discussed her involvement with Supervisor Hotaling and added that Commissioner Bruno knows all that has transpired over the past year.

Commissioner Bruno stated that he does not know what Town Attorney Rotello had advised the Town Board to do and added that he did not cast a vote either way.

Councilwoman Chmielewski reiterated that Town Attorney Rotello belongs to the Coeymans Fire Company and added that she does not belong to the Coeymans Hollow Fire Company and continued by saying that she has nothing to do with it.

Commissioner Bruno stated that they are a small community and added that they will have issues come before them where they have an alliance, allegiance or involvement and continued by saying that he respects that. He reiterated that if he were on the Town Board he would not have voted and added that he does not think that it was unethical.

Councilwoman Chmielewski stated that she wanted to let him know that if he feels as though it is unethical he can take it before the Ethics Board.

Supervisor Hotaling asked Attorney Young if he had any rebuttal.

Attorney Young stated that he would suggest that the Town Board move forward with retaining the firm of Sipperly Assoc. to determine what the boundaries were in 1971 and in turn they would have a basis in which the two Fire Districts can discuss how fire protection would be better provided. He continued by saying that there is a specific section in the statute to alter boundaries with both district's consent. He concluded by saying that they have to establish the basis of where they are now in order to go forward and reiterated that negotiations and discussions do not have to end.

Supervisor Hotaling stated that it was a point well taken and reiterated that even though his vote was a negative he did not view the motion to be determinative of anything on the Board with respect to the belief that they all shared that at this meeting they would hear some kind of recommendation. He concluded by saying that at this point he does not think that that Board has any other choice but to consider a motion authorizing him to enter into a contract on behalf of the Town with Sipperly Assoc. to lay out the 1971 line with the cost being shared by the two Fire Companies. He then offered a motion as follows:

## **MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Chmielewski authorizing him to enter into an agreement with Sipperly Assoc. based on their proposal to map the 1971 line with an overlay of parcels.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that from that if there is assistance to be rendered to the Assessor's Office on the apportionment responsibilities among the parcels that might be bifurcated by the establishment of the line he will leave it up to the Assessor to make

some presentation to them if she feels ill equipped to be able to do that. He continued by saying that if this is the case it can be a portion of the project that they can act on separately and independently. He then asked Attorney Young if he felt as though this is a proper course.

Attorney Young stated that it is.

Councilwoman Chmielewski stated that she believes that the Assessor will need outside help.

Supervisor Hotaling stated that he thinks so too and added that he does not want to predict that and continued by saying that they will wait to see how it plays itself out.

Town Attorney Rotello stated that he did speak with counsel for both Fire Districts initially and added that he had indicated that he is a member of the Coeymans Fire Company. He continued by saying that he had stated that if either of their clients had an objection to him being involved in any degree to let him know and in turn he did not hear anything back from either of them. He added that everyone knows the extent of his involvement and added that Attorney Young knows because he has called him on behalf of the Fire District because he is the Association of Fire Districts Attorney. He concluded by saying that he does not believe that there was any objection and added that the involvement of him in this advising the Town Board was minimal.

Councilwoman Chmielewski stated that bringing up him being a member of the Fire Company was as silly as Commissioner Bruno bringing up the fact that she is the wife of a Commissioner and added that she does not discuss the Fire Company at all with him.

Attorney Young stated that he wanted to confirm that Town Attorney Rotello did contact him and added that he did not have any objection.

Supervisor Hotaling stated that Town Attorney Rotello had advised him that he had spoken with Attorney Young.

Supervisor Hotaling asked if there were any further comments hearing none he moved to the next item on the agenda.

### **Colvin Avenue Update**

Supervisor Hotaling stated that there have been representatives from the Colvin Avenue and Westerlo Street area at past meetings concerned with quality of life issues in the Hamlet. He continued by saying that one of the concerns was the speed limit on Colvin Avenue and added that one of the residents came to many Town Board Meetings suggesting that the speed limit be lowered on Colvin Avenue and continued by saying that subsequent to that it was discovered that an area speed limit was in place, which is 30 mph for the entire Hamlet of Coeymans. He went on to say that petitions were rendered and Highway Superintendent Deering suggested in a memo to the Town Board that the speed limit should be lowered on Colvin Avenue and added that the process is that once the request is received and accepted and then sent to the County Public Works Commissioner in turn they do a study and send it on to the Department of Transportation. He continued by saying that he is now in receipt of a copy of a letter from Mark Kennedy, Regional Transportation System Operations Director of the Department of Transportation in Region I, addressed to Michael Franchini, Commissioner of Public Works with Albany County, and continued by reading the following excerpt from the letter:

“In response to your letter dated February 12, 2007 questioning a speed limit study on Colvin Avenue in the Hamlet of Coeymans, we noted that Colvin Avenue is located in the Hamlet of Coeymans and is currently governed by an area 35ph speed limit for the Hamlet that was established by this office in 1981. Our field investigation found Colvin Avenue to be a dead-end road, less than 400 feet in length. It is our policy not to set linear speed limits on highways less than 1300 feet long, therefore we have determined that a speed limit lower than the existing area 30 mph speed limit is not warranted.”

Supervisor Hotaling stated that this puts the speed limit issue to rest and continued by saying that there were other petitions rendered by the same resident on Colvin Avenue to DOT that resulted in a May 22<sup>nd</sup> letter to that resident and added that a copy came to him. He went on to say that the petitioners requested a study for a flashing signal at the intersection of Rte. 144 and Westerlo Street and continued by saying that the letter indicates that their study included reviewing four years of accident data, documenting existing signs and they did not find an accident pattern at the intersection and traffic volumes were well below those normally associated with a need for a traffic signal. He added that based on the data that they collected and based on their experience with similar intersections they did not feel that a traffic signal was warranted. He continued by saying that the petitioners also requested additional speed limit signs as well as a “Stop Ahead” sign along Westerlo Street and added that the study concluded that the sight distance to the existing stop sign was satisfactory as well as there not being an accident pattern involving vehicles running the stop signs and went on to say that the letter states that Westerlo Street is a Town of Coeymans road and additional speed limit signing is at their discretion and added that the State chooses not to engage in additional signage. He added that the petitioners also requested temporary installation of cameras to catch speeding vehicles on Colvin Avenue and continued by saying that the letter states that Colvin Avenue is a Town of Coeymans Road and the New York State Vehicle and Traffic Law currently allows camera enforcement only within the boundaries of New York City, which resulted in a denial for that request as well. He went on to say that the petitioners also requested to block off Rte. 144 from Colvin Avenue so it cannot be used as a thoroughfare and added that the letter states that they noticed the driveway at Hillside House is posted with a Private Road No Through Traffic sign and continued by saying that the Hillside House property is allowed to access Rte. 144 and the letter indicates that they have no plan of blocking the access and further states that Colvin Avenue is a Town of Coeymans roadway and blocking access to Hillside House is at the Town’s discretion. He added that the petitioners also requested additional Dead End traffic signs on Colvin Avenue and the letter states that Westerlo Street is a Town of Coeymans road and additional signs are at their discretion and continued by saying that No Parking signs were also requested to be added at the circle at the end of Colvin Avenue and added that this would also be at the discretion of the Town’s Highway Superintendent. He concluded by saying that Highway Superintendent Deering also received a copy of the letter and added that he wanted to close the issue of Colvin Avenue.

Collectively the Town Board agreed.

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

### **Revaluation and Tentative Equalization Rate for 2007**

Supervisor Hotaling stated that the Town of Coeymans is in receipt of State Equalization Rate for the 2007 Assessment Roll and added that it is 100%, which was the goal after the revaluation. He continued by saying that the Town was at 75% in 2006 and added that the Town was destined to go to the high 50’s without the revaluation. He reiterated that the Town is at 100% and continued by saying that the only other place in the County of Albany is the City of Albany and added that by comparison New Scotland is 95%, Bethlehem is 92.45%, Guilderland is 80%, Watervliet and Cohoes are in the 60’s, Knox and Rensselaerville are in the 50’s and Westerlo is .83%. He then asked if there were any additional comments, hearing none he moved to the next item on the agenda.

### **American Society of Composers, Authors, Publisher (ASCAP) License**

Supervisor Hotaling stated that ASCAP is once again on the agenda and it is relative to the license issue which they believe the Town is responsible for. He continued by asking Attorney Young if he is familiar with the copyright law.

Town Attorney Rotello asked Attorney Young if he has been inundated with the Fire Association with requests for licenses from ASCAP for parades or anything else that the Fire Districts might sponsor.

Attorney Young stated that he has not.

Supervisor Hotaling stated that the Town has been inappropriately dunned for the last two years to pay a \$280.00 license fee to have music on hold, Evenings on the Green, etc. and continued by saying that he believes that it is a waste of taxpayer money to do this and added that it is ASCAP's way of getting back at the general public for music that is downloaded. He went on to ask for any guidance that Attorney Young could offer.

Attorney Young stated that he represents another organization that has had their plights with ASCAP and continued by saying that they just don't pay.

Supervisor Hotaling inquired as to whether or not they continue to play the music.

Attorney Young stated that they do.

Supervisor Hotaling inquired as to whether or not they have been sued.

Attorney Young stated that they have not.

Supervisor Hotaling interjected that it was good advice and added that he was going to ask the Board to cave on paying the fee in order to save the Town from any lawsuit. He continued by saying that he received a phone call from Jennifer Chadwick who is from ASCAP and also the person that has been dunning the Town and added that she did not understand why Town Attorney Rotello had written a letter at the request of the Town Board indicating that the Town is not interested in paying the fee because they do not use music on hold and the Evenings on the Green are contracted to people who have licenses to play music. He went on to say that he asked her whether or not she was familiar with another municipality who has music on hold as well as a Friendship Festival and Village Wide Garage Sale and she indicated that she wasn't. He concluded by saying that he already had known that because he had contacted his colleague in the Village if they had ever been contacted by Jennifer Chadwick from ASCAP.

Town Attorney Rotello interjected that Ms. Chadwick had gone online to see what events the Town had on their website.

Supervisor Hotaling stated that she had and indicated that she saw the Town was having Evenings on the Green starting with the Jeff Spencer Band on July 9<sup>th</sup> and ending with Music Magic in September. He added that he had told her that his position was that those performers have their own licenses when they bought the sheet music and continued by saying that Ms. Chadwick had indicated that this is not how it works and went on to say that the Town has to have their own license. He continued by saying that he had indicated to her that he would have to either cave and pay the license fee or recommend to the Town Board that they cancel Evenings on the Green and in turn she had said that he would be a fool to do that and added that she hung up when he had asked her to repeat that because he had just turned on a recording device. He concluded by saying that he does not know what to do and continued by asking the public whether or not he should pay the fee.

Ms. Doris Millett stated that he should not pay.

Mr. Ivan Millett stated that if he pays it this year it will set precedence and in turn they will want the fee every year.

Ms. Millett inquired as to if they are a legitimate organization.

Town Attorney Rotello stated that the Association of Towns had a seminar on ASCAP and added that they represent a certain portion of the music industry.

Supervisor Hotaling stated that they might have a repertoire of 100,000 songs and it would be possible that another licensing organization such as United Artists could demand a license if a band played a song during Evenings on the Green that was not an ASCAP song.

Attorney Young stated that there are two other groups that are trying to do the same thing.

Town Attorney Rotello stated that it will then be \$280.00 for ASCAP as well as another fee for another licensing organization.

Supervisor Hotaling stated that he believes that the Town should dig their heels in and not pay.

Councilman Boehm interjected that it is ridiculous and added that he believes that they should ignore ASCAP.

Councilwoman Rogers and Councilwoman Chmielewski agreed.

Mr. Mantor in the audience stated that mail that does not come Certified Mail is not really received.

A member of the audience inquired as to whether or not they have threatened to sue the Town.

Supervisor Hotaling stated that she had made a call and added that she clearly has the Town in the crosshairs. He continued by saying that the Village has a Friendship Festival as well as music on hold and added that they have never heard of ASCAP.

Ms. Doris Millett stated that it sound discriminatory to her.

Supervisor Hotaling stated that the City of Albany, Guilderland and Colonie have complied.

Town Attorney Rotello interjected that they were large fees for them because it is based on population.

Supervisor Hotaling stated that their fees are probably a few thousand dollars a year.

Mr. Payne in the audience stated that the City of Albany does things such as Alive at Five.

Supervisor Hotaling stated that it makes no difference and added that the band that is hired should have a license to play the music.

Ms. Doris Millett inquired about not paying a fee to the performer.

Supervisor Hotaling stated that his sense is that it is not grounded to whether or not you pay but rather grounded in the sponsorship of the event and added that if a municipality sponsors the event, the municipality is subject to a license even if the performers are licensed to perform.

Town Attorney Rotello stated that if you look at the legal brief they list all of the scheduled cases to answer all of the questions associated with it.

Supervisor Hotaling stated that there was even a municipality that tried to play the music with different words and added that there is case law that says even if you change the words you would still need a license. He concluded by saying that he would go with the wishes of the public and Town Board and not pay the fee. He then asked if there were any additional comments, hearing none he moved to the next item on the agenda.

### **Joint Town/Village Workshop of 04-24-07 Update**

Supervisor Hotaling stated that he had written a letter to Mayor Bruno on May 1<sup>st</sup> relative to the Joint Town/Village Workshop on April 24<sup>th</sup>. He continued by saying that there was a to-do list and added that Councilman Boehm was involved with Village Trustee Persico on a Recreation Program matter in addition to him getting back to the Mayor on another matter and as a result had requested an update on the status and went on to ask the Town Board if they wanted to give him some guidance. He continued by saying that they went over there and asked for cooperation in the Shared Municipal Service Initiative Grant as

it relates to taxpayer savings up to and including dissolution of one government in addition to suggesting that the Village consider the elimination of Village Court and rolling its responsibilities to the Town Court and in turn eliminating one Justice. He continued by saying that the suggestion was peaked by the fact that the Village Police Department disbanded and the Town took it over and added that the UTT's that are written within the Village still go to Village Court and the revenues derived are staying in a municipality that does not support a Police Department. He went on to say that a Police Force is a General Fund charge in terms of budget and added that it makes sense to him that either the Village Court has to go away with respect to UTT's or they have to have a contractual arrangement with the Village to tithe over any revenue derived in the Village Court as the result of UTT's to support the effort of the Town Court and Town Police Department. He added that sewer remains an issue with the Village as well as a water billing issue for people outside of the Village that receives Village water in the Water Supply District and continued by saying that the people outside the Village are not being billed correctly. He concluded by asking the Town Board what he should do.

Councilwoman Chmielewski stated that the letter indicated that it was copied to the Village Trustees.

Supervisor Hotaling stated that he was asked to do this by Village Trustees because they said they were not being supplied with correspondence that he was sending directly to the Mayor.

Councilwoman Chmielewski stated that he should send another request for a follow-up and should indicate that he has not heard from them and is anxiously awaiting their reply.

Councilman Boehm inquired as to if another joint meeting might be beneficial.

Supervisor Hotaling stated that they didn't follow-up on the first meeting's issues. He then asked if there were any additional comments hearing none he moved to the next item on the agenda.

## **Court Clerks**

Supervisor Hotaling stated that he expected a memo from the Justices indicating a plan that they wanted the Town Board to consider and added that instead they received a resolution. He added that the resolution was added to the rest of the resolutions for the meeting, which will be addressed later in the meeting. He continued by saying that he was also advised that one of the part-time employees had departed, which he also was not aware of and then asked when it happened.

Councilwoman Chmielewski stated that the employee actually was let go.

Justice Pearson interjected that the time had come and she was let go.

Supervisor Hotaling inquired as to when it happened.

Justice Pearson stated that it was Thursday, which was the end of the pay period.

Supervisor Hotaling asked if the Town Board wanted the resolution taken out of place and act on it or if they should wait.

Councilwoman Chmielewski stated that they should wait and do all of the resolutions together.

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

## **NIMS Compliance**

Supervisor Hotaling stated that Emergency Management Coordinator Bruno had e-mailed him and in turn he was invited to give an update on the National Incident Management System. He continued by inviting Emergency Management Coordinator Bruno to give the update.

Emergency Coordinator Bruno stated that he had received a correspondence from the County's NIMS coordinator Michael Perrin and Captain John Layton regarding NIMCAST, which is a breakdown by section of the requirements to meet the NIMS compliance. He continued by saying that the NIMS compliance will be an on-going event and added that every year there will be additional requirements and added that the County has come out with a new version of NIMCAST, which is a tool to see if you are in compliance. He went on to say that there are seven sections to follow and continued by outlining the following:

1. Encourage any non-government affiliated organization to adopt the plan.
2. Command & Management
3. Preparedness Planning
4. Preparedness Training
5. Preparedness Exercises
6. Resource Management
7. Communications and Information

Supervisor Hotaling thanked Emergency Management Coordinator Bruno and then asked if there were any additional questions or comments from the Town Board, hearing none he moved to the next item on the agenda.

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## **NEW BUSINESS**

### **Zoning Board of Appeals Appointment**

Supervisor Hotaling stated that this topic was not included on the agenda and continued by saying that Mr. McDonald had resigned his position on the Zoning Board of Appeals. He added that he has a person interested in the position and went on to say that he would like for the Town Board to offer a motion for the appointment. He continued by saying that Mary Kay Pape has lived in the Hamlet of Coeymans for many years and is very interested in land uses as it relates to the river and added that she is competent to make judgments not specific to the river but in general in the best interest to everyone with respect to the Zoning Board of Appeals. He went on to say that her mother had recently passed away whom she had cared for and devoted her time to and added that she feels confident now that she will be able to provide her service to the Zoning Board of Appeals and went on to say that she is a great choice and he recommends her wholeheartedly. He continued by saying that the only issue is that she works for someone in the court system and is currently in the process of getting permission from her employer. He continued by saying that the next Zoning Board Meeting is July 11<sup>th</sup> and added that he wanted to get authorization to appoint Ms. Pape to the ZBA to an unexpired term, which is set to expire 12-31-2009 subject to the approval of her employer, which should come in a matter of days. He went on to say that if this is so it will give her the opportunity to sit at the meeting on July 11<sup>th</sup> and stated that they should formalize it in a resolution from July. He then asked Town Attorney Rotello if the motion itself will authorize her appointment and once the stipulation is met she can attend the ZBA Meetings.

Town Attorney Rotello stated that it would be fine and added that she works in the Greene County Court House with either the County or Supreme Court.

Supervisor Hotaling asked Town Attorney Rotello if he anticipates any problem with her employer's approval.

Town Attorney Rotello stated that he does not think that there would be any problem and continued by saying that she would have to take some training to sit on the ZBA.

Supervisor Hotaling interjected that she will have to take an oath.

Town Attorney Rotello stated that training is now required.

Supervisor Hotaling interjected that it is not required for an appointment.

Town Attorney Rotello stated that he believes that the training has to be within a year of the appointment.

Supervisor Hotaling stated that this is what he would like to have done if the Town Board feels as though it is a good plan and added that the ZBA could move ahead with a few issues.

Councilwoman Chmielewski stated that she believes that it will round out the ZBA and added that for years Ms. Pape had been involved with issues regarding the river and continued by saying that she would be a very good member of the ZBA.

Supervisor Hotaling stated that most of the ZBA was from the Coeymans Hollow area with one from the north Coeymans area and added that he felt it critical that they got some representation from other parts of the Town, particularly the Hamlet where there is a void at this juncture.

Councilwoman Chmielewski interjected that she does not think that they made decisions based on where they are from.

Supervisor Hotaling stated that he didn't think so either and added that he thinks that they should have representation from all areas of the Town.

Town Attorney Rotello stated that when there is an issue that is unique to a certain area such as the Hamlet someone from the Coeymans Hollow area might not know what is going on and added that it is nice to be able to turn to a colleague and ask them.

Councilman Boehm inquired as to if anyone else had expressed an interest.

Supervisor Hotaling stated that there was one other person that had expressed an interest and wrote a letter. He continued by asking for a motion to appoint Mary K. Pape.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, appointing Mary K. Pape to the open seat on the Zoning Board of Appeals member subject to approval of her employer with a term to expire 12-31-09.

**VOTE – AYES 4 – NAYS 0 – SO MOVED**

Supervisor Hotaling stated that he would advise Ms. Pape and in turn she will let him know when she has her employer's permission. He continued by saying that he would then send her to the Town Clerk to take an Oath of Office and added that it will hopefully be in time for the July 11<sup>th</sup> meeting. He then asked if there were any additional comments, hearing none he moved to the next item on the agenda.

## **Surplus Bid of Sewer Tanker**

Supervisor Hotaling stated that there is a sewer tanker that had been used for a number of years to transport the sludge to Albany County for processing and continued by saying that it has not performed that task in many years and added that it is in various degrees of disrepair and went on to say that subsequently they hired Blue Diamond Septic to do this. He continued by saying that he has had discussions with Chief Operator Breedlove and added that he does not see a use for the tanker and added that it is still on the Town's insurance because it has a plate on it and added that in order to cancel the insurance they have to turn in the plate. He concluded by saying that once this is done they can put it out for bid and then asked for a motion to do this.

Councilman Boehm inquired as to whether or not they should include the surrendering of the plates in the motion.



Supervisor Hotaling stated that they should as well as authorizing canceling the insurance.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing surrendering the plates, canceling the insurance and putting out to bid the sewer tanker.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling inquired as to whether or not they should put a minimum bid to accept and added that the Town Board does reserve the right to reject any and all bids.

Councilman Boehm suggested that Highway Superintendent Deering look at it and makes a recommendation.

Highway Superintendent Deering interjected that it had previously been put out to bid and continued by saying that he was not sure what happened and added that there was an offer that may have been rejected.

Councilwoman Chmielewski inquired as to if the bid was not enough money.

Highway Superintendent Deering stated that he didn't recall for sure and added that he believes that the bid was rejected. He continued by saying that they can check with Chief Operator Breedlove.

Supervisor Hotaling stated that he would ask Chief Operator Breedlove. He then asked if there were any additional comments, hearing none he moved to the next item on the agenda.

## **Food for Thought Program**

Supervisor Hotaling stated that they have gotten R-C-S to agree to house the Food for Thought Program at P.B. Coeymans Elementary again this year and added that it is essentially the same program. He continued by saying that the bus routes have been established and later in the meeting they will be hiring by resolution the bus driver, substitute driver and counselors and added that it runs from July 9<sup>th</sup> through August 10<sup>th</sup> from 9:30am to 12:30pm. He went on to say that the bus pickups will be at various locations rather than door-to-door and continued by saying that approximately 50 have signed up already. He concluded by saying that you must be registered to attend and walk-ins will not be accepted. He then asked if there were any additional comments, hearing none he moved to the next item on the agenda.

## **Notification of Defect for Sidewalks**

Supervisor Hotaling stated that he was in receipt of a letter from Mr. Bob Fisk who lives at 13 Church Street and added that it is a notification of defect to the sidewalks. He continued by saying that the sidewalk project continues and added that Highway Superintendent Deering and his crew have done an excellent job on the south-side of Church Street starting at Fifth Street moving up to New Street. He added that when the work had commenced he had gotten a letter from Mr. Fisk thanking them for the sidewalks on the north-side of Church and bringing to their attention pursuant to Local Law #2-89 the defects in the sidewalks in front of his house at 13 Church Street that goes from the east-side of Fifth Street down the hill to and ends on Main Street in front of the post office. He continued by saying that he had responded to Mr. Fisk and advised that he was not sufficiently schooled as to the sidewalk responsibility for that area and in turn he had asked Highway Superintendent Deering, Town Clerk Millious and Town Attorney Rotello to research it and get back to him and in turn he had received information from Town Attorney Rotello and Town Clerk Millious. He then asked Highway Superintendent Deering if he had anything to add.

Highway Superintendent Deering stated that he didn't find anything in the files and continued by saying that the only thing that he has to add is that they have and do maintain them.

Town Attorney Rotello inquired as to if Highway Superintendent Deering knows if the Church Street ever went down straight and across Rte. 144.

Supervisor Hotaling stated that they were thinking at one time that Church Street went straight down and intersected Main Street right across from 4<sup>th</sup> Street. He continued by saying that this may be why the sidewalk was placed there and added that other than that it has to be across private land.

Town Attorney Rotello inquired as to if in Highway Superintendent Deering's tenure he remembers maintaining the sidewalk.

Highway Superintendent Deering stated that there was concrete and then they put blacktop on top of it and added that they also shoveled it. He continued by saying that they have maintained it for the 37 years that he has been Highway Superintendent.

Supervisor Hotaling stated that this is the kind of input that he was looking for and continued by asking Town Attorney Rotello how they should proceed with the notification of sidewalk defect.

Town Attorney Rotello stated that he believes that under Section 151 of the Highway Law it authorizes the Town to expend funds for the repair and maintenance of existing sidewalks and added that from what he has heard it seems to be an existing sidewalk. He continued by saying that he has no objection to the Town continuing to maintain the portion that they know to be an existing sidewalk and added that given the house that now exists there they should get the consent of the property owner to go on it with equipment.

Supervisor Hotaling stated that it seems to portend a bit of a challenge.

Town Attorney Rotello stated that they have to get the State's approval as well and added that there might be other issues with the ADA and the design as it relates to ADA accessibility.

Supervisor Hotaling stated that some of it by 5<sup>th</sup> Street appears to be along the existing Church Street and suggested that Highway Superintendent Deering speak with Mike Johnson from the Department of Transportation about getting involved with planning some kind of steps or modest grade or handrail down the hill.

Highway Superintendent Deering stated that the sidewalk is in tough shape and needs some patching.

Town Attorney Rotello stated that the Village has a Local Law that requires maintenance of the sidewalk to be the charge of the adjoining property owner and added that if the Town did not want to have the sidewalk in that area they could remove the blacktop and plant grass because of the dangerous condition of the sidewalk.

Supervisor Hotaling interjected that it is an option.

Town Attorney Rotello stated that he is fine with either way and added that it is up to the Highway Superintendent Deering and the Town Board as far as how they proceed.

Supervisor Hotaling asked the Town Board how they wished to proceed.

Councilman Boehm stated that the surface of the new sidewalks is rough.

Highway Superintendent Deering stated that they rough it up so it is not slippery.

Supervisor Hotaling stated that they had made a verbal directive that property owners were responsible for the shoveling the sidewalks in front of their homes and added that they can formalize that. He continued by saying that he does not see the Town shoveling the sidewalk and then inquired as to what would happen if the property owner did not shovel it and someone falls down.

Judge Dardani stated that a lot of people use the sidewalk.

Supervisor Hotaling stated that they have determined that it is the Town's sidewalk and in turn responsible for it and continued by asking Superintendent Deering if he would like to contact Mr. Mike Johnson with the Department of Transportation to see what can be done. He added that since they have been placed on notice they have to make a reasonable effort to take action.

Highway Superintendent Deering stated that he would like to patch it up.

Supervisor Hotaling suggested that they use the goal of the first snow flake for having something done and added that they can discuss the funding source because it was not anticipated.

Highway Superintendent Deering stated that a dozen or two of wheel-barrows of blacktop will fix it and make it better.

Supervisor Hotaling stated that the design of it is equally as important as fixing it.

Highway Superintendent Deering stated that they do not have time right now to do anything.

Supervisor Hotaling reiterated that Mr. Mike Johnson might give some guidance about the design and then asked that Highway Superintendent Deering keep the Town Board abreast of the situation.

Highway Superintendent Deering stated that the letter addresses removing the sidewalk on 5<sup>th</sup> Street, which runs from Church Street to Westerlo Street and continued by saying that he would like to remove it and in turn put no parking signs on both sides of the street.

Town Attorney Rotello stated that they had discussed doing this to preserve the Town road and cutting the bank back with a retaining wall. He continued by saying that they had also discussed whether it would be appropriate to have it one-way instead of two-way and added that he doesn't know how much they are going to gain by widening the road.

Supervisor Hotaling stated that it would be up to Highway Superintendent Deering and then moved to the next item on the agenda.

### **Post Office Parking**

Supervisor Hotaling stated that in January he along with Albany County Legislator Clouse, Reed Sholtes and Mark Kennedy from the Department of Transportation had discussed the Coeymans Post Office and the lack of parking. He continued by saying that there is no delivery of mail in the Hamlet of Coeymans and added that everyone has to go to the Post Office to get their mail but there is no parking. He went on to say that he had failed in his effort to convince the Postal Service to take a look at the space on the upper floor at the former Coeymans Fire House and added that he was offering the Post Office an opportunity to create a new place with off-street parking. He continued by saying that the Post Office is apparently not interested in improving and will pay almost double the rent in the place that they are right now. He added that he along with Legislator Clouse took it to the next level and called the Department of Transportation down to see what could be done about the parking and continued by reading the following excerpt from the reply letter that was dated May 29:

“As you requested during our field meeting, we will arrange to have two 15 minute parking spaces established on the west-side of Rte. 144 across from the Post Office. The Notice of Order for this parking restriction has been written and is currently being filed with the Secretary of State. We will arrange to have the appropriate parking signs installed as soon as our workload permits. In addition, we have determined that it may be beneficial to have crosswalk markings installed at this location for people that must cross the highway at this location”

Supervisor Hotaling continued by saying that this might not address the problem completely and added that it will be a much better circumstance than they have had in the past. He concluded by saying that they will see how it goes and added that he wanted to

thank Legislator Clouse and DOT for joining him in the effort to get it done and then moved to the next item on the agenda.

### **Board of Assessment Review Additional Compensation**

Supervisor Hotaling stated that there were 700 informal hearings with Appraisal Consultants at 70 South Main Street in addition to many days for formal hearings with the Board of Assessment Review for grievances which were on May 22<sup>nd</sup>, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup> and 30<sup>th</sup> and added that there were approximately 200 grievances. He went on to say that there were then four deliberation sessions and continued by saying that they had budgeted for more than one grievance day but not for four as well as not budgeting for four more additional deliberation days for compensation for the Board of Assessment Review. He added that the budget called for two days at \$150.00 each for the five members and went on to say that he has a breakdown of the hours that each member served and added that he believes that extra compensation is appropriate in this circumstance. He concluded by saying that his suggestion is that \$10.00 an hour be compensated for the extra hours on top of the two days that had been budgeted for and then asked if it was agreeable to the Town Board.

Councilwoman Chmielewski stated that by the hour is a fair way to do it.

Councilman Boehm and Councilwoman Rogers agreed.

Supervisor Hotaling asked for a motion for the additional compensation.

### **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm authorizing notification to the Board of Assessment Review that they will be receiving additional compensation at \$10.00 an hour to be calculated by the Supervisor's Office and in turn sent to the Assessor for each to submit by voucher.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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

### **Retirement of Waste Water Treatment Plant Operator**

Supervisor Hotaling stated that he was in receipt of a resignation of Waste Water Treatment Plant Operator Polverelli and added that he has been employed with the Town since 2003. He continued by saying that Mr. Polverelli wishes to retire and continued by reading the following:

Town of Coeymans Town Board,

Please consider this letter as official notice of my retirement from employment with the Town of Coeymans Waste Treatment Plant effective as of July 31, 2007.

Thank you.

Sincerely,  
James Polverelli

Supervisor Hotaling asked for a motion to accept the resignation.

### **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, accepting the resignation of Waste Water Treatment Plant Operator Polverelli.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling thanked Mr. Polverelli for his service and continued by saying that he wanted to get the resignation in place now because they need to start strategizing as to what the plan will be to continue to have a staffing pattern that works.

Councilwoman Chmielewski inquired as to if Supervisor Hotaling is going to check with Albany County Civil Service to see if there is a list.

Supervisor Hotaling stated that he will be and added that they will need another operator and then asked if there were any additional comments, hearing none he moved to the next item on the agenda.

### **DEC Tank Registration**

Supervisor Hotaling stated that he was in receipt of a request from Highway Superintendent Deering for a DEC tank registration and continued by asking Highway Superintendent Deering what it is.

Highway Superintendent Deering stated that the Department of Environmental Conservation requires all of the gas tanks to be registered and added that the paperwork has been done and a check in the amount of \$300.00 needs to be sent back with it.

Supervisor Hotaling asked if there is a timeframe.

Highway Superintendent Deering stated that it has to be sent by Thursday.

Supervisor Hotaling stated that it will be taken care of and then asked if there were any additional comments, hearing none he moved to the next item on the agenda.

### **Summer Recreation Program**

Supervisor Hotaling asked that Councilman Boehm go over the Summer Recreation Program schedule.

Councilman Boehm stated that he wished that they were televised and continued by saying that the Town of Coeymans along with the Village of Ravena are sponsoring a Summer Recreation Program that will be held July 9<sup>th</sup> – August 10<sup>th</sup> for grades 5-10 at Mosher Park. He added that there will be basketball from 9:30-11:30, and soccer, softball and volleyball from 1:00-3:30. He concluded by saying that it is free to Town of Coeymans residents.

Councilwoman Chmielewski inquired as to if the schedule will be in the paper.

Councilman Boehm stated that it will be on the sign in front of the Village Offices and Cross Roads.

Supervisor Hotaling suggested that they also have it put on the Town's website and continued by asking if there were any additional comments, hearing none he moved to the next item on the agenda.

### **Establish Public Hearing for Sewer Rates July-December 2007**

Supervisor Hotaling stated that they are still in discussions with an attorney relative to the rules of the Sewer District and existing contract and added that there were several residents at the last Public Hearing voicing their concern with the rates. He added that the Town Board made a commitment to continue to strive to identify the true cost of operation and apportion the costs appropriately between the Town and Village. He went on to say that their effort continues with significant progress in terms of a fact finding effort with the existing contract and the attorney that they have engaged. He concluded by saying that because of this effort they are not ready to send the Sewer Bills out and added that they need to establish a Public Hearing date and time and suggested that it be ½ hr prior to the next Town Board Meeting on July 23<sup>rd</sup> and continued by asking for a motion to advertise for a Public Hearing for establishment of the Sewer Rates from July to December at 6:30pm on July 23<sup>rd</sup>.

### **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm establishing a Public Hearing date for the establishment of Sewer Rates on July 23<sup>rd</sup> at 6:30pm.  
VOTE – AYES 4 – NAYS – 0 – SO MOVED

Supervisor Hotaling asked that Deputy Clerk Vatalaro ensures that the advertisement for the Public Hearing is made in the appropriate issue of the News Herald that will be sufficient time prior to July 23<sup>rd</sup>. He then asked if there were any additional comments, hearing none he moved to the next item on the agenda.

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## **RESOLUTIONS**

### **RES. #067-07 ENTER INTO COOPERATIVE PURCHASING AGREEMENT WITH MUNICIPALITIES WITHIN ALBANY COUNTY**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, it is in the best interest of the Town of Coeymans taxpayers for government entities to obtain quality goods and services at the most economical price, and

**WHEREAS**, all participating government entities would benefit from a program designed to purchase those items that are in common use under the umbrella of a cooperative single bid procedure, and

**WHEREAS**, the Town Board believes significant savings can be achieved through a Cooperative Purchasing Agreement with Albany County and its municipalities, wherein commodity and service needs are combined to offer prospective vendors higher volume opportunities which result in lower costs, and

**WHEREAS**, the Town Board, through its purchasing efforts understands and agrees that the Town of Coeymans will make its own separate purchasing agreement with select bidders, that the town shall be liable to the successful bidder for materials, supplies and services contracted by the Town of Coeymans without any further liability for purchases contracted by any other participating entity and each bid winner shall be required to bill each participating entity directly for their purchases,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans is authorized to enter into a Cooperative Purchasing Agreement with all municipalities with Albany County as described in the aforementioned terms, and

**BE IT FURTHER RESOLVED**, that the Town Clerk of the Town of Coeymans is directed to forward certified copies of this resolution to Karen A. Storm, Purchasing Agent for Albany County Department of General Services.

Supervisor Hotaling stated that this is a continuing effort on the part of the County and municipalities surrounding Albany County to increase their buying power through numbers and continued to say that for an example the uniform vendor that is used by the Town is also used by the County and the price to the Town is approximately 40% more than the County is charged. He added that once the resolution is filed with the County he intends to get the same price from that vendor and went on to say that this is one example of many that he could use. He concluded by saying that this is a good thing.

### **RES. #068-07 AUTHORIZE JUSTICE COURT ASSISTANCE PROGRAM**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – AYES 4 – 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 security and facility related needs, 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.

Supervisor Hotaling stated that this is a follow-up to his June 14<sup>th</sup> memo to the Court Justices relative to JCAP and continued by saying that he was advised in a meeting with Judge Teresi that this year’s monies are not only increased but also refocused on security and building enhancements that are identified in a security survey that was done recently. He asked that Justice Dardani and Justice Lisa put together an application for Town Hall needs based on the survey.

**RES. #069-07 APPOINT ZONING ORDINANCE COMMITTEE**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town Board is desirous of establishing a committee to develop a new Zoning Ordinance, which will complement the recently enacted Comprehensive Plan,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint the following individuals to the Zoning Ordinance Committee:

- |                           |                       |
|---------------------------|-----------------------|
| Aline Galgay, Chairperson | Joseph Kapusta        |
| Joseph Rotello            | Cynthia Kunz          |
| Laverne Conrad            | Nicole Allen, Advisor |
| Kerry Marsh or Pat Brown  | Sarah Hafensteiner    |

**BE IT FURTHER RESOLVED**, that representatives from the Town Board will be Tom Boehm and Nita J. Chmielewski.

Supervisor Hotaling stated that this is a result of the larger ZBA working group that is being more focused on the draft Zoning Ordinance. He added that he had asked that the Chairs of the Planning Board and Zoning Board of Appeals submit two names and added that Chairman Marsh submitted his name along with Pat Brown as one person and Sarah Hafensteiner as the other and continued by saying that Chairman Foronda recommended Cynthia Kunz and Joe Kapusta. He concluded by saying that he does not have a date for their first meeting and added that it appears that the second Wednesday in August is open for everyone and continued by saying that he will be announcing it at a later date.

**RES. #070-70 APPROVE JUSTICE AUDIT**

On motion of Councilwoman Chmielewski, seconded by Supervisor Hotaling, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town Board must complete or have completed an audit, in accordance with Section 2019-A of the Uniform Justice Court Act, of all Town Justices, and

**WHEREAS**, the Town Board has decided to complete the audit themselves, and

**WHEREAS**, the Town Board has adopted an audit procedure, based on the Local Management Guide, Fiscal Oversight Responsibilities, published by the State of New York Office of the State Comptroller, on May 14, 2007 to be applied to the records of each Town Justice, and

**WHEREAS**, the Town Board has completed the audit on May 15, 2007,

**NOW, THEREFORE, BE IT RESOLVED**, the records of the Town Justice Dardani have been reviewed by the following reviewers and have concluded as follows:

| <b><u>Board Member</u></b> | <b><u>Conclusion</u></b>        |
|----------------------------|---------------------------------|
| Ronald Hotaling Jr.        | See attached checklist/comments |
| Dawn Rogers                | Absent from review              |
| Nita Chmielewski           | See attached checklist/comments |

See attached checklist/comments

## **Board Member**

## Conclusion

See attached checklist/comments

Absent from review

See attached checklist/comments

See attached checklist/comments

Supervisor Hotaling stated that there were no unusual findings reached by any of them reviewing either Justice and added that their records were clear, concise, up-to-date and accurate.

Supervisor Hotaling stated that he left it up to her because she is going to have to vote on the Town Officials Audit, which he will have to abstain from. He added that there are only four of them and continued by saying that if they both abstained there would not be enough votes to pass the resolution.

Supervisor Hotaling stated that she was absent for all of them because they were all done on the same night.

Councilwoman Rogers stated that she had.

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – AYES 3 – NAYS 0 – ABSTAIN 1

**WHEREAS**, the Town has decided to complete the audit themselves, and

**WHEREAS**, the Town Board has adopted an audit procedure, based on the Local Management Guide, Fiscal Oversight Responsibilities, published by the State of New York Office of the State Comptroller, on May 14, 2007, to be applied to the records of each Town Official that handles cash, and

**WHEREAS**, the Town Board has completed the audit on May 15, 2007,

**NOW, THEREFORE, BE IT RESOLVED**, that the records of the Town Supervisor have been reviewed by the following reviewers and have concluded as follows:

## Board Member

## Conclusion

Absent from review

See attached checklist/comments

See attached checklist/comments

The records of the Town Clerk have been reviewed by the following reviewers and have concluded as follows:



| <u>Board Member</u>     | <u>Conclusion</u>               |
|-------------------------|---------------------------------|
| Ronald K. Hotaling, Jr. | See attached checklist/comments |
| Dawn Rogers             | Absent from review              |
| Nita Chmielewski        | See attached checklist/comments |
| Thomas Boehm            | See attached checklist/comments |

The records of the Receiver of Taxes have been reviewed by the following reviewers and have concluded as follows:

| <u>Board Member</u>     | <u>Conclusion</u>               |
|-------------------------|---------------------------------|
| Ronald K. Hotaling, Jr. | See attached checklist/comments |
| Dawn Rogers             | Absent from review              |
| Nita Chmielewski        | See attached checklist/comments |
| Thomas Boehm            | See attached checklist/comments |

The records s of the Town Clerk’s collection of water receipts have been reviewed by the following reviewers and have concluded as follows:

| <u>Board Member</u>     | <u>Conclusion</u>               |
|-------------------------|---------------------------------|
| Ronald K. Hotaling, Jr. | See attached checklist/comments |
| Dawn Rogers             | Absent from review              |
| Nita Chmielewski        | See attached checklist/comments |
| Thomas Boehm            | See attached checklist/comments |

The records of the Town Clerk’s collection of sewer receipts have been reviewed by the following reviewers and have concluded as follows:

| <u>Board Member</u>     | <u>Conclusion</u>               |
|-------------------------|---------------------------------|
| Ronald K. Hotaling, Jr. | See attached checklist/comments |
| Dawn Rogers             | Absent from review              |
| Nita Chmielewski        | See attached checklist/comments |
| Thomas Boehm            | See attached checklist/comments |

The completed checklists, which include the reviewer’s comments and conclusions are made part of this resolution.

Supervisor Hotaling stated that he had to abstain because part of it was related to his records and added that he didn’t know how else to do it.

Town Attorney Rotello suggested that they have a resolution for each audit and not put it all in one next year.

Supervisor Hotaling stated that it will be more refined next year.

Councilwoman Chmielewski interjected that the whole procedure needs to be fine tuned for next year.

**RES. #072-07 APPROVE TRANSFER OF FUNDS**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans has received notice from the State of New York Division of Criminal Justice Services (DCJS) of an Operation IMPACT Tools Initiative grant award in the amount of \$22,900.00, and

**WHEREAS**, the Town has entered into an award with DCJS, and

**WHEREAS**, the Town had not provided for the revenue or related expenditure of the grant in the Town’s 2007 budget, and

**WHEREAS**, the Town anticipates the entire cost of the grant will be reimbursed by the grant,

**NOW, THEREFORE, BE IT RESOLVED**, that the 2007 budget for the Town of Coeymans be amended as follows: Increase the revenue State Aid account A3397, Public Safety, Capital Projects, by \$22,900.00 and increase the expenditure account A3120.2, Law Enforcement Equipment and Capital Outlay, by \$22,900.00

Councilman Boehm inquired as to how long it takes to get reimbursed.

Chief Darlington stated that the average is approximately 6 months.

Supervisor Hotaling asked that Chief Darlington to report what they have gotten for the \$22,900.00 and what it has done so far.

Chief Darlington stated that they received what is called a MPH 900 Plate Reader and added that there are two cameras mounted on top of one of the police cars and continued by saying that as the officer drives around it takes pictures of any plate that passes. He went on to say that it can do up to 900 plates per minute and in turn it instantaneously runs the plate and will tell them if the registration is suspended, if the vehicle is stolen, if the owner is a wanted or missing person as well as them being able to issue local things such as Amber Alerts as they go out. He concluded by saying that on the first day in service in four hours they took six suspended registrations off the road, one of which was a wanted person out of Columbia county and added that to date they have taken over 20 suspended drivers off the road.

Supervisor Hotaling interjected that there is a benefit to having it and added that it is a law enforcement tool that gets people to comply, which makes the roads safer for everyone.

Chief Darlington stated that with the way that it was purchased they were able to save an additional \$460.00, which is still eligible for other equipment.

Councilman Boehm inquired as to if it works at night.

Chief Darlington stated that it does work at night as well as in heavy snow. He added that fog might distort it but weather won't because it uses infrared.

**RES. #073-07 EXECUTE AGREEMENT FOR LEGAL SERVICES FOR SPECIAL DISTRICTS**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town Board has responsibility for management of the Special Districts related to sewer and water located within the Town, and

**WHEREAS**, at various times, issue arise that the Town Board believes would benefit from review by and advice from counsel with such specialty, and

**WHEREAS**, the Town Board has sought and received a proposal for such legal services for Special Districts from Miller, Mannix, Schachner & Hafner, LLC., and

**WHEREAS**, the law firm has provided to the Town of Coeymans insightful legal advice on matters of environmental law,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorizes Supervisor Ronald K, Hotaling, Jr. to execute agreement to the proposal by his signature which provides legal services for Special Districts at an hourly rate not to exceed \$150/hour, and

**BE IT FURTHER RESOLVED**, that the Town Board directs that the Town Clerk receive an executed copy of such proposal.

Supervisor Hotaling stated that this is the firm that has already given them some guidance in matters with respect to sewer and continued by saying that it has proven to be very effective.

**RES. #074-07 APPOINT FOOD FOR THOUGHT BUS DRIVER**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Summer Food for Thought Program is in need of an experience bus driver for transportation, July 9 through August 10, 2007, 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 \$12.50.

**BE IT FURTHER RESOLVED**, that Supervisor Hotaling has designated Caris Adrienne as a back-up (substitute) driver for the Program, when needed, at the hourly rate of \$12.50.

Supervisor Hotaling stated that the designated substitute was recommended by Ms. Beachler and continued by saying that he had asked Ms. Beachler to find someone that worked with her and she was comfortable with in terms of driving the bus for the Program.

Councilwoman Chmielewski inquired as to if she also works for the school.

Supervisor Hotaling stated that she does.

**RES. #075-07 APPOINT FOOR FOR THOUGHT RECREATIONAL AIDES**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Summer Food for Thought Program is in need of Recreational Aides to handle 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 Recreational Aides for the Food for Thought Summer Youth Program:

|                 |        |                  |        |
|-----------------|--------|------------------|--------|
| Teri Burns      | \$8.15 | Andrew Agustin   | \$7.15 |
| Emilie Searles  | \$8.15 | Matthew Agustin  | \$7.15 |
| Jamie Breedlove | \$8.15 | Kristyn Borowiec | \$7.15 |
|                 |        | Shaun LeMay      | \$7.15 |
|                 |        | Philip Meacham   | \$7.15 |
|                 |        | Taylor Vatalaro  | \$7.15 |

The appointment is effective July 9, 2007 to August 10, 2007, and will be at the hourly rate as indicated above.

**RES. #076-07 APPOINT TEMPORARY PERSONNEL SUPERVISOR**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans has been approved to receive summer season personnel assistance through the CHOICES Program, and

**WHEREAS**, the 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 FUTHER RESOLVED**, that Mr. Surrano shall receive \$1,000.00 for these services during the approximately five-week duration of the program. This payment will be made by voucher in the August 2007 Abstract.

Supervisor Hotaling stated that Mr. Surrano had done this very successfully in previous years.

**RES. #077-07 AUTHORIZE DOMESTIC PARTNER HEALTH INSURANCE COVERAGE**

On motion of Councilman Boehm, seconded by Supervisor Hotaling, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans currently provides health insurance coverage to eligible employees, and

**WHEREAS**, the Town has previously authorized specific riders related to health insurance benefits that are in the best interests of the eligible employees, and

**WHEREAS**, CDPHP our health insurer, offers a rider for health insurance coverage for domestic partners of the primary member, consistent with the evolving needs of modern family composition and subject to conditions within rules of the health insurer, and

**WHEREAS**, the Town Board sees the addition of the no extra cost rider as in the best interests of our employees, as well as facilitating the employment of qualified candidates for various positions in town government.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorizes Supervisor Ronald K. Hotaling, Jr. to sign the rider proposal to add, at no extra charge, the domestic partner coverage to our health insurance contract, and

**BE IT FURTHER RESOLVED**, that the Human Resource staff notify insured employees with regard to this addition to coverage.

**RES. #078-07 AUTHORIZE CHANGE OF HEALTH INSURANCE RENEWAL DATE**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans provides health insurance coverage for eligible employees, and

**WHEREAS**, the current contract is for a January 1 to December 31 period each year, and

**WHEREAS**, the contract period does not provide enough rate increase information sufficiently in advance of the budget deliberation by the Supervisor or the Town Board, and

**WHEREAS**, there is an opportunity to adjust the contract renewal period to a more “budget preparation” friendly period, and

**WHEREAS**, the adjustment of the contract renewal period to September 1 to August 31 each year would considerably assist the Supervisor and Town Board in budget preparation,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board authorizes Supervisor Ronald K. Hotaling, Jr. to execute a renewal period change to September 1 to August 31, effective for the September 1, 2007 renewal.

Supervisor Hotaling stated that this would be better than guessing at budget time.

**RES. #079-07 APPOINT SUMMER SPORTS PROGRAM RECREATIONAL COUNSELORS**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans and Village of Ravena is desirous of establishing a Summer Recreation Program to be based at Mosher Park, and

**WHEREAS**, both the Town Board and Village Board has agreed to equally fund this program by each contributing \$3,500.00, and

**WHEREAS**, seasonal part-time staff will be needed to operate such a program,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby appoints Laura Persico part-time seasonal Summer Recreation Coordinator at the hourly rate of \$10.00 effective immediately.

**BE IT FURTHER RESOLVED** that the Town Board of the Town of Coeymans hereby appoints Robert Nolan, Robert Fisk, Jr., Karlie Haack and Erienne Reith as part-time seasonal Recreational Counselors at the hourly rate of \$7.15. All appointments for this program, except where noted, will be for the length of the program July 9 through August 10, 2007.

**RES. #080-07 WAIVE SPECIAL USE PERMIT**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town Board has received a request from the Zoning Board of Appeals to waive the application fee for a Special Use Permit for Teen Challenge to operate a drug and alcohol recovery program at the location of the former Alcove Church, and

**WHEREAS**, the Zoning Board of Appeals has requested this waiver as a result of Teen Challenge's position that they are a religious organization and, therefore, exempt from zoning under the current Federal and State Law,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans agrees to waive any and all application fees for a Special Use Permit for Teen Challenge, should the Zoning Board of Appeals determine that one is required for their proposed use.

Town Attorney Rotello stated that Code Enforcement Officer Conrad investigated Teen Challenge because of the advertisements in the paper indicating that they were operating a Drug and Alcohol Recovery Program and as a result of the investigation ordered a Cease and Desist Order. He continued by saying that Teen Challenge appealed the decision of the Building Inspector and was represented by counsel and added that it had been a topic of discussion for several meetings and added that the Zoning Board of Appeals also had it on the agenda for the July meeting to make a decision whether to affirm the decision of the Building Inspector that a Special Use Permit is required or as the resolution maintains that they are a religious organization and are exempt from zoning. He went on to say that the Zoning Board of Appeals had made a request for the Town Board to consider waiving the application fee, which is what the resolution is for and in turn the Zoning Board of Appeals will have that information to consider when they decide at their next meeting. He concluded by saying that the issue for the Zoning Board is to ultimately determine whether the use proposed by Teen Challenge falls within the Town's zoning and within the Federal and State Law.

**RES. #081-07 APPOINT PART-TIME JUSTICE COURT**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the staffing shortage, according to the Justices had caused backlogs and processing delays in the business of the Court, and

**WHEREAS**, the Justices had interviewed applicants and confirmed that two candidates had met minimum qualifications for temporary appointment, and

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

**WHEREAS**, the Justices have concluded that one additional part-time position is sufficient additional personnel for the Justice Court at the present time,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Richard T. Filkins to the position of part-time clerk at the hourly rate of \$10.64, and for not less than 17 ½ hours per work and not more than 24 hours per week.

Councilman Boehm inquired as to what qualifies as a part-time employee and whether or not there is a benchmark for the number of hours.

Supervisor Hotaling stated that according to Albany County Civil Service says it is 50% or less and added that he believes that it is a 35 hour employee.

Justice Pearson stated that 24 hours is the benchmark.

Supervisor Hotaling stated that he disagrees and reiterated that Civil Service has a benchmark of 50% of the hours or less.

Town Attorney Rotello interjected that he believes that Justice Pearson was quoting the Union Contract.

Supervisor Hotaling stated that a part-time clerk is not a union member and added that a part-time clerk is the only place in Civil Service where you can get a choice to who you choose without going through a list provided that is 50% or less in terms of time. He continued by saying that 50% of the hours for that position is 17 ½ hours, which is the maximum that a part-time clerk can work in any given week.

Justice Pearson stated that she did not know that.

Supervisor Hotaling stated that in making reference to the Union Contract it says up to 24 hours. He continued by asking Justice Pearson if 17 ½ hours will be enough.

Justice Pearson stated that it would be.

Councilman Boehm stated that they need to amend the resolution to read for a maximum of 17 ½ hours.

Supervisor Hotaling stated that in order to stay under the radar screen with Civil Service they will have to. He continued by saying that as other appointments in Town government expire at the end of the year and suggested that the resolution also say to expire on December 31, 2007. He added that they have an Organizational Meeting every January to reappoint people.

Councilman Boehm stated that he didn't know what the purpose would be in putting an expiration date.

Councilwoman Chmielewski stated that the Supervisor has written the Village asking to dissolve the Village Court and added that the Court Clerk from there might become a full-time Court Clerk with the Town January 1<sup>st</sup>.

Town Attorney Rotello stated that all positions are subject to the budget and added that this is why they make them until December 31<sup>st</sup>.

Supervisor Hotaling stated that at the Organizational Meeting all of the appointments expire December 31<sup>st</sup>.

Town Attorney Rotello stated that it would be unless statute otherwise dictates.

Supervisor Hotaling stated that Civil Service statute for permanent appointments dictates that they be kept on unless for cause.

Councilwoman Chmielewski inquired as to if they are putting ads in the paper for a full-time clerk.

Justice Dardani stated that they are not at this point in time.

Councilwoman Chmielewski interjected that this is what they are suppose to be doing.

Justice Pearson stated that they do not need full-time and added that part-time is sufficient and continued by saying that they have proven that they have sufficient help.

Councilwoman Chmielewski inquired as to if they had received any kind of memo from the Justice Department relative to the one person being let go.

Justice Pearson interjected that one person was capable and the other was not.

Councilwoman Chmielewski stated that she had heard that one of them did want a full-time job.

Justice Pearson stated that they did not want to hire someone that was not capable of doing the part-time job.

Councilwoman Chmielewski stated that they should have sent some kind of memo.

Justice Pearson stated that she didn't know that she was suppose to.

Supervisor Hotaling stated that he had sent a memo to the Court suggesting that the time was coming up for the expiration of the 90-day appointment in addition to asking them what the plan was. He added that other than the verbal comment that he had received from Councilwoman Rogers last Tuesday the next thing that he got was the resolution that Confidential Secretary Lewandowski had handed him earlier in the day. He concluded by saying that it has been clear that the position was to be a full-time Court Clerk.

Justice Pearson stated that they could not find one.

Supervisor Hotaling interjected that they did find three but they did not stay.

Councilman Boehm inquired as to if the candidate could work full-time.

Justice Pearson stated that he wanted part-time.

Councilman Boehm inquired as to if they would have hired him full-time if he had desired it.

Justice Pearson stated that they do not need full-time and they would not have.

Supervisor Hotaling stated that he wanted to respectfully disagree and added that it is the Town Board's duty to determine the staffing pattern and continued by saying that they have said for two years that there is a need for another full-time clerk and a need for a separation of duties with respect to two court clerks of which one would be assigned to each Justice.

Councilwoman Chmielewski stated that up until approximately three years ago there was always two full-time Court Clerks.

Justice Pearson stated that there is a young man in the Court Office working diligently and very well and added that he is getting the work done.

Supervisor Hotaling inquired as to if it meant that the Court would be open 8:30-4:30 Monday through Friday.

Justice Pearson stated that the Court will not be open noon time.

Supervisor Hotaling inquired as to why it won't be.

Justice Pearson stated that they take a lunch hour.

Supervisor Hotaling stated that the rest of Town Hall takes a lunch hour as well and added that the offices still remain open.

Justice Pearson reiterated that the Court Office will not be open from 12:30 to 1:30 because they take a lunch hour.

Supervisor Hotaling stated that the Town Board establishes the hours from 8:30-4:30.

Justice Pearson stated that the Justice Court establishes the Court Clerk's hours and added that they also know what they need for employees.

Councilwoman Chmielewski stated that all the Judges in the past that had two full-time clerks and they were kept busy.

Supervisor Hotaling inquired as to how the resolution currently stands.

Councilman Boehm stated that it would be amended to read up to 17 ½ hours.

Supervisor Hotaling inquired as to if an expiration date of December 31<sup>st</sup> would also be added.

Councilman Boehm and Councilwoman Rogers concurred that they did not see the need for it.

Supervisor Hotaling asked for a vote.

VOTE – AYES 2 – NAYS 2 – NOT MOVED

Supervisor Hotaling stated that the motion did not pass and added that he would accept a modification that states that it expires December 31<sup>st</sup> of 2007.

Councilwoman Rogers inquired as to if he would be reappointed in January.

Supervisor Hotaling stated that for January 1, 2008 he intends to budget for a full-time Court Clerk.

Councilman Boehm stated that they would be forcing them to take someone full-time and added that they only need part-time.

Supervisor Hotaling stated that the motion does not pass if it is not amended and added that part-time Clerk Filkins is out of a job the following day.

Councilwoman Chmielewski stated that when the Court Clerk got her \$8,000.00 raise she had indicated that she could do the whole job and added that she can now do it all by herself.

Councilwoman Rogers interjected that it was over four years ago and added that it is time to let it go.

Councilwoman Chmielewski stated that there is nothing to let go.

Supervisor Hotaling stated that it is being dealt with in another forum and reiterated that amending the resolution is consistency with the other appointments in Town government and added that if this appointment is scheduled to expire December 31, 2007 then the Town Board can make a judgment on his budget for next year that will put forth a full-time court clerk. He continued by saying that if they want to vote in a majority that it is not appropriate they can overturn his budget. He concluded by saying that consistent with other appointments this appointment should expire at the end of the year.



Town Attorney Rotello stated that with his tenure as Town Attorney it is consistent with positions such as these and added that the appointment is at the beginning of the year for the year that they are in at the Organizational Meeting. He reiterated that it is done this way because it is what you have budgeted.

Councilwoman Chmielewski inquired as to if they are moving on with the meeting.

Supervisor Hotaling stated that they were unless someone wanted to make the change.

Councilwoman Rogers stated that she would make the change and added that they can add that the appointment expires December 31<sup>st</sup>.

Supervisor Hotaling asked Councilman Boehm the seconder of resolution if he agreed.

Councilman Boehm stated that he did.

Supervisor Hotaling stated that the motion is amended to read that the appointment expires December 31, 2007 and then asked for a vote.

VOTE – AYES 3 – NAYS 1 – SO MOVED

Supervisor Hotaling stated that Mr. Filkins stays employed up to 17 ½ hours with an appointment to expire December 31<sup>st</sup>, 2007.

**RES. #082-07 APPROVE JUNE 2007 ABSTRACT**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – AYES 4 – NAYS 0 – SO MOVED

| ABSTRACT               | VOUCHER #                 | AMOUNT               |
|------------------------|---------------------------|----------------------|
|                        |                           |                      |
| <b>GENERAL (A)</b>     |                           |                      |
| General Pre-Pay        | 928-948,1085-1091         | \$ 196,668.12        |
| General                | 988-1029,1107             | \$ 10,228.05         |
|                        |                           |                      |
|                        | <b>General Total</b>      | <b>\$ 206,896.17</b> |
|                        |                           |                      |
| <b>PART-TOWN (B)</b>   |                           |                      |
| Part-Town Pre-Pay      | 949-953,955-962,1092-1094 | \$ 22,526.35         |
| Part-Town              | 1030-1048                 | \$ 10,106.26         |
|                        |                           |                      |
|                        | <b>Part Town Total</b>    | <b>\$ 32,632.61</b>  |
|                        |                           |                      |
| <b>HIGHWAY (D)</b>     |                           |                      |
| Highway Pre-Pay        | 963-971,1095-1100         | \$ 42,779.02         |
| Highway                | 1049-1074                 | \$ 6,531.13          |
|                        |                           |                      |
|                        | <b>Highway Total</b>      | <b>\$ 49,310.15</b>  |
|                        |                           |                      |
| <b>SEWER (SS)</b>      |                           |                      |
| Sewer Pre-Pay          | 972-981,1101-1103         | \$ 11,877.33         |
| Sewer                  | 1075-1082                 | \$ 5,488.63          |
|                        |                           |                      |
|                        | <b>Sewer Total</b>        | <b>\$ 17,365.96</b>  |
|                        |                           |                      |
| <b>GROVE CEM. (TE)</b> |                           |                      |
| Pre-Pay Grove Cemetery | 982-983                   | \$ 215.20            |
| Grove Cemetery         | 1083-1084                 | \$ 500.00            |
|                        |                           |                      |
|                        | <b>Grove Total</b>        | <b>\$ 715.30</b>     |
|                        |                           |                      |
|                        |                           |                      |

|                                |                                |                      |
|--------------------------------|--------------------------------|----------------------|
|                                | <b>TOTAL FOR ALL FUNDS</b>     | <b>\$ 306,920.19</b> |
|                                |                                |                      |
| <b>TRUST &amp; AGENCY (TA)</b> |                                |                      |
| Trust & Agency Pre-Pay         | 984-987,1104-1106              | \$ 192,663.29        |
|                                |                                |                      |
|                                | <b>Trust &amp; Agcy. Total</b> | <b>\$ 192,663.29</b> |

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**CORRESPONDENCE**

**Angelo Rosato – Thank You Note**

Supervisor Hotaling stated that he received a note from the Town of Coeymans Gazebo committee and continued by reading the following:

‘Please convey our sincere thanks to Nelson Perry and his staff for helping us install the new Honor Roll at the Coeymans Landing Gazebo. It’s cooperation like this that makes things happen.’

Supervisor Hotaling stated that at Coeymans Landing there is a memoriam side and donation side and added that it goes back to when the gazebo was first constructed. He went on to say that it was done by the Gazebo Committee who has maintained a bank account for the past several years and continued by saying that they came up with a plan to have it upgraded. He then asked if there were any additional comments, hearing none he moved to the next item on the agenda.

**James Gause – Parking on Westerlo Street**

Supervisor Hotaling stated that he was in receipt of a letter from Mr. Gause complaining about the parking on Westerlo Street and continued by reading the following excerpt:

“There have been instances of contractors that have a right to park beside the property they are working on, being issued tickets. There are also a number of elderly people that are forced to walk on the hill to their houses in inclement weather. At the top of Westerlo Street parking is available on both sides of the street. Thus limiting the amount of space for cars to pass by making a traffic bottleneck. It seems quite interesting that the demographics for the people at the top of the hill to be predominately white, versus the minorities that reside at the bottom of the hill. I would be more than happy to speak to you about this issue.”

Supervisor Hotaling stated that he will not speak to him about that issue and added that he was going to forward it to Chief Darlington to take a look at it.

Justice Pearson inquired as to if it was the same letter that the Court Office received stating that there was parking on both sides of the street at the intersection of Main and Westerlo.

Town Attorney Rotello stated that it was.

Justice Pearson stated that she has never seen anyone parked at the intersection of Main and Westerlo.

Supervisor Hotaling inquired as to if this was stated in the letter he received.

Justice Pearson stated that she had also received a letter, which was different.

Supervisor Hotaling stated that Mr. Grause has been frequently ticketed for parking and added that Chief Darlington had stated the option earlier in the day to remove all of the no-parking signs and continued by asking Highway Superintendent how he felt about that.

Highway Superintendent Deering stated that they could actually use a few more.

Supervisor Hotaling stated that before they would take that option they would have to carefully review it for the sake of public safety.

Chief Darlington interjected that he is a firm believer in any step that they take is going to be met with resistance.

Supervisor Hotaling stated that he agrees.

Chief Darlington stated that the along with Highway Superintendent Deering need to take a look at the entire Hamlet.

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

### **Albany County Board of Elections – Voting Facility Use**

Supervisor Hotaling stated that he has a Voting Facility Use Agreement from the Albany County Board of Elections that he needs to sign and return. He continued by saying that Town Clerk Millious had asked that he sign the agreement and added that with the Town Board's consideration and motion along with review of the Town Attorney he will sign the form. He concluded by saying that it is for the Town building at 70 Main Street in Coeymans.

Councilman Boehm inquired as to if the Town owns the machines.

Supervisor Hotaling stated that it is a bone of contention between the Town and the County and added that he says that the Town owns the machines but the County says that they own them because they are maintaining them. He added that the Town is responsible for storing them.

Councilwoman Chmielewski stated that this is what the law states.

Supervisor Hotaling stated that once the new machines are in use the old machines are conveyed to the County.

Councilman Boehm interjected that possession is 9/10.

Supervisor Hotaling stated that expenses were incurred by the taxpayers and added that he believes that there should be some reimbursement when the machines are given up.

Councilwoman Chmielewski stated that in talking with Town Clerk Millious she had indicated that some of the machines need to be fixed and added that the County will be paying for the repairs.

Deputy Clerk Vatalaro stated that was true.

Supervisor Hotaling stated that he would take care of the agreement with Town Clerk Millious. He continued by asking if there were any additional comments, hearing none he moved to the next item on the agenda.

### **Village of Ravena – Request for Police Department Move**

Supervisor Hotaling stated that he received a letter from Mayor Bruno relative to the police presence in Village Hall and continued by reading the following:

June 21, 2007

Ron Hotaling, Supervisor  
Town of Coeymans  
Russell Avenue  
Ravena, NY

Dear Ron:

We are sorry to hear that your Board decided to move from the Village Municipal Building but certainly respect your decision. As you know we are anxious to find out when you are planning to vacate specific rooms. After the decision to leave the Village building was made public, we had a number of organizations interested in renting the rooms. Two groups were interested in both first floor rooms, but we told them that we were sure that both rooms would not be available for at least six months. We do have two organizations interested in one room second floor room and one first floor room. Bob Wade and I have discussed this with Chief Darlington and it seems that the middle rooms both on the second floor and first floor would be the most logical. On the first floor we can move the glass entry doors a few feet which would still allow for security and space for the files presently in that one room. We are confident that the elimination of these two rooms will have a minimal effect on the existing operation.

Both groups need to occupy these rooms in September and we will need a month to remodel, paint, and get rooms ready. I would suggest that Greg be in touch with Bob or me to effect a smooth transition, or if he has any suggestions or comments.

Very truly yours,  
John T. Bruno  
Mayor

Supervisor Hotaling asked Town Attorney Rotello if they are tenants of the Village.

Town Attorney Rotello stated that they are.

Supervisor Hotaling inquired as to if they had rights as tenants.

Town Attorney Rotello stated that they do.

Supervisor Hotaling inquired if there is a process for getting a tenant out before they want to leave.

Town Attorney Rotello stated that there is depending on the type of tenancy that exists in terms of a lease.

Supervisor Hotaling stated that there is no lease.

Town Attorney Rotello inquired as to if there ever was a lease.

Supervisor Hotaling stated that to his knowledge there never was a lease.

Town Attorney Rotello stated that they are month to month tenants and added that there is a process to follow to terminate the tenancy and provide notice.

Supervisor Hotaling interjected that there is no question that they are going to get out of Village Hall and added that Chief Darlington needs to discuss the plan with representatives at the Village. He continued by saying that carving out middle rooms on the first and second floor and putting something like Head Start in there would not be conducive to having children between a communications and patrol room.

Chief Darlington stated that as far as discussions go they had come to him to discuss it and he told them that it was not viable because they wanted to take the file cabinets and put them in the hallway. He added that when Supervisor Hotaling inquired about it with the Mayor he said that he was misunderstood. He continued by saying that to do it the way that the Village wants to do it would create an operational nightmare.

Supervisor Hotaling stated that they do have a conceptual plan and added that Chief Darlington is struggling to get it turned into an architectural drawing to make sense of it. He continued by saying that the person that has been assisting has to step up to the plate to do it or they will have to get an architect.

Councilwoman Chmielewski stated that it has already been six months and continued by asking if this person can do what they need.

Chief Darlington stated that he believes so.

Supervisor Hotaling asked that Chief Darlington get in touch with this person and advise that this needs to happen and added that he will give him a copy of the letter from the Mayor. He continued by asking if there were any additional comments, hearing none he moved to the next item on the agenda.

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## **TOWN BOARD WORKSHOPS/MEETINGS**

- July 17, 2007, Town Board Workshop, 6pm
- July 23, 2007, Public Hearing – Sewer Rates, 6:30pm
- July 23, 2007, Town Board Meeting, 7pm

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## **ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Councilwoman Chmielewski inquired as to how the Ravena Rescue Squad Contract is coming along.

Councilman Boehm stated that it is moving along.

Councilwoman Chmielewski interjected that they are six months into the year and continued by asking if it is almost ready.

Councilman Boehm stated that it is taking a while and added that they just had a Workers Compensation issue that he believes that they will be able to work out. He then asked Town Attorney Rotello if he thought they would be able to bring it forward at the next Workshop.

Town Attorney Rotello stated that he printed out the contract that went back to the original Workers Compensation language. He added that he forwarded a draft contract to the Rescue Squad attorney and addressed his concerns with the Volunteer Workers Benefit Law and continued by saying that Supervisor Hotaling had indicated that Mr. Price had stated that they were happy with maintaining their Workers Compensation Insurance, which meant they did not have to have that requirement in their contract. He went on to say that he removed it in the draft and added that he would give it to Councilman Boehm to present to Mr. Price or Sheryl Slingerland. He continued by saying that he cannot have any direct contact with the Rescue Squad because they have an attorney and added that he has not corresponded with him since he raised the issues about the Compensation Law as it pertains to the Village. He concluded by saying that Councilman Boehm will give the contract to the Rescue Squad, which will put it back in their court to respond.

Councilman Boehm stated that he believes that it will be fine and added that they can bring it up at the next Workshop in July.

Town Attorney Rotello stated that the problem was that Councilman Boehm was being advised by Mr. Price that there was not an attorney involved while at the same time he was communicating with an attorney. He added that he's not sure to what extent the attorney was hired and continued by saying that it might have been just to review the contract and not engage in negotiations.

Councilman Boehm interjected that he brought up various issues that were not talked about, which delayed the process.

Town Attorney Rotello stated that he has two versions of the contract saved on his computer.

Councilwoman Chmielewski stated that Councilman Boehm and Town Attorney Rotello were going to look into a Town employee as a volunteer fireman leaving work to respond to a fire call and continued by asking if they had anything to report.

Town Attorney Rotello stated that he does not recall that it was task that he was assigned.

Supervisor Hotaling stated that there was a volunteer fireman at the Sewer Plant and Highway Department and continued by asking Highway Superintendent Deering if this was something that he allows.

Highway Superintendent Deering stated that he does.

Town Attorney Rotello stated that he was confused with what they were asking and continued by saying that there was a part-time clerk that worked for the Town who was also an EMT and added that she was to fill a gap for coverage with the Ravena Rescue Squad.

Supervisor Hotaling stated that they are talking about the fire whistle blowing and a Town employee responding.

Councilwoman Chmielewski stated that they wanted to know if it should be allowed to go.

Town Attorney Rotello asked Attorney Young for his opinion.

Attorney Young stated that it would be up to the discretion of the employer.

Supervisor Hotaling stated that they could not find any policy that previous Town Boards have had.

Councilman Boehm stated that the Village does it informally and added that some of the Village vehicles use to have blue lights.

Town Attorney Rotello stated that as you go from town to town you will find that it depends on your location whether it is a policy to let people go or not. He continued by saying that the Village allows people to go and added that they might be allowed to use a Village vehicle to get to the firehouse or even the scene.

Supervisor Hotaling stated that it is a little different with the Village because the Village Fire Department is controlled by the Village Board.

Town Attorney agreed and added that an employee of the Town could belong to any number of Fire Companies and continued by saying that it could even be a mutual aid call for all to respond to.

Supervisor Hotaling stated that the situation that came up with him is that the employee is a member of the Village Fire Department and previously he was a Village employee and was always given the opportunity to respond to a call. He reiterated that he does not know of any policy that they have.

Councilman Boehm inquired as to if Highway Superintendent Deering allows anyone to respond to a fire.

Highway Superintendent Deering stated that he does.

Councilman Boehm stated that they do have a policy.

Highway Superintendent Deering stated that he didn't know if it was a policy and added that it came about because of the number of employees that belonged to the Fire Department.

Councilman Boehm interjected that they do have Town employees that are responding to fires.

Highway Superintendent Deering stated that other members worked during the day and could not respond and added that they were right there to respond.

Councilman Boehm stated that it made sense.

Supervisor Hotaling inquired as to if they took Town vehicles.

Highway Superintendent Deering stated that if they were close they would take a Town vehicle.

Supervisor Hotaling stated that in his situation some of the Highway employees could be on a job site with a Town vehicle and would have to use it to respond. He continued by asking Town Attorney Rotello what would happen if there were to be an incident with a Town vehicle.

Town Attorney Rotello stated that there could be a lot of issues with using a Town vehicle and added that he did not have a definitive answer for him.

Chief Darlington stated that he would hesitate making it a Town policy and continued by saying that if his Officers left to respond to a fire it would create a huge problem.

Town Attorney Rotello stated that this is where the issue came up.

Supervisor Hotaling reiterated that the Town does not have a policy and added that it also does not prohibit it. He continued by asking Councilman Boehm if he had any comments.

Councilman Boehm stated that he had driven past the sidewalks in the Hamlet and continued by complementing Highway Superintendent Deering on the great job. He continued by asking him how far up Church Street he had planned on going.

Highway Superintendent Deering stated that they have one more pour for now.

Councilman Boehm inquired as to if it will connect with the firehouse.

Highway Superintendent Deering stated that it goes past there and stops and then is across the street. He added that there is a deadline on another job that has to be done.

Supervisor Hotaling stated that it is Kruger Road.

Councilwoman Chmielewski inquired as there being a problem with going further with the sidewalks because of a brick wall.

Highway Superintendent Deering stated that this is another issue because it is so close to the State highway. He continued by saying that they will not be doing it this year.

Supervisor Hotaling continued by asking Councilwoman Roger and Deputy Clerk Vatalaro if they had any comments, hearing none he asked Town Attorney Rotello if he had any comments.

Town Attorney Rotello stated that he has the Deyo Road deed, which will be before the Board at the July meeting and added that hopefully it will be fully executed for acceptance, which address the portion beyond the highway by use area that extends up to the shale cul- de-sac. He continued by saying that he also obtained the map and description for Oak Street in the property that the Town was granted as a result of a subdivision application and added that the Kruger Road letters will be going out to property owners for permission to go on their land for the work that they were authorized to do by the County for the drainage issues.

Supervisor Hotaling stated that the Village wanted the Town to consider going south with the storm water that comes down Camille Drive and continued by saying that they have gotten the engineers preliminary report that suggests it is not a good idea. He added by saying that the State would not permit it as well as the problem according to the engineer

is not necessarily the amount of water but rather the contributions that were made down stream by the Village's storm sewer of undersized piping. He continued by saying that the engineer is confident that the pipe can handle anything that comes out of Camille Drive and added that he is not saying that there would not be a back-up further down the line because of the undersized pipe that goes through Faith Plaza and the rest of the areas of the Village.

Town Attorney Rotello inquired as to if the finding have been communicated to the Village.

Supervisor Hotaling stated that they have not and added that they will be. Supervisor Hotaling continued by inquiring as to if the licenses are ready to go and added that in the near future the Town Board will make a judgment to tell Highway Superintendent Deering to go forth with the original plan.

Town Attorney Rotello stated that they have the preliminary approval of Oakbrook Manor as well as a letter of approval from AT&T.

Supervisor Hotaling stated that this is to go through their right-of-way.

Town Attorney Rotello stated that Mr. Flach will be joining in the project and added that they are consenting as well and continued by saying that they have one from J&B. He concluded by saying that they are a fax away of getting the other signature.

Supervisor Hotaling stated that there have been many things that the Town Board has discussed with Town Attorney Rotello and continued by saying that his time is short as Town Attorney. He added that as a semi-official announcement he was announcing that Town Attorney Rotello will be leaving them by the end of August and went on to say that a more official announcement will happen soon. He continued by saying that he is trying to tie up many loose ends and added that he's frantically trying to put the strings together and tie them up. He concluded by saying that he knows personally that he will miss him greatly and added that he has been a great asset to the Town in the time that he has been Town Attorney.

Town Attorney Rotello stated that he was not looking to change gears at this point in his career and added that an opportunity presented itself that was too good to pass up. He went on to say that he accepted a position with the Supreme Court Appellate Division for the 3<sup>rd</sup> Department, which will take him out of private practice. He added that there is a tentative start/target date for August 24<sup>th</sup> and continued by saying that by the beginning of August he will know better if it is a realistic date for him to conclude the things that he needs to finish. He went on to say that whoever succeeds him as Town Attorney will be given input as to what happened during discussion with matters that he had been involved in or working on and continued by saying that he cannot continue to represent the Town. He added that he likely may still be involved in the Zoning Committee and continued by saying that he will need to get permission from the presiding Justice.

Supervisor Hotaling stated that he is currently advisory counsel to planning.

Town Attorney Rotello stated that he does not believe that it will be an option for him and added that serving on a committee as a citizen member won't be a problem. He continued by saying that it has been a wonderful experience for him professionally in being involved in community and government and added that he will submit his formal letter at a future meeting. He concluded by saying that they will also need to discuss how the Town will proceed and added that there are attorneys in place that are special counsel handling areas in their expertise and continued by saying that there will probably be some Article 7 Tax Certiorari challenges that they will be faced with in August, some of which he had handled.

Supervisor Hotaling asked Chief Darlington if he had any additional comments.

Chief Darlington stated that he had discussed the fee schedule for the dog kennel with Town Attorney Rotello and continued by saying that he advised that it needs to be by approval of the Town Board and does not to be by resolution.



Supervisor Hotaling stated that they can set it forth at the next Town Board Meeting on July 23<sup>rd</sup>. He continued by asking Highway Superintendent Deering, Emergency Management Coordinator Bruno and Justice Pearson and Justice Dardani if they had any additional comments, hearing none he asked if there were any additional comments from anyone.

Councilman Boehm inquired about an issue with the creek that was brought to their attention by someone that was in the audience earlier in the meeting.

Supervisor Hotaling stated that he was in the audience earlier and may have left because it was not on the agenda. He continued by saying that he had received an e-mail from Mr. McFerran relative to what he saw as a problem with someone encroaching in the Hannacroix Creek near his house. He added that Mr. McFerran thought it to be aggravating the flooding situation in the area of the golf course and continued by saying that it was described as a farmer doing it. He went on to say that he along with Councilwoman Chmielewski and Code Enforcement Officer Conrad took a four-wheel drive vehicle and found it to be a budding tributary to the creek as well as the creek itself that had forded with farm equipment to get to the back to 85 acres between the golf course and Joralemon Park, which has been hayed. He continued by saying that upon examination they found that the 85 acres is owned by the Town of Coeymans and added that it was given as part of the subdivision that occurred with the Nature Conservancy.

Town Attorney Rotello stated that the Nature Conservancy owned it and gave it to the Town to use for park purposes.

Supervisor Hotaling stated that at the end of the cul-de-sac there is access into the 85 acres, which goes through the creek and added that he does not believe that DEC would like that. He then asked Highway Superintendent Deering if there might be a way that he can barricade it off and went on to say that they had discussed it at a previous workshop and added that they think they are honing in on who might be doing it. He concluded by saying that they need to communicate to that individual that he cannot go in there for two reasons, which are he does not own the land and he cannot have access through a creek.

Town Attorney Rotello stated that there is potential criminal liability as well as civil exposure.

Supervisor Hotaling asked that Highway Superintendent Deering put up some kind of barricade to prevent vehicles from getting through.

Highway Superintendent Deering stated that he would put up something.

Supervisor Hotaling stated that adjacent to that and near the cul-de-sac there is wood, other materials, burn pile and an old trailer in the right-of-way and continued by asking if Highway Superintendent Deering from his Highway authority could try to find out whose it is and try to get it cleared out.

Chief Darlington stated that they know who owns the trailer.

Councilman Boehm inquired as to if the pile at the end of the cul-de-sac is Town land.

Supervisor Hotaling stated that the creek crossing is Town land as well as the tributary and continued by saying that he believes that it is.

Councilman Boehm inquired as to if something needs to be done to try to remedy where the gravel is in the tributaries.

Supervisor Hotaling stated that they should call DEC and let them take what ever action is necessary. He concluded by saying that they need to do their best to prevent further access. 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 – 4 – NAYS 0 – SO MOVED

Time – 10:10pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Town Board Workshop was held Tuesday, June 19, 2007, 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 opened the meeting and led the Pledge of Allegiance.

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**AGENDA ITEMS**

- Capital Bicycle Racing Club
- Food for Thought Program
- Summer CHOICES Supervision
- Zoning Ordinance Revised Committee
- Domestic Partner Health Coverage Rider
- CDPHP Renewal Date
- Summer CHOICES Supervision
- Town Property Near Joralemon Park
- Board of Assessment Review Additional Work Related to Revaluation
- 2006 Town Board Audit of Department Functions

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, the meeting was adjourned.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Time: 7:12pm

*Respectfully Submitted,*

**APPROVED:**

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



**A Town Board Meeting was held Tuesday, May 29, 2007, 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  
Daniel Contento, First Sergeant  
Lawrence Breedlove, Chief Sewer Operator

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Supervisor opened the meeting with a moment of silence to commemorate Memorial Day for those who have given the ultimate sacrifice in our country’s fight for its freedom and then 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 Sergeant Contento with Chief Waste Water Treatment Plant Operator Breedlove in the audience. He continued by saying that he wanted to make note of special recognition to Highway Superintendent Deering, Deputy Highway Superintendent Searles and the Highway Department crew for constructing sidewalks on the north side of Church Street. He added that it looks great and they did an outstanding job with the assistance of the Community Beautification Department during the pouring of concrete.

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**OVERVIEW OF AGENDA**

Supervisor Hotaling proceeded to give an overview of the agenda.

- Public Comment
- Approval of Minutes
  - Public Hearing, March 19, 2007
  - Town Board Meeting, March 26, 2007
  - Town Board Meeting, April 9, 2007
  - Town Board Workshop, April 17, 2007
  - Town Board Meeting, April 23, 2007
- Supervisor’s Report – April 2007
- Department Report Review
  - Building Department Report – April 2007
  - Sewer Department Report – April 2007
  - Town Clerk Report – April 2007
- Old Business Update and Discussion
  - Revised Proposal - re: Fire District Line
  - Zoning Ordinance Committee Update
- New Business Topics for Discussion and/or Action
  - Evening on the Green Schedule
  - Resignation of Zoning Board of Appeals Member
  - Resignation of Part-Time Bookkeeper
  - Proposal for Technical Assistance DEC State Pollutant Discharge Elimination System (SPDES) & Environmental Benefit Planning Strategy
  - Designation of Representative to Albany County Municipal Services Board
  - Authorization to Submit Department Requests for Albany County Summer

- Youth Employment (CHOICES)
  - 2007 Justice Court Assistance Program
  - Joint Workshop Meeting with Village of Ravena 04/24/07
  - Village Pool Participation Program
  - Small Cities Grant Application
  - Request for Part-Time Police Officers
- Resolutions
  - Support Albany County Trust Fund
  - Appoint Utility Laborer
  - Approval of Abstract – May 2007
- Correspondence
  - Upstate Appraisal Services, Inc.
  - Capital Bicycle Racing Club
  - Special Commission on the Future of the NYS Courts
  - Albany County Department of Health
- Town Board Workshops/Meetings
  - Town Board Workshop Meeting, June 19, 2007, 6:00pm
  - Town Board Meeting, June 25, 2007, 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 five sets of minutes for Town Board approval, a Public Hearing on March 19, 2007 (Previously Tabled), a Town Board Meeting on March 26, 2007(Previously Tabled), a Town Board Meeting on April 9, 2007 (Previously Tabled), a Town Board Workshop on April 17, 2007 (Previously Tabled), and a Town Board Meeting on April 23, 2007. He continued by asking members of the Board if they had the opportunity to review them and if so to offer a motion to approve them.

Councilwoman Rogers suggested that they table the April 23<sup>rd</sup> minutes until the next Town Board Meeting.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the Town Board Minutes were approved with the exception of the April 23<sup>rd</sup> Meeting.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

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**SUPERVISOR’S REPORT**

Supervisor Hotaling presented his report for April 2007.

| FUND        | BAL. FWD.      | RECEIPTS      | DISBURSE.       | BALANCE       |
|-------------|----------------|---------------|-----------------|---------------|
| General     | \$2,188,327.48 | \$ 38,486.10  | \$ 2,047,013.62 | \$ 179,799.96 |
| Part-Town   | \$ 382,983.88  | \$ 450,142.54 | \$ 598,283.44   | \$ 234,842.98 |
| Spec. Water | \$ 38,342.48   | \$ 41,965.06  | \$ -0-          | \$ 80,307.54  |
| Highway     | \$ 47,404.31   | \$ 277,423.78 | \$ 104,899.07   | \$ 219,929.02 |

|                 |               |              |                 |                |
|-----------------|---------------|--------------|-----------------|----------------|
| Bridge Const.   | \$ 41,523.00  | \$ 62,620.74 | \$ -0-          | \$ 104,143.74  |
|                 |               |              |                 |                |
| Sewer           | \$ 218,362.15 | \$ 22,043.74 | \$ 120,548.66   | \$ 119,857.23  |
|                 |               |              |                 |                |
| Sewer Cap Proj. | \$ 223,189.41 | \$ 313.00    | \$ -0-          | \$ 223,502.41  |
|                 |               |              |                 |                |
|                 |               |              | Total Rec. Bal. | \$1,162,382.88 |

**CD CITIZENS BANK**

|         |              |                 |
|---------|--------------|-----------------|
| 90 DAYS | A FUND       | \$ 115,000.00   |
| 90 DAYS | Highway-DA   | \$ 200,000.00   |
| 90 DAYS | Sewer        | \$ 100,000.00   |
| 30 DAYS | General      | \$ 1,800,000.00 |
| 90 DAYS | Part-Town    | \$ 200,000.00   |
| CWI     | Money Market | \$ 100,000.00   |

**SAVINGS ACCOUNTS**

**SECTION 8 - HUD**

|                    |                    |                |             |
|--------------------|--------------------|----------------|-------------|
| POLICE FORFEITURES | \$ 2,931.14        | OCCUPIED UNITS | 65          |
| UNEMPLOYMENT       | \$ 3,132.92        | HUD PAYMENTS   | \$26,607.00 |
| GROVE CEMETERY     | \$ 42,699.96       | ADMIN. FEE     | \$ 80.10    |
| SEWER-DEDICATED    | <u>\$ 6,170.00</u> | TOTAL HUD PMT. | \$26,687.10 |
| TOTAL              | \$ 54,232.88       | TENANT RENT    | \$12,256.00 |
|                    |                    | CONTRACT RENT  | \$37,724.00 |

|                                |                      |                       |
|--------------------------------|----------------------|-----------------------|
| <b>COLLATERAL<br/>COVERAGE</b> | <b>FDIC COVERAGE</b> | <b>COLLATERALIZED</b> |
| National Bank of Coxsackie     | \$100,000.00         | \$ 3,265,889.18       |
| Citizens Bank                  | \$100,000.00         | \$ 2,541,953.56       |
| First Niagara                  | \$100,000.00         | \$ 124,497.95         |

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the Supervisor’s Report was accepted as presented.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

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**DEPARTMENT REPORT REVIEW**

**Justice Department Report – April 2007**

Supervisor Hotaling asked that Councilwoman Rogers, liaison for the Justice Court to give a summary of the Justice Department’s Monthly Report.

Councilwoman Rogers proceeded to give the report.

Councilwoman Chmielewski inquired as to if she was given a copy of the report.

Supervisor Hotaling stated that only the liaison got a copy for presentation purposes.

Councilwoman Chmielewski stated that she believes that all Town Board members should get a copy as well.

Councilwoman Rogers stated that she would get a copy to her.

Supervisor Hotaling interjected that it was prepared late.

## **Building Department – April 2007**

Supervisor Hotaling asked that Councilman Boehm give a summary of the Building Department Monthly Report.

Councilman Boehm proceeded to give the report.

## **Sewer Department – April 2007**

Supervisor Hotaling continued by giving the Sewer Department Monthly Report and reported that last month there was a significant disparity between the influent and effluent meter readings and added that it was discovered that the effluent meter, the one that was most recently installed was accurate. He went on to say that many months ago they received permission from DEC to use the effluent meter as a source of reporting the flow to DEC and added that the Town Board authorized the repair of the calibration of the influent meter, which was done. He added that the report indicated that the influent meter showed 1.069 million gallons a day and the effluent meter averaged .989 million gallons a day, which was much closer in terms of its use because during the process of the sludge some volume is removed and continued by saying that the disparity is much closer and probably right-on in terms of its use. He continued by asking Chief Operator Breedlove if they will be going back to the influent meter for reporting.

Chief Operator Breedlove stated that they will probably stay with the effluent meter because the effluent meter is more accurate. He continued by saying that having the influent meter reading much closer to the effluent will be a back-up.

Supervisor Hotaling stated that the new aeration system parts were ordered and will be delivered in June and added that he has confirmed with Mayor Bruno the availability of the Village crew to work jointly with the Town crew in an effort to get the aeration system assembled, which will save tens of thousands of dollars in the contract cost for the upgrade.

## **Town Clerk – April 2007**

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

Town Clerk Millious continued by giving her report and added that there has been several Freedom of Information Requests with many requiring the duplication of audio and video tapes.

Supervisor Hotaling asked for a motion to approve all of the Monthly Reports for April 2007.

## **MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, the Monthly Reports were approved as presented.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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## **OLD BUSINESS**

### **Update on Summer Recreation Program**

Supervisor Hotaling stated that he had asked that Councilman Boehm bring an update on the Summer Recreation Program and added that Mr. Racey had given a presentation to the Town Board, which was echoed to the Village Trustees. He continued by saying that as a result there was an agreement to seek some sort of structure for the program. He then asked that Councilman Boehm give an update.



Councilman Boehm stated that he had met with Village Trustee Persico and Mr. Racey to discuss the program and added that the Village of Ravena committed \$3,500 and then asked that the Town match that amount, which will be used for equipment and salaries for hiring a coordinator and counselors for the program to be held beginning July 9th at Mosher Park and ending August 10, 2007. He continued by saying that it is a five week program and added that there will be softball, volleyball and basketball and went on to say that it was designed to fit around everyone's vacation schedule. He went on to say that they are going to publicize it through the schools and added that he believes it is a great start for bringing recreational programs back to the Town. He concluded by saying that they will be requesting daily reports from the coordinator of the program as to how many are participating and added that hopefully they will be able to expand the program.

Councilman Boehm continued by offering the following motion.

## **MOTION**

On motion of Councilman Boehm, seconded by Supervisor Hotaling authorizing the Town to provide \$3,500 for salaries for the Coordinator and Counselors to be paid by voucher for the five week program beginning July 9<sup>th</sup> and ending August 20<sup>th</sup>.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that \$3,500 will be available and payable by voucher submissions from the people who are in the program and continued by saying that it is not really a payroll situation to an employee but rather a contract situation. He reiterated that it will be supported and funded jointly with the Village of Ravena.

Councilman Boehm stated that any reimbursement that they receive outside the Food for Thought Program will be split equally between the Town and Village.

Supervisor Hotaling stated that this program mirrors the Food for Thought Program, which runs for the same dates and continued by saying that this is no way will impede the Food for Thought Program, which serves ages 5-11. He went on to say that they are awaiting confirmation that the Food for Thought Program will be held at P.B. Coeymans elementary and added that they are hoping to have the transportation components for pick-ups in and around town. He concluded by saying that informational flyers will be handed out at P.B. Coeymans school and added that it is for Town of Coeymans residents only.

Councilwoman Chmielewski inquired as to who will be deciding who is hired and the salary for each position.

Councilman Boehm stated that he along with Trustee Persico and Mr. Racey will each participate in the hiring of a Coordinator who will be the key person and in turn he/she will be hiring the counselors for each session of basketball, baseball and volleyball.

Councilwoman Chmielewski inquired as to if Councilman Boehm will know how much each person will be getting paid per hour.

Councilman Boehm stated that was correct and the amounts have been broken down and added that originally Mr. Racey had requested \$5,000 to be split by the Village and Town. He continued by saying that they believed that \$5,000 was a little low and they decided to increase it to \$7,000 to be split equally with the Village.

Councilwoman Chmielewski inquired as to if the program will run for the entire time if children do not show up.

Councilman Boehm stated that hopefully they will.

Councilwoman Chmielewski inquired as to if there will be a sign-up time.

Councilman Boehm stated that they will advertise through the schools and have flyers. He continued by saying that the person hired as the Coordinator will also be responsible for public relations and getting the word out.

Supervisor Hotaling stated that he would be cautious about sign-ups because of the Health Department regulations. He continued by saying that an outline of the program was given to them by Mr. Racey at a Workshop and reiterated that the commitment will be reimbursement by voucher for those people operating the program.

### **Revised Proposal re: Fire District Line**

Supervisor Hotaling stated that at the last meeting there was a presentation from Assessor VanValkenburg reporting her efforts to comply with the motion of the Town Board on April 23<sup>rd</sup>. He added that Assessor VanValkenburg was instructed to go back to Sipperly Associates and advise them of the existence of a map that they came in possession of. He continued by saying that as a result Sipperly Associates has corresponded to Assessor VanValkenburg and in turn have taken their fee from \$5,500 to \$3,800. He went on to say that they will revise the tax maps to reflect the new boundary line and prepare a list of all parcels affected by the boundary line to include the name of the current owner, tax map, parcel number and if bisected by the boundary line the portion of the parcel area by district. He then asked if there was any discussion.

Councilman Boehm inquired as to if the amount of \$3,800 was given in the letter.

Supervisor Hotaling stated that it was on the back of the letter.

Councilwoman Chmielewski stated that she has a problem with Assessor VanValkenburg's e-mail because it says that no one knows for sure if it was filed with the appropriate authority. She continued by saying that as Assessor she should be looking into whether or not it was filed at the Comptroller's Office.

Supervisor Hotaling stated that Town Attorney Rotello had indicated that he didn't know whether it was filed or not.

Town Attorney Rotello stated that he had not done any inquiries about whether it was filed or not.

Councilwoman Chmielewski interjected that it is up to the Assessor and added that this whole problem is in the Assessor's hand and she is the one that should be looking into it.

Supervisor Hotaling inquired as to if any members of the Town Board had heard if any progress is being made between and among the lawyers for each participating fire district and added that he has not heard of anything.

Collectively the Town Board members stated that they have not heard anything.

Supervisor Hotaling asked what their next step should be and added that the lawyers had indicated that they will be bringing something back to the Town Board in June. He continued by suggesting that they give them that latitude in terms of negotiations.

Councilwoman Chmielewski stated that they had told the lawyers that there would be a meeting in late June and added that they had indicated that by that time they will have something to bring back to the Town Board.

Councilman Boehm inquired as to if it will be in time to get it in for the final tax roll for 2007.

Supervisor Hotaling stated that he did not know specifically and added that Assessor VanValkenburg had said that there are opportunities to add and make amendments to the tax roll in addition to providing for Grievance Days in August and October to those affected. He continued by saying that if the line is plotted and parcels are impacted those property owner would have to have the opportunity to grieve it.

Town Attorney Rotello stated that there also has to be an opportunity to correct any errors.

Supervisor Hotaling stated that he would recommend that they let it go until the end of June, which is June 25<sup>th</sup>.

Councilman Boehm agreed that they should let it go until then and if they have not heard of any progress they will take action.

Councilwoman Rogers stated that she agrees with that.

Councilwoman Chmielewski interjected that by that time Assessor VanValkenburg will have found out if it was the appropriate map and then suggested that Supervisor Hotaling convey it to Assessor VanValkenburg.

### **Zoning Ordinance Committee Update**

Supervisor Hotaling stated that on April 21<sup>st</sup> there was another Workshop of the Town Board, Planning Board and Zoning Board of Appeals and continued by saying that it was well attended by the public. He went on to say that they had made some changes to the map and acknowledged some problems with wording in the draft Zoning Ordinance in definitions as well as in the rules and regulations. He continued by saying that they had announced to the public that the effort was going to be slowed down in an attempt to get a better document and added that it was his intention to recommend to the Town Board a smaller focus group committee of 6-8 members in addition to assigning some leadership role to the Zoning Board's Attorney Aline Galgay. He concluded by saying that she should take a significant role in the document's development because she will be the one defending the document and then stated that he was opening it up for discussion between and among the Town Board members about their thoughts on the smaller group, composition of the group and identifying the new charge for that group.

Councilwoman Chmielewski inquired as to if Supervisor Hotaling had spoken with Ms. Galgay.

Supervisor Hotaling stated that prior to the May 21<sup>st</sup> Joint Workshop he had discussed it with her and added that she was more than willing to do that. He continued by saying that this challenge might be outside the scope of her duties as the Zoning Board's attorney and the remuneration that she gets for that. He added that she did not have a concern about that and went on to say that he has the impression that she is ready to undertake the project.

Councilwoman Chmielewski stated that she thought that the members would be from the Town Board, Planning Board and Zoning Board in addition to a member of the public.

Supervisor Hotaling stated that was correct and continued by saying that it could be two members from each Board along with Ms. Galgay, Town Attorney Rotello, Code Enforcement Officer Conrad and a member of the public. He added that it will be a more manageable group with Nicole Allen from Laberge taking the coordinating role and stepping back from the leadership role.

Councilwoman Chmielewski stated that it sounds fine to her.

Supervisor Hotaling stated that he could seek out interest from each Board as to who really wants to serve.

Councilman Boehm stated that anyone wanting to serve should participate and added that it would not necessarily have to be 2 from each Board if for instance three Planning Board Members were interested.

Councilwoman Rogers stated that agrees.

Supervisor Hotaling stated that he did not believe that any formal action needed to take place and added that they are in agreement of the concept and in turn they will get input from each Board as to who would like to participate.

Councilman Boehm inquired as to when the next meeting will be.

Supervisor Hotaling stated that there is not a set date and added that the first step is to identify the smaller focus group. He continued by saying that he wanted to find out Ms. Galgay's availability before they establish any dates because she has a commitment to another municipality on Mondays.

Councilman Boehm inquired as to if they can identify the smaller group prior to the next Town Board Meeting and then announce the members at the meeting.

Supervisor Hotaling stated that they could and added that they could have a smaller meeting prior to June 25<sup>th</sup>. He continued by saying that he made a commitment to make them open to the Public and added that getting the word out could be an issue.

Councilman Boehm inquired as to if they will allow public comment at the meetings.

Supervisor Hotaling stated that there will be public participation in some respect and added that he does not know whether or not it will be give and take dialog each time. He continued by saying that it will be more of a structured Workshop setting with the smaller committee setting the rules. He added that there has been public input and they have heard a number of people express their concerns and in turn the concern was acknowledged. He concluded by saying that it does not have to be an engaging Workshop each time and added that it is a public Workshop where you can come and observe and went on to say that no one has ever been reluctant in allowing people to speak.

Councilman Boehm interjected that he believes that it is important to allow people to speak because the public input came late and added that he believes that it will diminish as they make the requested changes. He concluded by saying that as they move forward the public should be allowed to be heard.

Councilwoman Chmielewski stated that the smaller group will go over it section by section and added that it will be open to the public. She continued by saying that the smaller group will need the Workshop time to make their own decisions and added that they will never get through it if there is public input for every section.

Councilman Boehm stated that they could follow the format of allowing public input at the beginning of the meeting.

Councilwoman Chmielewski stated that she does not have a problem with that and added that she does not think that the committee will either.

Councilman Boehm stated that the public should be able to voice an opinion if something does not fit. He reiterated that the number will dwindle as they move forward.

Councilwoman Chmielewski reiterated that she does not have a problem with the public commenting and added that they have to get it down to a working document.

Supervisor Hotaling stated that he would give notice to each Board and ask for a quick turnaround of people who actively want to participate and in turn they will be guided by Aline Galgay.

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

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## **NEW BUSINESS**

## **Small Cities Grant Application**

Supervisor Hotaling stated that Mr. Steve Kirk was present and continued by saying that he was going to turn the meeting over to Councilman Boehm who had met with Mr. Kirk and some other members of the grant community.

Councilman Boehm stated that he along with Mr. Kirk, Mr. Laraway, Mr. Hutsinger and Mr. Lawson had attended a Small Cities Meeting regarding the project at the P&M Brickyard and then asked that Mr. Kirk give his presentation.

Mr. Kirk distributed a presentation booklet to each member of the Town Board along with Town Clerk Millious and continued by saying that he was representing P&M Brick LLC. He added that the project is multi-faceted and will include a deep water port of which the owner has already obtained his permit from the Army Corp of Engineers to do some deepwater dredging. He continued by saying that they will also be rehabilitating existing warehouse space in addition to constructing new climate controlled warehousing and added that some land will be kept open to use for construction of such things as the recently constructed New York City 145<sup>th</sup> Street Bridge. He went on to say that initially there will be approximately 50 jobs created and added that over the course of the development of the project there will be approximately 500 direct jobs and up to 1500 indirect jobs. He continued by saying that national companies are interested in climate controlled warehousing and added that part of the project is the development of a dock that can handle the ships and went on to say that the projected cost for this will be 5.7 million dollars. He added that he has indicated to Supervisor Hotaling that it is in a Foreign Trade Zone and continued by saying that they have made some contacts with the Regional Planning Commission who are the designated officials of the Trade Zone.

Supervisor Hotaling stated that he had communicated P&M's name as well as Lafarge to Albany County as possible Foreign Trade Zone participants.

Mr. Kirk stated that they will follow-up on it. He continued by saying that on the last page of the presentation booklet there is an overhead design concept of what is intended and it portrays a dock, an inlet for loading and unloading, warehouses for storage, offices, and climate control warehouses. He added that they presented to Small Cities that the Town of Coeymans will apply to Small Cities for a grant under the Open Economic Development Funding and continued by saying that they were very receptive to the project in that it would have a tremendous beneficial economic impact to the area. He went on to say that their visit was the first step in applying for the grant and added that it is an informal meeting between Town Officials and the developer and any others that might have a participation role in the project. He continued by saying that he believes that they will be invited to submit a Preliminary Evaluation Questionnaire, which will start the ball rolling and make the project more official and added that the Town will be the applicant for funds up to \$750,000.00, which is the maximum that can be awarded in any given fiscal year. He added that the grant will be awarded to the Town and will stay with the Town and in turn the Town will loan the money to P&M Brick LLC who will pay the Town back on predetermined terms, which has not been done yet. He continued by saying that the money stays in the Town and typically with the funding the municipality sets up a revolving loan fund in order to get the money working for the local economy and added that there are some strings attached like having to comply with Community Development Block Grant Regulations with reports that have to be done on an annual basis. He went on to say that the money will have a significant impact on the Town and anyone receiving it has been really appreciative of the money coming in and added that the process is about 2 months from start to finish. He concluded by saying that the application is a two-part process with the first part being the Preliminary Evaluation Questionnaire and added that once it is submitted and approved the Small Cities will issue and invitation to submit a full application, which is more information showing that the project meets eligibility criteria. He then asked if anyone had any questions.

Councilman Boehm stated that in discussing the Economic Development Strategy they had talked about the lack of local good paying jobs and continued by saying that this will offer jobs with a starting salary of \$45,000.

Mr. Kirk stated that the 50 jobs to be initially created with a total of 300 will be within that range with benefits. He continued by saying that the Carver Group has a number of operations throughout the region and added that all of the jobs pay within that range. He went on to say that in talking about an Economic Development Project, each project needs to create a certain number of what they call Low Moderate Income (LMI) eligible jobs, which does not refer to the pay but rather what is required for the job. He continued by saying that typically an LMI job requires nothing more than a high-school or high school equivalency and/or additional training that the employer will provide. He concluded by saying that all of these jobs will do that.

Councilman Boehm stated that there will actually be two components of the operation, which is bridge building and warehousing and added that this will offer two types of jobs.

Mr. Kirk stated that those jobs will grow and added that out of the three ports in the area this will be the only one with climate controlled warehousing. He continued by saying that the warehouses are scheduled to be completed in phases and added as the national company's contracts become secure they will build more.

Councilman Boehm stated that the amount of the grant is based on the job growth, which is \$750,000.00.

Mr. Kirk stated that the total grant award from Small Cities can only represent 40% of the project cost and added that in this case it is a 20 million dollar project and continued by saying that Small Cities wanted them to break down the project in phases. He added that they meet the 40% and added that it is going to be considerably less than 40% of the project cost and continued by saying that the job creation will meet that as well because they will be starting with 50 employees and within three years 300 employees. He concluded by saying that based on other performance by the company they prefer to hire locally, which will mean that it will have a direct impact on the local economy.

Councilwoman Chmielewski inquired as to of the bridge construction projects will be union employees such as steel workers.

Mr. Kirk stated that D.A. Collins built the first bridge and added that they are scheduled to do another bridge. He continued by saying that they are union and a regionally local firm.

Councilwoman Chmielewski inquired as to how many people were hired locally to work on the bridge.

Mr. Kirk stated that he didn't have an answer for that question and continued by saying that he could find out.

Councilwoman Chmielewski stated that it would be interesting to see how many people from the Town were hired.

Mr. Kirk stated that he would find out.

Supervisor Hotaling stated that they should keep in mind that the bridge building is a separate component of the project and added that the 50 jobs that Mr. Kirk described are for the climate controlled warehouses or docking industry portion of that.

Mr. Kirk stated that he did not want to mislead them in thinking that the bridge construction is going to be within the project and added that it is a separate contractor using the site because of the accessibility to the water. He continued by saying that the 50 initial jobs and 300 over time will be through P&M and added that most employees will be from within the Town and the general area.

Supervisor Hotaling stated that it could be a dual challenge because the people that are employed are likely to be looking for housing. He continued by saying that the people working on the bridges will hopefully be spending money in the Town, whether it is lunch or otherwise. He added that it provides a unique challenge and opportunity for the

Town and added this is complementary to the Comprehensive Plan and plays into the whole concept of what they are doing for zoning changes. He concluded by saying that later in the meeting he will be presenting a resolution to the Town Board about a new program initiative for the County where this year the County is committing \$300,000.00 in funds to seed the Albany County Housing Trust Fund, which would provide affordable housing in areas where it is currently lacking and added that he is excited about the challenges and opportunities that each one of these things will bring to the Town.

Mr. Kirk stated that there is tremendous opportunity for potential growth and added that overall he believes that it will be a great benefit to the Town.

Councilman Boehm inquired as to if there is a timeline.

Mr. Kirk stated that the Preliminary Evaluation Questionnaire will come directly to the Supervisor's attention and added that once it is submitted it will be approximately 2-3 months. He added that the turnaround time for Small Cities is very quick provided you give the information that they are looking for.

Councilman Boehm inquired as to what type of questions there are and whether or not they will need to use counsel.

Mr. Kirk stated that he was hired by Carver Laraway to help get them through the process and added that he can do the PEQ and the second part of the application. He added that he will work with whomever the Town wants him to in order to get it done on their end. He continued by saying that it is a document that the Town would certify and added that they would want the Town Attorney to review it.

Councilman Boehm stated that there is also money built into the grant to pay for the Town's expenses.

Mr. Kirk stated that there is \$16,000.00 to pay for administration, legal fees, etc. and added that it will pay for anything that takes place on or subsequent to the grant award. He continued by saying that anything prior to the grant award would cost the Town and added that his services are being paid for by a third party. He concluded by saying that the need for counsel is limited prior to grant submission and added that there are two public notices for the two Public Hearings that will have to be advertised and added that this should be it for expenses to the Town because after the grant award everything is inclusive of the grant.

Mr. Kevin Hotaling in the audience asked if because of having to breakdown the phases would there be an opportunity to get more than the \$750,000.00, which is much less than 40% of the total cost.

Mr. Kirk inquired as to if he is asking about going back to Small Cities for subsequent grants.

Mr. Hotaling stated that it would be because of the requirement to break it into phases.

Mr. Kirk stated that it might be possible and added that he didn't think that it would be likely because there is a limited pool of funding and continued by saying that he would try when they start phase two.

Councilman Boehm interjected that Carver Laraway had mentioned that it usually does not happen.

Mr. Kirk stated that it would be rare and added that they will try.

Supervisor Hotaling interjected that \$750,000.00 is the fiscal year maximum and added that it does not stop the Town from going back the following fiscal year on another project.

Mr. Kirk stated that it would have to be a different project and added that if an affordable housing project came up the Town could go to Small Cities for a grant because the projects are not related.

Supervisor Hotaling stated that it is a hand in glove type of submission because this project will increase the need for affordable housing.

Mr. Kirk stated that it goes hand in hand and added that because the Town has done Economic Development work and created a need for housing, it shows Small Cities that they have helped them on the Economic Development path and now there is a bit of a housing crunch. He concluded by saying that in turn they will want to help with housing, which is a good strategy.

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

**Evenings on the Green Schedule**

Supervisor Hotaling stated that Councilman Boehm has been coordinating the Evenings on the Green and asked that he present the schedule for 2007.

Councilman Boehm stated that the events will take place from 6:30-8:30pm on Thursdays and continued by announcing the schedule as follows:

|                         |                          |
|-------------------------|--------------------------|
| July 5 <sup>th</sup>    | Jeff Spencer Band        |
| July 12 <sup>th</sup>   | Folding Sky              |
| July 19 <sup>th</sup>   | Peaceful Country         |
| July 26 <sup>th</sup>   | Shakespeare in the Alley |
| August 2 <sup>nd</sup>  | Dusk til Dawn            |
| August 9 <sup>th</sup>  | Ghost Rider Band         |
| August 16 <sup>th</sup> | Frank Novko Band         |
| August 23 <sup>rd</sup> | The Reverberators        |
| August 30 <sup>th</sup> | Music Magic              |

Councilman Boehm continued by saying that most of the bands performed last year. He continued by saying that there will be an addition this year and added that on September 7<sup>th</sup> in conjunction with the First Day of School Celebration the Town will be hosting an activity at the gazebo. He went on to say that he spoke with Mr. Kevin Hotaling and then invited Mr. Hotaling to give a presentation and offer a proposal for his services.

Supervisor Hotaling stated that in the interest of full disclosure Kevin Hotaling is his brother and added that for the appearance of impropriety he is recusing himself from the discussion and excused himself from the meeting.

Tape change – some dialect lost.

Mr. Kevin Hotaling stated that Councilman Boehm had contacted him about putting together a proposal for the First Day of School Celebration and added that he has put together events for the school before. He continued by saying that his thought was to bring 3 Bounce Rides, cotton candy, popcorn, sno-cones along with his DJ services and added that rather than pay for attendants for the Bounce Rides he would suggest that it be volunteers, which would cut down on the expense.

Councilman Boehm stated that the event will be primarily for P.B. Coeymans students and continued by saying that he does not believe that they will need 3 Bounce Rides.

Mr. Hotaling stated that it would depend on how many children and added that they would work through that.

Councilman Boehm stated that he could go to a PTO Meeting and ask about volunteers in addition to trying to get an indication of the interest level and what kind of participation there might be.



Mr. Hotaling stated that there was an event at P.B. Coeymans for the 5<sup>th</sup> graders that are moving to the Junior High and added that typically the most that they ever had for a Friday night event was 118 children down to 60 and continued by saying that almost 200 showed up.

Councilman Boehm stated that the only other concern is the weather.

Mr. Hotaling stated that they can talk about a rain date and added that the Bounce Rides have a roof so if there were to be a light rain it would not be a problem.

Councilman Boehm inquired as to if there is enough room by the gazebo to set up all three.

Mr. Hotaling stated that he believes that there is enough room and added that he can set them up away from the road because safety is important. He continued by saying that the concessions can be set up in the picnic area and added that these are ideas that he had and added that he can modify the proposal and do whatever they want.

Councilwoman Chmielewski inquired as to if they had decided that they were going to do this and added that she didn't recall agreeing to doing it.

Councilman Boehm stated that they had talked about it a couple of meetings ago that they were going to use the money donated by Lafarge.

Councilwoman Chmielewski interjected that she didn't believe that they had decided to do anything.

Councilwoman Rogers stated that they didn't want to use the funds from Lafarge because they decided that they could use them for something bigger.

Councilwoman Chmielewski agreed that they had discussed using the money for something else and continued by saying that they didn't decide what they were going to use it for.

Councilman Boehm stated they decided that the funds from Lafarge could be used for the First Day Celebration.

Councilwoman Chmielewski stated that it must have been done at a Workshop when she was not there because she does not recall it.

Councilman Boehm stated that they talked about Lafarge and withdrew the funding request for this event and then talked about funding it from the Town with \$2,000.00.

Councilwoman Chmielewski reiterated that she didn't think that they knew what they were going to do.

Councilman Boehm stated that this is why Mr. Hotaling is present and added that he was presenting his proposal.

Mr. Hotaling reiterated that it is only a proposal.

Councilwoman Chmielewski inquired as to what the school will be doing for the event.

Councilman Boehm stated that the school activities will be limited to the day and added that there will be a parade, activities and cook out.

Councilwoman Chmielewski stated that she thought the Town would be doing something in conjunction with them during the day.

Councilman Boehm stated that they have been asked to march in the parade.

Councilwoman Chmielewski stated that it is from 4-8pm and added that it is after the school day.

Councilman Boehm stated that was correct and added that the event will be down at the park where there will be Bounce Rides and DJ.

Mr. Hotaling stated that it could be done during the day if they would rather.

Councilman Boehm stated that they already have a full schedule for the day and added that his thought was that the Evenings on the Green are not for children and continued by saying that it would be nice to do something for the children.

Mr. Hotaling stated that it is a proposal at this point and added that he would accompany Councilman Boehm to the PTO Meeting if he wanted.

Councilwoman Chmielewski inquired about the separate charges for the popcorn, cotton candy and sno-cones.

Mr. Hotaling stated that there is a rental price for the machine and added that there a separate price for the servings. He continued by saying that he counts 35 servings as one unit of servings and added that the proposal is for 350 servings for each one.

Councilwoman Chmielewski inquired about the number of attendants.

Mr. Hotaling stated that he included attendants for the Bounce Rides and added that they can have volunteers from the school and eliminate the cost.

Councilwoman Chmielewski inquired as to whether or not he would let volunteers use his machines.

Mr. Hotaling stated that he would set it all up and then instruct the volunteers how to run the machines.

Councilwoman Rogers inquired about the materials needed for the machines.

Mr. Hotaling stated that they would have to work out those details and added that he included a discount in his proposal.

Supervisor Hotaling returned to the meeting.

Supervisor Hotaling stated that in response to Councilwoman Chmielewski's comment as to whether or not they had agreed to do it, they had discussed it at a Workshop session in terms of Lafarge's participation in funding an Evening on the Green. He added that Councilman Boehm had suggested having a children's Evening on the Green and continued by saying that the next event would have been scheduled after the first day of school and coincided with the First Day Celebration. He went on to say that whether or not the school had a First Day Celebration he believes that doing something for the children is a nice idea. He reiterated that they had agreed to do it and added that it was not in the form of a formal resolution and added that they had agreed to modify the Evenings on the Green schedule.

Councilwoman Chmielewski stated that she did not realize that they were going to do this much.

Supervisor Hotaling stated that he didn't know how much they were doing and added that the Town Board independent of him can figure it out.

### **Proposal for Technical Assistance DEC State Pollutant Discharge Elimination System (SPDES) & Environmental Benefit Planning Strategy (EBPS)**

Supervisor Hotaling stated that some time in early April the Department of Environmental Conservation communicated with Chief Operator Breedlove about the

need to provide a plan for being in compliance with a modification of the SPDES Permit at the Waste Water Treatment Plant. He continued by saying that Chief Operator Breedlove reached out to Mr. Ed Vopelak from C.T. Male, which resulted in a May 21<sup>st</sup> letter to himself with a copy to Chief Operator Breedlove outlining a scope of services as follows:

- Site visit to observe the facility at the discharge location.
- Review technical documents pertaining to the existing permit, past application documents, and sampling of analytical data.
- Assist the Waste Water Treatment Department with preparation of Request for Information Response and associated Engineer's Report for the discharge of wastewater to the Hudson River through existing permitted discharge point.
- Attend one meeting with the Town to review application documents.
- Facilitate the submittal of a SPDES Permit modification application and Request for Information documentation to DEC.

Supervisor Hotaling continued by saying that the approximate cost will be \$5,800.00. He added that Chief Operator Breedlove understands and realizes that this is something beyond the scope of what he and his staff can do. He then asked that Chief Operator Breedlove to explain what needs to be done.

Chief Operator Breedlove stated that they have already put in an application to renew the SPDES Permit and added that this is a second form that the State is requiring. He continued by saying that it is information on the Waste Water Treatment Plant and went on to say that they determine the rate of the priority of the Plant based on need for future grants or upgrades. He added that you need a company like C.T. Male to provide all of the information and continued by saying that they will do an evaluation of all of the existing plant processes, which will include the new equipment that was just put in and the older equipment that is still there.

Supervisor Hotaling inquired as to if they will have an opportunity to compare the two and the efficiency of the new equipment.

Chief Operator Breedlove stated that based on the report the Town will be put on a list for priority for the possibility of getting future grants and assistance for upgrades to the Waste Water Treatment Plant.

Supervisor Hotaling stated that based on experience the Town has never made the threshold and added that they did once but then the threshold was changed and took the Town out. He continued by saying that they can be hopeful that DEC will see the Town's issues as a priority in terms of loosening up of funds and added that so far they have not been able to see their way clear for that.

Chief Operator Breedlove stated that as instructed he had spoken with Mr. Ed Vopelak and added that he will be able to meet the deadline of 06-29-07 for doing this.

Supervisor Hotaling stated that if it is authorized by motion he will be able to meet the deadline.

Chief Operator Breedlove stated that he has the information that he needs.

Supervisor Hotaling asked if there were any additional questions or comments, hearing none he asked for a motion authorizing the Supervisor to engage in the proposal with C.T. Male.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, acknowledging the proposal and authorizing the approval of expenditures up to \$5,800.00 for the project.

VOTE - AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling thanked Chief Operator Breedlove for attending the meeting.

### **Resignation of Zoning Board of Appeals Member**

Supervisor Hotaling stated that he was in receipt of a letter addressed to Zoning Chairman Marsh and asked that Councilwoman Rogers read the letter.

Councilwoman Rogers read the following:

May 16, 2007

Dear Mr. Marsh:

This letter serves to notify you that for personal reasons I am resigning from the Zoning Board of Appeals effective June 1, 2007.

Sincerely,

Gerald McDonald

Supervisor Hotaling asked for a motion to accept the resignation.

### **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, accepting the resignation of Gerald McDonald from the Zoning Board of Appeals.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that Mr. McDonald had served on the Zoning Board of Appeals for several years and continued by saying that he is sad to see him go. He continued by saying that he does not know what the remainder of his term is and added that there is a vacancy to replace Mr. McDonald to fulfill his term.

Councilwoman Chmielewski stated that because it was being announced on television someone might come forward to fill the position.

Councilman Boehm inquired as to how anyone interested should let them know.

Supervisor Hotaling stated that they could send a letter or contact him by phone.

### **Resignation of Part-Time Bookkeeper**

Supervisor Hotaling asked that Councilwoman Chmielewski do this agenda item.

Councilwoman Chmielewski stated that they were in receipt of a resignation from Shirley Boehlke and continued by reading the following:

To Supervisor & Town Board Members:

It is with mixed emotions and heavy heart that as of June 1<sup>st</sup> 2007 I am resigning from my part time position with the Town of Coeymans. My last day of employment will be on May 31<sup>st</sup> 2007.

I find at this time, with health problems and an always-growing family, I am ready to return to the retirement world.

It has been enjoyable and fun working with old friends and newfound friends. At this time I would like to thank Ron, Nita, Larry and the Town Board Members for their support and for having the faith in me to be part of their staff.

I will miss each and every one of you. Hope our paths cross often.

Sincerely, Shirley J. Boehlke

Councilwoman Chmielewski stated that Shirley had worked with the Town many years ago and had retired and added that she had been a Confidential Secretary for the Supervisor as well as Deputy Town Clerk. She went on to say that when she started her term as Councilwoman they found that the bookkeeping records were not in very good shape and they were advised by their accountant that they would have to piece things together. She continued by saying that she felt as though Shirley was the only one that could do this and in turn she called and asked her and she said she would. She added that she started in 2004 and has been with the Town ever since and has done a great job.

Supervisor Hotaling echoed that she has done a great job and continued by saying that when she started there were boxes and boxes that needed to be gone through and added that there were vouchers to match up with checks along with a variety of tasks that was far beyond his ability to cope with because of numerous other things going on. He went on to say that her expertise with Municipal Accounting and being able to put pencil to paper and not rely on a computer software program has provided them the opportunity to turn the corner and be able to report numbers such as those heard earlier in the meeting in the Supervisor's Report. He concluded by saying that he is grateful for Shirley and her efforts and added that she will be sorely missed on a day to day basis but the doors are open every day for her visits and good wishes and continued by saying that it is with his good wishes to her that he would accept her resignation also with a heavy heart.

Supervisor Hotaling asked for a motion to accept the resignation.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the resignation was accepted.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Councilman Boehm stated that he has only been on the Town Board for a short period of time and added that he does remember her as a bus driver and continued by saying that he wishes her well.

## **Designation of Representative to Albany County Municipal Services Board**

Supervisor Hotaling stated that he does not believe that the Albany County Municipal Services Board is something that they have to participate in and added that Town Clerk Millious has been asked to consider providing a representative to serve. He continued by saying that he has had conversation with Supervisor Crosier from the Town of Berne and added that their feeling is that when one wishes to delay something they establish a committee. He went on to say that if they had been motivated by the Governor on down to start looking at shared municipal services and other incentives, grant incentives, consolidations, dissolutions and those type of things to reduce the cost of local government to provide relief to taxpayers from ever rising budgets and property taxes, it would have had more impact. He continued by saying that on the surface it is an admirable attempt on the part of Albany County to put something together and added that he would be happy to participate but the stage is already set and the grant applications are out there and they have asked for participation in addition to Supervisor Crosier from Berne trying to reduce the cost of government. He went on to say that there are three small communities in the hill town with a total population of 9,000 and there are nine judges and added that there are opportunities everywhere around us to help reduce the cost of government. He concluded by saying that creating a committee is not the most efficient way to do it and added that he is willing to go along with it for a while if someone on the Board wishes to be a representative and in turn he will convey it to Mr. Devane, Clerk of the Legislature.

Councilman Boehm inquired as to if Supervisor Hotaling was going to be the representative for the Town of Coeymans.

Supervisor Hotaling stated that he would be happy to let someone else do it if they wanted to do it and added that Town Attorney Rotello had said that he would be interested in doing it if they wanted to designate a non Board representative.

Councilwoman Chmielewski interjected that she believes that Supervisor Hotaling should do it as the Supervisor of the Town of Coeymans.

Supervisor Hotaling stated that he will either actively be the designee or designate a substitute in case he cannot make it.

Collectively they agreed.

Supervisor Hotaling stated that he would consider himself the representative and communicate it back to Clerk of the Legislature Devane.

### **Authorization to Submit Department Requests for Albany County Summer Youth Employment (CHOICES)**

Supervisor Hotaling stated that he was in receipt of correspondence from Albany County relative to expanding job opportunities for people outside the city and added that they the C.H.O.I.C.E.S. Program has already been established in the Town. He continued by saying that they have received several requests for placement through the Summer Youth Employment program and in turn he had asked that the department heads submit to him any requests for help within their department. He added that he had only received it back from the Waste Water Treatment Department and Community Beautification and continued by saying that they didn't request any help. He concluded by saying that if those departments were not going to request any help he would ask for the Board's approval to create some opportunities in Town Hall as they had done in the past and then asked Town Clerk Millious if she had received his request.

Town Clerk Millious stated that she had received it and added that she has to think about what she still has to do to finish the grant project.

Supervisor Hotaling asked Highway Superintendent Deering if he had any need.

Highway Superintendent Deering stated that he does not have anything at this time.

Supervisor Hotaling stated that with the Town Board's approval he will fill out the applications to identify tasks and give some people the opportunity to work for the Town.

Councilwoman Chmielewski asked Sergeant Contento if the Police Department might have a need.

Sergeant Contento stated that he would refer it to the Chief.

Councilman Boehm inquired as to how many applicants there were.

Supervisor Hotaling stated that the process is to identify tasks in each department along with a number as to how many would be required to perform the tasks. He continued by saying that they are in competition with other municipalities and added that the money is limited. He went on to say that it gives an opportunity for employment in addition to getting low priority tasks done and added that they are local kids. He concluded by saying that he does not understand the department head's resistance in participating.

Councilwoman Chmielewski interjected that there are plenty of tasks that can be done.

Supervisor Hotaling stated that he will figure out some tasks to be done and the number that will be needed to perform them.

### **2007 Justice Court Assistance Program**

Supervisor Hotaling stated that the current JCAP grant has been increased to \$20,000.00 for this year. He added that the increase is based upon the security of the local courts and continued by saying that there are some problems that were discovered during a study. He continued by saying that there were some recommendations made, which could prove costly to taxpayers and added that the State of New York and the Unified Court System

has recognized the potential for the costly applications and as a result has requested that the Legislature increase the maximum annual award to \$30,000. He added that the money is for an increased infrastructure in security in and around Town Hall that will benefit the court in addition to the general users of Town Hall. He concluded by saying that it has been received by the Justice Department and continued by saying that applications are being accepted from May 1<sup>st</sup> to August 31<sup>st</sup> and then asked that Councilwoman Rogers as liaison for the Justice Department discuss it with them and ask that they be creative in terms of trying to come up with what needs to be done.

### **Joint Workshop Meeting with Village of Ravena 04-24-07**

Supervisor Hotaling stated that Town Clerk Millious had received minutes of the Joint Town/Village Workshop on April 24, 2007 and in turn had given a copy to each Town Board Member. He continued by asking that the Town Board review the minutes and in turn submit any comments back to him as far as any changes, modifications or concerns that they may have, which he will forward to the Village. He concluded by saying that the minutes will be on the next meeting's agenda for approval.

### **Village Pool Participation Program**

Supervisor Hotaling stated that he has had many inquiries regarding use of the Mosher Park Pool and continued by saying that he had some figures that suggests to him that the Town's continued participation in the arrangement with the Village of Ravena to use the pool may not be in the best interest of the Town outside the Village taxpayers. He added that 65 season passes, 109 books of coupons and 115 single coupons were issued last year, which resulted in a total revenue of \$1,746.00 and continued by saying that based on the use of the pool for residents outside the Village the year previous the Town of Coeymans paid the Village of Ravena last December \$9,257.46 to allow an average of 200 people to use the Village pool. He went on to say that there is now a pool at the high-school that the public can use at any time and then asked the Town Board what their thoughts are. He concluded by saying that if they are going to agree to another arrangement with the Village they will need to get it moving because they are coming upon the time that the pool will be opened for the season.

Town Clerk Millious stated that the pool is opened at the end of the school year.

Supervisor Hotaling invited comment from the Town Board.

Councilman Boehm stated that the \$9,257.46 is for total upkeep on the pool for a full year.

Supervisor Hotaling stated that it is actually suppose to be for the pool season and added that the expenditures do extend beyond the pool season for infrastructure repairs.

Councilwoman Chmielewski interjected that it is not just for use of the pool and added that last year it was blacktop that needed to be repaired.

Councilwoman Rogers inquired as to if the Town also had to pay for lighting.

Supervisor Hotaling stated that they do pay a portion of the electric and added that he expressed his concern with Village Trustee Case about paying for electric in November.

Councilwoman Rogers interjected that the amount will go up for this year.

Supervisor Hotaling stated that it depends on the percentage of use by Town residents outside the Village compared to the total number of users and added that this is what they get billed the following year. He added that the percent has been 14% to 20% and continued by saying that originally they were paying a 50% share, which was \$25,000.00 - \$27,000.00. He concluded by saying that they are trying to hold down costs and reiterated that there is an opportunity to swim at the R-C-S pool and then asked how the Town Board feels about it.

Councilman Boehm inquired as to if the pool at the school will be open for the summer.

Supervisor Hotaling stated that he didn't know.

Councilwoman Chmielewski inquired as to the cost for using the school's pool.

Supervisor Hotaling stated that he believes a pass is \$5.00 per person.

Councilwoman Chmielewski inquired as to if it is per year.

Supervisor Hotaling stated that he believes that it is for a lifetime.

Councilman Boehm interjected that it would be good if it was open all summer.

Supervisor Hotaling continued by saying that it is a public facility and added that they taut the community's access to it.

Councilwoman Chmielewski inquired as to if the Town's pool pass is a family pass.

Supervisor Hotaling stated that it is an initial family pass to be able to get into the pool and added that in addition to that there are books of coupons. He continued by saying that last year there were 65 family passes for a total of \$650.00 in revenue, 190 books of coupons for a total revenue of \$981.00 and 115 single passes for a total revenue of \$115.00. He added that they also allowed an exchange of the prior year coupons for present year coupons.

Councilwoman Chmielewski interjected that only 65 families that live in the Town outside of the Village used the pool.

Supervisor Hotaling stated that there have been numerous complaints about a rise in taxes and added that they are putting forth an effort to keep taxes down and continued by saying that this would be \$9,000.00 that they do not have to spend.

Councilman Boehm interjected that his concern is that the school pool might not be open in the summer.

Councilwoman Rogers stated that they didn't have to decide right away and added that they could find out for sure and discuss it at the next meeting.

Supervisor Hotaling stated that before the next Town Board Meeting there will be the opening of the Village pool.

Councilwoman Chmielewski interjected that the next meeting is at the end of June.

Councilman Boehm stated that it might be helpful to contact the Village and added that the Town is charging residents to use the pool and then the Village is charging the Town approximately \$10,000.00 to maintain the pool.

Supervisor Hotaling stated that the \$1700.00 is not Village money and added that it was decided a couple of years ago that the users outside the Village should participate in some type of user fee to offset the overall number of Town outside the Village people that do not use the pool. He added that initially he had believed that it would be \$2,000.00 to \$2,500.00 and continued by saying that it has been around \$1,700.00 to \$1,800.00 each year. He went on to say that he could reach out to the school and try to get the availability schedule and let the Town Board know as soon as he does that and in turn the public can be informed by the end of the week as to whether or not Town outside of Village residents will be allowed access to the pool.

Councilwoman Chmielewski reiterated that it is only approximately 65 families that are using the pool.



Supervisor Hotaling stated that it is approximately 200 people of the estimated 5,000 that live outside the Village.

Councilman Boehm interjected that the does not want to see the whole thing go away and added that with the price of gas there might be some that can't make it up to the high-school.

Supervisor Hotaling stated that he is willing to do what the majority of the Town Board wants to do.

Councilwoman Chmielewski inquired as to if the rates would remain the same.

Supervisor Hotaling stated that they would be unless the Town Board wanted to try to offset more of the money. He added that they are offsetting approximately 18% of the cost.

Councilwoman Chmielewski inquired as to what the season pass fee is.

Supervisor Hotaling stated that it is \$10.00 initially for the pass and \$9.00 for a book of 10 coupons or \$1.00 for individual coupons. He continued by saying that there have been some complaints from large families who want to go to the pool several times a week and added that everything is a balance and he's not sure that it is their obligation to offset the cost for everyone. He then asked the Town Board if they want to keep it and if so should they keep it at the same price.

Councilman Boehm stated that he knows it costs a little bit of money and added that he believes that they should maintain it the same as last year.

Supervisor Hotaling stated that they will be identifying the color of the tickets for this year.

Councilwoman Chmielewski stated that they should still check with the school about availability in the summer and continued by saying that they will have it for budget planning for next year and will decide then whether it will be continued for next year.

Supervisor Hotaling interjected that the Town's total budget is 5 million and the school's is 42 million and continued by moving to the next topic on the agenda.

### **Request for Part Time Police Officers**

Supervisor Hotaling asked Sergeant Contento if he was prepared to discuss the topic.

Sergeant Contento stated that he was not.

Supervisor Hotaling stated that he put the topic on the agenda based upon an e-mail from Chief Darlington earlier in the day.

Councilwoman Chmielewski interjected that they had prior discussions with the Chief about part-time officers.

Supervisor Hotaling stated that fortunately those prior discussions did not result in immediate selection and added that some of the selections on the list have made themselves noteworthy in other areas of the news.

Councilwoman Chmielewski stated that she believed that they had decided not to hire more part-time hires because there are currently 13.

Supervisor Hotaling stated that Chief Darlington was asked to demonstrate to the Town Board that the utilization, scheduling and demands placed upon those based upon the obligations that the part-time officers had given at their hiring, was being met to deal with the schedule. He added that Chief Darlington stated that despite best efforts the full-time

officers are being mandated to work when the part-time officers decide not show up for work and continued by saying that there is a consequence for that.

Councilwoman Chmielewski stated that they have to outfit the part-time officers in uniforms, which costs money and added that if they are not going to work they should be dismissed and in turn they should bring someone else in that is going to work.

Supervisor Hotaling stated that Chief Darlington had switched his recommendations from those previously recommended and is now recommending two others for consideration and continued by saying that he had told him that he was not going to put it in the form of a resolution because he had just received it earlier in the day. He continued by saying that it is now before the Town Board to decide on what to do and added that they can accept it in the form of a resolution and do the hiring, they can table it until further discussion with the Chief or they can decide that they are not in a position to hire anyone.

Councilwoman Chmielewski stated that everyone on the Town Board needs to have a chance to discuss it with the Chief.

Councilman Boehm stated that he recalls that they had talked about it.

Councilwoman Rogers inquired as to whether or not he needs two more.

Councilwoman Chmielewski stated that there are currently 13 and continued by saying that she does not believe that there is an urgent need. She then asked Sergeant Contento if there is an urgent need.

Sergeant Contento stated that they are having a hard time filling shifts.

Councilwoman Chmielewski continued by asking if the two candidates will start right away and take over.

Sergeant Contento stated that he does not know what the plans are and added that he cannot discuss it because he has no information.

Councilwoman Chmielewski stated that they will have to wait and talk to the Chief.

Supervisor Hotaling stated that they are taking no action and waiting for further discussion with the Chief. He continued by moving to the next item on the agenda.

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**RESOLUTIONS**

Supervisor Hotaling stated that along with other municipal leaders he did attend a breakfast forum about affordable housing in our community and continued by saying that Albany County Executive Michael Breslin has committed \$300,000.00 out of the County Budget to begin a County Housing Trust Fund, which will be made available to fund multiple projects for affordable housing needs. He went on to say that at the meeting he was provided a sample resolution that he is going to read into the record and ask for its approval showing support on the part of the Town of Coeymans. He concluded by saying that they can identify some areas in the Town where affordable housing would be beneficial and continued by giving the following statistics:

- Town of Coeymans            68.5% ownership, 31.5% rent
- Town of Berne                84% ownership, 16% rent
- Town of Knox                90% ownership, 10% rent
- Town of New Scotland    81% ownership, 19% rent
- City of Albany               37% ownership, 63% rent

He continued by saying that approximately 2 out of 3 owns a home in the Town of Coeymans and added that the median rent is \$623.00 based upon dollars in the year 2000 and added that it is higher than most towns similarly situated. He continued by saying

that the average rent in the Town of Guilderland and Town of Bethlehem ranges from \$780.00 to \$871.00 a month and added that it is interesting that 57% of the people who rent spend more than 30% of their income on housing. He concluded by saying that spending opportunities after housing are limited and added that it creates a need for affordable housing and added that he would like for the Town of Coeymans to be in the forefront standing with the County in their efforts to provide it.

**RES. # 064-07 SUPPORT ALBANY COUNTY TRUST FUND**

On motion of Supervisor Hotaling, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, throughout Albany County, home prices have outpaced household incomes resulting in housing that is unaffordable to many residents and,

**WHEREAS**, our community wishes to preserve and create housing that is affordable over the long term for a wide range of existing and future residents and,

**WHEREAS**, to the extent possible, our community wishes to address housing affordability needs by working cooperatively with other municipalities located within Albany County and,

**WHEREAS**, the preservation and creation of long-term housing affordability is consistent with sound regional planning and smart growth principles and,

**WHEREAS**, in order to adequately address housing affordability needs, sound planning mechanisms and appropriate financing sources are necessary.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Coeymans hereby supports, in principle, the creation of an Albany County Housing Trust Fund that assists all municipalities within the County to develop long-term housing affordability solutions and,

**BE IT FURTHER RESOLVED**, that the Town of Coeymans supports the pursuit of grants for research, planning and development of an Albany County Trust Fund from public and private sources, inducing, but not limited to, the State of New York’s Shared Municipal Services Incentive, Quality Communities or Smart Growth programs.

Councilman Boehm stated that this fits right in with the job growth that will be occurring in the Hamlet with Carver Laraway.

Supervisor Hotaling stated that he will be communicating this to Mr. Breslin on Thursday of this week when he attends with him at 154 ½ Clinton Avenue in Albany at 2pm on May 31<sup>st</sup> a press release to publicly announce the program and continued by saying that anyone that wished to attend is welcome.

**RES. #065-07 APPROVE MAY 2007 ABSTRACT**

On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 4 – 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 May, 2007, Abstract.

| ABSTRACT          | VOUCHER #     | AMOUNT        |
|-------------------|---------------|---------------|
|                   |               |               |
| GENERAL (A)       |               |               |
| General Pre-Pay   | 686-716       | \$ 246,709.86 |
| General           | 787-845       | \$ 29,706.62  |
|                   |               |               |
|                   | General Total | \$ 276,416.48 |
|                   |               |               |
| PART-TOWN (B)     |               |               |
| Part-Town Pre-Pay | 717-736       | \$ 36,466.06  |

|                                |                                |                      |
|--------------------------------|--------------------------------|----------------------|
| Part-Town                      | 846-866                        | \$ 4002.79           |
|                                |                                |                      |
|                                | <b>Part Town Total</b>         | <b>\$ 40,468.85</b>  |
|                                |                                |                      |
| <b>HIGHWAY (D)</b>             |                                |                      |
| Highway Pre-Pay                | 737-749                        | \$ 62,466.00         |
| Highway                        | 867-911                        | \$ 28,407.24         |
|                                |                                |                      |
|                                | <b>Highway Total</b>           | <b>\$ 90,873.24</b>  |
|                                |                                |                      |
| <b>SEWER (SS)</b>              |                                |                      |
| Sewer Pre-Pay                  | 750-772                        | \$ 21,024.49         |
| Sewer                          | 912-922                        | \$ 9,721.17          |
|                                |                                |                      |
|                                | <b>Sewer Total</b>             | <b>\$ 30,745.66</b>  |
| <b>SPECIAL WATER (SW)</b>      |                                |                      |
| Pre-Pay Special Water          | 773                            | \$ 67,720.86         |
|                                |                                |                      |
|                                | <b>Special Water Total</b>     | <b>\$ 67,720.86</b>  |
| <b>GROVE CEM. (TE)</b>         |                                |                      |
| Pre-Pay Grove Cemetery         | 774-776                        | \$ 322.92            |
| Grove Cemetery                 | 923-927                        | \$ 539.06            |
|                                | <b>Grove Total</b>             | <b>\$ 861.98</b>     |
|                                |                                |                      |
| <b>CAPITAL PROJECTS (H)</b>    |                                |                      |
| Capital Projects               | 777                            | \$ 39,618.05         |
|                                |                                |                      |
|                                | <b>Cap. Projects Total</b>     | <b>\$ 39,618.05</b>  |
|                                |                                |                      |
|                                | <b>TOTAL FOR ALL FUNDS</b>     | <b>\$ 478,984.26</b> |
|                                |                                |                      |
| <b>TRUST &amp; AGENCY (TA)</b> |                                |                      |
| Trust & Agency Pre-Pay         | 778-786                        | <b>\$306,402.61</b>  |
|                                |                                |                      |
|                                | <b>Trust &amp; Agcy. Total</b> | <b>\$306,402.61</b>  |

**RES. #066-07 APPOINT UTILITY LABORER**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Beautification Department is desirous of hiring a Utility Laborer to assist in maintaining the parks, Chmielewski offer the following resolution and move its adoption:

**WHEREAS**, the Albany County Civil Service Department confirmed this job title as a non-competitive position not requiring pre-approval for hire, and

**WHEREAS**, the Parks & Recreation Maintenance Supervisor has confirmed that this candidate meets the minimum qualifications for this position,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Jeffrey A. Hoose to the full-time position of Utility Laborer, effective immediately or as soon as practicable after employer notice, at the hourly rate of \$11.40, commensurate with the Union Agreement currently in effect.

Councilwoman Chmielewski stated that she along with Maintenance Supervisor Perry interviewed four candidates for the position and added that 3 were residents of the Town with 1 living outside the Town.

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**CORRESPONDENCE.**

## **Upstate Appraisal Services, Inc.**

Supervisor Hotaling stated that a memo dated May 15<sup>th</sup> was received by Assessor VanValkenburg from Neil Cherkosly with Upstate Appraisal Services, Inc. and added that it is worthy of discussion. He continued by reading the following.

Laura: Thank you very much for meeting with me last night. I wanted to commend you for your willingness to hear the Petitioner's points on this matter, and be amicable to settle at a reasonable figure. I feel you have done a service to the Town saving potentially thousands of dollars in legal and appraisal fees, only to provide at the same (or a worse) settlement on the Town's part. Further, I also wanted to commend you for your dealings with the local homeowners. I sat there for over an hour and saw that you deal politely, promptly, and professionally with a number of individuals, some of whom were obviously quite disagreeable. I've worked with numerous Assessors over a period of years and again want to commend you as an excellent public servant for the Town.

Supervisor Hotaling continued by saying that during the process of revaluation there are some confrontational aspects of it and added that there are some amicable and agreeable aspects of it as well. He added that tomorrow is the fifth and final day of what they have come to know as Grievance Week and continued by saying that the Board of Assessment will then deliberate and decisions will be made and promulgated in accordance with whatever rules they have.

## **Capital Bicycle Racing Club**

Supervisor Hotaling stated that last year they had a presentation from a cyclist from Capital Bicycle Racing Club and the Town Board approved a bicycle race in the Town of Coeymans. He continued by saying that they are proposing to do another race on August 11<sup>th</sup> and added that the course will be the same. He then asked Sergeant Contento if the Police Department participated in it in any way.

Sergeant Contento stated that he didn't recall.

Supervisor Hotaling asked that Sergeant Contento pass it on to the Chief in order to address any concerns that the police may have.

Supervisor Hotaling inquired as to if they should invite someone from the Club to attend a Workshop.

Councilman Boehm stated that it is a good idea so that they can map out the route.

Supervisor Hotaling stated that the route last year was pretty well mapped out and available on the internet. He continued by saying that there was enough publicity and added that there should be an effort to get it out again. He then read the following excerpt from the letter:

"USCF officials and/or marshals will be stationed at all intersections. No roads will be closed. County and State police will control traffic at key intersections, and ambulance service will be stationed onsite."

Supervisor Hotaling continued by saying that it is a good event and added that he will schedule someone from the club to attend a Workshop.

## **Special Commission on Future of NYS Courts**

Supervisor Hotaling stated that he had attended a meeting and continued by reading the following excerpt:

"Chief Judge Judith Kaye convened a Special Commission on the Future of New York State Courts to assess the need for structural and other operational reforms of the Judiciary."

He continued by saying that they found that it worked so well with the State level courts that they are now turning their attention to Town and Village Justice Courts in doing the same kind of study. He added that they had a group of individuals in the Town Court last week reviewing the surroundings and asking questions. He continued by saying that in turn he along with Village Mayor Bruno and other municipal leaders in Albany County met with Judge Ceresia, Administrative Judge for the third Judicial District.

Town Attorney Rotello stated that he is also the Supervising Judge of the Justice Courts.

Supervisor Hotaling stated that they had the opportunity to talk to members of the Judicial Commission and added that this is going to be a multi-week process and in turn they will conduct Public Hearings as they go along and added that the first one is on June 13<sup>th</sup> at the Empire State Plaza from 9am to 5pm. He continued by saying that it is open to anyone else on the Town Board that would like to attend in addition to giving testimony or having an opportunity for input in the process and added that he felt as though he had adequate input. He concluded by saying that he is interested in seeing the final report many months from now and added that he thinks that it is a good thing that they are doing.

**Albany County Department of Health**

Supervisor Hotaling stated that he was in receipt of a letter from James Crucetti, M.D. the Commissioner of Health at the Albany County Department of Health dated May 18<sup>th</sup>. He continued by saying that many months ago he and Village Trustee Bailey attended a meeting on the threatened Pandemic Flu and added that they were going to put sites in various locations to be able to administer antibiotics and ultimately vaccines that would help. He added that the Town of Coeymans was not chosen to be a site and continued by saying that the nearest ones are in the Towns of Berne and Westerlo. He went on to say that they are now going to conduct a Workshop designed primarily for K-12 grade school officials and response partners who are directly involved in the school closure process in addition to inviting himself or a designee to observe, which will be August 21<sup>st</sup>. He concluded by saying that any or all Town Board members are welcome to join him as observers.

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**TOWN BOARD WORKSHOPS/MEETINGS**

- June 19, 2007 – Town Board Workshop, 6pm
- June 25, 2007 – Town Board Meeting, 7pm

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**ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Town Attorney Rotello advised that as a follow-up to the Global Crossing Article 7 settlement, which was statewide and added that Town Clerk Millious contacted him earlier in the day about a couple of areas that she found some errors in the stipulation and order that was entered. He continued by saying that he has clarified those errors with the Attorney who represented Global Crossing. He concluded by saying that he had indicated to Town Clerk Millious that everything was in order and a voucher could be prepared for the small refund.

Supervisor Hotaling asked if there were any additional comments, hearing none he asked of 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 Rogers, seconded by Councilman Boehm, the Town Board Meeting was adjourned.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Time: 9:22pm

*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 Tuesday, May 21, 2007 at 6:30pm at Town Hall, 18 Russell Avenue, Ravena, New York

- TOWN BOARD:

Ronald K.Hotaling, Jr. Supervisor  
Dawn Rogers, Councilwoman  
Thomas A. Boehm, Councilman
- PLANNING BOARD:

Cynthia Kunz, Vice-Chair., Planning Board  
David Ross, Planning Board  
Richard Cumm, Planning Board  
Joseph Kapusta, Planning Board
- ZONING BOARD:

No Members Present

- ABSENT:

Nita J. Chmielewski, Councilwoman  
Peter Foronda, Chairman, Planning Board  
Winthrop M. Irwin, 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  
Gerald McDonald, Zoning Board of Appeals

- ALSO PRESENT:

Diane L. Millious, Town Clerk  
Laverne Conrad, Code Enforcement Officer

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

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The following Notice was published in the Ravena News Herald:

**Press Announcement**  
**Zoning Committee Workshop**  
**RESCHEDULED Zoning Ordinance Update**

The Town of Coeymans will conduct a Zoning Committee Workshop for the public to review and provide input on the “Draft Zoning Ordinance” and “Draft Zoning Map” for the Town.

On March 19<sup>th</sup>, the Town recently conducted a Public Hearing on the Draft Zoning Ordinance. Over one hundred residents attended the Public Hearing and the Town received a wide range of public feedback on the Zoning Ordinance. As a result, the Town has extended the public participation process on the zoning update in order for the Town to create broad-based support of the Zoning Ordinance. The Town will conduct a series of workshops and informational meetings to obtain additional public input. At the conclusion of these public workshops, the Town will conduct one or more Public Hearing(s) on the Zoning Ordinance.

The Zoning Committee generally meets the third Monday of every month. The next Zoning Committee Workshop will be as follows:

- Date:

May 21, 2007
- Time:

6:30 PM – 8.30 PM
- Location:

Town Hall  
18 Russell Avenue  
Ravena, New York 12143

All residents, property owners, civic groups, business owners, community leaders, and all



other interested stakeholders are welcome to participate. An electronic copy of the “Draft Zoning Map” and “Draft Zoning Ordinance” can be downloaded from the Town’s website at <http://www.coeymans.org/>. Paper copies are available at Town Hall, 18 Russell Avenue, Ravena, New York 12143 and at the RCS Community Library, 15 Mountain Road, Ravena, New York 12143.

For more information on the Town’s “Draft Zoning Ordinance” please contact Supervisor Ronald Hotaling, Jr. at 518-756-6006 or Nicole Allen, Senior Planner, Laberge Group at 518-458-7112.

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## **DISCUSSION/AGENDA**

- Overview of Public Workshop (March 19<sup>th</sup>, 2007)
  - Zoning Boundary Discussion
    - Residential Agricultural District/Overlay District
    - Industrial District
    - Brickyard Property
  - Definitions/Regulations Discussion
    - Special Events
    - Saw Mills
    - Harvesting Lumber
    - Adult Use Definitions
    - Nonconforming Junkyards/Automobile Wrecking Yards
- Junkyards/Automobile Wrecking Yards
- Review Residential Agricultural Zoning District
  - Review Watershed Map
  - Review District Boundary Revisions
  - Review Residential Agricultural Uses
  - Trailers/Campers
- Review Industrial General Zoning District Boundaries
  - Review District Boundary Revisions
- Next Steps

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## **SUPERVISOR’S OPENING COMMENTS**

Supervisor Hotaling announced who was present for the Workshop and continued by saying that the Zoning Ordinance update/changes has been going on for several months and is a follow-up to the Comprehensive Plan that was approved by the Town Board in September 2006. He added by saying that the steps and implementation of that are the steps to developing a framework that would allow them to continue to follow the plan for the draft Zoning and continued by saying that Councilman Boehm had suggested that they have the existing zoning map for comparison during the meeting. He went on to say that the process has been at least eight meetings and added that there was a Public Hearing in March 2007 and continued by saying that they were open joint sessions. He added that it is his observation that it was not until the Public Hearing for the Draft Zoning Ordinance when the possibility of three options was offered, with some including Overlay Districts, that people voiced their opinions to significantly object to the changes and continued by saying that up until that point they had not received much participation from the public. He went on to that that it has taken 60 years to screw up the zoning and added that they are trying to get it back to a level that will lend itself to give them some guidance and an opportunity to execute the plan, which a lot of work went into by very few people. He continued by saying that at the Public Hearing there were several comments by members of the public with concerns about the plan itself and added that he believes that there were some misunderstandings as to what the existing zoning says as compared to the draft zoning that was presented and those misunderstandings might have led to a conclusion that it was dramatically changing. He went on to say that the input that led to the significant concerns were taken under advisement and added that they now have a document that has been pieced together effectively by Laberge and a group of people and continued by saying

that the document is not quite right for the Town. He added by saying that there will be changes in the Zoning Ordinance and continued by saying that currently there are 15 Zones and the proposal cuts it down to 5, which is more manageable and added that the identifications and uses of the zones can be more clearly stated. He went on to say that the Town is unique in having a riverfront community, hamlet area and a significant portion that is rural area and added that it was the people in the rural area that want to be left alone. He continued by saying that they understand and appreciate that and continued by saying that the focus was going to be on the hamlet and Rte. 144 corridor because they felt as though that was the only area of the town that they had the opportunity for potential development and added that the 9W corridor was very limited because of terrain problems, the R-C-S complex, Lafarge and other businesses that have been established. He went on to say that they focused on the hamlet and Rte. 144 areas and were cautioned that spot zoning was not acceptable for changes and added that they were advised by their consultants that they had to take a look at the whole town. He added that it was not the Board's intent to create a significant disruption in other areas of the Town and continued by saying that there is a perception that the draft zoning document does that. He continued by saying that he does not want that perception to become a reality and added that he does not believe that it is grounded with facts and reiterated that he believes that there has been some confusion as far as what currently exists and what is being proposed. He went on to say that they will not rush the document and added that it will happen and went and added that they are going to be smarter with what they do with respect to zoning in addition to being understanding and accommodating of the issues and concerns that have been expressed. He continued by saying that have a perimeter framework that has to be filled in and added that it can be a positive thing if they understand the goal, which is creating an atmosphere in the zoning that will allow them to move the Comprehensive Plan that has been shelved for nearly 40 years. He concluded by saying that the intent was to put the Town Board, Planning Board, Zoning Board and community together in an effort to come up with the best possible plan that they could and added that to some extent it has failed because of the attendance and continued by saying that he was going to recommend that the large group be dismantled and by Town Board consultation decide on a smaller focus group to take what they have thus far and make a document for the entire Town.

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## **ADDITIONAL TOWN BOARD, PLANNING BOARD COMMENTS**

Supervisor Hotaling asked if the Town Board had any additional comments and added that he wants them to have an opportunity to say whether or not they need to hone it down to a situation where a smaller group can work with it and create a document that everyone can live with.

Councilwoman Rogers stated that she agrees with Supervisor Hotaling.

Supervisor Hotaling asked if any members of the Planning Board wished to comment.

Planning Board Member Kapusta stated that he would still voice the same concerns that he has had all along as far as wanting to keep the rural areas rural as they were. He added that it appears as though they want to make it more of a residential low-density use as opposed to residential agriculture. He continued by saying that he agrees that it was spot zoned and added that he knows that it has to change and reiterated that he still feels the same way about rural agricultural and keeping it that way and not changing it to be a limited rural area.

Supervisor Hotaling stated that there have been those in favor of overlays for commercial and added that he believed that Planning Board Member Kapusta was an advocate for that at one time.

Planning Board Member Ross stated that he hopes that they can positively address any of the concerns that are brought up.

Supervisor Hotaling stated that there were some discussions with Mr. Vahue from Lafarge relative to some of their concerns in addition to at the Public Hearing Mr. Stokes from

Callanan's had expressed several concerns about taking away some of the industrial areas. He continued by saying that Mr. Stokes indicated that Callanan's intends to remain industrial in addition to potentially move into a opportunity to go into some mining.

Mr. Stokes interjected that some of it is being mined right now.

Supervisor Hotaling continued by saying that with respect to that Ms. Allen will go over some of the things that they did as well as giving an explanation. He continued by saying that there were some changes in the area of Lafarge and added that there was some recovery with respect to going back to industrial. He went on to say that the areas in Coeymans Hollow that had low-density with some commercial overlays has been taken away on the current proposed map. He continued by saying that Mr. Laraway's property, the former brickyard in the Hamlet in Coeymans, which was industrial was changed to a Riverfront Community because of the thought of developing riverfront condos and added that it has returned back to industrial because it is now going to be a mini port that is going to be used for climate controlled warehousing of goods. He went on to say that it is a great potential use for that property because potentially there will be dozens of jobs to be had, which will be a good thing. He continued by saying that there will still be differences of opinion and added that they have addressed some of those things that the public in a residential way has concern with regard to the overlay and went on to say that the area on Rte. 32 has gone back to being R/A. He concluded by saying that he wants to keep an open dialog with the community through a smaller focus group and move it ahead with a goal to put a document together that they can all deal with in order for the Comprehensive Plan to do everything it was intended to do.

Supervisor Hotaling invited Ms. Nicole Allen to talk about the map and the changes.

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## **PROPOSED ZONING CHANGES**

Ms. Allen stated that the revised maps were not on the website and added that they will be shortly. She continued by saying that they have not made revisions to the actual Zoning Ordinance itself and went on to say that they are waiting to get input at the Workshops. She added that at the last meeting the big topics of concern were the Residential Agricultural/Overlay District, Industrial District and brickyard property and continued by saying that the overall consensus was to eliminate the Overlay District in the Residential Agricultural District entirely and went on to say that it has been eliminated from the revised map. She continued by saying that the R/A District has also been expanded along Rte. 143 between the Industrial and Residential Low Density District behind Nolan Road and Spoor Road and added that they tried to reach a compromise with the Industrial District between the existing Industrial and what was modified from the last Industrial District boundary and they attempted to keep with the parcel boundaries so that it would be easier to enforce rather than arbitrary lines through some of the parcels. She went on to say that there was some compromise and it was expanded to follow the original Industrial Buffer District that is no longer shown on the map and continued by saying that it also follows the right-of-way for the power lines. She added that in order to preserve the residential areas along the southern portion of the Town an arbitrary line was drawn across through the bottom of the Industrial District to try to create some type of buffer area between the Industrial and Residential area with the Industrial being expanded all the way to the riverfront to encompass the brickyard property. She added that there was a slight modification to the Commercial District along the southern portion of Rte. 9W and it encompassed a piece by the Town boundary in order to keep it consistent with the adjacent properties. She concluded by saying that they were the only modifications from the previous meeting and added that it was a starting point to begin conversation with the new smaller committee and they will be making modifications as necessary.

Supervisor Hotaling interjected that for the most part other than the arbitrary line to the south, the north central part between the Industrial and R/A was done by parcel lines.

Ms. Allen stated that was correct and added that it also encompassed what was the original Industrial District and/or the Industrial Buffer District.

Supervisor Hotaling inquired as to if everyone on the committee understands the changes.

Ms. Allen stated that they were the major changes and added that other changes that were made were in regard to definitions and regulations, which included identifying additional definitions for special events, sawmills, harvesting of lumber and adult use definitions. She added that another issue that came up was nonconforming junkyards and automobile wrecking yards and continued by saying that in the proposed zoning it stated that within three years they would have to be disbanded and went on to say that they are talking about modifying it to say that it would be a Special Use Permit rather than totally eliminating them in addition to finding a district where they would be appropriate. She continued by saying that another issue that came up was with regard to trailers, campers, etc. being allowed in the front yard of a residential property and not being permitted in the Residential District and added that there was some concern with the R/A District and went on to say that for clarification it is not regulated in the R/A District but rather they are limited in the Residential Low/Density District and Riverfront Community. She concluded by saying that by front yard it means within the front yard set-back area and does not include the driveway, side yard or back yard.

Supervisor Hotaling stated that this was one area of potential misunderstanding at the March meeting.

Ms. Allen stated that these were the principal issues that came out of the last meeting and continued by asking if Supervisor Hotaling wanted to open it up for additional comments.

Supervisor Hotaling asked Code Enforcement Officer Conrad and Town Attorney Rotello if they had anything to add.

Code Enforcement Officer Conrad stated that he wanted to clarify one thing and continued by saying that people need to get a handle on what is already allowed in the current zoning in the R/A District and added that there seems to be a major misconception because currently in the R/A they allow mining operations and junkyards by Special Use Permit. He added that there is one area that should be put back in the Industrial District, which is the northern part of the gray area in addition to the south of that there is one property that is occupied by a single-family home and continued by saying that they should talk to the property owner about it being in the Industrial District in addition to another piece being vacant, which might not be a problem as far as keeping it Industrial and continued by saying that they would then create spot zoning and it would not be contiguous, which would be a problem that needs to be addressed. He went on to say that in the smaller groups he has identified numerous properties that that they need to take a closer look at and added that they need more attention. He continued by saying that they made Rte. 143 corridor more user friendly to the R/A District and added that previously the Residential Low Density District went out past the site of the former Tom's Red Front and those zones are regulated the same as an R/A District where there is no sewer and water available, which means that there is a difference between a 15,000 square foot lot vs. an 80,000 square foot lot if you don't have sewer and water. He went on to say that you would need Health Department approval, which would be hard to get because it would be difficult to get 150 feet apart on a 15,000 square foot lot. He continued by saying that it made more sense to allow the R/A to continue along that corridor in addition to hopefully fixing some of the problems without taking away any of the rights of the smaller lots that were left in the Low Density Residential. He added that there are some areas along Main Street that are fairly steep in nature and continued by saying that some of them make sense but some do not and they need to look them over for the Riverfront Community and went on to say that they were trying to identify some on both sides of the street. He continued by saying that the biggest issue at the last meeting was definitions and added that he personally agrees that they need a lot of work with some not being needed at all. He went on to say that with removing some of the sections out of the Zoning that were previously in it and added that the building permits use to be handled by the Zoning Board of Appeals in the 60's and continued by saying that in 1984 the State took the Building Codes and started regulating them themselves, which would mean that anything to deal with the Building Code in Zoning needs to be eliminated. He added that Zoning is a much more restrictive field to try and change each time and in turn they looked at such things as the Sign Ordinance, which

needs to be modified from time to time and decided that it should be taken out of Zoning in order to avoid going through strict regulations to amend the Zoning Ordinance and as a result it was recommended that signage be taken out of Zoning and only referred to as a stand-alone chapter like the Building Code. He continued by saying that junkyards was separated some years ago into Chapter 105 of the Town Code and added that basically all the Zoning should do at this point is refer to those areas where it is acceptable and let the Sign Law itself deal with the actual uses. He went on to say that Site Plan Review currently is only an appendix that is a misunderstood tool that they have in Zoning and added that this was another issue that they felt needed work and continued by saying that without the tools the Zoning does not work that well. He concluded by saying that the public hit on all of the areas that they had seen as the bulk use and added that parking requirements need to be looked at a little bit better in addition to accessory use setbacks such as above ground swimming pools, sheds, etc. and continued by saying that the R/A has the harshest setback rules that there are.

Supervisor Hotaling asked Town Attorney Rotello if he had any comments.

Town Attorney Rotello stated that in speaking with the Zoning Board Attorney, Aline Galgay, he has found that she has already started reviewing some of the definitions and added that they would focus and approach it from the standpoint of the things that they see the Boards struggle with in having an incomplete definition where there is too much interpretation. He continued by saying that they should be as specific as they can so there will not be any guess work associated it at the Building Department level. He concluded by saying that there was also an issue that came up at the last meeting as far as an R/A agriculture use being allowed in the R/L and added that he did not know if it was corrected or addressed.

Code Enforcement Officer Conrad stated that farming has its own statute and added that it has precedent over any District in any town and any state and continued by saying that it has the ability of becoming a much protected district. He went on to say that this law needs to be brought in and they need to be made aware of it so they can see the extent of it. He continued by saying that you can identify farming areas and added that they can go most anyplace and went on to say that everyone should be aware that farming is something that they were cautioned about by the previous Zoning Board Attorney, Mr. Brick because farming can be put into a single family neighborhood. He concluded by saying that there is not much that you can do about farms because they have a lot of clout and added that farms are controlled by higher people than the Town of Coeymans.

Councilman Boehm stated that farms are not in the Riverfront Community and continued by asking if it should be added.

Ms. Allen stated that the reason that it was not put there was because of the smaller lot sizes and added that it was not conducive to farming.

Code Enforcement Officer Conrad interjected that there is a requirement of certain acreage for farms.

Ms. Allen asked Supervisor Hotaling if he wanted to open it up for public comment.

Supervisor Hotaling stated that there were several people present that made comments at the Public Hearing/Workshop and added that he wanted to give them along with anyone else the opportunity to comment on their concerns that they would like the smaller focus group to be aware of. He then asked that anyone making comment state their name for the record and then invited the public to comment.

## **PUBLIC COMMENT**

**Alice Zabel** – Stated that she is the wife of Bill Zabel and added that Bill was not able to attend and continued by saying that in getting them up to date with their verbiage use today's language is Automotive Replacement Center and not Junkyard, and added that it has been this way for quite a few years and they should change their definition. She went

on to inquire about a small piece of land that someone would want to lease for farming purposes.

Code Enforcement Officer Conrad stated that he did not say small parcel and added that typically there is a requirement for a certain size piece of land. He continued by saying that ultimately they end up with R/L pieces that are contiguous to an R/A District area where those people would do that leasing and add a piece to their farming land. He added that there is nothing that they can do to stop it if it is a legitimately registered farm operating under all the legal ramifications of a farm. He concluded by saying that a legitimate farm would have to meet the \$10,000 per year criteria and thing of that nature.

**Ms. Lisa Deyo** – Stated that she is a resident of Gedney Hill Road and added that she is concerned with the fact that she lives in the R/A District and there are some uses that are being permitted by Special Use Permit. She continued by saying that it is a residential area and went on to say that there is a concern with things being eligible such as junkyards, mining, sand and blasting and added that she has a concern whether certain areas there should be zoned differently so that people in the residential area aren't going to have to come before the Zoning Board to protest certain uses that have been authorized in that area in addition to potential law suits that will come before the Town because someone may say that it is a permitted use and the Town is not granting the opportunity to do that. She concluded by saying that they are making it a broad category and added that it is still a lot of residential.

Supervisor Hotaling stated that the uses in each District are going to be reviewed again by a smaller focus group. He continued by saying that they talked about moving Special Use Permits from the Zoning Board of Appeals to the Planning Board.

Supervisor Hotaling asked if there were any additional comments.

**Ms. Linda Marshall** – Stated that she participated with a lot of other people in meetings and added that they gave a lot of time and a lot of themselves to look for what they felt would be best for the community. She continued by saying that it was an exercise for the community to work together and added that she feels as though what they created has been thrown out. She concluded by saying that they identified some wonderful things about the Town.

Supervisor Hotaling stated that the meetings that she had attended related to Comprehensive Planning and continued by saying that the Comprehensive Plan is done, approved, filed and in place. He went on to say that this is the next step to assist them in taking the plan that they have already developed and implement it in the best way possible and added that the current zoning did not provide that opportunity and it would have failed. He concluded by saying that the plan could not have gone forth with the current zoning and added that this is why this Zoning Ordinance effort was undertaken and added that they are reducing it back to the simplest frame in order to build it again.

Ms. Marshall stated she is not in a hurry to bend over backwards for industry and added that they need to look for the best of both worlds in the community. She continued by saying that she is not happy to hear about the brickyard and added that they need to be careful with what is allowed.

Supervisor Hotaling stated that he does not feel as though they are bending over backward for industry and added that there may be varying view points from Callanan's and Lafarge. He continued by saying that they are trying to achieve a compromise in areas where there already has been decades long presence and added that they are trying to develop harmonious relationships with people that have been here a long time and provide significant tax dollars to the community.

Ms. Marshall stated that they are all on the same page with their thinking. She continued by saying that there are wetlands that the Army Corp of Engineers has identified that are not on the map and added that they are specifically in the area that the City of Albany wants to site the landfill.

Ms. Allen stated that she does not have a digitized version of the wetland file.

Supervisor Hotaling stated that those maps do exist in a different form and added that they are aware of it as well as the City of Albany being aware of it. He continued by saying that it is a topic that is important to many people and added that it is not the topic of discussion for the meeting.

Ms. Marshall stated that she hopes that the existing zoning is enforced and continued by saying that Grievance Day for taxes is the following day and added that her taxes have gone up and the zoning is not enforced.

Supervisor Hotaling stated that her taxes have not gone up and added that the document that she received would have shown an increase in assessment and not taxes and continued by saying that the taxes and assessment are two different things. He went on to say that he is responsible for the tax rate and the assessor is responsible for the assessed value and added that one impacts the other but does not necessarily mean that because assessments go up taxes go up.

Ms. Marshall interjected that many people have increased assessments and added that when her assessment goes up she wants to know that the area around her is going up in confluent with hers.

Supervisor Hotaling stated that for months there has been an opportunity to go online and get assessed values for any property owner in Town.

Supervisor Hotaling asked if there were any additional comments.

**Mr. Andy Stokes** – Stated that he is there representing Callanan Industries and continued by saying that he is seeing the revised map for the first time. He added that he is happy to see some changes that are vast improvements from the last map and continued by saying that there are still 3-4 parcels that have actual quarry activity on to the west toward Route 102 and added that there was some discussion about maintaining a buffer along Rte. 102. He went on to say that there is a water line between their property and Route 102 and added that the City of Albany's line is there.

Code Enforcement Officer Conrad stated that there is one big parcel that was suppose to go to Industrial as well and added that the current zoning has a 200 foot buffer of which Callanan's was subject to even though the zoning was thrown out and not reimplemented until 1978. He continued by saying that they are trying to maintain a 2000 foot buffer from Rte. 102 and added that the City of Albany's waterline runs close to it as well as Callanan's being within 600 feet of Rte. 102. He went on to say that in order to protect the homes on North and South Lane the committee felt as though there was a need to further try to protect those homes from any further damages from blasting and things of that nature. He concluded by saying that it is a work in progress and added that this is where they are at this point.

Mr. Stokes stated that on the opposite side of the property along Rte. 101 the northern part of what is considered Commercial now has existing operations on them.

Code Enforcement Officer Conrad stated that because they are currently there and existing they would be considered a pre-existing non-conforming use as long as the use did not cease for a period of a year or more. He added that some of their uses are consistent with what may be allowed in Commercial such as the office building, black top plant and stock piling of stone and continued by saying that the only thing that might be in question would be the back plant.

Mr. Stokes stated that they have not put any additional plants on that site since 1958 and added that it seems inconsistent to make something commercial that is actually an industrial use.

Code Enforcement Officer Conrad reiterated that it is a work in progress.

Mr. Stokes stated that he had maps made up that shows their property and the use of the existing land that the Comprehensive Plan was developed from and continued by saying that it shows their preference with regard to their property lines as to what they believe should be industrial. He concluded by offering a copy of the map.

Supervisor Hotaling stated that the effort of moving forward with the smaller group will be to tackle certain aspects of the concerns, which might mean revisiting the map. He added that Mr. Stokes may want to attend those smaller group meetings and have more input.

Mr. Stokes stated that another thing that he was not sure about was that there was a Special Use Permit requirement affecting quarrying and what is being proposed and added that they have not seen any of the regulations, which would help them understand what they are amounting to. He concluded by saying that they need to have to consider the fact that the mining law of the State would supersede the Town's zoning as far as what can be applied in a Special Use Permit.

Ms. Allen agreed that with a mining operation the State's Mining Law would supersede the Town's zoning for those regulations.

Mr. Stokes stated that they are trying to understand what conditions would require a Special Use Permit.

Ms. Allen stated that the table outlines what uses require a Special Use Permit and added that the regulations are in the draft zoning that can be found online.

Mr. Stokes inquired as to if it is the most recent document.

Ms. Allen stated that it is.

Code Enforcement Officer Conrad stated that Callanan's and Lafarge both own property that is well outside of the mining permit. He continued by saying that the footprint of the mine itself is the case and then asked Mr. Stokes if there is a plan for the footprint.

Mr. Stokes stated that this area was grandfathered under the mining law and added that it is the footprint of the property.

Code Enforcement Officer Conrad stated that some of the parcels were purchased in 1994, which are well after that fact and added that just because they bought them does not mean that they can mine and added that these are issues that they need to look at. He concluded by saying that they need to see where the mine reclamation footprint is and then work from there. He asked that Mr. Stokes give the information to the small group and added that it might be helpful to them.

Town Attorney Rotello stated that the existing Zoning Map that they currently have seems to shows that the R/A - Industrial line would go through the middle of some parcels and added that the entire parcels were included in the Industrial District. He continued by saying that with an exception of the parcel east of the pond they have included the entire tax map parcel. He added that the current line has been expanded and moved west to take in those entire tax parcels.

Mr. Stokes stated that he was going by what he had seen on the map.

Town Attorney Rotello stated that he wanted everyone to understand that the boundary was shifted to the left for tax map parcels.

Tape change – Some dialect lost.

Code Enforcement Officer Conrad stated that the smaller group can discuss it and continued by saying that there are two parcels that they need to address.

Mr. Stokes stated that they are the two most northern properties.



Code Enforcement Officer Conrad stated that the 249 and 134 acre parcels are the ones that they are concerned about.

Supervisor Hotaling asked if there were any additional comments.

**Mr. Carver Laraway** – Stated that he is a partner at P&M Brickyard and added that he wanted to thank them for recognizing the area. He continued by saying that he had a copy of minutes from a meeting in 1964 on the Gedney Hill mining and added that because of the potential problems it was rezoned permanently to Industrial. He went on to say that they want it kept that way because of the issues that are being brought up.

Supervisor Hotaling asked if there were any further comments.

**Mr. Ronald Palmer** – Inquired as to what N.W.I. Wetlands mean.

Ms. Allen stated that it is National Wetland Inventory and added that it is Federal Wetlands.

Mr. Palmer inquired as to if it is declared by the Federal Government.

Ms. Allen stated that it would be as opposed to State Wetlands.

Mr. William Tryon inquired as to when it was declared and whether or not it was new.

Ms. Allen stated that they are continually updated and remapped and added that it is because wetland areas tend to grow or dry up. She continued by saying that they are remapped every ten years, which requires a survey.

Mr. Palmer inquired as to what that means as far as building on the property or selling the property.

Ms. Allen stated that it only affects you if you are going to develop within the wetland area and going to disturb a certain percentage. She continued by saying that you would have to get a permit from the Army Corp of Engineers in order to do a development and added that the State Wetlands have a 100 foot buffer on them but the Federal does not have a buffer.

Mr. Laraway inquired as to if the future smaller meetings would be open to the public.

Supervisor Hotaling stated that they would be.

Planning Board Member Kapusta inquired as to if there is a minimum size on the wetlands.

Ms. Allen stated that the State Wetlands are 12.46 acres and the Federal Wetlands are required to be connected to a national waterway and added that size does not necessarily come into play.

Ms. Linda Marshall stated that part of the Comprehensive Plan was to have a Riverfront Community and continued by saying that they had already decided what they want it to be like. She added that the zoning should then work like hand in glove and continued by saying that to start all over again it can't work. She went on to say that she wants to look specifically at the Riverfront Community.

Ms. Allen stated that the Riverfront Community is still there and they are working on the zoning and how to enforce regulations such as density allowed, height restrictions, uses that will be permitted. She continued by saying that this will create the community that was defined in the Comprehensive Plan and added that it is the implementation of the vision.

Ms. Marshall stated that it seems as though the Riverfront Community has been scaled back from what it was originally.

Supervisor Hotaling stated that the only area that has been scaled back is that the area of the brickyard that was returned back to Industrial.

Ms. Marshall inquired about building condos along the river.

Ms. Allen stated that there is still room to do that.

**Mr. Bob VanEtten** – Stated that he along with Ms. Nancy Millious were present to represent C.L.A.C. (Coeymans Local Affairs Committee) and added that they have a petition with 359 names regarding the proposed zoning that they wanted to present to the Town Board. He then read the following:

The Coeymans Local Affairs Committee is a Town of Coeymans Urban Unincorporated Association comprised of Town of Coeymans property owners including farmers, village residents, small land owners, waterfront land owners and citizens engaged in agriculture business and other businesses and were established on May 11, 1997 at the Ravena Grange Hall. The association was first formed to support the constitutional rights expressed in the third and fifth amendments of the Bill of Rights. The Coeymans Local Affairs Committee working in association with Albany County Farm Bureau was created for the purpose of review and assessment of the impact of both local laws and other governmental actions on individual property, business and land use rights.

Mr. VanEtten stated that Ms. Millious would like to read the petition that they wanted to present to the Town Board.

**Ms. Nancy Millious** – read the following petition.

On behalf of the Coeymans Locals Affairs Committee, we are asking the Town Board to reconsider the enactment of the Zoning Ordinance Chapter 165.

It will hinder present and future growth of business development, residential housing and will infringe on individual property rights and constitutional freedoms.

Passing these zoning changes will destroy the already dismal tax base in the Town of Coeymans. Which we, the tax payers are picking u p the slack.

We, the members of C.L.A.C. respectfully submit the following petition with signatures of 364 concerned Town of Coeymans residents asking the Board to stop all enactment of the draft Zoning Ordinance chapter 165.

The proposed rezoning only promotes hidden fees and more governmental controls.

We would hope that the Town Board would recognize that some residents of the Town of Coeymans are third and fourth generations residing in this town who are not welcoming any of these zoning changes.

Supervisor Hotaling asked that Mr. VanEtten present the petition to the Town Clerk for the record and then asked if there were any further comments.

A member of the audience stated that the Town Board has done a great job in responding to the concerns of the last meeting and continued by saying that what they are trying to say is that there is too much government. He added that he has come up with two statements and continued by reading the following:

“That government is best that governs least” – Thomas Jefferson

“A wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government” This quote is from Thomas Jefferson’s First Inaugural Address”

Applause followed.

Supervisor Hotaling asked that the applause be stopped and added that there will be no applause happening again. He then asked if there were any additional comments.

**Mr. Clayton Bradt** – Stated that he lives on Zabel Hill Road and added that there are a couple of things in the draft Zoning Ordinance that he thinks there are problems with. He continued by saying that in Sub Section 165-66 Radioactivity and Electrical Disturbance the wording is erroneous and added that he is a Health Physicist and this is his job. He went on to quote the following:

“No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment”

Mr. Bradt continued by saying that it is a meaningless statement that needs to be revised and added that it is technically wrong. He continued by saying that if it was left with this wording Lafarge would have to close down because of their smoke stack emitting radioactivity since there is no defined amount that is not dangerous. He added that any smoke stack, fireplace or wood burning stove would not be allowed based on what it says.

Supervisor Hotaling stated that for those things that are in the proposed document that are not needed will probably be eliminated and added that it does not need to be there because someone else regulates it.

Mr. Bradt continued by inquiring about prohibiting Artist Studios and continued by saying that Nude Model Studios was defined.

Code Enforcement Officer Conrad stated that this was discussed the last time.

Mr. Bradt stated that he would not go through it again and continued by saying that the wording makes the Town look like fools. He continued by saying that under nonconforming uses the only use that is identified and singled out is Automobile Wrecking Yard.

Ms. Allen stated that it will be modified.

Mr. Bradt inquired as to how it will be modified.

Code Enforcement Officer Conrad stated that Chapter 105 handles regulations of junkyards and added that currently they are only allowed in the R/A. He continued by saying that the Town has two permitted junkyard/recycling facilities, which are permitted uses under the Department of Motor Vehicles and added that as long as they have what the Department of Motor Vehicles classifies as a Dismantler License they have an opportunity to have a junkyard/recycling facility under the Town's Local Law 105, which was passed in 2000. He went on to say that any of the pre-existing junkyards/recycling facilities had an opportunity to update themselves and were given a temporary permit for one year to allow them to bring their facility up to the standards of the law and added that if they did not bring their facility up to the standards they were to be dismantled.

Mr. Bradt inquired as to whether or not the wording will remain.

Code Enforcement Officer Conrad stated that it will be amended in order to protect the two existing junkyards that are currently permitted under Chapter 105.

Supervisor Hotaling interjected that deference will be given to the Code that already exists with respect to that. Supervisor Hotaling asked if there were any additional comments.

**Mr. Gary Bogardus** – Stated that he had a question about subsection 165-42 which pertains to lots with access by private road and continued by saying that it states that it

has to be at least 50 acres prior to subdivision and added that it also states that there is a ten year limitation for any further subdivision. He continued by saying that it appears that if you subdivided for your children the parent parcel could not be divided again for ten years in addition to further subdivision to the subdivided parcel would be prohibited. He continued by reading the following proposed excerpt:

The subdivision plot shall contain a note that prohibits any further subdivision of the parent parcel for a minimum of ten (10) years from the date of the final approval of the subdivision and shall also contain a note that prohibits any further subdivision of the subdivided lots at any time in the future. The deed to each subdivided lot shall also contain a deed covenant and/or restriction that prohibit any further subdivision of such lot in perpetuity.

Ms. Allen stated that the intention was that it would be while it is a private road and added that you could have the subdivision on it for your children. She continued by saying that if you were to upgrade the road to a Town road and bring it to those standards that restriction could be removed. She concluded by saying that this is where the language needs to be clarified.

Mr. Bogardus interjected that you might want to keep it a private road.

Code Enforcement Officer Conrad stated that this is one of the areas that the larger group had a discussion about and added that he does not believe that it is portrayed the way that they had envisioned it. He continued by saying that it was their intention to promote private roads rather than town roads for those types of uses and added that they did not want to use taxpayer money to maintain another road.

Mr. Bogardus interjected that you could divide it for your children but then they could not divide it for their children based on the wording.

Code Enforcement Officer Conrad stated that the intent was to keep it from coming for instance a 20 lot subdivision on a private road. He reiterated that the wording needs work.

Mr. Bogardus interjected that the Town does not need to maintain any more roads and added that private roads would be better.

Code Enforcement Officer Conrad stated that there are State Laws that certain things have to be maintained and added that it has to be accessible for an emergency vehicle such as a fire truck.

Mr. Bogardus inquired as to if this would be addressed with the Planning Board.

Code Enforcement Officer Conrad stated that Planning Boards tend to have a way of interpreting things and added that they want it to be in black and white.

Mr. Bogardus stated that each time he reads the proposed Zoning Ordinance something else pops out at him. He continued by saying that a church is not allowed in the R/A and questioned that.

Ms. Allen stated that it is not allowed in the existing Ordinance.

Code Enforcement Officer Conrad stated that churches are allowed in the R/A as a principal use.

Ms. Allen stated that it would be a special use.

Code Enforcement Officer Conrad stated that they should publish the uses that are now currently allowed in the R/A and added that he believes that people would be shocked to see what is allowed.

Mr. Bogardus reiterated that it is not allowed in the proposed Ordinance.

Code Enforcement Officer Conrad stated that there were issues with that.

Planning Board Member Kapusta stated that he believes that it is unconstitutional to prohibit churches.

Ms. Allen stated that it is not unconstitutional and added that you have to provide for it but you do not have to allow it everywhere.

Planning Board Member Kapusta interjected that it should be allowed anywhere.

Councilwoman Rogers stated that she agrees.

Supervisor Hotaling asked if there were any further comments.

**Ms. Sylvia Lawler** – Inquired as to if they can download the current working Zoning Ordinance.

Ms. Allen stated that they could.

Ms. Lawler inquired as to what the easiest way would be to do it.

Ms. Allen stated that it is on the Town's website.

Supervisor Hotaling stated that it is listed as the Draft Zoning Ordinance and added that the map has not been updated.

Ms. Allen stated that she would send it to the webmaster the following day to be added. She continued by saying that the language has been updated and is what there currently is.

Supervisor Hotaling asked Ms. Allen if she had covered her agenda.

Ms. Allen stated that she had.

Supervisor Hotaling stated that the next step is for the Town Board to meet and identify the smaller focus group that will move on and added that once the group has been established Workshop sessions will be announced in a public way to provide an opportunity for everyone to attend and have input. He continued by saying that the smaller focus group will have segmented areas that they will deal with and added that as each issue is settled they will move ahead. He went on to say that this is a passionate topic and continued by saying that he understands why it is and added that it is all about give and take and compromise. He concluded by saying that it is all about putting together a document that individually not everyone will embrace and added that collectively he believes that they can come to a common ground that will allow them to adopt the document.

Supervisor Hotaling asked if there were any additional comments.

Councilman Boehm inquired as to if the City of Albany Watershed restricts anyone in the R/A.

Planning Board Member Kapusta stated that you would have to notify the Albany County Water Board as to anything that you would want to do.

Councilman Boehm inquired as to if they have a right to prohibit a use that the Town would allow.

Planning Board Member Kapusta stated that they have a right to attend the meeting and have their say.

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

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**ADJOURNMENT**

**MOTION**

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

VOTE – AYES 3 – NAYS 0 – SO MOVED

Time – 8:03pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Town Board Workshop was held Tuesday, May 15, 2007 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  
Lucinda Vatalaro, Deputy Town Clerk  
Rosemary Puckett, Bookkeeper  
George Dardani, Judge  
Virginia Pearson, Judge  
Gregory Darlington, Chief of Police  
Scott Searles, Deputy Highway Superintendent  
Albert Deering, Highway Superintendent  
Daryl Purintan, Internal Control Officer

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**AGENDA ITEMS**

- Fuel Vouchers – Chief Darlington & Deputy Superintendent of Highways Searles
- Expenditure of Highway Monies – Highway Superintendent Deering
- Hiring of Police Personnel – Chief Darlington
- Audit – Town Clerk, Receiver of Taxes, Justice Court, Supervisor’s Office

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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 Town Board Meeting was adjourned.  
VOTE – AYES – 4 – NAYS 0 – SO MOVED

Time: 9:22pm

*Respectfully Submitted,*

**APPROVED**

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*Diane L. Millious, Town Clerk*

**A Town Board Meeting was held Monday, May 14, 2007 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  
Daniel Contento, Police Sergeant  
Albert Deering, Highway Superintendent  
Laura VanValkenburg, Assessor

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Supervisor Hotaling called the meeting to order 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 Town Clerk Millious, Town Attorney Rotello, Highway Superintendent Deering, Assessor VanValkenburg and Sergeant Contento and continued by giving an overview of the agenda.

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**OVERVIEW OF AGENDA**

- Presentation
  - Grange Proclamation
- Public Comment
  - FEMA Assistance
  - RC Sportsman’s Club Fishing Derby
- Approval of Minutes
  - Public Hearing – March 19, 2007
  - Town Board Meeting – March 26, 2007
  - Town Board Meeting – April 9, 2007
  - Town Board Workshop – April 17, 2007
- Department Report Review
  - Sewer Department Monthly Report – March 2007
- Old Business Update & Discussion
  - Tractor Bid
  - Hiring of Police Officer
  - Workplace Violence Prevention
  - Local Development Corporation
- New Business Topics for Discussion and/or Action
  - DEC Flood Plan Mapping Proposal
  - Disc Golf Course – Joralemon Park
  - Utility Laborer Applications
  - Summer Recreation Program
  - Summer Youth Employment Program
  - Capital District Foreign Trade Zone
  - Commission on Local Government Efficiency & Competitiveness
  - Preliminary Plans – Police & Communications Quarters
  - Police Interview/Interrogation Recording System
  - Albany Pool Combined Sewer Overflow Long Term Control Plan
  - Request for Police Chief to Attend NYS Association of Chiefs of Police Annual Training
  - Request to Fund Trophies for RC Sportsman’s Club Annual Fishing Derby
  - Coordination of Pre-Pay and Regular Abstracts



- Resolutions
  - Approval of Audit Checklist and Date for Audit
- Correspondence
  - Albany County – Notice of Foreclosure
  - Office of Real Property Services
  - Michael Springer
  - Chris Breen
- Town Board Workshops/Meetings
  - May 15, 2007, Town Board Workshop, 6pm
  - May 21, 2007, Joint Workshop Town Board, Planning Board, Zoning Board Of Appeals for Zoning Ordinance, 6:30pm
  - May 29, 2007, Town Board Meeting, 7pm

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**PRESENTATION**

Supervisor Hotaling stated that he wanted to make a presentation that was delayed because of the flooding on April 16<sup>th</sup> and added that Mr. Al Kirmss was present to accept the proclamation that would have ordinarily been presented at their Grange Meeting. He continued by inviting Mr. Kirmss to accept the proclamation and read as follows:

**PROCLAIM THE WEEK OF APRIL 15 – APRIL 21 GRANGE WEEK**

**WHEREAS**, the Grange has sought to advance the interest of farmers, rural Americans and our Nation’s families, through the concept that by working together we can accomplish much for our communities; and

**WHEREAS**, voluntary association with the Grange not only provides the benefits of economic and political cooperation for its members, but also elevates character by providing social, cultural and educational programs; as well as opportunity for individual expression and personal growth; and,

**WHEREAS**, the Grange gives members the opportunity to serve the community through projects and programs that make a difference in the lives of children, youth and neighbors in need of assistance; and

**WHEREAS**, Ravena Grange in Coeymans Hollow has served this community since 1919,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans, proclaims April 15 through April 21, 2007, as Grange Week, in recognition of the contributions made by the Grange throughout their many years of faithful service.

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**PUBLIC ANNOUNCEMENTS**

**RC Sportsman’s Club Fishing Derby**

Supervisor Hotaling announced that the 29<sup>th</sup> Annual Fishing Derby will take place for children who reside in the RCS School District, sponsored by the R.C. Sportsman’s Club in conjunction with the Ravena Fish & Game Association. He continued by saying that it will be held Sunday, June 17, from 1:00-3:00pm at the Town of Coeymans Filtration Plant on Route 144 in Coeymans.

**FEMA Assistance**

Supervisor Hotaling stated that originally FEMA, the Federal Government’s organization for disasters did not identify Albany County as a county that would receive assistance and continued by saying that subsequent to that Albany County was advised by FEMA that

the county and municipalities within the county are eligible for funding for damage associated with the April 15<sup>th</sup> and 16<sup>th</sup> storms and related flooding. He added that many people had called his office prior to the change and they were advised that they had heard nothing and continued by saying that it is important to announce that the Town of Coeymans is an eligible area. He continued by saying that there is a process to follow and it will be identified and posted on the bulletin board in Town Hall and added that anyone with flood related damage should take advantage of it. He went on to say that the Individual Assistance Program includes grants for repairs and for rent of alternative housing, low-interest disaster loans for the United States Small Business Administration and grants for other serious unmet needs. He concluded by saying that Chief Darlington is going to be attending a coordinated meeting in the Albany County Sheriff's Department in Cohoes in which the Critical Incident Emergency Management Unit will conduct an informational meeting for municipalities on how to recoup some of the losses within the Town.

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## **PUBLIC COMMENT PERIOD**

Supervisor Hotaling invited the public to comment at this time.

**John Allen** stated that he is a resident of 37 Westerlo Street and added that he is there with a number of community residents to raise concern with a number of issues and continued by thanking the Town Board and Code Enforcement Officer Conrad for their efforts in beginning to enforce the Code, which has begun to have some effect in the community and they find it helpful and a move in the right direction. He went on to say that he also wanted to acknowledge Chief Darlington's role in hiring some new officers from outside the community who are taking a very active interest in the quality of life issues who are doing great work and beginning to make an effort. He continued by saying that there are still a number of concerns, some of which were raised last year and added that they were asked last year to give the Town some time. He added that one of the things that they asked the Town to consider was a Noise Ordinance and continued by saying that they are still plagued with excessive noise at all hours of the day and night originating from the same few residences that they have had continuing issues with. He went on to say that these few families that tend to cause problems not only on his street but also at the riverfront where there was a stabbing in addition to problems in Coeymans Hollow when they take their ATV's out there. He continued by saying that they were told by the Police Department that there would be a no tolerance effort on the part of the Police Department and added that there is still one family parking under a no parking sign on Westerlo Street by a fire hydrant. He went on to say that when the police are called the Officer comes down and waves to the family and gives them time to move the vehicles while other residents have gotten tickets for unloading groceries out of their car with the engine running in addition to a disabled woman trying to get her mail from the Post Office. He continued by saying that they find it highly objectionable that the law is enforced differently for one family than it is for all the rest of them and as a result it causes a whole host of problems. He added that last year the Town was very gracious and addressed the parking along side his house which had eroded a good portion of his land and damaged a number of trees and continued by saying that the same issue is now occurring on Town land, by the fire hydrant where cars and trucks are spinning their tires to kick the dirt out and have now eroded the hill to the point where it will have to be restored by tax dollars. He went on to say that there are a number of other issues such as domestic disturbances, which happen all hours of the day and night and added that they called the police during one incident where the residents were taking bats and other objects to each other threatening to kill each other. He continued by saying that when the police responded the family was not even interviewed to find out if anyone was injured and added that the mother of the family ran across the street to his property to talk to the police so they would not smell the odor of marijuana that was clearly coming from that residence. He reiterated that the police did not check on the people that they had called about who were combatants in a serious altercation and added if they had gone to the residence they would have seen marijuana or possible crack cocaine that has been clearly visible to many members of the community. He went on to say that one of the police officers believes that the community is against the family and went on to say that they are against the family because of the behavior that is occurring and affecting their quality of life. He continued by saying that another concern is the speed on Westerlo Street and

added that an evaluation was done last year at 3pm on a Monday afternoon, which was also a holiday and it was reported that the average speed on the road was actually below the speed limit. He added that it might be true at 3pm on a Monday afternoon that was a holiday and continued by giving a picture to each member of the Town Board showing the tire tracks that were left in the street from burning rubber, which were fresh tracks from the day before and went on to say that they measured one of the tracks and it was 152 feet of burnt rubber. He continued by saying that they are also concerned with motorcycles spinning wheelies all the way up the hill and added that they have small children, pets, and elderly residents who venture across the street to talk to neighbors. He concluded by saying that a vehicle some day will cause someone to lose their life and added that he hopes it is the driver and not one of the members of the community that has been trying to address these issues. He went on to say that they would like to know what the Town Board intends to do in addition to challenging them to pass a Noise Ordinance so that the Police Officers can address and enforce some of the problems in the community and added that last year they were told that there was finger pointing between the judges, District Attorney's Office and Police Department. He continued by saying that the DA's Office is willing and able to prosecute all quality of life crimes but in order for that to happen the crimes have to be brought before them and there have to be Police Officers that are going to respond and not give warnings when the rest of them are getting ticketed. He concluded by saying that disparate application of the law is not only unfortunate and unwarranted but it is also illegal and added that they are asking that the Town Board address the issues as quickly as they can and went on to say that the number in attendance shows that it is not a one or two family issue but rather an issue that affects the entire community and the quality of life for all of them, which will only get worse as the summer months are approaching.

Supervisor Hotaling asked if there were any additional comments.

**Mr. Raymond Russell** stated that he owns the property at 26 Westerlo Street and added that he has association with 24 Westerlo Street and continued by saying that to his knowledge they are the only two residence on the street that have no form of parking available other than parking by the river. He went on to say that he has spoken to the Police about the families that are parking illegally and added that the police drive by and wave or ask them to move the vehicle if there is a complaint. He added that if he parks in front of his house he gets a ticket in addition to someone getting a ticket for picking up their child from the babysitter and continued by saying that he was told by a Police Officer that the parking complaints are petty to them and they don't have time to try and enforce parking. He concluded by saying that he parks at the river and has to carry groceries up to his home because he does not want to risk getting a ticket for unloading his groceries and added that other cars park where they also are not suppose to park and they do not get a ticket and are allowed to move their vehicle.

Supervisor Hotaling asked if there were any additional comments.

**Ms. Judy Burton** stated that she lives at 22 Westerlo Street and added that she has lived there for 30 years. She continued by saying that her husband had attended meetings throughout the years telling them about the problems on Westerlo Street and added that her husband is now deceased and she is now present to tell them about her neighborhood. She went on to say that the day prior was Mother's Day and she had family at her house out on the patio and added that they witnessed neighbors urinating on the house next door to her and then asked as to how they think that she feels as a mother and grandmother. She continued by saying that at 6:30pm she goes to bingo at the Senior Center and added that it is almost impossible to get around her street because of cars parked and went on to say that you have to wait to go up the hill for a car to come down the hill and added that she has 84 feet of property with a white picket fence down the front of it and she got a ticket one day for parking on her own property. She continued by saying that instead of the officer checking the license plate to see that it was her car he ticketed her car. She concluded by saying that there should be a 15-20 minute window that might be needed to unload groceries, pick up children, etc. and added that the cars that are parked there 2, 3, or 4 hours at a time are the ones that should be ticketed.

Supervisor Hotaling asked if there were any additional comments.

**Laurie Schiable** stated that she is a resident of Colvin Avenue in Coeymans and added that she wanted to second everything the had been said and continued by saying that she was inquiring about the speed limit change on Colvin Avenue. She added that as Mr. Allen had pointed out things are going to get worse as the warmer weather approaches and went on to say that Colvin Avenue is supposedly a dead-end but there are two entrances that are cars going up and down using it to cut across to Rte. 144. She continued by saying that it is her understanding that there is a new family on Colvin Avenue with small children and reiterated that the speed limit needs to be lowered to an acceptable rate for the amount of road that there is and added that there are only four houses on the road and the speed limit should be no more than 15-20 mph. She concluded by asking what the status is with the County.

Supervisor Hotaling stated that he had a discussion with her approximately 3 weeks ago and added that he had indicated to her that the request was sent to the County and State.

Ms. Schiable inquired as to if anyone has followed it up.

Supervisor Hotaling stated that in a conversation with Mr. Franchini he had been advised that he had not heard back from the State. He continued by correcting himself and stated that he recalls that it was her that spoke with Mr. Franchini and he had given her his phone number.

Ms. Schiable stated that this should not be her responsibility.

Supervisor Hotaling inquired as to if he had given her Mr. Franchini's phone number.

Ms. Schiable stated that he did not give her the number and added that she presented this problem to the Town Board back in December and added that it is now 6 months later and they are dragging their feet on some of the issues.

Supervisor Hotaling inquired as to if she had a discussion with Mr. Franchini.

Ms. Schiable stated that she did.

Supervisor Hotaling inquired as to what Mr. Franchini had said.

Ms. Schiable stated that she wanted to discuss what his job is and what he did.

Supervisor Hotaling interjected that he did his job and sent it to the County, who in turn sends it to the State, who in turn waits for a survey to be done.

Ms. Schiable inquired as to who is handling it for the State.

Supervisor Hotaling stated that he has no idea who handles it for the State and added that he is not responsible for that.

Ms. Schiable stated that as far as she is concerned it is part of the job and added that it is follow-up.

Supervisor Hotaling stated that they have a difference of opinion about whose job it is.

Ms. Schiable stated that it should not take 5-6 months when she can accomplish the same thing in a few phone calls to find out what the status is and to get it moving. She continued by saying that this is a serious issue and added that 6 months is way too long to do something about it. She concluded by saying that if it is in the hands of the State, he should be calling them and asking them why it is taking so long.

Supervisor Hotaling thanked Ms. Schiable for her advice.

Ms. Schiable continued by asking about the dual entrances on Colvin Avenue and whether or not that issue had been resolved.

Supervisor Hotaling stated that there is nothing to resolve and added that the Planning Board has said that there are two accesses to that cul-de-sac, which is one to go to the building that she had complained about in addition to another one not yet accessed.

Ms. Schiabile inquired as to if the Town Board has the paperwork for the dual access.

Supervisor Hotaling stated that the Planning Board has the paperwork and added that this is what he was told by the Planning Board Chairman.

Ms. Schiabile stated that she wants to see the paperwork and continued by saying that she believes that she contacted the Town Clerk's Office and was told that they could not find any paperwork that granted dual access. She continued by asking the name of the Planning Board Chairman.

Supervisor Hotaling advised that it is Mr. Foronda and added that their records are contained in Planning Board files within the Building Department in the Town of Coeymans and continued by saying that they are not in the Supervisor's Office and went on to say that other records are contained in the Town Clerk's Office.

Ms. Schaible stated that she had previously spoken with Code Enforcement Officer Conrad's Office and she was told that there were no records. She continued by asking as to the status of the speed limit.

Supervisor Hotaling stated that there is no change that he is aware of.

Ms. Schiabile inquired as to who she can contact at the State.

Supervisor Hotaling stated that it would be the New York State Department of Transportation.

Ms. Schiabile inquired as to if there is a name or a contact person.

Supervisor Hotaling stated that he does not have a name and added that the Regional Engineer is Mr. Michael Johnson in Voorheesville and added that he is not sure whether or not he does speed limits.

Ms. Schiabile inquired about the speed limit for the rest of the Town and continued by saying that she thought that it was brought up at another meeting.

Supervisor Hotaling stated that he does not think that she was present that night and added that they were given information that in the early 80's there was an area speed limit for the Hamlet of Coeymans established at 30 mph.

Highway Superintendent Deering stated that was correct.

Ms. Schiabile stated that they need to post some signs that state that.

Supervisor Hotaling stated that it is an area speed limit and added that it is posted at the gateway of the Town.

Ms. Schiabile inquired as to if the gateway would be considered Rte. 144.

Supervisor Hotaling stated that he believes that is true.

Highway Superintendent Deering stated that it was true and then told her where the signs are.

Supervisor Hotaling asked if there were any additional comments.

**Ms. Donna Pasquini** stated that she live at 29 Westerlo Street and continued by saying that she knows that Highway Superintendent Deering did make a recommendation that the speed limit does need to be lowered. She continued by saying that it has been since last September that they asked the Town Board to please consider a Noise Ordinance in order for the Police Officers to do their job and went on to say that it would give them

something to fall back on. She added that there is an ordinance for dog barking and other things and then inquired as to why there is not one for noise in general and went on to say that it is hard for the Officers to do anything because there is nothing on record about noise.

Supervisor Hotaling asked Sergeant Contento whether or not Officers can check the status of the peace that is being disturbed without an Ordinance being established.

Sergeant Contento stated that they can.

Supervisor Hotaling interjected that there is no need for an Ordinance because of this and added that as he has stated before he is not in favor of a Noise Ordinance because it places a decibel limit, which would require training of Officers carrying a decibel meter in the car to be able to ascertain if the decibels are being exceeded. He concluded by saying that he would rather use the Officer's discretion in terms of the disturbing of the peace violation, which is already on the books.

Sergeant Contento interjected that it is disorderly conduct with unreasonable noise.

Supervisor Hotaling stated that his colleagues might have another opinion and added that he is expressing his and continued by saying that currently if Police Officers are saying that they have no mechanism to judge whether or not there is conduct of a disorderly nature they need to be trained.

Ms. Pasquini stated that they are saying that there is no Noise Ordinance on the books.

Supervisor Hotaling reiterated that there is not one and added that there won't be one because it requires a decibel.

Ms. Pasquini stated that every other town has one and continued by asking what is wrong with the Town of Coeymans and continued by saying that it is dysfunctional that they cannot come up with something to control the problems in Town.

Supervisor Hotaling asked if there were any other comments and added that any of his other colleagues could respond to the question about a Noise Ordinance if they wished.

Ms. Pasquini reiterated that there is one for dog barking and continued by saying that she wishes that one of the Town Board members lived on her street to see what they go through and added that they would not tolerate it. She went on to say that she has walked outside and had to go back inside because of the marijuana odor and added that she is allergic to it in addition to the problems with open containers, public intoxication, public urination, etc. She reiterated that if it was on any of their streets they would not put up with it and added that something needs to be done. She continued by saying that the Police try to do their job and added that they have spoken with the Police Officers and have been told that there is not a Noise Ordinance and went on to say that she has also talked with them about the power braking and burning of the rubber and squealing tires and was told that they cannot do anything about it unless they see it. She added that the New York State Police say that it is a DMV violation and they do not need to witness it and continued by saying that all they need is a signed complaint, which would go against their license. She went on to say that maybe some additional training is needed and added that she has lived there for 30 years and continued by saying that the last two years have been hell and she does not want to do another year. She concluded to say that she will get everyone that she can get from the Hamlet to come to every meeting until something is done.

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 four sets of minutes for Town Board approval, a Public Hearing on March 19<sup>th</sup>, a Town Board Meeting on March 26<sup>th</sup>, a Town Board

Meeting on April 9<sup>th</sup> and a Town Board Workshop on April 17<sup>th</sup> and continued by asking if everyone had the opportunity to review them.

Councilwoman Rogers stated that she would suggest that they table them and added that she has not had an opportunity to review them.

Councilwoman Chmielewski agreed and added that she did not have an opportunity to review them.

Supervisor Hotaling asked for a motion to table the minutes.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski, the Town Board minutes were tabled.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that they will do their best to have them ready to approve at the next meeting in addition to any others that they may have received.

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## **MONTHLY REPORTS**

### **Sewer Department – March 2007**

Superintendent Hotaling continued by giving the monthly report.

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## **OLD BUSINESS**

### **Tractor Bid**

Supervisor Hotaling stated that they had received bids for a tractor for the Highway Department and added that the bid specs were for a John Deere tractor or equal. He continued by saying that there were some bids for a John Deere in addition to a bid for a Challenger tractor with a State Contract price considerably less than the John Deere prices. He added that it was a piece of equipment that was not familiar to Highway Superintendent Deering and as a result the award of the bid was tabled until he had a chance to become familiar with it and determine whether or not it was equal to a John Deere. He concluded by saying that a memorandum was submitted to the Town Board earlier in the day and continued by reading the following:

To: Town Board  
From: Highway Superintendent Deering  
Date: May 14, 2007  
Subject: Recommendation for Tractor Bid

I have reviewed the information submitted on the Challenger and it will meet our needs and all specifications required.

Please consider my recommendation that we accept the State Contract price and award the bid accordingly.

Supervisor Hotaling stated that he had asked that Town Clerk Millious bring back the bid materials and added that he has them.

Town Clerk Millious interjected that the minutes from the bid opening were also included.

Supervisor Hotaling stated that there were three bids, Milton Cat for \$61,458.00, Stevenson Equipment for \$71,037.00 and Capital Tractor for \$69,764.00 in addition to a bid that was received late in the amount of \$73,697.00. He continued by saying that the

low bid from Milton Cat is for the Challenger and added that based on Highway Superintendent Deering's recommendation he wanted to know what the Board's pleasure was in awarding the bid.

Councilwoman Chmielewski inquired as to if Highway Superintendent Deering liked the tractor in addition to whether or not it will do what he needs it to do.

Highway Superintendent Deering stated that it is fine.

Councilman Boehm wanted to clarify that it was the lowest bid.

Highway Superintendent Deering stated that it is a State Contract tractor and added that this is why the price is so low.

Supervisor Hotaling inquired as to if the John Deere was a State Contract.

Highway Superintendent Deering stated that it is not.

Councilman Boehm inquired as to when it could be delivered.

Highway Superintendent Deering stated that it is 90-120 days and added that the summer will be over by the time he gets it.

Councilwoman Chmielewski stated that he will have it for next year.

Councilman Boehm inquired as to if it can only be used for mowing along the sides of the road.

Highway Superintendent Deering stated that was true.

Councilwoman Chmielewski inquired as to how the tractor is that he currently has and whether or not it will last the summer.

Highway Superintendent Deering stated that he hopes it lasts the summer.

Supervisor Hotaling stated that it might be delivered quicker and then asked for a motion to award the bid.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, awarding the bid based on Highway Superintendent Deering's recommendation to accept the bid in the amount of \$61,458.00 from Milton Cat.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that it is the low bidder and a State Contract price and added that there is a memorandum from the Highway Superintendent that it meets any or all specs and fulfills the or equal category of his bid spec. He continued by saying that Highway Superintendent Deering should advise Milton Cat that the bid has been awarded.

## **Hiring of Police Officer**

Supervisor Hotaling stated that there was a resolution considered by the Town Board and passed unanimously on April 23, 2007 to hire part-time Police Officer Brian Rinaldi as a full-time Police Officer based on his status on a Civil Service list. He continued by saying that it was contingent upon Mr. Rinaldi passing an agility test and added that unfortunately he did not meet the requirements for the test and as a result they have to rescind the action of hiring him. He went on to say that it is a formality at this point and continued by saying that they have to rescind the resolution and then offered a motion.

## **MOTION**



On motion of Supervisor Hotaling seconded by Councilwoman Chmielewski to rescind the resolution that was offered by Councilman Boehm and seconded by Councilwoman Rogers to hire Brian Rinaldi as a full-time Officer off the Civil Service list due to the fact that he did not pass the agility test.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Councilman Boehm inquired as to if he remains to be a part-time Officer.

Supervisor Hotaling stated that he is and is doing fine.

Councilwoman Rogers inquired as to if the test can be taken again.

Sergeant Contento stated that he can't in this case.

Supervisor Hotaling stated that he does not understand that Albany County goes through a Civil Service process and Police Officers go through school for six months, which he thinks includes some physical aspect and you would have to pass a Civil Service agility test. He concluded by saying that it is the rule or law and this is what they have to follow.

Supervisor Hotaling stated that earlier in the day Chief Darlington had e-mailed him talking about the hiring of more part-time Officers and added that in turn they had a discussion and he had told him that he was not in the position to ask the Town Board to recommend that he moves ahead with hiring part-time Officers. He continued by saying that he wants to discuss the schedule with him to insure that they are maximizing the patrols of the available people that they have and not placing an overemphasis on other roles. He went on to say that they are currently in that discussion and added that the e-mail had indicated that he wanted to get something done by the next Town Board Meeting in addition to saying that he is attempting to schedule and has no room to expand to reach the budgeted shifts. He went on to say that it is not an immediate goal but he would like to add some more so they can keep the traffic safety numbers going to increase the grants. He concluded by saying that he has a couple of reasons why he wants to add some more part-time Officers and added that he was not prepared to bring it to the table for this meeting.

Councilwoman Chmielewski inquired as to whether he is still going to add more full-time Officers.

Supervisor Hotaling stated that the problem with that is that Albany County Civil Service has come to a halt in terms of staffing and services and added that according to the Chief they have only two staff members and they are not returning phone calls. He continued by saying that he had suggested contacting Deputy County Executive Pennisi to say that the Town has a need to move ahead on the list and needs a certified list. He concluded by saying that there is a process that they are trying to follow and added that it is not being facilitated very easily through Civil Service.

Councilwoman Chmielewski interjected that she believes that he should call Mr. Pennisi to see what is going on.

### **Workplace Violence Program**

Supervisor Hotaling stated that this was discussed at the prior meeting and it was decided that they should table it until there was a response back from NYMIR as to whether or not they would be coordinating an effort for a Workplace Violence Program. He continued by saying that they indicated they will not be doing that and added that they will be holding informational seminars as far as what municipalities must do to comply with the Workplace Violence Law, which was implemented by the State Legislature and went on to say that they did not offer any program development assistance. He added that they have before them a proposal from HR Consultants in the amount of \$5,000, which he had discussed with Internal Control Officer Purintan and continued by saying that he strongly urges the Town to consider that an in-house program be developed. He went on to say that Internal Control Officer Purintan will guide the Human Resources staff to come up with a plan to comply because the law is pretty cut and dry as far as what has to be done. He continued by saying that the \$5,000.00 that they might spend with HR Consultants would be a charge each year because there has to be annual training and

added that it would be costly if it were done through outside sources. He concluded by saying that Internal Control Officer Purintan believes that they can be able to get a program in-house that will comply with the law and added that he is working with Human Resources Clerk Bullock to accomplish this and continued by asking for input from the Town Board.

Councilman Boehm inquired as to if there is an estimate as far as Internal Control Officer Purintan's time for doing this and added that his time would be a cost.

Supervisor Hotaling stated that initially it would be costly in terms of that and continued by saying that he wouldn't be doing it but rather guiding and overseeing the process through the Human Resource staff person. He added that he would most likely get a check-list from each department to identify risky areas that would be potentially vulnerable to workplace violence and deal with it in a policy that would somehow deal with the risk and provide training to employees as to how to deal with anything else that might happen.

Councilman Boehm inquired as to if this will satisfy NYMIR.

Supervisor Hotaling stated that the insurance company would be satisfied with this because it would comply with the law. He continued by saying that he would like to try doing it in-house.

Councilwoman Chmielewski agreed that they should utilize their own workforce to do it.

Supervisor Hotaling stated that he would convey it to Internal Control Officer Purintan.

### **Local Development Corporation**

Supervisor Hotaling stated that he had sent a memo to the Town Board on April 30<sup>th</sup> that included the opinion of counsel as discussed with Internal Control Officer Purintan with respect to Local Development Corporations and continued by saying that there were concerns relative to the regulations and recording requirements surrounding it. He added that if the Town does a LDC, within 90 days of the end of the fiscal year there would have to be a written report to the Town and State detailing the operations and accomplishments of the LDC, the receipts and disbursements, the revenues and expenses, the assets and liabilities, a schedule of its bonds and notes outstanding, a compensation schedule, projects undertaken for the year, real property inventory, Code of Ethics and an assessment of the effectiveness of its internal control structure procedures. He continued by saying that Mr. Purintan had stated that if the State will give the Town a letter to say that they are going to handle the regulatory aspect he would say to go for the Local Development Corporation and added that the State will not do that and will hold the Town accountable for it.

Councilwoman Chmielewski interjected that Internal Control Officer Purintan had also spoken with Town Attorney Rotello and added that he had agreed with Mr. Purintan as well.

Supervisor Hotaling stated that he is not in favor of the Local Development Corporation and continued by saying that he had a discussion with Mr. Steven Kirk, the Planner that has been engaged by Mr. Carver Laraway to assist him in the development of the former Powell & Minnock Brickyard to convert it to a mini port and added that he had advised Mr. Kirk that there is no reason to stop the process and on behalf of the Town he can submit for CDBG money. He concluded by saying that the Town does not have a LDC and added that he has no plans to ask for one at this point.

Councilman Boehm inquired as to whether or not the Town has to have a LDC as Mr. Laraway moves forward.

Supervisor Hotaling stated that he does not and added that any grant monies that are acquired would be the responsibility of the Town Board, which would result in the Town Board becoming just like a LDC. He continued by saying that in turn the Town Board could empower an Advisory Board to assist in the implementation of the grant monies. He went on to say that Mr. Kirk did say that the State likes to see LDC's.

Councilman Boehm inquired as to a Board member serving on the Advisory Board.

Supervisor Hotaling stated that Board members cannot be more than 1/3 of the total on the Advisory Board.

Councilman Boehm stated that one of the components is getting qualified members of the community that might be interested in serving and continued by asking if it is something that the Town Board would consider and added that he does see it as a component for economic development and quality of life issues.

Supervisor Hotaling stated that those qualified individuals could be named to an Advisory Board and not call it a LDC and guide the Town Board in that respect.

Councilman Boehm inquired as to whether the Advisory Board would guide the Town Board in the administration of the grant money.

Supervisor Hotaling stated that he was correct.

Councilman Boehm inquired as to if it would limit the scope of the LDC in acquiring additional grant money from other sources.

Supervisor Hotaling interjected that they would not have an LDC but rather an Advisory Board and a Town Board who would be administering the CDBG grant money. He continued by saying that it could be made up of the same people that they would want to put on a LDC such as banking institutions, Economic Planners and others that could guide them.

Councilman Boehm stated that it would be step before the LDC and added that they should form an Advisory Board to work with the Laraway project and see how it develops. He continued by saying that it is an important component of going forward and funding other projects as well as municipal projects.

Supervisor Hotaling stated that Mr. Kirk understands it now and added that the next step is for him to contact the State and start working with Carver Laraway to get the process going for the paperwork and added that typically the State wants to meet with the developer, planner and a member of the Town Board.

Councilman Boehm inquired as to what the role of the special council would now be.

Supervisor Hotaling stated that the Town Board did hire her in terms of a resolution and added that she did give them some guidance with the possible formation of a LDC. He continued by saying that he still sees her work valuable in terms of an Advisory Board because there is a benefit of having specialty counsel for this type of thing and added that she has demonstrated a reputation for working with situations such as this. He concluded by saying that she is paid on an hourly basis as needed for guidance for the Town Board and Advisory Board.

Councilman Boehm inquired as to if the Town Board is in agreement to form an Advisory Board specifically for the Laraway project.

Supervisor Hotaling stated that the money they get is going to be CDBG money that the Town Board would use to empower by loan the developer in a low interest way to get the development going. He continued by saying that the money paid back with the advice of the Advisory Board would go to other people.

Councilman Boehm interjected that it still would not be a LDC.

Supervisor Hotaling stated that it was correct and added that this is his opinion on LDC's and continued by saying that the Town Board could do it if they wanted. He went on to say that he is going by what Internal Control Officer Purintan had advised as well as what special counsel had advised.

Councilman Boehm stated that he believes that the Advisory Board is a step in the LDC direction and added that this is a step that they need to take to fund a local project that is going to bring jobs to the community.

Supervisor Hotaling stated that this is the goal and added that for those present with concerns about the Hamlet of Coeymans, this is a project that is clean and there could potentially be as many as 100-250 jobs in that area. He added that this could be a catalyst for bringing the Hamlet back up in addition to the things that they had discussed earlier.

Councilman Boehm stated that the average salary is approximately \$45,000.00 and added that they are good paying local jobs. He concluded by saying that it makes sense.

Supervisor Hotaling stated that he had told Mr. Kurt that he would raise the topic with the Town Board and added that he told him to move forward and in turn he should advise the Town Board when he needs Town Board involvement with the State of New York in the grant application.

Councilman Boehm inquired as to if he should contact special counsel and indicate that the Town Board wants to form an Advisory Board.

Supervisor Hotaling stated that he could and added that she is paid by the hour for her time.

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## **NEW BUSINESS**

### **DEC Flood Plan Mapping Proposal**

Supervisor Hotaling stated that he received information from the Department of Conservation indicating that they plan to update the Flood Plan Maps and continued by saying that there was some controversy with respect to Coeymans Creek and the flooding status there. He added that there will be a detailed study of the Coeymans Creek from the confluence of the Hudson River upstream to the New York State Thruway crossing and continued by saying that he had asked Code Enforcement Officer Conrad as to why it was not going to be mapped any further. He went on to say that Code Enforcement Officer Conrad had stated that it is already mapped and added that the Miller Road area is already mapped and continued by saying that it is a 3 foot flood plain and has been for a number of years. He added that from the Thruway to the east is not mapped and continued by saying that DEC is going to map it in addition to doing a detailed study of Unnamed Creek with its confluence with the Hudson River at the Albany-Greene County line upstream to the New York State Thruway crossing. He concluded by saying that it will take 12-18 months to complete and added that he is not going to rush them to do it.

### **Disc Golf Course – Joralemon Park**

Supervisor Hotaling stated that Mr. Kevin Rounds was present and added that he had come before the Town Board over a year ago with a proposal to do a pilot project at Joralemon Park. He continued by saying that Mr. Rounds is a Disc Golf enthusiast and added that he placed in a temporary way a Disc Golf Course. He went on to say that that the Disc Golf Course has been used by people not only in the area but people from other parts of the state in addition to people from other states.

Mr. Rounds stated that each year they have a worldwide event called the Ice Bowl and added that it is a tournament in the winter in all parts of the world to raise money for food pantries and continued by saying that they want their sport to be promoted in a good way. He went on say that there are 30-40 people playing steadily in addition to kids and couples becoming involved and added that it is free to play. He continued by saying that the baskets are not currently affixed to the ground and added that they would now like to make them permanent.

Supervisor Hotaling inquired as to how this would be done.

Mr. Rounds stated that they would cement them in the ground and added that if erosion of trails became a problem they could get another position for the hole in another area.

Supervisor Hotaling inquired as to how Mr. Rounds proposes that this be done and whether or not town forces will be utilized.

Mr. Rounds stated that there are different fashions to do it and added that they would like to put them in concrete with a sleeve so they can lock the baskets. He continued by saying that they are now asking for permission to install them in a permanent basis and added that he was asking for their trust in his abilities to design something safe for those playing as well as the environment.

Supervisor Hotaling interjected that there must be a cost associated with it to him personally.

Mr. Rounds stated that some of the local players are contractors and added that if the Maintenance Department had any materials that they wanted to donate it would be appreciated.

Supervisor Hotaling asked the Town Board how they felt about it being permanent.

Councilman Boehm inquired as to if there has been any problems with theft.

Mr. Rounds stated that there have not been and added that in other parts of the country it has been a problem.

Councilman Boehm inquired as to how many holes there are currently.

Mr. Rounds stated that there are 18 holes.

Councilman Boehm interjected that he knows it is popular and added that he is somewhat concerned with making it permanent with 18 footings.

Supervisor Hotaling stated that he assumes that eventually there will be more than 18.

Mr. Rounds stated that there might be in the future if they get enough people playing and added that there are a number of people using it now.

Supervisor Hotaling inquired about ticks and whether or not it is a problem when they play and added that last year it was a big problem. He continued by saying that as a result there was a presentation at a Town Board Meeting and added that they now have information to hand out.

Town Clerk Millious interjected that her office hands out pamphlets when someone reserves one of the parks.

Councilwoman Chmielewski stated that it is also posted on the signs.

Mr. Rounds stated that he has had only 1-2 ticks in all the times that he has been at the park and added that he has more in his yard.

Councilman Boehm stated that his concern would be with the cement footings, which would probably be 2 feet X 2 feet.

Mr. Rounds stated that they would be smaller than that and added that it would be equal to putting in a speed-limit sign on the side of the road and added that it would be like a 2 inch fence post that goes into the ground and concrete. He continued by saying that it would give them a more permanent stature and went on to say that it would not be noticeable.

Supervisor Hotaling inquired as to if the overflow from the flooding affected the course.

Mr. Rounds stated that there was quite a bit of debris and added that they have been helping to clean it up.

Supervisor Hotaling asked Highway Superintendent Deering if there was a place to put the debris.

Highway Superintendent Deering stated that they could put it in the landfill area.

Supervisor Hotaling stated that he has no personal opposition to it and continued by saying that it has been a fine experiment and added that surprisingly to him it has caught on. He went on to say that its unique nature is part of the mystery and draw to the sport.

Councilman Boehm interjected that he would ask that Mr. Rounds work with Maintenance Supervisor Perry in order to make sure that everything is flush with the ground and not posing any hazard or interfering with anything else.

Mr. Rounds stated that the Beautification Department seems excited about it and added that they have asked what they can do. He continued by saying that the players have been picking up trash and added that they want to set an example in addition to wanting it to be a permanent course and show the Town that they deserve to have it there.

Councilwoman Rogers inquired as to when they started play.

Mr. Rounds stated that they play all winter and added that the baskets are there year round.

Councilwoman Rogers stated that they should have put the portable bathroom units out there sooner.

Supervisor Hotaling stated that they cannot be there during the winter months.

Mr. Rounds inquired as to if there is money earmarked for improvements at Joralemon Park.

Supervisor Hotaling stated that there have been plans for the park and continued by saying that there was an effort to put in a leach field. He continued by saying that the placement was ill conceived and added that there is a need to replace the storage garage and went on to say that they have thought about the possibility to utilize the low area to put a flat tank in with a leach field beyond that with a bathroom nearby. He concluded by saying that there have been some conceptual ideas and added that it would take combined forces of the Highway Department, Community Beautification and contractors to get it done and added that he does not think that they are there yet.

Mr. Rounds inquired as to whether or not he sees it happening in the next few years.

Supervisor Hotaling stated that he hoped so and added that he does not see it happening this year.

Councilman Boehm inquired as to if the course is posted.

Mr. Rounds stated that they actually put a board by the access road to the park that includes a map of the course.

Councilman Boehm inquired as to if there is contact information for anyone wishing to join the league.

Mr. Rounds stated that there are Wednesday night postings for players of all skill and levels to come and join them in addition to the website having contact information and e-mail addresses.

Councilman Boehm stated that it is linked from the Town of Coeymans website.

Councilwoman Chmielewski stated that she has been at the park when there were people playing and added that they were raving about it.

Mr. Rounds stated that they have gotten a lot of positive response and added that they have been trying to keep the youth in line as far as ATV's and damage in the park and continued by saying that he believes that being there playing has helped.

Supervisor Hotaling stated that he wanted to thank Mr. Rounds for taking it as his own project and by extension making it theirs. He continued by saying that he is proud of what has happened and added that he would like for it to be a permanent fixture. He concluded by saying that he should go through Confidential Secretary Lewandowski in getting in touch with Nelson Perry to make arrangements and added that he is sure that they will accommodate his needs in term of assistance, tools or manpower.

Mr. Rounds continued by saying that he had spoken to Nelson Perry about the dead trees that have been marked for cutting down and added that there are some people that can build some beautiful cedar benches.

Supervisor Hotaling stated that there is an issue with public property and how it is disposed of because it is taxpayer property and continued by asking Town Attorney Rotello for an explanation.

Town Attorney Rotello stated that it was determined that the trees could be cut down and placed by the side of the road, which would be a public space and added that they could then be picked up.

Supervisor Hotaling stated that between the Highway crew and Beautification crew they will be able to get them cut down and place them in a public space.

Mr. Rounds inquired as to if he is approved to make the baskets permanent.

Supervisor Hotaling stated that they could do it in the form of a motion.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski authorizing Mr. Rounds to permanently place the 18-hole Disc Golf fixtures at Joralemon Park under the supervision of Nelson Perry.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling thanked Mr. Rounds.

## **Utility Laborer Applications**

Supervisor Hotaling stated that they have received approximately 8 applications for the position and added that Maintenance Supervisor Perry has made some recommendations to them for interviews, which they have not conducted to date. He continued by saying that with the Town Board's agreement they will schedule some interviews based on Mr. Perry's recommendation.

Councilwoman Chmielewski stated that he should get his recommendations back to the Town Board by the next Town Board Meeting and in turn hire the individual and added that she will take the lead on talking to Maintenance Supervisor Perry.

## **Summer Recreation Program**

Supervisor Hotaling stated that Athletic Director Ron Racey at R-C-S had come before the Town Board at a Workshop Meeting and made a plea to reinstitute the Summer Recreation Program and continued by saying that it became a topic of discussion during the joint Town/Village Workshop Meeting. He added that it was decided that Councilman Boehm would work with Village Trustee Persico in an effort to coordinate it in addition to talking with the Albany County Health Department on the aspects of the regulations about summer camps. He went on to say that he has shared his contact's name and phone number in addition to making the information available to Mr. Racey with a copy of the memorandum sent to Village Trustee Persico. He then asked Councilman Boehm if he had anything to add.

Councilman Boehm stated that Village Trustee Persico spoke with the Department of Health and was advised that as long as there are not going to be any hikes contained within the park or use of the pool there would not be any special requirements for a Recreation Program and continued by saying that you would not have to sign-up in advance.

Supervisor Hotaling interjected that it has to be totally unstructured.

Councilman Boehm agreed and added that as long as they adhere to the guidelines there are no special requirements.

Supervisor Hotaling stated that in speaking with the Department of Health he was advised that there are four aspects of exemptions from the regulations and added that the unstructured nature is the one that they are going with and in turn advised Mr. Racey that they need to stay within the unstructured guidelines. He continued by saying that if it were a structured program they would have to have a Medical Director, Recreation Director, counselors and 2 EMT's for the program.

Councilwoman Chmielewski inquired as to if the unstructured program would stop the Town from having Youth Director Crowley from asking who wants to participate in each sport.

Supervisor Hotaling stated that they can identify sports and added that it has to be unstructured in the sense that it can't be a certain number of teams, sign-in sign-out, or record keeping.

Councilwoman Chmielewski interjected that the Town will be paying for counselors to be at the park and participants may not show up.

Supervisor Hotaling stated that it would be a problem.

Councilman Boehm stated that there will be a Coordinator hired by the Village and added that part of their job will be to publicize the recreational activities in addition to recruiting people to come to the park for the activities.

Councilwoman Chmielewski stated that there is a possibility of having counselors for the whole summer with no participants for the activities.

Councilman Boehm interjected that it would be unlikely.

Councilwoman Chmielewski stated that two years ago no one came to the activities and added that it could be money thrown away.

Councilman Boehm stated that he believes that it is worth it and added that if it is publicized and recruited it will start the growth of a Recreation Program.

Supervisor Hotaling stated that he is going to go along with it and added that he stated in the Town/Village Joint Workshop that he wants a full detailed report at the end of it as far as the participation of Village and Town youth. He continued by saying that it is going to be between a \$5,000 to \$7,000 expenditure.

Councilman Boehm stated that there will be a full report of how many participants there were in each activity.

Councilwoman Rogers interjected that the last time that the Town tried it there were several different locations for each individual sport and added that she believes it was why it didn't work out.

Councilman Boehm interjected that it was complicated.

Councilwoman Chmielewski stated that she is willing to try it this year to see how it works out and added that she hopes that they will come this.



Supervisor Hotaling stated that he had asked that Mr. Racey meet with Youth Director Crowley because she has run the Food for Thought Program for several years and added that coincidentally both programs will run for the same five-week period. He continued by saying that he had asked that Mr. Racey withdraw the Arts & Craft Program.

Councilman Boehm stated that it was discussed that they not withdraw it but rather adjust the Arts & Craft Program for older children who are beyond the age of 11 and no longer eligible to attend the Food for Thought Program and added that younger children would be referred to Youth Director Crowley.

Supervisor Hotaling stated that it would not work because the Food for Thought Program is planned far in advance of the first day.

Councilwoman Chmielewski stated that anyone wishing to attend Food for Thought has to be signed up and registered before the first day.

Supervisor Hotaling stated that in his opinion Mr. Racey has to forgo the entire Arts & Craft component of the Recreational Program and added that this activity will be offered through the Food for Thought Program.

Councilman Boehm stated that this would eliminate anyone over the age of 11 that wanted to do Arts & Crafts because they would be too old for Food for Thought.

Supervisor Hotaling stated that there may be someone above the age of 11 that would want to do Arts & Crafts and added that he doubted it because it is more for smaller children. He continued by saying that he had discussed the fact with Mr. Racey that he does not want the Food for Thought Program negatively impacted.

Councilman Boehm stated that the age ranges that Mr. Racey wants to address will not interfere or impact the Food for Thought Program.

Councilwoman Chmielewski stated that she believed that the Recreational Program would be more for softball, basketball, etc. and added that she did not think that Mr. Racey was talking about Arts & Crafts.

Councilman Boehm stated that he would discuss it with him again and added that the Food for Thought Program is well established and should not be negatively impacted. Councilwoman Chmielewski interjected that it went so well last year they had to have two sessions.

Supervisor Hotaling stated that it is a five-week program and added that those on the waiting list could attend when someone was on vacation and continued by saying that it worked out well.

Councilman Boehm interjected that it is a pilot program and added that hopefully the youth will attend and they will be able to provide a positive report to the Town next year.

Supervisor Hotaling stated that Councilman Boehm will be working with Village Trustee Persico and Ron Racey and added that they will also have to determine if the Town or Village will be paying the bills.

Councilman Boehm stated one of his questions was how to administer the payroll for the part-time employees and added that it is his belief that they can get reimbursed from the County of Albany.

Supervisor Hotaling stated that it is State money administered through the County for Recreation Programs and added that this year it is approximately \$3,100.00 and continued by saying that you have to spend \$2.00 to get reimbursed \$1.00, which would mean if they spend \$6,200.00 they could potentially be reimbursed \$3,100.00. He went on to say that there are structures within the program that there are ceilings on the recreational component and ceilings on the educational component and added that the County has those breakdowns. He concluded by saying that Food for Thought would also fall under this and continued by saying that he is sure that they will be able to maximize the reimbursement.

Councilman Boehm asked Supervisor Hotaling if he wanted to sit down with him and Mr. Racey later in the week and go over some of the details of the reimbursement.

Supervisor Hotaling stated that he did not know the details and added that it is basically a standard voucher. He continued by saying that they are getting together information for 2006 to submit for reimbursement for the Food for Thought Program last year and added that it is merely keeping track of payroll, supplies and any other costs associated with running the program. He went on to say that they have to be identified on a standard voucher and submitted to the County who in turn sends it to the State for reimbursement.

### **Summer Youth Employment Program**

Supervisor Hotaling stated that he was in receipt of a letter from County Executive Breslin regarding Albany County's partnership with the City of Albany in sponsoring a Summer Youth Employment Program for youths who are residents of Albany County. He continued by reading the following excerpt:

"In the past, most of the employment opportunities were located in the City of Albany, and the majority of the jobs were filled by youth residing in the City. We recognize that transportation was likely a barrier for youth living in other areas of the County. In response, we increased our effort last year to secure job sites in other municipalities to try to ensure that all Albany County youth have opportunities for summer employment.

This year we are again trying to find additional job sites for youth outside the City of Albany. Youth (ages 14-18) are available to work for a maximum of 20 hours per week for six weeks during the summer. Employment opportunities are intended to provide youth with a meaningful job experience. Examples include, but are not limited to, office work, landscaping, or working at a municipal summer camp. In addition to identifying a job opportunity, municipalities will be responsible for assigning a supervisor to oversee the youth's employment and ensure that the youth's time sheets were filled out and returned to the County"

Supervisor Hotaling stated that they are looking to identify job sites and continued by asking if anyone wanted to take the lead on finding job sites in the Town of Coeymans that would fit the program. He added that in turn they would hopefully recruit from this area.

Councilman Boehm stated that his question was whether or not Town residents would be considered for positions.

Supervisor Hotaling stated that he does not know other than the letter saying that they will increase their efforts to ensure that all Albany County youth have opportunities for summer employment. He added that it seems to suggest that they are going to branch it out to try and get other than inner city youth in the program.

Councilman Boehm stated that it is an opportunity for the youth of the Town to get jobs and added that it is worth it and continued by saying that it does not involve money from the Town. He went on to say that it could designate the parks within the Town that could be cleaned up and landscaped, which would make it even better.

Councilwoman Chmielewski inquired as to whether it is separate from the C.H.O.I.C.E.S. Program.

Supervisor Hotaling stated that it is County money and added that he does not know if it is another arm of that. He continued by saying that it seems to be similar to the C.E.T.O. Program (Comprehensive Employment Training Opportunity).

Councilwoman Rogers stated that she would ask Mr. Tom Dolan if it is the same program.

Supervisor Hotaling encouraged them to read their copy and added that they were free to make phone calls inquiring about the program.

Councilwoman Chmielewski stated that in previous years there were youth that worked at the Waste Water Treatment Plant doing painting and odd jobs.

Supervisor Hotaling stated that in the recent past they have not been able to offer jobs because there was no funding and continued by saying that youth were employed through Albany County C.H.O.I.C.E.S. Program, which has worked well for the Town.

### **Capital District Foreign Trade Zone**

Supervisor Hotaling stated that he was in receipt of a letter from County Executive Breslin identifying an opportunity for businesses in our area and added that he believes that it would play into the effort of the former brickyard. He continued by saying that the Capital District Foreign Trade Zone is seeking to identify suitable properties for industrial parks, multi-tenanted facilities, contract manufacturing facilities, industrial incubators and/or properties located contiguously to significant infrastructure assets such as airports, navigable waters or rail yards. He went on to say that the Hudson River is navigable water in the new development operation at the former brickyard and added that it seemingly has a foreign trade component. He concluded by saying that it fits and added that he wanted to get direction from the Town Board as to whether or not they want to take it to the next level to provide the County a list of possible locations that fit the criteria.

Councilman Boehm interjected that Lafarge would also be a possibility.

Councilwoman Chmielewski stated that Supervisor Hotaling could report both sites back to the County and added that in turn he can find out more about it.

Councilwoman Rogers interjected that the letter asks that responses are back to them by the end of May.

Supervisor Hotaling stated that if anyone knows of any other businesses that might fit the criteria can contact his office. He added that he would report the former brickyard property and Lafarge back to the County.

### **Commission on Local Government Efficiency & Competitiveness**

Supervisor Hotaling stated that this was a topic that he raised at the Joint Workshop and added that it went unreported in the Town's official newspaper the News Herald but it did get reported in the Ledger. He continued by saying that he was in receipt of a letter from Governor Spitzer announcing the creation of a Commission in addition to talking about grants associated with studying the efficiencies that can be achieved by consolidations or dissolutions or reducing the number of governments and consolidations of things such as fire districts, water and sewer districts. He continued by reading the following excerpt from the letter:

"I am therefore asking that the local government leadership in each county identify at least one major merger, consolidation, shared service or smart growth initiative that is either already underway or can be initiated in the year 2007. While all local government leaders should participate in this task, County leaders should coordinate the identification of these initiatives"

Supervisor Hotaling continued by saying that they would like for them to consider areas that can be combined, consolidated, eliminated and the benefit associated with it and then send it back to the County to report back to the local commission. He concluded by asking the Board members, department heads or members of the public to start thinking about it and making recommendations that could be a savings achieved by consolidation, elimination or sharing of services and in turn consider sending it to the County. He concluded by saying that it is an important effort.

Councilwoman Chmielewski stated that when they had the joint Workshop with the Village Supervisor Hotaling suggested the courts. She continued by saying that there was an article in the paper about the County putting together a committee for possibilities of shared services with local towns.

Supervisor Hotaling stated that he is excited about the government at the State level seeing a need to do this and added that it might be best that it is done at this level rather than at the local level agreeing to do things collectively.

Councilwoman Chmielewski inquired as to if the letter states that they should identify a major merger and send it back to them.

Supervisor Hotaling stated that the letter indicates that it will flow through the County and continued by reading the following:

“While all local government leaders should participate in this task, County leaders should coordinate the identification of these initiatives”.

Supervisor Hotaling stated that they would go through County Executive Breslin’s office and added that they will coordinate and send it off to the State.

Councilman Boehm inquired as to if the ideas have to be agreed upon mutually between the entities such as consolidation of fire districts.

Supervisor Hotaling stated that he believes that the purpose is to spawn ideas and added that it does not necessarily mean that you have to get the other entity to agree that it is a good idea.

Town Attorney Rotello inquired as to if there has been anything about an increase in the funding for the capability grant.

Supervisor Hotaling stated that they started out with 2.5 million dollars and added that it is up to 25 million dollars and continued by saying that there is as much as \$30,000.00 available to any particular project to study the efficiencies to see if it works and makes sense to do. He went on to say that the studies are going to be coordinated by Albany Law School in a unit within the school and added that they will be taking the grant studies from all over the State of New York and categorize them and make them available for all to review. He concluded by saying that it is a big deal because taxpayers are saying that it is the time to do it.

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## **ASSESSOR’S UPDATE REPORT ON FIRE DISTRICT LINES**

Supervisor Hotaling stated that he was going to interrupt the agenda because Assessor VanValkenburg was now present. He continued by saying that a Town Board resolution was adopted on April 24<sup>th</sup> that required Assessor VanValkenburg to assess according to the 1971 Fire District Line and added the following day he sent a memo to her advising of the resolution in addition to advising her to get back to the Town Board with any concerns that she has found or any need for Town Board involvement to be able to assist her. He went on to say that he had received a call from Town Attorney Rotello stating that he had maps of the Fire Districts of the Town of Coeymans going back to 1971, which were done by an engineering firm and added that they may have been done as a result of the Town Board effort along with the Fire Districts to identify the 1971 line. He continued by saying that the maps have been copied in order to preserve their integrity and added that a copy was made available to Coeymans and Coeymans Hollow Fire Districts in the hopes of facilitating the process. He then asked that Assessor VanValkenburg give her report as to her findings.

Assessor VanValkenburg stated that she had spoken with John Davis from Sipperly Associates and asked that he put together a proposal, which he has done and it includes what he would have to do in order to plot the line to the interpretation of the 1971 description. She continued by saying that he would have to use the overlays of the GIS core to determine where the structures fall within the parcels that need to be apportioned.

Supervisor Hotaling stated that it is now clear that the maps drawn by the engineering firm are not mindful of parcel lines that bisect some properties.

Assessor VanValkenburg stated that the map might be useful as a starting point and added that he will have to interface that with the existing tax maps to get a line. She

continued by saying that it would also pertain to the Election Districts, which he does not have any knowledge as to the lines. She concluded by saying that she does not know if his proposal will be changed by the discovery of the map.

Supervisor Hotaling stated that the amount of the proposal is currently \$5,850.00.

Assessor VanValkenburg interjected that if it has to be completed by the July 1<sup>st</sup> Tax Role there is a time crunch, which might be driving the amount. She continued by saying that she also spoke with the Office of Real Property Services Attorney and added that she was advised that anytime that something like this happens and people are switched from one Fire District to another they have the right to grieve the process, which would require convening an August Board of Assessment Review.

Supervisor Hotaling stated that he was not aware that this was a possibility and added that there would be a possibility of either August or October.

Assessor VanValkenburg stated that there are set dates in August and October in order to correct problems that are found and added that this will be one of those situations. She added that there is also some case law, which might have some similarities and continued by saying that the Town Attorney might want to investigate in addition to the possibility of a refund process for up to three years. She concluded by saying that there are many things that can come into play and added that she wanted to report what she has found to them.

Councilman Boehm stated that her update indicates that the County has a contract with Sipperly Assoc., which has been completed for the year and continued by inquiring as to when it renews.

Assessor VanValkenburg stated that within the scope of their contract Albany County contracts them to maintain and do their tax maps.

Councilman Boehm inquired as to if this will be done within their contract time period.

Assessor VanValkenburg stated that does not fall within the normal scope of what the contract calls for.

Councilwoman Chmielewski inquired as to if Sipperly Assoc. is telling Assessor VanValkenburg that the Town will have to pay \$5,850.00.

Assessor VanValkenburg stated that someone would have to pay for it.

Councilwoman Chmielewski stated that she agrees that someone should pay and added that it should be Albany County that gets the bill and continued by saying that they are the ones that did not do the mapping properly in the first place and went on to say that they should contact Mr. Breslin.

Supervisor Hotaling stated that he would be happy to contact him and added that he would laugh at the fact that the Town is asking the County to pick up the charge. He continued by saying that Sipperly Assoc. had requested information from the Town of Coeymans and in turn the Town did not send the 1971 Fire District information for mapping purposes. He added that it was later revealed that without the requested information they had to use Assessment Rolls and continued by saying that this is when the whole issue came about. He concluded by saying that he could charge that it would be the County's responsibility and added that they could offer a rebuttal because the Town did not provide them with the proper information to do it.

Councilwoman Chmielewski stated that she agrees that the Town should have sent the requested information and added that at the County level they should have been smart enough to know that things have to be filed with the Comptroller's Office. She continued by saying that the County should have called the Comptroller's Office to make sure that it was filed.

Supervisor Hotaling inquired as to what the Town Board wanted to do.

Councilwoman Chmielewski inquired as to what he is asking them to do.

Councilwoman Rogers stated that Albany County won't be paying the bill and added that it will be the taxpayers who will be paying the bill.

Supervisor Hotaling inquired as to if anyone has been advised of any negotiations that may be going on.

Assessor VanValkenburg stated that she has not heard anything since the last meeting.

Town Attorney Rotello stated that he has spoken with both attorneys and added that they were going to try and reach out to one another. He continued by saying that he does not believe that either one had heard from their clients and added that he had also made himself available if there was any input.

Supervisor Hotaling stated that he did not know if anyone was aware of any negotiations that were going on either because of or in spite of the resolution.

Councilwoman Chmielewski inquired as to if the attorneys knew about the discovery of the map.

Town Attorney Rotello stated that they did not know about the map and added that they had reiterated their positions of having an opportunity to look at it from a firematic perspective to their respective clients and in turn present a proposal to the Town Board.

Supervisor Hotaling stated that he had not provided a copy of the map to the attorneys. He continued by saying that the only thing different is the fact that a map exists that shows a line laid out by an engineer and added that the map does not show parcel lines. He concluded by saying that in order for Assessor VanValkenburg to follow the mandate of the Town Board's resolution she will need to have a document that shows parcel lines so she can show apportionments of each parcel.

Assessor VanValkenburg stated that was correct.

Supervisor Hotaling stated that even if the map exists there is a portion that the Town Board is still going to have to authorize in order to get an engagement with Sipperly and Assoc. to continue the project.

Assessor VanValkenburg stated that she cannot do it without the information.

Supervisor Hotaling stated that the question is to whether or not they should ask for a proposal from Sipperly with the understanding that a map now exists or if they should allow negotiations to continue to take place and move forward.

Councilwoman Chmielewski stated that she didn't believe that they said that they could not continue negotiations.

Supervisor Hotaling stated that he is hopeful that the negotiations are continuing and added that there were indications to him that subsequent to the Board's resolution there were problems with the likelihood of negotiations.

Councilman Boehm interjected that they have to fix what is broken and added that it should have been done in 1971. He continued by saying that they need to provide the map to Sipperly and request another estimate for what it is going to cost.

Supervisor Hotaling inquired as to how that likely period of time will impact Assessor VanValkenburg's ability to do it pursuant to the mandate of the resolution by the July Tax Roll.

Assessor VanValkenburg stated that she has to have her information to her processor by June and added that it would include all of the changes in assessments provided by the Board of Assessment Review.

Mr. Chmielewski inquired as to what properties are in question.

Supervisor Hotaling stated that he does not know and added that he does not think that Assessor VanValkenburg knows at this point.

Assessor VanValkenburg stated that it would be any properties that fall on the line.

Mr. Chmielewski inquired as to why she cannot do the ones that are not on the line.

Tape changed – Some dialect lost.

Supervisor Hotaling stated that the properties not bisected or in close proximity to the line to be affected by that are properties that if the Town Board's resolution were adopted, work could commence on moving those properties back into the other Fire District.

Assessor VanValkenburg inquired as to where that line is.

Supervisor Hotaling stated that he believes that there are properties on Pictuay Road that are clearly not near the line as depicted in 1971. He continued by saying that if those properties are currently being taxed by the Fire District that is on the other side of that clear line the other way, those properties could revert to the proper Fire District just as if there are properties clearly on the other side of the line that are not bisected or so near to the line to be in question. He concluded by saying that work could commence on those properties.

Town Attorney Rotello stated that it would be subject to the property owner's right for rebuttal.

Supervisor Hotaling stated that his sense is that those things that have occurred since the 1971 agreement from many individuals perspective were conspiratorial done, accidentally done, handshake done, etc. and added that any of those agreements that took place and not filed with the Comptrollers Office would be null and void.

Assessor VanValkenburg interjected that every time a Fire District line is changed it has to be re-filed.

Mr. Chmielewski interjected that none of them were filed.

Supervisor Hotaling stated that this is his point and added that ORPS is saying that if they were not filed they can not be consummated, complete or changed unless they were filed. He continued by saying that if the 1971 line that was passed by resolution of the Town Board in full agreement of Coeymans Creek and Coeymans Hollow Fire Districts was not filed it did not happen.

Town Attorney Rotello inquired as to if they know for sure that the 1971 map was filed with the State Comptroller.

Supervisor Hotaling stated that he knows that the description was filed with the State Comptroller and added that he got it with his F.O.I.L. request.

Town Attorney Rotello inquired as to if he had gotten the map back with the request.

Supervisor Hotaling stated that he did not get a map back, which led him to conclude that one did not exist.

Town Attorney Rotello interjected that one did exist because they now have it and added that it does exist. He continued by saying that the assumption would be that if a description was filed the map would have been as well.

Supervisor Hotaling stated that the map could have been done later and added that maybe it was not filed.

Mr. Chmielewski interjected that it was also done in 1998 and added that there were some changes that were never filed.

Supervisor Hotaling stated that for whatever reason changes were made after 1971, if any or all of the changes were not consummated by a filing with the State they could be deemed as not happening.

Town Attorney Rotello interjected that Assessor VanValkenburg has indicated that in her research she was advised that each property owner affected by the change must be given the right to appeal to the Board of Assessment Review. He continued by saying that subsequent to finding the maps he could reach out to the respective attorney's to see if they have come to an agreement and added that the question would then be as to whether or not the property owners could still object.

Supervisor Hotaling stated that it would not be their problem.

Councilwoman Chmielewski stated that she was thinking the same thing and added that it has nothing to do with the Town Board and continued by saying that it is between the two districts. She continued by saying that all of this is getting them into the situation further and added that she does not think that they should be involved at all and continued by saying that she does not believe that Town Attorney Rotello should be contacting the attorneys.

Supervisor Hotaling stated that he does not believe that the Town Board has a part in the issue.

Councilwoman Chmielewski interjected that they have done everything that they can do with the maps and such and added that it should be the end of it with the Town Board until the fire companies come back and may want to change the lines, which will require a Public Hearing.

Town Attorney Rotello stated that he does not disagree and added that this is what their attorneys had indicated they were going to do.

Councilwoman Chmielewski reiterated that when a decision is made between the two fire companies the Town Board will then have a role to play.

Mr. Chmielewski inquired as to what the dispatcher's will do when they get a call if the people decide what district they want to be in and added that they would have to figure out who would respond.

Supervisor Hotaling stated that they are going on a summary of something that Assessor VanValkenburg had been told by an attorney at the Office of Real Property Services who was making reference to another town's case. He continued by saying that it is at least 2<sup>nd</sup> to 3<sup>rd</sup> hearsay and added that he does not know what it means. He went on to say that ultimately they would like for the two companies to get together and talk about a firematic solution about what is best to serve the people of the Town of Coeymans. He concluded by saying that he knows that there are some underlying reasons and added that he would not get involved in it and continued by saying that his role is to protect the people of the Town of Coeymans and in turn he would expect that each fire company will understand that responsibility and come back to the Town Board with a firematic solution.

Councilman Boehm stated that this should have been done over a year ago.

Councilwoman Rogers stated that they said they would have it together by June.

Councilwoman Chmielewski reiterated that it is between the attorneys and the two fire companies.

Supervisor Hotaling asked if there was any direction that they wanted to convey to Assessor VanValkenburg as to what her next step should be.

Councilman Boehm stated that she should contact Sipperly Assoc. and advise of the 1971 map and in turn find out what the cost would be to fix the problem. He continued by



saying that any properties that there is no question with she could direct the Town Board to move them.

Councilwoman Rogers inquired as to why they don't wait until June to see what the attorneys are going to do.

Councilman Boehm sated that it would be more money for the attorneys if they wait until June.

Councilwoman Rogers stated that either way it will cost them money.

Councilman Boehm stated that he would rather pay \$6,000.00 to Sipperly rather than what it would cost for two attorneys.

Councilwoman Chmielewski stated that they cannot keep waiting on the fire companies and added that they have the 1971 agreement, which is on the books. She continued by saying that this is nothing new that the Town Board did and reiterated that it was done in 1971. She went on to say that this falls on the Assessor and the County.

Supervisor Hotaling stated that Assessor VanValkenburg understands that and added that up until tonight she did not know that a map existed and continued by saying that the map does not depict parcel lines.

Councilman Boehm interjected that they did not know that a map existed either.

Supervisor Hotaling stated that the map is a nice addition but it does not solve the problem for Assessor VanValkenburg because it does not depict parcel lines.

Councilman Boehm stated that this is why he feels as though they need to redirect and offer it back to Sipperly Assoc. to see if it helps out with the 1971 line.

Assessor VanValkenburg stated that it might be a good starting point and added that they will still need to do the same amount of work because it does not depict lines and they will have to place it on the existing tax map and then when the line is placed they will have to redo the tax maps to reflect the correct Fire District on the 2007 Tax Rolls.

Supervisor Hotaling stated that his judgment of Councilman Boehm's suggestion will not require additional funds to request another proposal and added that it does not need to be in the form of a motion. He continued by directing Assessor VanValkenburg to offer the maps back to Sipperly Assoc. so they can provide a new proposal.

## **MOTION**

On motion of Councilman Boehm to direct Assessor VanValkenburg to contact Sipperly Assoc. with the 1971 map and ask that they utilize the information to draw the 1971 line.

Supervisor Hotaling stated that there is a motion on the floor that he had deemed unnecessary and asked if there was a second, hearing none he directed Assessor VanValkenburg to make the map available to Sipperly Assoc. and ask them to revise their proposal based upon the existence of a properly executed and engineered map. He added that this would allow Assessor VanValkenburg to then know parcel lines and how each one is affected by the 1971 line and in turn she can clearly identify those areas that are outside the scope of the bifurcated parcels and then start to do the apportionment on those parcels that are bisected by the line. He concluded by saying that he will provide Assessor VanValkenburg a copy of the map after the meeting.

## **Preliminary Plans – Police Communications Quarters**

Supervisor Hotaling stated that there were proposals several months ago between the Town and the Village relative to renting quarters for Police and Communications and added that offers were made. He continued by saying that in February the Town Board decided that they were not going to sign a lease and in turn asked the Village to bill them on a monthly basis until such time that they move out of Village Hall. He went on to say that the Village had asked for a timeline and he did not provide one because there was not

one to offer and added that now the Town Board has the first preliminary drawings as to how the Police Department and Communications will be laid out in Town Hall. He concluded by saying that he communicated this in a letter to the Mayor dated April 26<sup>th</sup>, which was a response to his March 1<sup>st</sup> letter advising that there were no formal plans that would create a schedule for the move in addition to reporting that he had received the plans and would be bringing it to the Town Board's attention in an attempt to get preliminary approval in addition to getting authorization to move on to the next step, which would be a more specified plan drawing as well as bringing electrical contractors in. He concluded by saying that there are many components of the plans and added that he believes that they have a very viable preliminary drawing.

Councilman Boehm inquired as to the layout of the two-bay garage.

Supervisor Hotaling stated that the first bay closest to the building would become a patrol room with a second patrol room behind it and added that the other bay would for the most part remain a bay for a Sally Port to pull into for someone in custody with a Sergeant's Office on the backside. He then asked for a motion to authorize the conceptual plan to go to the next level and added that he wants to keep it going in order to let the Village know some reasonable timeline as they progress.

Councilman Boehm interjected that his only concern is the cost and continued by saying that it is not a budgeted item and then asked what it is going to cost to do the construction and move Communications.

Supervisor Hotaling stated that he does not know at this point and added that this is why he is asking for authorization to go to the next level.

Councilwoman Rogers stated that it is going to cost a lot.

Councilwoman Chmielewski interjected that it will be money well spent and added that it will be worth it to bring the Town's Police Department and Communications back to Town Hall where they belong. She continued by saying that she as well as Supervisor Hotaling have gone through the proposed area with Chief Darlington and added that he had also shown the Police Officers the plans and then asked Sergeant Contento as to how the Officers felt about the plans.

Sergeant Contento stated that everyone is happy with the plans thus far and added that there is a concern about flooding in the basement and added that he is sure that it will be addressed prior to spending a lot of money on construction.

Councilwoman Chmielewski inquired as to any water came in during the heavy rain.

Town Clerk Millious interjected that there was a little in the Records Room.

Supervisor Hotaling stated that the renovation of that room covered up an existing drain and added that it might have contributed to it.

Councilwoman Chmielewski inquired as to if anyone had seen any water where they plan on putting the Police Department and Communications.

Town Clerk Millious stated that it was coming in the south wall of the furnace room and added that she advised Maintenance Supervisor Perry.

Councilwoman Chmielewski stated that the other thing that they have to address is the Court's records that are currently where Communications would go and added that she had suggested that they look into putting them on CD Rom. She continued by saying that she is sure that there are some that can even be destroyed.

Supervisor Hotaling stated that he did not know what the guidelines were and added that there are probably records of deceased judges.

Councilwoman Rogers interjected that there are two that she knows of.

Supervisor Hotaling stated that as Records Management Officer, Town Clerk Millious is on top of it.

Councilwoman Chmielewski inquired as to whether or not she is in charge of those records as well.

Town Clerk Millious stated that the Court Records are to be kept under lock and key and added that the only time that she gets them is if the judges have been passed on and then they become her records. She continued by saying that the Court took back some of the records that they didn't want destroyed.

Councilwoman Chmielewski inquired as to if she has the records of the judges that have passed on.

Town Clerk Millious stated that they have gone back to the Court because they did not want them destroyed.

Councilwoman Chmielewski inquired as to if there is a record retention schedule for those records and whether or not there is an inventory of the records.

Town Clerk Millious stated that there is a schedule and added that an inventory was not done of what is in the Court's room.

Councilwoman Chmielewski interjected that they should know what they have and added that they can discuss it with Court Clerk Eissing.

Supervisor Hotaling suggested that Town Clerk Millious consider in her role of Records Management Officer to ask for an inventory of their records.

Town Clerk Millious stated that she could and added that there is another room that is Police records and added that Chief Darlington was going to meet with her to go over some filing cabinets that need to be boxed. She continued by saying that she is in the final stages of her Records Management Grant and added that a Records Consultant is coming to go over the policies and procedures and added that there is still some shelving and boxes that she can buy if there is another area that they can be put because she does not have any more room. She concluded by saying that she does not want to lose any of the money that was granted to the Town.

Supervisor Hotaling continued by asking the Town Board if they are going to accept the preliminary plans and move to the next level.

Councilman Boehm stated that he has a couple of concerns and continued by asking what the timeline is.

Supervisor Hotaling stated that he does not have a timeline at this point.

Councilwoman Chmielewski interjected that the Village has been told that the Town will be paying on a monthly basis.

Councilman Boehm inquired as to if the Village is comfortable with that.

Councilwoman Chmielewski stated that they sent a bill for the month.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski authorizing the preliminary plan as well as allowing the drawer of the plans to put more specificity in the plans in addition to having the Police Chief reach out to contractors for electricity as well as reaching out to potential phone system vendors in order to determine what type of system needs to be installed.

Supervisor Hotaling stated that once this is done he will bring the information back to the Town Board and at that time they can decide if it is ready to put out to bid.

Councilman Boehm inquired as to if the motion should contain a timeline or cost.

Supervisor Hotaling interjected that they will not know the cost until they have the specifications and added that they would then put it out to bid. He continued by saying that Code Enforcement Officer has to be involved with the specifications.

Councilwoman Chmielewski stated that the CEO has already looked at it and has made some suggestions.

Councilman Boehm inquired as to if the Police Department and Communications would be moved at the same time.

Supervisor Hotaling stated that he would like for both to move at the same time and added that he does not know if it is possible. He continued by saying that Communications is a major move.

Councilwoman Chmielewski stated that they would get the Police here first and then Communications.

Supervisor Hotaling stated that he has communicated that to the Mayor.

Councilwoman Chmielewski stated that it would be easier if the Police were moved first.

Supervisor Hotaling asked if there were any other questions on the motion or discussion, hearing none he asked for a vote on the motion.

**VOTE – AYES 3 – NAYS 0 – ABSTAIN 1 (Councilman Boehm)**

Supervisor Hotaling stated that the motion carried unanimously with one abstention.

**Police Interview/Interrogation Recording System**

Supervisor Hotaling stated that he was in receipt of a memorandum dated May 10<sup>th</sup> from Chief Darlington regarding Police Interview / Interrogation Recording System and continued by reading the following:

TO: Town Board

FROM: Gregory Darlington, Chief of Police

The Albany County District Attorney's Office has secured funding for Police Departments in Albany County to purchase recording systems for police interviews and interrogations. I have attached the system that was authorized for our department and what the cost is. This will be done at no cost to the Town of Coeymans. This system will enhance the strength of our cases and statements obtained from both witnesses and defendants. I am submitting this for your review and approval.

Supervisor Hotaling stated that it is audio and video for an interrogation room and continued by saying that he had asked Chief Darlington if it will be installed in the new location at Town Hall and added that Chief Darlington indicated that there would be a delay of several months once it is approved. He went on to say that the New York State Contract price is \$4,017.65 and the price with maintenance after the first year is \$4,475.28 and added that it will assist in talking with the DA's Office in terms of evidentiary as well as rebut some presumptions that defendants make with regard to their treatment.

Sergeant Contento agreed.

Supervisor Hotaling stated that he believes that they should move ahead with it and continued by asking the Town Board what they thought.

Councilwoman Chmielewski inquired as to whether or not it can be specified that it needs to be installed in the new location at Town Hall.

Supervisor Hotaling stated that he had gotten every indication from Chief Darlington earlier in the day that it is several months away. He added that the first step is to have it approved and continued by saying that he would discourage it from being installed in a place that they will be leaving.

Councilwoman Chmielewski stated that this was her concern.

Supervisor Hotaling asked for a motion to approve Chief Darlington to move ahead with it.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski authorizing Chief Darlington to move ahead with the Police Interview / Interrogation Recording System.

VOTE – AYES 4 – NAYS 0 – SO MOVED

## **Albany Pool Combined Sewer Overflow Long Term Control Plan**

Supervisor Hotaling stated that he was in receipt of a letter relative to the Albany Pool Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP) and added that he does not know if it plays a role in the Town of Coeymans. He added that up river in the areas around the City of Albany, Cohoes, Rensselaer, Watervliet and Green Island there are some issues with respect to sanitary sewer going into the river. He continued by saying that the Capital District Region Planning Commission is putting together an Advisory Committee for the Albany Pool Combined Sewer Overflow Long Term Control Plan development process. He went on to say that the letter was an invitation to send a representative to the Citizens Advisory Committee and added that the Town of Coeymans is not listed but does have its own issues and added that he believes the problem that they are describing up river is raw sewage not being treated going into the river, which could be combined with storm sewers. He continued by saying that the Town of Coeymans is not void of that possibility because there are old sewers and storm sewers as well and added that the likelihood is much less here. He concluded by saying that the focus is up river and then asked if the Town Board feels as though there should be a representative for the Town of Coeymans such as Chief Operator Breedlove.

Councilwoman Chmielewski interjected that she believes that Chief Operator Breedlove should be designated.

Supervisor Hotaling stated that he would meet with Chief Operator Breedlove and advise him that he should go and represent the Town of Coeymans.

## **Request for Police Chief to Attend NYS Association of Chiefs of Police Annual Training**

Supervisor Hotaling stated that he was in receipt of a request from Chief Darlington to attend the NYS Association of Chiefs of Police Annual Training and added that the cost for attending would be a registration fee of \$100.00 and accommodations for four nights in the amount of \$396.00 for a total cost of \$496.00 for Sunday, July 15<sup>th</sup> – Wednesday, July 18<sup>th</sup> and added that meals are included in the fee. He continued by saying that the training will include Managing Internal Affairs, Police Officers that Drive Drunk, Civil Service Issues, etc. and then asked for a motion authorizing Chief Darlington's attendance.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, authorizing Chief Darlington to attend the NYS Association of Chiefs of Police Annual Training.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that Chief Darlington will be traveling by a Town vehicle and added that no mileage charges will be submitted.

## **Request to Fund Trophies for RC Sportsman's Club Annual Fishing Derby**

Supervisor Hotaling stated that he was in receipt of a request to fund trophies for the RC Sportsman's Club Annual Fishing Derby and continued by saying that in the past the Town Board has funded up to \$100.00. He then asked whether or not the Board wished to continue to do so and if so to offer a motion and added that if they do not want to he will inform the Sportsman's Club and continued by saying that it is on the edge.

Councilwoman Chmielewski interjected that they have done this for years.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing \$100.00 from the Town Board for the awards of trophies for the RC Sportsman's Club Annual Fishing Derby.

VOTE – AYES 4 – NAYS 0 – SO MOVED

## **Coordination of Pre-Pay and Regular Vouchers**

Supervisor Hotaling stated that Bookkeeper Puckett, Internal Control Officer Purintan and Auditor Sara Morrison had met and added that it was an extension of trying to get the books in shape in order to adopt one bookkeeping system and continue moving ahead and added that they have made great strides since 2004. He continued by reading the following as it pertains to prepay vs. regular pay vouchers.

“Effective with May 2007, we will be including prepaids done in the current month as a separate prepaid abstract for approval by the Town Board at the monthly regular Town Board Meeting. After this abstract is approved, the disbursements will be recorded in the general ledger. This will improve the usefulness of the monthly expenditure reports as it will now include all disbursements made and/or approved by the end of each month, in the month they were approved.”

Supervisor Hotaling stated that the prepaids that are paid during the month are not reported until the following month's abstract and added that now the prepaids and non prepaids will be in the same abstract, which allows the books to be aligned appropriately as opposed to carrying over from one month to another as well as putting better accuracy to the Supervisor's Report that is reported on a monthly basis. He continued by saying that Internal Control Officer Purintan asked that he present this and then asked for feedback from the Town Board and Town Clerk Millious.

Councilwoman Chmielewski stated that it is done that way now.

Town Clerk Millious stated that the date after she takes all of the vouchers there are more vouchers still being added and continued by saying that she agrees that it has been done that way.

Councilwoman Chmielewski stated that she believes that the change will be with the general ledger and continued by asking if he had spoken with Bookkeeper Puckett.

Supervisor Hotaling stated that he had spoken to her earlier in the day and he had asked that she put it in writing.

Councilwoman Chmielewski stated that prepaids are done and gathered up when Town Clerk Millious does the abstract. She continued by saying that the prepaids are separate on the abstract and then asked Town Clerk Millious if that was correct.

Town Clerk Millious stated that was true.

Councilwoman Chmielewski stated that she does not understand what they are saying and added that the only difference is that they want it recorded in the general ledger. She then asked what else Bookkeeper Puckett had said.

Supervisor Hotaling stated that the only other thing that she said was that it would make for a more accurate Supervisor's Report because it will show the actual expenditures in

the month as opposed to the prepaids that he thought were included in the following months abstract.

Councilwoman Chmielewski stated that there will be some because there will be prepay vouchers submitted after the abstract is done and added that those few will go into the next month.

Supervisor Hotaling inquired as to if they feel as though it is already being done.

Collectively Town Clerk Millious and Councilwoman Chmielewski agreed that it is.

Supervisor Hotaling asked that both Councilwoman Chmielewski and Town Clerk Millious give their input to Internal Control Officer Purintan and Bookkeeper Puckett.

Councilwoman Chmielewski stated that she would talk to Bookkeeper Puckett and ask what she is talking about.

Town Clerk Millious stated that they always add at the last minute and get in as many vouchers as they can.

Supervisor Hotaling suggested that they also speak with Internal Control Officer Purintan.

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## **RESOLUTIONS**

Supervisor Hotaling stated that for months they have said that they will be doing their required audit under Section 123 of Town Law for the records of the Supervisor, Town Clerk, Receiver of Taxes and Justice Court. He continued by saying that in the past they have contracted it out to an auditing firm for approximately \$3,000 - \$5,000 and added that Internal Control Officer Purintan has worked diligently with the departments in trying to get them to review a checklist, which is attached to the resolution. He went on to say that they were handed out pursuant to the Comptroller's guidelines to Town Clerk Millious, Justice Dardani and Pearson, and his bookkeeping staff to see what components of the checklists would work for them in an audit and added that the checklists are the result of input by the department heads as well as Internal Control Officer Purintan, which are specifically related to each judge, Town Clerk Millious and himself as Supervisor. He concluded by saying that upon approval of the resolution it will be the checklist used to perform the Town Audit in demonstrating that the books are in order and added that the resolution adopts the checklists for themselves as well as Town Boards to come in complying with Section 123 of Town Law.

### **RES. #063-07 APPROVE AUDIT CHECK LIST AND AUTHORIZE AUDIT**

On motion of Councilwoman Chmielewski, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE 4 – AYES 0 – SO MOVED

**WHEREAS**, New York State Town Law Section 123 requires an annual Town audit by the Town Board of any municipality, and

**WHEREAS**, previously, pursuant to options within Town Law Section 123, the Town Board has engaged an independent audit firm to perform this audit, and

**WHEREAS**, the Town Board has since added an Internal Control Officer to audit in areas of policy and fiscal review, and

**WHEREAS**, the NYS Comptroller has issued a Local Government Management Guide, Fiscal Oversight Responsibilities, to further assist Town Boards in developing procedures to be used for audits, and

**WHEREAS**, department staff has worked with the Internal Control Officer to create checklists for use by the Town Board in the performance of the audit,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby approves the attached checklists for use in conducting the statutorily required annual audit of the fiscal books of the Town Supervisor (all funds), Town Clerk, Receiver of Taxes, and Town Justices, and

**BE IT FURTHER RESOLVED**, that the audit for the 2006 books be conducted, with the assistance of the Internal Control Officer, on Tuesday, May 15, 2007, at a public Town Board Workshop.

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## **CORRESPONDENCE**

### **Albany County – Notice of Foreclosure**

Supervisor Hotaling stated that he had forwarded the Notice of Foreclosure to Town Attorney Rotello and added that it lists 8 parcels in the Town of Coeymans that are subject to foreclosure for failure to pay taxes. He continued by asking that Town Attorney Rotello comment on what if anything needs to be done.

Town Attorney Rotello stated that there is no action required.

Supervisor Hotaling asked Town Clerk Millious if he had given her a copy.

Town Clerk Millious stated that he had and added that she keeps it on file on her office.

Supervisor Hotaling asked if it is a matter of public record.

Town Attorney Rotello stated that it is.

### **Office of Real Property Services**

Supervisor Hotaling stated that he was in receipt of a notice from the Office of Real Property Services dated April 25<sup>th</sup> indicating that the Town of Coeymans is completing an update for the 2007 Tax Roll. He continued by reading the following excerpt:

“Pursuant to Section 738 of the Real Property Tax Law, a Residential Assessment Ratio is not established in the year that the update is completed. In the event that your assessing unit does not complete the update, as expected, the following revised ration has been calculated.”

Supervisor Hotaling continued by saying that the Residential Assessment Ratio would be 59.45% and continued by reading the following:

“The revised Residential Assessment Ratio was established as the median ratio in the list of ratios of assessment to sale price sorted in ascending order.”

Supervisor Hotaling stated that he is not sure what that means and added that it is another example of dropping values as compared to 100%.

Town Attorney Rotello stated that he believes that it is the increased values and the lower assessment that it is reflective of. He continued by saying that the Residential Assessment Ratio is the difference between the sales, the full value and what the assessed value are. He continued by saying that there is an increase and a greater gap between the full and assessed value.

Supervisor Hotaling stated that he understands.

### **Michael Springer – Letters Addressing Concerns**

Supervisor Hotaling stated that he was in receipt of a letter from a resident and added that it is a two-page document relative to issues of concern. He continued by saying that he also understands that each Board Member received a letter with different issues and added that the issues addressed were speeding and the running of stop signs and traffic



lights throughout the Town. He went on to say that the letter states that he is a resident of North Main Street in Coeymans and continued by reading the following excerpt:

“There are other issues throughout the Village and Town as well where this is a problem. I strongly urge yourself and the Board to please address this concern. I am strongly in favor of routine patrols. May I suggest a traffic light with a camera like Albany has that will generate money for the Town and the State.”

He continued by saying that he would send a copy of the letter to the Chief of Police.

Councilwoman Rogers stated that her letter is regarding a Noise Ordinance.

Councilman Boehm stated that his is regarding litter.

Supervisor Hotaling stated that they would make a copy of each letter and send it to the Chief of Police.

### **Chris Breen – E-Mail**

Supervisor Hotaling stated that he was in receipt of an e-mail talking about the most recent incident of flooding on Old Ravena Road, which required emergency services to shut down the bridge on Old Ravena Road. He added that the people in Meilak's Mobile Home Park, north of the Hafensteiner bridge and south of the bridge that was condemned were stuck there and as a result emergency services in closing it down allowed a window of opportunity for people to get out in addition to sending a shuttle bus to aid in the evacuation to transport people to a shelter at the Senior Center, which is a contracted shelter that the Town has with that location. He continued by reading the following e-mail.

We are a community of 100 mobile homes smack in the middle of Old Ravena Road, Selkirk, NY. The road has issues with falling down embankment in more than two places and at a meeting it was said that it costs too much money to fix. We have a small crossing type bridge to go over that caused us to be evacuated on Monday. The North Bridge is closed because it needs to be torn down and redone along with the idea to make the road wider. The Supervisor says that we have money for it but the work has not been started. We do not have any kind of emergency exit out of here. We need some kind of road. The railroad isn't paying bodily for the new bridge, why do we care when they are ready to start? Waiting is not acceptable after this last storm. We need to start this bridge now. Tear down those apartments and lawns and trees that the Town bought and get started. The trailer park has been put on the back burner too many times. I had Fox 23 down here a few years ago about the bridges and road. I'm going to do whatever it takes to get an emergency road and get my bridge done sooner than the Supervisor wants. I may be just one person but I can be one heck of a bug.

Supervisor Hotaling stated that he responded to the e-mail as follows:

As Supervisor, I take exception to your erroneous charge that I have delayed the destruction of the North Bridge and the reconstruction at an adjacent site. This project, although being paid at 5% of the cost by Coeymans taxpayers, is being coordinated by the Albany County Dept. of Public Works, headed by Michael Franchini. The design is being done by Clough Harbour Associates. The design, bidding, contracting, construction has nothing to do with me and cannot be claimed by anyone to conclude any delay on my part. If you want to discuss this further, come to the next public Town Board Meeting and raise the subject during the public comment period. You will then be making your claim on cable TV and all your fellow residents can hear your claim and my response.

Supervisor Hotaling stated that he chose not to show up at the meeting and in turn he decided to read both the original e-mail and his response.

### **TOWN BOARD WORKSHOPS/MEETINGS**

- May 15, 2007, 6pm, Town Board Workshop
- May 21, 2007, 6:30pm Joint Workshop Town Board, Planning Board and Zoning Board of Appeals Workshop – Zoning Ordinance
- May 29, 2007, 7pm, Town Board Meeting

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## **ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any further comments.

Councilman Boehm stated that the Economic Development Plan is on the website.

Councilwoman Rogers reminded everyone about the School Budget Vote and encouraged them to vote.

Town Attorney Rotello stated that the Planning Board is working diligently on the proposed Site Plan Review Law.

Supervisor Hotaling asked if they were using examples from other communities.

Town Attorney Rotello stated that they have and added that four have been provided and continued by saying that there are two that they are looking to incorporate parts from. He concluded by saying that there is another Workshop scheduled prior to the next regularly scheduled Planning Board Meeting.

Town Attorney Rotello inquired as to if Councilwoman Chmielewski had discussed everything under Old Business.

Councilwoman Chmielewski stated that there is an additional item under Old Business, which is 60 years old and continued by saying that it is Supervisor Hotaling's birthday.

Supervisor Hotaling thanked them and continued by asking Ms. Fori if she wished to address the Town Board.

Ms. Fori stated that she arrived late because she had to do some personal business and continued by asking what is going to be done to a vacant house next to her mother's house.

Supervisor Hotaling stated that he had seen her note and added that he was going to discuss it with Code Enforcement Officer Conrad and continued by saying that the house has been sold.

Ms. Fori stated that there has been an increase in the number of youth that have been around there, which has resulted in garbage and beer cans littered on the property.

Supervisor Hotaling stated that he has been advised that there has been a lot of activity at Coeymans Landing Park and added that he made the Chief of Police aware of it. He continued by saying that it is a couple of people that cause the issues and raise emotions and added that the community has to make a comeback together, which would mean responsibility of people in and around their own property. He went on to say that Code Enforcement Officer Conrad had advised that 6 letters were to go out for violations ranging from junk to lawns that are not tended properly. He concluded by saying that Mr. Allen had commented earlier on the Code Enforcement step-ups that are taking place and added that a postcard had been sent to every post office box owner regarding the Garbage Can Law and continued by saying that whatever effort that can be done has got to show some positive results.

Ms. Fori stated that there has to be police presence in the area between 4:30pm and 6pm in order to catch the destruction, language and vandalism.

Supervisor Hotaling stated that general issues were raised earlier in the meeting before she arrived and added that he appreciates her input.

Ms. Fori stated that she would have been to the meeting earlier and added that she could not be because she had to wait until the congregation of people broke up. She added that she is afraid that someone is going to get killed in the Hamlet because it is dangerous and reiterated that she is worried about the vacant house.

Tape ended – some dialect lost.

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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 4 – NAYS 0 – SO MOVED

Time: 10:16pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Town Board Meeting was held Monday, April 23, 2007, 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

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Albert Deering, Highway Superintendent  
Joseph Rotello, Town Attorney  
Gregory Darlington, First Sergeant  
Laura VanValkenburg, Assessor

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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, Chief Darlington and Assessor VanValkenburg.

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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, February 26, 2007
  - Town Board Meeting, March 12, 2007
  - Town Board Workshop, March 20, 2007
  - Bid Opening, April 19, 2007
- Family Self-Sufficiency Program
- Supervisor’s Report – March 2007
- Department Report Review
  - Building Department Monthly Report – March 2007
  - Town Clerk Monthly Report – March 2007
- Old Business Update and Discussion
  - Ravena Rescue Squad
  - ASCAP (American Society of Composers, Authors and Publishers)
  - Coeymans/Coeymans Hollow Fire District Negotiations
- New Business topics for Discussion and/or Action
  - Disc Golf Course
  - Workplace Violence Prevention Program
  - Board of Assessment Review Workshop
  - Reschedule Zoning Ordinance Workshop
  - Employee/Retiree Life Insurance
  - Approval for Record Management Consulting Services
  - Approval for Two Officers to Attend NY Gang Investigators Conference
  - Appointment of Seasonal Laborer
  - Appointment of Full Time Police Officer
  - Approval of Abstract – December 2006
  - Approval of Abstract – April 2007
- Correspondence
  - Joseph E. Mastrianni, Inc.
  - Chris Breen

- Town Board Workshops/Meetings
  - Joint Town/Village Workshop Meeting, April 24, 2007, 7:00pm
  - Town Board Meeting, May 14, Town Board Meeting, 7:00pm
  - Town Board Workshop, May 15, 2007, 6:00pm
  - Town Board Meeting, May 29, 2007, 7:00pm

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## PRESENTATION

### RCS Budget – Vicki Wright, School Superintendent

Supervisor Hotaling invited Ms. Wright to give her presentation regarding the R-C-S Budget process.

Ms. Wright stated that she wanted to remind everyone that the Public Hearing for the R-C-S Budget is going to be held on May 7<sup>th</sup>, 7pm in the High School Media Center and added that she encourages everyone to attend the meeting to see the budget in full and ask any questions that they want to ask. She continued by saying that it is an opportune time for the public and the Board of Education to interact with each other.

Supervisor Hotaling inquired as to where the Media Center is.

Ms. Wright stated that it is in the High School where the library is and added that the Budget Vote is May 15<sup>th</sup> from 7am to 9pm at the High School. She continued by saying that the Proposed 2007-2008 Budget, which was adopted by the School Board at the last meeting is in the amount \$41,008,150.00, which is an increase in spending of \$1,391,291.00 over last year's budget and continued by giving the following facts and figures:

- Spending would increase 3.51%.
- The tax levy, the amount to be raised by taxes would increase 4.45%
- As a result of new state regulations, the budget proposal and its resulting tax levy increase is \$80,000 less than the figures that could result from a Contingency Budget.

Ms. Wright continued by saying that they have done a thorough job of looking at the needs of their students in giving them what it is that they need in the style that R-C-S is used to presenting.

Supervisor Hotaling inquired as to if she is saying that the Proposed Budget is \$80,000.00 lower than what the Contingency Budget would be.

Ms. Wright stated that this was correct and continued by saying that if they had to go to the Contingency Budget the School Board could raise the level \$80,000.00 to meet the Contingency Budget. She added that because they believe that the Budget reflects all of the needs of the District and because they really paid attention to what the taxpayers said, they would never recommend something like that. She reiterated that she wanted everyone to know that the Budget is \$80,000.00 less than the Contingency Budget would be. She continued by saying that they developed the budget in a very different way than it had been done in the past years and added that they are very happy with the process that they used in which they brought together a Budget Advisory Committee and highlighted the following:

- Nine Budget Advisory Committee meetings were conducted and open to the public. The BAC consisted of representatives from each district municipality, at-large residents, parents, school officials, faculty and staff representatives.
- The Board of Education spent countless hours during eight Budget Workshops and regular meetings reviewing and analyzing the budget before developing with Superintendent Wright and Interim Business Administrator Grasso the final Budget document.

Ms. Wright continued by saying that they went step by step, line item by line item what the 2006-2007 Budget looked and what impact that Budget would have on the 2007-2008 Budget. She added that as a result the Committee came before the School Board with some recommendations on how they could streamline the Budget in addition to what they could add and continued by saying that they met with the School Board 8-9 times and reviewed all of the programs that they felt necessary for the students in giving them a well rounded, well balanced educational program. She added that they feel confident that the Budget that they are proposing this year is the best one that they have had in the last three years when the tax increase sky-rocketed and added that they have diligently moved the percentages down to a much more accountable and realistic Budget to Budget increase so that they could get their fiscal affairs back in order and overcome some of the difficulties that they have had over the past several years. She continued by saying that they are in a much better place than they were three years ago and reminded everyone that she had said three years ago that it would take about 3-5 years to get there and added that they have done it in 3 and they are very thankful. She then highlighted what was added to the budget as follows:

- Adding an extra half-day session of the Pre-K Program because the district annually turns away applicants from the program.
- Project Lead the Way would be implemented in 7<sup>th</sup> grade, which focuses on the students solving real world problems using a combination of science, technology, engineering and math.
- Funding for a study of the district’s athletic fields, especially at the elementary and middle schools, to determine what should be done to improve their usage by students and community groups.
- Funding a feasibility study to improve maintenance of the district’s Family and Consumer Science classrooms to bring them into compliance with State Education Guidelines.
- After-school clubs and activities have been restored to previous levels.

Ms. Wright added that the Distance Learning Program and new phone system were cut from the budget and continued by highlighting what R-C-S has done to cut costs as follows:

- Increased energy efficiency has resulted in a \$303,000.00 cost avoidance during the past year and isn’t all reflected as savings since energy costs have skyrocketed.
- Streamlining of administration, the number of administrators has been cut from 14-10 in the past three years.
- Streamlining of faculty and staff, approximately 12 faculty positions have been reduced through attrition over the past three years.

Ms. Wright continued by saying that there was a misconception as to how much State-Aid the district was getting and added that the district is projected to receive a 6% increase in State Aid, which falls short of what many other districts across the state and in our area are receiving and as a result it falls short of covering mandated cost increases. She added that if you take \$200,000.00, which is what the district was receiving for a Pre-K grant program, out of the 8%, the 6% really comes down to a 4% increase in State Aid, which is not enough to keep up with the rate of inflation. She concluded by saying that Assemblyman Gordon was at the last Board of Education Meeting and presented them with \$50,000.00 in non-discretionary funds to use as they see fit and added that they believe that it is because they were one of two schools that did not receive the appropriate percentage of State-Aid that they should have.

Ms. Wright asked if there were any questions on that part of the presentation, hearing none she continued by moving on to the 2007-2008 approximate rates for School Tax and added that they now have the equalization rates for the four towns within the School District and quoted the following:

- |             |       |
|-------------|-------|
| • Bethlehem | .9256 |
| • Coeymans  | 1.0   |

- New Scotland .96
- New Baltimore .645

Ms. Wright continued by saying that the rates come from the State Office of Real Property Services and added that these are the ones that they have projected to be in place throughout the budget. She went on to quote the 2007-2008 rates per thousand as follows:

- Bethlehem \$17.74
- Coeymans \$16.42
- New Scotland \$17.11
- New Baltimore \$25.46

Ms. Wright added that in most instances every town has been reduced from what they paid per thousand last year and quoted the following:

- Bethlehem - 2.6%
- Coeymans - 32.4%
- New Scotland - 6.1%
- New Baltimore 6.3%

Ms. Wright continued by asking if there were any questions.

Supervisor Hotaling stated that it is too early to have any arithmetical questions now and added that last year’s assessed value of the Town was \$387,000,000.00 and this year’s assessed value is \$608,932,258.00, which is an increase of approximately \$221,000,000.00 or about a 65% increase in the taxable assessed value. He continued by saying that it seems as though if the assessment value went up in excess of 60% then conversely the decrease of 32.4% seems a little light, which could be a function of the other towns that contribute to the budget. He asked that Ms. Wright continue working with the Assessor’s Office and added that any assistance that they could provide will be helpful to all of them.

Ms. Wright reiterated that the figures are estimates and they might not be the true amounts and added that she wants everyone to know that regardless of where your assessment is the tax levy will remain the same as \$21,027,419.00 and added that this is the amount of money that R-C-S will collect from its tax base.

Supervisor Hotaling interjected that it is up 4.45% from last year.

Ms. Wright stated that a question had come up as to how they determine what the S.T.A.R. reimbursement is and added that they do not determine this. She continued by saying that they send all of their information on the taxes to various vendors and in turn they complete the tax bills, which does not indicate any S.T.A.R. information. She went on to say that the homeowner gets the same information in addition to it indicating the tax savings for the S.T.A.R. exemption, which the school district never sees or knows how much it is. She reiterated that everyone should attend the Budget Meeting and concluded by asking if there were any questions, hearing none she then thanked the Town Board.

Supervisor Hotaling thanked Ms. Wright and continued by moving to the next agenda item.

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**PUBLIC COMMENT PERIOD**

Supervisor Hotaling invited the public to comment at this time.

Ms. Hazel Lambert stated that she is a resident of Miller Road and added that her house has just recently been flooded. She continued by saying that Highway Superintendent Deering had said that the creek was cleaned out and added that the last time that the creek was actually cleaned out was when Kelton Vosburg was in office, which was many years

ago. She went on to say that she has lived there for 42 years and added that she has almost lost her home several times and continued by saying that there have been many times when the Town had to bring her children home from school because of the flooding. She reiterated that the creek needs to be cleaned out and continued by saying that they can only do it certain times a year and added that it can't be done now because the fish are spawning, which should not be more important than her home and continued by saying that they are tired of the flooding and added that they are paying taxes the same as everyone else. She concluded by showing pictures of the flooding throughout the years and then asked what and when something is going to be done.

Supervisor Hotaling stated that he has had discussion with Highway Superintendent Deering as well as the news media and added that one observation that he made was that the day following the significant rain event, the creek was close to if not already being within its banks.

Ms. Lambert stated that this time it took the longest amount of time to go down and added that in 1999 when Hurricane Floyd came she called and begged people to come and clean out the CSX tunnel on the other side of Rte. 9W. She continued by saying that Callanan's opened a dam, which they said was computerized and they said that there was not anything that they could do about it. She added that earlier in the day her husband asked the Town Highway Department if they could at least clean out the culverts under the road in order for the sitting water to drain and in turn they looked at him and laughed. She continued by saying that they come in boats to get them out of their homes and added that they don't know how to drive the boats and hit the poles and went on to say that she will never be taken out of her home in a boat. She concluded by saying that something has to be done and added that she begged for sand bags and got nothing but when the news media was at the scene there was a truckload of sand bags, which she told the media was for their benefit and not hers and then asked again when something is going to be done.

Supervisor Hotaling stated that he does not have a timeline and added that he has had discussion with Highway Superintendent Deering about the creek. He continued by saying that he is not convinced that cleaning out the creek would have stopped or slowed down any flooding that occurred on Miller Road.

Ms. Lambert stated that it would have.

A member of the audience interjected that cleaning out the three log jams would have made a difference.

Supervisor Hotaling asked this person to sit down and added that he will have an opportunity to speak.

Ms. Lambert continued by showing a picture of the log jams and continued by saying that they were trees that were cut down last year.

Supervisor Hotaling asked Highway Superintendent Deering if he knew anything about that.

Highway Superintendent Deering stated that he didn't and continued by asking who cut them down.

Ms. Lambert interjected that the Town cut them down and added that there was one lying on the side of her driveway and added that they picked up the brush but not the trees and continued by showing more pictures.

Supervisor Hotaling asked Highway Superintendent Deering if there were any plans for cleaning out the creek.

Highway Superintendent Deering stated that in speaking for the Highway Department he has a full schedule and continued by saying that he has tried to get people to clean the creek out, such as inmates from the correctional facility but it has not worked out. He



reiterated that his staff is limited and continued by giving Ms. Lambert the phone number for calling the correctional facility to see if and when they can do it.

Ms. Lambert stated that she make the call and added that she had talked with Mr. John Laden at Albany County Emergency Management and he had said that it was up to them to get the sand bags in addition to saying that the creek should be cleaned out. She continued by saying that she has pictures going to him as well and concluded by reiterating that the creek needs to be cleaned out and added that they can dig the creek down so it can flow freely.

Highway Superintendent Deering interjected that they cannot dig in the creek and added that DEC will not approve it.

Ms. Lambert stated that she will call DEC and added that she was told that her family could dig as long as they have a permit. She continued by saying that the concern is to save the fish and added that you can't even eat them because the creek is no good.

Highway Superintendent Deering stated that he has been trying to get work done at the creek for many years and added that maybe another department like Community Beautification could do something.

Ms. Lambert interjected that she will be at many more meetings until something is done.

Supervisor Hotaling asked if there were any additional comments.

Mr. Richard Peterson inquired as to why it takes two days to patch a road and use 5 tons of asphalt. He continued by saying that for five years his lawn has been torn up by the snow plow and he has been told that the Town would be fixing it.

Highway Superintendent Deering inquired if Mr. Peters was the person that had confronted him on a Sunday when he was fixing a mail box.

Mr. Peterson stated that it was him and he had asked what he was doing.

Highway Superintendent Deering stated that he was fixing it because it was hit by a plow.

Mr. Peterson reiterated that he didn't understand why it took 5 hours to patch the road and use 5 tons of asphalt. He continued by asking if they will be fixing the lawns.

Highway Superintendent Deering stated that they will when they get to it.

Mr. Peterson stated that this is what he had been told the last time.

Highway Superintendent Deering stated that he does not make promises.

Ms. Lambert stated that when he does make a promise he breaks it and added that he lies on television.

Highway Superintendent Deering stated that he does not lie.

Mr. Peterson stated that he does not take care of anything and does not even pick up the garbage or debris on Miller Road.

Supervisor Hotaling asked that one person speak at once and asked if Mr. Peterson had any additional comments without being argumentative.

Mr. Peterson stated that he knew that he would be cut off while speaking and then sat down.

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

APPROVAL OF MINUTES

Supervisor Hotaling stated that there were four sets of minutes for Town Board approval, a Town Board Meeting on February 26, 2007, a Town Board Meeting on March 12, 2007, a Town Board Workshop on March 20, 2007, and a Bid Opening on April 19, 2007. He continued by saying that he was advised by members of the Board that they have reviewed them and then asked for a motion to approve them.

Councilwoman Chmielewski stated she was alright with the minutes except on March 12, 2007, page 16, when talking about the accountant, he should be she.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the Town Board Minutes were approved. VOTE – AYES 4 – NAYS 0 – SO MOVED

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FAMILY SELF SUFFICIENCY PROGRAM – April 2007

Supervisor Hotaling stated that the Family Self Sufficiency Program is a program that is being reduced month by month and continued by saying that there are currently five active participants of which four have Escrow Accounts and added that one ended participation, which is down from six in March.

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SUPERVISOR’S REPORT

Supervisor Hotaling presented his report for Match 2007.

| FUND            | BAL. FWD.      | RECEIPTS     | DISBURSE.       | BALANCE        |
|-----------------|----------------|--------------|-----------------|----------------|
| General         | \$2,305,260.15 | \$ 62,540.23 | \$ 230,472.23   | \$2,137,328.15 |
| Part-Town       | \$ 453,902.68  | \$ 962.26    | \$ 32,599.74    | \$ 422,265.20  |
| Spec. Water     | \$ 60,226.51   | \$ 8,927.73  | \$ -0-          | \$ 69,154.24   |
| Highway         | \$ 122,752.97  | \$ 1,005.89  | \$ 96,996.36    | \$ 26,762.50   |
| Bridge Const.   | \$ 41,507.20   | \$ 15.80     | \$ -0-          | \$ 41,523.00   |
| Sewer           | \$ 225,179.11  | \$ 15,657.15 | \$ 28,092.85    | \$ 212,743.41  |
| Sewer Cap Proj. | \$ 165,508.28  | \$ 58,506.60 | \$ 825.46       | \$ 223,189.42  |
|                 |                |              | Total Rec. Bal. | \$3,132,965.92 |

CD CITIZENS BANK

|         |        |               |
|---------|--------|---------------|
| 90 DAYS | A FUND | \$ 115,000.00 |
| 90 DAYS | A FUND | \$ 200,000.00 |

SAVINGS ACCOUNTS

SECTION 8 - HUD

|                    |              |                |             |
|--------------------|--------------|----------------|-------------|
| POLICE FORFEITURES | \$ 2,929.27  | OCCUPIED UNITS | 50          |
| UNEMPLOYMENT       | \$ 3,120.40  | HUD PAYMENTS   | \$18,758.00 |
| GROVE CEMETERY     | \$ 58,269.41 |                |             |

|                 |              |                |             |
|-----------------|--------------|----------------|-------------|
| SEWER-DEDICATED | \$ 6,141.49  | ADMIN. FEE     | \$ 80.10    |
| TOTAL           | \$ 67,531.35 | TOTAL HUD PMT. | \$19,349.10 |
|                 |              | TENANT RENT    | \$12,988.00 |
|                 |              | CONTRACT RENT  | \$31,746.00 |

| COLLATERAL<br>COVERAGE     | FDIC COVERAGE | COLLATERALIZED |
|----------------------------|---------------|----------------|
| National Bank of Coxsackie | \$100,000.00  | \$ 708,497.63  |
| Citizens Bank              | \$100,000.00  | \$ 942,309.26  |
| First Niagara              | \$100,000.00  | \$ 716,607.01  |

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski, the Supervisor’s Report was accepted as presented.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

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**DEPARTMENT REPORT REVIEW**

**Building Department – March 2007**

Supervisor Hotaling asked that Councilman Boehm give a summary of 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 Councilwoman Chmielewski, seconded by Councilwoman Rogers, the Building Department Report was approved as presented.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

**Town Clerk – March 2007**

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

Town Clerk Millious continued by giving her report and added that there have been several Freedom of Information Requests with many requiring the duplication of audio and video tapes. She continued by saying that the last day for collecting property taxes was April 2, 2007 and added that in turn they were sent to Albany County for collection and the phone number for the County is 447-7070.

Supervisor Hotaling asked for a motion to approve the report.

**MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Chmielewski, the Town Clerk’s Monthly Report was approved as presented.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

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**OLD BUSINESS**

**Ravena Rescue Squad**

Supervisor Hotaling stated that he wanted to report to the Town Board that pursuant to the agreement, which was offered in 2003, they have a quarterly payment of \$5,860.86 for a total of 62 ALS calls for which the Ravena Rescue Squad was paid under the soft-billing. He continued by saying that the calculations are what they had seen previously and added that it represents an average quarterly submission. He went on to say that parallel to this there is an effort on the part of the Town through a couple of members of the Town Board and Town Attorney, to negotiate a contract with the Rescue Squad with respect to EMS Services and continued by asking Councilman Boehm if there has been any movement.

Councilman Boehm stated that Town Attorney Rotello has been reviewing it with the attorney for the Rescue Squad and added that they are making some final changes.

Town Attorney Rotello interjected that he has the final draft copy to present to the Town Board as well as forwarding it to the Rescue Squad's attorney. He added that they had discussion at the last meeting relative to the Volunteer Ambulance Worker's Benefit Law, which he has reviewed and continued by saying that there is a section that breaks out Villages, which led him to believe that the Village would be required to get something if the incident occurred in their jurisdiction even though it is a Town contract.

Supervisor Hotaling inquired as to if the discussion was during the meeting that he missed.

Town Attorney Rotello stated that it was and added that it was suggested that the Town's language regarding Worker's Compensation as it relates to volunteers was in contradiction to the Volunteer Ambulance Worker's Benefit Law and added that there was some confusion.

Supervisor Hotaling stated that Town Attorney Rotello will be handing the Board members a draft and continued by saying that they will review the draft and in turn bring it to public light at the next Town Board Meeting.

Town Attorney Rotello stated that he incorporated 99% of the change that he discussed with the Rescue Squad's attorney and added that it should be ready to go.

#### **(ASCAP) American Society of Composers, Authors and Publishers**

Supervisor Hotaling stated that he received a letter dated April 5<sup>th</sup> from ASCAP and continued by saying that they have been trying to make the Town pay money for something that they do not do, which would be music on hold. He added that along with the dunning letter suggesting that the Town should pay, there was a Local Government Fact Sheet stating what is and is not covered. He continued by saying that every time that he gets a letter he is going to bring it before the Board and added that his suggestion is still that they do not pay the fee.

Councilwoman Rogers stated that she still has not changed her mind.

Councilman Boehm read and inquired about the following excerpt:

“performance of our members’ copyrighted compositions at government facilities and sponsored events are an infringement of copyright and a violation of federal statute.”

Councilman Boehm inquired as to how this would pertain to Evenings on the Green, which is at a Town facility and is a public performance sponsored by the Town.

Town Attorney Rotello stated that he had discussed this with the Associate of Towns and added that the contract with any performer contains language that the music that they will be performing is licensed and they are authorized to use it.

Councilman Boehm wanted it clarified that the contract that the Town submits to them prior to their performance has that language.

Supervisor Hotaling stated that it was correct and continued by saying that the performer certifies and signs the contract that they have the appropriate license to play the music that they are going to perform. He added that the fact sheet also talks about events that are sponsored by or presented solely by a municipality and added that since Evenings on the Green might not be solely sponsored by the Town it would not be covered under the licensing requirement. He went on to say that it is much ado about nothing and added that this is due to people downloading music from Napster and as a result of this ASCAP and people like them are torqued over this.

Town Attorney Rotello stated that assuming that they did sign on with ASCAP; they only represent a portion of the artists. He continued by saying that he thought that the process was that if a musician purchases sheet music there was some kind of licensing that went along with it.

Supervisor Hotaling stated that for example if someone was performing for an Evening on the Green and purchased sheet music legally, he would presume that there is some license that you buy as a result of that. He then asked if it was still the Board's sense that they will not be paying the \$500.00 fee.

Collectively it was decided that this was still their position.

Councilwoman Chmielewski stated that they had already written a letter to ASCAP stating their position.

Supervisor Hotaling stated that they have written several letters.

### **Coeymans/Coeymans Hollow Fire District Negotiations**

Supervisor Hotaling stated that at the March 26<sup>th</sup> Town Board Meeting, Commissioner Mantor from Coeymans Hollow came representing the Coeymans Hollow Fire District and read a letter to the Town Board asking that they do certain things as a result of negotiations that were either ongoing or ended with respect to the efforts to identify the District lines. He continued by saying that subsequent to that he had sent to each district a letter dated March 29<sup>th</sup> essentially saying that the Town Board understands its role and in turn suggested that it would be on the April 23<sup>rd</sup> meeting agenda where absent information of a resumption of negotiations the Town Board will consider the next step or steps in the process in accordance with irrelevant statutes. He went on to say that he received April 20<sup>th</sup> a facsimile transmittal letter to him from Terence S. Hannigan, an associate of Carter, Conboy, Case, Blackmore, Maloney & Laird, P.C. and continued by reading the following:

Dear Supervisor Hotaling:

This firm has been retained to represent the Coeymans Fire District in connection with the boundary line issue between the Coeymans Fire District and the Coeymans Hollow Fire District. I had the opportunity to briefly discuss the matter with William Young Esquire, attorney for Coeymans Hollow. We have agreed that further discussion on the matter is warranted.

I understand that the Council has placed this matter on the agenda for the Town Board Meeting on April 23, 2007. I will be in attendance on behalf of the Coeymans Fire District. I believe at that time we can discuss a plan of action for addressing and ultimately resolving the issue.

Very truly yours,

Terence S. Hannigan

Supervisor Hotaling stated that ordinarily this would be a Town Board discussion during this part of the meeting and continued by saying that because of the unique circumstances he would convey another public comment section. He then invited the attorneys for both districts to speak.

Attorney Young stated that he is the attorney for the Coeymans Hollow Fire District and added that he was retained for the continuing issue relative to the boundary line between the two districts. He continued by saying that he is sure that the Town Attorney made the Town Board aware of the applicable sections of the Town Law relative to the alterations of boundaries and added that the Coeymans Hollow Fire District is of the position that at the time of their creation in 1971, they have an aerial map showing their boundary as well as a description filed with the New York State Comptroller's Office. He went on to say that according to statute absent an agreement between the Fire Commissioners from the two respective Fire Districts there can be no alteration of those boundaries and added that their position is that there have been alterations that have occurred over the years but never formalized.

Attorney Hannigan stated that he was present on behalf of the Coeymans Fire District and added that he concurs with Mr. Young and continued by saying that he has known Mr. Young for many years and respects his judgment and professionalism with fire service issues. He went on to say that the plan is to set it back on an even keel and respectively go forward with the notion that public safety should dictate whatever considerations there are and added that going back to 1971 may or may not be the best thing to do. He concluded by saying that he would represent to the Town Board on behalf of the Coeymans Fire District and Coeymans Hollow Fire District that they are prepared to move forward and added that they are the two newest faces in the issue but based on Mr. Young's experience and his youth they will be able to forge some resolution to this.

Supervisor Hotaling stated that this is a good direction to take and as he had pointed out the firematic safety, public safety and health of the citizens has been paramount on the Town Board's mind and added that he would be foolish to suggest that no issues are out there in terms of this discussion. He continued by saying that they have recognized the importance of the discussions to each and every one of not only the constituents in each district but also to the members and commissioners serving their district.

Attorney Young stated that there are also some issues relative to the Town of Westerlo Fire District with regard to the Coeymans Hollow Fire District not collecting taxes.

Supervisor Hotaling asked that he get a list of the 3-4 homes that Westerlo has been charging taxes on for years that are really in the Town of Coeymans.

Attorney Young stated that they are working on it and added that he and Mr. Hannigan are new to this issue in the Town but not new to the issue as it relates to other places. He added that they should be able to come to some agreement as to what the differences are and then go from there.

Supervisor Hotaling stated that there has never been any dispute that the 1971 line was appropriately established and filed and added that unfortunately something had occurred at the time that Albany County was developing their maps and continued by saying that information did not get shared with Albany County so they used the Assessment Roles and tried to create a line that didn't necessarily reflect the 1971 line. He concluded by saying that in addition to that other things have occurred, which they will also be working out.

Attorney Young stated that neither the County nor the Town can alter the boundaries and added that it is up to the two Fire Districts.

Supervisor Hotaling stated that this is what he was getting from the Town Attorney and added that there is a limited role that the Town Board will play in this. He continued by saying that he has learned over the years that districts such as Fire Districts are really separate entities and added that when there are negotiations that take place between and among them, it is not a function of town government until such time when they are engaged in any agreement that they might come to and then play a role to actually file. He concluded by saying that he is learning as they go along and then asked if there is a timeline that they can go by.

Attorney Young stated that this is part of why they are here and added that there are a series of letters that go back several years and continued by saying that they want to bring it to some finality.

Supervisor Hotaling stated that they established an artificial timeline over a year ago when they talked about trying to get it done in a timely way so that if there were a change to be implemented they would have time to do the appropriate Public Hearings, resolutions and filings so it would be in time for the upcoming Tax Roll and added that it came and went.

Attorney Young stated that it is important that they draw the line and come to some type of resolution so that they are not here a year from now trying to figure it out.

Supervisor Hotaling stated that the Town will not be establishing any parameters and added that they will react to whatever the Mr. Young, Mr. Hannigan and the two Fire Districts determine.

Attorney Hannigan stated that hopefully the two districts can get together within the next 30-45 days with the maps and tax rolls that they have so they can reach a resolution and be back before the Town Board in June or July.

Supervisor Hotaling interjected that when they go into June they only have one meeting per month, which is typically the fourth week and continued by saying that it is for June, July and August and added that it is always on a Monday evening. He continued by saying that if they can be helpful in any way, the services from his office, Town Clerk, Assessor, etc. are available.

Councilman Boehm inquired as to what the cost is going to be to the taxpayers for their services.

Attorney Young stated that he is on an hourly rate and added that he is sure that Mr. Hannigan is as well and added that it would be part of each of the respective District's budget. He continued by saying that he would encourage both districts to realize that it is best to come to a negotiated and agreed upon boundary line rather than them ending up in court before a Supreme Court Judge who appeals to the Appellate Division and then it is back to the Town Board, which would be the reason for such a large legal fee.

Councilman Boehm stated that it is taxpayer money that is being used to hire an attorney and then agreed that it has to be done fairly quickly.

Attorney Hannigan stated that he and Mr. Young both have plenty of work and added that they don't have to be spending their time on this issue. He added that his assessment early on was that there has to be a meeting of the minds and continued by saying when and if that occurs, the problem, with some shepherding will take care of itself.

Supervisor Hotaling asked if there is anything that they have to do now.

Mr. Frank Chmielewski inquired as to if the request to go back to the 1971 line at the last meeting line is now being denied.

Attorney Hannigan stated that the Town Board is leaving it up to him as well as Mr. Young.

Mr. Chmielewski inquired as to what agreement they are into now.

Attorney Young stated that he along with Mr. Hannigan as well as representatives from both districts will get together and if they agree that the 1971 line is where the boundary lines are they will come back before the Town Board with that position. He added that if they cannot come to an agreement they will also come before the Board and tell them.

Supervisor Hotaling stated that there is no need to go back to anything and added that the 1971 line is what currently exists and is the last one in place and continued by saying that

there is not a need for the Town Board to take action to reaffirm, affirm or do anything about that. He concluded by saying that the only thing that they could do if the 1971 line is ultimately the line and they reach a conclusion that no one can identify it by the written description, it would then be incumbent upon the Town Board to engage in a survey, with the cost being shared between the two districts.

Attorney Young stated that if it gets to a point that they cannot agree where the 1971 line is, they will retain a surveyor to survey the line.

Mr. Chmielewski inquired about the 21 properties coming back to Coeymans Hollow Fire District.

Attorney Young stated that the Town Board and Coeymans Fire District are not in agreement where those 21 boundaries are or if there are even 21 properties.

Mr. Chmielewski stated that the properties are far from the boundary line and added that they have been responding to those properties by way of 911 for a long period of time. He continued by saying that they have multiple maps, 911 records, incident reports, etc. and then inquired as to if the line is in question.

Tape change – some dialect lost.

Mr. Steven Mantor stated that he wanted to direct everyone's attention to the fact that what started this dialog 2 ½ years ago was a review of the Tax Rolls. He continued by saying that there are islands clearly in the Tax Rolls far and away from the lines in the Coeymans Hollow Fire District, which the Coeymans Fire District are collecting taxes for. He added that this is substantially the reason for them to look at the lines and continued by saying that they had asked the Town Board to straighten out the Tax Roll to match the existing legal boundary and went on to say that there are a few properties that lie in a gray area. He concluded by saying that the Commissioners had met on several occasions and decided what properties go to which district and added that there were some occasions that they verbally came to a conclusion.

Mr. Bill Bruno stated that he is a Coeymans Fire District Commissioner and added that they had met twice with the Coeymans Hollow Commissioners and continued by saying that at the last meeting Coeymans Hollow had legal counsel but Coeymans did not. He added that they had made some trades and talked about it and discussed public safety and continued by saying that in some cases it is foolish regardless of whose district it is to respond to a fire, which would be more appropriate for the other district to respond to. He went on to say that they thought that they had a boundary that was appropriate, which is less than what they have today. He continued by saying that several months later he along with Mr. Frangella had met with Mr. Chmielewski and Mr. Payne in their counsel's office and they had minutes from the previous meeting and added that he left the meeting feeling like they were close to an agreement. He concluded by saying that there has been no descent to what was discussed and added that based on the meetings he believes that they are very close to an agreement.

Supervisor Hotaling stated that he would defer it to Attorney Young and Attorney Hannigan.

Attorney Hannigan stated that they were not the attorneys at that time.

Supervisor Hotaling stated that he understands that and added that they might be hearing things for the first time from one of more parties and continued by saying that he was going to ask them how they should approach it in the future in communication to the Town Board and continued by asking if they will each be the voice communicating back to the Town Board.

Collectively both Attorney Young and Attorney Hannigan agreed that they will be communicating with the Town Board.



Supervisor Hotaling stated that the Assessor is present and added that there were some comments made about some agreements and some properties that have clearly been changed and the 1971 line reaffirmed that those properties would go one way or the other. He continued by saying that from the Town Board's perspective, Ms. VanValkenburg is the Sole Assessor with a six-year appointment and then asked Town Attorney Rotello if it is the Town Board's role to direct the Assessor to do anything.

Town Attorney Rotello interjected that he does not believe that in this point in time there is anything to direct the Assessor to do.

Supervisor Hotaling inquired as to if there was something for the Assessor to do and if it would be the Town Board's position to direct and added that she has an independent appointment in an independent charge with respect to that appointment.

Attorney Young interjected that it would be something that the two districts would deal with.

Supervisor Hotaling stated that if there is something that the Town Board needs to do in terms of negotiation, even before the final settlement, they should let him know and in turn the will facilitate it.

Attorney Young stated that his understanding is that the cooperation of the Town has been fine and added that it is now a matter of closing the deal.

Mr. Bob Payne stated that they began in 1945 and they always had properties in question and continued by saying that the 1971 agreement changed it. He added that during the meetings every time they came to an agreement someone backed out and continued by saying that he understood that there was a vote taken when Mr. Conrad was still on the Town Board and the vote was 3-2 to go back to the 1971 agreement, which was thrown out.

Supervisor Hotaling stated that he didn't know if there was such a vote and added that if there was it may have been at a Workshop in an unofficial way and continued by saying that Mr. Conrad was the catalyst for the discussion because he took the 1971 description and tried to the best of his ability outline them on a map that showed some of the discrepancies with respect to the 1971 line as compared to the way that the Tax Rolls are represented now. He added that he thought at that time that it would be as easy as calling Albany County and telling them to bring down the line, which resulted in it not looking like anything that they had ever seen before because it was based on a mapping effort that the County undertook in the 70's, which was suppose to include information from all municipalities and Fire Districts about any lines that existed. He continued by saying that the 1971 line that was filed with the Secretary of State never found its way to the County of Albany mappers and as a result they defaulted to the simplest way possible, which was using the Assessment Rolls. He added that some think that what happened in 1999 was purposeful and others think that it was coincidental in addition to it being at a time when they were doing a revaluation and added that it also could have been directly related to that, which would mean that it was not conspiratorial. He concluded by saying that for whatever reason they need to bring the Commissioners together equally side by side and find some common ground and added that the Town Board stands ready to facilitate as much as they can.

Councilwoman Chmielewski stated that Supervisor Hotaling referred to Laura VanValkenburg as the Sole Assessor and added that she agrees with that and continued by saying that towns go to Sole Assessors so that political parties do not have any influence over her. She went on to say that the resolution for the 1971 line was passed properly and filed properly and added that it is the Assessor's duty to make sure that the Assessment Roll follows the line until they come back with something different.

Mr. Chmielewski interjected that it has not followed the line and continued by saying that for 7-8 years Coeymans Hollow has not received taxes that they should have.

Mr. Mantor stated that they brought the issue up initially about the misplaced property for firematic reasons and added that they want response time to be the driving issue for the line. He continued by saying that they brought it before the Town Board during a Workshop with the Assessor in attendance and stated that it wrong and it happened without process and in turn asked to have it fixed and in turn they were told that it could not be fixed without involving them in the process.

Councilwoman Chmielewski inquired as to who said no.

Mr. Mantor stated that it was Councilman Conrad.

Councilman Boehm stated that Mr. Mantor had indicated that the two districts could work it out and as a result the Town Board backed off and added that nothing was done and now everyone has a lawyer using taxpayer dollars.

Mr. Mantor stated that conceptually that is not correct because they had many meetings and added that each time that they tried to get a document to file it was misunderstood by someone. He continued by saying that they came back to the Town Board and asked that they do what Town Law says to do and enforce the line and added that they now need to move forward. He continued by saying that they have to be clear about what they are talking about and added that they asked the Assessor to put the parcels back in the appropriate district and the assembled group, which included the Assessor stated that it cannot be done without process and more filing. He concluded by saying that the issue of the line became a paramount issue, which has been frustrating for everyone.

Supervisor Hotaling stated that there have been enough theories propered about why things might have occurred and added that the truth lies somewhere in between and continued by saying that if the fire whistle blew right now, which required mutual aid they would all get up and leave and stand shoulder to shoulder in dealing with firematic and public safety issues. He concluded by saying that this may take some time and added that Attorney Young and Attorney Hannigan are capable of facilitating a resolution and continued by saying that if a resolution requires the Town Board to do certain things they will be ready to take whatever steps are necessary.

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

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## **NEW BUSINESS**

### **Disc Golf Course – Joralemon Park**

Supervisor Hotaling stated that Mr. Kevin Rounds came before the Board with a presentation of Disc Golf several months ago and added that it has been very successful in that people from all over the area as well as other states have come to play Disc Golf at Joralemon Park. He continued by saying that they are now being asked to consider permanency with respect to cementing the baskets in the ground and replacing the portable stands in addition to removing some dead cedars in the park that have been earmarked for cutting. He went on to say that this possibility has been before them since the time that they allowed it temporarily and added that it has proven to be successful.

Councilman Boehm interjected that it is successful now and added that three to four years from now it might be a fad that dies out and as a result they would have lumps of concrete all over the park. He continued by saying that he believes that it should be left temporary without the permanent fixtures of concrete being added to the park.

Councilwoman Chmielewski inquired as to if Supervisor Hotaling had spoken with Mr. Rounds.

Supervisor Hotaling stated that he had not since his most recent request. He added that he accessed the e-mail while he was away from a remote location and continued by saying that he had asked that Confidential Secretary Lewandowski put it on the agenda.

Councilwoman Chmielewski inquired as to if Mr. Rounds knew that it was going to be on the agenda and whether or not he had been contacted.

Supervisor Hotaling stated that he didn't know and added that Confidential Secretary Lewandowski had asked if it should be placed on the agenda and he said yes. He then asked if they should table it until such a time that Mr. Rounds can be contacted and in turn attend a meeting for discussion.

Councilwoman Rogers stated that if they are in concrete they won't be able to be moved and added that Mr. Rounds was moving them around.

Councilwoman Chmielewski stated that she believes that he now has a course that he likes and added that she has not had any discussions with him.

Supervisor Hotaling stated that they would table it until the first meeting in May.

### **Workplace Violence Prevention Program**

Supervisor Hotaling stated that they have been supplied information from various vendors regarding Workplace Violence Prevention Programs and added that the State of New York passed a law that requires this and continued by reading the following:

“New York State Labor Law Section 27-b requires public sector employers to develop and implement programs intended to prevent workplace violence. Public Sector HR Consultants LLS supports the human resource needs of municipalities of all sizes throughout NYS and offers services to assist our clients in complying with the requirements of that law.”

He continued by saying that he has a proposal from Human Resource Consultants, which was formerly AMTEK and added that he has asked the Town's insurance carrier NYMIR to also consider whether or not they are contemplating putting together a program on workplace violence rather than spending \$5,500 to get a consultant to do it. He added that he was told that they would look into it and get back to him, which he has not done to date. He concluded by saying that they do not have to take action immediately and added that they should begin to think about it because they do have a requirement to comply and have such a program intended to prevent workplace violence in all of the departments.

Councilwoman Chmielewski suggested that they table it until Supervisor Hotaling hears back from NYMIR.

Supervisor Hotaling stated that he was not given any assurance that they were going to do this and added that he thought that it was a good possibility and added that he will contact him again.

### **Board of Assessment Workshop**

Supervisor Hotaling stated that Assessor VanValkenburg has sent to the members of the Board of Assessment Review a memorandum that contemplates a Workshop on Tuesday, May 8<sup>th</sup> at 7pm and continued by saying that a lot of things need to be covered related to the revaluation. He added that members of the Planning and Zoning Boards receive remuneration for Workshops that they attend and continued by saying that this particular Workshop has the potential of lasting 2-3 hours and continued by saying that he sees no reason why the members of the Board of Assessment Review cannot receive the same remuneration, which he believes is \$40.00.

Supervisor Hotaling continued by asking for a motion authorizing Assessor VanValkenburg to have the members of the Board of Assessment Review submit a voucher for payment for attending the Workshop.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski authorizing the Board of Assessment Review to be reimbursed the same remuneration that the Planning and Zoning Board get for attendance at a Workshop.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that he would find out for sure whether or not it is \$40.00 or \$45.00 and continued by asking if the Town Board should attend the Workshop.

Assessor VanValkenburg stated that typically she meets with the Board of Assessment Review every year prior to Grievance Day and added that she will be giving them a better understanding of the Revaluation Project. She continued by saying that Mr. Jacobs from the Office of Real Property would be attending and added that she would also extend an invitation to the Town Board and Town Attorney Rotello.

Supervisor Hotaling stated that he appreciates the invitation and added that the revaluation process is a step away from the Town Board.

Town Attorney Rotello stated that he agrees.

Supervisor Hotaling stated that as they have stated in the past there really is not a relationship between assessed values and budgets and continued by saying that one does not have to know the other in order to do its independent job. He concluded by saying that he believes that this is an independent job and added that he has every faith that Assessor VanValkenburg will run the Workshop and impress upon members of the BAR the importance and integrity of the project.

Town Attorney Rotello stated that he will try to attend the Workshop to answer questions.

## **Reschedule Zoning Ordinance Workshop**

Supervisor Hotaling stated that the storm that flooded Miller Road and other places in the Town had prevented them from having the Zoning Ordinance Workshop that was scheduled for April 16<sup>th</sup>. He continued by saying that they tried to get the cancellation notice out to as many people and as many ways that they could and added that hopefully it did not put anyone out in terms of not finding anyone at Town Hall and went on to say that they were just coming out of a State of Emergency at the Command Center. He went on to say that shortly after that date he had a discussion with Nicole Allen, Senior Planner from Laberge about rescheduling and added that it is important that they get the next Workshop underway. He concluded by saying that the date that they came up with was the next regularly scheduled date for the monthly Workshop, May 21<sup>st</sup> and added that they think it is best to keep it on that schedule.

Councilman Boehm asked if they could do a specific press release for the paper.

Supervisor Hotaling stated that Ms. Allen has typically done a press release for that.

Councilman Boehm stated that they were also going to do a postcard mailing at some point and inquired as to when that might be.

Supervisor Hotaling interjected that the postcard mailing will be used to announce the Public Hearing for the draft Zoning Ordinance.

Town Clerk Millious inquired as to if the Workshop will still be at 6:30.

Supervisor Hotaling stated that 6:30 was a compromised time and added that he believes that it is still a good time.

Town Attorney Rotello inquired as to if Supervisor Hotaling had reviewed Ms. Galgay's comments.

Supervisor Hotaling stated that he has conveyed the comments to all of the members of the Town Board, Planning Board, Zoning Board of Appeals and Ms. Allen in addition to asking Ms. Galgay at the last Zoning Board of Appeals Meeting to clear her calendar for May 21<sup>st</sup>.

Town Attorney Rotello stated that it conflicts with one of her other Board meetings.

Supervisor Hotaling stated that by the end of the next Workshop he is hoping that they can agree to hone it down to a more concentrated manageable group to move the document forward and added that Ms. Galgay is a key player in doing this.

Town Attorney Rotello stated that he agrees and added that he will remind her about the Workshop and ask that she attend if possible.

Supervisor Hotaling continued by offering a motion.

### **MOTION**

On motion of Supervisor Hotaling seconded by Councilman Boehm authorizing the next Public Informational Meeting/Workshop for the proposed Zoning Ordinance on May 21<sup>st</sup> at 6:30pm in Town Hall.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling asked that Town Clerk Millious see him the following day about contacting Ms. Allen and added that she routinely does the releases and she might have it done.

Town Clerk Millious interjected that she can advertise as a rescheduled Workshop using the same notice as the one that was cancelled.

### **Employee/Retiree Life Insurance**

Supervisor Hotaling stated that for a number of years the Town of Coeymans has provided a Life Insurance Policy for active employees full-time in addition for retirees at a diminished rate of coverage. He continued by saying that the vendor that supplied it in the past, Gerber, will no longer be writing for retirees and as a result they had to find a new vendor. He added that Benetech, the Town's current Human Resources Consultant provided some information as well as First Niagara and continued by saying that during discussion there was a discrepancy with the life volume. He went on to say that they arrive at the quotes by taking a look at the life volume, which is the salary of the employees that are full-time and get a number for which they create a rate. He continued saying that on the surface it appears that Benetech's rate of .68 per thousand is .01 less than First Niagara's quote for the same Life Insurance Company and added that Ms. Westervelt, the representative from First Niagara stated that volume that Benetech used was lower than the volume that they have in the Town of Coeymans and went on to say that the volume for Benetech was \$397,500 and the volume that Ms. Westervelt used was \$415,000, which equated to .69 per thousand. He continued by saying that she offered that had Benetech used the \$415,000, their rate would have been higher than .69 and added that he does not know why salary plays a role in establishing the rates for insurance. He concluded by saying that the coverage for the current carrier, Gerber, terminates on May 30<sup>th</sup> and added that they are under no obligation to provide this and continued by asking the Town Board what they want to do.

Councilman Boehm inquired as to if there is any difference in the coverage between an active employee and retiree.

Supervisor Hotaling stated that a full-time active employee has \$10,000 in Life Insurance and \$2,500 for retirees.

Councilwoman Chmielewski stated that she would like more clarification and added that they are running out of time.

Supervisor Hotaling stated that if they feel comfortable they can offer a motion giving him the authority to pick one or the other by April 30<sup>th</sup> provided that he seeks and obtains input shared with the Town Board.

Councilman Boehm stated that it would make sense to direct the Supervisor to make the best decision because of the timeframe.

Supervisor Hotaling stated that one of the ways to do it is potentially to get a volume from Payroll Clerk Fitch and then deal directly with the insurance carrier, which would leave the brokers out of it so that the brokers are not aware of the numbers. He concluded by saying that they could pick from there. He then asked for a motion to give him the authority.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers authorizing the Supervisor to negotiate with the two insurance providers to provide life insurance for retirees and Town employees before the expiration date of April 30<sup>th</sup>.

VOTE – AYES 4 – NAYS 0 – SO MOVED

## **Request to Approve Record Management Consulting Services**

Supervisor Hotaling stated that he was in receipt of a request to review a proposal from Ms. Amanda Walsh for record management consulting services under the Local Government Records Management Improvement Fund, which is an extension of the effort of building a new records room and added that this is the next step of the administration.

Town Clerk Millious stated that she was awarded the money by grant to do this and added that Ms. Walsh was recommended by Mr. Andy Raymond from New York State Archives and added that it is important to establish the labeling system and prepare a Policy and Procedure Manual for inactive record storage.

Supervisor Hotaling inquired as to if this will include other departments such as Court Records.

Town Clerk Millious stated that Court Records only become her records when for instance a Judge passes on and added that she had gone through the record inventory and suggested that some records be destroyed and she was told that the Court Office didn't want them to be destroyed and in turn they were put in their own record room.

Supervisor Hotaling continued by quoting the following from the proposal:

“The manual will include a description of the Town's record program, employee responsibilities, disposition, and preparing records for inactive storage. Develop forms for transfer of records, record requests, and legal documentation of records.”

Supervisor Hotaling continued by saying that he wants it to include all departments in Town including the court records and if Ms. Walsh can do it he wants it done.

Town Clerk Millious stated that she would advise Ms. Walsh and added that Ms. Walsh writes grants and she would like to continue with her because she was not able to put in a grant for this year.

Supervisor Hotaling stated that he would like any manuals reviewed by the Internal Control Officer before it is presented to the Town Board for approval.

Supervisor Hotaling continued by offering a motion.

## **MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Chmielewski, accepting Town Clerk Millious' recommendation to hire Amanda Walsh as the consulting service for the LGRMIF award with the scope of services as outlined in the 04-19-07 letter of agreement indicating a shelving unit labeling system as well as a Policy and Procedure Manual.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that inactive records has been an issue for several years and added that if they can get rid of them they need to get rid of them.

Town Clerk Millious stated that she is trying and added that it is coming along.

Supervisor Hotaling stated that he does not want the record to indicate that it is a negative dispersion upon Town Clerk Millious as Records Management Officer and continued by adding that over the years they have been remiss in keeping up the record retention and record disposal and added that the State has relaxed over the years the amount of time in terms of keeping records.

Town Clerk Millious interjected that over the years departments have taken boxes downstairs without labels and not knowing what was in the boxes and added that it has to stop.

Supervisor Hotaling stated that it is now organized and it has been labeled as far as what can be destroyed and added that it is a process that he is sure that Ms. Walsh can help with.

## **Police Officers Request to Attend NY Gang Investigators Conference**

Supervisor Hotaling stated that he was in receipt of a request for two Police Officers to attend a NY Gang Investigators Conference on April 26<sup>th</sup> and added that Chief Darlington had submitted a voucher for their consideration with an attached invoice. He continued by saying that two of the Town's officers are recommended by Chief Darlington to attend and added that the cost per officer is \$35.00 for a total of \$70.00. He then asked if there were any comments.

Councilman Boehm inquired as to if they will be taking a Police vehicle.

Chief Darlington stated that they will be.

Councilwoman Chmielewski inquired about it being for gangs.

Chief Darlington stated that they go over the new gang trends initiations tagging the graffiti, which they have seen a large influx over the last year. He continued by saying that they are also seeing a large influx of Albany residents coming to the Town of Coeymans who have gang affiliations as well as parole releases to smaller communities and added that there is at least five known large gang members that reside in the Town of Coeymans. He concluded by saying that it discusses the initiation, what they look at, and the ages that they are targeting and added that it basically brings them up to speed so they are aware and can keep an eye on it.

Supervisor Hotaling asked for a motion to approve the request.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing the attendance for two Police Officers to attend the conference,

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling requested that Chief Darlington make the arrangements.

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## **RESOLUTIONS**

### **RES. #059-07 APPOINT SEASONAL LABORER**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED - VOTE – AYES 4 – 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 months and,

**WHEREAS**, the Albany County Civil Service Department has, in prior years, confirmed this job title as a non-competitive position and that this candidate meets the 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 May 1, 2007.

Supervisor Hotaling suggested that an expiration date of September 30<sup>th</sup> be added to the resolution.

Collectively it was agreed.

Councilman Boehm inquired as to if there were any other applicants that had applied for this position.

Councilwoman Rogers interjected that they always hire Mr. Vasquez as a seasonal laborer.

Supervisor Hotaling stated that Mr. Vasquez has been a seasonal employee for a number of years and added that prior to the Beautification Department he had been a seasonal employee for the Highway Department.

Highway Superintendent Deering interjected that he was a very good employee.

Supervisor Hotaling inquired as to if he is still a seasonal employee for snow plowing.

Highway Superintendent Deering stated that he is not.

Supervisor Hotaling stated that he is restricted in terms of his Social Security that he gets for his family as a result of the loss of his wife and added that he works within the scope of that award that he gets from Social Security. He continued by saying that as Highway Superintendent Deering had pointed out he is a good worker.

### **RES. #060-07 APPOINT FULL-TIME POLICE OFFICER**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, 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 Brian W. Rinaldi 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 Brian W. Rinaldi as a full-time Police Officer at the hourly rate of \$19.75, effective immediately and contingent upon successful completion of the Albany County Civil Service agility test.

Councilman Boehm inquired as to if it is a tough test.

Chief Darlington stated that he passed it without any problem and added that he is much older than Officer Rinaldi.

Supervisor Hotaling stated that there were some issues about him getting a physical before hand and then asked Chief Darlington if it had been resolved.

Chief Darlington stated that they had contacted Officer Rinaldi’s physician and they took care of it.

Supervisor Hotaling interjected that it was the best course of action in terms of his insurance coverage. He continued by saying that Chief Darlington has also suggested some additions to the force in a part-time manner and added that they agreed that the best thing to do was to hire full-time first and be able to at some point discuss with the Town Board the candidates surrounding the other appointments.

**RES. #061-07 APPROVE DECEMBER 2006 ABSTRACT**  
On motion of Councilwoman Rogers, seconded by Supervisor Hotaling, the following resolution was APPROVED - VOTE – AYES 4 – NAYS 0 – SO MOVED

**BE IT RESOLVED**, that the Town Board, of the Town of Coeymans, does hereby approve the following claims of vouchers for the December 2006 Abstract.

| ABSTRACT    | VOUCHER # | AMOUNT       |
|-------------|-----------|--------------|
|             |           |              |
| HIGHWAY (D) |           |              |
| Highway     | 2501      | \$ 35,378.00 |
|             |           |              |
|             | TOTAL     | \$35,378.00  |
|             |           |              |

Supervisor Hotaling stated that this is one that was left off the list for a 2006 bill and added that it was for the body of a truck and continued by saying that it was not communicated as an outstanding 2006 bill.

Highway Superintendent Deering stated that he did not have the voucher at the time and added that there is another one for 2006 that has not been submitted.

Councilwoman Chmielewski stated that they should have been listed on the list because the Annual Financial Report has been submitted and added that they will now have to ask what to do.

Supervisor Hotaling stated that even though they did not get the voucher they knew what the cost was going to be because they put it out to bid and added that they should have reported it as an encumbrance. He continued by saying that the Annual Financial Report will have to be amended for any additional outstanding 2006 bills.

Highway Superintendent Deering stated they should have had it and added that he handed in the Purchase Order.

Supervisor Hotaling stated that they are not referring to the Purchase Order and added that they awarded a bid for a 4X2 and 4X4 body, which is totally different and apart from the end of the year encumbrances that they still owe money on. He continued by saying

that a Purchase Order does not tell him or anyone else that a bill is coming and added that they should have been encumbrances and included on the list that were to be included in the 2006 Annual Financial Report, which will now have to be changed. He concluded by saying that he takes exception to the note that it was here and they should have known about it.

Councilwoman Chmielewski reiterated that it was not included on the list.

Highway Superintendent Deering stated that he didn’t put it on the list because it was already known.

Councilwoman Chmielewski interjected that it should have been included so they would have known to encumber the money on the Annual Financial Report.

Highway Superintendent Deering stated that he thought it was already encumbered and money was put aside and added that it was discussed during a meeting.

Supervisor Hotaling stated that he believes that they are mixing up the meeting with encumbrances and added that it was discussed from one fund balance to the next to earmark the money from one year to the next for purchasing the trucks and the bodies associated with it. He continued by saying that it is a far cry from encumbrances.

Highway Superintendent Deering stated that the money was supposed to be set aside.

Supervisor Hotaling stated that he used the term earmark, which means that it was put aside for the purchase of the trucks. He continued by saying that there was a fund balance from one year to the next and that balance was earmarked to cover the cost of the two trucks. He added that the trucks and bodies were bid and awarded and the trucks were paid for and continued by saying that the bids for the bodies become encumbrances that should have been included in the list of 2006 dollars. He went on to say that the \$35,000 and outstanding \$60,000 was not included on the Annual Financial Report as encumbrances and added that they will now have to amend it. He concluded by saying that Highway Superintendent Deering should be commended for giving them a list because other departments do not give a list and added that it is not a big deal.

Councilman Boehm asked Highway Superintendent Deering if he has taken delivery of the trucks.

Highway Superintendent Deering stated that he has one of the trucks.

Councilman Boehm inquired as to when he will be getting the other one.

Highway Superintendent Deering stated that it is still being worked on and added that he does not know when he will be taking delivery.

**RES. #062-07 APPROVE APRIL 2007 ABSTRACT**

On motion of Supervisor Hotaling, seconded by Councilman Boehm, the following resolution was APPROVED - VOTE – AYES 4 – NAYS 0 – SO MOVED

| ABSTRACT             | VOUCHER #              | AMOUNT               |
|----------------------|------------------------|----------------------|
|                      |                        |                      |
| <b>GENERAL (A)</b>   |                        |                      |
| General Pre-Pay      | 447-472                | \$ 181,730.36        |
| General              | 526-585                | 65,283.26            |
|                      |                        |                      |
|                      | <b>General Total</b>   | <b>\$ 247,013.62</b> |
|                      |                        |                      |
| <b>PART-TOWN (B)</b> |                        |                      |
| Part-Town Pre-Pay    | 473-490                | \$ 22,983.48         |
| Part-Town            | 586-623                | \$ 38,711.96         |
|                      |                        |                      |
|                      | <b>Part Town Total</b> | <b>\$ 61,695.44</b>  |

|                                |                                |                     |
|--------------------------------|--------------------------------|---------------------|
|                                |                                |                     |
| <b>HIGHWAY (D)</b>             |                                |                     |
| Highway Pre-Pay                | 491-503                        | \$ 56,155.65        |
| Highway                        | 624-675                        | \$ 13,365.42        |
|                                |                                |                     |
|                                | <b>Highway Total</b>           | <b>\$ 69,521.07</b> |
|                                |                                |                     |
| <b>SEWER (SS)</b>              |                                |                     |
| Sewer Pre-Pay                  | 504-518                        | \$ 16,080.43        |
| Sewer                          | 676-685                        | \$ 4,468.23         |
|                                |                                |                     |
|                                | <b>Sewer Total</b>             | <b>\$ 20,548.66</b> |
|                                |                                |                     |
| <b>GROVE CEM. (TE)</b>         |                                |                     |
| Pre-Pay Grove Cemetery         | 519-520                        | \$ 215.33           |
|                                |                                |                     |
|                                | <b>Grove Total</b>             | <b>\$ 215.33</b>    |
|                                |                                |                     |
|                                | <b>TOTAL FOR ALL FUNDS</b>     | <b>\$398,994.12</b> |
|                                |                                |                     |
| <b>TRUST &amp; AGENCY (TA)</b> |                                |                     |
| Trust & Agency Pre-Pay         | 521-525                        | \$218,195.27        |
|                                |                                |                     |
|                                | <b>Trust &amp; Agcy. Total</b> | <b>\$218,195.27</b> |

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CORRESPONDENCE

Joseph E. Mastrianni Inc.

Supervisor Hotaling stated that he was in receipt of a letter from Mr. Joseph Mastrianni who has run the Section 8 HUD Program since 1970 for the Town of Coeymans. He continued by saying that he is stepping back and his son James E. Mastrianni has replaced him as president of the firm. He added that Greg Gallucci will continue to be responsible for program finances and inspections, Amy Daniels and Natalie Smarro will supervise the Family Self-Sufficiency and Home Ownership Programs and Meredith Jenkins will continue with the firm’s comptroller. He concluded by saying that he will be available on a consulting basis and his future role with the operation of the company will be limited.

E- Mail - Chris Breen

Supervisor Hotaling stated that he was in receipt of an e-mail from Mr. Chris Breen a resident of Meilak’s Trailer Park and continued by reading the following:

“We are a community of 100 mobile homes smack in the middle of Old Ravena Road, Selkirk, NY. The road has issues with falling down embankments in more than two places that at a meeting was said to cost too much money to fix. We have a small crossing type bridge to go over that caused us to be evacuated on Monday. The north bridge is closed because it needs to be torn down and redone along with the idea to make the road wider. The Supervisor says we have money for it but the work has not been started. We do not have any kind of emergency exit out of here. We need some kind of road. The railroad isn’t paying bodidely for the new bridge, why do we care when they are ready to start. Waiting is not acceptable after this last storm. We need to start this bridge now. Tear down those apartments and lawns and trees that the Town bought and get started. This trailer park has been put on the back burner too many times. I had Fox 23 News down here a few years ago about the bridges and the road. I’m going to do whatever it takes to get an emergency road and get my bridge done sooner that what the Supervisor wants. I may be just one person but I can be a heck of a bug.

Thank you, help us,  
Chris Breen

Supervisor Hotaling stated that he wants to state to Mr. Breen that he has nothing to do as to when the bridge starts and added that he is not delaying it in any way. He added that the money has been encumbered and transferred as fund balances from year to year in the budget and continued by saying that it stands ready to be spent on the Town's 5% responsibility with the County and Federal Government in doing that bridge. He went on to say that there have been delays, which none have been attributed to the Town of Coeymans and added that the bridge will be done and there is no question about that. He continued by saying that he wanted to state for the record that he did not plug Miller Road nor does he intend to do anything about it when the rain starts the next time and added that Miller Road has flooded for as long as he can remember and those living there were probably aware of this when they moved there. He concluded by saying that he understands the concerns that were expressed and added that past discussions did relate to getting debris out of the creek and continued by saying that he does not believe that any of the debris laying across the creek or in the creek played any significant role in exacerbating the flooding that occurred on the 16<sup>th</sup> of April nor did it impede the receding of that flooding the following day when he was interviewed by Channel 6 News.

Supervisor Hotaling asked if there were any additional comments.

Councilwoman Rogers stated that those on Miller Road should have seen the flooding on Rte. 143 and continued by saying that the weather was to blame and added that it can't be blamed on debris in the creek.

Councilman Boehm interjected that there were torrential rains and added that flooding is something that should have been expected.

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## **TOWN BOARD WORKSHOPS/MEETINGS**

- April 24 – Joint Town/Village Workshop, 7pm, Village Hall
- May 14 – Town Board Meeting, 7pm
- May 15 – Town Board Workshop, 6pm
- May 21 – Town Board, Planning Board & Zoning Board of Appeals, 6:30pm
- May 29 – Town Board Meeting, 7pm

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## **ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Councilman Boehm inquired as to if Supervisor Hotaling had heard anything from Frank Bruno regarding the placement of the Economic Development Plan on the website.

Supervisor Hotaling stated that he has not spoken to Mr. Bruno specifically about that.

Councilman Boehm stated that he believes that Nicole Allen e-mailed it to him 4-5 days ago. He continued by inquiring about the 1971 Fire District Line and whether or not it makes sense to go backwards and fix it prior to the negotiations.

Councilwoman Rogers interjected that she believes that they should go back to the 1971 line without changing it because this is all that they have in writing.

Supervisor Hotaling stated that they could do that and continued by asking if they believe that there is enough factual information based upon the words that comprise the 1971 line and the lack of any official map that depicts the 1971 line. He added that if they feel as though it is sufficient for the Assessor, he will communicate it to her.

Tape change – some dialect lost.

Councilman Boehm stated that the Fire District has to supply a survey.

Supervisor Hotaling stated that as he understands it the Town engages either in the Town Engineer or Town Surveyor or contract out for such survey and in turn the cost is paid by the two Fire Districts.

Councilman Boehm stated that the two Fire Districts had indicated that they were going to work it out and added that they now have each hired a lawyer, which is taxpayer dollars. He continued by saying that it might simplify the process by going back to the line and then negotiate.

Supervisor Hotaling interjected that it is not about going back to the line because it is the line currently.

Councilwoman Chmielewski stated that it is the Assessor's duty to make sure that the roll follows that 1971 resolution because that is what it is suppose to be.

Supervisor Hotaling stated that things were described differently in 1971 with such wording as the rock ledge, big oak tree, etc. and added that maybe someone can figure it out. He continued by saying that he does not see how the Assessor could follow the line because it needs to be surveyed.

Councilwoman Chmielewski stated that they need to order the survey and charge it back to the districts and added that this is the only way that it will be settled.

Councilman Boehm stated that he wanted to offer a motion.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski authorizing Assessor VanValkenburg to utilize the 1971 Fire District boundaries for the next Tax Assessment Roll in addition to communicating with the Town Board if she needs to hire a surveyor to clarify the properties.

Councilwoman Rogers inquired as to why they would not let Attorney Hannigan and Attorney Young continue with resolving it.

Supervisor Hotaling stated that there was a motion on the floor and continued by asking if there was a second.

Councilwoman Chmielewski stated that she would second it.

Supervisor Hotaling stated that there is a motion made by Councilman Boehm and a second by Councilwoman Chmielewski and continued by asking as to what Assessment Roll he is talking about.

Councilman Boehm inquired as to if it would be possible to get in done for 2007.

Supervisor Hotaling stated that if a survey is necessary he does not believe that they can get a surveyor to talk to them before the next Tax Assessment Roll much less do the survey. He continued by say that May of 2008 would be feasible would be impossible.

Councilman Boehm stated that some portions of it are defined and added that it won't be hard to figure out.

Supervisor Hotaling stated that there is a sense that there was an agreement between and among the Fire Companies in taking properties, which resulted in some of the anomalies where it is clear that one department is covering a piece of property that is clearly over the 1971 line and vice versa.

Chief Darlington stated that when it came to dispatching them, anything north of Jarvis Road North on the west side was Coeymans Hollow District and on the right side was Ravena/Coeymans Creek District. He continued by saying that as you got into the quarry of Callanan's it was both districts.

Supervisor Hotaling stated that 911 anomalies occurred when the Coeymans Creek Fire District existed and the Ravena Fire Department under contract by Coeymans was the first responder and added that he believes that the reason for 911 being there was because of that situation. He concluded by saying that it is a passionate issue and he wants it resolved and added that he does not know if the Town Board has the recipe for solution.

Councilman Boehm stated that it is not a recipe but rather what is already there and added that they have to utilize what is there already.

Supervisor Hotaling inquired as to if Councilman Boehm had read the 1971 boundary.

Councilman Boehm stated that he has read parts of it.

Supervisor Hotaling asked that Councilman Boehm tell him where the boundaries are.

Councilman Boehm stated that there are lines that can be clearly identified and added that the Assessor can advise them as problems come up in addition to having a survey done if necessary.

Supervisor Hotaling stated that under the 1971 line there are properties that are dissected, which means that there is an apportionment responsibility that the Assessor has with parcels as far as determining how much of the parcel should be in each district.

Councilman Boehm stated that they also have a situation where one side benefits financially and added that they will be dragging it out forever wasting tax payer money. He continued by saying that he believes that this will help move the process along.

Supervisor Hotaling stated that he sees the Fire Companies as independent governments such as theirs.

Councilman Boehm reiterated that they will be using something that they already have.

Supervisor Hotaling stated that in his opinion it is the Fire District's responsibility to determine what their line should be. He continued by saying that there is a motion on the floor and if it is passed he will direct the Assessor based upon the motion to start assessing the next Tax Roll based on the 1971 line and added that if she says that it is impossible for her to do based on the wording he will bring it back to the Town Board to authorize a survey.

Councilwoman Rogers stated that the two attorneys who spoke earlier said that they would report back to the Town Board in June and added that maybe they should wait.

Councilman Boehm stated that the Fire Commissioners have been going back and forth for a year and half and still have not resolved it.

Councilwoman Rogers stated that they have time because they are talking about doing it for the 2008 Tax Roll.

Councilman interjected that he wants to move the process forward.

Supervisor Hotaling stated that tonight's meeting was not the first time that a lawyer had introduced an equation. He continued by saying that they had a motion and a second to direct the Assessor to utilize the 1971 line as it is currently is written, albeit unmapped, for purposes of the next Assessment Roll and then asked for a vote.

VOTE – AYES 3 – NAYS 1 – SO MOVED

Supervisor Hotaling stated that the vote was a quorum of the Town Board and continued by saying that he would communicate the result of the motion to the Assessor in writing the following day and added that she will be directed to assess pursuant to the 1971 line. He added that the reason for his nay vote is because he believes that there is already a mechanism in place where none previously existed with only one attorney in question and continued by saying that the attorney was publicly fired by their clients at a recent Town Board Meeting, which was unbeknownst to him. He went on by saying that there are two expert attorneys in this area that are engaged in attempting to resolve this and added that what they need to do is gag the people in a public way that make those comments that were made earlier and have each client take it in a separate negotiation to work it out amongst themselves. He concluded by saying that he does not believe that there is any reason to engage in any posturing about the lines because they have a mechanism in place to get it done and added that it does not mean that he does not agree with the 1971 line is the line because he thinks that it is and reiterated that he believes that there is an opportunity for resolution other than this one.

Supervisor Hotaling asked if there were any additional comments.

Chief Darlington stated that he had just become aware that F.E.M.A. was going to come and assess the damages from the flooding and added that he does not know the particulars. He concluded by asking if this is his or Mr. Bruno's responsibility as Emergency Management Coordinator.

Supervisor Hotaling stated that the coordination of the effort with respect to F.E.M.A. would be Mr. Bruno's responsibility and added that independently he believes that the cost with losing the material behind the Highway Garage and any cost associated with what they did and attributed to the flooding is documentable and in turn would filter through Mr. Bruno in terms of presentation to F.E.M.A. He added that as Police and Command Center they should go through him and in turn through Mr. Bruno.

Councilwoman Chmielewski inquired as to if F.E.M.A. sends people to help fill out forms.

Highway Superintendent Deering stated that he has the forms.

Chief Darlington stated that it is his understanding that F.E.M.A. will be reviewing the photos and added that he believes that it should be filtered through only one person so that they make sure that the whole Town's interest is protected for every department and the cost associated with the flooding.

Councilwoman Chmielewski inquired as to if the Town hired people in the past for this type thing.

Highway Superintendent Deering stated that two people helped because they did not have the time to do it.

Councilwoman Chmielewski inquired as to who did the paperwork.

Highway Superintendent Deering stated that he did the paperwork from the pre-reports that were done.

Supervisor Hotaling stated that Chief Darlington should reach out to Mr. Bruno.

Chief Darlington stated that he would be calling him as soon as he leaves the meeting.

Supervisor Hotaling asked if there were any additional comments.

Highway Superintendent Deering inquired about the bid for the tractor.

Town Clerk Millious stated that she had mentioned it but did not see it on the agenda.

Supervisor Hotaling stated that the bid was mistakenly put in the folder for an after meeting discussion. He continued by saying that they had a Bid Opening and the bid included specifications for a John Deere tractor or equal and added that it is his understanding that three bids were initially received by Town Clerk Millious and in turn she was advised that a fourth bid had been submitted but delivered to the wrong office prior to the opening at 2pm. He added that it came to light after the bid opening and in turn he had a discussion with Town Clerk Millious after being advised by his staff that the bid had been received and continued by saying that he delivered it to Town Clerk Millious and it was opened. He went on to say that the bidder submitted a bid for a John Deere tractor and added that it was not the low bid in addition to not being the low John Deere bid.

Town Clerk Millious interjected that it was actually the highest John Deere bid.

Councilman Boehm inquired as to whether or not the Milton Cat bid was a John Deere.

Highway Superintendent Deering stated that it was a Challenger.

Supervisor Hotaling stated that he had asked that the Highway Department send a memorandum with a recommendation and added that Highway Superintendent Deering has recommended that they purchase the John Deere tractor as per the quote submitted by Capital Tractor, which is the lowest of the three John Deere bids in the amount of \$69,764.00 and continued by saying that it is higher than the or equal bid from Milton Cat for a Challenger tractor for \$61,458.00. He continued by reading the following recommendation as follows:

“John Deere is a reliable, reputable company and the Alamo is interactive with currently used equipment by this department.”

Supervisor Hotaling stated that he had asked that Highway Superintendent Deering be prepared to answer some questions and continued by asking if the low bidder of Milton Cat in the amount of \$61,458.00 as the or equal bid is a reputable bidder or whether or not it is an or equal product.

Highway Superintendent Deering stated that he does not know that much about the Challenger tractor.

Councilman Boehm inquired as to if he had specified John Deere in the bid.

Highway Superintendent Deering stated that he had specified John Deere or equal.

Supervisor Hotaling stated that the specifications were written for a John Deere tractor and they had discussed the appropriateness of putting out a bid with those kinds of specifications in limiting the bidder to a John Deere. He added that the following day Highway Superintendent Deering had submitted to Town Clerk Millious specifications that said or equal.

Councilman Boehm inquired as to whether or not Highway Superintendent Deering thought that the Challenger was equal.

Highway Superintendent Deering reiterated that he could not say because he does not know that much about the tractor and added that he had not had the opportunity to speak with Milton Cat about it. He continued by saying that he believes that it is a state contract tractor and added that he does not know of anyone that has one.

Councilman Boehm inquired as to if the current tractor is a John Deere.

Highway Superintendent Deering stated that he has a John Deere and a New Holland and added that there is a big difference between the two.

Councilman Boehm stated that he is the Highway Superintendent and then inquired as to which one he would rather have.



Highway Superintendent Deering stated that he had already recommended the one that he wanted and added that he does not want it to appear that he is overspending. He continued by saying that you get what you pay for.

Councilman Boehm stated that Highway Superintendent Deering uses the tractors and continued by asking what his recommendation is.

Highway Superintendent Deering stated that he recommends the John Deere.

Supervisor Hotaling stated that he understands the recommendation and added that his point was that they had specified or equal and continued by asking if he is not choosing the Challenger because it does not meet the quality standards or if they are not choosing it because it is not a John Deere.

Highway Superintendent Deering reiterated that he does not know anything about the Challenger and added that he has not had the opportunity to look at it.

Supervisor Hotaling interjected that if it is a state contract tractor he believes that there is another municipality or organization that has bid this tractor.

Highway Superintendent Deering stated that he has not seen any around and added that he would be willing to try it.

Supervisor Hotaling inquired as to when they will start mowing in addition to asking how quickly it could be supplied by the winning bidder.

Highway Superintendent Deering stated that it is 90 days on the Challenger and 120-150 days for the John Deere.

Supervisor Hotaling inquired as to if the Town Board wanted to award or postpone the bid.

Councilman Boehm stated that based on the timeframe he would recommend that Highway Superintendent Deering look at both models and then make a recommendation and added that the comparable model would be a savings of \$8,000.00.

Supervisor Hotaling asked what the Town Board wished to do.

Councilwoman Chmielewski stated that what Councilman Boehm suggested makes the most sense and added that Highway Superintendent Deering should look at both models.

Supervisor Hotaling stated that they would postpone the bid award until Highway Superintendent Deering has the opportunity to look at the Challenger.

Highway Superintendent Deering stated that he would like to look at it.

Supervisor Hotaling stated that they would reschedule it for the meeting on May 14<sup>th</sup> and continued by asking if there were any additional comments.

Chief Darlington inquired about the fee structure that he had sent via fax for review.

Supervisor Hotaling stated that Chief Darlington had sent a recommendation to increase the fees for supplying accident reports and the like in addition to establishing dog kennel fees. He continued by saying that he had asked Chief Darlington to discuss the process with Town Attorney Rotello as far as whether it would be done by a mere action of the Town Board by motion or resolution and then asked that Town Attorney Rotello take a look at it and then get back to them.

Town Clerk Millious stated that the amount of dogs being picked up has increased.

Councilman Boehm inquired as to what the process is when a dog is picked up.

Chief Darlington stated that there is a 7 day period that they have to hold the dog and try to locate the owner and continued by saying that if the dog is not claimed it is either adoptable or euthanized.

Councilman Boehm inquired as to how residents of the Town would know that there is a dog for adoption.

Chief Darlington stated that they are in the process of setting something up and continued by saying that they have discussed putting it in the paper and on the website. He continued by saying that there is a dog and two cats in their custody due to a cruelty of animals complaint.

Supervisor Hotaling inquired as to why there are cats at the dog kennel.

Chief Darlington stated that they had to take the cats because they are part of a cruelty to animals charge and added that they are evidence.

Councilwoman Chmielewski inquired as to how long they have to be kept for evidence.

Chief Darlington stated that he does not believe that it is for long and added that he has to contact the District Attorney's Office.

Supervisor Hotaling inquired as to if there were any additional questions.

Highway Superintendent Deering stated that he wanted to remind the Town Board about the road list that he had turned in.

Supervisor Hotaling stated that there are some questions and added that it will be discussed at the next meeting. He continued by asking Assessor VanValkenburg if she had reappeared because of the earlier discussion regarding her having to utilize the 1971 line for the Assessment Roll.

Assessor VanValkenburg stated that she had been informed by someone.

Supervisor Hotaling asked if she had any comments.

Assessor VanValkenburg stated that she was curious as to what is going on with the 1971 line and inquired as to if they were going to revert back to it.

Supervisor Hotaling stated that there is no reversion at all because the 1971 line is the line and added that they motioned and passed by majority vote to direct her to assess based on the 1971 line for the next Assessment Roll and added that the line is the line and it has been there since 1971.

Assessor VanValkenburg stated that it is not reflective of the coding on the RPS System at this time.

Supervisor Hotaling stated that this is what he is being told and added that he does know when the miscoding started and whether or not it was a process that included agreements between and among fire districts or was a mistake on the part of Sabre Assoc. during the last revaluation. He reiterated that he does not know why it occurred or when it occurred and added that he has been told by her that there are discrepancies based upon what she believes the 1971 line to be that currently exists in the RPS System.

Assessor VanValkenburg stated that she does not know what the 1971 line is other than seeing it sketched the way that Larry Conrad had done it by hand and added that when she came to the Town of Coeymans there were certain properties in certain districts on the roll and continued by saying that it has been that way since she has been here. She concluded by saying that it is fine if they want her to engage Cipperly Assoc. to basically plot the line, which will have to be apportioned because it is not running by property boundary lines as it is now and they will have to give her apportionments for every parcel that is not clearly in one or the other.

Supervisor Hotaling stated that it would be in terms of area apportionments and added that she could determine value of each area based on the total assessment.

Assessor VanValkenburg stated that she would take the total assessment and apportion the value between both districts.

Supervisor Hotaling stated that the portion with the house would have more value.

Assessor VanValkenburg distributed an opinion of counsel received from the Albany County Director the day of the meeting and added that it is clear as to what the Assessor's role is and is not.

Supervisor Hotaling stated that there is not a dispute as far as the 1971 line being active and continued by saying that he does not know if the first paragraph applies.

Assessor VanValkenburg stated that she was present earlier in the meeting and added that she is not feeling as though both fire companies agree that the 1971 line is the one to be used.

Councilwoman Rogers stated that they don't agree.

Assessor VanValkenburg stated that as a Town Board they are making the decision to use the 1971 line as a basis to set the Fire Districts.

Supervisor Hotaling interjected that the motion as he understands it was approved by majority vote was to recognize that the 1971 line is currently the Fire District boundary line irrespective of any negotiations that are ongoing to either change or redefine the line. He continued by saying that the Town Board has voted to direct her as the Assessor to assess based on the 1971 line.

Councilwoman Chmielewski interjected that as the Assessor she should know how to go about doing this.

Town Attorney Rotello stated that he does not know that it is her job.

Assessor VanValkenburg stated that it is not her job.

Supervisor Hotaling read the following from the opinion given to them by Assessor VanValkenburg:

“Where there is a dispute concerning a boundary line located within a single town, the Town Board of that town must have the boundary line or lines surveyed by the Town Engineer if there is one or if not by a licensed land surveyor.”

Supervisor Hotaling continued by saying that there is not a dispute because the 1971 line is the line. He added that she may say that irrespective of his position that there is no dispute and she does not know where the line is, it is a different story. He continued by saying that if she cannot discern the line based upon the writings of the existence of the 1971 line, she needs to tell them what it says even though there is no physical dispute.

Town Attorney Rotello stated that there are two scenarios and added that Assessor VanValkenburg can say that she believes that the 1971 line is the way that the tax roll currently exists if they were mapped out. He continued by asking if she said that would the issue be resolved.

Councilwoman Rogers stated that it would not be.

Town Attorney Rotello stated that Assessor VanValkenburg could say that she did not agree and say that she believes that the line is somewhere else, which also would not resolve the issue. He continued by saying that the reference to a dispute is between the fire districts that are wholly within one Town and added that the Town Board does not believe that there is a dispute.

Supervisor Hotaling stated that he had not heard from either counsel a request for a survey for the line.

Town Attorney Rotello stated that he didn't hear it either and added that he didn't think that they either disagreed with what they perceived their role to be representing their various districts and continued by saying that they might disagree if there was something changed and how it was changed but not as far as the role of the Town Board.

Councilwoman Chmielewski interjected that they all know what their roles are and added that if it were to be changed a survey would have to be done and they would have to have a Public Hearing.

Supervisor Hotaling stated that they might possibly have to do a survey if there remained a dispute as to the newly formed line. He added that if there was not a dispute the Town Board would take whatever role they have to take in order to formalize that in a Public Hearing and filing way.

Councilwoman Chmielewski interjected that it would be the same way that it was done in 1971.

Assessor VanValkenburg stated that she does not have the equipment to plot out and apportion from a tax map accurately the acreage apportionments.

Councilwoman Chmielewski stated that she will have to go to the County because they were the ones that made the map.

Assessor VanValkenburg stated that she will have to rely on the County or Cipperly Assoc. to get that information for her and added that they will have to interpret the charter.

Supervisor Hotaling inquired as to the date of the next Final Tax Assessment Roll.

Assessor VanValkenburg stated that the next Final Roll is July 1, 2007.

Supervisor Hotaling inquired as to whether or not based on the motion for the challenge that she has been given if she will be able to get this accomplished.

Assessor VanValkenburg stated that it would not be possible and added that she is at the mercy of Cipperly Assoc. and added that there could be legalities as far as changing the districts and whether or not you can do that without the proper course of grievance.

Councilwoman Chmielewski stated that she could go before the County Legislature even if it is past the filing date and added that she is sure that she knows that she can still change the roll.

Assessor VanValkenburg stated that she didn't know that.

Town Attorney Rotello interjected that she would have to go to the State Legislature to do this and not the County Legislature.

Assessor VanValkenburg inquired as to if they wished to have this done for the 2007 Roll.

Supervisor Hotaling stated that it was not his wish but rather the majority of the Town Board taken in a vote earlier.

Assessor VanValkenburg inquired as to if it was for 2007.

Supervisor Hotaling stated that the motion said for the next Assessment Roll and he had asked her when that occurred.

Assessor VanValkenburg stated that the Tentative Roll is May 1<sup>st</sup>.

Supervisor Hotaling stated that if she cannot accomplish is by the next Assessment Roll by July 1<sup>st</sup> she will have to notify the Town Board in some way in writing that their motion cannot be accomplished.

Councilman Boehm interjected that some of the parcels are easier to determine than others and some will be difficult.

Councilwoman Rogers stated that the easy ones are not the ones in dispute.

Town Attorney Rotello stated that March 1<sup>st</sup> is the taxable status date, May 1<sup>st</sup> is the Tentative Roll and added that a Notice of Change has to go to the property owner prior to May 1<sup>st</sup> in order to allow them to grieve it. He continued by saying that in changing from one district to another he does not know that if it could be grieved and added that this is something that they have to check into.

Councilwoman Chmielewski interjected that there are a lot of questions and added that Assessor VanValkenburg needs to start making some phone calls to find out what has to be done and how they need to do it.

Assessor VanValkenburg stated that she does know that as of May 1<sup>st</sup> when she certifies the Tentative Roll she loses jurisdiction of making changes on the roll and added that everything after that has to go before the Board of Assessment Review.

Supervisor Hotaling stated that the motion is not focused on the July 1<sup>st</sup> date but rather her jurisdictional deadline of May 1<sup>st</sup>.

Assessor VanValkenburg stated that this is her understanding and added that she will start making phone calls.

Councilman Boehm reiterated that some of the properties are easy and there are no questions about the boundaries.

Assessor VanValkenburg interjected that she does not know how many parcels will be bisected and added that she does not even have a copy of the 1971 Charter.

Councilwoman Chmielewski stated that it should be in the Assessor's Office and added that she believes that Assessor VanValkenburg did see it a long time ago.

Assessor VanValkenburg stated that Larry Conrad had a copy and reiterated that she never had a copy.

Councilwoman Chmielewski stated that they could argue about it all night and then asked if there could be a motion to close the meeting.

Supervisor Hotaling stated that he was not viewing it as an argument and added that at this juncture it is a pointless discussion in the sense that there is not going to be a resolution at this time. He continued by saying that a motion was made, properly seconded, discussed and voted upon and added that this was the direction of the Town Board. He concluded by saying that any fallout to it that she can foresee relative to her jurisdiction, abilities, needs in terms of how she can get this accomplished has to be communicated back to the Town Board to determine what they need to do either within the scope of their authority in this opinion under Real Property Tax Law or within their authority administratively to assist her to facilitate to get the job done, or at some point the Town Board will rescind their motion.

Supervisor Hotaling asked if there were any further 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 Chmielewski, the Town Board Meeting was adjourned.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Time: 9:55pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Bid Opening was held Thursday, April 19, 2007, at 2:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Diane L. Millious, Town Clerk  
Cindy Vatalaro, Deputy Town Clerk

**ALSO PRESENT:** Albert Deering, Highway Superintendent  
Mike Graves, Manager, Capital Tractor

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The following Legal Notice appeared in the Ravena News Herald.

**NOTICE TO BIDDER  
INVITATION TO BID**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Coeymans, Albany County, New York, hereby invites sealed bids for:

One (1) John Deere Model 6215 Tractor or **EQUAL**

All prospective bidders may call the Highway Superintendent at 756-2251 between the hours of 7:30am – 3:30pm regarding this bid. Bid Specification 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 Thursday, April 19, 2007, 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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**BIDDERS**

|  |             |
|--|-------------|
| Milton Cat<br>500 Commerce Drive<br>Clifton Park, NY 12065                 | \$61,458.00 |
| Stephenson Equipment, Inc.<br>1886 Duanesburg Road<br>Duanesburg, NY 12056 | \$71,037.00 |
| Capital Tractor, Inc.<br>978 Albany-Shaker Road<br>Latham, NY 12110        | \$69,764.00 |

The bid opening concluded at 2:05pm.

A fourth bid was received in the Supervisor’s Office at 12 noon by Payroll Clerk Fitch, who was unaware of the Bid Opening or process. The bid was delivered to Town Clerk Millious the following morning by Supervisor Hotaling. Town Clerk Millious proceeded

to open the bid in the presence of Supervisor Hotaling and Deputy Clerk Vatalaro. The result of the bid is as follows:

|                             |             |
|-----------------------------|-------------|
| H.C. Osterhout & Sons, Inc. | \$73,697.28 |
| 1127 SR 143                 |             |
| Ravena, NY 12143            |             |

|                                |                  |
|--------------------------------|------------------|
| <i>Respectfully Submitted,</i> | <b>APPROVED:</b> |
|--------------------------------|------------------|

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*Diane L. Millious, Town Clerk*



**A Town Board Workshop was held Tuesday, April 17, 2007 at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

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

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

**ALSO PRESENT:** Diane Millious, Town Clerk  
Joseph Rotello, Town Attorney

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**AGENDA ITEMS**

- Kellogg Foundation Coeymans Hamlet Grant
- Summer Recreation Program
- Local Development Corporation

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**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.

Time: 7:50pm

*Respectfully Submitted,*

**APPROVED**

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

**A Town Board Meeting was held Monday, April 9, 2007, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman

**ABSENT:** Ronald K. Hotaling, Jr., Supervisor

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

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

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**OPENING COMMENTS**

Councilwoman Chmielewski asked that Councilwoman Rogers read the resolution allowing her to preside over the meeting due to Supervisor Hotaling’s absence

**RES. #057-07 DESIGNATION TO PRESIDE OVER MEETING**  
On motion Councilwomen Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Supervisor Hotaling) – SO MOVED

**WHEREAS,** the Town Supervisor is unable to attend and preside over the Town Board meeting of April 9, 2007, and

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

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

**NOW, THEREFORE, BE IT RESOLVED,** that the Town Board of the Town of Coeymans does hereby designate Nita J. Chmielewski to preside over the Town Board meeting of April 9, 2007

Councilwoman Chmielewski stated that the record should reflect that Supervisor Hotaling is absent and added that in addition to the Town Board Town Clerk Millious, Town Attorney Rotello and Highway Superintendent Deering were present. She continued by giving an overview of the agenda.

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**OVERVIEW OF AGENDA**

- Resolution
  - Designation to Preside Over Meeting
- Public Comment Period
- Approval of Minutes of Meetings
  - Town Board Meeting – February 12, 2007
- Old Business Update and Discussion
  - Laberge Group Project Extension Proposal for Zoning Ordinance Development
- New Business
  - Set Town Board Workshop (Jointly with Village of Ravena)
  - Request by Highway Superintendent to Attend Annual Training School
  - Authorization to Sign DCJS Grant Agreement
  - Portable Sanitation Units for Parks

- Route 143 - Potholes
- Grange Week Proclamation
- Town Board Workshops/Meetings
  - April 16, 2007 - 6:30 PM – Joint Workshop Town Board, Planning Board, Zoning Appeals Board for Zoning Ordinance
  - April 17, 2007 6:00PM Town Board Meeting, Town Board, Planning Board, Zoning Board of Appeals
  - April 23, 2007 -7:00 PM- Town Board Meeting

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## **PUBLIC COMMENT**

Councilwoman Chmielewski invited the public to comment at this time, hearing none she moved to the next item on the agenda.

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## **APPROVAL OF MINUTES**

Councilwoman Chmielewski stated that there is one set of minutes for Town Board approval a Town Board Meeting on February 12, 2007. She continued by asking if everyone had an opportunity to review them and then asked for a motion to approve the minutes.

## **MOTION**

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

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Supervisor Hotaling) – SO MOVED

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## **OLD BUSINESS**

### **Laberge Group Project Extension Proposal for Zoning Ordinance Development**

Councilwoman Chmielewski stated that there were many people in attendance for the Proposed Zoning Ordinance Public Hearing and added that there were many comments on the zoning. She continued by saying that the Zoning Board feels as though there should be some zoning changes in addition to changes in the Zoning Ordinance. She added that they were in receipt of a letter regarding this from Laberge and continued by reading the following:

Ronald K. Hotaling, Jr. Supervisor  
 Town of Coeymans  
 18 Russell Avenue  
 Ravena, NY 12143

Re: Change in Scope  
 Task: Zoning Ordinance Revisions  
 Coeymans, New York

Dear Supervisor Hotaling:

It is our understanding that the Town of Coeymans has recently decided to extend the public outreach component of the Zoning Ordinance Update. As per our signed contract, Laberge Group agreed to provide two working outlines of the Draft Zoning to the Zoning Committee and to conduct one public hearing to present the proposed changes to the community. With our recent facilitation of the Public Hearing on March 19<sup>th</sup>, 2007, the Laberge Group has completed these tasks in full.

We recognize the importance of extending the public outreach component and therefore propose a time and materials fee plus normal reimbursable expenses to accommodate the

additional public workshops and / or hearings, preparation for such meetings and subsequent revisions to the working draft. The outstanding tasks from our original contract, including the Long Form EAF Parts 1 and 2, submission of the Final Zoning Ordinance to the County, and the five Final copies of the Final Zoning Ordinance will be completed in accordance with our original agreement.

Upon review, please sign below and return a copy of the executed document to our office. As always, if you have any questions or comments, please do not hesitate to contact our office at (518) 458-7112. We appreciate working with you and remain

Very truly yours,  
LABERGE GROUP

Benjamin H. Syden, A.I.C.P., E.D.P.  
Director of Planning & Community Development

Councilwoman Chmielewski asked for a motion authorizing Supervisor Hotaling to execute the agreement to continue working with Laberge on the proposed Zoning Ordinance.

Councilman Boehm inquired as to if there is a dollar amount.

Town Attorney Rotello interjected that it is on the back of the letter.

Councilwoman Chmielewski stated that those amounts are for the technical categories and added that there is not a total amount.

Town Attorney Rotello interjected that the letter states that it will be based on time and material, which will be determined by however many additional Workshops and Public Hearings that they have. He added that he believes that they were not able to give a set amount based on the uncertainty as to the amount of time that will be involved leading up to the Public Hearing.

Councilwoman Chmielewski stated that they have discussed putting together a smaller group consisting of two people from each of the Boards in addition to the Code Enforcement Officer and the Attorney for the Planning and Zoning Boards in order to go over item by item of the draft and then bring it back.

Town Attorney Rotello stated that this would not necessarily involve Laberge and added that when they go to them to make the changes in the document and reprint it any cost associated with this would be charged to the Town. He continued by saying that to a certain extent the Town can control the time and expense. He concluded by saying that their original contract did provide for a certain fixed fee and added that the charge for those services have been expended.

Councilwoman Chmielewski stated that Supervisor Hotaling had asked that there be a motion to approve his signature upon his return.

Councilman Boehm inquired as to what the difference is between a Public Meeting and a Public Hearing.

Town Attorney Rotello stated that under the rules for changing your zoning there would be a document presented for a Public Hearing, which is public comment where members of the public have an opportunity to be heard and added that typically a Public Hearing is for input and there is not dialog. He continued by saying the Town Board would take the comments and either make changes or decide not to and in turn enact the law, ordinance, etc. He went on to say that a Public Meeting is just an informational meeting and public discussion where there is dialog.

Councilman Boehm inquired as to if there is going to be a Public Meeting prior to the next Public Hearing.

Town Attorney Rotello stated that it was up for discussion based on the smaller committee that was mentioned earlier. He continued by saying that there was substantial

input at the Public Hearing and added that it needs to be discussed and they need to come up with another document. He added that once they have that document the Town Board, Planning Board and Zoning Board of Appeals have to decide whether or not it is something that is ready to go for a final Public Hearing or if it should be presented for another public input discussion. He concluded by saying that the new document could be a good working document and added that it could go right to a Public Hearing.

Councilwoman Chmielewski interjected that it was her understanding that the smaller group will tweak the document as much as it can be tweaked and then it will go to Public Hearing.

Town Attorney Rotello stated that it would be based on the comments that they have received thus far and added that there may be additional comments at the Public Hearing that will warrant more changes or adjustments. He concluded by saying that once all of the changes are made it will be put to a vote by the Town Board and ultimately they will be adopting it.

Councilwoman Chmielewski asked for a motion authorizing Supervisor Hotaling to enter into an agreement with Laberge to extend their services.

### **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, accepting the proposal from Laberge to continue working with the Town for the additional Public Workshops and Public Hearings.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Supervisor Hotaling) – SO MOVED

### **Update on Revaluation Project**

Councilwoman Chmielewski asked that Assessor VanValkenburg give an update on the Revaluation Project.

Assessor VanValkenburg stated that there were approximately 750 Informal Meetings scheduled and added that approximately 700 appeared in addition to there being 15-20 write-ins. She continued by saying that they are in the process of being reviewed and the computer system is being updated with any changes and added that notices of the changes will be going out on or about May 1<sup>st</sup>, which will contain information about Grievance Day. She went on to say that Grievance Day will begin May 22<sup>nd</sup> and added that depending on how many people need to be heard they will need to schedule additional dates. She concluded by saying that it is important to know that for those that want to file a grievance, by law they have to file a Grievance Form by May 22<sup>nd</sup> and added that if it is not filed they cannot be heard.

Councilwoman Chmielewski inquired as to whether or not there will be an article in the newspaper.

Assessor VanValkenburg stated that there will be and added that because of the potential of the number of grievances they will be scheduling appointments.

Councilwoman Chmielewski inquired as to if Grievance Days will be held in Town Hall.

Assessor VanValkenburg stated that the actual Grievance Day on May 22<sup>nd</sup> will be and continued by saying that there were some conflicts as to when the room is available and added that she will be talking to Supervisor Hotaling before they know for sure where they will be and reiterated that Grievance Day on May 22<sup>nd</sup> will be in Town Hall and will run all day from 10am to 8pm. She concluded by saying that the website will be updated on or about May 1<sup>st</sup> with the changes and new values and added that on Tuesday, May 8<sup>th</sup> she along with the Board of Assessment Review will be meeting with Appraisal Consultants to bring them up to date on the process.

Councilwoman Chmielewski inquired as to if she was saying that there were some changes that resulted from the Informal Meetings with Appraisal Consultants.

Assessor VanValkenburg stated that there were changes and adjustments and added that she does not have the exact number as to how many.

Councilwoman Chmielewski inquired as to if the property owners were aware of the change.

Assessor VanValkenburg stated that they will know on or about May 1<sup>st</sup> when the notices go out and added that everyone that either appeared or submitted documentation by write-in will be getting a notice regardless of whether or not there was a change. She continued by saying that in addition to that over the course of time due to reconstruction and split merges that have occurred assessments have changed and notices for those changes will be sent out as part of it.

Councilwoman Chmielewski thanked Assessor VanValkenburg and asked if there were any additional questions or comments from the Town Board, hearing none she moved to the item on the agenda.

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## **NEW BUSINESS**

### **Town Board Workshop (Jointly with Village of Ravena)**

Councilwoman Chmielewski stated that Supervisor Hotaling was in contact with the Village Board and added that they would like to have a meeting with the Town Board. She continued by saying that the date suggested was April 24<sup>th</sup> at 7pm to be held at Village Hall and added that the following three topics were identified for discussion.

- (1) J&B Deli Storm Water
- (2) Sewer Contract
- (3) Water (hydrants, infrastructure)

Councilwoman Chmielewski stated that Supervisor Hotaling had sent a memo to the Town Board members requesting any additional topics that they wanted to add to the agenda and continued by saying that a request should be made by April 16<sup>th</sup>. She then asked for a motion to set the Joint Village/Town Workshop.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, authorizing a Joint Village/Town Workshop on April 24<sup>th</sup> at 7pm in Village Hall.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Supervisor Hotaling) – SO MOVED

Councilwoman Chmielewski asked that Town Clerk Millious to prepare the appropriate notice to put in the paper and post.

Town Clerk Millious stated that she would.

### **Request by Highway Superintendent to Attend Annual Training School**

Councilwoman Chmielewski asked that Highway Superintendent Deering give an explanation of what the request is for.

Highway Superintendent Deering stated that it is for Highway School and added that it is similar to the Association of Towns Annual Meeting in New York City.

Councilwoman Chmielewski interjected that this only for Highway Superintendents and added that Supervisor Hotaling received a memo from Highway Superintendent Deering requesting permission to attend the training. She proceeded to read the following:

TO: Supervisor Hotaling and Town board  
FROM : Albert Deering, Highway Superintendent  
SUBJECT: Annual School for Highway Superintendent

DATED: March 28, 2007

Please be advised, I would like to attend the School for Highway Superintendents on June 4-6, 2007. The registration fee is \$85.00 if paid by May 25<sup>th</sup>, and \$110.00 if paid after May 25<sup>th</sup>. Thank you for your consideration in this matter.

Councilwoman Chmielewski asked for a motion to authorize his attendance.

### **MOTION**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski for Highway Superintendent Deering to attend the Annual School for Highway Superintendents on June 4<sup>th</sup>-6<sup>th</sup> with a registration fee of \$85.00.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Supervisor Hotaling) – SO MOVED

### **Authorization to Sign DCJS Grant Agreement**

Councilwoman Chmielewski stated that there is a DCJS Contract Agreement for a grant for the Police Department and continued to ask that Chief Darlington to explain it.

Chief Darlington stated that it is the contract requirements of the Town and Police Department in receiving a \$22,900 grant for a license plate reader and it states what the requirements will be throughout the calendar year.

Councilwoman Chmielewski inquired as to if the full amount comes to the Town and whether or not any money is required from the Town.

Chief Darlington stated that it may require the money up-front and added that the full amount will be reimbursed 100%. He continued by saying that there is no matching amount and added that anything that the Town puts out will come back to the Town.

Councilwoman Chmielewski asked for a motion for the Supervisor to sign the DCJS Grant Agreement.

Town Attorney Rotello interjected that they need to make one correction to the face of the Agreement and added that the initial contract period end should be changed to 03-31-08.

### **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers authorizing the Supervisor to sign the DCJS Contract Grant Agreement.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Supervisor Hotaling) – SO MOVED

### **Portable Sanitation Units for Parks**

Councilwoman Chmielewski stated that Confidential Secretary Lewandowski notified her that with the nice weather there is a need for the portable sanitation units at the parks. She continued by inquiring as to when the Town Board would like them delivered to the parks and added that originally they had thought that May 1<sup>st</sup> would be a good time and continued by saying that they now believe that it is still too wet. She concluded by asking if May 14<sup>th</sup> would be a better date.

Councilman Boehm and Councilwoman Rogers collectively stated that people will start using the parks before then.

Councilman Boehm inquired as to the fee.

Councilwoman Chmielewski quoted the following rates:

2007 - COEYMANS LANDING

(1) Regular Unit - \$80 per month including hand sanitizers

(1) Handicap Unit - \$140.00

Total \$220.00\*

#### 2007 - JORALEMON PARK

(1) Regular Unit - \$80.00 per month included hand sanitizers

(1) Handicap Unit - \$140.00 per month

Total \$220.00\*

Total monthly expenditure

\$440.00

\*Plus fuel charge per site per weekly cleaning of \$1.95

Councilman Boehm inquired as to if they will have to pay for the full month of May if they wait until May 14<sup>th</sup>.

Councilwoman Chmielewski stated that she believes that the start date would be May 14<sup>th</sup> and the first month would be until June 14<sup>th</sup>.

Town Attorney Rotello inquired as to if they utilize the landing park for youth soccer and if so when does it start. He continued by saying that if they use the park prior to May 14<sup>th</sup> they should have them available.

Councilwoman Chmielewski stated that she didn't know when they start.

Councilman Boehm interjected that they should have them delivered for May 1<sup>st</sup>.

Councilwoman Chmielewski stated that she would let Confidential Secretary Lewandowski order them for May 1<sup>st</sup> and then asked for a motion to do so.

Councilman Boehm inquired as to if the charges are the same as last year.

Councilwoman Chmielewski stated that it would be a little more because they put fuel charges on the quote and added that the total cost monthly for both parks would be \$440.00.

#### **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers authorizing the placement of the portable sanitation units at Joralemon Park and Coeymans Land Park beginning May 1<sup>st</sup>.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Supervisor Hotaling) – SO MOVED

#### **Route 143 – Potholes**

Councilwoman Chmielewski stated that they have received some complaints about the potholes on the Rte. 143 corridor as well as being in receipt of a copy of a letter sent to Mike Johnson from Highway Superintendent Deering.

Highway Superintendent Deering stated that he had been trying to contact him by phone and added that he apparently was not getting the messages and in turn he sent him a letter.

Councilwoman Chmielewski stated that Highway Superintendent Deering sent a letter to Mr. Johnson complaining about the potholes and asking that they be taken care of as soon as possible.

Highway Superintendent Deering stated that they were working on the road earlier in the day and added that they did not get very far.

Councilman Boehm stated that he had spoken with Mr. Johnson and added that he had stated that he was going to send a letter to Highway Superintendent Deering. He added that Mr. Johnson had said that they were going to start at Martins Hill and continue going out Rte. 143 and continued by saying that they are using a cold patch because the asphalt



plants are not running yet. He went on to say that the cold patch will not last long and added that they will be coming back to put the hot asphalt down. He concluded by saying that he has a telephone number for people to report pot holes 765-2841 and added that anyone calling needs to be able to give a location of the pot hole.

Highway Superintendent Deering stated that he is having the same problem with the Town roads and added that the cold patch will stay in a while and it is better than nothing.

**Grange Week Proclamation**

Councilwoman Chmielewski stated that Grange Week is going to be April 15<sup>th</sup> through April 21<sup>st</sup> and added that each year the do a proclamation. She continued by reading the following.

**RES. #058-07 PROCLAIM THE WEEK OF APRIL 15 – APRIL 21 GRANGE WEEK**

**WHEREAS**, the Grange has sought to advance the interest of farmers, rural Americans and our Nation’s families, through the concept that by working together we can accomplish much for our communities; and

**WHEREAS**, voluntary association with the Grange not only provides the benefits of economic and political cooperation for its members, but also elevates character by providing social, cultural and educational programs; as well as opportunity for individual expression and personal growth; and,

**WHEREAS**, the Grange gives members the opportunity to serve the community through projects and programs that make a difference in the lives of children, youth and neighbors in need of assistance; and

**WHEREAS**, Ravena Grange in Coeymans Hollow has served this community since 1919,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans, proclaims April 15 through April 21, 2007, as Grange Week, in recognition of the contributions made by the Grange throughout their many years of faithful service.

Councilwoman Chmielewski stated that the proclamation will be presented at the next Grange Meeting.

class=Section2>

**TOWN BOARD WORKSHOPS/MEETINGS**

- April 16 - 6:30pm, Joint Workshop Town Board, Planning Board, Zoning Board of Appeals
- April 17 - 6:00pm, Town Board Workshop
- April 23 - 7:00pm, Town Board Meeting
- April 24 - 7:00pm, Joint Town/Village Workshop

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**ADDITIONAL COMMENTS**

Councilwoman Chmielewski asked if there were any additional comments.

Councilman Boehm stated that prior to the meeting they had a Public Meeting on the Economic Development Strategy, which is available at the Town Clerk’s office and Ravena Library for review in addition to being on the website later in the week.

Councilwoman Chmielewski asked if there were any additional comments, hearing none she 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 1 (Supervisor Hotaling) – SO MOVED

Time 9:19pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Town Board Meeting was held Monday, March 26, 2007, at 7:00pm at Town Hall,  
18 Russell Avenue, Ravena, New York**

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

**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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**SUPERVISOR’S OPENING COMMENT**

Supervisor Hotaling stated that there was a full Town Board present in addition to Town Clerk Millious, Highway Superintendent Deering, and Town Attorney Rotello.

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**OVERVIEW OF AGENDA**

- Public Announcement
  - Crop Walk, May 6, 2007
- Public Comment Period
- Approval of Minutes
  - January 16, 2007, Informational Meeting Zoning Ordinance Update
  - January 22, 2007, Town Board Meeting
- Supervisor’s Report – February 2007
- Department Monthly Reports
  - Building Department, February 2007
  - Sewer Department, February 2007
  - Town Clerk, February 2007
- Old Business
  - Landfill Litigation
  - Association of Towns Meeting Summary
  - 2006 Election Costs Update
  - Zoning Ordinance Public Hearing 3/19, Need for Workshop Date
  - Environmental Facilities Corporation Funding for Sewer Plant Upgrades
  - Snowmobile Trail Development & Maintenance Funding
- New Business
  - Disposal of Old ACO Vehicle
  - Review of Specifications for Highway Equipment
  - Laborer for Community Beautification
  - Contractual Agreement for Albany County Paramedic
  - NUS Office of General Services Purchasing Forum
- Resolutions
  - Appointment of Recording Secretary for Zoning Board of Appeals
  - Transfer of Funds
  - Approval of Abstract, December 2006
  - Approval of Abstract, March 2007
- Correspondence
  - Segel, Goldman, Mazzotta & Siegel, P.C.
  - NYS Department of Transportation, RE: Rte 143
  - NYS DEC, 2002 Grant
  - Lafarge North America

- Town Board Workshops/Meetings
  - March 27, 2007, Planning Board Workshop, 6pm
  - April 9, 2007, Public Meeting Economic Development Strategy, 6pm
  - April 9, 2007, Town Board Meeting, 7pm
  - April 16, 2007, Town Board, Planning Board and Zoning Board of Appeals  
Joint Workshop for Zoning Ordinance, 6:30pm
  - April 17, 2007, Town Board Workshop, 6pm

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## **PUBLIC ANNOUNCEMENT**

### **Crop Walk – Sunday, May 6, 2007**

Supervisor Hotaling stated that he was in receipt of an announcement dated March 2007, which was sent to all Town Supervisor's, reminding them of the 2007 Crop Walk for the hungry. He continued by saying that it is scheduled for Sunday, May 6, 2007 and added that the Regional Walk will start at 181 Western Avenue between Quail Street and Lake Street in Albany with registration starting at 12:30pm. He went on to say that there is generally a local event, which should be around the same time and continued by saying that when he gets information about this he will share it with the public. He concluded by saying that he will post the information on the Regional Walk in Town Hall on the bulletin board.

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## **PUBLIC COMMENT**

Supervisor Hotaling invited the public to comment at this time.

Mr. Steven Mantor stated that he lives in Coeymans Hollow and added that he is one of the Fire Commissioners for Coeymans Hollow Fire Department. He continued by saying that he is present to give an update to the Town Board in addition to asking for their cooperation in resolving the issues of the Fire District boundaries, which has been going on for a long time and then presented written material to each Board member. He continued by reading the following:

Dear Council Members:

As you are aware, while conducting our duties during 2005 and 2006 as Fire Commissioners for the Coeymans Hollow Fire District, my fellow commissioners and I became aware of irregularities with the Town of Coeymans Tax rolls. We uncovered and have endeavored to rectify an unexplained erroneous distribution of the taxes between the Fire Districts in the Town and to correct additional firematically based protection district issues. The result of these disparities continues to place an unfair tax burden on the property owners within the Coeymans Hollow Fire District. The conservative estimate of \$6,000 dollars a year suggests a total of \$54,000 in redirected tax revenues away from the Coeymans Hollow Fire District. An actual audit by the Office of the State Comptroller would be more accurate.

As you are aware from our discussions, your own recommendations, and dialog at Town Board Workshops, the Coeymans Hollow Fire District Commissioners and the Fire Company Officers have now utilized many working days pursuing these matters. They have attended a significant number of meetings with the Assessor's Office, the Coeymans Fire District Commissioners and among themselves in order to share and obtain accurate information to reach an agreement. Two years have passed and the contention about Fire District boundaries remains. In spite of the efforts to achieve resolution based on areas of coverage that best serves the public, we have met with an inexplicable lack of action and repetitive procrastination on all fronts.

The Coeymans Hollow Fire District Commissioners hereby request that the Town Board place this important matter on the agenda of the Town Board Meetings as a part of the

public process without delay. We request that you follow the applicable guidelines within the Town Law and reaffirm the “Official Fire District Boundaries” as defined in the September 20, 1971 definitions that were previously filed with the State Comptroller and that you direct an accurate survey map be prepared based thereon. We have assembled materials and archival maps that will assist your surveyor with the task.

Our goals include:

- Immediate restoration of the nine properties that were moved from the tax rolls of the Coeymans Hollow Fire District to the Coeymans Fire District without benefit of public process by persons unknown.
- A schedule for equivalent tax deferrals to be enacted as a method to repay property owners within the Coeymans Hollow Fire District and for those who erroneously paid the higher “out of district” tax rate.
- A review in conjunction with accurate survey (above) to determine the appropriate Fire District definition of the properties that currently pay taxes to the Coeymans Fire District although they are apparently within the Coeymans Hollow Fire District and are listed within the 911 response system as the responsibility of the Coeymans Hollow Fire District.

We respectfully reiterate that the timely resolution of the above matters can no longer be deferred. We feel this should be a final step for local resolution before turning to the State Comptroller and the Division of Local Government Services and Economic Development to review and rectify this situation.

We look forward to assisting you in finalizing the related emergency services district maps and the area descriptions that are needed to properly support cost saving public services and upcoming fire service contracts.

Sincerely,

Robert M. Payne, Sr., Chairman  
Coeymans Hollow Fire District Board of Commissioners

cc: Michael Biscone, Esq.

Mr. Mantor thanked the Town Board.

Supervisor Hotaling asked if he had any further comments in addition to the letter and continued by saying that he wanted to ask some questions.

Mr. Mantor stated that he would be happy to answer any questions.

Supervisor Hotaling stated that during a discussion with some of the Commissioners a while ago he had been asked about the status of this and continued by saying that he was actually waiting to find out what the status was himself. He added that he was advised and the last he knew was that Attorney Michael Biscone was engaged as the Coeymans Hollow Fire Department’s attorney and went on to say that he was told by Attorney Biscone that as a result of a meeting that took place several months ago, he would be the one that would be charged with the responsibility of writing up a proposal on behalf of both districts, which would be submitted to the Town Board.

Mr. Mantor stated that what Supervisor Hotaling had stated is fact and continued by saying that Attorney Biscone cycled back and forth trying to work with the Coeymans Fire Department and Commissioners and added that it is an unending recycling. He added that there is still no resolution and continued by saying that they came close 3-4 times but at the last minute it was not agreed upon.

Supervisor Hotaling inquired as to if it is Mr. Mantor’s opinion is that Attorney Biscone is in agreement to put it back to the Town Board.

Mr. Mantor stated that Attorney Biscone was asked to gather all the information, which was done and added that he has been advised that it is being put back in the Town Board's hands.

Supervisor Hotaling inquired as to if Attorney Biscone will be transmitting any or all of the information that he had gathered back to the Town Board to assist them.

Mr. Mantor stated that they will transmit all of the information to the Town Board.

Supervisor Hotaling stated that it would be only to the extent that the information had any relevance. He continued by saying that the ultimate request is to go back to the September 20, 1971 line, which they had determined many months ago to be the only one that they had. He added that this would be the default position that the Town would adopt since it was the Town Board who adopted the line and filed it and went on to say that for some unknown reason the line was not accurately depicted on the maps that came out in the early 80's. He added that the County engaged with someone to do maps of the county and continued by saying that the line never made it to that because upon request from the mapping company the Town of Coeymans failed to send to them the circumstances about the line and as a result because they had no other information from the Town they went to the Assessment Rolls and drew the line based on that, which probably reflected a line of earlier times.

Mr. Mantor stated that it seems that the map may have reflected the Assessment Rolls, which subsequently changed in 1999.

Supervisor Hotaling stated that he understands that and added that he had not gotten to 1999 yet. He continued by saying that he is describing when the County was trying to develop maps and added that they were using information that was not necessarily accurate because the Town failed to provide them information on the 1971 Rolls.

Mr. Mantor stated that it appears to be correct.

Supervisor Hotaling stated that subsequent to that at some point in the 90's there were some of the properties that had changed hands from one district to another in a public process and it is unknown as to how it occurred. He concluded by saying that this has gotten them to where they are today in trying to understand when, why and if the lines should have been changed.

Mr. Mantor stated that there are about 4 maps that have been developed and reviewed, overlays have been drawn, and attempts by both parties from the description what they know to be natural firematic realities of who can respond to where have been developed in the process and added that they can make copies available. He continued by saying that they also found a map at the firehouse that actually shows some of the roads that are in the legal description from the 1971 description with a key road being Mosher Road.

Supervisor Hotaling stated that he has been told that Mosher Road has ranged from as far as the hill going up into South Bethlehem by Callanan quarry all the way back to where there is the intersection of Jarvis Road North and Route 101.

Mr. Mantor stated that having found the older map that shows Mosher Road in a slightly different place actually works with the verbal description and forms one of the boundary points further north. He continued by saying that the map also shows a lot of work done by a surveyor because there are reference points and data on that should allow a surveyor to work with the old map.

Supervisor Hotaling stated that if the Town Board chooses to reactivate the issue again and move it ahead aggressively it would seem to him that one of the default determinations that would have to be strongly looked at is defaulting to the 1971 line. He added that this would be a natural option to them and continued by saying that if this were the case they would be asking the mappers of Albany County, who seem reluctant at this point, to take on the task. He continued by saying that he does not know if the reluctance will ultimately prevail but if in fact they adopt it they will ask them to map the

1971 line again. He concluded by saying that he understands that Town Law provides an opportunity for the Board to direct the survey and added that it also says that the cost of the survey will be shared by the two Fire Districts.

Mr. Mantor stated that this is their understanding and added that if the Town Board can gain the assistance it would be beneficial to Town and both Fire Districts. He continued by saying that they understand the implications and added that as the Board of Commissioners they are willing to underwrite their part.

Supervisor Hotaling inquired as to if the Town Board should have something from them from Attorney Biscone indicating that it is over or if they feel as though that it is sufficient for them to say it now because they hired him.

Mr. Mantor stated that he believes that the presence of the Commissioners at the meeting in addition to the letter signed by Mr. Payne would be sufficient.

Mr. Bob Payne stated that earlier Mr. Mantor had stated that Attorney Biscone was going to turn the maps and information over to the Town Board and continued by asking if that were true.

Supervisor Hotaling stated that the last discussion that he had with Attorney Biscone was that he was working on it and a final resolution should be forthcoming.

Mr. Payne stated that they have the maps back and added that they will be hiring another person to represent them. He continued by saying that they have the old map, which was the original map when the Fire District was set up in addition to a copy of the map from the State Comptroller when the 1971 line was filed and added that they are available.

Supervisor Hotaling interjected that there is no doubt that it was filed appropriately with the State Comptroller's Office and added that the information never found its way to the mappers for some reason.

Mr. Payne stated that every time they come to an agreement the other district backs out and added that they are done.

Supervisor Hotaling stated that they will be taking it to advisement as a Board in a separate session and added that it will either make its way back to the agenda or they will be contacted in one way or another.

Mr. Mantor thanked the Town Board.

Supervisor Hotaling thanked them for the letter and then 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 are two sets of minutes for Town Board approval, an Informational Meeting on January 16<sup>th</sup> and a Town Board Meeting on January 27<sup>th</sup>. He continued by asking if everyone had the opportunity to review them and then asked for a motion to approve the minutes.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Town Board minutes were approved as presented by Town Clerk Millious.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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## **SUPERVISOR'S REPORT**

Supervisor Hotaling presented his report for February 2007.

| FUND            | BAL. FWD.       | RECEIPTS       | DISBURSE.       | BALANCE        |
|-----------------|-----------------|----------------|-----------------|----------------|
| General         | \$ 1,803,776.97 | \$1,729,067.69 | \$1,227,593.51  | \$2,305,260.15 |
| Part-Town       | \$ 229,742.28   | \$ 255,037.60  | \$ 30,877.20    | \$ 453,902.68  |
| Spec. Water     | \$ 38,550.71    | \$ 21,675.80   | \$ -0-          | \$ 60,226.51   |
| Highway         | \$ 217,437.50   | \$ 634.57      | \$ 95,319.10    | \$ 122,752.97  |
| Bridge Const.   | \$ 41,482.21    | \$ 24.99       | \$ -0-          | \$ 41,507.20   |
| Sewer           | \$ 136,388.93   | \$ 116,423.46  | \$ 27,633.28    | \$ 225,179.11  |
| Sewer Cap Proj. | \$ 165,974.01   | \$ 191.10      | \$ 656.83       | \$ 165,508.28  |
|                 |                 |                | Total Rec. Bal. | \$3,374,336.90 |

**CD CITIZENS BANK**

|         |            |               |
|---------|------------|---------------|
| 90 DAYS | A FUND     | \$ 115,000.00 |
| 90 DAYS | HIGHWAY-DA | \$ 200,000.00 |

**SAVINGS ACCOUNTS**

**SECTION 8 - HUD**

|                 |              |                |              |
|-----------------|--------------|----------------|--------------|
| UNEMPLOYMENT    | \$ 3,130.86  | OCCUPIED UNITS | 61           |
| GROVE CEMETERY  | \$ 42,582.43 | HUD PAYMENTS   | \$ 24,251.00 |
| SEWER-DEDICATED | \$ 6,161.98  | ADMIN. FEE     | \$ 80.10     |
| TOTAL           | \$ 51,875.27 | TOTAL HUD PMT. | \$ 24,331.10 |
|                 |              | TENANT RENT    | \$ 12,085.00 |
|                 |              | CONTRACT RENT  | \$ 33,342.00 |

| COLLATERAL<br>COVERAGE     | FDIC COVERAGE | COLLATERALIZED  |
|----------------------------|---------------|-----------------|
| National Bank of Coxsackie | \$100,000.00  | \$ 4,274,776.47 |
| Citizens Bank              | \$100,000.00  | \$ 383,860.20   |
| First Niagara              | \$100,000.00  | \$ 291,675.91   |

Supervisor Hotaling asked for a motion to approve the Supervisor’s Report.

**MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, the Supervisor’s Report was approved as presented.  
VOTE – AYES 4 – NAYS 0 – SO MOVED

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**DEPARTMENT REPORT REVIEW**

**Building Department Monthly Report – February 2007**

Supervisor Hotaling asked that Councilman Boehm give a summary of the Building Department Monthly Report.

Councilman Boehm continued by giving a summary of the report.



## **Sewer Department Monthly Report – February 2007**

Supervisor Hotaling gave a summary of the Sewer Department monthly report.

### **MOTION**

## **Town Clerk Monthly Report – February 2007**

Supervisor Hotaling asked that Town Clerk Millious give a summary of the Town Clerk's Report for February 2007.

Town Clerk Millious continued by giving her report.

Supervisor Hotaling asked for a motion to approve all the reports.

### **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the monthly reports were approved as presented.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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## **OLD BUSINESS**

### **Landfill Litigation**

Supervisor Hotaling stated that the citizens group has an appeal on the decision reached by the Supreme Court Judge in the matter of great importance to them and continued by saying that he has previously reported in open forum the Town's efforts to engage with them in terms of an intervention motion. He added that the decision reached by the Supreme Court Judge seemed to act completely across purposes to a 2001 Appellate Division decision that acted in the Town's favor requiring the City of Albany to not segment the process of land purchase and landfill application. He continued by saying that in the last several months it has been reported that the City of Albany has taken ownership of the land, which was in opposition to the judgment that was rendered in 2001 and as a result the citizen group has sued and added that as a result of that the Town's effort to intervene was rejected by the Appellate Division as well as a later effort to file amicus brief. He went on to say that in addition to that the Town of Coeymans had engaged an action against the City of Albany relative to the land and the process that it took in terms of subdivision as well as some other issues, which has been ongoing. He added that it has reached a point where there was a motion to dismiss on the part of the City of Albany. He then asked Town Attorney Rotello to talk about the action that the Town Board has taken recently in regard to the lawsuit.

Town Attorney Rotello stated that as far as the status of the appeal an extension was granted on April 24<sup>th</sup> for the perfection of the appeal, which is the filing of the brief by the private citizen group. He continued by saying that the primary claim is the SEQRA segmentation argument and added that the Town's special environmental counsel will be renewing the application to participate on an amicus status. He added that the action that was commenced by the Town at the Supreme Court level in September was against the City of Albany and the landowners who were transferring the property. He continued by saying that the one cause of action was for improper subdivision, which was later discovered to be not an issue and added that the other cause of action was a renewal of the SEQRA argument that is also being determined by the Appellate Division. He went on to say that the landowner's Attorney filed a motion to dismiss the action against them for the illegal subdivision and as a result because there was no basis for that the Town agreed to withdraw the claim, which left the SEQRA issue and the violation of that act by the City of Albany. He continued by saying that this is the very same issue that will be decided by the Appellate Division and added that based upon that as well as the representations that were made at the scoping session regarding the City's timeline as put forth by their engineers as far as any wetland mitigation efforts taking 10-15 years, it was

recommended by special counsel that the Town would not be spending its money wisely to pursue the Supreme Court action since it involved the very same issue that would be decided by the Appellate Division. He added that if the Appellate Division overturns the decision that the City of Albany violated the SEQRA Act, the Town would win and continued by saying that if they did not overturn that action and upheld the decision, that very decision would also determine the outcome of the Supreme Court action. He continued by saying that it all hinges on the Appellate Division ruling and added that that it was suggested that the Town not move forward and continue the very same argument at the Supreme Court level, which was discussed and reviewed and decided that it was the prudent decision. He went on to say that they are in the process of trying to agree on how to discontinue that and added that there is a request by the attorneys for the City of Albany and the attorneys for the landowners that this discontinuance be with prejudice and continued by saying that with regard to the subdivision claim it is not an issue because there never was a claim. He continued by saying that they feel that it is not appropriate regarding the environmental question since that same issue is pending before the Appellate Division. He concluded by saying that in the event that it cannot be agreed, the procedure allows for the application to discontinue to be made to the Supreme Court Judge for him to determine whether the action can be discontinued and added that alternatively he decides on the motions to dismiss that are pending because both the attorney for the City and the attorney for the land owners have filed motions to dismiss with respect to the claims.

Supervisor Hotaling interjected that if it goes to that they will have the opportunity to argue that it should not be with prejudice.

Town Attorney Rotello stated that was correct and added that they will make an application to discontinue and say that they are not going to pursue it because the Appellate Division is going to be considering the same issue. He added that it should not be discontinued with prejudice and continued by saying that hopefully they will be able to resolve it.

Supervisor Hotaling stated that it appears pretty clear.

Town Attorney Rotello stated that it does seem pretty clear and added that other things seemed fairly clear and they know how they turned out and added that one can never be certain. He continued by saying that it will be an interesting case before the Appellate Division and added that they will see how it plays out.

Supervisor Hotaling thanked Town Attorney Rotello.

### **Association of Towns Meeting Summary**

Supervisor Hotaling stated that three of the Town Board members as well as Town Attorney attended the Association of Towns Annual Meeting in New York City. He continued by saying that they were exposed to a large agenda of topics that are relevant to a number of towns and added that they went there attempting to answer a couple of questions and went on to say that he does not know if they were necessarily answered. He continued by saying that it was a worthwhile effort and added that the interaction with other Town Officials in various capacities from other parts of the State was very revealing because they are confronting the same fiscal issues, environmental issues, and enforcement issues that they face in the Town of Coeymans. He concluded by saying that he felt comfortable that he came back with some information and added that he was disappointed in not finding out whether or not they have jurisdiction on Town Laws in other jurisdictions. He then asked if there were any additional comments from those that attended.

Councilman Boehm stated that it was good and added that they got to share ideas in addition to speaking with Ben Syden for Laberge. He continued by saying that there could have been more troubleshooting sessions with towns of the same size in the form of round table discussions. He concluded by saying that overall it was very helpful.

Councilwoman Rogers stated that she thought that it was pretty good and added that she learned quite a bit. She continued by saying that there was one thing that she liked and stood out, which pertained to the Town, resolutions were passed allowing the Highway Superintendent authority to set speed limits on town roads.

Town Attorney Rotello interjected that they are going to continue to lobby for that.

Supervisor Hotaling stated that there has been some consternation regarding the speed limits and added that with their class of town they do not have that authority independently. He continued by saying that it has to go to the Superintendent of Highways followed by the County and then the State for a decision. He added that this is at least a two-year effort on their part as far as trying to get the State Legislature to pass a law that would provide localities an opportunity to define their own speed limit destinies because it is based on the premise that you would know your own roads best and it does not make sense to have the State look at an obscure town road and make a determination as to whether the speed limit should be adjusted. He concluded by saying that hopefully it will be sped through because there was a significant effort last time with a large lobby against it and added that they will see how it fares in this Legislation.

Town Attorney Rotello stated that they had also discussed having a round table discussions or advanced placement courses worked into it so you would be able to sit down and talk about problems and how to solve them. He added that one overriding tone was from Governor Spitzer's office regarding the money that is available for municipalities of all forms to apply for grants to do feasibility studies on looking into cooperative efforts and ventures to save time, resources and ultimately money for the taxpayers.

Supervisor Hotaling stated that he had the same feeling and added that the presentation depicted any number of connections between municipalities, school districts, fire districts, etc. He continued by saying that fire districts and school districts got together with towns and cities on the issue of Health Insurance, Workers Comp and those type of things where it crossed municipal boundaries. He added that there are some Villages taking a look at the feasibility of combining, consolidating or dissolving.

Town Attorney Rotello stated that there are even smaller counties looking to get absorbed by larger counties.

Supervisor Hotaling stated that this is all within New York State and a result of the effort to do the study. He added that the time is right for the studies to take place for the benefit of the taxpayer at all levels of government.

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

## **2006 Election Costs Update**

Supervisor Hotaling stated that he wanted to remind everyone that in 2006 the Town Budget had \$45,918 in it for election costs and added that they had plenty of discussion during the year as to why it would take 3 ½ times of what they had previously spent on elections and continued by saying that it was due to the fact that the County was taking over the elections and all of the costs associated it. He went on to say that they got together as small groups of municipalities and proposed something to the County Executive, Legislature and Board of Elections, which resulted in an agreement that the approximate cost to the Town of Coeymans would be around \$13,000 for 2006. He added that because of the lack of machines and the lack of a building to store them the Town of Coeymans ran the elections for 2006, which the Town Clerk has done for many years. He continued by saying that the cost associated with the election was to be billed to the Town so they can pay them back and added that the last he knew the first time that he is going to get the cost of the 2006 election would be the fall of 2007, which does not work for anyone having to do a budget because they are talking about 2008 monies. He added that in a meeting with the Albany County Deputy Executive he had discussed the need for the County to identify Coeymans costs and by extension everyone's cost for the 2006

elections quickly so that they can close out the Annual Financial Reports that they are required to give the State of New York within 90 days of the end of the fiscal year, which would be April 1<sup>st</sup>. He continued by saying that the Annual Financial Report is ready to go but it does not contain those costs associated with the cost of the election, which is a 2006 expenditure and should be included in the report. He concluded by saying that he was reporting to the Town Board and the public that the Budget Director of the County of Albany has promised that as soon as practicable he will let them know what the 2006 costs were for the election and added that he does not believe that it will be by April 1<sup>st</sup>, which will mean that they will have to amend the Annual Financial Report later on.

Supervisor Hotaling stated that the County still has not selected machines and added that they are looking for one with a paper trail because electronically it is going to mess up sometime and there will be a problem without a paper trail. He continued by saying that he hopes that with the State's guidance and funding the County will choose that type of machine.

Supervisor Hotaling asked if there were any additional comments.

### **Zoning Ordinance Public Hearing March 19 – Need for Workshop Date**

Supervisor Hotaling stated that during the Public Hearing on March 19<sup>th</sup> they had gotten a tremendous amount of feedback as to the proposed Zoning Ordinance, which has been many months in Workshop sessions and public forums. He added that they will continue to move forward in producing a document that makes sense for the Town of Coeymans. He then asked that Councilman Boehm give an update and talk about the upcoming Workshop date.

Councilman Boehm stated that due to the amount of people and the diversity of the group at the Public Hearing there is a need for another Workshop. He continued by asking if it would be possible to have something on a Saturday in an attempt to bring in more people.

Supervisor Hotaling stated that in calling it a Public Hearing it will fill the place up and continued by saying that it might be a possibility. He continued by saying that they would have to check with Nicole from Laberge to see if she would be available.

Councilman Boehm stated that he would ask her.

Supervisor Hotaling stated that there were a lot of concerns about the commercial overlays that were optioned out as part of the zoning map and added that he will be posting the current map in Town Hall. He continued by saying that the group agreed that it was a good thing not to bring it to the Town Board for final adoption at this point and went on to say that as a Board they are not interested in voting on and implementing a document that still has some issues that require more discussion and airing. He concluded by saying that the first Public Hearing was only the beginning of the second phase and added that he wanted to remind everyone that the last zoning was done in 1961 and went on to say that a couple more months will not make a lot of difference in terms of getting a document together that makes sense and then asked that Councilman Boehm announce the date and time of the next Workshop and officially move on it by motion.

### **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski authorizing a joint Town Board, Planning Board and Zoning Board of Appeals Workshop on April 16, 2007 at 6:30pm for the proposed Zoning Ordinance at Town Hall.  
VOTE – AYES 4 – NAYS – 0 – SO MOVED

Supervisor Hotaling stated that some people that made presentations at the first Public Hearing left contact information and added that Nicole Allen the Town's consultant from Laberge is committed to making the contacts so that those people will be at the Workshop to talk about the issues that they heard at the Public Hearing in addition to any other issues that they should consider in Phase II. He continued by saying his goal for the meeting is to come out with a small group of 5-6 people that will move the document into

Phase II, which will include the Zoning Board Counsel, Aline Galgay. He added that Ms. Galgay is currently reviewing the document as it sits in draft form and continued by saying that she is about to submit comments to him in addition to being present at the Workshop. He concluded by saying that she will be an integral partner and player in the smaller group in Phase II and then asked that the Town Board start considering some people to focus on the issues that remain in order to come up with a document that they can go to a Public Hearing with.

Councilwoman Chmielewski inquired as to if Supervisor Hotaling was going to go to each Board and ask them who they would like to see participate in the smaller group.

Supervisor Hotaling stated that he was going to have each Board submit a name as to who they would like to be part of the smaller group. He continued by saying that a larger group can become disjointed and added that they need people to take the document in its entirety and come up with a final draft.

### **Environmental Facilities Corporation Funding for Sewer Plant Upgrades**

Supervisor Hotaling stated that he had gotten a request from Environmental Facilities Corporation, an arm of DEC, which hands money in either grants or low or no interest loans for water projects. He continued by saying that in 2003 they had achieved the threshold to receive at least seed money shortly after his arrival in 2004 and added that soon after that they decided to change the threshold and DEC changed the threshold and took the Town's project below the threshold, which made them not eligible for environmental funding in terms of a revolving loan. He went on to say that the Town sought money elsewhere and added that the Supervisor's Report contains the Sewer Project Fund, which still has \$165,000 of the \$500,000 original amount. He continued by saying that Environmental Facilities Corporation has recently asked if the Town wants to be kept on the list and added that they have not made the list since 2004 and the threshold has not been reduced. He concluded by saying that he had asked Ed Vopelak from C.T. Male to weigh in on whether or not it made sense to continue the facade of asking for funding on a project that they already finished and continued by saying that he suggested that it makes no sense to do that.

Supervisor Hotaling stated that with the Board's permission he will respond back to ECF and check on about whether or not the Town intends to ask for continued placement on their Intended Use Plan. He then asked for a motion authorizing him to do this.

Councilwoman Chmielewski stated that if Mr. Vopelak suggested it then it makes sense to do.

### **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, authorizing the Supervisor to respond back to EFC in a negative that they want to be removed from their Intended Use Plan.

VOTE – AYES 4 – NAYS 0 – SO MOVED

### **Snowmobile Trail Development & Maintenance Funding**

Supervisor Hotaling stated that that he had received monies for trail maintenance for snow mobile trails and added that Mystery Lake Snowmobile Club has been the vehicle by which the Town had administered the funds that had been given to them by the State for trail grooming and development. He added that it has gone on for several years and as soon as the grants come out the Snowmobile Club has tried to get some money. He continued by saying that \$1,250 was intended to come to the Town to groom ten miles of trails and added that in contacting the club's representative, former Councilman Frank Stanton, he advised that the club no longer wished to participate, which is primarily due to some reticence with private landowners allowing trails to go across their land and without the permission the liabilities that are attached. He concluded by saying that as a result of this he has sent a letter to Mr. Daniel Kane, Director of Resource Management of New York State Office of Parks, Recreation and Historic Preservation indicating that

the Town is not interested in receiving the \$1,250.00 this year. He then asked if there were any additional comments.

Councilwoman Chmielewski inquired as to if the Snowmobile Club had filled out an application.

Supervisor Hotaling stated that they filled out an application and had completed the entire process and in turn were approved and told that money is available.

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## **NEW BUSINESS**

### **Disposal of ACO Vehicle**

Supervisor Hotaling stated that during the winter he was at the site of the former landfill on Jarvis Road looking for a location to build a dog shelter and it was brought to his attention that the old ACO vehicle is parked amongst highway equipment in the garage. He continued by saying that Highway Superintendent Deering had contacted Chief of Police Darlington and asked for permission to dispose of it and subsequent to that Chief Darlington had sent an e-mail requesting permission to turn it over to Mr. Trickey for demolition. He continued by saying that he looked the vehicle over and added that he does not see that it can serve any useful purpose. He then asked for a formal motion to have it disposed of.

### **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, authorizing the disposal of the old Animal Control Officer's vehicle.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that he will notify Chief Darlington and added that Highway Superintendent Deering may have to assist because it is behind a piece of his equipment.

Councilwoman Chmielewski inquired as to if there is any other equipment or vehicles that need to be disposed of.

Highway Superintendent Deering stated that there is not and added that it is all usable.

### **Review of Specifications for Highway Equipment**

Supervisor Hotaling stated that at the last meeting he had mistakenly thought that Highway Superintendent Deering was requesting approval for the bid process on a tractor for the Highway Department and added that Highway Superintendent Deering had corrected him and advised that it was approval for the specifications. He continued by saying that they have before them the specifications that Highway Superintendent Deering is asking to have approved for a John Deere 6215 Tractor.

Tape change, some dialect lost.

Supervisor Hotaling continued by going over the specification.

Highway Superintendent Deering stated that it is for a John Deere tractor or equal.

Supervisor Hotaling asked if everyone had the opportunity to review the specifications and then asked for a motion approving the specifications and authorizing the creation of bid packets as well as advertisement to bid of a John Deere 6215 Tractor or equal.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm approving the specifications as well as the creation of bid packets and authorizing that it be put out to bid.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling asked if there were any additional comments.

Councilwoman Chmielewski inquired as to if he was narrowing it down to much by saying John Deere model.

Highway Superintendent Deering stated that the specification says John Deere or equal.

Town Attorney Rotello stated that the other pages make no reference to a brand.

Councilman Boehm inquired as to if this is replacing a tractor and if so what was he going to do with the old one.

Highway Superintendent Deering stated that it is replacing a tractor and added that he will be putting the old one out to bid.

Supervisor Hotaling asked if there were any additional comments and then instructed Town Clerk Millious to help in putting together a bid packet and advertising for the bid. He continued by asking if there is a list of vendors that Highway Superintendent Deering wants them to be sent to.

Highway Superintendent Deering stated that there is and he would get together with Town Clerk Millious.

## **Laborer for Community Beautification**

Supervisor Hotaling stated that in the 2007 Budget they budgeted for a full-time laborer for the Community Beautification Department and then asked if there were any comments.

Councilman Boehm inquired as to if there is a timeline for when they were going to hire someone.

Councilwoman Chmielewski stated that Maintenance Supervisor Perry had indicated that he would like someone by the end of April and added that by the time that it is advertised and applications are reviewed it will be time for the late April Board Meeting. She added that someone could be appointed at that meeting with a May 1<sup>st</sup> start date.

Supervisor Hotaling stated that he was questioned from the audience prior to the meeting as to when the Town would be hiring for seasonal help and added that a part-time employee will probably be hired around the same time as the full-time employee to assist in both the park and cemetery maintenance.

Councilwoman Rogers inquired as to if there are any applications on file.

Supervisor Hotaling stated that when they receive applications and there is not a current job the application is filed for future reference

Councilman Boehm inquired as to how many seasonal employees will be hired for parks and cemetery maintenance.

Councilwoman Chmielewski interjected that it will only be one part-time seasonal worker.

Councilman Boehm inquired as to whether or not that will be enough employees.

Councilwoman Chmielewski interjected that it won't be enough because there is a full-time employee missing in that department because of Mr. Perrine retiring.

Supervisor Hotaling stated that Mr. Perrine was the Department Head over Mr. Nelson, Mr. Mergandahl and Mr. Plath and added that when Mr. Perrine retired there was a period of time that his position was encumbered by Mr. Perrine's vacation time. He continued by saying that it was not until then when they elevated Mr. Perry to the Department Head position, which left only 2 people and added that during the budget planning they created another position.

Councilwoman Chmielewski interjected that they have also been taking care of Town Hall maintenance and added that she believes that it is time that they also get someone part-time for maintenance in Town Hall.

Supervisor Hotaling stated that he knows that there are a couple of applications on file for that position. He then asked for a motion to authorize the posting for a laborer position in Community Beautification for the required contract period of time and subsequent to that period to authorize in the local paper for applicants.

### **MOTION**

On motion of Councilwoman Chmielewski, seconded by Supervisor Hotaling authorizing the posting of the position.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Councilwoman Rogers stated that she would also like to get work moving ahead at Joralemon Park.

Supervisor Hotaling stated that they had previous discussion about building a bathroom and the proper location.

Supervisor Hotaling stated that it would be a joint project with the Highway Department's excavating capabilities.

Highway Superintendent Deering inquired as to who he would get together with on this.

Councilwoman Rogers stated that she would get together with him and added that they need to get moving on that park.

Councilwoman Chmielewski interjected that you need to have the money to get the project going.

Councilwoman Rogers interjected that Town personnel can do a lot of the work.

Supervisor Hotaling stated that the budget does have some money in it for envisioning and creating another recreational facility.

Councilwoman Chmielewski interjected that it was not money for Joralemon Park.

Supervisor Hotaling stated that he would get the posting going.

### **Contractual Agreement for Albany County Paramedic**

Supervisor Hotaling stated that the Albany County Paramedic Program has been well received by the residents of the Town of Coeymans over the years and added that the 2007 budget was reduced from \$260,000 in 2006 to a current contract amount of \$142,684.80. He added that the contract is available for his signature and continued by saying that he just received it on March 19<sup>th</sup> and continued by asking if there was any further discussion.

Councilman Boehm inquired as to when the Contract has to be returned by.



Town Attorney Rotello interjected that it should have been returned by January 1<sup>st</sup>. He continued by saying that it does appear to mirror the previous contract and added that he believes that there is an additional provision regarding the privacy of personal health information. He reiterated that other than that it appears to be consistent with the prior contract.

Councilman Boehm stated that based upon Town Attorney Rotello's input he would suggest that they accept the contract in the amount of \$142,684.80.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski accepting the Albany County Paramedic Contract in the amount of \$142,684.80.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that there will be two payments of equal portions with one billable in June and the other in December. He continued by saying that this is not to be confused with the contract that they are working on with the Ravena Rescue Squad or for any EMT circumstances that previously existed. He added that he has to sign the contract and Town Clerk Millious has to notarize it and then asked if there were any additional comments, hearing none he moved to the next item on the agenda.

## **NYS Office of General Services Purchasing Forum**

Supervisor Hotaling stated that he had gotten a piece of mail indicating that there is a New York State Purchasing Forum coming up at the Empire State Plaza on May 16 and May 17 and continued by saying that it will address items important to Town government pertaining to procurement success. He continued by reading the following excerpt from the correspondence:

“Attendees of the contractor trade show will be able to view exhibitions from various State contract holders for an array of commodities and services such as furniture, computers, office supplies and equipment, industrial supplies, audio visual equipment, food and bakery items, carpet and flooring, security services, vehicle dealers, temporary employment services, law enforcement equipment and much more.”

Supervisor Hotaling stated that it will be a compilation of state approved vendors in addition to learning about preferred sources. He added that it has been suggested that local government officials such as Highway Superintendents, School Business Officials, Food Program Managers, Town Clerks, Mayors, Supervisors, Council and Board Members might want to attend. He concluded by saying that it is free to anyone that is interested in attending.

Councilwoman Chmielewski interjected that she might be interested in attending.

Supervisor Hotaling asked if there were any additional new business items to bring before the Board, hearing none he moved to the next item on the agenda.

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## **RESOLUTIONS**

### **RES. #053-07 APPOINTMENT OF RECORDING SECRETARY FOR ZONING BOARD OF APPEALS**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers the following resolution was APPROVED – VOTE –AYES 4 – NAYS - 0

**WHEREAS**, the Zoning Board of Appeals is required to have an official record of the minutes of their meeting, and

**WHEREAS**, THE Zoning Board of Appeals has become more involved requiring a dedicated individual for minutes,

**NOW THEREFORE BE IT RESOLVED**, that the Tow Board of the Town of Coeymans, does hereby appoint Linda B. Ziegler as Recording Secretary to the Zoning Board of Appeals, on a part-time basis, effective immediately, at the rate of \$100 per meeting, payable by regular voucher submissions.

Supervisor Hotaling stated that Ms. Ziegler already serves the Planning Board and added that she has demonstrated the ability to produce minutes very accurately and timely and continued by saying that the Zoning Board is in need of the same service. He went on to say that Ms. Ziegler has graciously agreed to extend her services to that Board as well and added that he would wholeheartedly support the resolution.

**RES. # 054-07 TRANSFER OF FUNDS**  
On motion of Councilman Boehm, seconded by Councilwoman Chmielewski the following resolution was APPROVED – VOTE – AYES 4 – NAYS – 0

**WHEREAS**, the following accounts 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 transfer the following amounts to the respective funds:

**GENERAL FUND**

| <u>Amount</u> | <u>From Account</u>                      | <u>To Account</u>                       |
|---------------|--|---|
| \$ 85.00      | A1355.1 Assessor<br>(Personal Services)  | A1355.4 Assessor<br>(Contractual)       |
| \$ 277.44     | A1620.4 Town Hall<br>(Personal Services) | A5132.4 Highway Garage<br>(Contractual) |

**PART TOWN FUND**

|           |   |   |
|-----------|---|---|
| \$ 408.34 | B8510.1 Comm. Beautification<br>(Personal Services) | B8510.4 Comm. Beautification<br>(Contractual) |
|-----------|---|---|

**HIGHWAY**

|              |  |   |
|--------------|--|---|
| \$ 810.37    | DB4189.4 Hwy. Mandatory Testing<br>(Contractual) | DB5110.4 General Repairs<br>(Contractual) |
| \$ 11.42     | DB4189.4 Hwy. Mandatory Testing<br>(Contractual) | DB5142.4 Snow Removal<br>(Contractual)    |
| \$ 10,055.03 | DB5142.1 Snow Removal<br>(Personal Services)     | DB5130.4 Machinery<br>(Contractual)       |

**SEWER**

|             |                                       |                                 |
|-------------|---------------------------------------|---------------------------------|
| \$ 1,196.57 | SS8130.1 Sewer<br>(Personal Services) | SS8130.4 Sewer<br>(Contractual) |
|-------------|---------------------------------------|---------------------------------|

Supervisor Hotaling stated that these are 2006 expenditures and added that it is an effort to close the books and file the Annual Financial Report.

**RES. #055-07 APPROVE DECEMBER 2006 ABSTRACT**  
On motion of Councilwoman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

| ABSTRACT    | VOUCHER # | AMOUNT      |
|-------------|-----------|-------------|
|             |           |             |
| GENERAL (A) |           |             |
| General     | 2497-2498 | \$ 2,245.50 |

|                          |                            |                     |
|--------------------------|----------------------------|---------------------|
|                          |                            |                     |
|                          | <b>General Total</b>       | <b>\$ 2,245.50</b>  |
|                          |                            |                     |
| <b>PART-TOWN (B)</b>     |                            |                     |
| Part-Town                | 2499                       | \$ 118.56           |
|                          |                            |                     |
|                          | <b>Part Town Total</b>     | <b>\$ 118.56</b>    |
|                          |                            |                     |
| <b>HIGHWAY (D)</b>       |                            |                     |
| Highway                  | 2500                       | \$ 359.60           |
|                          |                            |                     |
|                          | <b>Highway Total</b>       | <b>\$ 359.60</b>    |
|                          |                            |                     |
| <b>CAPITAL PROJ. (H)</b> |                            |                     |
| Capital Proj. Pre-Pay    | 2496                       | \$ 73,014.00        |
|                          |                            |                     |
|                          | <b>Total For All Funds</b> | <b>\$ 75,737.66</b> |

Supervisor Hotaling stated that it is a December 2006 abstract and added that they had hoped to get the bills by the end of February and continued by saying that he believes that it is the end of 2006 bills

**RES. #056-07 APPROVE MARCH ABSTRACT**

On motion of Councilwoman Chmielewski, seconded by Supervisor Hotaling, 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          | 212-250                | \$811,644.97        |
| General                  | 313-377                | \$ 36,497.99        |
|                          |                        |                     |
|                          | <b>General Total</b>   | <b>\$848,142.96</b> |
|                          |                        |                     |
| <b>PART-TOWN (B)</b>     |                        |                     |
| Part-Town Pre-Pay        | 251-271                | \$ 29,459.92        |
| Part-Town                | 378-388                | \$ 7,713.30         |
|                          |                        |                     |
|                          | <b>Part Town Total</b> | <b>\$ 37,173.22</b> |
|                          |                        |                     |
| <b>HIGHWAY (D)</b>       |                        |                     |
| Highway Pre-Pay          | 272-283                | \$ 79,770.21        |
| Highway                  | 389-433                | \$ 31,655.13        |
|                          |                        |                     |
|                          | <b>Highway Total</b>   | <b>\$111,425.34</b> |
|                          |                        |                     |
| <b>SEWER (SS)</b>        |                        |                     |
| Sewer Pre-Pay            | 284-304                | \$ 24,011.82        |
| Sewer                    | 434-445                | \$ 11,370.86        |
|                          |                        |                     |
|                          | <b>Sewer Total</b>     | <b>\$ 35,382.68</b> |
|                          |                        |                     |
| <b>GROVE (TE)</b>        |                        |                     |
| Grove Pre-Pay            | 305-306                | \$ 215.23           |
|                          |                        |                     |
|                          | <b>Grove Total</b>     | <b>\$ 215.23</b>    |
|                          |                        |                     |
| <b>CAPITAL PROJ. (H)</b> |                        |                     |
| Capital Proj.            | 446                    | \$ 825.46           |
|                          |                        |                     |

|                                     |                                 |                       |
|-------------------------------------|---------------------------------|-----------------------|
|                                     | <b>Capital Proj. Total</b>      | <b>\$ 825.46</b>      |
|                                     |                                 |                       |
|                                     | <b>Total For All Funds</b>      | <b>\$1,033,164.89</b> |
|                                     |                                 |                       |
| <b>TRUST &amp; AGENEY (T&amp;A)</b> |                                 |                       |
| Trust & Agcy. Pre-Pay               | 307-312                         | \$ 198,778.73         |
|                                     |                                 |                       |
|                                     | <b>Trust &amp; Agency Total</b> | <b>\$ 198,778.73</b>  |

Supervisor Hotaling asked if there were any additional comments on any or all of the bills that were being paid, hearing none he moved to the next item on the agenda.

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**CORRESPONDENCE**

**Segel, Goldman, Mazzotta & Siegel, P.C.**

Supervisor Hotaling stated that he was in receipt of a correspondence from Ms. Penpraze and added that he had met her at the Public Hearing for the Zoning Ordinance on March 19<sup>th</sup>. He continued by saying that he found her to be very interested not only as a resident of the Town of Coeymans but also her expertise as a lawyer, which extends to areas of Economic Development and how to enhance that. He added that he asked her to send a proposal to the Town, which he has in turn given to the Town Board and continued by saying that he wanted to first introduce it in terms of correspondence. He added that her and her firm’s expertise on Local Development Corporation is evident and went on to say that this might be something that the Town may find useful in their effort of Economic Development.

Councilman Boehm interjected that it might be helpful to invite her to a Workshop and added that he is not that familiar with LDC’s. He continued by saying that it would be interesting given the proposed development of the Powell & Minnock property.

Supervisor Hotaling stated that he would ask her to be present at the April 17<sup>th</sup> Workshop to discuss LDC’s in general and her expertise in particular with regard to that and how it would benefit the Town.

**NYS Department of Transportation, RE: Rte. 143**

Supervisor Hotaling stated that a copy of a correspondence was sent to him by Jim Boni, the Project Manager for the Rte. 143 redo from the intersection of Rte. 9W up Martins Hill to Nolan Road and continued by saying that the letter was sent to the property owners along that route, which summarizes the current status of the project. He added that he reported at the last meeting that they had selected Alternative 3B, which was one of several alternatives that they had and continued by saying that they had taken comments from the public at their September 27, 2006 Public Hearing. He went on to say that he wanted to reiterate that the current schedule calls for the design of the project to be completed by November 2007, which would allow for a Bid Opening in February 2008 and construction would begin in the Spring of 2008 and would continue until the summer of 2009. He continued by saying that all maps, drawing, sketches and other information concerning the design approval is available for public inspection during business hours at the office of the Regional Design Engineer, New York State Department of Transportation, 328 State Street, Schenectady, NY 12305 in addition to being able to e-mail Mr. Boni at [jboni@dot.state.ny.us](mailto:jboni@dot.state.ny.us) or by phone at (518) 388-0239 and added that Mr. Boni has been very responsive to any and all questions and concerns expressed by any resident as well as the Town Board. He concluded by saying that he is interested in getting the project started and added that once that portion is done they will try to put the pressure on to get the middle section of Rte. 143 done.

Councilwoman Chmielewski inquired as to if it states what is proposed for the intersection of Rte. 143 and Rte. 9W.

Supervisor Hotaling stated that the letter does not state anything about that and added that Alternative 3B does not dramatically alter the bottom of the hill. He continued by saying that it will move the utility pole from its current location further south toward Cumberland Farm, which would make the sweep more friendly for larger vehicles and as a result will allow the ability to stay in your own lane and not encroach in the northbound lane of Rte. 9W. He added that they wanted a more aggressive alteration but the cost of the balance of the project and the limited funds prohibited that from DOT's perspective. He concluded by saying that they are going to address it and did listen to the concerns that people addressed at the September 2006 Public Hearing.

### **NYS Department of Environmental Conservation, 2002 Grant**

Supervisor Hotaling stated that he is in receipt of a letter from NYS DEC regarding a 2002 Town of Coeymans Grant and added that he was not a member of the Town Board at that time. He continued by saying that he was made aware of it when he came into office in 2004 and added that it is a grant under the Hudson River Estuary Program to complete a canoe launch adjacent to the current boat launch. He went on to say that some of the liabilities that they still have down there are that the barricade on the walk only goes to a certain point and continued by saying that he had asked DEC back in 2004 to convert the money to an ability for them to improve the park by putting up a safety railing and in turn he was denied. He continued by saying that they are now advising that they are closing down the grant award in the amount of \$15,000 if they are not contacted within 15 days and added that he had spoken with Ms. Beth Waterman, Hudson River Estuary Coordinator who said she was interested in a new application to do the railing or anything else that the Town feels is appropriate. He concluded by saying that she was not able to move the money from one to the other and added that he was raising to the Board and public that there is still \$15,000 available in a grant award.

Councilman Boehm inquired as to where the railing would go.

Supervisor Hotaling stated that he is talking about the area to either side of the boat launch and added that there is railing that exists on the southern portion of the promenade but only for the southern half of it. He added that for the northern half of the southern promenade and all of the northern promenade there is no railing and continued by saying that depending on the tide there is a 3-5 foot drop into the river.

Councilman Boehm stated that during the Evenings on the Green last year there were some children playing on the sidewalk and added that a couple of people had mentioned to him that there was not a railing. He continued by saying that he thinks that it is a great idea and then inquired as to if \$15,000 would cover it.

Supervisor Hotaling stated that \$15,000 would have covered the cost to finish the railing on the southern promenade and continued by saying that in 2004 he asked a local welder, Mr. Newberg to give an estimate and added that his recollection is that it was very expensive and added that they did not have the money then. He continued by saying that he wanted to take the money that the state was going to give them for the canoe launch and use it for railings but has been advised that they can't. He concluded by saying that it has come to crunch time where they are advising him that the money goes away unless he says that an error has been made and added that it has to be sent by certified letter that he wants to move the project forward.

Councilwoman Chmielewski inquired as to if the previous Board had a plan.

Supervisor Hotaling stated that he has not seen a plan and added that he did see an application and the grant was rendered, which was done in conjunction with Frasier and Associates and continued by saying that Frasier and Associates is very interested in doing another improvement grant with the Town at the river front. He concluded by saying that he wanted to make the Town Board aware that this is occurring and to let him know if they want him to apply for something else.

Councilwoman Chmielewski stated that she believes that they should apply for whatever they can and then inquired as to if it is only \$15,000.

Supervisor Hotaling stated that it's not limited to \$15,000 and added that they would have to have a concept to submit by the deadline of June 28<sup>th</sup>. He continued by saying that there is money in the budget to enlist the services of a Grant Writer and added that they could go back to Frasier and Associates, C.T. Male, Laberge, etc. to write a grant.

Councilman Boehm interjected that they could have something written different for the railing and submit it by June 28<sup>th</sup>.

Supervisor Hotaling stated that he does not know whether or not under the Hudson River Estuary grant program the railing fits and added that this is something that they would have to discuss with a Grant Writer.

Councilwoman Chmielewski asked if guidelines were sent.

Supervisor Hotaling stated that he found the original application and added that the guidelines might be the same. He continued by saying that he could make a phone call to Ms. Waterman to see if they would accept a project such as the railing under the Hudson River Estuary Program. He added that she had advised that the project could not be switched over to railings in order to get the money in and added that she was not too keen on the railing project as being something that the Estuary Grant would fund because it is more of a beautification thing.

Councilman Boehm suggested that they ask Ms. Waterman if it is something that they can apply for.

Supervisor Hotaling inquired as to how the Board would choose to make the application and added that he does not have the time to write it.

Councilwoman Chmielewski interjected that they have to decide what they want to make the grant for and added that in turn they can hire a Grant Writer and reiterated that there is money in the budget for a Grant Writer.

Councilman Boehm stated that they can ask her if the railing is appropriate and added that if she says that it can be submitted for that in turn they should hire a Grant Writer.

Supervisor Hotaling stated that with the Board's permission he would contact Ms. Waterman and advise that they are going to let the canoe launch grant expire and added that he would inquire as to if they meet the June 28<sup>th</sup> deadline, if the railing would be an appropriate project to be considered under the Hudson River Estuary Grant Program. He added that he will bring the information back to the Town Board and then go from there.

### **Lafarge North America**

Supervisor Hotaling stated that he received a copy of a letter from David Vahue, Community Relations Manager for Lafarge, which was sent to Police Chief Darlington. He added that it was a letter of gratitude for the assistance in providing traffic control and police presence during the Rte. 9W conveyor work on Sunday, March 18<sup>th</sup>. He continued by reading the following excerpt:

“Your assistance and willingness to provide said traffic control improved the safety of our employees during this repair. Lafarge places significant emphasis on safety and safe behaviors in all our activities. Your assistance on this Sunday allowed us to maintain that commitment. Again our thanks to you for providing the services of Officer Lare to help support our employees as they worked on the conveyor crossing Rte. 9W.”

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### **TOWN BOARD WORKSHOPS/MEETINGS**

- Planning Board Workshop, March 27, 2007, 6pm
- Public Meeting – Economic Development Strategy, April 9, 2007, 6pm
- Town Board Meeting, April 9, 2007, 7pm

- Town Board, Planning Board and Zoning Board of Appeals Workshop, April 16, 2007, 6:30pm
- Town Board Workshop, April 17, 2007, 6pm
- Town Board Meeting, March 12, 2007, 7:00 pm

Supervisor Hotaling stated that the Planning Board Workshop on March 27<sup>th</sup> does not include any zoning issues on the agenda and added that they will be discussing the issue raised on the Colvin Avenue matter about the inability of the Highway Superintendent to issue and consider road permits.

Town Attorney Rotello interjected that Colvin Avenue is the primary purpose of the Workshop and added that he will be attending. He continued by saying that he had also spoken to Ms. Galgay regarding a coordinated effort on the training issues and having a Joint Workshop to set procedure that mirrors one another for applications and moving on applications.

Supervisor Hotaling stated at the last meeting the Town Board authorized him to send the Planning Board three topics to work on Site Plan Review Law, correcting the fee structure and Planning Board review with Special Use Applications. He continued by saying that the plan is ultimately to shift the responsibility for Special Use Permit Review from the Zoning Board of Appeals to the Planning Board.

Councilman Boehm stated that the April 9<sup>th</sup> Economic Development Strategy Meeting is a public meeting and added that they would like input on the draft that is available in Town Clerk Millious' office as well as being available online.

Supervisor Hotaling inquired as to if the discussion in that particular forum will extend itself to commercial overlays like they are talking about for the zoning.

Councilman Boehm stated that they will be discussing the draft document that they have.

Supervisor Hotaling stated that the April 17<sup>th</sup> Workshop topic of discussion will be Mr. Ron Racey talking about his efforts to have the Town rekindle the Summer Recreation Program as well as the Internal Control Officer, Daryl Purintan will be present to work through the audit of the Justice Court, Town Clerk and Supervisor's Office for collection of monies for 2006.

Councilman Boehm inquired about postcard mailings.

Supervisor Hotaling stated that there will be a postcard mailing for the final Public Hearing on the Zoning Ordinance final document.

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## **CLOSING COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Town Clerk Millious stated that April 2<sup>nd</sup> is the last day for her to collect property taxes and added that uncollected taxes will be forwarded to Albany County for collection.

Supervisor Hotaling asked if there were any additional comments.

Town Attorney Rotello stated that the Town Board had previously authorized Code Enforcement Officer Conrad and himself to attend a SEQRA class and added that because of the expense neither of them will be attending. He continued by saying that Ms. Galgay will be attending and will be sharing the information with him.

Supervisor Hotaling asked if there were any additional comments and continued by asking Highway Superintendent Deering to fill them in on the Highway trucks that the Town Board authorized for cash payments.

Highway Superintendent Deering stated that the 2-wheel drive truck is being painted and they are waiting for the body of the 4-wheel drive truck.

Supervisor Hotaling stated that the Town Board awarded the bid to Arrow Head to provide the body and continued by saying that it must have had a timeframe for doing so. He then asked Highway Superintendent Deering to review the bid and share it with him and Town Attorney Rotello and added that the trucks could have made a significant difference in the response to the recent snow storms.

Supervisor Hotaling asked if there were any additional comments.

Mr. Bogardus from the audience inquired as to if the Town can put some pressure on the State to fix some of the potholes on Rte. 143.

Highway Superintendent Deering stated that he has a call into them and has not received a call back.

Supervisor Hotaling stated that they have been fairly responsive when the Town has put some pressure on and added that he could make a call as well.

A member of the audience inquired as to if the public will be able to have any input at the Joint Town Board, Planning Board and Zoning Board of Appeals Workshop on April 16<sup>th</sup>.

Supervisor Hotaling stated that this is what the Workshops have been all about and added that they have had many of them. He continued by saying that each time they have advertised for public input and added that there were 118 people at the Public Hearing.

Councilman Boehm suggested that they provide additional chairs so everyone can sit.

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 Rogers, seconded by Councilman Boehm, the Town Board meeting was adjourned.

Time: 8:55pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*



**A Town Board Workshop was held Tuesday, March 20, 2007 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

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**AGENDA ITEMS**

- Evenings on the Green
- First Day Event for School Children
- J&B Storm Water Issue
- Letter to R-C-S Regarding Revaluation
- Discussed Proposed Zoning Ordinance with Member of Public

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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.

Time: 7:00pm

**Respectfully Submitted,**

**APPROVED**

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**Diane L. Millious, Town Clerk**

**A Town Board Meeting was held Monday, March 12, 2007, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Ronald K. Hotaling, Jr., Supervisor  
Nita J. Chmielewski, Councilwoman  
Dawn Rogers, 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  
Larry Conrad, Code Enforcement Officer  
George Dardani, Justice

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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 all members of the Town Board were present in addition to Town Clerk Millious, Town Attorney Rotello, Chief of Police Darlington, Highway Superintendent Deering, Code Enforcement Officer Conrad, and Justice Dardani. He continued by giving an overview of the agenda.

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### **OVERVIEW OF AGENDA**

- Public Comment Period
- Approval of Minutes
- Department Report Review
- Old Business
  - Update on Rte. 143 Alignment
  - Rental for Coeymans Police at Village Hall
  - Snowstorm Maintenance of Side Walks Follow-Up
  - Update on Coeymans Police Department Grant Application
  - Update Animal Control Kennel
- New Business
  - Additional Grievance Days
  - I&I Report for 2006 & Supplemental I&I Report 2001-2005
  - Revision of Local Law/Procedures
    - (a.) Site Plan Review Laws
    - (b.) Permit Fee Structure
    - (c.) Planning Board Review of Special Use Permit
  - Town Clerk Request for Reimbursement to Attend Meeting
  - New Police Car
  - Liaison Assignments
  - Employee Excused Absence for Volunteer Work
- Resolutions
  - Authorization of C.T. Male Contract for WWTP Upgrades
  - Appointment of Part-Time Clerks I for Justice Court
- Correspondence
  - Time Warner Cable
- Town Board Workshops/Meetings
  - March 19, 2007, 7pm, Public Hearing – Draft Zoning
  - March 20, 2007, 6pm, Town Board Workshop
  - March 26, 2007, 7pm, Town Board Meeting
  - April 9, 2007, 6pm, Public Meeting Economic Development

- April 9, 2007, 7pm, Town Board Meeting

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## **PUBLIC COMMENT**

Supervisor Hotaling invited the public to comment at this time.

Mr. Robert Anderson stated that he is a resident and property owner in the Hamlet of Coeymans. He continued by saying that last September he had addressed the Town Board regarding unlawful conditions in the Hamlet, specifically trash and junk all over, which creates an unhealthy and unsafe environment. He added that at that time the Town Board suggested that the residents of the Hamlet could help resolve the situation by keeping their eyes and ears open and continue to report problems. He went on to say that since that time he has used his own time and resources to compile an inventory of what he considers to be gross violations of Chapters 102 & 105 of the Code of the Town of Coeymans, which are also known as the Trash and Junk Laws. He added that he is present to share the information with the Town Board in the hope that the condition of the Hamlet will be rectified in the very near future. He continued by distributing a copy of his report to each Town Board member and then drew their attention to the page titled Hamlet Trash Trends, which defines the structure of the study and its parameters. He added that it is a simple inventory of six categories, junk cars, junk vehicle parts, junk tires, junk appliances, improperly stored garbage receptacles and uncontained garbage. He continued by saying that counts were taken on Wednesdays and Thursdays so that counts did not reflect legitimate placement of garbage put at the curb for pick-up on Monday and added that counts were restricted to obvious violations as he understands the law as described in Chapters 102 & 105. He went on to say that any questionable situations were not counted nor were any that were not in plain view and added that the area of study was restricted to the area bound by Main Street, the old Coeymans Firehouse, Fourth Street and the river, which is 49 properties. He continued by saying that he found an average of 60 violations a week with no appreciable change over the course of five months and then presented photos of the following:

- Broken garbage bags containing deer parts on the ground
- A 30 foot boat on an unregistered trailer with a broken axle in a no-parking zone.
- Fori Lane, a fire lane, choked with snow and discarded furniture making it impassable.
- Mounds of firewood spilling into the street in plain view of a public area.
- Junk trucks piled with garbage and other refuse.
- Stacks of bald tires.
- Junk appliances.
- Massive piles of bags of trash on the ground and porches clearly visible from the basketball court.
- Burning pit with construction debris to be burned adjacent to the soccer field.

Mr. Anderson continued by reiterating that the conditions are unlawful and unacceptable and added that the conditions also exist in other areas of the Hamlet and Town in general. He added that Chapters 102 & 105 clearly state:

“A clean wholesome, attractive and healthy environment is decreed to be of importance to the health and welfare of the residents of the Town and such environment is deemed essential to the maintenance and continued development of the economy of the Town. It is hereby decreed that the unrestricted disposal of rubbish and garbage, as herein defined, is a hazard to such health, welfare, and economy, necessitating the regulation, restraint and confinement thereof”.

Mr. Anderson continued by saying that it is incumbent that the leadership of the Town corrects the matter and prevents it from recurring. He concluded by saying that he is presenting it to the Town Board in the hope that the report is helpful in rectifying the ongoing aesthetic situation and then left the Town Board with the following questions:

- What is the Town's position on the matter?
- What is the strategy that Supervisor Hotaling had indicated was in development last October?
- When will residents of the Hamlet see the results of the strategy?

Mr. Anderson thanked the Town Board for their time and concern.

Supervisor Hotaling stated that the strategy as indicated last fall was that they would take a look at the photographs and in turn empower the Code Enforcement Officer to exercise as defined in the sections of the Code those areas where they can have an impact to rectify the situations. He continued by saying that he believes that there has been some progress made and added that Mr. Anderson's study graph seems to be level, which suggests that there has not been a dramatic change.

Mr. Anderson agreed that there have been some improvements and continued by saying that overall it is still an ongoing problem.

Supervisor Hotaling asked that Code Enforcement Officer Conrad share what efforts the Building Department has done in the recent past.

Mr. Anderson inquired as to how they can help with the situation.

Supervisor Hotaling stated that Mr. Anderson should make a plea to his neighbors to be more vigilant about it and added that the efforts that Mr. Conrad will be describing have been met with resistance on the part of some people in the Hamlet area. He continued by saying that a refrigerator and stove have been deposited in the Town Park area in the Hamlet and added that taxpayer dollars will have to be used to pick it up and take it away. He went on to say that anything that he can do to express his concerns to his neighbors will be helpful and added that it is a two-way street in trying to rectify the problems. He concluded by saying that there has to be some kind of understanding on the part of the residents in that area that if the area is going to improve they have to take some ownership in that responsibility in order to get it done and added that they are going to continue to work on it.

He then invited Code Enforcement Officer Conrad to share his department's efforts as to what has been done and what he anticipates doing in the future.

Code Enforcement Officer Conrad stated that the Building Department has been vigilant in looking at the photos supplied by Mr. Anderson and added that they were provided approximately 5 months ago. He continued by saying that some of the issues are questionable as far as the Building Department's ability to enforce some of it. He added that they have spoken on numerous occasions about the absentee landlords that seemingly do not accept any mail from the Town of Coeymans when they ask them to comply with the rules and regulations in addition to when they do send a summons it is returned, which makes it a tough battle to summons them to court. He continued by saying that they have talked about the possibility of a Property Maintenance Law to go along with the Comprehensive Plan, which is in the making and added that they have had to deal with foreclosures and dealing with a bank is difficult in addition to resistant out-of-town landlords.

Supervisor Hotaling interjected that in some instances the banks were responsive, such as the property on First Street.

Code Enforcement Officer Conrad stated that in conjunction with the passing of the new law in January for code enforcement they are now in the process of doing the multiple family dwellings and commercial property fire inspections. He added that along with the fire inspections the issue of excess debris has been noted and letters were sent to the property owners.

Supervisor Hotaling inquired as to how many letters were sent.

Code Enforcement Officer Conrad stated that they have sent in excess of 50 letters to individuals throughout the entire Town, which were all regarding junk cars.

Supervisor Hotaling inquired as to what the response has been.

Code Enforcement Officer Conrad stated that the response has been good and added that there have been a few hold-outs and continued by saying that they would like to do it without bringing the individuals into the court system. He added that they just want compliance and those hold-outs will get a ticket to appear in Court before a judge. He concluded by saying that they will not be using the chapters of the Code that Mr. Anderson had referred to because they are local zoning and the fine structures are pretty limited.

Supervisor Hotaling stated that they were done a long time ago and added that the fines were representative of that time and continued by saying that there are other statutes that they are going to explore using.

Code Enforcement Officer Conrad stated that they are going to ignore those chapters because of the low fines and added that it fails to get people's attention even if they go to court because they may pay a minimum fine, which does not resolve the problem. He continued by saying that they are resorting to the Property Maintenance under the New York State Building Code, which can lead up to \$1,000 per day, per violation. He added that it is a lengthy process of getting someone through the courts and large fines have a tendency of alleviating the problem in a hurry. He continued by saying that they are notifying the property owners by letter that a fine is potentially possible and added that this is why he thinks that there has been a good response with the junk cars throughout the Town. He concluded by saying that they are focusing on the main corridors of Routes 143, 144 and 9W with regular passes through the Hamlet in trying to handle some of the complaints and added that some of it is slow going but they will get to all of them.

Supervisor Hotaling interjected that there is a strategy and added that they are attempting to resolve the problems. He continued by saying that he wants to emphasize that the effort is to get compliance and it's not about bringing people to court and charging a fine. He added that they went to great ends to put together a Comprehensive Plan to plan for the future and continued by saying that as he sees it the Hamlet is the seed area of the rebirth of this area. He concluded by saying that the housing stock in the Hamlet is an important issue and one of the ways to get there is for property owners to be more understanding and take responsibility for the improvement that they are seeking to get.

Mr. Anderson stated that this was his point in presenting the study and continued by asking how he and others can do more. He added that there is an activated group of people that are concerned and want to help.

Supervisor Hotaling stated that there are groups that have taken responsibility for certain areas of a road and added that he does not think that it has to be sanctioned by the Town. He continued by saying that there can be grass root efforts in the community itself and in turn they can work with the Town Board in providing an opportunity for the removal of junk that is put along the side of the road.

Mr. Anderson stated that years ago there was an annual town-wide cleanup day, which was a combination of residents and the Town working together.

Supervisor Hotaling interjected that this was when they had a landfill to take the debris, which they no longer have because it was closed down by DEC Consent Order in the early 90's. He continued by saying that at that time they announced that those type items could be brought to the Town of Colonie landfill for a fee. He concluded by saying that it would be easier to dump a refrigerator and stove on property in the Hamlet and added that with a little effort they could find a way to legitimately dispose of it.

Code Enforcement Officer Conrad interjected that Mr. Trickey accepts all metal junk and added that he will also take tires at a nominal fee. He added that people are choosing to throw junk along the sides of roads and over banks.

Supervisor Hotaling interjected that it is not just the Hamlet and added that the problem is all over and is not only in the Town of Coeymans. He continued by saying that people are taking the easy way out and added that those attempting to improve the Town cannot take the easy way out. He concluded by saying that it is not an easy task and added that it is a worth while effort if everyone does it together.

Supervisor Hotaling stated that some of the photos depict vehicles either on or near the street and added that he does not know if they are registered or not. He then asked Chief Darlington to make the Police Officers aware of problem with the vehicles.

Supervisor Hotaling thanked Mr. Anderson and continued by asking if there were any additional comments.

Mr. Ronald Palmer stated that he is a resident of Coeymans Hollow and added that he was in law enforcement for 31 years. He continued by saying that for years he and his wife have cleaned up Copeland Hill Road and added that the attitude that they might want to think about is that discipline is lacking in this country. He went on to say that a fine for \$1,000 needs to be established for littering because there is a lack of discipline and respect to all of the residents of the Town of Coeymans.

Supervisor Hotaling thanked Mr. Palmer and continued by asking if there were any additional comments.

Mr. Dave Martin stated that he lives on Copeland Hill Road and added that he along with a group of people noticed that the Town Board is very concerned about the lack of attention to the rezoning parts of the Comprehensive Plan. He added that they had gotten together as a group and have been talking to residents up and down roads within the Town and as a result a petition has been submitted. He then continued by reading the following letter:

To: Town Board, Planning Board, Zoning Board of Appeals

RE: Proposal for Commercial Zone along Rte. 32

Date: March 7, 2007

From: David Martin & Neighbors

The current proposal to create a Commercial Zone along the Route 32 corridor in the Town of Coeymans seems highly impractical and doubly ironic.

The first irony is that this is the one area of the Town of Coeymans where citizens of the Town who were concerned with preserving a rural environment rose up and petitioned for the creation of a zone more restrictive than its original Residential/Agricultural rating, to a RA1, Residential/Agricultural Limited Zone. The new general proposal would combine this special zone into RA. Now this additional proposal would make the area much less restrictive by designating it as a commercial. Since the creation of that RA1 Zone, Town of Coeymans Planning Boards have supported that intent by approving two residential subdivisions just off Route 32, one of which has a “forever green” area along Lawson’s Lake Road and Zabel Hill Road, and the second has very large lots with conditions in the deeds that assure single family dwellings surrounded by considerable green areas.

The second irony is that almost half the land along Route 32 in the Town, approximately 9,600 feet, continuously on the north and west side of Rte. 32, from the Town of Westerlo line at Carr Road across the Alcove Reservoir, beyond that junction of Route 109 to the Biers property, and approximately 6,400 feet along the south and east side of 32 from Carr Road across the Reservoir to the Deering property and intermittently northward from there, is owned by the Albany Water Board as part of the Alcove Reservoir and its watershed.

Observation of that Board's actions over the years shows that it purchases more property in the watershed, even allowing "life tenancy", and would hardly be in the position of selling any of its land especially to a commercial interest. It might also be assumed that the Water Board would be concerned to see any commercial development along Route 32 that would need to channel the considerable storm water from roofs and paved parking lots and any effluent overflow into tributaries feeding the Reservoir. That would be true from Westerlo Town line north to a point well beyond that junction of Route 108, Copeland Hill Road, and the Glatz pond and wetlands that flow south to the Reservoir. North of that point these waters would flow along Route 32 northward to a tributary of the Onesquethaw/Coeymans Creek.

So we have the irony of much of the land under proposal belonging to another public entity including its major water supply. A further impracticality is that there is no public sewer or water available along Rte. 32 or will there be in the foreseeable future. This makes the whole area dependent on not always dependable private septic or trans-vap systems and on private wells that have an uneven history of finding water at an affordable level. These conditions would not seem conducive to commercial development.

A second impracticality is the topography along 32 north of Route 108 to the New Scotland town line. Much of that land rises so steeply on both sides that the road was closed for two weeks during the snow storm of October 1987 due to trees, electric and phone poles all sliding down onto the roadway. When the State rebuilt 32 it was forced to shave those hills down, but they remain so steep that only two houses are in niches cut into the hillside. Therefore, there is negligible developable land.

In between the Reservoir and the steeply sided valley lie a number of pleasant, well kept private homes, the epitome of what this residential area should continue to be.

There is no commercial area contiguous to our Town north on 32 in the Town of New Scotland or for some distance south in the Town of Westerlo that might be supportive of such an endeavor in Coeymans. Just over the line in Westerlo at Rte. 411 a plot of land with several houses, several trailers and the former Woodruff general store has been for sale for several years. Although large enough, it has been considered by Cumberland Farms and Stewart's among others, but it has not been deemed worthy of purchase for development.

As a longtime resident of this area, a member of the Planning Board from 1967 to 1990, Chairman during the Master Plan effort, and as one active Albany County, now Mohawk Hudson Land Conservancy which is dedicated to preserving "special places", I urge the Town to preserve this "special place" with its open natural spaces and its open natural spaces and its views of the Reservoir and the Catskill Mountain's Three Sisters.

Although many of us realize the Town of Coeymans needs to expand its commercial and industrial development to balance its tax base, the Route 32 corridor seems an unlikely area for that activity.

David Martin  
382 Copeland Hill Road  
Coeymans Hollow, NY 12046

cc: Nicole Allen, Laberge Group  
Albany City Department of Water and Water Supply  
Albany County, Economic Development, Conservation and  
Planning

Supervisor Hotaling thanked Mr. Martin and in turn asked that he give a copy of the letter and additional petitions to Town Clerk Millious.

Mr. Martin stated that he has sent the letter to both local papers, which will be in the upcoming editions.

Supervisor Hotaling stated that he wanted to comment on the letter and continued by saying that in the first paragraph it states that the current proposal is to create a

Commercial Zone along Rte. 32. He added that he wanted to set the record straight and continued to say that it is basically overlay districts and an opportunity for overlay and continued by saying that there was much discussion between and among members of the Town Board, Planning Board and Zoning Board of Appeals during the process with input from members of the community. He went on to say that there were clearly differences of opinion and viewpoints within the group and added that it ranged from people saying absolutely no to others saying that this is what the Town needs all the way from Rte. 32, down Rte 143 to Rte. 9W. He continued by saying that one of the things that he felt was necessary was to make sure if they put it as an overlay district that it is not one that any of them recommend and added that it is there for discussion. He went on to say that he is glad that it got Mr. Martin to come to the meeting along with his letter and petitions and added that they have also received other correspondence from that area of Town with similar concerns. He continued by saying that they don't want to leave the impression that the Town Board is pushing it and trying to cram it into a Zoning Ordinance and added that it was to conjure up dialog, which he presumes will continue at the March 19<sup>th</sup> Public Hearing. He added that postcards will not be mailed before the Public Hearing because it is his intention after reviewing the draft Zoning Ordinance document to ask the Town Board to extend and create a second and possibly third Public Hearing until they get a document that they are all reasonably comfortable with. He concluded by saying that postcards will be mailed prior to a second Public Hearing but not before the 19<sup>th</sup> and added that there is not a need to rush the document.

Supervisor Hotaling asked if there were any additional comments.

Councilwoman Chmielewski stated that she has received phone calls and e-mails and added that she is glad that people are now interested and want to discuss it and continued by saying that there are also people on Rte. 143 that do not want the overlay.

Councilman Boehm stated that interest was slow in coming and added that the further they go they want public input. He continued by saying that he agrees with a second Public Hearing with postcards being mailed prior to it so they can get as much input as possible.

Supervisor Hotaling stated that he contemplated called the 19<sup>th</sup> Public Hearing a Workshop or Informational Meeting but chose not to because he knew no one would attend. He added that he knew that calling it a Public Hearing would stir some interest and as a result create some input that they can carry to the next Public Hearing.

Ms. Phyllis Freeman stated that she is a resident of Lawson's Lake Road and added that she is one of the people that put together a petition to retain the current R/A 1 Zone in their area. She continued by saying that she came across the information on the Coeymans website by accident because of the assessment notice that she received because of the recent revaluation project and added that this is when she saw a map with the overlay and in turn spoke with some neighbors and it was decided that they had to do something about it. She then asked what the normal procedure is for letting people know that there is a Public Hearing.

Supervisor Hotaling stated that the Comprehensive Planning process has gone on two years and added that the Town hired Laberge to be the Town's consultants to guide them in developing a Comprehensive Plan. He continued by saying that it was approximately a 15 month process and added that the Ledger and News Herald had continually placed articles and the required Public Notice for the meetings in the paper in an attempt to try to get some people interested and attending the meetings. He added that the News Herald is the official paper for the Town of Coeymans and is published weekly with a circulation of 3,000 and continued by saying that it is the vehicle by which the Town informs its citizens. He went on to say that there are also hard copies of the Comprehensive Plan and information from the approximate eight meetings that were held, which were Town Board, Planning Board and Zoning Board of Appeals Workshops with the guidance of Nicole Allen from Laberge. He continued by saying that the Zoning Ordinance is the natural extension of the Comprehensive Plan, which was adopted after 15 months of work and added that it will hopefully benefit everyone now and for those that follow. He concluded by saying that they have continually tried to engage the public in a dialog to



bring them to the meetings and added that they have tried to get the message out but have only been modestly successful.

Ms. Freedman inquired as to if it would be possible to include the Times Union.

Supervisor Hotaling stated that it's not a matter of asking and added that you have to pay for Public Notice. He continued by saying that it is very costly to put notice in the Times Union, which would be lost amongst many other notices. He added that he was glad that she was there and invited her to come back.

Ms. Freedman stated that that they want to see Rte. 32, Lawson Lake Road and the whole west corner of the Town remain as it has been in the past and added that this is why most people have moved to that section of the Town. She continued by saying that she has skimmed over the proposed zoning and added that a lot of what is in there is good and it is a good base to go on. She concluded by saying that she is glad that there are three proposed maps because one of them shows that there is no Commercial Overlay District.

Supervisor Hotaling stated that he had asked Ms. Allen from Laberge to place the options on the website so people had an opportunity to see them. He continued by saying that the website is a tremendous vehicle to be able to get the word out and added that the Comprehensive Plan is there as well as the Draft Zoning Ordinance with all of the accompanying maps. He concluded by saying that it is a vehicle by which you can become reasonably informed and a basis to create some questions to bring before the Town Board.

Supervisor Hotaling asked if there were any additional comments.

Mr. Anthony Lintner stated that he is a lifelong resident of the Town of Coeymans and continued by reading the following:

"I am in attendance to place a grievance with the Board of the Town of Coeymans on the tax assessment website. My wife and I were shocked and angered by the information displayed along with our address accompanied by a picture of our home, which is unconceivable. As life long residents of the Town we fell in love with the rural area and community and decided to build our home and raise a family here. You as our elected officials of our Town have unintentionally put my family and all of those in the Town of Coeymans in harms way. With the world being as it is today this website could easily be used for criminal activity. I ask the Board to reconsider this website and cancel the site after the assessment revaluation is over. I am also asking the Board to have our home picture removed immediately, this should be confidentially kept in the Assessor's Office, which is open to the public and I do not have a problem with people coming in here."

Mr. Lintner continued by saying that the website is open to anyone and added that he finds it appalling that the picture, address and value of the home is listed. He then inquired as to if the website is open to anyone.

Supervisor Hotaling stated that it is open to anyone.

Mr. Lintner stated that they have no way of knowing who is looking at the website and reiterated that putting a picture of a house is wrong. He continued by saying that he was not asked for permission to put the picture there and added that as a taxpaying, long time resident he feels as though the Town violated his family. He concluded by saying that he knows that it was not intentional and added that he believes that they had great intentions and reiterated that there is too much information and he feels violated.

Supervisor Hotaling stated that he respects his opinion and added that he does not share it. He continued by saying that the information is public information and added that it provides an opportunity for everyone to know where they are in their assessment as compared to everyone else. He reiterated that he understands his position and he respects it. He continued by saying that he will discuss his request to have the photo removed with Town Attorney Rotello.

Mr. Lintner stated that the information can be obtained in the Assessor's Office and added that he has always been welcome to go through the books. He continued by saying that he would like to see it go back to that way and then inquired as to how long the website will be accessible.

Supervisor Hotaling stated that there is a possibility that it will be accessible after the project and continued by saying that it could be of value for someone considering buying a home. He added that it will be available through the entire process, which will be through June. He concluded by saying that he will submit his request for consideration of removal of the photo.

Mr. Lintner thanked Supervisor Hotaling.

Supervisor Hotaling asked if there were any additional comments.

Mr. Palmer stated that he has lived in his residence for 38 years and added that there have been some problems with the snow storms and road conditions. He continued by saying that he hopes that the Town Board and Highway Superintendent can get together so that the problems are not repeated next year. He added that he had spoken with Mr. Deering during the last storm and the road was cleared and the following day the crew was back. He reiterated that he hopes that the Town Board and Highway Superintendent can get together and work out the problems so they are not repeated.

Supervisor Hotaling inquired as to what the Town Board and Highway Superintendent Deering can do differently to make the outcome different.

Mr. Palmer stated that he has heard rumors that there are problems with some of the employees in addition to there not being enough money for overtime and added that these are not his problems to solve.

Supervisor Hotaling stated that they have discussed the snow removal during the last storm and added that the Town Board, Highway Superintendent Deering and Deputy Superintendent Searles talked about it in open forum during the last meeting. He continued by saying that Highway Superintendent Deering had submitted a memorandum based upon his assessment of what went wrong during the last storm and added that it did not include any reference to a lack of funding for overtime.

Mr. Palmer stated that he does not have cable and did not see the last meeting. He added that he wanted to express his views and continued by saying that he hopes that whatever the problems were he hopes that they are not repeated next year.

Supervisor Hotaling stated that Highway Superintendent Deering has already taken steps and added that he has added an experienced driver to his staff as well as a group of seasonal people. He continued by saying that there have been some issues with getting the seasonal people to show up for work and added that Highway Superintendent Deering is working on it. He concluded by saying that the last storm did present some unique problems, which he has reported to the Town Board and added that some of the problems were exacerbated by his lack of experienced staff and some people not showing up.

Mr. Palmer stated that his road is a difficult road to plow and added that it would take an experienced driver. He added that he is speaking out because he wants to make sure that the problems are addressed and added that after the initial night of the storm they did a good job clearing the road.

Supervisor Hotaling thanked Mr. Palmer and continued by asking if there were any additional comments.

Mr. David Miesowicz stated that he is a resident on Lawson Lake Road and added that he agrees with the letter that Mr. Martin read. He continued by saying that he is not in favor of any commercial overlay in the Rte. 32 corridor or any commercial business and added that there is a business there now that creates numerous problems. He went on to say that he lives in part of the forever green spaces that were created many years ago and added

that they are not in favor of any commercial business in that area. He concluded by saying that they presented a petition to the Planning Board at their last meeting and continued by giving Town Clerk Millious a copy.

Supervisor Hotaling thanked Mr. Miesowicz and added that he appreciates everyone that has spoken on the issue. He continued by asking that they return on March 19<sup>th</sup> with their input, which in turn will help them make better decisions.

Supervisor Hotaling asked if there were any additional comments.

Mr. Tim Boomhower stated that he lives on Rte. 32 and continued by asking if SEQRA, scoping and the environmental impact has been part of the process.

Supervisor Hotaling stated that he believes that anything like that would have to go through a process of either declaring an impact or not. He continued by saying that if there is an impact declared such an impact would have to be reduced to writing and considered by a Lead Agency, which would be either the Town Board or Zoning Board.

Mr. Boomhower inquired as to if it has reached that point.

Supervisor Hotaling stated that it has not reached that point and continued by asking Code Enforcement Officer Conrad if he was correct.

Code Enforcement Officer Conrad stated that he was correct and added that in zoning if anything affects 100 acres or more it is considered a Type I action. He continued by saying that this has not yet been addressed by the Board.

Supervisor Hotaling stated that it would be either a declaration of impact or no declaration of impact and added that it has yet to be done.

Mr. Boomhower thanked the Town Board.

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

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## **OLD BUSINESS**

### **Update of Rte. 143 Realignment**

Supervisor Hotaling stated that he received a document from James Boni, the Project Manager and professional engineer from the Department of Transportation on the Rte. 143 upgrade from Nolan Road to Rte. 9W. He added that many years ago the area of Rte. 143 from Rte. 32 down to Blodgett Hill was done and continued by saying that the section from Rte. 9W to Nolan Road is now going to be done. He continued by saying that there have been public informational meetings, gathering of data from residents in the area, communications with the government, and a Public Hearing and added that there were many options propered at that point resulting in a determination made by DOT in a selection that is known as Alternative 3B. He added that many options were explored and the utility pole at the intersection of Rte. 9W and Rte. 143 is going to be moved back toward Cumberland Farms and the turn is going to be easier to make in addition to at the top of Martin's Hill just past Caswell's they will provide for a modest change in the road alignment and there will be a significant change in the manner in which Deans Mill Road and Palmer Drive access Rte. 143, which will be much safer. He continued by saying that as the road continues west to the area know as the bad curve, the curve will be taken away and one of the homes will be taken by eminent domain, which will make the road straight. He added that these are the main components of Alternative 3B and continued by saying that as it moves further along there will be public information given. He went on to say that there continues to be discussion for improvements with respect to water in the Martin's Hill area and continued by saying that there is ongoing dialog as far as how to mitigate the issue. He added that the water project is at the map plan and petition part

and continued by saying that the people in that area may be part of an extension of a water line in the current Water District. He concluded by saying that he will keep everyone informed with future development and added that during some point of the project there may be some road closures and continued by saying that notice will be far in advance, which will be many months before the commencement of the project.

### **Rental for Coeymans Police at Village Hall**

Supervisor Hotaling stated that the Coeymans Police Department currently resides in Village Hall and added that they had formerly existed in harmony with the Village of Ravena Police Department, which was disbanded and the Town of Coeymans Police Department took over the responsibility of policing the entire Town, which includes the Village. He continued by saying that the Department remains in Village Hall and added that they have been in discussions with the Village Board for months to arrive at an appropriate agreement for the continuation of the Police Department to be in Village Hall. He added that those negotiations have broken down in that the option that they chose to exercise was no longer on the table leaving them with an option that they believed was \$3,000 higher than the one that they would have selected. He continued by saying that he has verbally notified the Mayor that the Town Board does not have any intention in entering an agreement with the Village and they will be going on a month to month rental, which the Village can choose an appropriate amount. He concluded by saying that Chief Darlington has been charged with the responsibility to start planning the move of the Police Department from its present location to an alternative location in Town Hall.

Tape Change – Some dialect lost.

### **Snowstorm Maintenance of Sidewalks Follow-Up**

Councilwoman Chmielewski inquired as to if there have been any complaints about the sidewalks not being shoveled.

Supervisor Hotaling stated that the following day it was reported back to him that their intent was well received by a segment of the public. He continued by asking if Town Attorney Rotello had anything to add as far as what the options are and whether or not it has to be by ordinance, resolution, local law or as simple as a change of policy.

Town Attorney Rotello stated that it would be more appropriate for it to be a Local Law codified in the Town Code and added that the Town Board can pass a resolution and added that their ability to enforce it would be limited. He continued by saying that if it is a Local Law there can be enforcement provisions involving things such as fines.

Supervisor Hotaling asked if it can be a natural extension of the Property Maintenance aspect of the New York Code.

Town Attorney Rotello stated that he would have to defer to Code Enforcement Officer Conrad and added that he is not that familiar with the Property Maintenance section.

Code Enforcement Officer Conrad stated that he would look into it and added that he does not know if snow removal on sidewalks is covered under it.

Supervisor Hotaling stated that they could look into the Local Law route.

Town Attorney Rotello interjected that if the Town Board wanted to set a policy they could pass a resolution saying that everyone should do this and added that the problem would be if they don't comply. He continued by saying that their ability to enforce it would be limited.

## **Update on Coeymans Police Department Grant Application**

Supervisor Hotaling stated that there were two grant applications made regarding equipment and then asked that Chief of Police Darlington give a summary of the grants as well as the current status.

Chief Darlington stated that the first one was an Operations IMPACT Tools Grant offered by the New York State Division of Criminal Justice and added that his department applied for \$64,000 worth of equipment, which included a license plate reader and electronic fingerprinting. He continued by saying that the grant was approved for the amount of \$22,900, which would include the approval of the license plate reader.

Supervisor Hotaling asked that Chief Darlington describe the plate reader and its capability.

Chief Darlington stated that there are two cameras mounted on the roof of the police vehicle and it reads the plates of cars in both directions, moving and parked vehicles. He continued by saying that they it will read up to 50-75 plates a second and added that they are hoping to address some of the issues in the Hamlet using this reader. He went on to say that it will give an alert if the plate is expired, suspended, if it is a stolen car or if the owner is wanted for any reason.

Councilwoman Chmielewski inquired as to if the plate reader cost the full awarded amount of \$22,900.

Chief Darlington stated that it is the cost of the equipment, installation, the computer that goes with it and the training.

Supervisor Hotaling interjected that there is no cost to the Town.

Chief Darlington stated that the second grant is called a TRACKS Grant and added that every agency in Albany County was entitled to a possibility of receiving computer equipment that allows the officers to electronically issue their tickets as well as their incident reports. He added that every car will be equipped with a computer and continued by saying that everything will be downloaded electronically into the department and in turn distributed to the courts and the State of New York as well as the Department of Motor Vehicle for accident reporting. He went on to say that they got everything that they asked for, which was approximately \$10,000 worth of equipment along with training. He continued by saying that they didn't have to apply for it and added that ultimately it would have cost the Town because they are trying to get away from filing paperwork and continued by saying that the Department of Motor Vehicle does not want to do the paper tickets anymore and they are going to start charging for doing that.

Councilwoman Chmielewski inquired as to if they have anything in writing as far as the amount awarded.

Chief Darlington stated that they are not going to receive money and added that the State Police purchase the equipment and then once it is delivered and installed they sign the ownership over to the Town of Coeymans. He continued by saying that it is purchased through State Contract and it is whatever State Contract price is.

Supervisor Hotaling asked Councilwoman Chmielewski if she was referring to follow-up maintenance.

Councilwoman Chmielewski stated that the inquiry was how much they were going to receive and added that the letter did not indicate an amount.

Supervisor Hotaling stated that there was also an e-mail.

Chief Darlington stated that it does not give a dollar amount and added that he had a choice of computers that they could pick from. He continued by saying that he chose the

ones that were feasible to them and in turn they were purchased by the State Police. He reiterated that the grant was not for a dollar amount but rather equipment.

Supervisor Hotaling inquired as to if there is a maintenance fee that they may have to budget for.

Chief Darlington stated that in speaking with the State Police, who have the program they have advised that the cost is very minimal.

Supervisor Hotaling thanked Chief Darlington and proceeded to move to the next topic on the agenda.

**Update on Animal Control Kennel**

Supervisor Hotaling stated that the Town of Coeymans was one of the municipalities in Albany County that was given a proposal from the Mohawk and Hudson River Humane Society. He continued by saying that the contract quadrupled from the previous contract and added that it was early in the year that the Town Board took action and came to the realization that they were not going to sign the contract. He added that he had notified Mohawk and Hudson River Humane Society and continued by saying that many cities such as Albany, Schenectady and other big cities followed Coeymans lead. He went on to say that the Chief of Police and Town Board sat down and talked about what they could do to comply and added that because of the ideas that came from the Chief of Police and Town Board and hard work of Mr. Nelson Perry and his crew, combined with the expertise and guidance of the two Dog Control Officers a kennel was created in the Waste Water Treatment Plant garage. He continued by saying that the kennel consists of two 7X9 dog kennels purchased at Lowes and assembled by the work force of the Town and added that they are equipped with the appropriate materials consistent with the Agriculture and Market Law, which resulted in an inspection last week. He then asked that Chief of Police Darlington share the results of the inspection.

Chief Darlington stated that it was inspected on March 8<sup>th</sup> by a representative from Agriculture and Markets and continued by saying that they satisfactorily passed the inspection. He added that the inspector commented on the fact that they went beyond the requirements and was very satisfied with the facility.

Supervisor Hotaling stated that this was accomplished with less than \$500 in material in addition to a few hours of the Dog Control Officers expertise as well as the Utility Labor Force’s devotion to the job. He continued by saying that he is in receipt of a bill from Mohawk and Hudson River Humane Society in the amount of \$1,270 for dogs that were taken there shortly after the first of the year when the Town was scrambling for things to do and in turn took the opportunity to over charge as they are typically doing to people that are not complying with their quadrupled cost of contracts. He added that the news media came to Town Hall and continued by saying that he gave an interview but would not allow a visit to the kennel because it had not been inspected and went on to say that they will now call them and grant a visit because it has since been inspected. He concluded by saying that he is pleased with the kennel and added that it was a modest way of doing it and continued by saying that they addressed the problem with the good thinking of several people.

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**NEW BUSINESS**

**Additional Grievance Day**

Supervisor Hotaling stated that he is not sure that they can come to resolution as far as how many additional grievance days they will need and continued by saying that they know that more than one will be required. He added that it is an emotional issue that needs to be played out in its entirety in public forum and continued by saying that it is an opportunity for the public to take advantage of it. He went on to say that there are in excess of 500 informal hearings with Appraisal Consultants to date and added that it does

not mean that it precludes anyone from using that process to not using the grievance process. He continued by saying that the grievance process must be used if there is an intent that it be litigated after that and added that as the weeks progress they will talk about the addition of grievance days and will be speaking with Assessor VanValkenburg to make arrangements with the Board of Assessment Review. He concluded by saying that he will be speaking to Town Attorney Rotello as to how they need to approach it because he does not want to set up a scenario where it can be challenged later on and added that they need to strategize how it can be done. He then asked if there were any further comments.

Councilwoman Chmielewski stated that Assessor VanValkenburg had indicated in her e-mail that as time goes by she will be able to tell how many days will be needed and added that to date she is suggesting four dates and also indicates that she will be talking to the Board of Assessment Review.

### **I&I Report for 2006 & Supplemental I&I Report 2001-2005**

Supervisor Hotaling stated that the Infiltration and Inflow Report is a report required as a result of the moratorium that was issued in 2001 and added that the Town has to report to DEC on an annual basis the improvements that they have made in addition to the amount of infiltration and inflow that they have removed from the system. He added that his report is done and then distributed it to the Town Board and continued by saying that a copy will be available for any members of the public that would like to see it. He continued by saying that in addition to the 2006 report there is a supplemental report for 2001-2005 because there were no real calculations done and added that the supplement is an engineering estimate of the amount of water that was taken out of the system. He concluded by saying that this is a big issue with DEC and it has to be resolved before they can begin to talk about any expansion of the Sewer District.

### **Revision of Local Laws/Procedures**

Supervisor Hotaling stated that revisions of local laws and procedures, is a natural extension of developing a Comprehensive Plan and Zoning Ordinance and added that it has been broken down in to three sections which are as follows:

- **Site Plan Review Laws**
- **Permit Fee Structure**
- **Planning Board Review of Special Use Permit**

Supervisor Hotaling continued by saying that in the Workshop sessions they had talked about the Planning Board being the responsible Board for reviewing Special Use Permits, which is currently being done by the Zoning Board of Appeals. He continued by saying that the permit fee structure has to be looked at and added that they need to raise the fees. He went on to say that the Site Plan Review Laws have been a strong advocate on the part of the Planning Board and Building Department and added that having Site Plan Review Laws in place that require certain aspects of such proposals is necessary. He then asked the Town Board how they should address this and whether or not they should start with the Planning Board.

Councilwoman Chmielewski stated that she had spoken with Code Enforcement Officer Conrad and inquired as to if the agenda topic came from the Planning Board.

Supervisor Hotaling stated that it came from him.

Councilwoman Chmielewski stated that she agrees that the Planning Board should give them some information and continued by saying that the Planning Board has a Workshop scheduled for March 27<sup>th</sup> and then asked Code Enforcement Officer Conrad what will be on the agenda.

Code Enforcement Officer Conrad stated that it is a Workshop to discuss the issues that have been put before them by the Town Board and Supervisor Hotaling regarding input on road permits.

Supervisor Hotaling stated that it is specifically regarding Colvin Avenue

Code Enforcement Officer Conrad stated that they would also be discussing any other business that has been brought before the Board.

Supervisor Hotaling interjected that a Workshop would be a good way to do it and added that with the Town Board's permission he would add it to the list of things to do. Councilwoman Chmielewski suggested sending a memo to the Planning Board asking for their input.

Supervisor Hotaling interjected that they can't let too much time pass between the components and added that they have to parallel their efforts.

Councilwoman Chmielewski inquired as to if Site Plan Review is included in the Comprehensive Plan.

Code Enforcement Officer Conrad interjected that it makes reference to it and added that a Site Plan Review is a stand-alone law.

Supervisor Hotaling stated that it makes reference to the need for it but does not really put forth a suggested law.

Code Enforcement Officer Conrad stated that they have discussed during the Workshops keeping the Site Plan Review Law separate from the Zoning Law. He added that in the Comprehensive Plan it refers to a Site Plan Law, which would be another stand-alone local law. He continued by saying that many of the issues were addressed on several occasions and added that they had also addressed the Sign Ordinance, which in the Comprehensive Plan is part of the Zoning, which he thought was discussed to be a stand alone law. He went on to say that the Zoning itself should be kept to one portion in order for anything else to be modified a bit simpler with respect to doing a regular Local Law. He continued by saying that he and Town Attorney Rotello have spoken on several occasions regarding the chapters and added that the Zoning does enact the Planning Board to do Special Use Permits. He concluded by saying that they also discussed the empowerment of the Planning Board in general and added that he believes that they need to further discuss it.

Supervisor Hotaling interjected that it would be the empowerment as well as the process to enforce the empowerment.

Town Attorney Rotello stated the Building Department's role would be to decide when an application comes in if the decision would be made by them or if it would have to go before the Planning and Zoning Boards.

Supervisor Hotaling stated that because of Town Attorney Rotello's requirement to service the Planning Board he would forward the memorandum to him.

Town Attorney Rotello continued by saying that Code Enforcement Officer Conrad has gathered samples and information from other similar Towns.

Supervisor Hotaling interjected that there is no need to reinvent the wheel if the information is out there.

Town Attorney Rotello stated that there are many other similarly situated communities.

Supervisor Hotaling asked if there were any further comments, hearing none he moved to the next agenda item.



## **Town Clerk Request for Reimbursement to Attend Meeting**

Supervisor Hotaling stated that he is in receipt of a request for mileage for Town Clerk Millious to attend a Board of Election Meeting. He then inquired as to if there is a plan as far as how and when Albany County will be charging the Town for last year's election.

Councilwoman Chmielewski interjected that the Accountant needs to know what the Town owes for 2006 because she has to do the Annual Financial Report.

Town Clerk Millious stated that she can make a phone call to find out.

Supervisor Hotaling stated that both Election Commissioners Graziano and Clancey suggested that they were going to allow the local towns to select the inspectors and they were going to pay the inspectors and added that any cost associated in addition to the payment of the inspectors would be summed up and billed to the Town, which will likely not take place until the end of 2007. He continued by saying that it makes it difficult to fulfill the Annual Financial Report requirements with the State of New York in addition to planning for the 2008 budget. He concluded by saying that whatever Town Clerk Millious can do to convey that message to them would be appreciated.

Town Clerk Millious stated that she would let them know.

Supervisor Hotaling asked for a motion to allow Town Clerk Millious to attend the meeting.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, authoring Town Clerk Millious to attend the meeting and be reimbursed for the usual expenses of mileage, registration, meals or any other expenses incurred.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Town Clerk Millious thanked the Town Board.

Councilwoman Chmielewski inquired about the request to send the Board of Elections a Street Index and whether or not it had been done.

Town Clerk Millious stated that it has been done.

Councilwoman Chmielewski inquired as to if there is one on file in her office.

Town Clerk Millious stated that there is.

## **New Police Car**

Supervisor Hotaling stated that Chief of Police Darlington brought the new police car to the meeting for the Town Board and members of the public to see and added that it is in the parking lot for anyone to view. He then invited Chief Darlington to comment.

Chief Darlington stated that the car is a 2007 Crown Victoria, which they are now calling a low-profile vehicle. He added that it has the side marking and the bar light is now situated in the windshield and rear window.

Supervisor Hotaling stated that Chief Darlington had demonstrated the lights earlier and added that you know that it is a police car when the lights go on but would not know that it was if it were following you. He continued by saying that the police car was budgeted for in 2007 and added that it is going to be paid for in cash, which has been their practice since 2004.

## **Liaison Assignments**

Supervisor Hotaling stated that there have been many liaison assignments in the past and added that he believes that it is necessary to go back to having them. He continued by giving the following breakdown for each department:

- Councilwoman Rogers: Highway, Town Clerk, Justice Court
- Councilman Boehm: Sewer, Building, Planning, Zoning, Assessor, Ravena Rescue Squad Services
- Councilwoman Chmielewski: Communications, Police, Community Beautification, Finance, Town Hall Staff.

Supervisor Hotaling added that since there is an ongoing negotiation with the Village of Ravena with respect to sewer, Code Enforcement Officer Conrad as well as himself will be representatives on the committee talking about negotiations of the cost of the operations of the Sewer District. He then asked if there were any comments or concerns and added that he thinks that there is a need for liaisons to play more of a role on a day to day basis with the departments that they represent in addition to having department heads discuss with them a purchase prior to it being submitted to him for a signature to expend money. He continued by saying that it is another checks and balance and internal control that is very helpful in local government and added that it is a work in progress. He concluded by saying that if it becomes a burden for anyone they can discuss it again and added that he wants to try it for a period of time to see how it works.

## **Employee Excused Absence for Volunteer Work**

Supervisor Hotaling stated that they have an issue before them as a result of the recent fire at Oakbrook and continued by saying that an employee of the Town and volunteer fireman had reported late for work after a phone call had been made stating that he would be late. He added that this was the second instance that the employee was late as a result of a fire and continued by saying that a phone call was not made the first time. He went on to say that that it can become an issue and added that he has heard that Highway Department employees, who are volunteer firemen have not had an opportunity to go to a fire call. He continued by saying that he has done some research and added that he has not found anything in the Town Board's policy that would have permitted it or would have somehow codified it. He concluded by saying that given the most recent occurrence he would like the Town Board's feeling as to whether or not it can be formalized in the way of a policy.

Councilwoman Chmielewski inquired as to if it had ever been done by the Highway Department.

Highway Superintendent Deering stated that he just automatically lets them go to the fire.

Councilman Boehm inquired as to how many volunteers there are in the fire department and rescue squad.

Highway Superintendent Deering stated that there are 2-3 and added that they do punch out when they leave and back in when they return.

Councilwoman Chmielewski interjected that some of the Highway Department's staff belong to the Coeymans Fire Department and added that because of the distance from Coeymans Hollow to Coeymans, by the time that they arrive at the scene it is nothing.

Supervisor Hotaling stated that there have been some instances where they have been in remote locations and end up bringing a Town vehicle to the firehouse to join the crew of fire fighters. He continued by saying that there are a lot of issues attached to this and added that by saying that it is an appropriate response to allow Town staff to do this, something could happen to the vehicle on the way.

Councilwoman Chmielewski suggested that Town Attorney Rotello look into it.

Town Attorney Rotello interjected that there are a lot of issues that would come up and added that with the various unions it is a topic and there are issues of past practices. He continued by saying that they have to decide what is an appropriate practice and look at the circumstances in addition to getting input from various department heads. He went on to say that employees hold different positions and added that what is considered volunteer in one department might not be an acceptable leave in another. He concluded by saying that in a community wide event everyone pitches in and becomes a volunteer and added that the concern is the occasional call where an employee or employees would want to leave.

Supervisor Hotaling stated that none of them think that it is a bad idea and added that there are some issues that need to be resolved.

Town Attorney Rotello stated that it is something that they have to take a look at and added that they can also see how some of the neighboring towns have addressed the situation.

Supervisor Hotaling stated that the Association of Towns may have some suggestions.

Town Attorney Rotello interjected that he is sure that they would have.

Supervisor Hotaling stated that he wanted to raise it because it became an issue again. He concluded by saying that they do not have to rush to a conclusion but they should address it in some respect.

Councilman Boehm interjected that he would be willing to work with Town Attorney Rotello on this issue.

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

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## **RESOLUTIONS**

Supervisor Hotaling stated that the first resolution deals with a Waste Water Treatment upgrade, which is a suggestion resulting from a meeting with C.T. Male Engineer Ed Vopelak. He continued by saying that Ed Vopelak is the Engineer that has worked with the Town on a million dollar project with Jett Industries and added that this is now the beginning of another project and grant in the amount of approximately \$260,000 from DEC. He went on to say that the project is for ultraviolet disinfection of the effluent going back into the Hudson River, which is a result of former Governor Pataki's plan to make the river cleaner by 2010. He continued by saying that the previous treatment of the effluent by chlorine was an issue with regard to the parts per million of chlorine that ended up in the river and added that the plan is to now convert the process from a chlorine disinfection to an ultraviolet disinfection. He concluded by saying that in order to do this the Town applied for and received a grant in excess of \$250,00, which is a cost to plan, design, build and construct such a system in addition to it also being of assistance in the Town's efforts to refigure the former clarifiers into an aeration system and added that it is going to be done and accomplished partially by a contractor and a joint effort between the Town and Village forces to construct an aeration system in the tanks, which will be more beneficial to the processing of sewage.

### **RES. #151-07 AUTHORIZE SUPERVISOR TO EXECUTE CONTRACT WITH C.T. MALE**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans is undertaking a Waste Water Treatment Plant Upgrade Project consisting of several components, and

**WHEREAS**, C.T. Male has provided oversight over the component of primary clarifier construction, and

**WHEREAS**, several upgrades remain, including the conversion from chlorination to ultraviolet disinfectant and aeration tank modifications, and

**WHEREAS**, C.T. Male has proposed a contract for accomplishing these additional upgrades, and

**WHEREAS**, the contract proposed is attached hereto.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby authorizes Supervisor Ronald K. Hotaling, Jr., to execute the contract with C.T. Male as prescribed in the attached document.

Supervisor Hotaling stated that the attached contract consists of \$3,500 for the first component which is for the project management and the second component is \$45,500, which is the ultraviolet system and aeration tank modifications. He continued by saying that tasks 3, 4, 9 and 10 are at an hourly rate dependent on the need.

**RES. #152-07 APPOINT PART-TIME CLERKS I JUSTICE COURT**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Justice Court has been unable to maintain a two Court Clerk staffing level, and

**WHEREAS**, this staffing shortage, according to the Justices, is causing backlogs and processing delays in the business of the Court, and

**WHEREAS**, the Justices have publicly advertised for part-time Clerks to assist in the work of the court until a full-time Court Clerk can be located, and

**WHEREAS**, the Justices have interviewed applicants and confirmed that the two candidates meet minimum qualifications for temporary appointment, and

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

**WHEREAS**, the Town Board has concluded that these positions should be created for no longer than a 90-day period,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Karol A. Beck and Richard T. Filkins to the position of part-time Clerk I, for a 90-day period, contingent upon approval of qualifications, at the hourly rate of \$10.64 and for not more than 17 ½ hours per week.

Councilman Boehm inquired as to if the 17 ½ hours per week are per person.

Supervisor Hotaling confirmed that it is per person and continued by saying that the 90 day limit was communicated back to the Justices and added that in a memorandum dated March 12, 2007 both justices advised that each candidate has been notified with regard to the limited appointment period of 90 days and added that they are both ready to accept the part-time positions. He continued by asking if Judge Dardani had any comments.

Judge Dardani stated that the candidates have to give their present employers two-weeks notice and added that he does not know if they will be able to start immediately.

Supervisor Hotaling stated that there is paperwork to be completed and added that they could include a starting date.

Judge Dardani stated that he is hoping that one of the two will start immediately.

Supervisor Hotaling added that the date will be specific to each individual.

Councilwoman Chmielewski inquired as to when the 90 day period should start and added that the resolution reads that it will start immediately.

Supervisor Hotaling agreed that the resolution reads that the 90 days will start immediately.

Councilman Boehm interjected that the 90 days should be for each individual clerk and added that it does not make sense to start the clock on someone that is not working.

Supervisor Hotaling stated that the parameters can be worked out and continued by asking if they wanted to discuss it further now. He then asked Judge Dardani if he believed that someone would start immediately.

Judge Dardani stated that they hope so and added that they wanted to make sure that the Board was going to make the appointment by a proper resolution. He continued by saying that if someone can't start working for 14 days they should not be put on the clock immediately.

Councilwoman Rogers interjected that she agrees with that.

Supervisor Hotaling added that he will opt for that option as well and continued by saying that it should be individual specific. He went on to say that it does not mean that the person delays their arrival by two months.

Councilwoman Chmielewski stated that since 2005 they have been trying to get a Court Clerk in the court office and added that there have been 38 applicants with 20 from the Town of Coeymans. She continued by saying that there have been 4 people in the position and then inquired as to the longest period of time that one of them stayed.

Judge Dardani stated that he does not have that information with him.

Councilwoman Chmielewski interjected that it was not that long a period of time. She continued by saying that in 2003 the Court Clerk was given a raise totaling \$8,000 because she stated that she could do the job by herself and added that he is now before the Board asking for two part-time clerks. She added that this is why they wanted to put a full-time clerk in there.

Judge Dardani stated that if you take a look at what they did 10 years ago as opposed to what they are doing now they would see that the workload has increased.

Councilwoman Chmielewski stated that she would like to see the difference between 2003 when the Court Clerk was given \$8,000 above anyone else and now. She reiterated that the Court Clerk had said that she could do the job by herself and did not need any extra people and added that since they have come in office they have tried to make things better for the Court in getting them a full-time clerk. She concluded by saying that she does not understand why no one stays in the position and added that all of the other departments have hired people that have stayed.

Judge Dardani stated that he would invite any members of the Town Board to come into the Court to see what actually goes on behind closed doors and added that this might open their eyes.

Councilwoman Chmielewski stated that the point that she is getting at is that the position could be handled by one and added that this was stated in 2003 and added that this is why the Court Clerk was given an \$8,000 raise above everyone else. She continued by saying that this is what she was told and added that it was even in the contract.

Judge Dardani stated that he does not have any part in the negotiations and added that they do not want to go backward but rather forward.

Councilwoman Chmielewski interjected that this is what they are trying to do in giving them a full-time clerk.

Judge Dardani stated that they may need another part-time person because Code Enforcement Officer Conrad will be issuing some violations of the Zoning Ordinance and added that there will probably be a couple hundred of them in the next few months. He concluded by reiterating that they are extremely busy and added that they can take a look at what is being turned into the State Comptroller’s Office, which would tell them a lot and then thanked the Town Board.

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**CORRESPONDENCE**

**Time Warner Cable**

Supervisor Hotaling stated that he is in receipt of a letter from Time Warner Cable notifying that there will be a rate increase beginning with the April bills. He continued by saying that the rate for Basic with Standard service will change from \$48.25 to \$50.20 and added that the Basic will remain unchanged. He concluded by saying that the notice also shows a more extensive list of increased charges, which will be posted at Town Hall for public notice.

**Summer Recreational Activities**

Supervisor Hotaling stated that he was also in receipt of an e-mail via Confidential Secretary Lewandowski from Mr. Ron Racey, Athletic Director at R-C-S High School, requesting a list of activities for the Town to sponsor for the children this summer. He continued by reading the following from the e-mail:

“The coaching staff and I would like to make a presentation to try to get the morning and afternoon programs going again. Any information that you could give me would be great.”

Supervisor Hotaling stated that he had asked the Town Board for input on this and added that to date he has not gotten any. He continued by saying that his thought is that they not do any program other than the Food for Thought Program, which they had done last year and added that he does not believe that there is an opportunity for anything other than that. He went on to say that it is not about not wanting to do it but rather because of the requirements that are attached to programs such as that with regard to CPR, emergency services, supervision, almost to the point of 1 on 1 and added that it has become very costly to undertake a program such as this. He concluded by saying that the Food for Thought Program is offered for children ages 5-11 and provides significant opportunity for that age group to participate in the program. He then asked the Town Board how they felt about it.

Councilman Boehm stated that he believes that they should invite them to a Workshop to see what they have to say and see what ideas they have for the expenses.

Councilwoman Chmielewski stated that she believed that Youth Director Crowley had tried something similar in 2004 and added that there was not a lot of interest.

Supervisor Hotaling stated that was true and added that maybe it is different now. He continued by saying that he could schedule them to attend a Workshop to see what they have to say.

Collectively it was agreed.

## TOWN BOARD WORKSHOPS/MEETINGS

- March 19, 7pm, Public Hearing – Draft Zoning Ordinance
- March 20, 6pm, Town Board Workshop
- March 26, 7pm, Town Board Meeting
- March 27, 6pm Planning Board Workshop
- April 9, 6pm, Public Meeting Economic Development Strategy

Councilman Boehm interjected that at the April 9<sup>th</sup> Public Meeting Ms. Allen from Laberge will be present and added that Town Clerk Millious has a copy of the Economic Development Strategy in her office as well as it being on the website prior to the meeting. He continued by saying that they had discussed having a second Public Hearing on the proposed zoning and then asked if they wanted to schedule it now.

Supervisor Hotaling stated that his opinion is that the second one will be put off until some time in April and added that there will be a need for that kind of intense review of the document that they currently have. He continued by saying that they now have a document they need to get people involved in reading, digesting and talking about it and then getting input for the next Public Hearing. He concluded by saying that there is not a press for time and added that they can set the date at the first Public Hearing.

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## ADDITIONAL COMMENTS

Supervisor Hotaling asked if there were any additional comments.

Councilman Boehm encouraged attendance at the March 19<sup>th</sup> Public Hearing and continued by saying that Mr. Bogardus a member of the audience had some questions about the R/A Zone of residential low density and then personally invited him to attend.

Supervisor Hotaling interjected that Mr. Bogardus had made some comments about the pristine farm lands, which were in that area and continued by saying that he had some dialog with the Town Board and subsequently Ms. Allen about that. He added that Mr. Bogardus can refer to the website and see that the Overlay District is there but everything else around it and underneath it is green now. He continued by saying that they heard Mr. Bogardus with respect to pristine farmland and went back to R/A but kept the concept of an opportunity for the overlay.

Supervisor Hotaling asked if there were any additional comments.

Town Clerk Millious stated that the reminder notices are going to be sent out for the property taxes and added that it is mandated by New York State Real Property Tax Law.

Supervisor Hotaling inquired as to what the last day to collect will be.

Town Clerk Millious stated that April 2<sup>nd</sup> is the last day for her to collect in person and added that it can be postmarked on that date.

Supervisor Hotaling reiterated that it is a mandated notice for those that have not paid their taxes to date.

Supervisor Hotaling asked if there were any additional comments.

Town Attorney Rotello stated that as a follow-up to Mr. Lintner's concerns about the tax assessment website he had learned earlier in the day that if you type in a phone number in Google it will pull up your name and address in addition to being able to click on a link to give directions to your house. He continued by saying that there is a process to unlist the information and added that it is concerning that the computer makes it easier to access the information. He added that he has been inundated with questions regarding what the Town is going to do with all of the money that they are going to get from the revaluation and continued by saying that he has tried to explain it but does not know if he was

successful. He went on to say that Supervisor Hotaling might want to try to explain it again.

Supervisor Hotaling stated that assessments do not raise taxes but rather budgets do. He continued by saying that a simple example of the information that was given is that if your house was previously assessed and valued at \$100,000 and based upon that assessment and the assessments of all of the people in the Town, the budget that is approved by the Town Board results in a tax rate of \$5.00 per thousand, means that your taxes for the year would be \$500. He continued by saying if the assessment was raised to \$200,000, it does not mean, nor should it mean that there is going to be an increased tax burden placed upon you because if everyone were raised similarly the tax rate that was previously \$5.00 per thousand would be reduced to \$2.50 per thousand, which would still be \$500. He reiterated that assessments do not raise taxes but rather budgets do and added that it is going to be their challenge as a Town Board to be cognizant of the impact of the assessed value increases. He continued by saying that he has been advised by the Assessor's Office that if your assessment was raised by approximately 65%, the impact should result in a revenue neutral impact and added that if it is higher than that percent it would show an increase in the tax levy or if it were lower it would show a decrease. He added that for 70% of the people the concept works and for the 15% that were under-assessed to begin with would end up with a negative impact and added that those that might have been over-assessed might have seen a reduction in their value and a tax reduction. He concluded by saying that it all hinges on what the budget is for the Town of Coeymans in addition to any Special Districts, such as the fire protection and added that the school budget for last year was \$24.00 per thousand and based on his example it should go to \$12 per thousand and reiterated that assessments do not raise taxes but budgets do.

Town Attorney Rotello interjected that it is important to understand that there is not a windfall and added that you have to look at the amount of money that the Town needs for their budget from taxes. He continued by saying that the reassessment is just redistributing it as to who pays and at what rate and if the amount does not change then there is not a windfall of money that the Town receives. He added that if the Special Districts, School District or Village does not hold the line on their budget there could be a windfall.

Supervisor Hotaling stated that his intent is to determine what the percentage is and create a scenario that when he goes into 2008 he will convert that current tax rate of \$4.97 per thousand by the percentage of the increase to reduce it down by the same percentage to have a baseline from which he can start for comparison purposes. He added that if he submits a budget to the Board and they agree to it, that would result in a lower number than the adjusted number for the next budget and continued by saying that a majority of the people would see a tax leveling or tax reduction.

Tape change – some dialect lost.

Supervisor Hotaling stated that he had received a memorandum from Highway Superintendent Deering indicating that he wanted to purchase a tractor for the Highway Department and continued by asking Highway Superintendent Deering if he had gotten any quotes.

Highway Superintendent Deering stated that he wants specifications to go out to bid.

Supervisor Hotaling stated that he was under the impression that the specifications would be approved and Highway Superintendent Deering would move forward and get the product.

Highway Superintendent Deering interjected that it is not under a state contract.

Supervisor Hotaling asked the Town Board if they are authorizing Highway Superintendent Deering to put specifications together and put it out to bid.



Councilwoman Chmielewski interjected that she would rather wait until the specifications are together and then authorize it going out to bid.

Supervisor Hotaling stated that Highway Superintendent Deering had given him a memorandum and added that he must have misread it.

Councilwoman Chmielewski stated that a bid packet would have to be put together.

Supervisor Hotaling thanked Highway Superintendent Deering for clarifying it and then 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 4 – NAYS 0 – SO MOVED

Time: 9:09pm

**Respectfully Submitted,** **APPROVED**

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**Diane L. Millious, Town Clerk**

**A Town Board Meeting was held Monday, February 12, 2007, 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  
Laura VanValkenburg, Assessor  
Laverne Conrad, Code Enforcement Officer

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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, Highway Superintendent Deering and Building Inspector Larry Conrad. He continued by giving an overview of the agenda.

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**OVERVIEW OF AGENDA**

- Presentation – Revaluation Project Update
- Public Announcement
  - Albany County Department of Health – 2007 Rabies Vaccination Clinic Schedule
  - Public Meeting – Zoning Ordinance Update
- Public Comment Period
- Approval of Minutes of Meetings
  - Town Board, Planning, Zoning Board of Appeals Workshop- November 20, 2006
  - Town Board Meeting, November 27, 2006
  - Public Hearing, December 26, 2006
  - Town Board Meeting, December 26, 2006
  - Town Board Workshop, January 16, 2007
- Department Report Review
  - Town Historian Yearly Report
- Old Business
  - Rental for Coeymans Police at Village Hall
  - Colvin Avenue Status Update
  - C.T. Male – WWTP Upgrades Change Order #5
  - American Society of Composers, Authors & Publishers (ASCAP)
- New Business
  - Police Request to Apply for DCJS Grant
  - Approval for Mileage Reimbursement for Town Clerk
  - Part-Time Building Inspector Request to Attend NYS Building Officials Conference
  - Part-Time Building Inspector Request to Attend Association of Towns Annual Meeting
  - Building Inspector and Town Attorney Request to Attend SEQRA Seminar
  - Authorization of Contract for Senior Projects of Ravena
  - Economic Development for the Town of Coeymans
- Resolutions

- Appoint Seasonal Equipment Operator I
- Appoint Bookkeeper
- Appoint Planning Board Recording Secretary
- Appoint Prosecutor for Coeymans Police Department Traffic Tickets in Village of Ravena Court
- Appointment of Alternate to Association of Towns Convention
- Correspondence
  - Lafarge, Signage for Route 144 Truck Crossing
  - NYS Department of Environmental Conservation, Modification of SPDES Permit
  - Laberge Group, Planning/Zoning Board Training
- Town Board Workshops/Meetings
  - Town Board Meeting, February 26, 2007, 7pm
  - Town Board Meeting, Town Board, Planning Board, Zoning Board of Appeals Workshop, February 27, 2007, 6pm
  - Town Board Meeting, March 12, 2007, 7pm

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## **PRESENTATION**

### **Revaluation Update – Appraisal Consultants**

Supervisor Hotaling stated that the project has been going on for over a year and added that a lot of data has been taken along with photographs in order to update the database. He continued by saying that the Town Board has kept the public informed every step of the way and added that they have also gone through the effort of placing the current values of all of the properties within the Town and Village online, which enables everyone to know what their value is as compared to other homes. He went on to say that the current stage of the project is a critical stage and added that representatives from New York State Office of Real Property Services, Bob Jacobs, the Town of Coeymans representative along with his Customer Relations Manager, Brenda VanWormer in addition to representatives from Appraisal Consultants, Bob Hilbreth, Bill Doran, and Don Johnson were present. He continued by saying that Assessor VanValkenburg was also present and added that she has provided leadership throughout the process and continued by saying that she deserves public recognition of her professionalism during the course of the project. He concluded by saying that they will continue in this vein of openness and information because this is the only way that they do business.

Supervisor Hotaling then turned the meeting over to Bob Hilbreth from Appraisal Consultants and Assessor VanValkenburg.

Mr. Hilbreth stated that they are in the final stages and the most important part of the process that they have been working on. He continued by saying that hopefully within two weeks they will be notifying every taxpayer in the Town of Coeymans what their tentative new full-value assessment is for May 1, 2007. He added that the Village notices will be sent out first on February 23<sup>rd</sup> and properties outside of the Village on Monday or Tuesday of the following week. He continued by saying that there will be two pieces of paper enclosed, a letter explaining the process along with a second sheet called a Full Disclosure Notice and then proceeded by passing out and explaining the notice. He went on by saying that the Notice was developed by the State of New York and has been in use for 20-25 years and added that the Notice points out three different things, most importantly what the new estimate of value will be, which will be a preliminary assessment as of March 1, 2007 at 100% of market value. He continued by saying that the next section, located in the middle is where you will see the three major taxes, County, Town and School and added that it will show the prior taxable assessment, new tentative full value, last years taxes and the projected taxes for 2007. He went on to say that because the Town is back up to 100% the Basic STAR is \$30,000 and the Senior STAR will be \$60,000. He continued by saying that they take the same budgets that were levied last September and January and create new impact rates and based on the entire change in the Town the new taxes are shown on the Notice and added that just because your assessment went up does not mean that your taxes are going up.

Supervisor Hotaling stated that the distinction with the school is that the Town was not at full value in last year's assessment and added that the STAR exemption was not \$30,000. He continued by saying that when you go to full value with \$30,000 the difference would be in the school taxes because the other two values for County and Town took a downward trend given equal budget over equal years. He concluded by saying that this is consistently what will occur in cases other than the anomaly of the school budget with respect to the STAR.

Mr. Hilbreth stated that some of the other exemptions such as Veteran's exemptions are impacted at the County and Town level as well and continued by saying that basically the big impact will be on the school with the STAR and Senior STAR. He added that the Notice will tell you what your new assessment is as well as what the impact will be on your taxes. He concluded by saying that it is based on last year's Town, County and School budgets and added that Special District and Village taxes are not addressed in the Notice.

Mr. Hilbreth then asked if there were any questions that the Town Board or any members of the audience wanted to address relative to the Notice, hearing none he turned the meeting over to Mr. Bill Doran.

Mr. Doran stated that on the back of the Notice there will be a letter to each taxpayer explaining the process along with dates and times for Assessment Disclosure Meetings. He reiterated that the Village Notices will be sent out Friday, February 23<sup>rd</sup> and properties outside the Village the following Monday or Tuesday and added that they will be taking phone calls for appointments for informal hearings Monday through Friday 9am to 4pm starting February 26<sup>th</sup> through March 9<sup>th</sup>. He continued by saying that the Assessment Disclosure Meetings will be March 12<sup>th</sup> through March 23<sup>rd</sup> from 9am through 7pm and added that it will be by appointment only and went on to say that if you cannot go to a meeting you can mail in any pertinent information that you have to the Assessor's Office. He went on to say that they are hoping to accommodate every taxpayer who has a question and added that appraisers will be available for approximately 15 minutes to discuss the tentative assessment and address any questions. He concluded by saying that the letter is very informative and gives dates, times and phone numbers as well as where the Assessment Disclosure Meetings will be. He then asked Assessor VanValkenburg if she had anything to add.

Assessor VanValkenburg stated that the assessments will be updated on the website at the same time that the Notices will be mailed and added that you will then be able to do comparisons of other properties that are similar to yours. She added that it will be a good tool to use to do some analysis for yourself.

Supervisor Hotaling stated that he wanted someone to make the distinction between the Assessment Disclosure Meeting and Grievance Day.

Assessor VanValkenburg stated that the taxpayer will actually have two opportunities to discuss their assessment and added that the informal meeting will be sitting down with a representative from Appraisal Consultants where you will present whatever information that you want as far as why you do not feel that the assessment is fair.

Supervisor Hotaling interjected that the assumption is that you will show up if you think that your assessment is too high.

Assessor VanValkenburg stated that you would look at the impact statement and the assessed value and analyze how it will play on your taxes and added that if you are satisfied you do not have to do anything. She continued by saying that if you are not satisfied or if you have any questions you can schedule an appointment for the informal meeting and added that the actual Grievance Day, which is prescribed by State Law is the fourth Tuesday in May and will be May 22<sup>nd</sup> this year. She added that if you are not satisfied with the informal meeting you would then come to Grievance Day, which will be with her as well as the Board of Assessment Review in which you will provide information to try to dispute why you believe the value is not what was determined. She concluded by saying that if you are still not satisfied after Grievance Day you can file a

Small Claim and added that there is ample opportunity to explain your case in trying to set a value different from theirs and continued by saying that the responsibility of the taxpayer is to provide them with pertinent information to justify why you think that the value is not correct because under the law the assessment is considered correct by the Assessor unless you can prove otherwise.

Supervisor Hotaling inquired as to what the outcome of the informal meetings will be and if there will be a review of the pertinent information.

Mr. Doran stated that they will review the information and then mail the result to the taxpayer. He added that in addition to them looking at it there will be other review by the Supervisor as well as the Assessor having to approve the Assessment Roll. He continued by saying that within a short period the result will be mailed to the taxpayer and it will either stay the same or be changed. He concluded by saying that the results will be mailed no later than May 1<sup>st</sup>.

Supervisor Hotaling stated that the informal meetings will not be at Town Hall and continued by saying that they will be at the recently acquired municipal building formerly known as the Coeymans Fire House at 70 South Main Street, which will be within the dates and times that were previously announced as well as being disclosed in the letter.

Mr. Jacobs stated that if you are not satisfied with the assessment, legally going to the informal meeting does not permit you to go on to Small Claims or whatever is past that because you have to go to Grievance Day. He continued by saying that if you do not go to Grievance Day you cannot have any regress for the Assessment Roll and will have to wait for the next one.

Assessor VanValkenburg stated that it is a good point and added that people might think that if they go to the informal meeting they have done their grievance and can skip Grievance Day and then go to Small Claims and added that you have to initiate the process at Grievance Day.

Mr. Jacobs stated the informal meeting is an extra chance that you have with the reassessment to change your assessment to what you think is right.

Mr. Bogardus from the audience stated that a few years ago the Town was at 100% and then inquired as to when that was.

Supervisor Hotaling stated that it was in the year 2000.

Mr. Bogardus then inquired as to what the Town currently is.

Supervisor Hotaling stated that they are actually at 75% and if they were not to have a revaluation this year the Town would drop to 64%.

Mr. Bogardus inquired as to if it is due to inflation.

Supervisor Hotaling stated that it is not so much inflation and added that it is inflation in regard to property values and not the inflation rate of the Federal Government based upon Social Security recipients. He added that it is the inflationary impact that property values have gone through over the past several years.

Mr. Bogardus inquired as to if it was correct that without the revaluation they would be at 64% from 100% in just a few years time.

Supervisor Hotaling stated that was correct and added that it has been since 2000.

Mr. Bogardus inquired as to if it was a general inflation of the county or the market.

Mr. Jacobs stated that it was the housing market and added that the Town is in line with every other community around here. He added that in 2000 and 2001 the market was pretty flat and all of the sudden the market took off and continued by saying that when

you go up by approximately 10% per year, the equalization rate is going down proportionally.

Mr. Bogardus interjected that if the market goes down then the assessments should go down.

Mr. Jacobs stated that it was true.

Mr. Bogardus stated that the market has gone down recently.

Assessor VanValkenburg interjected that it was not true and added that sales have not demonstrated that yet. She added that they use values of sales within the Town and continued by saying that what is coming across monthly is that the values are still holding and they have not shown a decrease. She went on to say that the volume is not what it was and added that in the future it will ultimately go down and when that happens they will have to do another project.

Mr. George Dardani inquired as to how they actually do a revaluation of a house.

Mr. Johnson stated that it basically starts with a data verification review in the field.

Mr. Dardani inquired as to what that consists of.

Mr. Johnson stated that they start by looking at the property and noting any obvious changes.

Supervisor Hotaling interjected that they also mailed data mailers early in the project and you were asked to review the data and make any changes and report them back.

Mr. Johnson stated that after the field data verification the files were updated and then data mailers were sent to the property owners asking them to either verify or change things such as square feet of living area, number of bathrooms, etc. He continued by saying that any changes were put in the data base to further update the files and in turn they did sales analysis of all the sales that have taken place and from that they generated a tentative value for every piece of real estate in Town. He added that it is their best estimate and added that there is no such thing as a perfect value for a piece of real estate and continued by saying that hopefully they are within a few percent of what the property could sell for right now. He concluded by saying that this is what the property owner should consider when they get their notice and they should look at the number and ask if they could sell their property for that amount.

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

Ms. Nancy Millious inquired as to if they had adjusted the tax rate to compensate for the increase in assessment.

Assessor VanValkenburg stated that this is what the analysis shows.

Ms. Millious stated that she is worried about the school tax.

Mr. Hilbreth stated that he could give ballpark numbers that they have used for preliminary analysis and added that the last County rate was \$3.81, the Town rate was \$4.97 and continued by saying that for analysis purposes the County rate will drop to approximately \$2.37, the Town rate will drop to approximately \$3.10 and the School rate will go from approximately \$24.60 to \$14.50.

Assessor VanValkenburg stated that she wanted to caution that the numbers are a snapshot in time and added that they do not know what next year's budgets for the Town, County and School are going to do. She added that if taxing jurisdictions hold the line and don't increase a lot and things stay level the tax rates will go down. She continued by saying that this is out of their control and added that they cannot make promises and

added that the analysis is analyzing the budget that was in existence with the old and new assessed values, which did change the tax rates.

Mr. Johnson stated that when you get your value you should look at it and ask yourself if the property is worth it. He added that everyone should remember the steps in the letter and make an appointment for the informal meeting to talk about the tentative value and in turn a notice will be sent telling you if the value had changed. He continued by saying that if you are not happy after that you can obtain a form for Grievance Day and go before the Board of Assessment Review and then if you are not happy with that you can file with Small Claims. He concluded by saying that he would caution spending several hundreds of dollars for an appraisal on your property.

Assessor VanValkenburg stated that there are appraisers that target property owners during a revaluation project to try to get business. She continued by saying that you should exhaust your opportunities that do not cost anything first.

Mr. Jacobs stated that when there is a reassessment and you get your notice and see that your taxes may have gone up the person easiest to blame is the Assessor. He continued by saying that the purpose of the project is to make sure that everyone is assessed fairly and equitably and added that the Assessor has no control over the actual taxes by the different taxing jurisdictions.

Mr. Johnson stated that the budgets are what constitute the tax burden and added that the assessment is the vehicle of the distribution of the burden.

Mr. Hilbreth stated that in addition to it being on the website there will be additional printouts by owner name and street address in the Assessors Office and added that they will also be available at the municipal building where the informal meetings will be. He continued by saying that the books are not to be removed from the buildings and added that they are to be shared by everyone.

Assessor VanValkenburg stated that copies of specific pages can be made by a member of the staff. She added that the website is a link from the Town of Coeymans website.

Supervisor Hotaling inquired as to when the new values will be on the website as compared to the mailing of the letter.

Assessor VanValkenburg stated that it will be simultaneous with the mailing. She continued by saying that there are going to be things that will come across her desk after the notices are sent such as new construction and added that there are some changes that could develop and things such as exemptions will not be reflected in the impact notice. She concluded by saying that the Notice is an estimate of what they have at the moment.

Supervisor Hotaling thanked Mr. Jacobs for attending and added that he has worked with the Town throughout the process and continued by saying that he respects his position and knowledge and added that his guidance throughout the process has been invaluable.

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

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## **PUBLIC ANNOUNCEMENT**

### **Albany County Department of Health – 2007 Rabies Vaccination Clinic Schedule**

Supervisor Hotaling stated that he was in receipt of the Annual Rabies Vaccination clinic schedule that the Albany County Department of Health undertakes each year. He continued by highlighting the following:

- 669 dogs, cats and ferrets were vaccinated last year at the clinics
- The vaccination is only effective for either a one or three year period.

- The initial vaccination is effective for a one year period with subsequent vaccinations effective for three years.
- Rabies remains prevalent in Albany County’s wildlife. In 2006 33 rabid animals including 18 raccoons, 6 skunks, 6 bats, 2 fox and 1 woodchuck were confirmed positive for rabies.

He continued by giving the schedule for the clinic as follows:

- March 24, Saturday 1-4pm, Berne Highway Garage, Rte. 443 Berne
- June 5, Tuesday 4-7pm, Bethlehem Town Park, Elm Avenue, Bethlehem
- September 8, Saturday 1-4pm, Village Hall, 2 Thunder Road, Colonie
- November 3, Saturday 1-4pm Public Works Garage, Cohoes Road, Green Island.

He concluded by saying that the schedule will be posted at Town Hall in addition to hopefully having it scanned and put on the website for anyone interested and added that the fee for each animal is \$5.00

### **Public Meeting – Zoning Ordinance Update**

Supervisor Hotaling stated that he wanted to announce an upcoming Public Meeting on the Zoning Ordinance update and added that the press release will be in an upcoming addition of the News Herald and Southern Albany County Ledger. He added that the announcement is another effort to get people informed and continued by saying that the meeting will be February 27, 7pm at Town Hall, 18 Russell Avenue. He went on to say that the Ordinance is being reviewed based upon the passage and implementation of the Comprehensive Plan that took place a few months ago. He continued by saying the subsequent to the Public Information Meeting a Public Hearing will be held on the completed Draft Zoning Ordinance on March 19 and added that details will be provided in the near future. He then read the following from the Press Release:

“The Zoning Committee consisting of the Town Board, Planning Board and Zoning Board of Appeals began meeting in July 2006 to review the Town’s Zoning Ordinance. All Zoning Committee meetings have been and continue to be open to the public. Since July the Committee has met monthly and recommended reducing the 15 existing Zoning Districts to the 6 proposed Districts. Additional supplemental regulations, including landscaping and site plan requirements have also been drafted”.

He concluded by saying that he would encourage anyone with interest on this topic to attend.

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### **PUBLIC COMMENT**

Supervisor Hotaling invited the public to comment at this time.

Ms. Betsy Smith introduced herself along with Karen Miller as teachers at Pieter B. Elementary School. She continued by saying that they wanted to share an idea with the Town Board and added that Ms. Miller along with one of their colleagues, Ms. Elizabeth Campbell had presented an idea for the first day of school, which is radically different from anything that they have done in the past. She went on to say that she thinks that it is a great idea with a lot of potential and added that they are bringing it to the Town Board because it not only involves students and families but it will also involves people from the Town.

Ms. Karen Miller stated that The First Day Celebration is where students, parents and their families in the community along with the staff at Pieter B. Coeymans will come together for a common goal, educating children. She added that hosting a First Day Celebration will help eliminate many of the fears and anxieties that children experience the first day of school and continued by saying that they want to turn those feelings into joy and excitement the first day. She went on to say that The First Day Celebration began in Vermont where a gentleman on the Board of Education in northern Bennington



proposed having a First Day Celebration where the community came together to celebrate with their children the first day of school. She continued by saying that his name is Terry Eldridge who is an owner of a car dealership and added that he is a businessman that wanted to extend through his business an opportunity to bring the community together with the parent community and students on the first day of school. She went on to say that he extended his vision nationally and added that many schools across the nation celebrate the first day. She continued by saying that hopefully this September they will be able to bring a First Day Celebration to P.B. Coeymans.

Ms. Smith stated that in doing the First Day Celebration they are hoping to get children off on the right foot in addition to instilling in the children the thought that the entire community celebrates their education. She added that they want the children to know that it is very important for them to work hard to grow and be a part of the community in addition to valuing their education. She continued by saying that on the first day the children will arrive on the buses as usual and go to their classroom and added that parents, families and community members will meet in the cafeteria for refreshments to discuss education and things going on in the community. She went on to say that the children will then be involved doing some projects as well as some musical events and some assemblies. She continued by saying that they are planning on providing lunch for everyone and added that they are looking for donations from various organizations and in turn they will tailor the program to the funds that they have. She concluded by saying that they hope during the day they will foster an interest in education in addition to encouraging people to be in school who may not have participated in events prior to this.

Ms. Miller stated that their main goal for attending the meeting was to tell them about the First Day Celebration and to get their support in addition to hopefully attending the Celebration in September. She added that they have many people on their staff that will contribute, volunteer and help support with the event on that day. She continued by saying that they have also spoken to the Village and Councilman Boehm in addition to Supervisor Hotaling and Councilwoman Chmielewski and added that they want to get the word out as much as possible so everyone will know what they are doing and what the plan is. She concluded by saying that she hopes that the Town Board will come out that first day in support the children because the concept of first day won't have as much of an impact if they are not there supporting and providing a positive impact on the children's education.

Ms. Smith interjected that they hope to see all of the Town Board on the first day of school, September 6, 2007. She added that they will leave additional information for anyone interested.

Supervisor Hotaling thanked them for coming and asked that they keep him informed as the project comes together and added that he will also provide another opportunity to speak during a Town Board Meeting. He then asked if there were any additional comments.

Mr. Gary Bogardus inquired as to if the Town is mandated by the State to reevaluate every so many years.

Supervisor Hotaling stated that he is not sure if it is a mandate and added that New York State has been enacted 100% valuation. He then asked Town Attorney Rotello if he knew if it was mandated.

Town Attorney Rotello stated that he believes that it is characterized as a mandate and added that he is not sure if there is a penalty if a municipality does not follow it. He continued by saying that an incentive was provided if you maintained full-value and it was a set amount of money per parcel and added that it is a directive from the State that it is a good thing to do and they want everyone to do it and stay on top of it. He continued by saying that some smaller municipalities with smaller rolls reevaluate each and every year and in turn will get money per parcel from the state for doing it.

Supervisor Hotaling stated that the State awards \$5.00 per parcel if you achieve full-value as a result of the valuation.

Mr. Bogardus inquired as to how much the Revaluation Project is costing the Town.

Supervisor Hotaling stated that the consultants are in the neighborhood of a fee of \$70,000-\$80,000 and added that it was budgeted over a period of two budget years. He continued by saying that the project was originally budgeted at \$79,000 and added that there was an additional budget of \$6,000-\$8,000 for the data collectors. He concluded by saying that he believes that the entire project is between \$80,000-\$90,000.

Mr. Bogardus stated that he wondered if it was worth it to the Town to have to do this every 3-4 years.

Town Attorney Rotello interjected that as an Attorney doing closings if you are in the R-C-S School District and live in the Town of Bethlehem the school tax rate is \$4.00-\$5.00 lower than those living in the Town of Coeymans because they were at full value and the Town of Coeymans was not. He continued by saying that this is what the equalization rate throws off and added that the Town of Coeymans residents pay a disproportionately higher per thousand rate. He went on to say that a revaluation will level the playing field between the Town of Coeymans and the Town of Bethlehem in paying an equal share. He concluded by saying that in some circumstances it is a necessity because if we did not do it and the equalization rate continued to fall, the per thousand rate would continue to go up and added that Town of Bethlehem residents paid \$19.00 per thousand and Town of Coeymans residents paid \$25.00 per thousand for the R-C-S School District.

Supervisor Hotaling stated that the most dramatic impact is in the school budget and where you have multiple communities contributing to the budget. He reiterated that it creates a disproportionate burden on Town of Coeymans tax payers contributing to the school budget when the surrounding communities stay at full value.

Supervisor Hotaling asked if there were any additional comments hearing none he moved to the next agenda item. He continued by saying that there was a topic that he did not include on the agenda and added that both Judges were present and would like for an opportunity to present and report on their efforts to acquire a Court Clerk for their office.

Supervisor Hotaling invited Judge Dardani to comment.

Judge Dardani thanked Supervisor Hotaling and continued by saying that he wanted to keep the Town Board informed and added that for the past three weeks they have advertised a vacancy for the position of Court Clerk. He went on to say that out of the applications received one resided in the Town of Coeymans and added that he along with Judge Pearson ask that the Town Board consider that they be able to continue the search in order to have a pool of prospective candidates to review for this position. He added that since the workload of the court is in such a need at this time they also ask that the Town Board consider hiring two part-time employees with hours not to exceed 18 hours per week in hope of eliminating some of the workload. He continued by saying that they will be classified as Clerks and then asked that the Town Board take both of the Judge's recommendation at this time in reposting the position of full-time clerk as well as advertising for two part-time clerks.

Supervisor Hotaling inquired as to if the request is for two part-time clerks at 18 hours each or total.

Judge Dardani stated that it would be for 18 hours each.

Supervisor Hotaling asked if there were any additional comments regarding the request.

Councilwoman Chmielewski inquired as to how many applications were received.

Judge Dardani stated that there was only one that resided in the Town of Coeymans and added that they want to enhance the pool of candidates.

Councilwoman Chmielewski inquired as to how many were received the other times that they advertised and added that they could go back to those.

Judge Dardani stated that there were only two or three. He added that his understanding was that they could reapply and he did speak with 1 or 2 of the candidates and continued by saying that when he mentioned the rate of pay they were not interested. He went on to say that the State of New York has 1,258 courts and added that within Albany County the Town of Coeymans is one of 14 and continued by saying that the Town of Coeymans ranks 4<sup>th</sup> in Albany County.

Supervisor Hotaling inquired as to what the ranking is based upon.

Judge Dardani stated that it is based on revenue.

Supervisor Hotaling stated that the ranking means that out of the 14 courts in Albany County the Town of Coeymans has the 4<sup>th</sup> highest revenue, which would translate to the 4<sup>th</sup> highest calendar of activity.

Judge Dardani stated that they ranked Colonie, Bethlehem, Guilderland, Coeymans and then Menands. He continued by saying that the work is building up and added they pooled approximately 10 courts and were advised that they could not operate with one clerk because of hearings, felony hearings and multiple other things that they have to do. He added that the existing clerk is entitled to vacation time and continued by saying that when she is out there will be times when no one is in the court unless they get someone on a part-time basis for now to answer the phone and do some filing.

Councilman Boehm asked that Judge Dardani describe the position of Court Clerk.

Judge Dardani stated that the position entails everything from greeting the public, to working with lawyers, public defenders, district attorneys, state police, sheriff's department, Town of Coeymans police, etc. in addition to defendants coming in from Albany County Jail and continued by saying that procedures have to be followed.

Councilwoman Rogers inquired as to how long it will take to train two part-time clerks.

Supervisor Hotaling stated that he wanted for Judge Dardani to outline what the part-time clerk's responsibility will be while they continue to search for a full-time Court Clerk.

Judge Dardani stated that the part-time clerk would greet the public, answer the phone, take messages, file and possibly docket tickets.

Supervisor Hotaling stated that it would be more clerical duties as opposed to the more involved knowledge, skills and abilities that a Court Clerk would possess such as interactions with law enforcement agencies.

Judge Dardani stated that he was correct and it would be for clerical duties. He continued by saying that training a Court Clerk is a process that takes anywhere from 6 months to 2 years and added that it is intense training.

Tape change – Some dialect lost.

Supervisor Hotaling inquired as to why they need two for 18 hours each, which sounds like a full time position shared by two people and continued by inquiring as to what the benefit would be of hiring a part-time clerk for what is described as half of a 35 hour week and if 17 hours of answering a phone, docketing tickets and filing would decrease the backlog.

Judge Dardani stated that one would not make that much of a difference and added that two would allow them to keep the office open 5 days a week and have coverage for phones and someone actually in the office.

Councilman Boehm inquired as to what will happen to the part-time clerks when they hire a full-time clerk.

Judge Dardani stated that once they find someone to be a part-time clerk they might be able to train that person to be the full-time clerk.

Councilman Boehm stated that a Court Clerk has to be a Town of Coeymans resident and added that there will also be a background check. He then asked how anyone interested could apply for the position.

Judge Dardani stated that they would have to submit an application and resume to the Supervisor's Office.

Supervisor Hotaling stated that applications for employment are available in his office.

Judge Dardani stated that if anyone has any questions regarding the position they can call the Justice Office at 756-8480. He reiterated that they desperately need some help and then thanked the Town Board.

Supervisor Hotaling inquired as to if the Town Board felt as though there is any action that they should take.

Councilwoman Chmielewski inquired as to if the ad is still running in the paper.

Judge Dardani stated that it has been in for 3 weeks and added that he does not believe that it will be in for another week.

Supervisor Hotaling stated that it was advertised for 2 weeks and added that it conjured up one applicant and in turn it was extended for another week, which just ran.

Councilman Boehm inquired about existing staff and the possibility of using Gail Bullock or someone else that is currently employed.

Supervisor Hotaling asked if he meant as a temporary assignment to move from one place to the other.

Councilman Boehm stated that it would be just to fill in the need until they hire a Court Clerk.

Councilwoman Chmielewski interjected that they would have to speak with Ms. Bullock to see if this is something that she would be interested in.

Supervisor Hotaling stated that she is currently working 17 hours a week and added that they could check to see if some of the hours could be taken from her Human Resource responsibilities.

Councilman Boehm interjected that it would be just to fill in and alleviate some of the backlog.

Councilwoman Chmielewski stated that they would have to wait and speak with Ms. Bullock and added that they are not in a position to make a decision.

Supervisor Hotaling stated that he could not commit to Ms. Bullock and added that they could agree to advertise for a part-time or two part-time employees.

Councilwoman Chmielewski stated that she does not have a problem with that and added that there might be people that would rather work part-time as opposed to full-time.

Councilman Boehm inquired as to if it would be an ad for part-time as well a full-time Court Clerk.

Judge Dardani stated that he would like to get more applications.

Supervisor Hotaling asked for a motion to authorize the advertisement.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing the Justice Department to advertise the position of 2 part-time clerks and one full-time Court Clerk in the News Herald.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that Judge Dardani could get together with Confidential Secretary Lewandowski to put together the ad for the paper.

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## **APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were six sets of minutes for Town Board approval a Joint Town Board – Planning Board – Zoning Board of Appeals Meeting on November 20, 2006, a Town Board Meeting on November 27, 2006, a Town Board Meeting on December 11, 2006, a Public Hearing on December 26, 2006 a Town Board Meeting on December 26, 2006 and a Town Board Workshop on January 16, 2007. He then asked if everyone had an opportunity to review them and then asked for a motion to approve the minutes.

## **MOTION**

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

VOTE – AYES 4 – NAYS 0 – SO MOVED

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## **DEPARTMENT REPORT REVIEW**

### **Town Historian Annual Report**

Supervisor Hotaling stated that earlier in the day he received the Historian's Annual Report for 2006 and added that Mr. Wolfe offered a number of photographs that they are in the process of scanning and will be placing them in Town Hall as well as the municipal building at 70 South Main Street. He continued by highlighting the following from the report:

- Appointed to the position of Town Historian March 2, 1967
- Total number of years as the Historian, 40
- Born in Coeymans Hollow, NY
- High School Diploma, 1949
- Utilizes the resources of Town Hall for copying
- Looks into requests immediately and thoroughly
- Answered many letters and phone calls
- Traced family records
- Located records and pictures of old homes and landmarks

Supervisor Hotaling continued by saying that his goals for 2007 are to seek more information on the Town of Coeymans, continue to look for old photos of the Town, do his best to help people who are seeking history and genealogy information. He added that he wanted to thank Mr. Wolfe for his attentiveness to the position and then asked for a motion to approve the report.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the Town Historian's Report was approved as presented.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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## **OLD BUSINESS**

### **Rental for Coeymans Police at Village Hall**

Supervisor Hotaling stated that he was in receipt of a letter from Village Trustee Bob Wade dated February 7, 2007 and added that the Town Board has a copy. He continued by saying that the letter followed a meeting in which he along with Councilwoman Chmielewski had met with Trustees Wade and Bailey to discuss the options with respect to the rental proposal that the Village is offering the Town. He added that they originally had an offer from Trustee Bailey for \$9,000 in rent and 5/16 of the utility costs of the entire building and continued by saying that subsequently the Town Board had asked that they get more information from the Village relative to other contracts such as the Library, R-C-S School District and Historical Society. He went on to say that they did get some information during their meeting in addition to asking that the Village consider an option for the Town that would include lights and heat because the 5/16 is not something that they can budget for because of cold winters with heat or hot summers with air conditioning. He continued by saying that in turn they did that and mirrored the offer to the one that exists for the library, which is \$20,097 for the year including heat and lights in addition to suggesting that it would increase by \$500 a year culminating in a 2011 rental fee of \$22,097. He added that when they first contemplated the offer of Trustee Bailey it would appear that the cost for the 5/16 would be approximately \$9,000 plus \$9,000 for rent for a total of \$18,000, which was less than the proposal. He continued by saying that he had asked Trustee Wade if the rent plus 5/16 option was still available and Trustee Wade stated that he believed that it was. He concluded by saying that he is looking for guidance from the Town Board and added that it comes with a 5-year contract, which includes a 6-month escape clause for either the tenant or landlord to terminate the lease in addition to an opportunity to adjust the contract if the Town requires less space in the future.

Councilwoman Chmielewski inquired as to if he had asked Trustee Wade about the 6 months and added that during the meeting he had mentioned two months.

Supervisor Hotaling stated that they had discussed it during the meeting and added that he did ask Trustee Wade about that and he believed that the other contracts for other tenants were two months but when he looked at them they were for six months.

Councilwoman Chmielewski inquired as to if Trustee Wade felt as though the Town could go to two months.

Supervisor Hotaling stated that he did not discuss it with him in that much detail and added that he could ask him about it.

Councilwoman Chmielewski inquired as to if the letter is considered the contract or if they will be getting a formal contract.

Supervisor Hotaling stated that he believes that there is a formal contract and added that the letter is to use as a comparison.

Councilman Boehm inquired as to what Trustee Bailey's original offer was.

Supervisor Hotaling stated that the last figures for the 5/16 would have been \$8,600 for utilities in addition to \$9,000 for the rent for a total of \$17,600 and added that it is a fluid number because of the utility cost.

Councilman Boehm stated that he recalled that Trustee Bailey had discussed a reduced rate or keeping the rate the same for a longer contract and added that according to the letter the rate increases each year.

Supervisor stated that he didn't recall that and added that it is not reflected in the letter.

Councilman Boehm stated that he believes that six months is important because they would need that amount of time to move communications or the police.

Councilwoman Chmielewski inquired as to if the letter addresses both communications and the police.

Supervisor Hotaling stated that the rate is for dispatch in addition to 4 police rooms, which is calculated at a per square foot rate of \$6.36 for rental.

Councilwoman Chmielewski stated that Trustee Wade had given them a lot of information during the meeting and added that he had the floor plan and square footage for each room.

Supervisor Hotaling stated that Trustee Wade did confirm during a phone conversation that the first option of \$9,000 plus 5/16 for utilities would be less expensive for the Town. He added that he had also asked if they would consider a smaller incremental adjustment each year and added that Trustee Wade would take it back to the Village Board. He concluded by saying that the next step will be to pick one of the options and ask for a draft contract.

Councilman Boehm interjected that he believes that they should accept Trustee Bailey's original rate of \$17,600 with a \$250.00 incremental rate over a five year period and added that he thinks that it is important to maintain the 6 month notice.

Supervisor Hotaling stated that it makes sense and continued by asking if they were in a modest agreement about going to the Village suggesting the original options, ask for a lower increment per year and discuss the period of time for notice.

Collectively they agreed that it made sense.

### **Colvin Avenue Status Update**

Supervisor Hotaling inquired as to if anyone was present in the audience for Colvin Avenue and continued by saying that Ms. Schiabe was present at the previous meeting inquiring about the speed limit and made statements about conversations with Town Planning Board members with regard to the failure of the Planning Board to act on the cul-de-sac and subdivision. He continued by saying that subsequent to the meeting they have been notified that in 1981 the State of New York approved an area speed limit for the Hamlet of Coeymans for 30mph, which addressed her question about the speed. He added that in light of that a request has been made pursuant to a vote of the Town Board and at the request from the Highway Superintendent in a letter dated February 5, 2007 to Mr. Franchini, Commissioner of Albany County Department of Public Works, to review the speed limit on Colvin Avenue with a suggestion of reducing the speed limit to 20 mph and continued by saying that he has been not notified that a review has been done. He went on to say that in addition to that he asked that Mr. Foronda, Chairman for the Planning Board summarize the Planning Board's action with respect to the subdivision and added that Ms. Schiabe asserted that she was advised by Mr. Foronda that no Planning Board review had been undertaken and in turn demanded to know what the Town Board was going to do about it. He continued by saying that he did not receive a report back from Mr. Foronda and added that he does have the files for the subdivision and reported the following:

- A Planning Board review was undertaken on May 4, 1988 for a two lot subdivision at the end of Colvin Avenue by Albany County Rural Alliance, which was approved, sealed and filed.
- There was a Planning Board review again on November 1, 1989 for a three lot subdivision submitted by Albany County Rural Housing Alliance, which was approved, sealed and filed.

- Within the review deeds were reviewed and filed that reserves access to the cul-de-sac by the various property owners, which was owned by Hillside House and is now leased to New Visions.

Supervisor Hotaling stated that he is hopeful the get a report from the Planning Board Chairman as to the Planning Board's review back in the 80's and 90's and added that this is as much as he can report at this time with regard to Colvin Avenue and then asked Town Attorney Rotello if he had any comments.

Town Attorney Rotello interjected that he didn't have anything to add.

Supervisor Hotaling asked that Highway Superintendent Deering advise him if he hears anything from Mr. Franchini.

### **C.T. Male – Waste Water Treatment Plant Upgrades Change Order #5**

Supervisor Hotaling stated that the Waste Water Treatment Plant has undergone several upgrades in the last 1-2 years and added that they had approved a bid for Jett Industries to do components of an upgrade of which a portion of the job is to be done by Town and Village coordinated efforts. He continued by saying that in order to stage themselves to be able to do the job in the old clarifiers with the aeration system to be assembled by Town and Village forces, some drilling has to be done and stainless steel piping has to come from the blowers to blow the air into the pipes. He added that Change Order #5 will permit Jett Industries to continue with this portion of the project and continued by saying that it is a net increase of \$34,433.00 and continued by saying that Engineer Ed Vopelak from C.T. Male has recommended that the Town Board approve it. He then asked that the Town Board review it and give consideration for his signature to authorize it.

### **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilwoman Rogers, authorizing the Supervisor to sign Change Order #5.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that he would be forwarding it with his signature to C.T. Male in the morning.

Councilwoman Chmielewski inquired as to if the Change Order is going to paid out of the bulk of money still in the account.

Supervisor Hotaling stated that the project was approximately 1 million dollars and added that the Town took a bond out for \$500,000 to get some money to start the project in order to have a revolving account to be reimbursed by the State for 85% of the project up to a maximum of \$582,000. He continued by saying that the \$500,000 served its purpose in paying the contractor and in turn the contractor submitted it to the State and then the State gave back to the Town a substantial portion of what they paid back. He added that the money became a revolving fund source and continued by saying that there is currently \$220,000 of the original \$500,000 left in which the \$35,433.00 will be paid. He concluded by saying that the fund will be shared by the Village and Town for purposes of reimbursing and paying for the bond.

### **American Society of Composers, Authors & Publishers (ASCAP)**

Supervisor Hotaling stated that he is in receipt of a letter dated February 2, 2007 in which ASCAP believes that the Town should enter into an agreement with them to allow places like Coeymans Landing Park and the phone system to play music because it is licensed music. He continued by saying that the letter includes a schedule that states the fee is based on population and because the population is less than 50,000 the fee would be \$280.00. He added that the fee is not going to make or break the Town of Coeymans and continued by saying that it is the principal because they don't play music on hold on the phone or have music any other place in addition to not playing music for Evenings on the Green because they play their own music. He concluded by saying that there is not



anything to license and added that he is asking Town Attorney Rotello to look at it as to what the content of the actual contract says because when he reads the definitions he does not believe that the Town does any of them.

Town Attorney Rotello stated that he agrees and added that this is an item that is on the agenda for the Association of Towns Annual Meeting in New York City and it is called “Paying the Piper”. He continued by saying that ASCAP does not understand why the Town has not joined and added that there are also 2-3 other licensing organizations.

Supervisor Hotaling reiterated that the Town will not be paying the fee.

Councilwoman Rogers inquired as to if this agenda item is open to only attorneys at the Association of Towns Annual Meeting or if anyone could attend.

Town Attorney Rotello stated that he believes that anyone can attend and added that many other towns are being inundated with the same thing and the Association of Towns was getting a lot of questions and in turn saw it fit to put it on the agenda.

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## **NEW BUSINESS**

### **Recycling**

Supervisor Hotaling stated that this item was not on the agenda and added that in 1991 the State of New York wanted every municipality to pass a Solid Waste Management Law that mandated recycling in addition to mandating that everyone have a legitimate legal way to dispose of their household trash. He continued by saying that the Town of Coeymans did pass such a law, which required recycling and delineated what must be recycled and how the waste haulers were to treat the recyclables. He added that at 7:45am earlier in the day his trash was picked up on Willis Avenue and continued by saying that his recycling and trash containers were out for the waste hauler and in turn the waste hauler lifted up the recycling container and dumped all of the recyclables that he had washed out and cleaned as defined in the law and put it with the rest of the trash. He went on to say that this was not the first incident and added that he has noticed it happening with every hauler within the Town and added that there is a law and people do comply and it is disturbing to him. He continued by saying that the Town does not have a Recycling Coordinator and added that it is budgeted for and there is a need to monitor the waste haulers more aggressively in addition to the Town Clerk having an obligation to collect a Waste Hauler Permit Fee under the Law from each hauler on an annual basis in addition to having to file their routes and times of operation. He concluded by saying that they need someone to get a hold of the issue and added that there is no sense of creating the law if there is no enforcement opportunity and then asked for the Town Board’s permission within the next couple of weeks to allow him to come back with a plan to address the problem.

Councilman Boehm inquired as to if the former Recycling Coordinator had the ability to issue tickets for violations.

Supervisor Hotaling stated that he didn’t think so and added that they need to take a look at the Law.

Councilwoman Chmielewski interjected that they all should have a copy of the Law to review and in turn get back to Supervisor Hotaling.

Supervisor Hotaling stated that with a summer season quickly approaching they need to get some control and added that every hauler has to be registered and pay a fee in addition to proving that they have liability insurance. He concluded by saying that it has not been addressed in the last several years and added that it is something that needs to be looked at.

### **Police Request to Apply for DCJS Grant**

Supervisor Hotaling stated that Chief Darlington sent a memorandum dated January 24, 2007 in which he is requesting authorization from the Town Board to apply for a grant from DCJS for equipment. He continued by reading the following excerpt:

“This grant will be in the amount of \$50,000. Under this program the grant will allow us to purchase a “live scan” system. This system allows for immediate response of fingerprint impressions when a person’s identity is in question. Also purchased will be a “plate reader”. This allows for instantaneous reading of license plates, registrations and inspection stickers of vehicles passing or being passed by the patrol unit”.

He continued by saying that the program has been successful in other areas throughout the State of New York and added that the \$50,000 grant does not require a match by the Town of Coeymans. He concluded by saying that the project budget is attached to the request and added that Chief Darlington is looking for authorization to submit the application, which he would recommend.

Councilwoman Rogers interjected that if it does not cost the Town any money he should apply for it.

Councilman Boehm inquired as to if there would have to be software updates every year and if so what the cost would be.

Supervisor Hotaling stated that there probably is a maintenance fee on a yearly basis and added that if you have a plate reader there would be enough revenue generated to cover it.

Councilwoman Rogers interjected that the budget outline indicates a fee for installation and management.

Supervisor Hotaling asked for a motion authorizing Chief Darlington to submit the application.

### **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing Chief Darlington to apply for the grant.

VOTE – AYES 4 – NAYS 0 – SO MOVED

### **Town Clerk Request for Mileage Reimbursement**

Supervisor Hotaling stated that the Town Clerk has requested mileage reimbursement and added that there is a Board of Elections Meeting on February 13, 2007 and continued by saying that it is important that Town Clerk Millious attend the meeting. He then offered a motion to approve the mileage reimbursement.

### **MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Chmielewski, authorizing mileage reimbursement for the Town Clerk to attend the Board of Elections Meeting.

VOTE – AYES 4 – NAYS 0 – SO MOVED

### **Part-Time Building Inspector Request to Attend NYS Building Officials Conference**

Supervisor Hotaling stated that there is a request from Code Enforcement Officer Conrad requesting permission for part-time Building Inspector Weidman to attend training. He continued by saying that Code Enforcement Officers require NYSBOC training on an annual basis and added there are 3 credits offered for the training that will be from 9am-12pm. He added that the training will take place at the Italian American Community Center on Friday, February 16, 2007 and the fee is \$30.00.

Councilman Boehm inquired as to if there would also be a request for mileage.

Code Enforcement Officer Conrad stated that there is a Town vehicle that he can use.

Councilwoman Chmielewski inquired as to whether or not part-time Building Inspector DeBacco needed to attend.

Code Enforcement Officer Conrad stated that he will be taking other courses and added that he also takes training through the Village.

Supervisor Hotaling interjected that the Town shares the cost with the Village for his training and then asked for a motion to approve his attendance.

## **MOTION**

On motion of Councilman Boehm, seconded Supervisor Hotaling authorizing part-time Building Inspector Weidman to attend the NYSBOC training for a fee of \$30.00.

VOTE – AYES 4 – NAYS 0 – SO MOVED

## **Part-Time Building Inspector Request to Attend Association of Towns Annual Meeting**

Supervisor Hotaling stated that he is receipt of a request for part-time Building Inspector Cashin to attend the Association of Towns Annual Conference February 18-21 in New York City. He continued by saying that Mr. Cashin has the means for being in New York City at the time of the Association of Towns Conference at which several courses are offered for him to get his required credits. He added that the request is to pay for the registration to attend the Conference and continued by saying that there will be no travel expenses because they will be born by someone else attending the same conference. He then asked for a motion authorizing attendance at the conference.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, authoring part-time Building Inspector Cashin to attend the Association of Towns Annual Meeting with a registration fee of \$100.00.

VOTE – AYES 4 – NAYS 0 – SO MOVED

## **Building Inspector and Town Attorney Request to Attend SEQRA Seminar**

Supervisor Hotaling stated that there is a seminar for SEQRA on March 27<sup>th</sup> in Albany and added that Building Inspector Conrad and Town Attorney Rotello had expressed an interest in attending. He continued by saying that the registration fee is \$329.00 each, which includes a manual.

Councilwoman Chmielewski inquired as to if this would also be for continuing education credit.

Supervisor Hotaling stated that it would for Building Inspector Conrad and added that he was not sure how it would work for Town Attorney Rotello.

Town Attorney Rotello interjected that it probably would be for him as well and added that he does not need the credits. He continued by saying that he was going to try to attend a SEQRA Workshop at the Association of Towns Annual Meeting but it conflicted with the Town Attorney training.

Supervisor Hotaling asked for a motion authorizing attendance.

## **MOTION**

On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, authorizing Building Inspector Conrad and Town Attorney Rotello to attend the SEQRA seminar.

VOTE – AYES 4 – NAYS 0 – SO MOVED

Councilwoman Rogers inquired as to what SEQRA stands for.

Supervisor Hotaling stated that it is State Environmental Quality Review Act.

Code Enforcement Officer Conrad stated that it is a requirement under law that for every process that the Town undertakes they have to do a SEQRA review, which is called a Short Form Environmental Assessment. He continued by saying that it is done for every Site Plan Review, every subdivision, every Special Use Permit and any other action that takes place including the Comprehensive Plan. He added that a lot of court cases have come about as a result of a review under SEQRA and continued by saying that it is a very complicated process to understand. He concluded by saying that they are hoping that the seminar along with the manuals will give them more of an ability to offset any possibility of a lawsuit on the Town of Coeymans by a resident for some improper action by the Town.

Town Attorney Rotello stated that SEQRA is a very highly litigated area of the law.

Supervisor Hotaling stated that an example is that the Town of Coeymans is trying to get DEC to force the City of Albany into submitting an application to undergo the SEQRA process and added that for whatever reason they have not forced them to do that.

Town Attorney Rotello interjected that it is being appealed and added that it is an ever changing area of law met with many complexities and not really understood by that many.

### **Authorize Contract for Senior Projects of Ravena**

Supervisor Hotaling stated that the Senior Projects of Ravena has received funding for a number of years from the Town of Coeymans and added that last year they had a dialog with them about creating a contract for such funding. He added that in April of last year, with the Town Boards authorization he signed a contract for exchange of services in compensation. He continued by saying that the Senior Projects provides emergency shelter and meals, training room facilities, income tax services, etc. and added that the Senior Projects indicated that they needed supplementary funding in their effort to provide recreation, congregate dining, Meals on Wheels, social activities and transportation to all residents age 60 and above. He concluded by saying that as a result of the needs the Town entered into a contact that they would provide the facilities for the Town's needs in terms of emergency services and training facilities and in turn the Town would provide them \$6,000 in their effort to provide services for seniors and continued by saying that the contract is about to expire. He then asked for Town Board authorization to start talking to them about renewing the contract from April 2007 – April 2008.

Councilwoman Chmielewski stated that it says that they provide Defensive Driving courses to all residents and then inquired about having to pay a fee.

Supervisor Hotaling stated that the fee does not go to the Senior Projects but rather to the instructor.

Councilwoman Chmielewski stated that she does not feel as though Defensive Driving should be a part of the contract because of the fee that has to be paid to someone else.

Supervisor Hotaling stated that it is a new item and added that it was not part of the original contract. He then asked if the Town Board approves him entering into discussion to renew the contract.

Councilman Boehm inquired as to if the \$6,000 represents an increase.

Supervisor Hotaling stated that it is the same that it has been for a number of years.

Councilman Boehm inquired as to if they get funding from the County as well.

Supervisor Hotaling stated that they get money from the County for Meals on Wheels and added by extension the County receives funding from the State to provide services in general to seniors within the County. He continued by saying that he believes that the Village also contributes a portion.

Councilwoman Chmielewski interjected that the Village does contribute and added that she does not know how much.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, authorizing the Supervisor to enter into negotiations with the Senior Projects for the purposes of a contract.

VOTE – AYES 4 – NAYS 0 – SO MOVED

## **Economic Development Strategic Plan for Town of Coeymans**

Supervisor Hotaling stated that Councilman Boehm has been involved in the Economic Development Strategic Plan for a number of months with the Town's consultants from Laberge and then invited Councilman Boehm to give an update.

Councilman Boehm stated that they are nearing the end of the project and added that they will be scheduling a Public Hearing to hear the public's comments, which will most likely be April 9<sup>th</sup> prior to the Town Board Meeting. He continued by saying that Ms. Allen from Laberge is currently seeking input on the Plan from the Town Board, Planning Board, and Zoning Board of Appeals and added that once the document is available it will be put on the Town's website. He went on to say that at the last meeting Cyrus and Nancy O'Brien from NY Quarries had attended and added that they raised a good issue about non-conforming uses in a Residential Agriculture District, which is what the quarry is.

Town Attorney Rotello stated that it is a pre-existing non-conforming use and added that the zone is not being changed. He continued by saying that they are inquiring as to how they would identify it to protect the current property owners right as it relates to their pre-existing non-conforming use and whether or not there is a manner in which those uses could be identified so if someone was going to purchase property nearby they would be advised of the use. He concluded by saying that a pre-existing non-conforming use will be allowed to continue unless there is a lapse of a year or longer.

Councilman Boehm stated that the proposed zoning maps and uses are posted at Town Hall and added that this is what they will be focusing on at their next meeting.

Supervisor Hotaling inquired as to if there is a need to establish the Public Hearing date now.

Councilman Boehm stated that in talking to Ms. Allen he would like to establish the date now.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing a Public Hearing date on April 9, 2007 at 6:00pm for the purpose of hearing comments from the public relative to the Economic Development Strategic Plan for the Town of Coeymans in addition to authorizing the Town Clerk to advertise the same.

VOTE – AYES 4 – NAYS 0 – SO MOVED

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

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## **RESOLUTIONS**

### **RES. #042-07 APPOINT SEASONAL 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**, 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,

**WHEREAS**, the Superintendent of Highways has confirmed the candidate meets minimum qualifications for appointment,

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Coeymans authorizes the appointment of John C. McMullen to the position of seasonal Equipment Operator I, effective immediately, contingent upon successful pre-employment testing, and at the hourly rate of \$13.76 commensurate with the Union agreement.

Councilman Boehm asked Highway Superintendent Deering if this brings the Highway Department up to the staff level that he needs.

Highway Superintendent Deering stated that for now it does.

### **RES. #043-07 APPOINT BOOKKEEPER**

On motion of Councilman Boehm, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Bookkeeper for the Supervisor tendered her resignation effective December 2006, and

**WHEREAS**, interviews have been conducted for candidates for Bookkeeper,

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Coeymans hereby, at the request of the Supervisor, and in accordance with Town Law Section 29, appoints Rosemary Puckett as full-time Bookkeeper, at the hourly rate of \$14. This appointment is effective February 15, 2007.

### **RES. #044-07 APPOINT PLANNING BOARD RECORDING SECRETARY**

On motion of Councilwoman Rogers, seconded by Councilwoman Chmielewski, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – SO MOVED

**WHEREAS**, the Planning Board is required to have an official record of the minutes of their meeting, and

**WHEREAS**, the Planning Board has become more involved requiring a dedicated individual for minutes, and

**WHEREAS**, the Supervisor has placed classified ads for an individual to take the minutes of the meeting and transcribe those minutes, and

**WHEREAS**, several applications were received and interviews of the applicants took place,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans, does hereby appoint Linda B. Ziegler as Recording Secretary to the Planning Board, on a part time basis, effective immediately, at the rate of \$100 per meeting, payable by regular voucher submissions.

Supervisor Hotaling stated that the rate of pay includes her attendance at the meeting, which is typically 3 hours in addition to transcribing a set of minutes on her own equipment to be presented back to the Planning Board for their next meeting.

**RES. # 045-07 APPOINT PROSECUTOR FOR COEYMANS POLICE DEPARTMENT TRAFFIC TICKETS IN VILLAGE OF RAVENA COURT**  
On motion of Councilwoman Chmielewski, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – 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 Prosecutor for traffic tickets issued by the Town of Coeymans Police Department, returnable to Village of Ravena Court, for a monthly rate of \$200.

Supervisor Hotaling stated that Mr. Brick performs this service in the Town Court and added that this is an extension of that in the Village Court and continued by saying that it is a fairly low rate to prosecute those tickets.

Councilwoman Chmielewski inquired as to if the Village is going to reimburse anything back to the Town for this service.

Supervisor Hotaling stated that he has not approached that subject with the Village yet and added that if the comment is a signal for him that it is time to raise the issue with the Village he will.

Councilman Boehm interjected that he would not suggest that and added that it is petty for \$200.

Councilwoman Chmielewski stated that it is \$200.00 a month.

Supervisor Hotaling stated that he would not describe it as petty and added that it is an issue that the Village would raise with the Town and added that they have in other forums and continued by saying that those instances might have been classified as petty.

Councilwoman Chmielewski stated that it is being done to make the Court System in the Village run more smoothly and efficiently.

Councilman Boehm suggested that they have a Joint Meeting to discuss issues such as this.

Councilwoman Chmielewski suggested that they explore having one court for the Village and the Town.

**RES. #046-07 APPOINT ALTERNATE TO ASSOCIATION OF TOWN CONVENTION**

On motion of Councilman Boehm, seconded by Supervisor Hotaling, the following resolution was APPROVED – VOTE – AYES 4 – NAYS – 0 – SO MOVED

**WHEREAS**, Nita J. Chmielewski was appointed alternate to attend the Association of Towns Convention, and

**WHEREAS**, Council Member Chmielewski will not be attending,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Dawn Rogers as an alternate for the Town of Coeymans at the Association of Towns Convention, being held February 18-21, 2007.

## **CORRESPONDENCE**

### **Lafarge – Signage for Route 144 Truck Crossing**

Supervisor Hotaling stated that he is in receipt of a copy of a letter sent to Mr. Vartigan at the New York State Department of Transportation from David Vahue, Community Relations Manager at Lafarge dated January 26, 2007. He added that the letter refers to a conversation that Mr. Vahue had with Mr. Vartigan relative to the crossing at the barge loading area on Rte. 144 and cites that there are large trucks crossing the road with a typical day being up to 75 trucks in addition to receiving coal, bauxite and mill scale via trucks from the Port of Albany. He continued by reading the following excerpt from the letter:

“In June of 2003 the Lafarge Ravena Plant undertook a traffic study to evaluate traffic flow into the three highway access points on the main plant property as a part of a project which included a minor increase in traffic to the site. While the Route 144 intersection was not specifically evaluated it is referenced in the study as having an estimated 2,940 vehicles a day. This data was obtained using the New York State Department of Transportation’s 2001 Highway Sufficiency Ratings Manual as well as the 2002 Traffic Volume Report”.

Supervisor Hotaling stated that Lafarge is requesting that the State install safety signage in close proximity to the Route 144 intersection with their access road indicating a presence of truck traffic entering, exiting and crossing Route 144 and added that they are offering their assistance in doing this. He concluded by saying that a copy was sent to him as a courtesy in addition to Senator Neil Breslin and Assemblyman Tim Gordon and added that they did not ask for a letter or support or even weigh in on it and at this point it is for informational purposes only.

### **NYS Department of Environmental Conservation**

Supervisor Hotaling stated that he was in receipt of a letter from New York State Department of Environmental Conservation relative to the modification of the SPDES (State Pollutant Discharge Elimination System) Permit. He continued by saying that it is a permit issued by DEC when discharges are made into streams and surrounding areas and added that in this case it is an application to allow the R-C-S School District to wash buses at its existing maintenance garage at the Jr.-Sr. High School campus. He went on to say that the modification will allow a discharge of up to 960 gallons per day of wash water, after treatment through an oil water separator and sand filter system, before discharging to Mosher Brook, which is a Class C water body. He concluded by saying that the notification to him is a required notification to the Supervisor of the Town that the SPDES Permit modification has been sought and DEC is reviewing it.

### **Laberge Group – Planning/Zoning Training**

Supervisor Hotaling stated that he is in receipt of a correspondence from Laberge Group, the Planning and Zoning Consultants for the Comprehensive Plan dated February 2, 2007. He continued by saying that Laberge is offering an opportunity for them to provide a training session for the mandatory training for Planning Board and Zoning Board of Appeals members. He added that he also found on the Association of Towns website, which he forwarded to both Chairmen of the Planning and Zoning Boards, areas where the training is provided for free and continued by saying that he does not know if Laberge plans on providing it for free. He concluded by saying that there are many places that train for free and added that he has asked that both Chairmen coordinate and collaborate and come back to the Town Board by the March 20<sup>th</sup> Workshop with a plan for training of both Boards.

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## **TOWN BOARD WORKSHOPS/MEETING**

- Town Board Meeting – February 26, 2007, 7pm



- Town Board, Planning Board, Zoning Board of Appeals Workshop – February 27, 2007, 6:00 PM
- Town Board Meeting – March 12, 2007, 7:00pm

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## ADDITIONAL COMMENTS

Supervisor Hotaling asked if there were any additional comments.

Councilwoman Chmielewski stated that Appraisal Consultants had said earlier in the meeting that books would be available in the Assessor's Office for people to come in and review and obtain copies if they wished. She continued by saying that the Clerk in the Assessor's Office should be available everyday full-time during this period because there will probably be many people coming to their office. She added that based on the traffic that is in and out of there now, time is being taken away from the Building Department staff to answer questions and continued by saying that there are two days that no one is in the Assessor's Office. She reiterated that especially for the two week period there should be someone in the office to answer questions and make copies and added that Town Clerk Millious is in the middle of tax season and it should not be put on her department either.

Supervisor Hotaling stated that it was a good point and then inquired as to if the dates for the two weeks were specified. He added that the data base books will be available for those that cannot access the information online and continued by saying that it was his understanding that you had to have your own pen and paper.

Councilwoman Chmielewski interjected that the Assessor had stated that copies could be made and added that this is something that needs to be looked into as far as who will be available to make copies.

Supervisor Hotaling stated that he would discuss it with Assessor VanValkenburg and then asked if there were any additional comments.

Town Clerk Millious stated that the Records Room is coming along and added that some of the records have been returned to the room. She continued by saying that there are a few minor items that still need to be done such as the lighting, which was to be done after the shelves were in place and then invited members of the Town Board to take a look at the room.

Supervisor Hotaling stated that there is a big difference and it will be a nice room to work in. He continued by asking if there were any further 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 4 – NAYS 0 – SO MOVED

Time 9:19pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*



**A Town Board Meeting was held Monday, November 26, 2007, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

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

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

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Albert Deering, Highway Superintendent  
Gregory Darlington, Chief of Police  
Attorney for the Town Wukitsch

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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, Attorney for the Town Wukitsch, Highway Superintendent Deering and Chief of Police Darlington and continued by saying that Councilwoman Chmielewski was absent

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**APPOINTMENT AND SWEARING IN OF NEW BOARD MEMBER**

Supervisor Hotaling stated that before they get into the regular, ordinary part of the agenda they have a distinct duty and honor to perform an appointment before they start so they can become a true full complement of Board members. He then asked that the Board members refer to the resolution section and pull out the first resolution for him to offer and move for its adoption.

**RES. #124-07 APPOINT TOWN BOARD MEMBER**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, the following resolution was APPROVED – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

**WHEREAS**, Laverne H. Conrad resigned from his seat on the Town Board on September 25, 2006, and

**WHEREAS**, the Town Board had a vacancy for which various options have been considered and exercised, as to the filling of that vacancy since that resignation, and

**WHEREAS**, none of the options resulted in a candidate to fill the vacancy, and

**WHEREAS**, the Town Board is desirous of filling the vacancy,

**NOW, THEREFORE, BE IT RESOLVED**, that James C. Youmans is hereby appointed to fill the unexpired term of Laverne H, Conrad, a term expiring December 31, 2007. Thereafter, Councilman Youmans, sworn in again, will begin his regular four-year term to which he was elected in the General Election.

Supervisor Hotaling stated that he is proud to say that Mr. Youmans has been appointed and continued by saying that there was another duty to perform and he was going to turn it over to Justice Pearson who will guide them in the swearing in ceremony with Mr. Youmans and his family.

Justice Pearson continued by swearing Mr. Youmans into office for the position of Councilman.

Mr. Youmans thanked Justice Pearson.

Supervisor Hotaling asked that Councilman Youmans take his seat on the Town Board and continued by asking that Justice Pearson flip up his name plate and continued by congratulating him and then extended him the opportunity to speak or have the option of doing it later in the meeting.

Councilman Youmans stated that he would wait until later in the meeting.

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## **AGENDA**

- Appoint and Swearing In of New Board Member
- Public Comment Period
- Approval of Minutes
  - Town Board Meeting, October 9, 2007
  - Town Board Workshop, October 16, 2007
  - Town Board Meeting, October 22, 2007
  - Town Board Workshop, October 24, 2007
  - Public Hearing, October 30, 2007
  - Bid Opening, November 8, 2007
- Supervisor Report – October 2007
- Department Report Review
  - Building Department – October 2007
  - Sewer Department – October 2007
  - Town Clerk Monthly Report – October 2007
- New Business Update and Discussion
  - Establish Public Hearing Dates for Community Development Block Grant Application
  - Update of Town Hall/Police Department Server
  - Resignation of Town Police Officers
  - Approval of Out of District Sewer Agreement
  - Highway Superintendent Over Ride of Town Board Policy
  - Request by Town Clerk to Attend Luncheon Meeting
  - Request by Chief Sewer Treatment Operator to Attend Seminar
- Resolutions
  - Appoint Town Board Member
  - Establish Capital Project for New Water District #1
  - Interfund Loan for Sewer District Legal Bills
  - Authorization to File Local Waterfront Revitalization Program Grant Application (LWRP)
  - Local Government Records Management Grant Funds
  - Compromise & Settlement of Action Against Town – Real Property
  - Capital Projects Transfers
  - Establish Budget for Grove Cemetery
  - Transfer of Funds
  - Approval of Abstract – November 2007
- Correspondence
- Town Board Workshops/Meetings
  - December 10, 2007, Town Board Meeting, 7pm
  - December 18, 2007, Town Board Workshop, 6pm
  - December 26, 2007, Town Board Meeting, 7pm

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## **PUBLIC COMMENT PERIOD**

Supervisor Hotaling invited the public to comment at this time.

Mr. John Allen introduced himself as living at 37 Westerlo Street and continued by saying that he is present to support a Police Officer who the Town has had a great working relationship. He added that he had a packet to give to each Town Board member because there will be a matter before them later in the meeting. He went on by reading the following:

Re: Hold of Coeymans Police Officer Larry C. Roe's directed letter of resignation in abeyance, and grant a leave of absence.

Dear Board Members:

We the below signed residents of the Town of Coeymans and Village of Ravena, are requesting that the Town Board members hold Town of Coeymans Police Officer Larry C. Roe's letter of resignation in abeyance until resolution of his grievance against the New York State Commission of Correction (SCOC). It is also requested that the Town Board members grant Officer Roe a leave of absence until the resolution of the aforementioned grievance so that Officer Roe may comply with SCOC's written directive to him not to work outside employment.

We are with the understanding that this does not place any financial responsibility upon the Town of Coeymans to hold Officer Roe's directed letter of resignation in abeyance or to grant Officer Roe a leave of absence. However, it does show support to a good Officer and Town of Coeymans employee.

We the following signed persons thank all of you for your time and consideration with this matter.

Mr. Allen continued by saying that there is a petition with 134 signatures as well as some background information and then gave each Board member a copy.

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**

Supervisor Hotaling stated that the last meeting resulted in four sets of minutes being tabled and continued by saying that they are back on the agenda for approval as well as two additional sets, a Public Hearing on October 30<sup>th</sup> and a Bid Opening on November 8<sup>th</sup>. He added that he has not had the opportunity to review the latest two and continued by asking for a motion to approve the previously tabled minutes, a Town Board Meeting, October 9<sup>th</sup>, a Town Board Workshop, October 16<sup>th</sup>, a Town Board Meeting October 22<sup>nd</sup> and a Town Board Workshop on October 24<sup>th</sup>.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the previously tabled Town Board minutes were accepted as presented.

VOTE – AYES 3 – NAYS 0 – ABSTAIN 1 (Youmans) – ABSENT 1 (Chmielewski) – SO MOVED

## **MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, tabling the Public Hearing on October 30<sup>th</sup> and the Bid Opening on November 8<sup>th</sup>.

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

SUPERVISOR’S REPORT

Supervisor Hotaling continued by giving his report for October 200.

| FUND            | BAL. FWD.    | RECEIPTS     | DISBURSE.       | BALANCE        |
|-----------------|--------------|--------------|-----------------|----------------|
| GENERAL         | \$167,087.67 | \$573,014.01 | \$386,452.14    | \$353,649.54   |
| PART-TOWN       | \$239,017.28 | \$532,286.94 | \$128,150.41    | \$643,693.81   |
| SPEC. WATER     | \$ 28,580.41 | \$ 45,635.72 | -0-             | \$ 74,216.13   |
| HIGHWAY         | \$ 43,584.86 | \$283,739.82 | \$263,588.44    | \$ 63,736.24   |
| BRIDGE CONST.   | \$ 87,554.28 | \$ 2,268.28  | \$ 54,987.28    | \$ 35,235.28   |
| TRUST & AGCY.   | \$ 8,679.20  | \$207,186.65 | \$203,817.34    | \$ 12,048.51   |
| SEWER           | \$ 21,900.66 | \$104,008.91 | \$ 19,738.92    | \$106,170.65   |
| SEW. CAP. PROJ. | \$129,217.30 | \$ 177.03    | -0-             | \$129,394.33   |
|                 |              |              | TOTAL REC. BAL. | \$1,418,144.49 |

CERTIFICATES OF DEPOSITS

|               |           |         |              | Maturity Date |
|---------------|-----------|---------|--------------|---------------|
| Citizens Bank | A-Fund    | 30 Days | \$500,000.00 | 01-22-07      |
| Citizens Bank | A-Fund    | 90 Days | \$115,000.00 | 11-26-07      |
|               | Part-Town | 90 Days | \$200,000.00 | 11-15-07      |
|               | Part-Town | 90 Days | \$200,000.00 | 11-30-07      |

National Bank of Coxsackie

|         |         |              |          |
|---------|---------|--------------|----------|
| Highway | 90 Days | \$200,000.00 | 01-24-08 |
|---------|---------|--------------|----------|

SAVINGS ACCOUNTS

|                       |                    |
|-----------------------|--------------------|
| Police Forfeitures/CK | \$ 351.29          |
| Police Forfeitures    | \$ 2,590.98        |
| Unemployment          | \$ 3,147.71        |
| Grove Cemetery/SAV    | \$36,183.10        |
| Grove Cemetery/CK     | \$ 9,507.66        |
| Sewer Dedicated       | <u>\$ 6,195.14</u> |

Total \$57,975.88

SECTION 8 HUD

|                |             |
|----------------|-------------|
| Occupied Units | 74          |
| HUD Payments   | \$33,048.00 |
| Admin. Fee     | \$ 81.78    |
| Total HUD Pmt. | \$33,129.78 |
| Tenant Rent    | \$13,700.00 |
| Contract Rent  | \$43,573.00 |

|                    |                    |
|--------------------|--------------------|
| Section 8 Checking | \$140,358.09       |
| Section 8 Savings  | <u>\$ 4,024.30</u> |
|                    | \$144,382.39       |

COLLATERAL COVERAGE FDIC COVERAGE COLLATERALIZED

|                            |              |                |
|----------------------------|--------------|----------------|
| National Bank of Coxsackie | \$100,000.00 | \$1,721,662.65 |
| Citizens Bank              | \$100,000.00 | \$ 572,300.39  |
| First Niagara              | \$100,000.00 | \$1,475,309.75 |

Supervisor Hotaling asked for a motion to approve the report.

MOTION

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

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

## **DEPARTMENT REPORTS**

### **Building Department Monthly Report – October 2007**

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

Councilman Boehm continued by giving the report.

### **Sewer Department Monthly Report – October 2007**

Supervisor Hotaling continued by give the Sewer Department Monthly Report

### **Town Clerk Monthly Report – October 2007**

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

Town Clerk Millious continued by giving her report and added that the last day to collect Sewer and Water was November 1<sup>st</sup> and in turn any unpaids will be levied on the 2008 Property Tax Bills.

Supervisor Hotaling asked for a motion to approve the Building Department, Sewer Department and Town Clerk Monthly Reports.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the monthly reports were approved as presented.

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

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## **OLD BUSINESS**

Supervisor Hotaling stated that he did not have any Old Business listed on the agenda and continued by asking if any Town Board members had any Old Business to bring before the Board, hearing none he moved to the next item on the agenda.

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## **NEW BUSINESS**

### **Establish Public Hearing Dates for Community Development Block Grant Application**

Supervisor Hotaling stated that they needed to establish a Public Hearing date for the Community Development Block Grant Application. He added that earlier in the day he received a correspondence from Joseph J. Rabito, Director for the Office of Small Cities informing him that they have a formal invitation to submit an application for Economic Development Assistance benefiting the P&M Brick Port of Coeymans project. He continued by reading the following excerpt:

“This invitation is based upon the information you provided through our preliminary eligibility determination process, our subsequent review, and the attached terms, conditions, and assumptions. This invitation to apply is a result of our evaluation that the project has demonstrated a need for Community Development Block Grant (CDBG)

assistance. Any CDBG Small Cities Economic Development commitment or participation in the project will not exceed \$750,000.00. Funding is subject to availability of funds, successful completion of the application process, internal review and approval by the Office of Small Cities, compliance and program requirements and approval by the New York State Housing and Trust Fund Corporation. Enclosed is the Application for Economic Development Assistance, the completed application package along with all the attachments and exhibits should be forwarded to our office not later than 75 days from the date of this letter”.

Supervisor Hotaling continued by saying that a copy of the letter was sent to Mr. Steven Kirk, the person that is coordinating the application on behalf of the Town and added that the next step in the application process is to conduct two Public Hearings. He went on by saying that there was previous discussion about dates with Town Clerk Millious for the Public Hearing and added that he intends to hold them on the same night about ½ hour apart. He continued by saying that the first one is a Public Hearing that describes the CDBG Grant Program and the public will be given the opportunity to comment and added that the second one is a more specific Public Hearing relating to the P&M Brick Project and the application for assistance for that project with an opportunity for public comment to raise any issues of concerns, support or opposition to the Town conducting an application to ultimately lend some money to the Port of Coeymans to spur economic development in the Hamlet. He then asked Town Clerk Millious as to the dates that they had previously discussed.

Town Clerk Millious stated that they had discussed December 5<sup>th</sup> at 7:00 and 7:30pm.

Supervisor Hotaling stated that they decided on those times because the public is use to having Town Board Meetings at that time. He added that it is a Wednesday night at Town Hall and then asked Town Clerk Millious if Mr. Kirk had supplied the Notices that are required.

Town Clerk Millious stated that he did and added that she has them ready to go once the Town Board approves the date and times.

Supervisor Hotaling continued by asking for a motion to establish the first Public Hearing on December 5<sup>th</sup> at 7:00pm for the purpose of discussing the Small Cities Program including the guidelines, regulations and requirements as well as how the program will proceed if the application is funded.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, to hold a Public Hearing on Wednesday, December 5<sup>th</sup> at 7pm.

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

Supervisor Hotaling continued by saying that the second Public Hearing is proposed to be on the same night at 7:30pm and added that it will be specific to the grant funds to provide low interest funds to the developer of the Coeymans Port, which is located at the former P&M Brickyard. He went on by saying that the funds will be used in conjunction with other financing to complete the port and create 100-200 full-time jobs and added that the purpose of the Public Hearing will be to discuss the Town’s application, including specific application components and requirements, budget estimates and implementation procedures. He then asked for a motion to establish that Public Hearing.

## **MOTION**

On motion of Councilwoman Rogers seconded by Councilman Boehm, to hold a Public Hearing on Wednesday, December 5<sup>th</sup> at 7:30pm.

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

Supervisor Hotaling asked that Town Clerk Millious notify the official newspaper for the Town in order to give the proper Notice time between now and the Public Hearing date.



## **Update of Town Hall/Police Department Server**

Supervisor Hotaling stated that at the November 20<sup>th</sup> Workshop one of the topics of discussion was the Town Hall/Police Department Server and added that there were two presentations from Matt Canning and Steve Prokrym. He continued by saying that he does not know when the server was placed in Town Hall and added that his guess would be 2002 or 2003. He went on by saying that it has been operating with reasonable confidence and continued by saying in this technology advanced age there is a need to upgrade the server capabilities due to the move of the Police Department and Communications, which will handle Town Hall, the Police Department and Communications on a day to day 24/7 operation. He continued by saying that they have come up with a plan to spend approximately \$7,000.00, which will be for two servers, a switch hub, two 160 gig external backup systems and licensing for a sufficient number of clients to use the Window 2003 Server Operator System as well as installing, testing and guaranteeing it for a number of years. He concluded by saying that between Mr. Prokrym and Mr. Canning the installation should go smoothly and then asked for a motion that would allow them to buy the items quoted on the pricing sheet and other incidentals required up to an amount not to exceed \$7,200.00.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing the purchase of the server items not to exceed \$7,200.00.

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

Supervisor Hotaling inquired as to if the motion will allow him to sign the Customer Acceptance Contract from Keeplock Security Services, Inc.

Collectively the Town Board agreed that it will authorize him to sign it.

Chief Darlington interjected that it is for the Police Department as well as Town Hall.

Supervisor Hotaling stated that it is the two server option that will replace the Town Hall server as well as an initial server for the use and needs of the Police Department and Communications.

Chief Darlington inquired as to who should notify Mr. Prokrym and added that he will be seeing him the following day.

Supervisor Hotaling stated that he needs to advise Mr. Prokrym that he needs to coordinate the installation with Mr. Canning.

## **Resignation of Two Police Officers**

Supervisor Hotaling stated that he is in receipt of two resignations from two part-time Police Officers, Christopher Parker and Larry Roe and added that in addition to Mr. Roe's resignation there is a petition with 133 names. He continued by reading the following resignation letter from Christopher Parker:

Sir,

Due to regulations with my full-time employer, it is with great regret that I must inform you of my resignation from the Town of Coeymans Police Department. I would also like to take this time to thank you for the many opportunities that been afforded to me while serving as a part-time patrolman within your command.

Respectfully,

Christopher J. Parker

Supervisor Hotaling asked Chief Darlington if he had anything to add.

Chief Darlington stated that part of the first six-months with his new full-time job does not allow him to work part-time.

Supervisor Hotaling continued by offering a motion to accept the resignation.

## **MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, accepting the resignation of Christopher J. Parker.

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

Supervisor Hotaling stated that the resignation of Mr. Roe is a bit more complex and continued by saying that each Board member has a copy of the resignation letter but he would not be reading it. He added that he is somewhat familiar with the issue as explained by Chief Darlington previously and went on by saying that Chief Darlington has shared the information with the other Board members as well. He continued by saying that it continues to be an ongoing process and went on to say that saying too much in a public forum would be crossing the line into a personnel matter either with the Town or elsewhere. He added that he has discussed with Chief Darlington the anticipated request to not accept the resignation and continued by saying that he is not comfortable at this point with taking Mr. Allen's position because there is a process that has to play itself out and there is a directive, which they have been notified of. He concluded by saying that it is incumbent upon them to take positive action in light of that and not abeyance action while understanding that as the process continues the outcome may be different in the end and if so every opportunity will be afforded to be able to advocate one way or another for a rehiring. He then asked for comments from the Town Board, followed by comments from Chief Darlington and Attorney Wukitsch.

Councilman Boehm stated that based on his conversation with Chief Darlington it is in the best interest of the Town to accept the resignation at this point.

Councilwoman Rogers stated that the last time that they held a job because of mitigation it was a 1-2 year process before it was finalized and added that she does not think that they can hold it for that long.

Councilman Youmans stated that he is uncomfortable with the level of information that he has and added that he does not believe that he has enough information and will be abstaining.

Chief Darlington stated that his concern is with holding the position open for an unknown period of time and added that his recommendation would be to accept the resignation.

Town Attorney Wukitsch stated that there is a specific carve out from the Open Meeting Laws for personnel matters and added that he is reluctant to discuss the details in a public forum and continued by saying that they have not invaded any confidential areas at this point. He went on by saying that there is a resignation before the Town Board that they can either accept or reject and hold in abeyance as suggested and added that his concern is that he has not had the opportunity to study the letter in detail and continued by saying that he does understand the Board's reluctance to hold a position open for what could be a very long period of time. He continued by saying that the letter does refer to some kind of leave status that Mr. Roe would be taking and added that he is unclear in the letter as to whether or not it would be paid or unpaid while the grievance works its way through the process. He concluded by saying that the Town Board is well within its authority to accept the resignation even though it states in the letter that it is unwillingly submitted.

Supervisor Hotaling asked if there were any other comments and added that he would give Mr. Roe an opportunity to comment with specific parameters.

Attorney for the Town Wukitsch stated that he does not know if they should get into that and continued by saying that he does not understand why a letter of resignation was submitted at this time and added by saying that they should not get into a lot of detail. He concluded by saying that Mr. Roe does not have an attorney with him and continued by saying that out of concern for him and his rights he should not put anything forth that could prejudice his case.

Supervisor Hotaling stated that he feels as though with the information that was submitted as well as in previous discussions and letters, he feels as though he is familiar and comfortable with what Mr. Roe's position is on the matter as well as his assertion with respect to the larger issue. He continued by saying that he is familiar with the essence of his position on the matter as it relates to the specific letter of resignation and concluded by saying that with that familiarity he still would be voting to accept it at this juncture and let the process play it self out.

Mr. Roe continued by asking if he was still granted the opportunity to speak.

Supervisor Hotaling stated that he has been cautioned by the Attorney for the Town not to open it up for his comments because it could rise to the level to potentially cross the line that would not be appropriate in this forum.

Attorney for the Town Wukitsch stated that it is not the appropriate forum to air personnel issues and added that it is out of his concern for Mr. Roe.

Mr. Roe inquired about commenting without giving any details.

Supervisor Hotaling stated that this was one of the parameters that he was going to establish and added that he is hesitant to even afford that at this point because if he gives him the forum something could be said that should not be. He continued by saying that there would not be an opportunity to take it back and concluded by saying that he was going to withdraw his offer to let him comment. He then asked for a motion to accept the resignation.

## **MOTION**

On motion of Councilman Boehm, seconded by Supervisor Hotaling, accepting the resignation of Mr. Larry Roe.

VOTE – AYES 3 – NAYS 0 – ABSTAIN 1 (Youmans) – ABSENT 1 (Chmielewski) – SO MOVED

## **Approval for Out of District Sewer Agreement**

Supervisor Hotaling stated that the Out of District Sewer Agreement refers to the Martins Hill area and continued by saying that a Gray Water Sewer System is being proposed as a betterment for the Rte. 143 realignment project. He added that Attorney for the Town Wukitsch has taken a look at his request to establish an Agreement for what is essentially an out of district user because there is not a Sewer District there. He went on to say that it is a unique sewer system in which it is a gray water system, which means that there will be septic tanks involved and only the effluent will be discharged into the sewer mains and processed in the plant. He continued by saying that there are certain things that they will require each person within the out of district user list to comply with such as maintenance of the septic tank, installation of a septic tank effluent filter to insure that no solids will be going into the system, they must adhere to all required inspection maintenance and servicing events, report to the Town each time an inspection maintenance or service event is completed on any part of the system under his or her control, an effluent filter must be installed and maintained with periodic maintenance. He added that failing to maintain the septic tank effluent filter can and will cause sewage to back up into the structure and went on by saying that if the title is transferred to someone else a copy of the Agreement should be furnished to the new property owner by the seller in addition to the owner agreeing to abide by all applicable rules, regulations, schedules and fee schedule that the Sewer District will promulgate. He continued by saying that the Agreement is a one page document that is a simple and valuable form that contains all of the elements of Attorney

for the Town Wukitsch's work with Mr. Vopelak from C.T. Male and added that he is comfortable that between the two of them they have a document that they can use. He concluded by asking for an official approval of the User Agreement from the Town Board and added that the next step will be for Jim Boni to let them know what the cost of the betterment will be and continued by saying that the Town Board authorized him up to a specified amount to expend general tax dollars and added that the project will commence in the spring of 2008 and those wishing to be hooked up to it will have to sign the Agreement.

Councilman Boehm interjected that the money used to build it will be paid back to the Town.

Supervisor Hotaling stated that was correct as well as any money used to create documents such as the Agreement or the plans for the system that C.T. Male did pro bono but did have to get some outside assistance, which will be charged back to the users in the out of district area once it is established as part of debt service agreements He then asked for a motion to accept the Out of District Sewer District Agreement.

### **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm to accept the Agreement.

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

Councilman Boehm inquired as to whether or not it should state the specific properties by address.

Supervisor Hotaling and Attorney for the Town Wukitsch collectively replied that it does.

Attorney for the Town Wukitsch interjected that the Town has a tremendous resource in Mr. Vopelak and added that he was very helpful to him in crafting the agreement by educating him in terms of what the essential elements should be, which are captured in the agreement.

### **Highway Superintendent Override of Town Board Policy**

Supervisor Hotaling stated that at the November 12<sup>th</sup> Town Board Meeting the Town Board passed a policy with respect to Town owned vehicles that prohibited the vehicle to be used to and from work for all employees and elected officials. He added that it exempted the Highway Superintendent and Chief of Police because it was found that a public benefit exists for those individuals to have those vehicle to their avail 24/7 given their responsibilities. He continued by saying that it did not extend to the Deputy Highway Superintendent who previously had access to a vehicle and had taken it to and from home for the past couple of years of his employment. He went on by saying that the new policy ended that as well as ending Chief Operator Breedlove's ability to bring the Sewer truck back and forth to home and added that Highway Superintendent Deering had sent a memorandum to the Town Board 9 days after the decision, which suggests that Highway Superintendent Deering was interceding to the Board to reconsider. He continued that at the end of the memo it appeared to say something different and then read the following from the memo:

“Therefore I am directing Scott to take the town truck home for on call purposes”.

He continued by saying that it sounded to him like he was overriding the Board policy and added that he was going to give him the opportunity to tell him on what basis he based his authority to do so.

Highway Superintendent Deering stated that the Deputy Highway Superintendent does the same duties that he does when he is not there or not available.

Supervisor Hotaling stated that he is not asking that and continued by asking on what basis does he have the authority to override the policy voted on by the Town Board.

Highway Superintendent Deering stated that under the Highway Law he has the authority to do that.

Supervisor Hotaling inquired as to if he believes that there is statutory authority in the Highway Law that allows him to override Town Board policy.

Highway Superintendent Deering interjected that he does on that.

Supervisor Hotaling inquired as to if it is that as well as other matters or if it is just for that.

Highway Superintendent Deering stated there are others as well.

Supervisor Hotaling stated that he would respectfully disagree and continued by saying that he is concerned about his override of the authority of the Town Board's policy and continued by asking the Town Board if they are willing to allow Highway Superintendent Deering to present the authority in Highway Law to them.

Councilwoman Rogers stated that she would like to see the Highway Law and continued by asking Highway Superintendent Deering if he had it.

Highway Superintendent Deering stated that he does not have it with him but could get it to them.

Supervisor Hotaling stated that it is a specific section of the law that he is referring to.

Attorney for the Town Wukitsch interjected that he is unaware of that section of the law.

Supervisor Hotaling stated that prior to the meeting he had asked Attorney for the Town Wukitsch about it and to do some preliminary research. He then asked Attorney for the Town Wukitsch if he had any findings.

Attorney for the Town Wukitsch stated that he checked different sections of the Town Law in Highway Law and added that Highway Superintendent Deering is given various powers and duties of which most relate to his jurisdiction over Town roads and things of that sort. He continued by saying that he was unable to find any section of law that would permit him to override a Town policy regarding the use of Town vehicles.

Highway Superintendent Deering stated that he is in charge of Town Highway vehicles and added that he oversees them in the Highway Department.

Attorney for the Town Wukitsch stated that his recommendation to the Town Board would be to allow Highway Superintendent Deering to produce for them the section of the Law that he is relying upon and in turn he will review it and provide his opinion and then they can form their own opinion as to whether or not there is a basis for it.

Supervisor Hotaling stated that was fine and added that he was at a loss to figure out where the authority comes from.

Attorney for the Town Wukitsch stated that the policy applies to all Town vehicles.

Supervisor Hotaling stated that the only other person impacted by the policy is the Chief Waste Water Treatment Plant Operator and added that he shares a vehicle that is paid for jointly by the Village of Ravena and Town of Coeymans. He added that he would get a copy of the resolution to Attorney for the Town Wukitsch and continued by saying that it specifically exempted Chief Darlington and Highway Superintendent Deering because of the public benefit that the Board found in permitting their use of such vehicles. He went on by saying that they did not feel that it was necessary for the Deputy Highway Superintendent or Chief Operator of the Waste Water Treatment Plant and added that it is an attempt to reign in certain policies that have either not been established or not been followed over the years in light of the escalating cost of fuel and those types of things as

well as the insurance liability that is attached. He concluded by asking if the Town Board is in agreement to allow Highway Superintendent Deering to produce and present the section of the law and how much time that they want to extend for this.

Councilman Boehm interjected that he does not know how long it will take Highway Superintendent Deering to research it and return it to Attorney for the Town Wukitsch.

Supervisor Hotaling stated that Attorney for the Town Wukitsch will not be available for the next meeting and added that he will be present at the December 26<sup>th</sup> meeting. He then asked the Town Board as to their position on Highway Superintendent Deering's directive currently that allows his Deputy, Mr. Searles to take the vehicle home.

Highway Superintendent Deering interjected that he has not taken it home yet.

Supervisor Hotaling stated that Highway Superintendent Deering directed him to take the vehicle home but he has not taken it home.

Highway Superintendent Deering stated that was correct.

Supervisor Hotaling inquired as to if the Town Board wants to wait until the December 26<sup>th</sup> meeting.

Collectively the Town Board agreed.

Supervisor Hotaling stated that he was scheduling it for the December 26<sup>th</sup> meeting for follow-up after submission of authority referenced by Highway Superintendent Deering and reviewed by Attorney for the Town Wukitsch.

#### **Request for Town Clerk to Attend Luncheon Meeting**

Supervisor Hotaling stated that he was in receipt of a request for Town Clerk Millious to attend a luncheon meeting and added that it was requested in a memorandum dated November 21<sup>st</sup> to be approved for reimbursement of mileage and lunch to attend the Albany/Schenectady County's Town Clerk Luncheon on December 14<sup>th</sup>. He then asked Town Clerk Millious as to her position with the Association.

Town Clerk Millious stated that she is Vice-President and added that it is one of four meetings a year.

Supervisor Hotaling stated that he is glad that she is recognized in that respect and continued by asking if it is her intent to drive her own vehicle.

Town Clerk Millious stated that there is no policy and added that she feels as though she can.

Supervisor Hotaling stated that the policy is that you have to get prior approval and added that she is following it and continued by asking the Town Board agreed to approve her attendance.

Councilwoman Rogers stated that she does not have a problem with it.

#### **MOTION**

On motion of Supervisor Hotaling, seconded by Councilman Boehm, authorizing Town Clerk Millious' attendance along with the reimbursement of mileage and cost of the lunch.

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

#### **Request for Chief Operator at WWTP to Attend Seminar**

Supervisor Hotaling stated that he was in receipt of a request for Chief Operator Breedlove to attend a seminar in Ballston Spa, which is three contact hours for Waste

Water Operator renewal and added that it is \$45.00 for his attendance. He continued by saying that he would be taking the Sewer Department truck with the authority rather than charge mileage back and forth. He then asked the Town Board for a motion to approve his attendance.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, authorizing Chief Operator Breedlove’s attendance.

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

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**RESOLUTIONS**

**RES. #125-07 AUTHORIZE ESTABLISHMENT OF CAPITAL PROJECT FOR NEW WATER DISTRICT #1**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) ABSTAIN 1 (Youmans)

**WHEREAS**, the Town has been pursuing the need to establish a new Water District within the Town to improve the water quality of its residents, and

**WHEREAS**, the Town has expended funds from the General – Town Wide Fund (A) and the Water Supply District #1 (SW) for engineering and legal services in prior years and the current fiscal year to determine if a new Water District is feasible, and

**WHEREAS**, the Town has determined that the results of the work completed to date has increased the likelihood that a Water District #2 should be formed, and

**WHEREAS**, the Town anticipates the entire cost of the funds expended by the General – Town Wide Fund (A) and Water Supply District #1 (SW) will be reimbursed to the fund by the Water District when it is formed, and

**WHEREAS**, the Town desires to keep a record of the cumulative costs incurred to date,

**NOW, THEREFORE, BE IT RESOLVED**, that a capital project be established to record the costs incurred to date and for the remaining costs to construct the District when it is formed with the following budget:

**Appropriations**

H9397.4 Water, Equipment and Capital Outlay Contractual                      \$300,000.00

**Revenues**

H5031 Interfund Revenues Capital Outlay Contractual                      \$300,000.00

**BE IT FURTHER RESOLVED**, that the General Town-Wide Fund (A) and Water Supply District #1 (SW) will loan the Capital Project the funds necessary to pay vouchers for the project as they come due until the District is formed and can repay the General Town-Wide Fund (A) and Water Supply District #1 (SW). The District will repay the loans including a 3% per annum interest rate

**BE IT FURTHER RESOLVED**, that the costs incurred to date for the Capital Project and paid for by the General Town-Wide Fund (A) and the Water Supply District (SW) in the approximate amounts of \$40,000 and \$40,000, respectively, be reclassified in the accounting records to accounts A391 and SW391, respectively with a corresponding entry in the capital project accounting records to account H630.

Supervisor Hotaling stated that with the development of the new Water District there was a need to create a loan creditor, creditee relationship between the funds that will

eventually be paid back with a 3% per annum interest on any loan amount that is outstanding. He added that the numbers of \$300,000.00 and \$40,000.00 are approximations at this point with \$300,000.00 being the best estimate of what the water equipment and capital outlay will be for the new Water District formulation with \$300,000.00 in revenues to pay for that in a budgetary way that has to be offset. He continued by saying that the \$40,000.00 is an estimate of what has been spent so far between the General Town-Wide Fund A and Water Supply District fund to assist in the formulation and development of plans. He added that this will fix and prepare the accounting records to be utilized in a more efficient way.

Councilman Boehm inquired as to if there is a time table as to when it will be paid back.

Supervisor Hotaling stated that the Water District is anticipated to have a 20-year debt service and added that this is what they based it upon and continued by saying that this is a component of what is required by the Comptroller in order to get it done.

**RES. #126-07 AUTHORIZE INTERLOAN FUND FOR SEWER DISTRICT LEGAL BILLS**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) ABSTAIN 1 (Youmans)

**WHEREAS**, the Town Board has authorized consultation with legal counsel for various matters regarding the Sewer District, and

**WHEREAS**, the Town anticipates the entire cost of the funds expended by the General-Town-Wide Fund (A) will be reimbursed by the Sewer District, and

**WHEREAS**, the Town desires to keep a record of the cumulative costs incurred to date,

**NOW, THEREFORE, BE IT RESOLVED**, that the General Town-Wide Fund (A) will loan the Sewer District the funds necessary to pay vouchers for the legal services as they come due until the District can repay the General Town-Wide Fund (A). The District will repay the loans including a 3% per annum interest rate.

**BE IT FURTHER RESOLVED**, that the costs incurred to date for the Sewer District and paid for by the General Town-Wide Fund (A) be reclassified in the accounting records to accounts A391 with a corresponding entry in the Sewer District accounting records to account SS630.

Supervisor Hotaling stated that similarly this is other language that deals with the legalities that they are seeking in the Sewer District in the upcoming contract renewal for mid 2008 with the Village of Ravena.

**RES. #127-07 AUTHORIZE LOCAL WATER REVITALIZATION PROGRAM GRANT APPLICATION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

**WHEREAS**, the Town is desirous of submitting an application for Local Waterfront Revitalization Program grant funds for the purpose of completing a Local Waterfront Revitalization Program in an amount not to exceed \$38,500.00. The application is to be submitted by December 7, 2007, to New York State Department of State, Bureau of Fiscal Management, and

**WHEREAS**, if awarded, the grant funds would be used to revise and update the Coeymans Local Waterfront Revitalization Plan, and

**WHEREAS**, this project will advance the goals of the Town's Comprehensive Plan and Economic Development Strategic Plan,



**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby authorizes and directs Supervisor Ronald K. Hotaling, Jr. to file an application for funds in accordance with the Local Waterfront Revitalization Program Environmental Protection Fund Request for Applications and is hereby authorized to represent the Town Board in all matters related to any grant assistance arising there from; and

**BE IF FURTHER RESOLVED**, that the Town does hereby commit the 50% matching funds to be raised from in-kind services, other eligible grant awards, cash and other sources of match including volunteer participation.

Supervisor Hotaling stated that this is the rekindling of the Local Waterfront Revitalization Program that was not completed years ago and added at the last meeting they discussed the benefits of filing an application. He continued by saying that the leg work has been preliminary done with the Department of State and went on by saying that they are excited that the Town is reapplying given the reality that there is a Comprehensive Plan and Economic Development Strategy in place. He concluded by saying that it is primarily for the area by the river and added that this is another piece of the building block to bring the Hamlet up to where it should be.

**RES. #128-07 AMEND 2007 BUDGET FOR LOCAL GOVERNMENT RECORDS MANAGEMENT GRANT AWARD**

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

**WHEREAS**, the Town of Coeymans has received notice form the State of New York of a Local Government Records Management award in the amount of \$20,000 and,

**WHEREAS**, the Town has entered into an award contract with the State of New York and,

**WHEREAS**, the Town had not provided for the revenue or related expenditure of the grant in the Town's 2007 budget and,

**WHEREAS**, the Town anticipates the entire cost of the grant will be reimbursed by the grant,

**NOW THEREFORE BE IT RESOLVED**, that the 2007 budget for the Town of Coeymans be amended as follows: Increase the revenue State Aid Account A3060, Records Management, Capital Projects, by \$20,000.00 and increase the expenditure accounts A1460.1, Records Management Grant, Personal Services by \$3,700.00 and A1460.4, Records Management Grant, Contractual Expensed by \$16, 300.00.

Supervisor Hotaling asked Town Clerk Millious if she had anything to add.

Town Clerk Millious inquired as to if this was grant money that she received, which was not recorded in the budget.

Supervisor Hotaling stated that she received a \$20,000.00 grant.

Town Clerk Millious stated that she believed that it was more than that and added that this is the first that she became aware of it.

Supervisor Hotaling inquired as to if she had discussed it with Internal Control Officer Purinton.

Town Clerk Millious stated that she had not.

Supervisor Hotaling inquired as to if she would like to discuss it with Internal Control Officer Purinton.

Town Clerk Millious stated that she would.

Supervisor Hotaling suggested that they table the resolution based on Town Clerk Millious’ input that she wanted to discuss it with Internal Control Officer Purinton to make sure that the accounting reflects accurately what the grant was. Collectively it was agreed to table the resolution.

Supervisor Hotaling asked that Town Clerk Millious obtain a copy of the resolution so she can share it with Internal Control Officer Purinton.

**RES. #129-07 APPROVE REAL PROPERTY TAX SETTLEMENT (KEARNEY)**  
On motion of Supervisor Hotaling, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) ABSTAIN 1 (Youmans)

**WHEREAS,** Kearney Family LLC (“Petitioner”) and the Town of Coeymans, New York (the “Town”) are desirous of having certain assessment issues resolved as to property owned by Petitioner in the town, and

**WHEREAS,** a settlement proposal resolving pending tax certiorari litigation was recommended by David J. Wukitsch, Attorney to the Town and reviewed by the Town Board at its regular monthly meeting, and

**WHEREAS,** such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

**WHEREAS,** the Town Board has determined that the proposed settlement is in the best interest of the Town;

**NOW, THEREFORE, BE IT RESOLVED,** that the Town Board does hereby accept a proposed settlement for the 2007 tax proceeding filed by the Petitioner in which the 2007 proceeding shall be discontinued, and the assessed value of the subject property (Parcel No. 168.13-2-40.1) shall be set at \$290,000 for the 2007, 2008, and 2009 assessment rolls, barring any substantial change to the property or any of the conditions set forth in Real Property Tax Law Section 727, and

**IT IS FURTHER RESOLVED,** that the Town Board does hereby adopt this resolution to end the litigation between Petitioner and the Town as to the above referenced assessment.

Councilman Boehm inquired as to why it goes up to 2009.

Attorney for the Town Wukitsch stated that it is for 3 years under Section 727 barring any substantial change to the property and reiterated that the assessment is set for three years.

Supervisor Hotaling stated that it is specified in Section 727 of Real Property Tax Law.

**RES. #130-07 AUTHORIZE CAPITAL PROJECT TRANSFER**  
On motion of Councilwoman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski)

**WHEREAS,** the following Capital Projects have been inactive for several years and the original purpose of the projects have been met and the remaining balances are no longer needed,

**NOW, THEREFORE, BE IT RESOLVED,** that the following Capital Projects be closed and the remaining proceeds be returned to the Fund that financed the project originally as follows:

| <u>Project Name</u> | <u>Balance Left</u> | <u>Fund</u> |
|---------------------|---------------------|-------------|
|---------------------|---------------------|-------------|

|                               |               |              |
|-------------------------------|---------------|--------------|
| Project #26 - Trucks          | \$ (0.75)     | Highway Fund |
| Project #25 - Police Sedan    | \$ (1,009.19) | General Fund |
| Project #23 - Durango         | \$ 4,621.00   | General Fund |
| Project #24A - Town Hall      | \$ 14,894.94  | General Fund |
| Capital Reserve for Landfill  | \$ 18,881.60  | General Fund |
| Capital Reserve for Town Hall | \$ 32,626.35  | General Fund |

Supervisor Hotaling stated these are projects that go back a ways and added that they were listed as Capital Projects. He continued by saying that as accounting corrections the money or lack of money are going to be turned back over to the fund in which the Capital Project money was originally designated for.

**RES. #131-07 AUTHORIZE GROVE CEMETERY BUDGET**

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

**WHEREAS**, the Town of Coeymans operates a cemetery know as Grove Cemetery. and,

**WHEREAS**, the Town of Coeymans is required to create a budget for the source of use of funds for cemetery activities, and

**WHEREAS**, the 2007 and 2008 budgets do not provide for the budget of the cemetery,

**NOW, THEREFORE, BE IT RESOLVED**, that the 2007 and 2008 budgets be amended as follows:

|                   |         |            |
|-------------------|---------|------------|
| Revenue Code      | A2192   | \$2,750.00 |
|                   | A2190   | \$2,750.00 |
| Personal Services | A8810.1 | \$2,500.00 |
| Contractual       | A8810.4 | \$3,000.00 |

Councilman Boehm inquired as to what an example of the expenses would be.

Supervisor Hotaling stated that when the part-town staff goes to the cemetery and works, the Grove Cemetery now has a budget for the expense. He continued by saying that he gave Attorney for the Town Wukitsch documents earlier in the day to go over to insure that the Town of Coeymans is the owner of the cemetery and added that in 2003 the cemetery was abandoned and by operation of law it was turned over to the Town. He went on by saying that are not certain that the deed and paperwork was done correctly and added that Attorney for the Town Wukitsch is going to work with former Town Attorney Rotello and Internal Control Officer Purinton to determine what if anything has to be done to acquire the ownership of the cemetery and then incorporate it in the budget because Town tax dollars support it. He concluded by saying that it will be incorporated in the budgets hereafter and they will create a Grove Cemetery appropriation and revenue with the revenue offsetting the appropriation and added that the amounts reflect the usage that has happened in the recent past.

Councilman Boehm inquired as to if the Cemetery Coordinator is part of it.

Supervisor Hotaling stated there is personal services for \$2,500.00, which is for the Cemetery Coordinator.

Councilman Boehm inquired as to what the contractual is for.

Supervisor Hotaling stated that it is for services of Mr. VanEtten when he digs the graves.

**RES. #132-07 AUTHORIZE TRANSFER OF FUNDS**

On motion of Supervisor Hotaling, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski)

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

**NOW, THEREFORE, BE IT RESOLVED,** that the Town Board of the Town of Coeymans does hereby authorizes Supervisor Ronald K. Hotaling, Jr. to transfer the following amounts to the respective funds:

| <u>AMOUNT</u>       | <u>FROM ACCOUNT</u>   | <u>TO ACCOUNT</u>                             |
|---------------------|---|---|
| <u>GENERAL FUND</u> |   |   |
| \$ .50              | A1010.1 Town Council<br>(Personal Services)   | A1010.4 Town Council<br>(Contractual)         |
| \$ 4,642.90         | A 1355.2 Assessor<br>(Equipment & Capital Outlay)<br>\$1,500 & \$3,142.90 from A 1620 | A1355 Assessor<br>(Contractual)               |
| \$ 1,969.33         | A1620.1 Town Hall<br>(Personal Services)  | A1430.4 Human Resources<br>(Contractual)      |
| \$3,086.10          | A7110.4 Parks<br>(Contractual)  | A1620.4 Town Hall<br>(Contractual)            |
| \$1,707.63          | A1620.1 Town Hall<br>(Personal Services)  | A1660.4 Central Storeroom<br>(Contractual)    |
| \$2,658.05          | A1620.1 Town Hall<br>(Personal Services)  | A1989.4 Town wide<br>Revaluation Project      |
| \$ 578.11           | A3510.4 Dog Control<br>(Contractual)  | A3510.1 Animal Control<br>(Personal Services) |
| \$1,540.69          | A8160.1 Refuse & Garbage<br>(Personal Services)                                       | A8160.4 Refuse & Garbage<br>(Contractual)     |
| \$1,479.84          | A9050.8 Unemployment Insurance  | A9040.8 Worker's<br>Compensation              |
| \$ 400.00           | A7510.4 Historian<br>(Contractual)  | A8810.1 Cemetery<br>(Contractual)             |
| \$ 191.54           | A7510.4 Historian<br>(Contractual)  | A8810.4 Cemetery<br>(Contractual)             |
| <u>PART TOWN</u>    |   |   |
| \$ 500.00           | B9089.8 Other Employee Benefits   | B1420.4 Legal Services<br>(Contractual)       |
| \$ 286.18           | B9089.8 Other Employee Benefits   | B5182.4 Street Lighting<br>(Contractual)      |
| \$ 854.50           | B5410.4 Sidewalks<br>(Contractual)  | B8010.4 Zoning Board<br>(Contractual)         |
| \$ 94.12            | B9090.8 Other Employee Benefits   | B9040.8 Workers'<br>Compensations             |
| <u>HIGHWAY</u>      |   |   |
| \$ 124.30           | DB4189.4 Mandatory Testing  | DB1910.4 Insurance                            |

|             |  |   |
|-------------|--|---|
|             | (Contractual)                                | (Contractual)                                   |
| \$ 7,702.33 | DB5142.1 Snow Removal<br>(Personal Services) | DB5110.1 General Repairs<br>(Personal Services) |
| \$ 4,224.20 | DB5130.2 Machinery Equipment                 | DB9040.8 Worker's<br>Compensation               |

**SEWER FUND**

|           |                                  |                                   |
|-----------|----------------------------------|-----------------------------------|
| \$ 531.84 | SS9089.8 Other Employee Benefits | SS9040.8 Worker's<br>Compensation |
|-----------|----------------------------------|-----------------------------------|

Supervisor stated that this is the usual year end transfers and added that at this point it brings them up to date.

**RES. # 133-07 APPROVE NOVEMBER 2007 ABSTRACT**  
 On motion of Councilwoman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Chmielewski) ABSTAIN 1 (Youmans)

|                                | VOUCHER #                  | AMOUNT                |
|--------------------------------|----------------------------|-----------------------|
|                                |                            |                       |
| <b>GENERAL (A)</b>             |                            |                       |
| General Pre-Pay                | 1982-2020                  | \$141,306.83          |
| General                        | 2071-2157                  | \$ 81,326.70          |
|                                |                            |                       |
|                                | <b>General Total</b>       | <b>\$222,633.53</b>   |
|                                |                            |                       |
| <b>PART-TOWN (B)</b>           |                            |                       |
| Part-Town Pre-Pay              | 2021-2034                  | \$ 34,379.18          |
| Part-Town                      | 2159-2184                  | \$ 3,490.31           |
|                                |                            |                       |
|                                | <b>Part Town Total</b>     | <b>\$ 37,869.49</b>   |
|                                |                            |                       |
| <b>HIGHWAY (D)</b>             |                            |                       |
| Highway Pre-Pay                | 2035-2045                  | \$ 46,967.94          |
| Highway                        | 2185-2234                  | \$ 28,052.97          |
|                                |                            |                       |
|                                | <b>Highway Total</b>       | <b>\$ 75,020.91</b>   |
|                                |                            |                       |
| <b>SEWER (SS)</b>              |                            |                       |
| Sewer Pre-Pay                  | 2046-2062                  | \$792,664.82          |
| Sewer                          | 2235-2251                  | \$ 11,070.02          |
|                                |                            |                       |
|                                | <b>Sewer Total</b>         | <b>\$803,734.84</b>   |
|                                |                            |                       |
| <b>SPECIAL WATER (SW)</b>      |                            |                       |
| Special Water                  | 2063                       | \$ 74,804.42          |
|                                |                            |                       |
|                                | <b>Special Water Total</b> | <b>\$ 74,804.42</b>   |
|                                |                            |                       |
| <b>CAPITAL PROJ. (H)</b>       |                            |                       |
| Capital Projects               | 2252                       | \$ 1,272.50           |
|                                |                            |                       |
|                                | <b>Capital Proj.Total</b>  | <b>\$ 1,272.50</b>    |
|                                |                            |                       |
|                                | <b>Total for all Funds</b> | <b>\$1,215,335.69</b> |
|                                |                            |                       |
| <b>TRUST &amp; AGENCY (TA)</b> |                            |                       |
| Trust & Agency Pre-Pay         | 2064-2070                  | \$216,190.70          |

|  |                                |                     |
|--|--------------------------------|---------------------|
|  |                                |                     |
|  | <b>Trust &amp; Agcy. Total</b> | <b>\$216,190.70</b> |
|  |                                |                     |

**CORRESPONDENCE**

Supervisor Hotaling stated that he has nothing to report.

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**TOWN BOARD WORKSHOPS/MEETINGS**

- December 5, 2007 Public Hearings at 7 and 7:30pm
- December 10, 2007, Town Board Meeting, 7pm
- December 18, 2007, Town Board Workshop, 6pm
- December 26, 2007, Town Board Meeting, 7pm

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**ADDITIONAL COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Councilman Boehm stated that there is a Zoning Committee Workshop on November 28<sup>th</sup> at 7pm at Town Hall and added that the Hamlet Neighborhood Association is also having a meeting on December 5<sup>th</sup> at 6pm at the Coeymans Fire House.

Supervisor Hotaling asked if there were any additional comments.

Chief Darlington stated that the Police Department has vacated the upstairs offices and Evidence Room at Village Hall and added that the locker room is still there and continued by saying that the patrols and locker room will be moved the following day. He went on by saying that the Communications room at Town Hall has been sheet rocked and added that it is looking good and they are moving forward.

Supervisor Hotaling stated that earlier in the day it was hands on with the move and added that he saw police officers and dispatchers earlier in the day helping out and continued by saying that it is encouraging sign. He continued by saying that from all indications in his preliminary discussions with everyone, they are in agreement with what is happening.

Supervisor Hotaling reiterated that everything is out of the upstairs at Village Hall.

Chief Darlington stated that it is everything except the lockers.

Supervisor Hotaling inquired as to if they are lockers that were built into the old classrooms.

Chief Darlington stated that they are lockers that the Police Department obtained when the School District replaced theirs.

Supervisor Hotaling inquired as to if they are still in decent shape.

Chief Darlington stated that he believes so.

Supervisor Hotaling stated that the remainder of the patrol in the downstairs operation are still at Village Hall by Head Start.

Chief Darlington stated that they will have to access the Head Start area because the computer switches are mounted in the ceiling and added that he will get in touch with Joe Burns at the Village to arrange access.

Supervisor Hotaling stated that is should be at the least disruptive time for Head Start.

Chief Darlington stated that there are records and holiday decorations stored in the Out of School Suspension area lockers that will also need to be moved.  
Supervisor Hotaling asked if there were any additional comments.

Councilman Boehm stated that he wanted to welcome Jim Youmans to the Town Board.

Supervisor Hotaling stated that the welcomed him formally earlier in the meeting and added that he can now roll up his sleeves for his new position on the Town Board.

Councilman Youmans stated that he is proud to serve with this Town Board and is looking forward to getting started.

Supervisor Hotaling stated that Councilman Elect Touchette is anxiously awaiting his seat as well and added that they will be brought up to speed on everything and added that he knows both of them are readers and excited about learning every aspect of the position and continued by saying that it is a process that will take some time. He went on by saying that he is still learning after all these years and added that no one has the market cornered on ideas and there are open ears, open minds, open doors and an open government, which results and equates to the best job that they can muster to be judged by their peers. He concluded by welcoming Councilman Youmans and added that he knows that he will do a good job.

\*\*\*\*\*

**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 4 – NAYS 0 – SO MOVED – ABSENT 1 (Chmielewski)

Time: 8:37pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Public Hearing was held Wednesday, December 26, 2007, at 6:30pm at Town Hall, 18 Russell Avenue, Ravena, New York**

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

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

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
David Wukitsch, Attorney for the Town  
Laverne Conrad, Code Enforcement Officer

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Supervisor Hotaling opened the Public Hearing and led the Pledge of Allegiance.

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### **SUPERVISOR'S OPENING COMMENT**

Supervisor Hotaling stated that there was a full Town Board with the exception of Councilwoman Chmielewski and continued by saying that the purpose of the Public Hearing is to hear comments from the public about the Sewer Rates for the Coeymans Sewer District for 2008 and then asked that Town Clerk Millious read the Notice of Public Hearing.

Town Clerk Millious continued by reading the following:

### **NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE**, pursuant to Section 452 of the General Municipal Law, a Public Hearing will be held by the Town Board of the Town of Coeymans, at Town Hall, 18 Russell Avenue, Ravena, NY, at 6:30pm, Wednesday, December 26, 2007. The Public Hearing will be regarding the setting of Sewer Rates.

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

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### **ADDITONAL COMMENTS**

Supervisor Hotaling stated that in the 2008 Budget the total budget for the Sewer Appropriations is \$485,131.00 and added that revenue sources are derived from interest for the reserve fund, other interest earned, interest and penalties on the rents, contributions from the Village of Ravena, which in 2008 is anticipated to be \$283,268.00 and from contributions of sewer rents, which is the rates that they will discuss publicly at the Public Hearing and then consider the comments at the Town Board Meeting that will follow. He continued by saying that the sewer rents for 2008 are \$199,088.00 anticipated and added that the calculations for the customers in the Coeymans Hamlet Sewer District proposed for 2008 are broken down in two parts, operation and maintenance and debt service, which is required by the comptroller. He went on by saying that for each user for the operation and maintenance it is \$113.71 for each unit for a six-month period and under debt service the amount for each unit is \$141.25.1 which totals \$254.96. He continued by saying that in addition to that the Board will hear comments on the water usage for commercial meter rate customers, which is currently proposed to be \$2.84 per 1,000 up to 40,000 gallons with a minimum of \$131.71 per unit per billing cycle and \$4.50 per 1,000 over a 40,000 gallon total of usage in addition to a 10% penalty to be



imposed on all balances as of February 15, 2008 in the first billing cycle, which would be similarly stated for the August 15, 2008 second billing cycle with a total amount to be authorized by the Town Board and collected by the Town Clerk of \$89,896.04 per six-months. He concluded by saying that with those figures in mind he would open it up for comments and then asked if anyone wished to comment, hearing none he asked that the audio be turned down until someone wished to speak within the next 14 minutes, which will meet the recommended 20 minute time constraint.

**MOTION**

On motion of Councilman Boehm, seconded by Councilman Youmans to close the Public Hearing until someone wishes to speak or the time constraint is met.

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

**RECONVENE PUBLIC HEARING**

Supervisor Hotaling reconvened the Public Hearing and continued by saying that no one had indicated a desire to speak on the proposed Sewer Rates for 2008. He continued by saying that the proposed rates are \$113.71 for operation and maintenance and \$141.25 for debt service for each parcel for a total of \$254.96 every six months, which equates to \$89,896.04 every 6 months for the collection. He concluded by saying that the Public Hearing has been opened for the required 20 minutes with no public comment and then asked for a motion to adjourn.

\*\*\*\*\*

**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the Public Hearing.

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 6:52pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

## December 18, 2007 – Town Board Workshop Meeting – 6:00PM

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

\*\*\*\*\*

- Police Department Staffing
- Planned Unit Development
- Foreign Trade Zone Status
- Highway Department Plow Training
- Superintendent of Highways Vehicle Control
- Town Clerk Staffing

\*\*\*\*\*

Supervisor Hotaling asked for a motion to adjourn the meeting.

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Town Board Workshop was adjourned.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 7:32pm

*Respectfully Submitted,*

**APPROVED:**

*Diane L. Millious, Town Clerk*

December 10, 2007 — Town Board Meeting — 7:00PM

A Town Board Meeting was held Monday, December 10, 2007, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

**PRESENT:** Dawn Rogers, Councilwoman  
Nita J. Chmielewski, Councilwoman  
Thomas A. Boehm, Councilman  
James C. Youmans, Councilman

**ABSENT:** Ronald K. Hotaling, Jr., Supervisor

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Gregory Darlington, Chief of Police

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

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## AGENDA

- Resolution to Preside Over Meeting
- Public Announcement
  - Rte. 143 Reconstruction, Tree Removal
  - Notice from REMO, Public Comment on Need for New Ambulance Service in Town of New Baltimore
- Public Comment Period
- Approval of Minutes
  - Public Hearing, October 30, 2007
  - Bid Opening, November 8, 2007
  - Town Board Meeting, November 12, 2007
  - Town Board Workshop, November 20, 2007
  - Town Board Meeting, November 26, 2007
- Old Business
  - Planning Board & Zoning Board of Appeals Board Training
- New Business
  - Local Government Records Management Grant Funds
  - Retention of Counsel for Supreme Court Litigation
  - Adoption of Voucher Preparation Procedure
  - Approval of Voucher Form
- Resolutions
  - Local Government Records Management Grant Funds
  - Retention of Counsel for Supreme Court Litigation
  - Adopt Voucher Preparation Procedure
  - Approve Voucher Form
- Correspondence
- Town Board Workshops/Meetings
  - December 18, 2007, Town Board Workshop, 6:00pm
  - December 26, 2007, Town Board Meeting, 7:00pm

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## OPENING COMMENT

Councilwoman Chmielewski stated that before they could start the meeting a resolution had to be read and continued by asking Councilwoman Rogers to read the following:

### RES. # 134-07 AUTHORIZE COUNCIL MEMBER TO PRESIDE OVER MEETING

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

**December 10, 2007 — Town Board Meeting — 7:00PM**

**WHEREAS**, the Town Supervisor is unable to attend and preside over the Town Board meeting of December 10, 2007, and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby designate Nita J. Chmielewski to preside over the Town Board meeting of December 10, 2007.

Councilwoman Chmielewski continued by saying that there was a full Town Board present with the exception of Supervisor Hotaling.

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**PUBLIC COMMENT**

Councilwoman Chmielewski invited the public to comment at this time.

Ms. Marie Parker stated that she lives at 202 Tompkins Road and continued by saying that on the 26<sup>th</sup> of November her cat was let out and went two doors down to the Dority residence and added that they are not sure if it involved a wife or girlfriend because they have not been able to obtain a police report on the incident that happened. She continued by saying that the following Saturday morning this person had said she saw the cat at the door and let the cat in and was petting the cat and for whatever reason the cat bit her and added that they are assuming that it might have been because there were two big rottweilers. She went on by saying that in turn she threw the cat into a garage and called the Town Police who in turn called the Animal Control Officer because there was a bite involved and they informed this person that they would be retaining the cat for ten days because of rabies. She continued by saying that Mr. Shear had pulled into her driveway that night because he was lost and looking for the house to pick the cat up and he had said to her that he had put gloves on because he was told that there was a bite involved. She added that he had also said that he saw that the cat was scared and hiding but did not have a problem picking up the cat and carrying the cat out and putting it in a cage and in turn gave it food and water. She added the next morning ACO Officer Traver was told by Chief of Police Darlington to take the cat to Five Rivers and have Ward Stone dispose of the cat and continued by saying that it was a inhumane way by gas and then the head was cut off to find out if the cat had rabies, which it did not. She went on by saying that she had spoken with Councilwoman Chmielewski the following Tuesday inquiring about the policy and added that she has looked up the Agriculture and Market Laws and Animal Cruelty Laws and found nothing that states that you are suppose to take a cat directly and have it killed when knowingly and admitted by ACO Shear and ACO Traver that the cat was a healthy owned cleaned cat, which were their exact words. She added that Chief Darlington had in turn decided to tell them to take the cat to Five Rivers and continued by saying that both ACO Officers had said that they did not understand why he did this. She went on by saying that Chief Darlington lives around the corner from her and added she had called dispatch and asked to speak with the man who put her cat down for no apparent reason without checking out to see that the cat had rabies or if it was owned and in turn disposed of the cat. She added that Ward Stone had stated that it happens all the time and the Town brings hundreds of cats and dogs there because the Town does not wish to incur a charge for keeping animals and continued by saying that the Agriculture and Markets Law states that they have to keep the cat or dog and in turn the owner will incur the charge and pay all fines and fees. She went on by saying that they had not heard from Chief Darlington and added that he didn't even make a courtesy call to say that he was sorry for what happened or to say that there might be a policy that is wrong. She continued by saying that ACO Traver told them that there is a stray cat test that they do where they poke the cat and added that he is not certified to determine that it is a stray cat and went on by saying that both ACO's knew that it was 15 lb., neutered, owned, clean cat but were told to take the cat to Five Rivers, which is a DEC Wildlife Center and this was a domestic owned cat that they took to be killed without any say so because a

neighbor living two doors down from her let the cat in and because her dog scared the cat she got bit. She went on by saying that she went to apologize to this neighbor who advised her that there would be a home owner's claim. She continued by saying that after speaking with Councilman Chmielewski she had tried to make an appointment to see Chief Darlington and speak to him about the incident and how he decided to have her cat killed and added that there was one scheduled but then she received a phone call stating that there was a pending lawsuit and Chief Darlington was told not to speak with her. She added that she didn't have a lawsuit and continued by saying that the Chief of Police is giving orders to kill cats and dogs and can't even make a phone call and went on by saying that she is addressing the Town now to find out why her cat was killed and where the policy is that states that he can do this. She continued by saying that there are posters all over Town looking for missing cats and dogs and added that they may have been killed too and then asked where the certification is for James Shear and Henry Traver to pick up those animals. She went on by saying that when she found out that the cat had been taken she had spoken with a Town of Bethlehem dispatcher in a frantic hurry and was advised that the cat was probably at the Menands shelter because they would hold the cat for 10 days before they would do anything.

Chief of Police Darlington stated that he can advise that they based what was done on the Albany County Health Department's Policy.

Councilwoman Chmielewski inquired as to if this was as far as the Attorney for the Town wanted them to go.

Ms. Parker inquired as to if 12 hours is stated for holding an animal.

Chief of Police Darlington stated that no hours are stated.

Ms. Parker inquired as to if she can obtain a copy and continued by saying that the Agriculture and Market Law does not say anything about a 12 hour period.

Councilwoman Chmielewski stated that Ms. Parker had also filed a Freedom of Information at the Town Clerk's Office.

Ms. Parker stated that she did and to date had not gotten it.

Councilwoman Chmielewski inquired as to if it had been five days since it was filed.

Town Clerk Millious stated that she was not sure of the date and will look into it and follow up with the Police Department to see if its ready.

Councilwoman Chmielewski asked that she do it the following day.

Ms. Parker stated that Chief Darlington has been advised by counsel not to address her and added that she had called him on Saturday prior to being advised and he chose not to call or stop by to explain what happened.

Councilwoman Chmielewski stated that she had also spoken with the attorney.

Ms. Parker stated that when the dispatcher called him on Saturday he chose not to speak with her, which was prior to being told by the attorney not to and added that she spoke with Councilman Youmans who in turn spoke with Chief Darlington and then called her that same day.

Councilwoman Chmielewski asked that Councilman Youmans talk about what happened.

Councilman Youmans stated that he didn't want to put words in anyone's mouth and added that he did speak with Chief Darlington who had told him that he had followed the normal protocol that they do with cats.

Ms. Parker inquired as to if he had referred to her cat as a raccoon.

Councilman Youmans stated that he had said that under the law cats are in the same class animal as raccoons, squirrels and chipmunks.

Ms. Parker inquired as to if there is something in writing for that and added that the Agriculture and Markets Law does not state that.

Chief Darlington interjected that cats are not considered domesticated animals.

Ms. Parker stated that it is Article 26 of the Agriculture and Markets Law and added that the Chief of Police is not up on the laws of New York State. She continued by asking why his decision was to kill the cat within 12 hours.

Councilwoman Chmielewski stated that there is no one present that can say anything more to the topic and added that they had contacted the attorney and he had suggested that they not discuss it any further until they see where it is going. She continued by saying that Town Clerk Millious will check with the Chief's secretary the following day to see what documents she can get for her.

Ms. Parker inquired as to if the Town was going to be putting something into place so that it never happens again and continued by saying that it does not make sense that a cat is not considered a domesticated animal.

Chief Darlington stated that many conversations have taken place involving Colvin Avenue and the cat problem.

Ms. Parker inquired as to why they are taking the cats to Five Rivers.

Councilwoman Chmielewski asked that Ms. Parker let Chief Darlington speak.

Chief Darlington stated that Supervisor Hotaling has expressed many times that Agriculture and Markets does not recognize cats as being domesticated animals under the definition of domesticated animals.

Ms. Parker interjected that by that definition he had made the decision to send her cat to Five Rivers and added that it is a problem for her.

Councilwoman Chmielewski stated that she is asking a question that he cannot answer at this time.

Ms. Parker stated that she is asking why the Town is taking the cats there.

Councilwoman Chmielewski stated that the next thing will be for her to get the documentation from the Town Clerk and then go from there.

Ms. Parker stated that she wanted to address the fact that Ward Stone had said that there are hundreds of cats brought to Five Rivers because the Town does not want to incur a charge and added that she would like it investigated.

Chief Darlington stated that he wanted to verify the fact that the Town does not take hundreds of cats to Five Rivers.

Councilwoman Chmielewski stated that she knows Chief Darlington's statement to be true.

Ms. Joann Nunziato stated that they should get the news channels involved.

Councilwoman Chmielewski stated that there is someone at the microphone and continued by saying that she could speak when Ms. Parker is done.

Ms. Parker inquired as to what the waiting time is to get the documents.

**December 10, 2007 — Town Board Meeting — 7:00PM**

Councilwoman Chmielewski stated that they had previously said that Town Clerk Millious would look into it and give her a call.

Ms. Parker inquired as to if Councilwoman Chmielewski had found out anything since she had discussed it with her.

Councilwoman Chmielewski stated that she had spoken with Chief Darlington and in turn it was referred to the attorney.

Ms. Parker stated that it has come to a dead stop and will not even be getting a phone call from Councilwoman Chmielewski and added that she will have to go through another way and then thanked Councilwoman Chmielewski.

Ms. Joann Nunziato stated that she is an animal lover and added that if this ever happened to her cat she would work five jobs to get an attorney and continued by saying that it is not right and no one had the decency to call her. She then asked what the law suit is and when they are going to find out the outcome.

Councilwoman Chmielewski interjected that no one had said anything about a lawsuit.

Ms. Nunziato stated that someone had mentioned a lawsuit.

Councilwoman Chmielewski interjected that she believes that Ms. Parker had mentioned a lawsuit.

Ms. Parker asked that Mr. David Sumner state what was said.

Councilwoman Chmielewski asked that Mr. Sumner go to the microphone.

Mr. Sumner stated that he lives at 202 Tompkins Road and added that when he spoke with Chief Darlington's secretary she had said that under the advisement of the Town's attorney Chief Darlington could not speak with them because there either was or might be a pending lawsuit and went on to say that he cannot remember the exact language.

Ms. Nunziato inquired as to if there is ever going to be any resolution to this and whether they are going to find out why it happened and if it will ever happen again.

Councilwoman Chmielewski stated that Ms. Parker will find out some more information when she gets the documents from the Town Clerk and added that she is not sure what she had requested.

Ms. Parker interjected that she had requested the police incident report and ACO report and added that this will not answer the question.

Ms. Nunziato inquired as to why it was done within 12 hours and continued by saying that they are never going to find out because it is Ravenna and added that she is going to call the news channels to get them down here to find out what happened to the cat.

Councilwoman Chmielewski asked if there were any additional comments.

Ms. Parker interjected that Chief Darlington can't even look her in the eye and apologize.

Councilwoman Chmielewski moved to the next item on the agenda.

**PUBLIC ANNOUNCEMENT**

**Rte. 143 Reconstruction - Tree Removal**

Councilwoman Chmielewski stated that she is in receipt of an announcement from the Department of Transportation regarding the removal of trees prior to the reconstruction project and continued by reading the following excerpt:

“As you know, the department expects to award the construction contract for the reconstruction of Route 143 in April 2008.

The project area provides possible habitat for Indiana bats (*Myotis Sodalis*). The bats summer roosting habitat consists of dead, dying or live trees greater than or equal to 5” in diameter with exfoliating or defoliating bark, or containing cracks or crevices. Twelve (12) trees have been identified within the project limits as providing the characteristics for Indiana bat roosting habitat. The (10) of the twelve trees will need to be removed for the construction of the project.”

Councilwoman Chmielewski stated that the cutting was suppose to start and added that because of the whether they did not get started. She continued by asking Highway Superintendent Deering if any were cut.

Highway Superintendent Deering stated that he didn’t see any.

Councilwoman Chmielewski stated that if they get a clear day they might start cutting some of the trees and added that they are all within the right-of-way and will not have to get permission from any of the homeowners.

**Regional Emergency Medical Organization**

Councilwoman Chmielewski stated that she was in receipt of a Notice for a Public Hearing from the Regional Emergency Medical Organization regarding an application by the Town of Cossackie Ambulance Service. She continued by saying that it is for ambulance service within the Town of New Baltimore and added that the Public Hearing will be on Wednesday, December 19, 2007 at 7:00pm if anyone is interested in attending.

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**APPROVAL OF MINUTES**

Councilwoman Chmielewski stated that prior to the meeting they had decided that the November 20<sup>th</sup> Workshop and November 26<sup>th</sup> Town Board Meeting minutes would be tabled and then asked for a motion to do so.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm tabling the November 20<sup>th</sup> Workshop and November 26<sup>th</sup> Town Board Meeting minutes.

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

Councilwoman Chmielewski continued by saying that there were Public Hearing minutes for October 30<sup>th</sup>, a Bid Opening on November 8<sup>th</sup> and a Town Board Meeting on November 12<sup>th</sup> that needed to be approved and continued by asking for a motion.

**MOTION**

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

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling) – ABSTAIN 1 (Youmans) SO MOVED



Councilwoman Chmielewski stated that Councilman Youmans abstained from the vote because he was not on the Town Board at that time.

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## **OLD BUSINESS**

### **Planning Board and Zoning Board of Appeals Board Training**

Councilwoman Chmielewski stated that on December 4<sup>th</sup> Attorney Brick did the four hour minimum training course for members of the Planning and Zoning Boards and continued by saying that all members are certified and added that Peter Foronda, Planning Board Chairman, Cynthia Kunz, Planning Board Vice-Chair and David Ross were previously certified. She went on by saying that Richard Cumm and Joseph Kapusta from the Planning Board were there in addition to Zoning Board of Appeals Chariman Kerry Marsh, Wayne Flach, Sarah Hafensteiner and Patrick Brown.

She continued by asking if there was any additional Old Business for discussion, hearing none she moved to the next item on the agenda.

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## **NEW BUSINESS**

### **Establish Public Hearing for Sewer Rates**

Councilwoman Chmielewski stated that there is a need to establish a Public Hearing to set the Sewer Rates and added that in speaking with Supervisor Hotaling he had suggested December 26, 2007 at 6:30pm prior to the Town Board Meeting. She then asked if everyone agreed as well as asking Town Clerk Millious if there would be enough time to get it in the newspaper.

Collectively the Town Board members agreed to the date and time.

Town Clerk Millious stated that it is ready to go to the paper and added that there is enough time.

Councilwoman Chmielewski asked for a motion to establish the Public Hearing date and time.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm the Public Hearing was set for December 26, 2007 at 6:30pm.

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

### **Approve Teleconference Registration for Newly Elected Councilman**

Councilwoman Chmielewski stated that Councilman Elect Touchette had requested permission to attend a teleconference and continued by asking for a motion to approve his attendance.

## **MOTION**

On motion of Councilman Boehm, seconded by Councilman Youmans, authorizing Councilman Elect Touchette to attend the OSC Teleconference on Thursday, December 13, 2007 at the cost of \$15.00 for a registration fee to be held at the Albany County Cooperative Extension.

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

**December 10, 2007 — Town Board Meeting — 7:00PM****Highway Department Request for Wing Plow Operator Training**

Councilwoman Chmielewski stated that Highway Superintendent Deering had submitted a letter asking for authorization for wing plow operators to attend snow plow training. She continued by suggesting that they table the request until the next Town Board Workshop next week, which would give Highway Superintendent Deering an opportunity to get some figures together and for him to discuss with the instructor a date that the training could be done.

Highway Superintendent Deering stated that he might be able to get the instructor to come and talk to the Town Board.

Councilwoman Chmielewski stated that it sounds like in the proposal that they are going to have to pay for his travel time and continued by saying that she does not mind paying for his travel time to come and do the training. She added that most of the information is included in the proposal and upon acceptance they will send a contract for the municipality to sign. She concluded by asking Highway Superintendent Deering if he would be agreeable to discussing it at the Workshop.

Highway Superintendent Deering stated that the County of Albany is also going to be doing the training.

Councilwoman Chmielewski inquired as to if it is the same person that will be providing the training to come to this area.

Highway Superintendent Deering stated that it will be at the County's facility.

Councilwoman Chmielewski inquired as to if he knows when it will be taking place.

Highway Superintendent Deering stated that he didn't know and added that they can speak with Mike Franchini about it and continued by saying that Mr. Franchini is who told him about this.

Councilwoman Chmielewski stated that she would put a note on it for Supervisor Hotaling to call Mr. Franchini and added that possibly the two groups can get together and added that it will be on the agenda for the next Workshop.

Councilman Boehm inquired as to if there are any deadline dates.

Councilwoman Chmielewski stated that there are no dates given and added that she came up with a total of \$6,700.00 for the training in addition to having to pay for travel, lodging and meals, which would be a total of approximately \$7,500.00. She continued by asking that Highway Superintendent Deering get together more information for the Workshop in addition to Supervisor Hotaling calling Mr. Franchini for more information.

Highway Superintendent Deering stated that Supervisor Hotaling could also speak with the instructor, Mr. Suhr and added that he used to work for the State of New York.

Councilwoman Chmielewski reiterated that it will be on the agenda for the next Workshop and asked that Highway Superintendent Deering attend and be available for discussion.

**Resignation of Part-Time Clerk**

Councilwoman Chmielewski stated that Town Clerk Millious was in receipt of a resignation from part-time clerk BillieJo Mueller and continued by reading the following:

Dear Diane:

I want to thank you for giving me the opportunity to work in the Town Clerk's Office. It has been a pleasure working with you and your staff.

**December 10, 2007 — Town Board Meeting — 7:00PM**

Please accept this letter as my resignation from my position as clerk. My last day of employment will be effective Monday, December 31, 2007.

I wish you continued success as Town Clerk and I want to thank you for allowing me to be part of your team.

Sincerely,

BillieJo Mueller

Councilwoman Chmielewski continued by asking for a motion to accept the resignation.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, accepting the resignation of BillieJo Mueller.

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

Councilwoman Rogers asked Town Clerk Millious if she had anyone in mind to replace her.

Town Clerk Millious stated that one person comes to mind and added that she would like for the Town Board's approval to advertise for the position.

Councilwoman Chmielewski inquired as to if Town Clerk Millious wants to discuss the replacement with the Town Board and suggested that they put it on the agenda for the next Town Board Workshop.

Town Clerk Millious stated that she knows that she is not budgeted for a full-time person and added that she wanted the Town Board to know that it is a big workload in the Clerk's Office. She continued by saying that she is going into tax time as well as having to prepare for a Primary Presidential Election as well as being a liaison for the census, which has to be done by early April in addition to having to do her normal duties. She went on by asking for approval to run the ad in the paper.

Councilwoman Chmielewski inquired as to if it would be to advertise for full-time or part-time.

Town Clerk Millious stated that it would be to replace what she had.

Councilwoman Chmielewski stated that she does not have a problem with her running the ad for a part-time clerk.

Town Clerk Millious stated that she would do that for now and discuss a full-time position at a later time.

Councilwoman Chmielewski interjected that this would just be replacing a part-time clerk with a part-time clerk and added that she could not replace a part-time employee with a full-time employee.

Councilwoman Rogers stated that it is not in her budget for this year.

Town Clerk Millious stated that it is hard keeping part-time and added that her other part-time clerk will help fill in because she will be running short on help until she replaces the position. She concluded by saying that she would appreciate approval to advertise for the part-time position.

Councilwoman Chmielewski asked for a motion to allow Town Clerk Millious to advertise for the part-time position.

**MOTION**

On motion of Councilman Youmans, seconded by Councilwoman Rogers, authorizing Town Clerk Millious to advertise for a part-time clerk in the Town Clerk's Office.

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

Councilwoman Chmielewski inquired as to if there is time to get it in for this week.

Town Clerk Millious stated that she is going to try and added that they may give her until noon to place the ad.

Councilwoman Chmielewski stated that it would be good if she could get it in.

Town Clerk Millious stated that she had the Sewer Public Notice ready but not the one to advertise for the position.

Councilwoman Chmielewski inquired as to if Town Clerk Millious wanted to come before the Town Board at the next Workshop to discuss the position.

Town Clerk Millious stated that she would.

Councilwoman Chmielewski stated that it will be placed on the agenda.

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**RESOLUTIONS**

**RES. #135-07 LOCAL GOVERNMENT RECORDS MANAGEMENT GRANT FUNDS**

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

**WHEREAS**, the Town of Coeymans has received notice from the State of New York for a Local Government Records Management Grant Award in the amount of \$19, 720.00 and,

**WHEREAS**, the Town has entered into an award contract with the State of New York, and

**WHEREAS**, the Town anticipates the entire cost of the grant will be reimbursed by the grant,

**NOW, THEREFORE, BE IT RESOLVED**, that the 2007 budget for the Town of Coeymans be amended as follows: Increase the Revenue State Aid Account A3060, Records Management by 19,720.00 and increase the Expenditure Account A1460.4 Records Management Grant, Contractual Expenses by \$19,720.00.

**RES. #136-07 RETENTION OF COUNSEL FOR SUPREME COURT LITIGATION**

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

**WHEREAS**, Long Island Teen Challenge, Inc., dba Freedom Chapel, has commenced an action against the Town of Coeymans, the Town of Coeymans Zoning Board of Appeals(ZBA), ZBA members and Laverne Conrad (collectively the "Town Respondents"), in the Supreme Court of the State of New York, ,County of Albany, seeking a judgment setting aside a determination of the ZBA dated August 15, 2007, as violative of the First Amendment of the United States Constitution, the Religious Land Use and Institutionalized Persons Act (RLUIPA), the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA) and for other relief, and

**December 10, 2007 — Town Board Meeting — 7:00PM**

**WHEREAS**, the Town of Coeymans needs to retain an attorney pursuant to Town Law, Section 20, to defend the Town Respondents in said action,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans, hereby retains David J. Wukitsch, Esq., of McNamee, Lochner, Titus & Williams, PC to represent the Town Respondents in the aforesaid action at the rate of \$195.00 per hour to be billed on a monthly basis, and

**BE IT FURTHER RESOLVED**, that Attorney Wukitsch is directed to take all necessary actions to defend the interests of the Town Respondents in this litigation.

Councilwoman Chmielewski stated that this does not fall within the scope of Attorney for the Town Wukitsch's duties.

**RES. #137-07 ADOPT VOUCHER PREPARATION PROCEDURE**

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

**WHEREAS**, pursuant to Town Law, Section 118, Form of Claims, the Town Board shall prescribe the form of the claim to be audited, and

**WHEREAS**, the Town Board desires to establish the prescribed form of claim in accordance with the Town Law, and

**WHEREAS**, the Internal Control Officer has drafted a recommended voucher format and instructions for the proper completion of the voucher when the vendor has not submitted a voucher or a complete voucher for payment,

**NOW, THEREFORE, BE IT RESOLVED**, that the attached voucher and instructions are the Town's form of claim to be presented to the Town Board for audit.

Councilwoman Chmielewski asked that Town Clerk Millious explain the procedure because she had worked with Internal Control Officer Purinton.

Town Clerk Millious stated that previously they had come up with different ways that they wanted the voucher process and audit of claims to go and added that Internal Control Officer had stated that they have to pass a resolution if they are going to establish a procedure. She continued by saying that she had gone over it with Mr. Purinton who in turn approved it for Town Board consideration and approval.

**RES. #138-07 APPROVE VOUCHER FORM**

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

**WHEREAS**, Internal Control Officer Purinton, along with Town Clerk Millious have developed a Town Voucher Preparation Procedure, and

**WHEREAS**, the Town Board has previously determined that all components of the procedure must be followed by Department Heads.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorizes Town Clerk Millious to distribute to each Department Head a copy of the Town Voucher Preparation Procedure, which will be effective immediately.

**CORRESPONDENCE**

None at this time.

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**TOWN BOARD WORKSHOPS / MEETINGS**

- December 18, 2007, Town Board Workshop, 6:00pm
- December 26, 2007, Public Hearing, 6:30pm
- December 26, 2007, Town Board Meeting, 7:00pm

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**ADDITONAL COMMENTS**

Councilwoman Chmielewski invited comments from the Town Board at this time.

Councilman Boehm asked Highway Superintendent Deering if there was any progress or if he had spoken with Attorney for the Town Wukitsch about the Town adopting Biers Road Extension as a town road.

Highway Superintendent Deering stated that he was waiting for Mr. Palange to get the papers together and added that he is suppose to send them to Attorney for the Town Wukitsch.

Councilman Boehm inquired as to if there is a timeline for getting this done.

Highway Superintendent Deering stated that there is not.

Councilwoman Chmielewski asked if there were any additional comments.

Town Clerk Millious stated that she is sorry to see her part-time clerk leave and added that she has been a good worker and she wishes her well.

Councilwoman Chmielewski asked if there were any additional comments.

Chief Darlington stated that as an update on downstairs the patrols have moved in but they are not completely unpacked. He continued by saying that the sheet rocking and painting of the Communication Center has been completed and added that they will be putting the flooring in and starting the planning process for that move. He went on by saying that he has made preliminary contact with the Sheriff's Department with regard to the 911 moves as well as having to contact the State Police.

Councilwoman Chmielewski stated that there are a lot of people involved in the move and then inquired about using the bus.

Chief Darlington stated that if they need it the bus is available and added that they have located some of their older consoles that are still operable and continued by saying that they might put them back in service with the newer ones that the County provided. He concluded by saying that at some point both Communication Centers will be running at the same time until they shut one down.

Councilwoman Chmielewski inquired as to if there were any additional comments, hearing none she asked for a motion to adjourn the meeting.

Highway Superintendent Deering stated that at the last Town Board Meeting there was a discussion about his rights and the use of equipment and continued by distributing to each Town Board member a copy of a section of Highway Law.

Councilwoman Chmielewski inquired as to if it was the use of equipment or use of a pick-up truck.

Councilwoman Rogers stated that it was for the use of vehicles.

He added that the Attorney for the Town had also faxed a copy to Supervisor Hotaling who in turn had indicated that it covers it.

Councilwoman Chmielewski stated that he is still looking into it.

Highway Superintendent Deering reiterated that Attorney Wukitsch told him that the law covers it.

Councilwoman Chmielewski stated that Attorney Wukitsch has said that he is still looking into it because it is a 23 year old opinion, which is not the law. She continued by saying that it was based on when the County use to send the trucks home with employees who had to go on special jobs and added that it was for the big trucks and not pick-up trucks being used to go back and forth from a workers home and the job and reiterated that it does not address a pick-up in the opinion.

Highway Superintendent Deering stated that it says equipment.

Councilwoman Chmielewski stated that they would wait to see if they hear anymore from Attorney Wukitsch and continued by asking if there were any additional comments, hearing none she asked for a motion to adjourn the Town Board Meeting.

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## **ADJOURNMENT**

## **MOTION**

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

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

Time: 7:45pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**A Public Hearing was held Wednesday, December 5, 2007, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Nita J. Chmielewski, Councilwoman  
Dawn Rogers, Councilwoman  
Thomas A. Boehm, Councilman  
James C. Youmans, Councilman

**ABSENT:** Ronald K. Hotaling Jr., Supervisor

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Steven Kirk, President, DBS Planning Consultant

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Councilwoman Chmielewski opened the Public Hearing and led the Pledge of Allegiance.

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### **OPENING COMMENT**

Councilwoman Chmielewski stated that there was a full Town Board present and added that Supervisor Hotaling was absent and on vacation. She continued by asking Town Clerk Millious if there was a sign-in sheet for those in attendance.

Town Clerk Millious stated that there was.

Councilwoman Chmielewski asked that everyone in attendance sign the sheet and continued by asking that Town Clerk Millious read the Notice of Public Hearing.

Town Clerk Millious continued by reading the following:

### **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that pursuant to Section 452 of the General Municipal Law the Town Board of the Town of Coeymans will hold a Public Hearing on Wednesday, December 5<sup>th</sup> at 7:00pm, at the Town of Coeymans Town Hall, 18 Russell Avenue, Ravena, NY 12143, it will be the first of two Public Hearings related to its Economic Development Grant Application to the New York Office for Small Cities. The Town will be requesting \$750,000.00 in grant funds to support the development of the Coeymans Deepwater Port to be situated at the former P&M Brickyard. This project will eventually create 100-200 full-time employment opportunities.

The purpose of the first meeting will be to discuss the Small Cities Program, including guidelines, regulations and requirements, as well as how the program will proceed if the application is funded.

All residents and business owners are invited and encouraged to attend both meetings for information and discuss their views.

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

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### **ADDITIONAL COMMENTS**

Councilwoman Chmielewski stated that the Town's special counsel, Lisa Pempraze was not in attendance and added that any legal questions or comments will be forwarded to her and answers will be provided at a later date. She then invited Councilman Boehm to



give a short synopsis as to where the Town is in regard to the Grant and added that it will then be turned over to Mr. Steven Kirk, President of DBS Planning Consultants, who is representing P&M Brick.

Councilman Boehm stated that in October the Town was approached by P&M Brick and Steven Kirk from DBS Planning Consultants and in turn they did a preliminary evaluation questionnaire, which was looked upon favorably by the Office of Small Cities. He added that they are now proceeding with a formal application, which is the purpose of the Public Hearing and continued by saying that they will be asking Mr. Kirk questions along with the public about the formal application for the \$750,000.00 Grant. He then invited Mr. Kirk to give a brief breakdown of the application process and then answer any questions that the public may have.

Mr. Steven Kirk thanked Councilman Boehm and continued by saying that the Town is seeking assistance through the New York State Office of Small Cities and continued by saying that the Public Hearing is the first of two required Public Hearings. He went on to say that the first is to discuss the Small Cities Program in general terms as far as how an eligible municipality can apply for funding as well as entertain comments and questions from the general public. He added that he had a program overview and continued by distributing copies to the Town Board and public and went on by saying that more information about the Small Cities Program can be obtained at the Small Cities website at [www.nysmallcities.com](http://www.nysmallcities.com). He continued by saying that there are two Small Cities Programs that are covered under the umbrella of the Community Development Block Grant Program (CDBG) and added that it is administered through the United States Department of Housing and Urban Development, which is a Federal Program and Federal dollars. He added that there are two types of programs under the CDBG, which is a Titlement Program for municipalities with a population greater than 50,000 people and a Non-Titlement Program for communities with less than 50,000, which is a Small Cities Program. He continued by saying that it is competitive and is an annual competition in New York and the program administration was taken over from HUD. He went on by saying that in 2000 the Office of Small Cities was created and is the agency that they are working with and is for any municipality or local government that is interested in securing funds. He added that this year there is 48 million dollars available to eligible communities, which the Town of Coeymans is and continued by saying that there are different types of projects that are available for communities to apply for, which are for housing, public utilities such as sewer and water projects, micro-enterprise for companies having 5 or fewer employees and economic development funding. He went on by saying that the Town of Coeymans is applying for economic development funding, which is competitive and has to be applied for by April 7<sup>th</sup> and added that they are competing against other similar projects throughout the State of New York. He continued by saying that as a result of the competition the municipality will receive a score and added that those with the highest scores receive the funding and went on to say that another component of the Small Cities Program is the Open Round Economic Development Program, which is a program for businesses of 5 or more employees. He went on by saying that municipalities can apply any time during the year and the first part of the process is for the municipality to talk with Small Cities to describe the project and to seek what is known as the Preliminary Evaluation Questionnaire (PEQ) which is by invitation only. He added that if Small Cities likes the project in turn they will request that the municipality submit a PEQ, which the Town has already done and continued by saying if the PEQ is considered appropriate and the project is considered a good project in turn the municipality is invited to submit a full application, which is where the Town is right now in the process. He continued by saying that they are now conducting the required Public Hearings to get public comments and in turn they will submit the application the following day. He added that when a municipality proposes a project the funding must benefit at least 51% of low to moderate income households, which is described as in 80% of the median household income by County and continued by saying that anytime that there is a proposed Development Project the project must retain or create low to moderate income eligible jobs and open to anyone with a high-school education. He concluded by saying that he was done with his presentation and then invited the public to comment.

**PUBLIC COMMENT**

Ms. Sarah Hafensteiner inquired as to who Mr. Kirk is affiliated with and whether or not he works for P&M or if he is a representative for the State.

Mr. Kirk stated that he owns a small municipal consulting firm called DBS Planning Consultants and added that he works with municipalities throughout the state as a planning consultant as well as working with private enterprises and not for profits. He continued by saying that he is employed by P&M Brick to help them through this process as well as some other New York State and Federal funding processes.

A member of the audience inquired as to if he is working for the Town.

Mr. Kirk stated that he is not working for the Town and added that he does not have any contractual relationship with the Town.

Councilman Elect Touchette stated that the funds come from the federal government to the municipality and in turn the municipality makes the grant to the project. He continued by asking if the funds are a loan or a grant.

Mr. Kirk stated that it is on a case by case basis and added that most housing programs and public facility projects are direct grants and added that with those they are trying to reduce costs for a population of low to moderate income. He continued by saying that with an Economic Development project there are instances when you can make a grant but for the most part they are loans that are made from the municipality to a business and in turn the business repays the money. He went on by saying that typically because it is a grant to a town and because the project is going to benefit low to moderate income people through job creation and job retention, the financing terms are very attractive and have a 2-3% interest rate over 15 years and continued by saying that it is a local decision and added that Small Cities does not dictate the terms of the loan.

Councilwoman Chmielewski stated that before they go any further she would like for Mr. Kirk to come and sit by the microphone and added that anyone wishing to speak should go to the other microphone and identify themselves for the record for the Town Clerk.

Councilman Elect Touchette stated that the municipality makes a loan to an Economic Development Project and then inquired as to when the funds are repaid if there are any restrictions on what the municipality can do with the funds.

Mr. Kirk stated that all of the eligibility criteria that he described earlier such as benefiting low moderate income people is still a requirement for any program income and added that it stays in the Town and in turn the Town can choose to do anything that is covered under the Small Cities Program, such as a water or sewer project as long as it benefits low to moderate income people. He went on by saying that there is a requirement to report and show that it is program income and added that the other option is for the municipality to create a Local Development Corporation (LDC), which would make them a sub recipient of the grant money who in turn would make the loan to the business which would mean that once the money was paid back it would be defederalized because it is going through an LDC. He continued by saying that the LDC could then take the money and do a Community Development or Economic Development Project and in turn give more freedom and less reporting.

Mr. Tom Sweeney stated that he noticed that they are applying for the maximum amount under Economic Development, which is \$750.00 and continued by inquiring if the amount could be reduced.

Mr. Kirk stated that they have the option to and continued by saying that it is a very open process and added that they communicate with Small Cities on a weekly and sometimes daily basis. He continued by saying that they know when they start the process the amount of money that will be available and added that they know that the \$750,000.00 will be available and went on by saying that it is a finite amount and the funds will run

out before the end of the year. He concluded by saying that they screen the projects very carefully to make sure the project will go through and be implemented.

Councilman Boehm asked that Mr. Kirk mention the job growth and the number of jobs that will be created.

Mr. Kirk stated that it is tied to the Economic Development funding round and added that Small Cities had a ratio of \$7,5000.00 of CDBG assistance for every one job created and continued by saying that in using that ratio for a \$750,000.00 grant it would have to create 100 jobs. He went on by saying that they recently revised that amount and added that for now every \$15,000.00 of CDBG funds you have to create one full-time job, which would be 50 jobs for a \$750,000.00 grant.

Councilman Boehm inquired as to the present number of jobs and if there is a timeline for the anticipated jobs.

Mr. Kirk stated that it is in the application and continued by asking if he wanted to get into that at this time.

Councilman Boehm stated that he didn't.

Mr. Kirk stated that this was the first of the two required Public Hearings and added that the second one will start immediately following the first. He continued by saying that the first Public Hearing is required for any municipality seeking Small Cities funds and went on to say that it is an informative Public Hearing in which the municipality intends to inform their residents of the availability of the funds as well as what is eligible to Small Cities for funds. He added that at the Public Hearing the Town invites the public to make suggestions for funding ideas and added that anyone can make a suggestion and in turn the Town can either choose to follow up or not follow up. He concluded by saying that this is a good platform for a resident to submit a project to the Town Board in writing.

Ms. Mary Pape inquired as to if it has to be in writing or if it can be said now.

Mr. Kirk stated that he didn't mean to restrict it to in writing.

Ms. Pape continued by inquiring as to if a desire for a project can be submitted after the Public Hearing.

Mr. Kirk stated that the Town is required to have the first Public Hearing, which serves as a platform for any CDBG project that may be considered throughout the year. He added that if anyone wants to make a suggestion under the competitive funding round they can do so and if they pursue an application, prior to the submission of the application there would have to be a Public Hearing that would be specific to the suggestion.

Ms. Pape stated that there are a couple of projects that she would like to see the Town do and added that at this point she does not totally understand the process. She continued by saying that the Town could do a sewer project as well as a housing project and went on to say that a lot of people need help with both in addition to the infrastructure needing work, which should be the key thing.

Mr. Kirk stated that it is not an either or and added that the Town can apply for additional funding under the competitive round and added that they are eligible to apply for up to \$750,000.00 in funding in the open round on an annual basis in addition to applying through the competitive round for up to \$400,000.00 for a housing project and up to \$500,000.00 for a public facility project.

Ms. Pape stated that she understood that they are applying for an Economic Development Project and not housing.

Mr. Kirk stated that was correct.

**MINUTES BOOK\*\*TOWN OF COEYMANS  
December 5, 2007 – Public Hearing – 7:00PM**

5

Councilwoman Chmielewski asked if there were any further questions or comments, hearing none she asked for a motion to adjourn the meeting.

**ADJOURNMENT**

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

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

Time 7:26pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*

**MINUTES BOOK\*\*TOWN OF COEYMANS**  
**December 26, 2007 – Town Board Meeting – 7:00PM**

1

**A Town Board Meeting was held Wednesday, December 26, 2007, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

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

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

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

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

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**OPENING COMMENT**

Supervisor Hotaling stated that there was a full Town Board with the exception of Councilwoman Chmielewski in addition to Town Clerk Millious, Attorney for the Town Wukitsch, Police Chief Darlington, Code Enforcement Officer Conrad and Councilman Elect Touchette being present.

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**AGENDA**

- Public Comment
- Approval of Minutes
  - Town Board Workshop, November 20, 2007
  - Town Board Meeting, November 26, 2007
  - Public Hearing, December 5, 2007
  - Public Hearing, December 5, 2007
- Supervisor's Report
- Department Report Review
  - Building Department Monthly Report
  - Sewer Department Monthly Report
  - Town Clerk Monthly Report
- Old Business
  - One-Man Snow Plow Training
- New Business
  - Authorization to Sign Stop DWI Contract
  - Pre-Registration for Association of Towns 2008 Training School & Annual Meeting February 17-20, 2008
  - CSEA Dental Plan Contract
  - Training School for Newly Elected Officials
  - Resignation of Police Officer
  - Establish Organizational Meeting for 2008
- Resolutions
  - Re-Appoint Board of Assessment Review Member
  - Appoint Part-Time Police Officers
  - Establish Sewer Rates for 2008
  - Transfer of Funds
  - Approve December 2007 Abstract
- Correspondence
  - Office of Real Property Services, 2007 Triennial Aid Certification

- Albany County Department of Management & Budget
- Town Board Workshops/Meetings
- Zoning Committee Meeting, January 23, 2008. 7pm
- Executive Session

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## **PUBLIC COMMENT**

Supervisor Hotaling invited the public to comment at this time.

Mr. Laverne Conrad stated that he was not speaking as a Code Enforcement Official, which is his duty for the Town and added that he was present as a private citizen voicing a complaint about the Town of Coeymans Highway Department. He continued by saying that over the past several years he has been having problems with the same driver continually tearing up a piece of his yard and went on to say that it has gotten to the point where it is a joke. He added that he has put up posts trying to outline the highway, which he mows over in addition to once he gets past the mailbox and electrical box he makes a right hand turn and within approximately 15 feet goes 4-5 feet into his yard with the wing of the plow. He went on to say that he had placed his vehicle at the end of the driveway because he had company and added that it was during the storm this particular driver took the liberty of calling dispatch and having a police officer dispatched to his home. He continued by saying that he spoke with the police officer who had informed him that the Highway Department requested that he move his car and in turn he had asked him what they were basing it on and added that he didn't have an answer for him. He went on by saying that a week prior during another storm he heard on the news that the Town of Coeymans had a snow emergency and added that to his knowledge the Town of Coeymans does not have a Local Law for a snow emergency at this point in time and then inquired as to if there is some particular Vehicle and Traffic Law that he is not aware of in addition to who calls the emergency. He continued by saying that Highway Superintendent Deering was contacted last year when this driver tore up his driveway and hit an electrical box in addition to hearing other complaints voiced about this same person with nothing being done about it and added that it seems strange that Highway Superintendent Deering can't do anything about it. He added that as an employee he would think that this person would come under some type of scrutiny or be written up or reprimanded or possibly be put on a different route and continued by saying that he does not know what the answer is. He went on by saying that he is tired of it and has heard remarks like if he leaves his truck parked on the road again it will get hit and added that he is putting the Town Board on notice to the fact that if this does happen he will be forced to take action against the Town. He concluded by saying that he does not know why one person can show this kind of disregard for private property and get away with it.

Supervisor Hotaling stated that there were discussions about similar circumstances in another location along the route of this particular driver and added that Highway Superintendent Deering's response was that he has engaged that driver trying to get him to do it differently and in turn he had indicated that the change is made but it is short lived and he usually reverts back to the same way again.

Mr. Conrad stated that Highway Superintendent Deering has not responded to him at any point in time over this and added that he spoke with Deputy Highway Superintendent Searles, who in turn came down and looked at it. He added that he had stated that he would see what he could do and continued by saying that apparently there was not much that could be done.

Supervisor Hotaling continued by asking if Mr. Conrad had raised this particular issue with either Highway Superintendent Deering or Deputy Superintendent Searles.

Mr. Conrad stated that he did not.

Supervisor Hotaling stated that because of his public comment as a private citizen he would take the responsibility for raising his concern with either one or both of them.

Mr. Conrad stated that his concern is with his vehicle and it being driven in to and added that he understands that under certain circumstances there are sections of Vehicle and Traffic Law that holds harmless a driver and continued by saying that a provision was put in the law in 1974, which states that it cannot be done recklessly to cause any harm and be held harmless. He concluded by saying that if he does it recklessly and deliberately he can be held accountable and added that this person has an attitude that needs to be corrected.

Supervisor Hotaling thanked Mr. Conrad for his comments and continued by asking if there was anyone else that wished to comment, hearing none he moved to the next item on the agenda.

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**APPROVAL OF MINTUES**

Supervisor Hotaling stated that there was some discussion prior to the meeting with Town Board members and added that they decided that the Public Hearings held on December 5<sup>th</sup> at 7 and 7:30pm relating to the Community Block Development Grant and the Town of Coeymans grant application are the ones that they choose to table. He continued by saying that there are two other set of minutes, a Town Board Workshop on November 20, 2007 and a Town Board Meeting on November 26, 2007 for approval. He then asked for motion to approve the minutes.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm to approve the minutes for the Town Board Workshop on November 20<sup>th</sup> and Town Board Meeting on November 26<sup>th</sup>.

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

Councilman Youmans interjected that he was not on the Town Board for the November 20<sup>th</sup> Workshop

Supervisor Hotaling stated that he should state that in voting for the motion he should make the point that he would be voting specifically for the Town Board Meeting on November 26<sup>th</sup>, which was the meeting that he was a member of.

Councilman Youmans stated that he would be voting specifically on the November 26<sup>th</sup> Town Board Meeting.

Supervisor Hotaling stated that the vote will reflect that Councilman Youmans is voting for the Town Board Meeting on November 26<sup>th</sup> and without recording an abstention he should understand that he is not voting on the Workshop on November 20<sup>th</sup>.

Councilman Youmans stated that he understood.

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**SUPERVISOR’S REPORT**

Supervisor Hotaling asked that the Town Board give him the opportunity to summarize and waive the reading of the Supervisor’s Report and only give totals.

Collectively the Town Board agreed.

Supervisor Hotaling continued by giving the report.

| FUND    | BAL. FWD.    | RECEIPTS     | DISBURSE.    | BALANCE      |
|---------|--------------|--------------|--------------|--------------|
|         |              |              |              |              |
| General | \$353,649.54 | \$639,621.24 | \$312,810.61 | \$680,460.17 |
|         |              |              |              |              |

## 4

|                          |                     |                     |                        |                       |
|--------------------------|---------------------|---------------------|------------------------|-----------------------|
| <b>Part-Time</b>         | <b>\$643,693.81</b> | <b>\$205,731.00</b> | <b>\$127,329.36</b>    | <b>\$722,095.45</b>   |
|                          |                     |                     |                        |                       |
| <b>Spec. Water</b>       | <b>\$ 74,216.13</b> | <b>\$ 71,165.33</b> | <b>\$139,804.42</b>    | <b>\$ 5,577.04</b>    |
|                          |                     |                     |                        |                       |
| <b>Highway</b>           | <b>\$ 63,736.24</b> | <b>\$ 80,515.38</b> | <b>\$104,083.79</b>    | <b>\$ 40,167.83</b>   |
|                          |                     |                     |                        |                       |
| <b>Bridge Const.</b>     | <b>\$ 35,235.28</b> | <b>\$ 17.43</b>     | <b>-0-</b>             | <b>\$ 35,252.71</b>   |
|                          |                     |                     |                        |                       |
| <b>Trust &amp; Agcy.</b> | <b>\$ 12,049.23</b> | <b>\$313,560.13</b> | <b>\$313,861.13</b>    | <b>\$ 11,748.23</b>   |
|                          |                     |                     |                        |                       |
| <b>Sewer</b>             | <b>\$106,161.44</b> | <b>\$ 11,850.71</b> | <b>\$ 28,242.58</b>    | <b>\$ 89,769.57</b>   |
|                          |                     |                     |                        |                       |
| <b>Sewer Cap. Proj.</b>  | <b>\$129,394.33</b> | <b>\$ 159.63</b>    | <b>-0-</b>             | <b>\$129,553.96</b>   |
|                          |                     |                     |                        |                       |
|                          |                     |                     | <b>Total Rec. Bal.</b> | <b>\$1,714,624.96</b> |
|                          |                     |                     |                        |                       |

## Maturity Date

|               |            |         |              |          |
|---------------|------------|---------|--------------|----------|
| CITIZENS BANK | A-FUND     | 90 DAYS | \$115,000.00 | 02-25-08 |
| NATIONAL BANK | DA-HIGHWAY | 90 DAYS | \$250,000.00 | 01-24-08 |

## **SECTION 8 - HUD**

|                       |                    |                 |                     |
|-----------------------|--------------------|-----------------|---------------------|
| POLICE FORFEITURES/CK | \$ 422.44          | OCCUPIED UNITS  | 8                   |
| POLICE FORTEITURES    | \$ 2,529.68        | HUD PMTS.       | \$34,872.00         |
| UNEMPLOYMENTS         | \$ 3,149.78        | ADMIN. FEE      | \$ 163.56           |
| GROVE CEMETERY/SAV    | \$36,206.89        | TOTAL HUD PMT.  | \$35,035.56         |
| GROVE CEMETERY/CK     | \$10,007.66        | TENANT RENT     | \$13,077.00         |
| SEWER DEDICATED       | <u>\$ 6,199.21</u> | CONTRACT RENT   | \$48,112.56         |
| <b>TOTAL</b>          | <b>\$58,578.66</b> |                 |                     |
|                       |                    | SECTION 8 / CK  | \$140,358.09        |
|                       |                    | SECTION 8 / SAV | <u>4,024.30</u>     |
|                       |                    | <b>TOTAL</b>    | <b>\$144,382.39</b> |

## **FDIC COVERAGE**

## COLLATERALIZED

|                                       |              |                |
|---------------------------------------|--------------|----------------|
| <b>NATIONAL BANK<br/>OF COXSACKIE</b> | \$100,000.00 | \$1,630,108.78 |
| <b>CITIZENS BANK</b>                  | \$100,000.00 | \$ 354,880.24  |
| <b>FIRST NIAGARA</b>                  | \$100,000.00 | \$ 151,724.85  |

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

## MOTION

On motion of Councilwoman Rogers, seconded by Councilman Youmans, the Supervisor's Report was accepted as presented.  
VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

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## DEPARTMENT REPORTS

# Building Department - November 2007

Supervisor Hotaling asked that Code Enforcement Officer Conrad give the Building Department Report for November 2007.



Code Enforcement Officer Conrad continued by giving the report.

Supervisor Hotaling thanked Code Enforcement Officer Conrad.

**Sewer Department - November 2007**

Supervisor Hotaling continued by giving the Sewer Department Report for November 2007.

**Town Clerk Report - November 2007**

Supervisor Hotaling asked that Town Clerk Millious give the Town Clerk Report for November 2007.

Town Clerk Millious continued by giving the report.

Supervisor Hotaling thanked Town Clerk Millious and continued by asking for a motion to approve all three reports.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Building Department, and Sewer Department and Town Clerk's Reports were accepted as presented. VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

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**OLD BUSINESS**

**One-Man Snow Plow Training**

Supervisor Hotaling stated that he wanted to state for the record that Highway Superintendent was now present and continued by saying that they had previously discussed at a Workshop Snow Plow Training and as a result Highway Superintendent Deering had spoken with Mr. Suhr at Mohawk Valley Community College and continued by reading a memo that he received from Highway Superintendent Deering.

To: Supervisor Hotaling and Town Board

Per my conversation with Mr. Suhr of Mohawk Valley Community College, the One-Person Snow Plow Training will commence immediately after approval of the Board. All phases of the training will be implemented.

Supervisor Hotaling continued by saying that the training will be in a timely fashion and will not be segmented for many months.

Highway Superintendent Deering stated that it is the plan.

Supervisor Hotaling stated that the cost is between \$7,000 - \$8,000 and continued by asking if the Town Board had any other questions or if there was sufficient information to allow him to move forward.

Councilman Boehm stated that it is his understanding that it will allow the plow operator to have one person in the cab and eliminate the wing person, which will help with scheduling on a call-in basis.

Supervisor Hotaling stated that with a motion they can authorize the training to commence and continued by saying that he would like that it be authorized after January 1<sup>st</sup> in order to be in the 2008 Budget. He then stated that he would offer a motion for the Town Board's consideration.

**MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers to permit Highway Superintendent Deering to make arrangements for the one-man snow plow training course to be afforded to all snow plow operators in the Highway Department and have the funding source be the 2008 Budget monies that will commence on January 1<sup>st</sup>.

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

Supervisor Hotaling asked if Highway Superintendent Deering had anything to add.

Highway Superintendent Deering stated that he will make the call after the first of the year.

Supervisor Hotaling stated that it is his understanding that after the call is made a contract will be developed and forwarded to Highway Superintendent Deering and in turn the Town Board, which will be signed by him and added that it will then be scheduled to commence and then asked that Highway Superintendent Deering communicate to the Town Board the progress.

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**NEW BUSINESS**

**Authorization to Sign Stop DWI Contract**

Supervisor Hotaling stated that he was in receipt of a memo from Police Chief Darlington for him to sign the Stop DWI Contract and then asked that Chief Darlington give a summary to the Town Board.

Chief Darlington stated that Supervisor Hotaling has inquired as to the dates because it indicated that it expires December 31, 2007 and added that in turn he checked and was advised that the date is correct because they are signing a contract for funding for 2007. He continued by saying that he does not understand it but was advised that it is correct.

Supervisor Hotaling stated that he can understand that the submission of the voucher would be at the end of the year because typically the County or State does not want to pay those type things until the end of the year so they can maximize their interest on the money that they have and added that the contract he would think should be much earlier.

Chief Darlington reiterated that he was advised that the dates are correct for 2007.

Supervisor Hotaling stated that it is for 2007 and added that they are signing it on December 26, 2007 for January 1, through January 31, 2007.

Councilwoman Rogers inquired about the last page of the contract giving 15 Mountain Road, Ravena as the address for the Police Department.

Supervisor Hotaling stated that they had also pointed out some other things to them and added that they then inquired as to if there was new paperwork.

Chief Darlington stated that they sent back the same contract advising that the dates are correct and added that their letter is attached with their response.

Councilwoman Rogers inquired again about the address being 15 Mountain Road.

Supervisor Hotaling stated that they could excuse that because in 2007 they were primarily there and continued by saying that he believes it is a good program and they are talking about \$3,000.00, which is what it has been in the past and continued by saying that each year it is based on their participation.

Chief Darlington stated that the \$3,000.00 is for the Stop DWI Program as well as funding for Buckle Up New York, which brings them to a cumulative of approximately \$7,000.00 a year.

Supervisor Hotaling stated that it is a combination of Stop DWI and seatbelts and continued by asking if the Town Board believes that he should sign the contract on the 360<sup>th</sup> day of the year that the contract is for and added if so he will need a motion authorizing him to sign it.

**MOTION**

On motion of Councilman Youmans, seconded by Councilman Boehm authorizing Supervisor Hotaling to sign the Stop DWI Program contract for 2007 with Albany County.

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

Supervisor Hotaling stated that the contract will bring \$3,000.00 back to the Town for their efforts with the Stop DWI Program and added that he will execute the contract the following day.

**Pre-Registration for Association of Towns 2008 Training and Annual Meeting**

Supervisor Hotaling stated that the training and Annual Meeting will be February 17<sup>th</sup> through February 20<sup>th</sup> and continued by saying that he has the paperwork that is due which includes the applications and registration forms. He continued by saying that they receive updated training on pertinent subjects in town governments across the State of New York and added that he is looking for a motion to approve the sending in of a pre-registration forms as a group in order to take advantage of a discounted rate of \$100.00 per registration, which they have done every year. He went on by saying that he hopes that each Board member gets a chance to attend and then asked for a motion to send in the pre-registration form.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers authorizing the Supervisor to submit the pre-registration form.

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

**CSEA Dental Contract**

Supervisor Hotaling stated that they have been provided a copy of the contract for dental dated November 30<sup>th</sup> and added that it was forwarded to them as a result of the negotiations that ended late summer early fall. He continued by saying that one of the new components of the contract is the Town's agreement to seek dental insurance through the CSEA sponsored employee benefit fund for that service and added that the contract goes from January 1, 2007 through June 30, 2010 with a six-month extender to indicate what the rates might be, which range from \$49.00 per month to \$57.00 per month for the life of the contract. He concluded by saying that it is something that is part of the CSEA Employee Management Agreement and then asked for a motion to execute his signature on the contract.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Youmans, authorizing the Supervisor to sign the contract for dental services for the Town's employees.

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

Attorney for the Town Wukitsch interjected that it is a renewal agreement and not the original agreement.

Supervisor Hotaling stated that it is the plan that they are currently in and added that in their negotiations they agreed to stay in the plan.

**Training School for Newly Elected Officials**

Supervisor Hotaling stated that Councilman Elect Touchette had attended the NIMS Training in addition to a teleconference for newly elected officials. He continued by saying that Councilman Elect Touchette has requested to go to Training School for newly elected officials to be held January 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> which will be a fee of \$150.00 to attend and added that there needs to be a motion to permit him to attend. He then asked Councilman Youmans if he wished to attend as well.

Councilman Youmans stated that he could not take the time from work and will not be able to attend.

Supervisor Hotaling continued by offering a motion.

**MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, authorizing Councilman Touchette to attend the Training School, January 7-9 at the Desmond Hotel in Albany and authorize reimbursement of payment in the amount of \$150.00 for his registration.

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

**Resignation of Police Officer**

Supervisor Hotaling stated that he was in receipt of a resignation of a police officer, which was received by Chief Darlington approximately 1 ½ weeks ago. He then asked that Chief Darlington talk about the resignation.

Chief Darlington stated that Officer Joshua Lare was hoping that his full-time employment would start allowing him to work more hours with the Town of Coeymans and added that unfortunately it has not and as a result cannot meet the contractual requirements and has resigned his position.

Supervisor Hotaling stated that the resignation is effective December 31<sup>st</sup> and continued by asking if Chief Darlington was recommending acceptance of it.

Chief Darlington stated that he was.

Supervisor Hotaling continued by offering a motion.

**MOTION**

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, accepting the resignation of Officer Lare as indicated in his letter dated December 17<sup>th</sup> and followed up by the memorandum dated December 18<sup>th</sup> from Chief Darlington.

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

Dear Chief Darlington:

I am writing to inform you that I will be resigning from the position of Police Officer for the Town of Coeymans. Due to my extremely busy work schedule, I feel that at this time I am unable to fulfill my obligations to your department with as much ability as I should. My full-time job has me tremendously busy with and it limits me to the amount of hours I can commit to. There are no words that can express my gratitude for all that you have done for me and I am greatly appreciative of that. It is with deep regret that my last day of employment with the Police Department will be December 31, 2007.

The past two years have been extremely enjoyable and educational. I have thoroughly enjoyed my time with your department. I would like to personally thank you for all the opportunities that you and this hob have given me; it was an enormous learning experience. I hope that this not close the door for me to come back to your department in the future once my schedule is more flexible. Again, thank you for everything.

Respectfully Submitted,

Joshua M. Lare

**Establish Organizational Meeting for 2008**

Supervisor Hotaling stated that the Town Board is required by the first few days in January to hold an Organizational Meeting for the upcoming year and added that the Town of Coeymans has historically and traditionally conducted the meeting on New Years Day in the morning. He added that it has been suggested that the Organizational Meeting be held on January 1<sup>st</sup> at 10:00am and added that if it is agreeable to the Town Board and they establish a motion, Town Clerk Millious will be instructed to post the proper Notice. He went on by saying that there were approximately 40 resolutions to be moved and voted upon and added that they range from dates of Town Board Meetings to appointments of people that chair particular Boards with the last one being the appointment of all the workers in the Town of Coeymans as well as their salaries. He then asked for a motion to establish that date and time.

**MOTION**

On motion of Councilman Boehm, seconded by Councilman Youmans to establish the Organizational Meeting for 2008 on January 1<sup>st</sup> at 10:00am.

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

Supervisor Hotaling stated that they may have the swearing in of Judge Elect Reilly on that date as well and added that he is waiting to hear back from him. He continued by saying that Councilman Elect Touchette, Councilman Youmans as well as himself will be sworn in for their terms in office on December 31, 2007 at 4:30pm in Town Hall. He then asked that Town Clerk Millious post the proper notices.

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**RESOLUTIONS**

Supervisor Hotaling stated that they had found that they have a member of the Board of Assessment Review whose term expired September 30, 2007 and added that he has confirmed the members desire to remain on the Board, which will be renewed by the following resolution. He then asked that Councilman Boehm read the first resolution.

**RES. #139-07 RE-APPOINT BOARD OF ASSESSMENT REVIEW**

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

**WHEREAS**, the term of Joan Radley on the Board of Assessment Review expired on September 30, 2007, and

**WHEREAS**, the Town Board has determined her service to be of value to the Town, and

**WHEREAS**, Ms. Radley has expressed an interest in retaining a seat on the Board of Assessment Review,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby reappoint Joan Radley to a five-year term on the Town of Coeymans Board of Assessment Review to expire September 30, 2012.

**RES. #140-07 APPOINT PART-TIME OFFICERS**

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

**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 the Town of Coeymans does hereby appoint the following individuals as part-time Police Officers effective immediately, but contingent upon their availability from their current positions: Barbara McMullen, James Gallegher, Jonathan E. Myers, and Joshua Weddell. These appointments will be compensated at the rate designated in the current Council 82 Collective Bargaining Agreement.

Supervisor Hotaling stated that there is an attached memorandum from Chief Darlington indicating his recommendations and added that they discussed at the last Meeting and Workshop that Chief Darlington would accept five applicants and recommend four of the five, which were indicated in the resolution.

Chief Darlington interjected that it also has to be approved by Civil Service and added that with it being non-competitive it usually is not an issue.

Supervisor Hotaling stated that with the mover and seconders permission they should add Albany County Civil Service review to the resolution.

Supervisor Hotaling stated that the following resolution follows the Public Hearing that took place prior just before the meeting and continued by saying that it is to establish the sewer rates for 2008 and continued by reading the following.

**RES. #141-07 ESTABLISH 2008 SEWER RENTS**

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

**WHEREAS**, the Town Board of the Town of Coeymans is required to establish sewer rates for 2008, and

**WHEREAS**, the Town Board billing process is to separate funding necessary for debt from funding necessary for operation and maintenance, and

**WHEREAS**, a Public Hearing on the proposed sewer rates was held at 6:30pm, on December 26, 2007, pursuant to Section 452 of the General Municipal Law, and

**WHEREAS**, the Town Board considers the number of uses per parcel to calculate the parcel billing for operation and maintenance and each use is charge \$113.71, and

**WHEREAS**, the Town Board has further determined that each parcel shall be charged \$141.25 for debt service, and

**WHEREAS**, the Town Board has further determined that water usage for commercial meter rate customers to be \$2.84 per 1,000 gallons up to 40,000 gallons with a minimum of \$113.71 per unit per billing cycle and \$4.50 per 1,000 over 40,000 gallons of usage.

**WHEREAS**, the Town Board establishes a late payment penalty of 10% to be imposed on all balances as of February 1, 2008 in the first billing cycle, and August 1, 2008 in the second billing cycle.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the Town Clerk to collect for the first billing cycle and second billing cycle of 2008, pursuant to the above established rules, and

**BE IT FURTHER RESOLVED**, the Town Board authorizes Town Clerk Millious to collect a total sewer warrant of \$89,896.04 plus late fees for each 6 month billing cycle.

Supervisor Hotaling stated that there were no comments at the Public Hearing and added that they are the rates required to satisfy the 2008 Budget for the Hamlet of Coeymans sewer users.

**RES. #142-07 AUTHORIZE TRANSFER OF FUNDS**

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

**WHEREAS**, the following account have 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 transfer the following amounts to the respective funds.

| <u>AMOUNT</u>              | <u>FROM ACCOUNT</u>  | <u>TO ACCOUNT</u>                             |
|----------------------------|--|---|
| <b><u>General Fund</u></b> |  |   |
| \$ 1,115.62                | A1010.1 Town Council<br>(Personal Services)  | A1310.1 Finance<br>(Personal Services)        |
| \$ 1,287.95                | A1010.1 Town Council<br>(Personal Services)  | A1355.4 Assessor<br>(Contractual)             |
| \$ 513.30                  | A1010.1 Town Council<br>(Personal Services)  | A1430.4 Human Resources<br>(Contractual)      |
| \$ 38,654.99               | A7110.4 Parks<br>(Contractual) \$34,989.58<br>A7550.4 Celebrations<br>(Contractual) \$3,665.41               | A1620.4 Town Hall<br>(Contractual)            |
| \$ 916.59                  | A1010.1 Town Council<br>(Personal Services)  | A160.4 Central Storeroom<br>(Contractual)     |
| \$ 19,465.27               | A3120.1 Law Enforcement<br>(Personal Services)   | A3020.1 Communications<br>(Personal Services) |
| \$ 1,189.69                | A1010.1 Town Council<br>(Personal Services)  | A3020.4 Communications<br>(Contractual)       |
| \$ 3,434.11                | A3120.2 Law Enforcement<br>(Equipment Capital) \$2,729.00<br>Law Enforcement<br>(Personal Services) \$705.11 | A3120.4 Law Enforcement                       |
| \$ 174.99                  | A1010.1 Town Council<br>(Personal Services)  | A510.4 Animal Control<br>(Contractual)        |
| \$ 1,443.98                | A1010.1 Town Council<br>(Personal Services)  | A5132.4 Highway Garage<br>(Contractual)       |
| \$ 739.18                  | A8160.1 Refuse & Garbage<br>(Personal Services) \$114.09<br>A8090.4 Recycling<br>(Contractual) \$625.09      | A8160.4 Refuse & Garbage<br>(Contractual)     |
| <b><u>Part Town</u></b>    |  |   |
| \$ 500.00                  | B7180.4 Special Recreation   | B1420.4 Legal Services                        |

|             |   |   |
|-------------|---|---|
|             | (Contractual)   | (Contractual)                               |
| \$ 526.79   | B7180.4 Special Recreation<br>(Contractual)   | B3620.4 Safety Inspections<br>(Contractual) |
| \$ 2,473.62 | B3620.2 Safety Inspections<br>(Equipment)   | B5182.4 Street Lighting<br>(Contractual)    |
| \$ 635.73   | B7180.4 Special Recreation<br>(Contractual)   | B8010.4 Zoning Board<br>(Contractual)       |
| \$ 8,262.26 | B8020.4 Planning Board<br>(Contractual) \$3,184.52<br>B7180.4 Special Recreation<br>(Contractual) \$1,275.22<br>B9089.8 Employee Benefits<br>(Other) \$2,598.19 | B85104 Beautification<br>(Contractual)      |
| \$ 94.12    | B7180.4 Special Recreation<br>(Contractual)   | B9040.8 Workers Comp.                       |
| \$ 3,304.27 | B7180.4 Special Recreation<br>(Contractual)   | B9060.8 Health Insurance                    |

**Highway**

|              |  |  |
|--------------|--|--|
| \$ 11,255.41 | DB5112.4 Special Improvements<br>(Contractual) | DB5110.4 General Repairs<br>(Contractual)    |
| \$ 2,185.18  | DB5130.2 Machinery Equipment<br>& Capital      | DB5130.4 Machinery<br>(Contractual)          |
| \$ 13,637.17 | DB5112.4 Special Improvements<br>(Contractual) | DB5142.1 Snow Removal<br>(Personal Services) |

Supervisor Hotaling stated that it was the end of the year business to take care of and added that a budget is your best estimate of costs and within each fund they were able to move some money around to cover unforeseen expenditures.

**RES. #143-07 APPROVE DECEMBER 2007 ABSTRACT**

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

**BE IT RESOLVED**, that the Town Board, of the Town of Coeymans, does hereby approve the December 2007 Abstract as follows:

| FUND                 | VOUCHER #              | AMOUNT              |
|----------------------|------------------------|---------------------|
|                      |                        |                     |
| <b>GENERAL (A)</b>   |                        |                     |
| General Pre-Pay      | 2253-2290              | \$330,894.52        |
| General              | 2339-2387,2467         | \$ 36,201.74        |
|                      |                        |                     |
|                      | <b>General Total</b>   | <b>\$367,096.26</b> |
|                      |                        |                     |
| <b>PART-TOWN (B)</b> |                        |                     |
| Part-Town Pre-Pay    | 2291-2304              | \$ 38,416.75        |
| Part-Town            | 2388-2413              | \$ 4,749.32         |
|                      |                        |                     |
|                      | <b>Part Town Total</b> | <b>\$ 43,166.07</b> |
|                      |                        |                     |
|                      |                        |                     |



|                                |                                |                     |
|--------------------------------|--------------------------------|---------------------|
| <b>HIGHWAY (D)</b>             |                                |                     |
| Highway Pre-Pay                | 2305-2316                      | \$ 88,552.65        |
| Highway                        | 2414-2451                      | \$ 23,798.35        |
|                                |                                |                     |
|                                | <b>Highway Total</b>           | <b>\$112,351.00</b> |
|                                |                                |                     |
| <b>SEWER (SS)</b>              |                                |                     |
| Sewer Pre-Pay                  | 2317-2329                      | \$ 23,990.76        |
| Sewer                          | 2452-2463                      | \$ 11,176.52        |
|                                |                                |                     |
|                                | <b>Sewer Total</b>             | <b>\$ 35,167.28</b> |
|                                |                                |                     |
| <b>CAPITAL PROJ. (H)</b>       |                                |                     |
| Capital Projects               | 2464-2465                      | \$ 1,962.17         |
|                                |                                |                     |
|                                | <b>Capital Proj. Total</b>     | <b>\$ 1,962.17</b>  |
|                                |                                |                     |
| <b>SPECIAL WATER (SW)</b>      |                                |                     |
| Special Water                  | 2466                           | \$ 330.00           |
|                                |                                |                     |
|                                | <b>Special Water Total</b>     | <b>\$ 330.00</b>    |
|                                |                                |                     |
|                                | <b>Total for all Funds</b>     | <b>\$560,072.78</b> |
| <b>TRUST &amp; AGENCY (TA)</b> |                                |                     |
| Trust & Agency Pre-Pay         | 2330-2338                      | \$432,083.88        |
|                                |                                |                     |
|                                | <b>Trust &amp; Agcy. Total</b> | <b>\$432,083.88</b> |
|                                |                                |                     |

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**CORRESPONDENCE**

**Office of Real Property Services – 2007 Triennial Aid Certification**

Supervisor Hotaling stated that he is receipt of a correspondence from Office of Real Property Services and added that it is a result of the successful revaluation and resulting designation of 100% value. He continued by reading the following:

“Section 1573 of Real Property Tax Law authorizes payment of state monetary assistance to municipalities which maintain systems of improved real property tax administration that meet standards established by the State Board of Real Property Services.”

Supervisor Hotaling continued by saying that the Town is set to receive triennial aid in the amount of \$5.00 per parcel and added that based on the 2007 Assessment Roll of 29,036 parcels it will result in a payment to the Town in the amount of \$14,680.00, which they will be receiving shortly.

**County of Albany Department of Management & Budget**

Supervisor Hotaling stated that he was in receipt of a letter from the County of Albany from Anthony DiLella, Tax Records Manager and continued by reading the following:

“The 2006 charges for Election Day costs incurred by your municipality is \$14,149.94. The Board reported \$586,031.42 in expenses; this amount has been allocated to municipalities based on the most recent proportions of full taxable value.”

Supervisor Hotaling continued by saying that they are about to enter in to 2008 and added that the 2006 budget and Annual Financial Report are over with and continued by saying that they are now being asked to pay \$14,149.94 for an election that occurred in 2006. He went on by saying that he sent a memo to Bookkeeper Puckett and Internal Control

Officer Purintan to discuss how it should be paid because it should come out of the proper funds to get the credit back. He continued by saying that he hopes that the County gets more efficient in their billing in the future rather than waiting over a year.

Town Clerk Millious inquired as to if a breakdown was included.

Supervisor Hotaling stated that he received just the letter and added that originally they had asked that the Town put aside \$45,000.00 and added that after they had assembled an adhoc committee led by John McDonald, Mayor of Cohoes, they had proposed to the County to do the apportionment based on population. He went on by saying that a couple of years ago the cost was approximately \$12,000.00 and added that it did go up but is a dramatic difference to go only from \$12,000 to \$14,000 as opposed to \$12,000 to \$45,000. He reiterated that the County needs to bill them quicker and added that he will advise Town Clerk Millious when it is paid so she can close out her books on Election 2006.

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### **WORKSHOPS / MEETING**

- 2008 Organizational Meeting, January 1, 2008, 10pm
- Zoning Committee Meeting, January 23, 2008, 7pm

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### **ADJOURNMENT TO EXECUTIVE SESSION**

Supervisor Hotaling stated that there was a request placed on the agenda for consideration of a motion to convene to Executive Session for updates of tax certiorari litigation and other legal matters and then asked for a motion.

### **MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers to adjourn to Executive Session.

Supervisor Hotaling stated that prior to adjourning to Executive Session he wanted to provide an opportunity for additional or closing comments.

Town Clerk Millious stated that she wanted to wish Councilwoman Chmielewski well.

Chief Darlington stated that he has had preliminary meetings with the radio company for moving Communications over to Town Hall as well as contacting Francisco's about delivery of the generator, which will be January 29<sup>th</sup>. He continued by saying that they are now moving into the slower section of progress but is moving forward.

Highway Superintendent Deering stated that he had met with Mike Franchini from the Department of Transportation regarding the letter that was to be sent to Attorney for the Town Wukitsch regarding Biers Road.

Supervisor Hotaling stated that it is moving along. He continued by saying that he has worked with Councilwoman Chmielewski for the better part of 23 years and added that he found that there is no one more in tune with the taxpayers needs than she is. He went on by saying that it was a pleasure working with her during those years in various capacities ranging from Deputy Town Clerk to Town Clerk to Town Supervisor and then Town Council for the past four years and continued by saying that when she was not doing those important tasks she found time to work with the Town in other capacities and served the community well for over two decades. He concluded by saying that he wanted to wish her well in her well earned respite from politics and public service in addition to hopefully finding a way to get her to contribute again to the Town because her contributions are well intended and much needed in his administration and local government in general.

Councilman Boehm stated that he will miss Councilwoman Chmielewski on the Board and continued by wishing her well.

Councilwoman Rogers stated that she wishes Councilwoman Chmielewski well in addition to wishing everyone a Happy New Year.

Councilman Youmans stated that he wanted to thank Councilwoman Chmielewski for her many years of service to our Town and added that he also wanted to thank her for making his transition with him coming on the Town Board easy as well as hoping that she has not made her last contribution to the Town.

Supervisor Hotaling stated that they had previously done a motion to adjourn to Executive Session and continued by asking for the vote.

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

Supervisor Hotaling stated that they would be going into Executive Session for the purpose of litigation and legal matter discussion and added that they will be returning to formally adjourn.

Time 7:55pm

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### **EXECUTIVE SESSION**

Supervisor Hotaling called Executive Session to order at 7:58pm, discussion ensued amongst the Town Board and Attorney for the Town Wukitsch with regard to the tax certiorari status of American Tower, Vadney property and Sycamore Country Club as well as legal discussion involving Teen Challenge with no decision being reached and was adjourned at 8:25pm

### **MOTION**

On Motion of Councilwoman Rogers, seconded by Councilman Youmans, Executive Session was adjourned. VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

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### **RECOVENE MEETING FOR FORMAL ADJOURNMENT**

Supervisor Hotaling called the meeting back to order at 8:27pm and asked for a motion to adjourn the Town Board Meeting.

### **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Youmans, the Town Board Meeting was adjourned. VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Chmielewski) – SO MOVED

Time: 8:28pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*



