

**A Town Board Meeting was held February 14, 2011, at 7:00PM at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Dawn Rogers, Councilwoman  
Thomas A. Boehm, Councilman  
Richard N. Touchette, Councilman / Deputy Supervisor  
Thomas E. Dolan, Councilman

**ABSENT:** James C. Youmans, Supervisor

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

\*\*\*\*\*

Deputy Supervisor Touchette opened the meeting and led the Pledge of Allegiance.

\*\*\*\*\*

### **OPENING COMMENT**

Deputy Supervisor Touchette stated that the record should reflect the presence of a full Town Board with the exception of Supervisor Youmans who is out of town on business doing a prestigious assignment in Detroit and added that they are happy to see him successful in that regard. He continued by saying that also present is Town Clerk Millious, Police Chief Darlington and Highway Superintendent Deering.

\*\*\*\*\*

### **AGENDA**

- Public Announcement
  - Town Offices Closed, February 21, 2011
- Approval of Minutes
  - Town Board Meeting, January 24, 2011
  - Special Workshop, January 27, 2011
- New Business
  - Establish Automotive Mechanic Position in Highway Department
  - Authorize Chief of Police to Execute Operation Impact Grant Contract
  - Authorize Supervisor to Execute Operation Impact Grant Contract
  - Contract for Services, VFW
  - Agreement for ZBA Counsel
  - Request to Attend Train the Trainer Course
- Resolutions
  - Appoint Automotive Mechanic
  - Appoint of Police Officer
  - Re-Appoint Part-Time Carpenter
- Correspondence
  - Albany County Sheriff
- Town Board Workshops / Meetings
  - Town Board Meeting, February 28, 2011, 7:00pm
  - Joint Board Meeting-RCS School Board Meeting, March 1, 2011, 5:00pm
  - Town Board Meeting, March 14, 2011, 7:00pm
  - Town Board Workshop, March 22, 2011, 6:00pm

\*\*\*\*\*

### **PUBLIC ANNOUNCEMENT**

**Town Offices Closed February 21, 2011**

Deputy Supervisor Touchette stated that in observance of President's Day, February 21, 2011, all Town Offices will be closed with the exception of the Police Department, which is a 24 hour 7 day operation.

\*\*\*\*\*

**PUBLIC COMMENT**

Deputy Supervisor Touchette invited the public to comment at this time.

**Mr. Andrew Lopez** stated that his wife was also present and they are residents of the Hamlet of Coeymans and their house is at the end of James Drive and they wanted to publicly state their dissatisfaction and speak for neighbors who are present or not present about the snow removal on Rte. 144 last Thursday, February 10<sup>th</sup>. He added that he does not know if the Board can answer whether or not there was approval by anyone on the Board to have the snow removed and he was told by Highway Superintendent Deering on Saturday that he was told he had to do it. He continued by saying that he did not ask to have it done and in his 30 years this has been done maybe three or four times when they actually took the snow off the sidewalk. He then asked the Town Board if there was approval to have this done.

Deputy Supervisor Touchette stated that as far as he knows there was no action on the part of the Board for that kind of removal and added that snow removal is the responsibility of the Highway Superintendent.

Mr. Lopez stated that it is not done every year and when it was done the 3-4 times, it was due to the fact that there was a lot of snow and there was an eminent snow storm of various inches that was going to cause a problem and in this particular case that was not the case. He added that it was removed on Thursday and then it was placed in the lot next to his house, which is owned by the Ruff's with what he understands no approval by the Ruff's or himself to dump three stories worth of snow in that lot from what they gathered from the corner all the way up to his house. He went on by saying that subsequently to that, when approval was talked about it was then removed on Friday and then what happened is with all of the pounding of the trucks in that lot, they were out of water on Friday morning due to a pipe that had broke down along his driveway and it took most of the day to find out where it was. He continued by saying that in the 30 years that he has been there it has never been an issue and he didn't even know that the pipe was there. He then asked if he owns the sidewalk in the front of his house and the grass area that he mows every Sunday or is it owned by the Town or Village or whomever.

Councilman Dolan stated that it is in the State right-of-way.

Mr. Lopez interjected there was a memorandum a few years ago stating that it was required by him as a resident to make sure that the sidewalk is clean.

Collectively the Town Board agreed it was correct.

Mr. Lopez stated that every time they come through with a grader and go through that State owned grass area he tries to upkeep, he has to rent a tiller and go through and clean it up and reseed it. He continued by saying that he didn't ask to have it done and he didn't ask for the removal to be done or for the past 3-4 removals in the past 30 years and he was now questioning whether or not it was a good fiscal responsibility on Thursday to remove the snow with no eminent snow on the way. He added that if they were going to do that, with the amount of retired people that live around him, he thinks it would have been in the best interest of those that removed the snow, who pushed the snow in to those elderly people's driveway, to have at least cleaned out the ice and not expected the people on fixed incomes around him to have to pay another \$50.00 to have someone clean out the end of their driveway because unbeknownst to them in the middle of the afternoon they had another foot of ice left in their driveways as well as another pile of ice on the sidewalk that they are asking that he upkeeps and added that there is a lot of confusion as to who is responsible for the snow removal as well as why it happened. He then stated

that he is trying to get a feel for where he goes or who he talks to about the hedge that was removed from his house and the destruction of the driveway and reiterated he does not know if it is Village or Town problem and there seems to be a lot of finger pointing about the water and about whether or not they are responsible for it from a Village standpoint or if it is a Town responsibility. He added that he wants to go on record saying that there is a problem at his house and he would like to know from the Board where he goes in terms of getting it resolved.

Councilman Dolan questioned as to if he said that the snow was put there on Thursday and then removed on Friday.

Mr. Lopez stated that was correct and added that there was no approval but rather an assumption that the lot was owned by whomever owned it 20 years ago when there was a house there. He went on by saying that he has lived in his house for 30+ years and it was his grandparent's home so it has been in his family for 100 years and he knows who they are referring to but it was over 20 years ago when there was physically a house on the lot. He added that the lot is owned by the Ruff's and a portion of the lot is owned by him as the line goes through there, which is on the other side of the hedge so not only was Mr. Ruff not asked for permission to dump the three stories worth of snow but he was not asked either. He continued by saying that the snow was moved up against a hedge that is 100 years old and you can't just go to Hewitt's and get seeds and start all over again and they had to drill through it and now there is a disaster on Ruff's land from digging to find out where the leak was coupled by the fact that with the increased traffic it is now causing major cracks in front of his house on Rte. 144 and there was not that kind of traffic years ago but now they are all taking a shortcut up to Rte. 9W to go south. He added that after the bull dozer went through with all the snow, it also caused a number of new cracks in Rte. 144 and he would imagine that the whole area in front of his driveway is going to cave in shortly. He concluded by saying that by throwing all of the snow and ice on the sidewalk, it will probably take someone who is trying to get from their house, who is 65+ years old to get to their car to fall and hurt themselves before someone would take it upon themselves to make sure if they are going to throw the ice and snow in front of their house, that they are considerate enough to the constituents of the Town to go and clean up after themselves.

Deputy Supervisor Touchette asked Highway Superintendent Deering if he wanted to respond to it.

Highway Superintendent Deering stated that he talked to them about it and added that it is something that they did and will fix and continued by saying that they were short on help that day. He continued by saying that he did not know that it was owned by someone else until Mr. Ruff said something about it and went on by saying that they have pushed it there before. He concluded by saying that this is why he went to Mrs. Ruff and said that he would take the snow off and added that from his understanding there is a sewer line and 6 inch water line down through there and apparently there is some kind of easement or right-of-way that belongs to either the water or sewer.

Mr. Lopez interjected that there is an easement under his driveway for sewer but not for water and added that with no offense to Mr. Deering he can't accept his word on Saturday that he will do whatever it takes to fix it because he is hearing various reports between the Town and Village as to who is actually responsible for the clean-up or who is responsible for the repair of the pipe because he also heard from the Village that they are responsible to fix the pipe but it is the Town's responsibility to fill the hole in, which didn't get done and reiterated that as residents they don't know who is responsible for what.

**Ms. Lopez** interjected that they are missing a portion of their driveway now and there is a sawhorse there to protect them from driving down in the hole.

Mr. Lopez reiterated that there is a big chunk of their driveway gone and there is a sawhorse that says Village of Ravenna on it.

Highway Superintendent Deering stated that he did make the statement and they can believe him or not but anyone that knows him would know that he will repair it if it is his responsibility. He continued by saying that apparently there is an easement for a sewer line so there has to be something somewhere for the water line because they would not just run a water line with a 6 inch pipe.

Councilwoman Rogers interjected that Larry Conrad will have an answer to that for him.

Highway Superintendent Deering stated that he didn't get into the details about it but he did talk to who repaired it and he told him that it is a 6 inch line and not a service line but rather a main.

Mr. Lopez stated that this does not really answer the root cause of the problem, which is the snow removal and continued by saying that he would like to know why they decided that it was an important thing to do last Thursday and reiterated that it is not done every year and there was no eminent snow coming that would indicate that they had to clean up the snow in front of there. He added that he would rather that the money that is spent in taxes be used to clean in front of the Post Office so that everyone can get to the Post Office, which is a requirement of the people that live in the Town rather than spending time in front of his house knocking down some snow banks and then running a grader through the grass area that he is trying to maintain.

Councilman Boehm asked Highway Superintendent Deering if the hole is open right now.

Highway Superintendent Deering stated that it is covered up and come spring it is something that can be fixed.

Deputy Supervisor Touchette asked Mr. Lopez if he had any other comments, hearing none he asked if anyone else wished to comment.

**Ms. Elyse Kunz** stated that she lives next door to the Lopez's and added that her property was also affected by the snow removal last Thursday and added that she shares all of their sentiments and concerns because her grass was damaged and her sidewalk was filled with snow as well as her driveway and her walkway on the side of her house was blocked with a snow bank. She continued by saying that aside from the safety issue, it is also a liability issue for the homeowner and added that she appreciates the Town wanting to remove the snow but they should be doing it in a way that is not creating a burden on the homeowner as well as a liability. She went on by saying that she tries to be very conscientious to keep her sidewalk and driveway clear because people do walk up and down the road there and there are a couple of boys that ride their bikes on the sidewalk even in the snow and she does not want to see anyone get hurt. She continued by saying that the Town should be trying to help that, not making it harder for the homeowner who is actually trying to take care of their property and be responsible and added that it is going to snow again at some point, whether it be this year or the future, and she would like the Town to develop a policy for snow removal and there is a way to do it so it does not happen again in the future. She added that when they are taking snow out of the road they should stay in the road when they are doing it and when trying to remove a snow bank, they can remove it so they are not pushing the snow onto the sidewalk or into people's walkways or driveways. She went on by saying that it can be scooped up and there are a lot of different ways to do it but they came through with an enormous bull dozer with a giant plow on the front, which dug up part of the opposite side of the road from her house in addition to being way up over the curb on her side of the road where she has a hedge and her home, which was right up against it. She continued by saying that she literally feels like she got run over by the Town of Coeymans, which is not acceptable and reiterated that she would like for them to come up with a policy so it does not happen again in the future. She concluded by saying that after conversing with Mr. Lopez and Highway Superintendent Deering on Saturday, they did clean up the sidewalk but her driveway was left the way it was and added that she does not know if it was done for everyone else because it was up and down the whole road and added that she does think that they need a better plan for the future, which she would like for them to do.

Deputy Supervisor asked if anyone else wished to comment.

**Ms. Nancy Warner** asked if they know if the Planning Board approved or voted on Mr. Chichester's business as well as if they know what the status of it is.

Deputy Supervisor Touchette stated that based on the information that he has on it, they did indeed approve a Site Plan for that piece of property.

Ms. Warner stated that some of them that are present with varied comments were also present at the Planning Board Meeting and they were told that if they wanted to further express their concerns, they should go to a Board Meeting because they also have a say in what can happen and she does not know if that is accurate.

Deputy Supervisor Touchette interjected that he does not believe that it is accurate and added that the Planning Board and the Zoning Board of Appeals are independent bodies and are set up independently so there is not political interference in what they do. He added that the Town Board does not have veto power over a decision that they made and it would be improper for them to try to influence any decision that they have made.

Ms. Warner continued by asking if the Town Board would have any influence if residents came to them with concerns because there are several people present who have some statements that they would like to make and she will defer to them because they have more accurate and pertinent information but for her sake they have addressed the Planning Board and Building Inspector and they are not happy with what is going on there legally, and aesthetically it is not a pleasing site to have in the Town of Coeymans as well as not being neighborly to Ron Teator or anyone else that lives there because it looks awful and he has cars there that probably shouldn't be there as well as not having proper licenses and certificates that need to be had. She continued by saying that there are a lot of things that needed to be considered before they actually voted on it and they voiced it to all of them, whether it be environmentally or aesthetically and went on by saying that if the Town Board has any say or input, she thinks that they need to listen to what the people actually living there have to say, not only those that have to go by there.

Deputy Supervisor Touchette stated that as he had said, they do not have the authority to overturn or to veto a decision that the Planning Board has made and added that it does not mean that there are not remedies. He continued by saying that any citizen can file a zoning complaint with the Code Enforcement Officer that the Code Enforcement Officer has to answer and if the person is not satisfied they can appeal to the Zoning Board of Appeals, which is the procedure in that matter. He added that for any Board, if someone disagrees with the decision, they have the right to file an Article 78 proceeding in the State Supreme Court and reiterated that there are remedies to that but the remedy does not lie with the Town Board.

Ms. Warner asked if the Town Board would be willing to hear comments.

Collectively the Town Board said that they would.

Ms. Warner stated that she wanted to mention that at the Planning Board Meeting when people did speak their mind about how they weren't very happy with what might be opening there, the Building Inspector and a couple of members of the Planning Board ridiculed, embarrassed and made them feel stupid, which is not appropriate. She continued by saying that a lot of people don't understand the procedure so they don't need to be made to feel stupid when asking a question and this is exactly how a lot of people felt in the audience.

Councilman Dolan stated that she didn't need to tell them that because they are not going to ridicule anyone.

Ms. Warner stated that she knows that they won't and she is just telling them so they know because this was representative of the Town.

Councilman Dolan stated that he thinks that people should say what's on their minds.

**Mr. Joseph Cinque** stated that a lot went down that night and he spoke loudly but was not rude and added that certain Planning Board members said one thing and then contradicted themselves. He continued by saying that he thinks the Town Board should listen to the tape and if you go a step ahead, the Town Board is responsible for putting those people where they are by approving them. He went on by saying that he can't say that those guys are not any good because he is on the Village Planning Board and he does not want to start that it is us vs. them and added that on the flip side Larry's hands are tied and he can't enforce anything on his behalf unless he has something to go by. He added that people came before the Board from the Village and the Town to express their concerns and they went through the motions and they approved it and continued by saying that one person expressed concern about water and sewer run-off because of wells on the road and another person was concerned with the enforcement but the bottom line is that when push comes to shove, if the guy does not do what he said, as taxpayers they have to pay for it. He went on by saying that this guy makes Malphrus look like Mickey Mouse and makes Malphrus look like a guy who is just starting out, and this guy does not comply and when he was at the meeting he told the Planning Board that he does not comply and added that Donald Chichester sits in front of a Board and says that yes he will do this and that but when it comes to enforcement, he does not do it so they can't enforce it, which is non-compliance. He continued by saying that no one ever verified to see who those people were and it is like him sitting down in front of the Board and saying he is the spokesperson and agrees to comply but there is no accountability and added that he is pretty sure that the people who came before the Board have nothing to do with the corporation. He then asked who is going to be accountable for what and what Larry has to do is try to enforce it, which would be to go back to the owner of the property and find out who these people are. He went on by saying that the one guy is in bankruptcy and another has write-ups for non-compliance and he told the Board the story as quick and as easy as he could because he was limited to 4 minutes and they still voted him in. He added that the cars were brought there at night time and you would think it was like a chop shop and it was all self-inflicted hardship and he told the Board that they were not obligated to approve it and what he would have done was to seek legal counsel as a Board and no one did anything about it and they knew about it beforehand. He continued by saying that other than the fact that who owns the corporation, he could prove that they are not compliant and has no reputation and their work is no good and he has heard through the grapevine that the guy is going to sue him because he discredited him. He added that they gave them approval and now if someone ends up with oil in their well and says that they expressed it at a meeting, they would in turn sue the Town. He went on by saying that it is crazy and anyone could have walked in and said that they were a member of the corporation and in turn agreed to anything that was asked and added that he has not seen any paperwork that said the President of the Corporation but rather a piece of paper filed and approved. He continued by saying that it is frustrating and anyone can have a business but it has to be done right and you don't bring in 100 cars over night and say that they are used cars and there are all kinds of violations. He concluded by saying that they approved something that he personally feels that they don't know enough about and the taxpayers will be responsible for the aftermath and added that he is really concerned about this and whether or not he will be made to comply and clean up as well as who this person really is and what is his credibility.

Councilwoman Rogers interjected that Cobleskill is glad to see them gone.

Mr. Cinque stated that they were evicted.

Councilwoman Rogers agreed that they were evicted.

Mr., Cinque stated that he personally knows the landlord that evicted them and added that they would not comply and it went back to the landlord to evict. He continued by saying that the Town does not want to become a dumping yard and he came here because it is a great town and added that the guy can have a business but he won't comply. He went on by saying that it is great to see someone there but he is not going to be an asset because he does not think that people change over night.

Deputy Supervisor Touchette stated that he did sign an Agreement to comply with the terms of the Site Plan Review within 180 days of the approval.

Mr. Cinque stated that it is great and added that on the flip side, where is the American Dream paperwork that authorizes him to be a spokesperson for it?

Deputy Supervisor Touchette stated that the original application person has to verify that they had the right to file the application.

Mr. Cinque stated that according to the bankruptcy records, he testified in Bankruptcy Court that he nor Darlene Curtis do not own that company and this is what he is trying to say and added that they own another corporation, New York Carriage Corporation, which they were operating under in Cobleskill and Darlene was on those papers. He added that neither one of them are on the American Dream paperwork and the Planning Board gave them permission to do it, which is the craziness that he is talking about and by giving him permission, it is now a liability for the Town and the taxpayers.

Deputy Supervisor Touchette asked if there were any other comments.

**Mr. Keith Geraldson** stated that he lives at 187 Fuller Road, which is right by that place and added that he is concerned because as far as the business aspect, in order to run a business you have to come before the Town to be approved before you can actually start a business and he moved the cars in prior to that at night time and added that there were 8 roll-off trucks there dropping cars off in the middle of the night. He continued by saying that there are older cars from the 80's and no one is going to buy a car that is 30 years old and added that they are sitting up there and in that part of the town they are on wells and he does not want anything to happen to their wells from the cars leaking. He went on by saying that it is an eyesore and bad for Crossroads, who spent a lot of money to make their business look nice and as a Town we don't need something like the Malphrus property, which is right in the middle of town. He added that as taxpayers they will end up paying to have it cleaned up and he was told that he can only have 50 cars up there and they asked him to comply and he said last Monday that he made no effort to clean anything up. He continued by saying that he is making no effort and has been there already for three months and there is no reason why he can't try to comply and added that he said there are 96 cars but there has to be over 150 cars between inside, around the building and up on the hill. He went on by saying that he does not want it there and it would be alright if it was a legitimate business but from what he gathers and sees in the three months time, he does not think that it is going to be and he does not want it right down the street from his house and he's sure no one else in the town wants it there either. He concluded by saying that the Planning Board did say that they needed to talk with the Town Board and they dropped it in their lap and said that they can only follow the guidelines that they have in their books, but the Town Board can change the rules by changing the zoning there or something of that nature and in turn they can help the Planning Board decide what they can do.

Deputy Supervisor Touchette stated that actually about a year ago the Planning Board did ask the Town Board to introduce a Local Law that would tighten up the Site Plan Review process and it was withdrawn because of very heavy public protest and added that this is one thing that could have helped this process, which they don't have right now.

Mr. Geraldson reiterated that the Planning Board said that they needed to come and see the Town Board and added that they were hoping that something could be done about it because he feels as though he is not going to cooperate with anything that the Town asks and added that they gave him 180 days but if he does not do it, who will enforce it and will he be fined and if he doesn't have money, will he have to pay or will it become a burden on them as taxpayers. He continued by saying that he has already been there three months without having a legitimate license to be there and he does not have a license to deal from the Department of Motor Vehicle because he said on Monday he does not have a license to sell cars but he has 150 cars to sell.

Deputy Supervisor Touchette asked if anyone else wished to comment.

**Mr. Al Visconti** stated that he lives in the Village but is also a Town resident and continued by saying that Mr. Chichester was not authorized to speak on behalf of the

Corporation and continued by asking if it would make the decision of the Planning Board null and void because he didn't have the authority to speak on their behalf.

Deputy Supervisor Touchette stated that he is not a lawyer and it is a legal question.

Mr. Visconti stated that they should check it out and continued by saying that it would make a difference as to whether he or the Corporation would be held responsible and added that he is assuming that the Corporation would be held responsible. He added that if he has nothing to do with the Corporation, he should not be allowed to speak on behalf of the Corporation.

Deputy Supervisor Touchette stated that when he served on the Planning Board, it was not unusual to have someone else representing the applicant or the owner of the property.

Mr. Visconti interjected that it should be documented.

Deputy Supervisor Touchette stated that it is usually documented in the application and added that he cannot speak to the facts in this particular situation.

Mr. Visconti stated that he would appreciate that it be looked into as to whether or not he had authority to speak on behalf of the Corporation and if not he wanted to know what is the result of the Planning Board's decision. He added that it would be like anybody coming forth to speak for someone else when they don't have the authority.

Councilwoman Rogers stated that it is a good question for Attorney for the Town Wukitsch.

Mr. Cinque inquired as to if the Town Board has the application.

Deputy Supervisor Touchette stated that they didn't.

Mr. Cinque stated that he was wondering who signed the application and their title and added that they are giving things to people that might not be authorized to do it. He continued by saying that if it comes out as true and they do paperwork to back up their tracks, it is a little too late.

Deputy Supervisor Touchette interjected that he believes it is a matter of a public record.

Town Clerk Millious stated that he can F.O.I.L. the information.

Deputy Supervisor Touchette asked if there were any further comments.

Mr. Keith Geraldson inquired as to if there is any legal action where they can ask them to remove the cars until he can run the business there and then bring them back in.

Deputy Supervisor Touchette stated that he thinks there are two remedies depending on what they object to and added that if they object to the decision of the Planning Board they can file an Article 78 proceeding, which challenges the decision and it is done in the State Supreme Court. He continued by saying that if they think that there is a zoning violation, the remedy there is to file a zoning complaint with the Code Enforcement Officer and in turn the CEO then investigates the decision and if you still don't agree with the decision you can then appeal it to the Zoning Board of Appeals.

Deputy Supervisor Touchette asked if there were any other comments.

**Mr. John Rosato** stated that he is a Village resident and continued by saying that his question is what the purpose of a Public Hearing is and added that there was a Public Hearing last week regarding Mr. Chichester's operation and unfortunately he could not make it because he was ill but he heard that the place was pretty well full and the consensus was that no one wanted it. He went on by asking why they waste people's time coming to a Public Hearing where everyone objects to a business coming in but yet they give them permission to come in anyway. He concluded by saying that he would like to

have an explanation as to why there is a Public Hearing and what it is for as far as a purpose.

Deputy Supervisor Touchette stated that a Public Hearing is to let people explain their feelings of support or opposition.

Mr. Rosato reiterated that everyone was opposed but they said too bad we are going to give them permission to do it anyway and as he understood, everyone was opposed to it. He continued by asking why there was a Public Hearing in the first place if they were just going to listen but give permission any way and questioned again why you would waste people's time.

Deputy Supervisor Touchette stated that he didn't think that it was a waste of time and added that the Board has certain criteria that they look at and apparently they thought that this particular application met the criteria under the law and statutes of the Town and they granted the application.

Mr. Rosato inquired as to why there was a Public Hearing and what purpose it served.

Deputy Supervisor Touchette stated that it was to allow the public to comment.

Mr. Rosato stated that they commented but it fell on deaf ears.

Deputy Supervisor Touchette stated that he was not there and he does not know if it was on deaf ears or not.

Mr. Rosato stated that the place was full and everyone was opposed and they still gave them permission anyway and continued by asking whether or not they listened as to why they didn't want this.

Deputy Supervisor Touchette stated that it is one of the considerations but there are other considerations and added that if the application meets the criteria, it may be enough to approve the application.

Mr. Rosato stated that he still didn't get an answer as to why they had a Public Hearing.

Councilman Dolan stated that legally they have to and added that he can't speak for them because he has not spoken to anyone as to why they made the decision that they did. He added that even though people made a good, compelling argument, they may have found that based on the law that they are suppose to follow, they could not rule any other way. He concluded by saying that it does not mean that the arguments weren't well received or well done and maybe they just didn't feel that it met the criteria.

Mr. Rosato reiterated that it was a waste of time because they didn't listen to the people.

Councilwoman Rogers stated that when the Town Board has Public Hearings they listen to the people.

Mr. Rosato stated that he wanted to make his point that people came and opposed it but they gave them permission anyway, which means that they didn't listen to the people and they wasted their time.

Deputy Supervisor Touchette asked if there were any other comments, hearing none he thanked everyone for their comments and then moved to the next item on the agenda.

\*\*\*\*\*

**APPROVAL OF MINUTES**

Deputy Supervisor Touchette stated that there were two sets of minutes for Town Board approval, a Town Board Meeting on January 24<sup>th</sup>, and a Special Workshop on January 27<sup>th</sup> and continued by asking for a motion to approve them.

**MOTION**

On motion by Councilwoman Rogers, seconded by Councilman Boehm, the Minutes were accepted as presented and read.

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

\*\*\*\*\*

**NEW BUSINESS**

**Establish Auto Mechanic Position – Highway**

Deputy Supervisor Touchette stated that there is a request from Highway Superintendent Deering to establish a formal establishment of a mechanic position at the Highway Department. He added that he also suggests that after the position is filled, they eliminate the Operator I position and then asked if there was any discussion.

Councilman Boehm stated that he thinks it is important to point out that as they discussed earlier, they are not doing two positions and that the person in the Operator I position, Tom Bennett will become the mechanic and the Operator I position will be eliminated.

Deputy Supervisor Touchette asked for a motion to establish the Mechanic position.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Dolan, to establish the Mechanic position at the Highway Department.

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

Councilman Boehm inquired as to what the pay rate is.

Councilman Dolan stated that it is stated in the resolution for later in the meeting.

**Authorize Chief of Police to Execute 2011 Operation Impact Agreement**

Deputy Supervisor Touchette stated that Chief Darlington has requested to be authorized by the Town Board to execute the 2100 Operation Impact Grant Letter Agreement with NYS DCJS regarding the acquisition of a Live Scan System. He then asked that Chief Darlington give some background on it.

Chief Darlington stated that quite a few months ago he requested permission to apply for an Operation Impact Grant in the amount of \$32,000.00 to purchase a Live Scan Finger Printing system, which is a required mandate that NY States puts upon municipalities. He added that they were awarded \$30,000.00 and the Acquisition Agreement says that the equipment that they purchase will meet their requirements.

Deputy Supervisor Touchette asked if there was any further discussion.

Councilman Boehm stated that it will be a big time saver and added that they literally physically run the cards up to be processed.

Chief Darlington stated that depending on how many arrests they had, sometimes twice a month they had to pay someone to go to the State Police Station in East Greenbush and run them individually through their machine.

Councilman Boehm inquired as to if the whole cost of the training and the machine was grant money.

Chief Darlington stated that it is correct.

Deputy Supervisor Touchette stated that there is a resolution that will authorize Chief Darlington to sign the agreement and continued by asking for a motion.

**MOTION**

On motion of Councilman Boehm, seconded by Deputy Supervisor Touchette, authorizing the Supervisor to execute the Operation Impact Grant Contract.

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

Chief Darlington interjected that the motion should have been for him to sign the agreement.

**Authorize Supervisor to Execute Operation Impact Grant Contract**

Deputy Supervisor Touchette stated that the Board needs to authorize the Supervisor to execute the contract authorizing the Grant Contract for \$30,000.00 for the purchase, installation and training of the Live Scan System.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, to authorize the Supervisor to execute the contract authorizing the Grant Contract for \$30,000.00 for the purchase, installation and training of the Live Scan System.

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

Chief Darlington inquired as to if the first motion should be amended to authorize him to sign the agreement.

Councilman Boehm stated that he did specify the Supervisor and added that he would amend the motion to authorize Chief Darlington to sign.

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

**Contract for Services with VFW**

Deputy Supervisor Touchette stated that there is a Contract for Services with VFW Post #9594, which is a Contract for Exchange of Service or Compensation and continued by reading the following:

**THIS AGREEMENT**, made between the Town of Coeymans, Albany County, New York, a municipality with its offices located at 18 Russell Avenue, Ravena, New York, 12143, hereinafter call the “Town” and VFW Post #9594, Ravena, NY, being a not-for-profit or a civic organization with its principal offices located at 12 Whitbeck Street, Ravena, NY, hereinafter called the “VFW”.

**WHEREAS**, the Town of Coeymans is in need of services consisting of Memorial Services, Veteran’s Day Services, Flag Day Services for the schools, sickroom services for the community and cemetery flag placement, which can be performed by the VFW, and

**WHEREAS**, the “VFW” is in need of financial help of \$1,000.00 for Veteran’s Services, which can be performed by the Town of Coeymans,

**NOW, THEREFORE**, the undersigned parties hereby agree that they shall exchange services, which shall be beneficial to both entities, in that the Town of Coeymans shall provide services consisting of the above stated amount of \$1,000.00 for a time period of one (1) year and the said “VFW” shall provide services to the Town of Coeymans consisting of the above stated for Veteran’s services for a time period of one (1) year.

Councilman Boehm stated that he wanted to thank VFW Post #9594 and added that he recently had the opportunity to attend a School Board Meeting where they led the Pledge of Allegiance and then recognized a Veteran for getting his high-school diploma and continued by saying that they do a lot of valuable things here in the community.

Deputy Supervisor Touchette interjected that their sick room is a great help to the community.

**MOTION**

On motion of Deputy Supervisor Touchette, seconded by Councilman Boehm, authorizing the Supervisor to enter in an Exchange for Services Agreement with VFW Post #9594.

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

**Agreement for Zoning Board of Appeals Counsel**

Deputy Supervisor Touchette stated that they are in receipt of an Agreement from Attorney Brendan Baynes who is counsel to the Town of Coeymans Zoning Board of Appeals and it clarifies that his rate is \$500.00 per month, however if there are any special projects that require extensive legal research, communications or written opinions, his rate is \$175.00. He added that the Town will not be obligated to pay for that unless it is previously identified and authorized by the Zoning Board of Appeals and / or Town Board. He concluded by asking if there was any further discussion and added that it will be on the agenda for the February 28<sup>th</sup> meeting.

Councilman Boehm inquired as to if this changes the original resolution of \$6,000.00 per year and if this would go beyond that.

Deputy Supervisor Touchette stated that the resolution does not address any fees that might come up because of extensive research or litigation and added that their agreement with Attorney for the Town Wukitsch is the same in that there is a retainer and then there are things not included in the retainer and this will address those issues.

Councilman Dolan stated that it is identical to the attached December letter

**Request for Chief Operator to Attend Training**

Deputy Supervisor Touchette stated that there is a request for Chief Sewer Plant Operator Larry Breedlove to attend a two-day seminar on Train the Trainer and added that the course is described as follows:

“With the rapidly changing technology in our field and the ever-present need to prepare operators to qualify for and pass certification exams, quality training for water and waste water professionals has never been more important. This program is designed for environmental professionals who are responsible for developing and delivering training programs for water and waste water operators.”

Deputy Supervisor Touchette stated that Chief Operator Breedlove states that it is being held in Sherrill, NY and he is willing to stay overnight on his own and use his own car and it is a very good seminar and one that he has been waiting to attend.

Councilman Boehm stated there is no reason why he should not be compensated for his mileage.

Collectively the Town Board agreed.

Deputy Supervisor Touchette asked for a motion.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing attendance at the two-day training including mileage for use of his personal car for transportation to and from the training.

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

**RESOLUTIONS**

**RES. #038-11 APPOINT POLICE OFFICER**

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

**WHEREAS**, the Albany County Department of Civil Service has taken issue with part-time Police Officers working in excess of the 20-hour restriction for this title, and

**WHEREAS**, the Chief of Police has cited that he is desirous of retaining the part-time Police Officers on staff, and

**WHEREAS**, Albany County Department of Civil Service has suggested appointment of our part-time Police Officers from the current Civil Service list, and

**WHEREAS**, this recommendation would provide relief from the 20-hour restrictions for part-time Officers in this title, and

**WHEREAS**, Office Frank McDonagh has taken and passed the Police Officer (Towns and Villages) Examination #200869510,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Frank A. McDonagh as a part-time Police Officer, in accordance with Civil Service regulation and contingent upon successful completion of the Albany County Civil Service physical fitness requirements, effective immediately. This appointment will be compensated at the rate of pay consistent with the negotiated contract currently in effect.

Councilman Boehm asked that Chief Darlington outline why they are doing this.

Chief Darlington stated that it looks like they are appointing a new Officer, but Frank McDonagh currently works for them as a part-time Officer and added that Civil Service routinely audits payrolls and there have been times that due to injuries and vacations, etc., some of the Officers had exceeded the 20 hour allotment, which Civil Service takes exception to. He continued by saying that one way around it is to maintain the part-time status but when they are hired off the Civil Service list and Civil Service basically allows them to work as many hours as needed. He concluded by saying that they hold a part-time position and are not receiving benefits but if they routinely get over that, they may be subject to that, which does not happen very often.

Councilman Boehm stated that the bottom-line is that they are trying to utilize part-time Officers more who are limited by the 20 hours and this will give them up to 40 hours and added that he thinks that it is a positive thing.

**RES. #039-11 APPOINT AUTOMOTIVE MECHANIC FOR HIGHWAY DEPARTMENT**

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

**WHEREAS**, the Town Board has recognized that the upkeep of highway vehicles is important to service of town roads and employee safety, and

**WHEREAS**, the Town Board has voted to re-establish the position of Automotive Mechanic in the Highway Department, and

**WHEREAS**, the position has been posted in Town Hall buildings seeking applicants, and

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

**WHEREAS**, the Superintendent of Highways has confirmed the candidate meets minimum qualifications,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the appointment of Thomas J. Bennett to the position of Automotive Mechanic at the hourly rate of \$20.19, effective immediately.

Councilman Boehm stated that this is a position that they created earlier and added that Tom Bennett is vacating the Operator I position and taking this position at the Highway Garage.

Deputy Supervisor Touchette added that upon his appointment, the position of Operator I is abolished.

**RES. #040-11 RE-APPOINT PART-TIME CARPENTER**

On motion of Councilman Dolan, seconded by Councilman Touchette, the following resolution was APPROVED – VOTE – AYES – 4 – NAYS 0 – ABSENT 1 (Youmans) – SO MOVED

**WHEREAS**, the Town has several projects related to repair and maintenance of Town buildings, and

**WHEREAS**, Bernard TeRiele’s position of part-time Carpenter was inadvertently omitted from the employee rate list in January,

**NOW, THREORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby approves of the re-appointment of Bernard J. TeRiele as a part-time Carpenter, effective immediately, to be called on an “as needed” basis, to work on approved projects, and

**BE IT FURTHER RESOLVED**, that Bernard TeRiele be paid at the rate of \$30.00 per hour, when authorized to work on said projects.

Deputy Supervisor Touchette stated that he would like to point out that it was an inadvertent omission at the Organizational Meeting in January and added that they have a need for Mr. TeRiele to begin some renovations in Town Hall to correct some ice buildup that has caused some leaking in various offices and he will begin on that immediately.

\*\*\*\*\*

**CORRESPONDENCE**

**Albany County Sheriff**

Deputy Supervisor Touchette stated that they were in receipt of a letter from the Albany County Sheriff’s Office dated 02-04-11 to Supervisor Youmans and continued by reading the following:

Dear Supervisor Youmans,

Since 1995 the Albany County Sheriff’s Office has been providing Emergency Medial Service at the Advanced Life Support level to the residents of Albany County. Our primary area of operation has been the Towns of Bethlehem, Berne, Coeymans, New Scotland, Rensselaerville and Westerlo. On occasion, we have assisted other municipalities’ services with mutual aid on an as needed basis. The Albany County Sheriff’s Office has built the EMS Unit on the same foundations as it has its many other units of Public Service by assuring highly trained personnel, state-of-the-art equipment and an efficient means of delivering the service to the public by means of a regional approach. During the past 15 years of service, the Albany County Sheriff’s Office EMS Unit has received multiple awards and recognition for providing high-quality Emergency Medial Services as well as set a standard that many other agencies have followed with regard to providing EMS on a regional approach.

The Albany County Sheriff's Office first recognized a need for a dedicated Paramedic to cover calls where municipalities lacked a dedicated response. Today we are faced with a new challenge where the requests for emergency medical services continue to increase every year and the smaller agencies and even larger ones for that matter, continue to struggle with a number of factors that directly affect how they address this increase. Albany County has an extremely dedicated group of volunteers that give countless hours of their own time to answer calls, in addition to training and equipment upkeep. Unfortunately some of the agencies have seen their manpower pools dwindle and in some cases almost disappear as the demands on these professionals continue to increase. As these agencies move forward they are faced everyday with a "do more with less" situation. At these times we can experience extensive delays before an ambulance arrives at the scene. Also, since these ambulances are coming from other districts/municipalities faced with the same issues, there are times when it is possible that several agencies have to be contacted before an ambulance is assigned to a call. Furthermore, when these occurrences happen, it leaves other municipalities short of resources to handle their own requests for assistance. Here is an example: town of X Ambulance is unable to get a crew for a medical call, after 12 minutes Town of Y ambulance is requested to cover the call. When Y Ambulance responds to the call in the Town of X they are leaving their district and the municipality is uncovered. This situation is not unique to Albany County but rather a growing problem nationwide. In another example the Town of Z pays career EMS provider to handle calls during times when no volunteer providers are available. The career manpower is based on the needs to cover EMS calls on an average day. It is not financially possible to staff for the "worst case" scenario and when call volumes exceed their average, the Town's resources are depleted. This requires calls to be answered by an adjacent community and we get the same result, taxing our neighboring already faced with its own challenges. Make no mistake, in more and more cases we see a snowball type effect where one call can become the problem of 3 or more municipalities.

In July, 2009, the Albany County Sheriff's Office EMS Unit applied for and received a Municipal Operating Certificate to operate an ambulance. This is the beginning of a process that is commonly referred to as a "Certificate of Need". Article 30 of the Public Health Law defines "Public Need" as: "the demonstrated absence, reduced availability or an inadequate level of care in ambulance or emergency medical services available to a geographical areas which is not readily correctable through the reallocation or improvement of existing resources". While the agencies we work with do an excellent job providing emergency medical services, the challenges of manpower and financial constraint have impacted the timely delivery on these services in a number of cases.

Our plan is to use existing manpower to staff an ALS ambulance to assist agencies when their staffing levels are low. The proposed service will begin with immediate staffing during daytime hours, Monday through Friday from 6am-6pm, however the ambulance will be available to respond 24 hours a day in emergency situations. We will monitor those situations and address any further needs as they develop.

We are soliciting letters of support for this program. Please indicate in the letter that you have received the definition of "public need". Also, please assure the letter is signed by the CEO or an authorized designee. I have enclosed a sample letter for your review.

If you have any questions, you can contact me or call our EMS Unit Coordinator, Brian Wood. We would like to have all letters of support returned by February 28, 2011.

Respectfully,

Sheriff James L. Campbell

Deputy Supervisor Touchette stated that there was a sample letter enclosed with the letter.

Councilman Dolan offered to read the letter and read as follows:

Dear Sheriff Campbell,

It is my understanding that the Albany County Sheriff's Office is applying for its permanent Certificate of Need to operate an ambulance as an expansion of the Advanced Life Support Emergency Medical Services Unit.

I understand that as part of the licensing process, the New York State Department of Health requires that there be a "Public Need". This is as defined by NYS DOH "the demonstrated absence, reduced availability or an inadequate level of care in ambulance or emergency medical services available to a geographical area which is not readily correctable through the reallocation or improvement of existing resources."

I understand that based on a rising call volume, the increase in multiple simultaneous EMS calls and the lack of trained volunteers available to the professional volunteer agencies within Albany County, it adversely impacts the delivery of emergency medical services in areas of Albany County. The County-operated emergency only ambulance will continue, as it has for more than a year, to respond to EMS calls when our partnering agencies are unable to provide a qualified volunteer crew or who have multiple calls. This ambulance will respond, as available, to any request throughout Albany County and to surrounding communities via Mutual Aid and Disaster Plans as dictated. I believe this will greatly improve the delivery of emergency medical care in Albany County, specifically the rural areas this is intended to help.

Based upon the foregoing, I hereby endorse and support Albany County's application to operate an ambulance.

Sincerely,

Deputy Supervisor Touchette thanked Councilman Dolan for reading the letter.

Councilman Boehm stated that based on the letter and the sample letter, and that they should authorize the Supervisor to write a letter to Sheriff Campbell in support of this. He stated that it does not take much for an accident or small disaster to tax the EMS resources and having an additional ambulance would be helpful.

Chief Darlington stated that the only thing that he would caution the Board is that currently this ambulance, when they are doing a second tone-out will automatically start responding and his only concern is much like the Paramedic Program, they set the dollar amount that the Town will end up paying as well as just recently the Sheriff's Department just tried to tax the Town with a \$30,000.00 bill for Sheriff patrols that they don't get. He added that he received the same letter and he does not know if the need in this town is there and although the Rescue Squad does fall short, there are other options and he would caution the Board to haste into signing something that could ultimately cost taxpayers money who do not have a say in it.

Councilman Boehm stated that was true and added that they currently pay approximately \$140,000.00 for paramedic services and continued by saying that it does not mention any cost and continued by saying that the letter is a certification.

Chief Darlington interjected that it ultimately authorizes them to operate an ambulance and continued by saying that he cautions when they send something at the last hour and only give a minimum time to research it.

Councilman Boehm stated that he would like to call Brian Wood and added that if it is staffed by paramedics and runs, would they soft bill the Rescue Squad and would they keep the revenue if they run the call and if it is revenue paying for the call is there an additional cost.

Chief Darlington stated that they have had meetings with him because they have an Automatic Mutual Aid Plan that the dispatchers follow and this ambulance will just monitor and call to say they will be en route and he does not want to see the Town being taxed out.

Councilman Boehm asked if there have been any incidents where they have utilized this because it has been running for a year.

Chief Darlington stated that there have been and added that they have never called for it but it has volunteered itself and they have come in and handled calls.

Deputy Supervisor Touchette inquired as to if it was when the Town's services were not available.

Chief Darlington stated that basically once they call en route, they discontinue trying to get a second or even a third crew and added that there have been several times that they have called en route and the Rescue Squad has gotten a crew and they have cancelled them.

Deputy Supervisor Touchette stated that by the same token, the funds that are a reflection of the Town by the Rescue Squad continued to increase at a rate that he thinks is alarming and continued by asking if there was a sense that they should act on it immediately.

Councilman Boehm suggested that they table it until the next meeting.

Councilwoman Rogers interjected that they should table it until Councilman Boehm talks to Brian Wood.

Councilman Boehm stated that it just seems to be just a letter of support for certification for the ambulance and added that they should call Brian Wood and find out.

Councilman Dolan asked Chief Darlington if the Town has gotten charged for those cases.

Chief Darlington stated that currently they do not because everything is on a trial basis and added that when the Paramedic Program first started they were not charged. He continued by saying that in looking at the Town Budgets, they are held tight but the County is budgeted for it and charging them and added that he is a believer that as much as they can keep in-house, they control the expenses. He went on by saying that they have a say with the Rescue Squad whether they sign their contract or not and the County just comes in and says this is what they are going to charge.

Deputy Supervisor Touchette stated that they will table it until the next meeting when they have more information and will go from there.

\*\*\*\*\*

**WORKSHOPS / MEETINGS**

- Town Board Meeting, February 28, 2011, 7:00pm
- Joint Town Board-RCS School Board Meeting, March 1, 2011, 5:00pm
- Town Board Meeting, March 14, 2011, 7:00pm
- Town Board Workshop, March 22, 2011, 6:00pm

Deputy Supervisor Touchette stated that there is not a Town Board Workshop scheduled for February.

\*\*\*\*\*

**ADDITONAL COMMENTS**

Deputy Supervisor Touchette stated that on Saturday he attended a Cub Scout Blue and Gold Banquet on behalf of the Town and presented nine Cub Scouts, who received their Arrow of Light Award and are going into the Boy Scouts, with a Certificate on behalf of the Town. He added that he thinks it is great that the Scouting Program, which is 100 years old, is still going strong and there is a lot of activity and support from parents,

grandparents and civic groups, which was gratifying to see. He then asked if there were any other comments.

Councilman Boehm stated that with regard to the used cars at Marshall's, they never were in compliance and there are well over 50 cars there and he does not know how they set it up and got it through with a promise that they will comply when initially they have not complied and added that he believes that it warrants further conversation with the Planning Board.

Deputy Supervisor Touchette asked if there were any other comments.

Councilman Dolan stated that on Saturday he attended the 5<sup>th</sup> Annual Ice Bowl at Joralemon Park and added that it is quite similar to golf but rather done with Frisbees of different sizes and weights. He added that they play on the ice once a year at Joralemon Park as well as other places like Syracuse, Rochester, Schenectady and it is also played in other places throughout the United States and Joralemon Park is also used in the non-winter months. He continued by saying that this year was their biggest Ice Bowl and there were 66 individuals and his connection with it is that they give some of their proceeds to the C.H.O.I.C.E.S. Program that they use to help Town residents.

Deputy Supervisor Touchette asked if there were any further comments.

Chief Darlington stated that he does not know if the Board is aware but the second Crown Victoria has been ordered and should be in within the next month or so. He continued by saying that at the last meeting during the approval of the abstract, one of his vouchers was pulled and additional information was requested and he wanted to make sure that the Board received it and if there is any thing additional that they need.

Councilman Boehm stated that he didn't need anything additional and he had initialed the voucher and the other Board members could speak to it.

Deputy Supervisor Touchette stated that he hadn't seen the additional information.

Councilwoman Rogers asked Councilman Boehm where he found it.

Councilman Boehm stated that he had a personal conversation with the Chief.

Chief Darlington stated that copies were sent upstairs.

Councilman Dolan stated that he does not believe that he had gotten any additional information but he did have a conversation with the Chief.

Chief Darlington stated that he will have to find out where it went and added that it was a three page document.

Councilman Dolan reiterated that he had a conversation with Chief Darlington and is now fine with it.

Deputy Supervisor Touchette asked if there were any further comments, hearing none he asked for a motion to adjourn the meeting.

\*\*\*\*\*

**ADJOURNMENT**

**MOTION**

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

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

Time – 8:20pm

**MINUTES BOOK\*\*TOWN OF COEYMANS  
February 14, 2011 – TOWN BOARD MEETING – 7:00PM**

19

*Respectfully Submitted,*

**APPROVED:**

---

*Diane L. Millious, Town Clerk*