

**A Town Board Meeting was held February 28, 2011, at 7:00PM at Town Hall, 18 Russell Avenue, Ravena, New York**

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

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
David Wukitsch, Attorney for the Town  
Greg Darlington, Chief of Police  
Albert Deering (arrived late)

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

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### **OPENING COMMENT**

Supervisor Youmans stated that the records should reflect the presence of a full Town Board in addition to Town Clerk Millious, Attorney for the Town Wukitsch and Chief of Police Darlington.

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### **AGENDA**

- Presentation
  - Tax Levy Checks to Coeymans & Coeymans Hollow Fire Departments
- Public Comment
- Approval of Minutes
- Supervisor's Report - January
- Department Reports
  - Building Department, December & January
  - Police Department, January
  - Sewer Department, January
  - Town Clerk, January
- Old Business
  - Bowers Land Issue
- New Business
  - Training for Code Enforcement Officers
  - Award Bid for Multi-Purpose Dump Body
- Resolutions
  - Authorize Town of Coeymans to Repair and Upgrade Mud Hill Road
  - Appoint Zoning Board of Appeals Counsel
  - Approve February 2011 Abstract
- Correspondence
- Town Board Workshops / Meetings
  - Joint Town Board – RCS Board Meeting, March 1, 2011, 5:30pm
  - Town Board Meeting, March 14, 2011, 7:00pm
  - Town Board Workshop, March 22, 2011, 6:00pm
  - Town Board Meeting, March 28, 2011, 7:00pm

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### **PRESENTATION**

**Tax Levy Checks to Coeymans Fire & Coeymans Hollow Fire Companies**

Supervisor Youmans stated that the Fire Companies are funded through a Fire Tax Levy and the Town collects the tax and then turns it over to the respective Fire Companies. He continued by saying that Mr. Orsino, representing the Coeymans Fire Department and Mr. Hotaling, representing the Coeymans Hollow Fire Department were present. He then invited Mr. Orsino for the presentation of the Coeymans Fire Department check and then Mr. Hotaling for the Coeymans Hollow Fire Department. He continued by thanking them for all and their organizations do for our community.

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**PUBLIC COMMENT**

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

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**SUPERVISOR’S REPORT**

**January 2011**

<b>FUND</b>	<b>BAL. FWD.</b>	<b>RECEIPTS</b>	<b>DISBURSEMENTS</b>	<b>BALANCE</b>
<b>General</b>	\$119,149.44	\$1,910,960.16	\$541,264.54	\$1,488,842.06
<b>Part-Town</b>	\$183,191.22	\$ 455,253.32	\$333,082.37	\$ 305,362.17
<b>Highway</b>	\$103,750.00	\$ 200,556.28	\$132,636.89	\$ 171,669.39
<b>Bridge Const.</b>	\$314,592.12	\$ 65.00	\$310,391.76	\$ 4,265.36
<b>Sewer</b>	\$132,650.38	\$ 50,063.41	\$ 56,146.12	\$ 126,567.67
<b>Special Water</b>	\$ 25.99	\$ .01	-0-	\$ 26.00
<b>Police Forf.</b>	\$ 6,873.72	\$ 1.81	-0-	\$ 6,875.53
<b>Trust &amp; Agcy.</b>	\$ 18,131.82	\$ 238,481.80	\$238,025.62	\$ 18,588.00
<b>Capital Proj.</b>	\$ 35,983.57	\$ 375,108.65	\$ 46,276.16	\$ 364,816.06
<b>Section 8 HUD Units -78</b>	\$128,858.30	\$ 39,172.38	\$ 40,120.87	\$ 127,909.81
			<b>Total Rec. Bal.</b>	<b>\$2,614,922.05</b>

**SAVINGS ACCOUNTS      COLLATERAL COV.    FDIC COV.    COLLARERIALIZED**

Unemployment \$ 4,070.07	Bank of Greene	\$250,000.00	\$3,515,905.70
Grove Cem. \$40,822.36	National Bank	\$250,000.00	\$ 636,381.04
C/H Cemetery \$14,330.50			
Sewer – Ded. \$ <u>6,314.17</u>			
<b>Total \$65,537.10</b>			

Supervisor Youmans asked for a motion to approve the report.

**MOTION**

On motion of Councilman Touchette, seconded by Councilman Boehm, the Supervisor’s Report was accepted as presented and read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**DEPARTMENT REPORTS**

**Building Department – January 2011**

Supervisor Youmans asked that Councilwoman Rogers give the Building Department Monthly Report for January 2011.

Councilwoman Rogers continued by giving the report.

Supervisor Youmans asked for a motion to approve the report.

**MOTION**

On motion of Councilman Boehm, seconded by Councilman Dolan, the report was accepted as presented and read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**Building Department – December 2010**

Supervisor Youmans asked that Councilwoman Rogers give the Building Department Monthly Report for December 2010.

Councilwoman Rogers continued by giving the report.

Supervisor Youmans offered a motion to accept the report.

**MOTION**

On motion of Supervisor Youmans, seconded by Councilman Dolan, the report was accepted as presented and read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**Police Department – January**

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

Chief Darlington continued by giving the report.

Supervisor Youmans asked for a motion to approve the report.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the report was accepted as presented and read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**Sewer Department – January**

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

Councilman Touchette continued by giving the report.

Supervisor Youmans asked for a motion to approve the report.

**MOTION**

On motion of Councilman Boehm, seconded by Councilman Dolan, the report was accepted as presented and read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Youmans asked Councilman Touchette if he is aware of the status of the roof replacement at this point.

Councilman Touchette stated that he is not sure what percentage has been completed and added that he knows that C.T. Male has been down there and issued a report and some recommendations to the contractor. He added that there have been some delays due to the snow.

Supervisor Youmans interjected that it is ongoing.

Councilman Touchette stated that it is and where there were some leaks during the repair and replacement, steps have been taken to minimize any damage to the facility.

**Town Clerk – January**

Supervisor Youmans asked that Town Clerk Millious give the Town Clerk Monthly Report.

Town Clerk Millious continued by giving the report.

Supervisor Youmans asked for a motion to approve the report.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the report was accepted as presented and read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Town Clerk Millious stated that she wanted to mention that the water collection starts next week and the Village will be mailing out the bills and continued by asking the Town Board as to what her instruction would be for collection.

Supervisor Youmans stated that she should proceed as she always has.

Town Clerk Millious asked if he is saying that she should proceed like she has in the past.

Supervisor Youmans stated that was correct.

Town Clerk Millious stated that she did give the Village envelopes like she has in the past and added that she wanted to make sure that they were alright with that.

Supervisor Youmans stated that there is no change at all in handling that matter.

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**OLD BUSINESS**

**Bowers' Land Issue**

Supervisor Youmans asked that Attorney for the Town Wukitsch give an update on the Bowers' land issue.

Attorney for the Town Wukitsch stated that they have been discussing the Bowers' land issue for several months and added that the Town Board has in their material, a letter that he received from Mr. Coffey who is the Attorney for Maria Bowers and added that he would summarize their current position. He continued by saying that they are asking for approximately \$4,800.00, which represents outstanding rent for past use of the property and the well and an indemnity clause holding Ms. Bowers harmless against any action that may be undertaken in the future against her for conditions of the land as well as ceding to the proposal to deed to the Town approximately three acres, which would include the subject property used for storage and where the well is located. He added that in exchange for that the Town will pay fair market value for the property based upon an

appraisal of an independent appraiser to be paid for by the Town as well any and all costs associated with surveying, mapping, title transfer and closing costs. He concluded by saying that this is basically the proposal.

Councilman Boehm stated that it also mentions a pier suspension bridge across the creek.

Attorney for the Town Wukitsch added that it also mentions carving out an area for a garden for her son.

Supervisor Youmans stated that the way he reads it, she wishes the Town to pay for and provide to her any necessary permits and to provide its full cooperation and assistance in obtaining same from any other governmental agencies.

Councilman Boehm stated that this may result in possible litigation negotiations and then asked if it is something that they should discuss in a public forum.

Attorney for the Town Wukitsch stated that there is no litigation pending at the present time and added that he does not see that there is anything that they are going to need to discuss by way of strategy or planning and it is simply a matter of a situation that should not have existed from day one, but they are now stuck and the question is what they should do. He continued by saying that if they want to acquire the property, it makes sense to have it appraised and maybe the cost of the appraisal should be split because she is going to benefit from the transfer. He added that he does not think that an indemnity is in order and he can't see the purpose of it and then asked Highway Superintendent Deering if the Town has been paying her rent and where the notion arises from.

Councilwoman Rogers stated that it has arisen because the Town no longer does any work to the road and this is why she is going back two years, when everything stopped.

Supervisor Youmans stated that she currently has no easement or right-of-way over the Town's property to cross the stream to get to her property.

Attorney for the Town Wukitsch stated that there is no legal easement but if the Town has permitted her to use the ingress and egress from the property, she can probably claim some kind of easement by prescription, which would be the same as a road by use and with continuous use and operation she could claim some kind of a right to get ingress and egress to her property.

Supervisor Youmans asked if there were any other comments.

Councilman Boehm stated that the simple answer is to purchase the property from her but it becomes complicated because she wants to reserve a portion for her son to do gardening, add easements that don't exist and issue permits that probably won't be up to the Town but rather DEC.

Attorney for the Town Wukitsch stated that it would be DEC because of the stream.

Councilman Boehm added that it is highly complicated and he thinks that if they offer to get the appraised value of the land and in turn purchase the land, this is what they should do and not get entangled in all the stipulations.

Attorney for the Town Wukitsch stated that there would still be the ingress and egress issue.

Councilman Boehm interjected that an option would be for her to use Greenbush Avenue to get to her property instead of going through the Town's property.

Councilwoman Rogers stated that it is out of the question because there is not a road there and they can't do that. She continued by asking Highway Superintendent Deering how many years she has been going through there.

Highway Superintendent Deering stated that it was the mid 70's.

Councilman Boehm stated that she would be hard pressed to get DEC to allow a car to cross the Hannacroix.

Chief Darlington stated that he would question it because they had the same issue with Stanton.

Supervisor Youmans stated that they are now sitting there thinking out loud, which is not productive.

Councilman Dolan stated that the point of the letter seems to be that the Town's counter proposal lacks specifics and it did not address the outstanding issues and added that they should probably come up with specifics that address the issues.

Supervisor Youmans stated that he would call Attorney for the Town Wukitsch and they will discuss it in more detail.

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## **NEW BUSINESS**

### **Training for Code Enforcement Officers**

Supervisor Youmans stated that there is a request from Code Enforcement Officer Conrad to attend required 2011 training for Code Enforcement Officers and continued by reading the following:

To: Supervisor Youmans and Town Board Members

From: Laverne H, Conrad, Building Inspector, C.E.O.

I am requesting approval for Sandy DeBacco and myself to attend the 24<sup>th</sup> Annual Hudson Valley CEO, Educational Conference 2011, being held at the Mid Hudson Civic Center & Poughkeepsie Grand Hotel, Poughkeepsie, NY. Classes are scheduled for April 20, 21, 22, 2011. This seminar will give us credit toward our required certified in-service training. The registration fee is \$285.00 per person.

Should the Board have any questions, I would be happy to respond at your convenience.

Councilman Touchette stated that he would move to approve the request.

## **MOTION**

On motion of Councilman Touchette, seconded by Councilwoman Rogers to approve the request and send Mr. Conrad and Mr. DeBacco to the training.

VOTE – AYES 5 – NAYS 0 – SO MOVED

### **Award Bid for Multi Purpose Dump Body**

Supervisor Youmans stated that there was a Bid Opening for a multi-purpose dump body for the Highway Department and continued by asking Highway Superintendent Deering if he had a chance to review the bids.

Highway Superintendent Deering stated that he had and added that the low bidder was Zwack Inc.

Supervisor Youmans asked if it meets the specifications.

Highway Superintendent Deering stated that it is fine.

Supervisor Youmans stated that he would move that they award the bid.

**MOTION**

On motion of Supervisor Youmans, seconded by Councilwoman Rogers, awarding the bid to Zwack Inc. from Stephentown, NY in the amount of \$20,495.00.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**RESOLUTIONS**

**RES. #41-11 APPROVE MAINTENANCE OF MUD HILL ROAD**

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

**WHEREAS**, Catherine Bouchard owns real property identified as tax lots 154-1-19 and 154-1-21 of Mud Hill Road in the Town of Coeymans and Myra D. Neumann holds a life estate in the same; and

**WHEREAS**, Eugene Labocetta owns real property identified as tax lot 154-1-23 on Mud Hill Road in the Town of Coeymans; and

**WHEREAS**, Peter Lohmus owns real property identified as tax lot 154-1-25 On Mud Hill Road in the Town of Coeymans; and

**WHEREAS**, following a lawsuit commenced by Frederick C. Neumann and Myra D. Neumann (predecessors in title to Bouchard) and Eugene Labocetta, against the Town of Coeymans, Robert H. Fisk, Jr. (Supervisor), Albert Deering (Highway Superintendent), Joseph O. Adams, and Lisa D. Adams, a Judgment was signed by the Honorable John T. Casey, JHO on April 30, 1999, directing the Town of Coeymans and the Highway Superintendent to proceed with regular maintenance and snowplowing of Mud Hill Road, up to and including the area where it enters upon and/or borders the property of Labocetta; and

**WHEREAS**, the Judgment is set to expire on or about April 30, 2014, at which time the parties are required to determine how to proceed thereafter; and

**WHEREAS**, the Town of Coeymans intends to address and resolve issues concerning the ownership and maintenance of Mud Hill Road at this time;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby designate the subject Road as an official Town Road on all Town maps, and it shall be listed on the Highway Superintendent's official CHIP's list of Town roads and highways; and

**BE IT FURTHER RESOLVED**, that the official road designation shall apply to a minimum twenty (20) foot width of Mud Hill Road and a length of not less than five hundred eighty five (585) from the centerline of Mud Hill Road; and

**BE IT FURTHER RESOLVED**, that the Town of Coeymans shall maintain and plow Mud Hill Road as it provides access to the Bouchard, Labocetta and Lohmus properties (tax lots 154-1-19, 154-1-21, 154-1-23 and 154-1-25) up to and including the full length of Bouchard's and Labocetta's property, and a sufficient distance thereafter to access the existing Lohmus driveway as it borders Mud Hill Road. Such maintenance and snowplowing will be in accordance with the standards applied to similar roads in the Town of Coeymans; and

**BE IT FURTHER RESOLVED**, that the Town of Coeymans shall repair and upgrade the condition of the subject Mud Hill Road as is deemed necessary in the opinion of the Town Highway Superintendent and when funding is available so that the overall Town Highway Superintendent and when funding is available so that the overall condition of Mud Hill Road is consistent with the condition of other similar Town roads.

**RES. #42-11 APPROVE BOOT ALLOWANCE FOR CODE ENFORCEMENT OFFICER**

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

**WHEREAS**, the 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 Forman, Sewer Treatment Plant Operator (Trainee) and Sewer Treatment Plant Operator, and

**WHEREAS**, the Highway Superintendent, Deputy Highway Superintendent, Chief Wastewater Treat Plant Operator, and Parks & Recreation Maintenance Supervisor, by Resolution #114-07 of November 12, 2007 in the belief that these non-union personnel should be required to maintain their footwear in the same manner as those in the unit, and

**WHEREAS**, the Town Board established a policy for reimbursement for up to \$150.00 per year for boots applicable to those non-union positions, and

**WHEREAS**, the Code Enforcement Officer, whose duties require him to visit construction sites and other areas where heavy protective footwear would be required, is currently not covered under this policy,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby include the Code Enforcement Officer under those titles covered by the boot allowance policy.

**RES. #43-11 APPOINT ZONING BOARD OF APPEALS ATTORNEY FOR RETAINER AND COMPENSATION OF \$175.00 PER HOUR FOR SPECIAL PROJECTS**

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

**WHEREAS**, the term of office in the position of Counsel to the Zoning Board of Appeals expired on December 31, 2010, and

**WHEREAS**, the Zoning Board of Appeals is desirous of retaining Brendan Baynes Esq., who has completed the term of office of the previous counsel,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Brendan Baynes, Esq. to serve as legal counsel to the Zoning Board of Appeals for a yearly fee of \$6,000.00, payable by monthly voucher submission, through the end of 2011, and

**BE IT FURTHER RESOLVED**, that Mr. Baynes be compensated at the rate of \$175.00 per hour (in addition to the monthly retainer) for any special projects, which require extensive legal research communications or written opinions.

**RES. #44-11 APPROVE FEBRUARY ABSTRACT**

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

**BE IT RESOLVED**, that the Town Board, of the Town of Coeymans, does hereby approve and allow the following claims of vouchers for the February, 2011 Abstract.

<b>FUND</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	228-299	\$1,537,155.16
General	361-420,506-508	\$ 104,103.16
	<b>General Total</b>	<b>\$1,641,258.32</b>



<b>POLICE FORFEITURE</b>		
Police Forfeiture Pre-Pay	300	\$ 430.00
	<b>Police Forfeiture Total</b>	<b>\$ 430.00</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	301-317	\$ 424,924.46
Part-Town	421-426	\$ 932.24
	<b>Part Town Total</b>	<b>\$ 425,856.70</b>
<b>HIGHWAY (DB)</b>		
Highway Pre-Pay	318-330	\$ 85,039.53
Highway	427-482,509-510	\$ 43,653.33
	<b>Highway Total</b>	<b>\$ 128,692.86</b>
<b>SEWER (SS)</b>		
Sewer Pre-Pay	331-349	\$ 237,324.97
Sewer	483-501,511	\$ 6,869.09
	<b>Sewer Total</b>	<b>\$ 244,194.06</b>
<b>SPECIAL WATER (SW)</b>		
Special Water Pre-Pay	350	\$ 4,712.95
	<b>Special Water Total</b>	<b>\$ 4,712.95</b>
<b>CAPITAL PROJ. (H35)</b>		
Cap. Proj. Sewer Pre-Pay	351	\$ 65,203.00
Capital Projects	502-505	\$ 136,593.93
	<b>Capital Proj. Total</b>	<b>\$ 201,796.93</b>
	<b>Total For All Funds</b>	<b>\$2,646,941.82</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	352-360	\$ 233,344.40
	<b>Trust &amp; Agcy. Total</b>	<b>\$ 233,344.40</b>

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**TOWN BOARD WORKSHOPS / MEETINGS**

- Joint Town and R-C-S School Board Meeting, March 1, 2011, 5:30pm
- Town Board Meeting, March 14, 2011, 7:00pm
- Town Board Workshop, March 22, 2011, 6:00pm
- Town Board Meeting, March 28, 2011, 7:00pm

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**ADDITIONAL COMMENTS**

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

**ADJOURNMENT**

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 7:36pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*