

**A Town Board Meeting was held Tuesday, May 29, 2012, at 7:00pm at Town Hall,
18 Russell Avenue, Ravena, New York**

PRESENT: Stephen D. Flach, Supervisor
Thomas A. Boehm, Councilman
Thomas E. Dolan, Councilman
Peter E. Masti, Councilman

ABSENT: Dawn L. Rogers, Councilwoman

ALSO PRESENT: Diane L. Millious, Town Clerk
Greg Darlington, Chief of Police (left after Public Comment)
Albert Deering, Highway Superintendent
David Wukitsch, Attorney for the Town

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

OPENING COMMENT

Supervisor Flach stated that the record should reflect the presence of four members of the Town Board with one as being absent, Councilwoman Rogers.

AGENDA

- Public Announcement
 - Mosher Park Pool
- Public Comment
- Approval of Minutes
 - Public Hearing, May 14, 2012
 - Town Board Meeting, May 14, 2012
- Supervisor's Report – April 2012
- Department Reports
 - Building Department, April 2012
 - Highway Department
 - Sewer Department, April 2012
 - Town Clerk, April 2012
- Old Business
 - Proposed Local Law #1-12 (Amendment to Chapter 138) v. Revised Proposed Local Law #2 (Repeal of Chapter 138 & Replacement of Chapter 109)
- New Business
 - Evening on the Green Schedule
 - Request for Planning & ZBA Members to Attend Local Government Planning & Zoning Workshop
 - R-C Sportsmen's Club Fishing Derby
- Resolutions
 - Appoint Confidential Secretary
 - Appoint Summer Recreation Program Recreation Leader
 - Establish Public Hearing on Revised Proposed Local Law #2
 - Establish Capital Project for Repair/Replacement of Storm Water Drain Pipes
 - Establish Capital Project for Repair/Replacement of Sewer Lines
 - Approval of Abstract
- Correspondence
 - NYS Department of Transportation
 - NYS Department of Environmental Conservation/FEMA
- Town Board Workshops/Meetings

- Public Hearing, June 19, 2012, 6:00pm
- Town Board Workshop, June 19, 2012, 7:00pm
- Town Board Meeting, June 25, 2012, 7:00pm

PUBLIC ANNOUNCEMENT

Supervisor Flach asked that Councilman Boehm go over the Village Pool public announcement.

Councilman Boehm stated that the public announcement is a result of a Joint Meeting that he had with Trustee Case and Trustee Persico and Councilman Dolan and continued by saying that he wanted to make the announcement because everyone might not be aware that if you are not a resident of the Village, you are able to swim at Mosher Park Pool. He added that the fee is \$2.00 daily and you can buy a 7 day pass for \$10.00, which does not have to be used consecutively and if you go with a Village resident it is \$1.00 a day to swim and they plan on opening it after the end of June when school lets out. He reiterated that he wanted to let people know that residents of the Town of Coeymans who do not live in the Village, can use the pool for a nominal fee.

Supervisor Flach asked if there were any other comments on it, hearing none he moved to the next item on the agenda.

PUBLIC COMMENT

Supervisor Flach invited the public to comment at this time.

Ms. Anne Marie Vadney stated that she missed the Public Hearing on Chapter 138 and that they are in support of amending it because it will make it more business and people friendly and based on her limited understanding of what is included in the law, modifications to this law should be beneficial to our town.

Mr. Laszlo Polyak stated that he wanted to find out for the record what the hierarchy of the Police Department is after the Chief if someone has a complaint.

Supervisor Flach stated that it is the Town Board.

Mr. Polyak asked if there were any liaisons.

Councilman Boehm stated that he and Councilman Dolan are liaisons to the Police Department.

Mr. Polyak asked if there was anything beyond that.

Chief Darlington interjected that it would be the Public Defenders Office, Albany County District Attorney's Office, and Attorney General's Office.

Mr. Polyak stated that he was just wondering what the hierarchy was.

Supervisor Flach thanked Mr. Polyak and asked if anyone else wished to comment.

Ms. Sylvia Lawler stated that she is a resident of the Town of Coeymans and added that she has a couple of questions on the agenda and continued by saying that there is a revised Proposed Local Law to the Landfill Law and an item to establish a Public Hearing to obtain Public Comment on that and then there is a Public Hearing on June 19th. She then asked if the Public Hearing on June 19th is the second Public Hearing on the original proposed amendment.

Supervisor Flach stated that was correct.

Ms. Lawler continued by asking if it is no longer on June 19th.

Supervisor Flach stated that was not true and the revised Local Law that they will be bringing forth will be the Public Hearing on June 19th, which they will establish with a resolution.

Ms. Lawler then asked if they could have two Public Hearings because of the summer months and children being out of school and families going on vacation and might not be available to comment. She concluded by saying that they would like an extension, especially given that it is the summer months.

Supervisor Flach stated that the normal protocol is that at the Public Hearing there can be an extension granted at that time and they will consider it then.

Ms. Lawler asked if she could suggest that the Public Hearing on June 19th is too soon, which is three weeks away and people need time to look at it and digest it and people have to prepare their public comments or write letters. She concluded by stating that the request is for the Board's consideration.

Supervisor Flach thanked Ms. Lawler and continued by asking if anyone else wished to comment.

Ms. JoAnn Segal stated that she lives in the Hamlet of Coeymans and added that she agrees with Ms. Lawler and would also like an extension because she looked online and the new revised law that revises the old revised law is not even on the website.

Supervisor Flach interjected that it is not on the website because later in the meeting they will be introducing it and this is the first Town Board Meeting to introduce a Proposed Law, and it is what it says, it is a proposal and she will be able to comment at the Public Hearing.

Ms. Segal stated that she would also ask that the Public Hearing be pushed further into June so they have time to study it because now this is something new that is coming along and everyone has been working on something that they thought they were dealing with.

Supervisor Flach stated that the Local Law gets rid of a lot of fear about the landfill, which is the main concern of people, which is Albany bringing a landfill here and this law, speaks to that particular problem with Albany bringing in a landfill.

Ms. Segal stated that in talking to people, this is not their main concern or only concern and it concerns especially people that are close to where this is going to take place as well as people who live away from here. She continued by saying that in reading it briefly, she thinks that it opens the whole town to being part of some sort of importation of waste from all over and not just the Hamlet. She went on by saying that those in the Hamlet have been suffering with it for at least 6 months since she noticed some real change down there and reiterated that it is not just the landfill but rather this type of dirty business and she would like to see more clean businesses brought here and grants being applied for in New York State to update the sewer system so they can get businesses in here the way that they have them in Glenmont and Coxsackie and this is what she sees for this town, where they are paying high taxes and getting the benefit of having those clean and light industry businesses.

Supervisor Flach thanked Ms. Segal and then asked if anyone else wished to comment.

Ms. Starr Ross stated that she lives in the Hamlet of Coeymans and continued by saying that she wanted to know who the author is of the new law, and which attorney wrote it.

Supervisor Flach stated that it was himself and Code Enforcement Officer Conrad who sat down together and looked at Laws 109 and 138 and 109 is an old law that does not apply to the Town because it has to do with the Jarvis Road landfill and in turn they went

to the Attorney for the Town, which is the proper course and he went through the law completely and this is where it currently is.

Supervisor Flach thanked Ms. Ross and continued by asking if anyone else wished to comment.

Ms. Donna Pasquini stated that she lives in the Hamlet and added that she agrees with some of the people in that they have to be careful with doing laws but she also knows from past experience and past administrations, that she has sat at these meetings for many years and lived in the town for 34 years and things that get put off seem to sit on the shelf in an office for many years or are forgotten about. She continued by asking that they not table it for too long and if they are going to do something, move forward and do it and keep the Town moving on. She concluded by saying that she understands their point but she does not want it to be thrown aside and forgotten.

Ms. Mary Driscoll stated that she lives in the Village of Ravena and at the last meeting on May 14th there was a fact sheet put out by the Historic Coeymans Landing Neighborhood Association and added that she objects to the fact sheet for two reasons. She continued by saying that it was put on the table labeled Fact Sheet along with the agenda for the meeting, which made it look like it was an official paper as well as it not being a fact sheet but rather a lot of suppositions, which she won't go through but the last one says that it benefits absentee business owners. She went on to say that if they were worried about absentee business owners they would not have a CVS, Shop n' Save, Rite Aid or Subway, which are run by absentee business owners as well as Stewart's and she does not think that there is anything wrong with the businesses and they seem to take care of their business. She continued by saying that she herself has been down to the Port of Coeymans and it is amazing if you go down there and see it and there are certain people who hire responsible people to take care of their business when they are not there and even the Marina is an absentee business owner who is here 6 months out the year and for those months that he is gone you have to look at all of the boats with plastic on them. She concluded by saying that to say that the Port of Coeymans is an absentee business owner is not correct and reiterated that all of the other things on the fact sheet are suppositions and not facts.

Mr. Laszlo Polyak stated that he has a point of information on two notes and added that he thinks that they are asking for the extension because under of the Freedom of Information Law it could take almost up to 30 days to get your information and therefore they could not make their arguments as well as they could and may ask for an extension of time. He added that the second point of information is that approximately three weeks ago, Police Departments around the country no longer have to "Mirandaize" you and they do not have to tell you your rights and it came down from the Federal Courts that as an American citizen you are pretty much aware of your rights and only people who are not from this country have to be given their rights.

Attorney for the Town Wukitsch interjected that he was not aware of it.

Chief of Police Darlington stated that he also was not aware of it.

Supervisor Flach thanked Mr. Polyak and then asked if anyone else wished to comment, hearing none he closed the Public Comment and moved to the next item on the agenda.

APPROVAL OF MINUTES

Supervisor Flach stated that there were two sets of minutes for Town Board approval, a Public Hearing on May 14, 2012 and a Town Board Meeting on May 14, 2012 and then asked for a motion to approve the minutes.

MOTION

On motion of Councilman Boehm, seconded by Councilman Masti, the Town Board Minutes were accepted as presented and read.

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

SUPERVISOR’S REPORT

April 2012

FUND	BAL. FWD.	RECEIPTS	DISBURSE.	BALANCE
General	\$1,121,739.24	\$ 59,053.38	\$ 233,599.99	\$ 947,192.63
Part-Town	\$ 276,672.40	\$ 425,852.41	\$ 15,434.34	\$ 687,090.47
Highway	\$ 195,883.30	\$ 610.98	\$ 81,856.58	\$ 114,637.70
Bridge Const.	\$ 90,127.02	\$ 25.73	\$ 61,465.09	\$ 28,687.66
Sewer	\$ 145,782.43	\$ 1,894.11	\$ 29,907.72	\$ 117,768.82
Special Water	\$ 49,920.18	\$ 2.05	-0-	\$ 49,922.23
Police Forf.	\$ 16,295.86	\$ 1.34	-0-	\$ 16,297.20
Comm. Tower	\$ 5,813.07	\$ 1,000.27	-0-	\$ 6,813.34
Trust & Agency	\$ 53,646.01	\$ 246,264.01	\$ 227,351.39	\$ 72,558.63
H-Fund Cap. Proj.	\$ 72,523.52	\$ 2.94	\$ 842.50	\$ 71,683.96
Section 8 HUD	\$ 9,998.45	\$ 57,091.40	-0-	\$ 67,089.85
			Total Rec. Bal.	\$2,179,742.49

SAVINGS ACCOUNTS

Unemployment	\$ 702.52
Grove Cemetery	\$40,892.67
Coey. Hollow Cem.	\$14,402.70
Sewer-Dedicated	<u>\$ 6,330.51</u>
Total	\$62,328.40

**COLLATERAL
COVERAGE**

Bank of Greene	\$250,000.00	\$2,944,464.04
National Bank	\$250,000.00	\$ 729,755.56

FDIC

COLLATERALIZED

Supervisor Flach asked for a motion to approve the report.

MOTION

On motion of Councilman Dolan, seconded by Councilman Masti, the Supervisor’s Report was approved as presented and read.

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

DEPARTMENT REPORTS

Building Department Monthly Report – April 2012

Supervisor Flach asked that Councilman Dolan give the Building Department Monthly Report in Councilwoman Roger's absence.

Councilman Dolan continued by giving the report.

Supervisor Flach asked for a motion to approve the report.

MOTION

On motion of Councilman Boehm, seconded with Councilman Masti, the report was approved as presented and read.

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

Highway Department

Supervisor Flach asked that Highway Superintendent Deering give a Highway Department Report.

Highway Superintendent Deering stated that he wanted to let the public know that they did not sit around and do nothing because it didn't snow and added that they have been out and about, repairing vehicles, cutting brush and trees, putting pipes in and picking up the roads, which had not been completely done in quite a while. He concluded by saying that he wanted the public to know what they have been doing, and that they have not been sitting around doing nothing.

Supervisor Flach offered a motion to approve the report.

MOTION

On motion of Supervisor Flach, seconded by Councilman Boehm, the report was approved as presented and read.

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

Sewer Department Monthly Report – April 2012

Supervisor Flach asked that Councilman Dolan give the Sewer Department Monthly Report.

Councilman Boehm continued by giving the report.

Supervisor Flach asked for a motion to approve the report.

MOTION

On motion of Councilman Masti, seconded by Supervisor Flach, the report was approved as presented and read.

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

Town Clerk Monthly Report – April 2012

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

Town Clerk Millious continued by giving the report.

Supervisor Flach asked for a motion to approve the report.

MOTION

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

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

OLD BUSINESS

Proposed Local Law #1-12 (Amendment to Chapter 138) v. Revised Proposed Local Law #2 (Repeal of Chapter 138 and Replacement of Chapter 109)

Supervisor Flach stated that at the last meeting they had discussed changing the first proposal and as he had said earlier that one of the concerns is the landfill. He continued by asking Attorney for the Town Wukitsch if it would still be Proposed Local Law #1-12.

Attorney for the Town Wukitsch stated that was correct and added that they tabled the original Proposed Local Law and they are now moving on to consider the revised Proposed Local Law.

Supervisor Flach stated that they are tabling the first Proposed Local Law #1-12 and now bringing forth revised Proposed Local Law #1-12, which is the repeal of Chapter 138 and replacement of Chapter 109, which allows recycling and protects the Town from a landfill. He continued by reading the revised Proposed Local Law #2-12 as follows:

REVISED PROPOSED LOCAL LAW #1-12

**A LOCAL LAW WHICH DEALS WITH LAND FILLING OPERATIONS
AND/OR LANDFILLS LOCATED WITHIN THE TOWN OF COEYMANS**

Section 1. Title

This law shall be known as the “Landfill Law.”

Section 2. Statutory Authority

This Local Law is adopted pursuant to the provisions of the New York State Municipal Home Rule.

Section 3. Intent

It is the intent of this law to promote and protect the public health and welfare of the residents of the Town of Coeymans by regulating solid wastes to be buried within the Town of Coeymans outside the Village of Ravena.

Section 4. Definitions

As used in this law, the following term(s) shall have the meaning(s) indicated:

SOLID WASTE - All putrescible land nonputrescible materials or substances discarded or rejected as being spent, unless worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal.

CLEAN FILL – Uncontaminated soils, concrete blocks, bricks and concrete with small amounts of wire mesh or rebar.

Section 5. Prohibition

The placement of solid waste within the Town of Coeymans for disposal in the land filling operation and/or landfill is hereby prohibited.

Exceptions:

- a.) Land applications of fertilizer for growing of crops and similar products associated with farming.

- b.) Recycling activities as required or allowed by New York State other than solid waste facilities, which allow anything to be buried.
- c.) Recycling activities as required or allowed by the Town of Coeymans.
- d.) Excavations as permitted or allowed by the Town of Coeymans, which in clued “clean fill”.
- e.) Burial of farm animals and/or domestic pets.
- f.) Stumps, brush and misc. vegetation generated on an individual property.

Section 6. Penalties for Offenses

- A. Any person, firm or corporation committing an offense of this article shall be guilty of a violation and shall be subject to a mandatory minimum fine not to exceed \$1,000.00.
- B. In the event of a continuing offense of this article, each day such offense shall continue shall be a separate violation and subject to a separate penalty.
- C. The Town Attorney may also maintain an action or proceeding in a court of competent jurisdiction to restrain any violations of this article.

Section 7. Enforcement

The Code Enforcement Official shall enforce this law and/or assistants duly authorized by the Town of Coeymans.

Section 8. Repealer

This law repeals Local Law #1-95 also know as Article II of Chapter 138 Solid Waste, of the Code of the Town of Coeymans. This law shall replace Local Law #1-92 also known as Chapter 109 Landfills of the Code of the Town of Coeymans.

Section 9. Effective Date

This law shall take effect upon its proper filing with the Office of the Secretary of State.

Supervisor Flach asked if there were any comments.

Councilman Boehm asked that he highlight how it came about so it is clear to understand.

Supervisor Flach stated that they looked at Chapter 109, which was the Landfill Law and it pertained to the Jarvis Road Landfill, which is no longer in use so it did not apply and Local Law 138 does not allow the Town to recycle.

Attorney for the Town Wukitsch interjected that it is broad enough to prohibit any kind of recycling and there is no exception.

Supervisor Flach stated that if someone brought a battery from Glenmont into the Town to recycle, you can't recycle it and this is the kind of thing that it takes care of. He reiterated that Chapter 109 is obsolete and Chapter 138 does not allow recycling.

Attorney for the Town Wukitsch interjected that it pretty much sums it up.

Councilman Boehm stated that in essence it really strengthens the existing Landfill Law that they already have.

Attorney for the Town Wukitsch stated that it clarifies it and carves out an exception for recycling activities, which in his view is the main difference and recycling activities would now be permissible.

Councilman Dolan stated that they already have recycling activities now.

Supervisor Flach stated that they do and are within the town and special permits were granted such as for the Trickey property in the late 90's. He continued by saying that one thing that they talked about with Attorney for the Town Wukitsch is that if there were

some exceptions that they needed to add before the Public Hearing and they could do that.

Attorney for the Town Wukitsch stated that the only thing about the Public Hearing is that like he had mentioned earlier, the intent of the Public Hearing is to give everyone who wants, an opportunity to speak, either in favor or in opposition to the law and if for some reason there is not enough time at the date that has been set, they then can set another date and adjourn the Public Hearing to another date.

Councilman Boehm inquired as to if they can set the date for another Public Hearing at the Public Hearing.

Attorney for the Town Wukitsch stated that they can close the Public Hearing and adjourn it to another date so that everyone who wants an opportunity to speak can have an opportunity to be heard. He continued by saying that the Town Board can take up the issue whether there has been ample time afforded everyone at the Public Hearing on the 19th of June.

Supervisor Flach stated that at the last Public Hearing there was plenty of time.

Attorney for the Town Wukitsch stated that they can decide that night if they didn't have enough time and then they can adjourn to another date.

Councilman Boehm interjected that they could actually keep the Public Hearing open.

Attorney for the Town Wukitsch stated that they could but he would suggest that they adjourn it to another date.

Councilman Dolan stated that it is a good thing that they adjourned the last one because now they actually have a totally different law from the last Public Hearing.

Supervisor Flach stated that at the last Public Hearing they mentioned that they would look at it and possibly do some revisions and added that he realizes that it is a big revision.

Councilman Dolan asked if the recycling that takes place on the Trickey property now, is allowed by the law because of the permits issued previously.

Attorney for the Town Wukitsch stated that there are permits authorizing it, you could say that it is permitted but if you do a strict reading of the existing law, he would say that it is probably prohibited because there is no carve out for that type of activity. He continued by saying that it is being condoned and it is being permitted but at the same time it does not seem like there is any leeway in the existing law.

Councilman Masti stated that with the existing law, if he buys Tonic Water in Glenmont and brings the bottles to recycle at Shop n' Save, and technically under the existing law it would be prohibited.

Attorney for the Town Wukitsch stated that you could read it that way.

Councilman Dolan stated that he would not think it was so.

Attorney for the Town Wukitsch stated that it is as broad as you can make it.

Councilman Dolan stated that it is a State Law that the bottle can be returned anywhere that can accept them.

Attorney for the Town Wukitsch stated that they could come up with other examples and he understands what Councilman Masti is referring to and you could come up with scenarios that are as innocuous as that where you can say that it is prohibited.

Councilman Dolan stated that based on the commentary in total during the Public Comment, he thinks that if they are not going to set two dates, they should still allow for some time after the Public Hearing to take suggestions of what people say before they vote on it. He continued by saying that he also thinks that they should not wait forever to act on it and they should not just let it go.

Attorney for the Town Wukitsch stated that if they make significant revisions, they will have to have another Public Hearing.

Councilman Boehm inquired as to what constitutes significant changes.

Attorney for the Town Wukitsch stated that as the Supervisor said it would be for other than adding one additional exception, correcting a typo or changing one word and reiterated that for major revisions and changes you would have to have another Public Hearing.

Supervisor Flach stated that he thinks at the Public Hearing on the 19th, if they need to, they can decide to have another Public Hearing.

Attorney for the Town Wukitsch stated that they should wait and see what happens and to see what the public has to say and then make a decision.

Ms. Sylvia Lawler from the audience asked Attorney for the Town Wukitsch at what point when you revise an environmental law, is it appropriate to have a SEQRA Review.

Attorney for the Town Wukitsch stated that they are doing a SEQRA Review and the Town Board is declaring themselves Lead Agency later in the meeting and added that there has to be a SEQRA Review and they have to make a determination on environmental significance if they decide to move forward with the passage of the Law.

Councilman Boehm stated that if on the 19th they close the Public Hearing, it does not go into effect then.

Supervisor Flach stated that they would have to vote on it.

Attorney for the Town Wukitsch stated that they can wait another four weeks and added that SEQRA has to be completed and an Environmental Assessment Form has to be done.

Ms. Lawler from the audience asked if SEQRA is usually a minimum of 30 days.

Attorney for the Town Wukitsch asked from what date for the 30 days.

Ms. Lawler stated that it would be from when it is proposed and then asked how the scoping period works in amending a law.

Attorney for the Town Wukitsch stated that scoping, from his understanding, deals with once you have made your determination, there will be a Positive Declaration, which has not been done and the only thing that they are going to do is to declare themselves Lead Agency.

Ms. Anne Marie Vadney asked if she could ask a question.

Supervisor Flach asked Attorney for the Town Wukitsch about taking questions from the floor.

Attorney for the Town Wukitsch stated that it is up to the Supervisor because he is running the meeting.

Ms. Anne Marie Vadney from the audience interjected that no questions should have been or will be taken.

Councilman Dolan stated that in all fairness they should take Ms. Vadney's questions because they have already taken and answered questions.

Ms. Anne Marie Vadney stated that she wanted to ask a few questions for clarification based on the information that some people of the community have asked and continued by saying that she is confused and hopefully it can be clarified so the community is not confused. She added that she thought that the Recycling business currently in the Town of Coeymans was approved in 1996 and then asked if it was correct because there was discussion that it is not legal and she does not understand how it can be illegal when it was approved by the current administration and town officials at that point in time. She went on by saying that people of the community should be aware of what the facts are and there should be a fact sheet from the Town prior to the Public Hearing so people are aware of what the facts are. She continued by saying that she understands that a Public Hearing can be adjourned but by law can you have 2 and 3 Public Hearings because they need to make a decision but the public and the Town have to have their facts correct and accurate and before the law gets presented she believes that there needs to be a better explanation than what they heard earlier in the meeting to explain and things such as not being able to bury cats or dogs on their property, which is a minor thing but very unusual and a bit restrictive and added that there are other issues, she was just using that one as an example.

Councilman Dolan stated that he believes that it says that you are allowed to bury cats and dogs.

Ms. Vadney stated that she must have misunderstood.

Supervisor Flach stated that they are exceptions to the law and when they post it, if there are questions, anyone can call and they will have it on the website and copies will be made available.

Ms. Vadney stated that she wanted to emphasize that there should be a little more background for people before they walk into the Public Hearing, which could possibly be on the website, so they do understand that the business is already there as well as urging that there are also other recycling facilities within the geographical region that can be visited and people should go and look at them because they are not dumps. She add that it would enhance and promote more jobs in our community and she is pro business and does not want to harm our community or the people in our community and she respects their concerns but on the other hand it is there and they should enlighten the people of the town so everyone is not going crazy over it. She concluded by saying that permits have already been provided and it is essential that people understand that it is in existence and currently on going and has been.

Supervisor Flach stated that for anyone with questions about the permits should go directly to the Building Department and talk with Code Enforcement about the junk yard permit that goes way back, which carries over and as far as the facts he believes that it would behoove them to put it on the website.

Ms. Vadney stated that the clearer it is, the better it will be when people are trying to decide whether they are pro or con.

Supervisor Flach thanked Ms. Vadney and added that they would take one more comment.

Ms. Segal stated that she agrees with Ms. Vadney and added that she had done some research herself and called DEC and spoke with Mr. Reynolds and he said that they have letters from the Town authorizing recycling in the town and recycling in the town is legal. She continued by saying that she asked him what it means as far as bringing in fertilizer or the Lions recycling eye glasses for the blind or people bringing flat tires to dealers and he said that it means nothing because it is allowed they are recyclables and they have to take it in because they are not solid wastes and as a recyclable they are going to be used again. She went on by saying that you have a perfect right to take in fertilizer for your yard as well as collecting eye glasses from all over the country.

Attorney for the Town Wukitsch asked if she could get that in writing from Mr. Reynolds.

Ms. Segal stated that she will ask him to and this is what he explained to her as well as telling her that if anyone brought this up in court the judge would throw it out.

Attorney for the Town Wukitsch interjected that he would love to see that in writing.

Ms. Segal stated that she thinks that it would have to be a FOIL request, which would take about 30 days.

Attorney for the Town Wukitsch stated that he is giving information over the phone and he assumes that it is accurate so he should not be reluctant to put it in writing.

Ms. Segal stated that he wasn't reluctant, she did not ask him for it and she just asked for an explanation.

Attorney for the Town Wukitsch asked Ms. Segal if she could give him his phone number.

Ms. Segal stated that she would and added that she also spoke with Mr. Marcuccio and he corroborated what Mr. Reynolds said as well as saying that what they are doing at the Port as far as recycling is totally legal in this town and there is nothing being done illegally. She continued by saying that she does not know why the law has to be changed to make it legal when it is legal.

Supervisor Flach thanked Ms. Segal and added that they need to establish a Public Hearing.

Attorney for the Town Wukitsch stated that it is significant if it is legal and if the State feels as though it is legal under the existing codes, there is no reason to change it.

Councilman Boehm asked Attorney for the Town Wukitsch if State Law supersedes Town Law anyway.

Attorney for the Town Wukitsch stated that he would call Mr. Reynolds and find out and added that if recycling is allowed, they don't need to exercise their home rule power to allow recycling and there is no need to do that if they are willing to state that. He added that the laws on the books right now that are referred to in the repealer are confusing and inconsistent and need to be brought up to date but if the intent is to deal with recycling, which he understands to be the main impotence, then why pass another law if they don't need to.

Supervisor Flach stated that it is because of recyclables being brought from other towns and for instance if you live in the Town of New Baltimore, you can't bring in recyclables or solid wastes.

Councilwoman Rogers stated that it is not what Mr. Reynolds said.

Supervisor Flach stated that it is according to what the definition of solid waste is.

Attorney for the Town Wukitsch stated that if the State is taking the position that the Town's Laws allow for that type of recycling, he does not see a need to do it and added that they should get all the information on the table first to see what they need to do.

Councilman Boehm interjected that if it is so, there is still the landfill part of it.

Attorney for the Town Wukitsch stated that there already is probation on the books about landfills.

Mr. Keith Crossley from the audience stated that he does not think that it is just the landfill that everyone is upset about.

Ms. Lawler stated that her question on the recycling that Mr. Laraway proposes at the Port and in 1996 it was a very long process with the Zoning Board and Mr. Trickey asked for Special Use Permits and he was granted two Special Use Permits, one for his junkyard business and auto recycling business and the other one was for an auto towing and repair shop and gas station and it triggered something called a 239, which is when it has to go through the Albany County Planning Board. She continued by saying that the Albany County Planning Board voted unanimously to disapprove the application and gave all sorts of reasons such as being close to a trout stream and certain things had not been addressed in the permitting process. She continued by saying that because of Home Rule, the Zoning Board of Appeals overrode Albany County and could very well be that during the time between Albany County's Meeting and the Zoning Board Meeting, Mr. Trickey came into compliance or the concerns were met so Mr. Trickey was given two permits. She added that she does not believe that any of them are against a Recycling Facility for the Town of Coeymans and if all of the other towns surrounding the Town of Coeymans already have their own facility she would question where all the recyclables are coming from, which she believes is a legitimate question and if it is coming from Coeymans and Ravena they are not going to foul their own nest. She continued by saying that aside from that it is a much bigger operation and they may need to revisit it and she is not saying that recycling is bad but is a place by the river the best place for it and they need to at least look at it, especially since Albany County voted to disapprove it and as far as she knows they have not give any parameters as far as how big it is going to be or how much truck traffic there will be. She went on by saying that DOT told her that they are about to prohibit a right turn into Riverside Drive and the traffic is now going to have to go west, then south on 9W then up Rte. 143 so they can make a left-hand turn into Riverside Drive and now there is going to be all of this truck traffic on Rte. 143. She reiterated that she does not think that anyone is against recycling but there are a lot of things to consider and it is something that the citizens, Town Board and everyone needs to do due diligence. She concluded by saying that she does not believe that they are on separate pages.

Ms. Donna Pasquini asked if Mr. Laraway had said that he was going to put in his own road to go into the Recycling Center, which is up where the Mushroom Plant was and it is going to be up that way and where he had the road now and he was going to try and get permission for a bridge to go over.

Councilman Dolan stated that it was his understanding that he was looking at two spots for a bridge, one up further where you would have to access through Lafarge's property and then one south closer to where Riverview Drive meets Rte. 144.

Councilman Masti interjected that it is closer to the south entrance of the port where he owns property that he was looking to put a road.

Supervisor Flach asked if there were any other comments, hearing none he moved to the next item on the agenda.

NEW BUSINESS

Evening on the Green Schedule

Supervisor Flach stated that they now have the Evening on the Green schedule.

Councilman Boehm stated that he wanted to thank Councilman Dolan for the July 12th performance with his band Folding Sky and added that he wanted to make it clear that he does not receive any compensation in any form for doing it and behalf of the Town Board he wanted to thank him for his performance and they look forward to hearing from them.

Supervisor Flach stated that the other bands get compensated for their time and that they appreciate Councilman Dolan donating his band for a performance.

Councilman Dolan continued by reading the following:

- July 12 Folding Sky
- July 19 Sync Sound
- July 26 Hilltown Ramblers
- August 2 Music Magic
- August 9 Dusk til Dawn
- August 16 Peaceful Country
- August 23 Robin O’Herin
- August 30 Jeff Spencer Band

Councilman Dolan stated that the performances are 6:30-8:30 on Thursday evenings.

Supervisor Flach stated that Lafarge donates to this.

Councilman Boehm interjected that last year and this year Lafarge has agreed to pay for the performances with the exception of Folding Sky and added that it is not taxpayer dollars but rather a generous contribution from Lafarge Cement.

Request for Planning & ZBA Members to Attend Training

Supervisor Flach stated that members of the Planning & Zoning Board members have requested the Town Board’s approval to attend a Local Government Planning & Zoning Workshop.

He continued by reading the following:

To: Supervisor Flach & Town Board Members
From: Town of Coeymans Planning & Zoning Members
Subject: Local Government Planning & Zoning Workshop

Members of the Town of Coeymans Planning and Zoning Boards are requesting your approval to attend a Local Government Planning & Zoning Workshop sponsored by the Capital District Regional Planning Commission. It will take place at the Bulmer Telecommunications Center, Hudson Valley Community College on June 20, 2012. The estimated cost for the course is \$30.00 per person.

Deadline for registration is June 13, 2012

Supervisor Flach stated that many of the Town employees on certain boards have to go to workshops for recertification and have to do so many hours a year and this is for that. He then asked for a motion authorizing attendance.

MOTION

On motion of Councilman Boehm, seconded by Councilman Dolan, authorizing the Planning & Zoning Boards to attend the Local Government Planning & Zoning Workshop.

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

RC Sportsmen Club Fishing Derby

Supervisor Flach stated that there is a request from the R-C Sportsman’s Club and continued by reading the following:

The R.C. Sportsmen Club is sponsoring our 34th Annual Fishing Derby for children ages 1-16 who reside in the R-C-S Central School District. The Derby will be held Sunday, June 17th from 9:00am to 11:00am at the Town of Coeymans Filtration Plant on Route 144.

To insure that this Derby is successful, we are once again soliciting contributions. In past years your generosity has enabled us to award each participant with a prize and a serving of hot dogs and drinks after the completion of the Derby.

At this time we would like to take this opportunity to invite you to join us on the 17th so you can see first-hand the reactions from the children participating as the reel in their “big” one. We hope to see you there.

Very truly yours,
James Reilly,
Fishing Derby Committee

Supervisor Flach stated that they have asked the Town once again for permission to use the Filtration Plant as their base for the Derby and then asked for a motion to allow them to do that.

MOTION

On motion of Councilman Boehm, seconded by Councilman Masti, authorizing Supervisor Flach to address a letter to James Reilly indicating their permission to utilize the Sewer Treatment Facility for the Fishing Derby on June 17th.
VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Rogers) – SO MOVED

RESOLUTIONS

RES. #70-12 APPOINT CONFIDENTIAL SECRETARY

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

WHEREAS, the current Confidential Secretary to the Supervisor has submitted her resignation, and

WHEREAS, the Supervisor is desirous of filling this position,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby authorize Supervisor Stephen D. Flach to appoint a Confidential Secretary pursuant to Town Law, Section 29, Subdivision (15), and

BE IT FURTHER RESOLVED, that Town of Coeymans Supervisor Stephen D. Flach appoints Lisa M. Cirillo as Confidential Secretary to the Supervisor, at the rate of \$14.50 per hour, effective June 11, 2012.

Councilman Boehm asked if there is going to be some training with Confidential Secretary Lewandowski and whether or not there was going to be an overlap.

Supervisor Flach stated that she is starting on June 11th and Mary is leaving June 30th so there is almost three weeks for training.

RES. #71-12 APPOINT SEASONAL RECREATIONAL LEADER

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

WHEREAS, the Town of Coeymans and the Village of Ravenna established 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, and

WHEREAS, a seasonal part-time staffer is needed to organize and operate the Program to run from July 9 to August 10, 2012,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans hereby appoints Eric Norris as part-time Seasonal Recreation Leader at the hourly rate of \$11.00, effective immediately.

Councilman Boehm stated that the reason they are hiring someone immediately is so that he can go to the schools and promote the Recreation Program and to start training and purchasing equipment prior to the program beginning in July. He added that he along with Councilman Dolan, Trustee Case, and Trustee Persico will be meeting within the next week to hire the additional aides that will be assisting Eric, who was a former Recreation Aide. He concluded by saying that the purpose of the Program is to offer things to do this summer and he hopes that a lot of people take advantage of it.

Ms. Vadney from the audience asked if it is on the website.

Councilman Boehm stated that it will be on the Town's website.

Ms. Vadney stated that she will link it to the Business Association website.

RES. #72-12 DECLARE LEAD AGENCY & SET PUBLIC HEARING DATE – LOCAL LAW #1-12

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

WHEREAS, the Town Board of the Town of Coeymans intends to consider a Local Law to amend the existing provisions regarding solid waste collection, recycling and disposal of solid waste, and

WHEREAS, Local Law #1-12 has been distributed to members of the Town Board, and

WHEREAS, the Town Board should be designated as Lead Agency under the provisions of the State Environmental Quality Review Action (SEQRA), and

WHEREAS, the Town Board wishes to set a Public Hearing date to provide members of the community with an opportunity to express their views on the Proposed Local Law #1-12,

NOW, THEREFORE, BE IT RESOLVED, as follows:

The Town Board hereby declares itself Lead Agency for the review and possible adoption of Local Law #1-12, and

BE IT FURTHER RESOLVED, that the Town Board hereby sets June 19, 2012 as the date for a Public Hearing and directed the Town Clerk to issue a Notice of Public Hearing to be published in accordance with law for that date.

Town Clerk Millious interjected that a time should be put in the resolution.

Supervisor Flach stated that they decided on 6:00pm.

Town Clerk Millious interjected that the Workshop will follow at 7:00pm.

Attorney for the Town Wukitsch stated that someone should offer a motion to amend the resolution.

MOTION

On motion of Councilman Boehm, seconded by Councilman Masti, amending the motion to say that the Public Hearing will take place on June 19, 2012 at 6:00pm at Town Hall. VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Rogers) – SO MOVED

RES. #73-12 ESTABLISH CAPITAL PROJECT H-38

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

WHEREAS, the Town of Coeymans has determined that the storm water drain pipes in Colvin Avenue to Route 144 and Blaisdell to Colvin Avenue roads are in need or repair and/or replacement, and

WHEREAS, the Town of Coeymans is desirous of creating a Capital Project to repair and replace said drainage pipes, and

WHEREAS, the Capital Project shall be known as H-38,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans establishes Capital Project H-38 for repair and replacement of storm water drainage pipes at Colvin Avenue to Route 144 and Blaisdell Avenue to Colvin Avenue.

Supervisor Flach stated that this is the storm water issue that they have had from Blaisdell to Colvin and the H-38 Project was actually started as far as work being done and they had to officially do a resolution so they can finish getting prices to make the repairs and they are trying to move forward as quickly as they can to take care of the problems.

RES. #74-12 ESTABLISH CAPITAL PROJECT H-39

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

WHEREAS, the Town of Coeymans has determined that the sewer lines in Colvin Avenue to Route 144 and Blaisdell to Colvin Avenue roads are in need or repair and/or replacement, and

WHEREAS, the Town of Coeymans is desirous of creating a Capital Project to repair and replace said lines, and

WHEREAS, that Capital Project shall be known as Capital Project H-39,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans establishes Capital Project H-39 for repair and replacement of sewer lines at Colvin Avenue to Route 144 and Blaisdell Avenue to Colvin Avenue.

Supervisor Flach stated that the reason for the H-39 Project is for the sewer line, which is Town and Village and they have not put a price on it because they need to sit down with the Village and discuss some of the issues that need to be taken care of.

RES. #75-12 APPROVE MAY ABSTRACT

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

BE IT RESOLVED, that the Town Board, of the Town of Coeymans, does hereby approve the following claims of vouchers for the May, 2012.

FUND	VOUCHER #	AMOUNT
GENERAL (A)		
General Pre-Pay	911-971	\$195,883.36
General	1025-1028, 1030-1092	\$ 43,549.73
	General Total	\$239,433.09

POLICE FORFEITURE		
Police Forfeiture	1029	\$ 2,250.00
	Police Forfeiture Total	\$ 2,250.00
PART TOWN (B)		
Part Town Pre-Pay	972-985	\$ 12,645.11
Part Town	1093-1097	\$ 1,251.71
	Part Town Total	\$ 13,896.82
HIGHWAY(DB)		
Highway Pre-Pay	986-995	\$ 43,934.97
Highway	1098-1139	\$ 23,464.53
	Highway Total	\$ 67,399.50
SEWER (SS)		
Sewer Pre-Pay	996-1017	\$ 15,362.55
Sewer	1140-1156	\$ 10,221.28
	Sewer Total	\$ 25,583.83
CAPITAL PROJ. (H-36)		
Capital Projects	1157-1158	\$ 31,993.38
	Capital Proj. Total	\$ 31,993.38
	Total for all Funds	\$380,556.62
TRUST & AGENCY (TA)		
Trust & Agency Pre-Pay	1018-1024	\$210,310.75
	Trust & Agcy. Total	\$210,310.75

CORRESPONDENCE

NYS Department of Transportation

Supervisor Flach stated that he was in receipt of a letter addressed to the Town of Bethlehem as well as the Town of Coeymans and it is to advise that NYSDOT will resurface a section of Rte. 9W from just north of Rte. 396 to the Coeymans Creek and this will affect both the Towns of Bethlehem and Coeymans.

NYS Department of Environmental Conservation/FEMA

Supervisor Flach stated that NYSDEC FEMA previously held a series of community coordination meetings, which provided an opportunity for community officials to go over the maps and the legal map adoption process with NYSDEC or FEMA staff and two Public Open Houses separate from and in addition to those meetings have also been scheduled in Albany County. He continued by announcing the following:

Albany County Flood Mapping Open Houses

June 19, 2012
 4:00-8:00PM

June 20, 2012
 4:00-8:00PM

Town of Green Island
 Heatly School Gymnasium

Bethlehem Public Library
 Community Room

171 Hudson Avenue
Green Island, NY 12183

451 Delaware Avenue
Delmar, NY 12054

Supervisor Flach stated that he would urge anyone who has not looked at the new flood plain maps, to take the time to look at the maps because you will be given an opportunity to grieve the maps. He continued by saying that if your house is now in the flood plain, your insurance can go up drastically as well as affects many other things and reiterated that he urges everyone to go to the Building Department and look at the new maps. He concluded by saying that there are areas now designated as flood plain areas that have never been before and it can affect the owners greatly.

Ms. Vadney from the audience asked if the information is on the website.

Supervisor Flach stated that he just received it on Friday and he will have it put on the website.

Councilman Boehm interjected that there is a website listed to view the maps.

Supervisor Flach stated that it is www.rampp-team.com/ny.htm and reiterated that he will get it on the website.

Councilman Boehm suggested that a copy be made for Town Clerk Millious so people can go to her office and look at it.

Councilman Dolan asked to read the two items that they underlined in the letter and continued by reading the following:

“We would like to emphasize that there will not be a formal presentation at these events and residents are welcome to stop by any time during the scheduled events.

This is an opportunity for property owners in your community to review the maps and to ask questions about flood plain management, flood mapping, the National Flood Insurance Program and whether the new mapping will affect insurance requirements on their property.”

Ms. Vadney from the audience inquired as to why it is being held in Bethlehem as opposed to Coeymans, where there are so many changes.

Supervisor Flach stated that he thinks that they are trying to keep it toward the southern end because it affects everyone, even in Bethlehem and they are trying to keep it at a central location. He added that he thinks for everyone’s sake it is a good thing to look at and it is not all bad news and he just wants everyone to be aware.

TOWN BOARD WORKSHOPS/MEETINGS

- Public Hearing, June 19, 2012, 6:00pm
- Town Board Workshop, June 19, 2012, 7:00pm
- Town Board Meeting, June 25, 2012, 7:00pm

ADDITIONAL COMMENTS

Supervisor Flach congratulated Mr. Dolan for his nomination.

Councilman Dolan stated that he didn’t think that they should talk about it at a Town Board Meeting.

Supervisor Flach asked if there were any other comments.

Ms. Vadney stated that in regard to the Evenings on the Green she wanted to know why they are competing with Albany who have Alive at 5 on the same night because they should want to get as many people as they can to come to the Evenings on the Green and anyone coming from Albany will stay in Albany for Alive at 5 and added that in order to try and get more people, they might want to consider another night even though they have a schedule.

Councilman Dolan stated that perhaps for next year they will and added that the Town of Coeymans has better entertainment and added that considering it for next year is a good idea and they will talk more about it.

Supervisor Flach asked if there were any additional comments.

Councilman Masti stated that he was impressed with the Memorial Day Service at the Highway Garage and added that it was very well done and there was a good turn out.

Supervisor Flach stated that it was very nice and they dedicated a Blue Star Memorial to the Garden Club and added that everyone so appreciates our Veterans, those who have gone on before us and those still with us we thank them immensely.

Councilman Dolan stated that it was a great event and the garden looked wonderful and Supervisor Flach installed a plaque and it was good to see all the veterans there. He continued by saying that the Summer Youth Program operated through CHOICES is for ages 14-21 and you must be income qualified as follows:

Household of four - Annual Income \$46,100.00 or less - \$3,842.00 monthly

He continued by saying that the applications are lengthy and he will be happy to help anyone fill them out or if anyone has any questions, he can be reached at 756-8650.

Councilman Boehm interjected that it is for local employment and all of the jobs are in the Town of Coeymans.

Supervisor Flach asked if there were any other comments.

Highway Superintendent Deering stated that he wanted to thank the Women's Garden Club, especially Joan Radley who does a lot of work on the garden and added that it looks beautiful.

Councilman Boehm stated that she has done a lot throughout the years bringing back the garden and has done a real good job.

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

ADJOURNMENT

MOTION

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

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

Time – 8:15pm

Respectfully Submitted,

APPROVED –

Diane L. Millious, Town Clerk