

**A Town Board Workshop was held July 17, 2012, at 7:00PM at Town Hall, 18 Russell Avenue, Ravena, New York**

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

**ABSENT:** Dawn Rogers, Councilwoman  
Thomas E. Dolan, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Nelson Perry, Parks and Maintenance Supervisor  
Larry Conrad, Code Enforcement Officer

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Supervisor Flach opened the Town Board Workshop and led the Pledge of Allegiance.

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### **OPENING COMMENT**

Supervisor Flach stated that the record should show that there were three Town Board members present, himself, Councilman Boehm and Councilman Masti and that there were two absent, Councilwoman Rogers and Councilman Dolan.

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### **AGENDA**

- Need for Seasonal Employee
- Repealing Local Laws
  - Chapter 14, Environmental Conservation Board
  - Chapter 78, Outdoor Burning
  - Chapter 88, Environmental Quality Review
  - Chapter 96, Freshwater Wetlands
  - Chapter 105, Storage of Junk
  - Chapter 125, Road Specs
  - Chapter 131, Septic Systems
  - Chapter 158, Vehicles Off-Road
- B Funds – Funds Owed to Sewer
- H40 Project – Catwalks, Lighting, Grit Screws, etc.
- Bruno Boulevard Easement
- Letter to Village Regarding Sewer Billing
- Ambulance Report
- Callanan Blasting
- Martins Hill District
- Charles Hite – Obtain Easements
- Local Law #1 (SEQRA Review and Unlisted Action Requiring Negative Declaration)

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### **DISCUSSIONS**

#### **Need for Seasonal Employee**

Supervisor Flach stated that there was a request from Parks and Maintenance Supervisor Perry asking for a seasonal employee.

Discussion ensued with Parks & Maintenance Supervisor Perry and the Town Board relative to his need for a seasonal employee.

Key points of the discussion were:

- There are absences due to illness and vacations, which creates a shortage and results in falling behind in duties.
- The position would be 40 hours a week at \$14.00 an hour.
- The position would start upon the Board's approval and run for approximately 10 weeks.
- A mandate by NYMIR requires more work at playgrounds.
- Cleaning duties at Town Hall is 2 hours a day, which takes away from mowing and trimming time.
- The expense would be within his budget.
- It has been a struggle since the loss of the seasonal employee and there is a lot of work that didn't get done.
- One of his employee's will be retiring in the fall.
- There has been an increase in burials at the cemeteries, which requires a lot of time.

Collectively it was decided that they need to take time to look at the request and they will get back to him within a week.

### **Repealing Local Laws**

Supervisor Flach stated Code Enforcement Officer Conrad was present to discuss the repealing of some Local Laws.

Discussion ensued with Code Enforcement Officer Conrad and the Town Board relative to the need to repeal some local laws.

Key points of the discussion were:

- This is not a new issue, it has been hanging on for quite a few years and discussed with prior Boards.
- In 2005 the Board agreed to repeal the ATV Law and at the same time CEO Conrad put together a list of laws that need to be repealed.
- State Law can be used in the absence of Town Law.
- SEQRA Law is one of the most abused sections of law that there is.
- Most of the laws just sit there and are archaic and don't deal with anything and can be repealed with no damage to the Town.
- Local Laws conflict with the State Laws and the State Law is the guideline and you can further restrict but you can't lesser restrict.
- An advantage of Local Law is that the Town's Court system can collect fines, which keeps the fees internal and a percent does not go to the Judicial System.
- Local Laws can be more restrictive than State Law for things such as property maintenance, which would be helpful with the vacant properties.
- The Town Attorney advised that the laws would have to be repealed by a Local Law, which could be one all at once.
- A Public Hearing would have to be held.
- It's about the usage, implementation and what the Board really wants to achieve through their Local Laws.
- Items that were assumed to be Local Laws are not actually Local Laws and were never filed with the State as such.
- Since 1984 the State took over the Building Codes and has their own mandates and at that same time they were given jurisdiction over septic systems.

Collectively it was decided that the Town Board will take a closer look at the laws in question.

### **Callanan Blasting**

Discussion ensued with CEO Conrad and the Town Board relative to Callanan blasting on Starr Road.

Key points of the discussion were:

- CEO Conrad and Supervisor Flach met with representatives from Callanan's and DEC and in turn got back to them and it appears that with everything that they have been provided and see, they are currently within their footprint that was approved in the 80's.
- It was dormant for 15-20 years and very little blasting was going on.
- They have a valid permit for blasting.
- The two properties in question, which are known as the chicken farm property are not being mined with the exception that they did put a berm on the piece of the property to try and block some sound from the neighbors on North Lane, which is the property line for the chicken farm property.
- They intend to head south, which will promote complaints from neighbors to the south going down Starr Road.
- Permits are up to date and they are within their boundaries.
- There is nothing that the Town can do at this point.
- The dust is part of the mining process; there are mining standards that they go by.
- Cracks in foundations were addressed, on-site testing was done near each home to see how much vibrations is taking place, they were well within the limit, which are federal guidelines.
- Complaints that come in to the Town about cracks and well problems are to be directed immediately to Callanan's to address.
- Well studies were done.
- DEC will make sure that they deal with the issues of cracks in foundation & wells.
- Going south on Starr Road barns will be torn down by Callanan's and as they come south they have the ability to open up.
- The City of Albany is also concerned with the vibration and their water line that was put in during the 20's on top of bedrock.
- The Town is monitoring the situation and at this point they are not violating any regulations.
- Complaints go to Callanan's first and then to DEC.
- DEC is required to monitor and they can go back and review any situations to determine if they are violating their permits.

### **Martins Hill District**

Supervisor Flach stated that they talked with the Village at the Joint Meeting about forming a Martins Hill District.

Discussion ensued with CEO Conrad and the Town Board regarding forming a Martins Hill District.

Key points of the discussion were:

- They have a legal description of the district that was done for the water.
- The water was never approved because of the cost involved.
- The Sewer District has \$35,000.00 - \$45,000.00 worth of cost that has been expended.
- No one is being billed because they have not created the district.
- Originally it was going to be set up as an ad valorem tax that would be added to the property taxes in January, which needs to be worked out in some legal manner.
- For the Gray Water System they were going to use the same rates because they contribute to the system.

- Some rules and regulations need to be established for the Gray Water System such as filters on the septic tanks in case it failed and to assure that no solids got into the system.
- Four families have been approved based on hardship, there are six others that are interested but the Town has to prove its case with DEC through the trade-off methods that are available to them under the moratorium that they are under.
- They need to follow-up with creating the district so they can get those people on and recoup some of the money expended.
- Eventually there will be 12 families hooked in.
- Each home has to have an approved septic tank with a filter system and so far only one of them has it.
- They need to establish the cost to hook into the system and then they will be billed the rate for the flow charges.
- The other option is to enlarge the current Sewer District footprint to take them in.
- Those that have benefited from the system have to pay the fee, which would be those on Martins Hill.
- They need to have an attorney guide them because there is legal work to be done but they have to watch the costs.

### **Charles Hite – Obtain Easements**

Supervisor Flach stated that they have to obtain a couple easements for the H-Storm Sewer Project at the end of Colvin Avenue and one is spelled out already but the other needs to be done and has to happen soon.

Discussion ensued between CEO Conrad and the Town Board regarding the need to obtain easements for the Storm Sewer Project.

Key points of the discussion were:

- The easement was drawn up and described but never followed up and the legal work needs to be done to create the actual easement to be signed.
- There are two adjoining property owners that are affected.
- Mr. Hite has the one drawn up that was done when they did the subdivision and he has all of the information available and it is a duplication reversed on the other person's property.
- It would be less money to hire Mr. Hite and his professional services have always been good with the Town.
- It was suppose to be done in 2007 and Councilman Touchette was going to follow it up but failed to do so.
- The description was written.
- Mr. Rotello is prepared to sign the easement for the Town.

Supervisor Flach stated that there would be a motion at the next meeting to authorize it.

### **Local Law #1 - (SEQRA Review and Unlisted Action Requiring Negative Declaration)**

Supervisor Flach stated that they moved by resolution to do a SEQRA Review and they have to move forward with the Environment Assessment.

Discussion ensued between CEO Conrad and the Town Board regarding the SEQRA Review for Local Law #1.

Key Points of the discussion were:

- Under SEQRA it is not a Type I because it is not zoning and typically most of the Local Laws have never had SEQRA performed.
- DEC & Assoc. of Towns hedged on the side of safety and said it would be best if the Town went ahead and did a SEQRA action, an unlisted action at the very least and review the consequences from that perspective.

- It is a legal issue that they should have an attorney look at.
- If they are going to proceed with it they need to review the SEQRA.

#### **B-Funds – Funds Owed to Sewer**

Supervisor Flach stated that at the Joint Meeting they discussed what the Sewer owes the H35 Fund almost \$38,000.00 and the B-Fund \$340,000.00 and the DB Fund \$90,000.00.

Discussion ensued amongst the Town Board regarding funds owed

Key points of the discussion were as follows:

- The \$89,945.00 in the Sewer Fund has to be paid back to the Highway Fund because they are running short.
- An issue with the Comptroller Office in the past has been that the Town has not been paying itself back in a timely fashion.
- They are going to have to Bond \$340,000.00 to repay the funds.
- They need a resolution to authorize the transfer from the SS to H35 Fund.
- There are two more H-Projects coming up that need to be funded, which are separate.
- They are going to have to double check figures and in turn they will have to Bonds something.

Supervisor Flach stated that they would have a resolution for the next meeting to authorize the transfer.

#### **H40 Project – Catwalks, Lighting, Grit Screws, etc.**

Supervisor Flach stated that they discussed the H40 Project with the Village at the Joint Meeting.

Discussion ensued amongst the Town Board relative to the H40 Project.

Key points of the discussion were as follows:

- They have to discuss what needs to be done.
- They have some pricing but need to finish pricing it.
- They will be in trouble if they don't move on it.

#### **Bruno Boulevard Easement**

Discussion ensued amongst the Town Board relative to Bruno Boulevard.

Key points of the discussion were:

- The Town owns Bruno Boulevard, the parking lot, basketball court and the piece that squares it off to Orchard.
- The Village storm water runs down through there and originally they wanted an easement to run through the whole property.
- If the Town deeds the property to the Village, they may find at a later time that they may need it for something.
- Granting an easement vs. transferring the property.

Collectively it was decided that they should all get their thoughts together as far as keeping the property for future use.

#### **Letter to Village Regarding Sewer Billing**

Discussion ensued amongst the Town Board relative to the Sewer Billing.

Key points of the discussion were:

- There are three properties that should be billed by the Village, Pieter B. Elementary, Rite-Aid and Aaron Flach's property, which are within the Village jurisdiction.
- The Town and Village have agreed to this.
- A resolution should be prepared for the meeting on Monday.

**Ambulance Report**

Supervisor Flach asked if there were any new developments with the Ambulance District.

Councilman Boehm suggested that they do a resolution appointing a Committee to include: Trustee Persico, Trustee Bailey, Emergency Management Coordinator Bruno, Chief of Police Darlington, Officer Polverelli, Ginny Pearson from Ravena Rescue, Councilman Masti, himself and possibly Bill Kapusta from Coeymans Hollow Fire Department. He added that they should keep all of the agencies and districts involved because it will be a good sounding board as they go forward and continued by saying that he believes that they should do a resolution to hire Alex Bettke specifically for the purpose of aiding them in creating an Ambulance District once they decide the best way to proceed.

Discussion ensued amongst the Town Board.

Key points of the discussion were:

- Should they appoint a Committee first?
- His estimated cost to set up everything without any major hitches was \$5,000.00 to \$7,500.00.
- Capping the cost on the low side at \$5,000.00 and then do another resolution if they need to spend more.
- Concern with the cost of the Town owning the Rescue Squad and the cost to taxpayers.
- Other options like contract employees.
- The Rescue Squad not having the funds to operate after 2013 unless there is a change in funding.

Collectively it was decided to prepare a resolution for Monday's Town Board Meeting to include the first meeting date.

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

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**ADJOURNMENT**

**MOTION**

On motion of Supervisor Flach, seconded by Councilman Masti, the Workshop was adjourned.

VOTE – AYES 3 – NAYS 0 – ABSENT 2 (Rogers, Dolan) – SO MOVED

Time – 7:08pm

*Respectfully Submitted,*

**APPROVED –**

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*Diane L. Millious, Town Clerk*