

A Town Board Meeting was held September 26, 2011, at 7:00PM at Town Hall, 18 Russell Avenue, Ravena, New York

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

ABSENT: James C. Youmans, Supervisor

ALSO PRESENT: Diane Millious, Town Clerk
David Wukitsch, Attorney for the Town
Albert Deering, Highway Superintendent

Deputy Supervisor Touchette opened the Meeting and let the Pledge of Allegiance.

OPENING COMMENT

Deputy Supervisor Touchette stated that the record should reflect the presence of a full Town Board with the exception of Supervisor Youmans. He continued by saying that also present is Town Clerk Millious, Attorney for the Town Wukitsch, and Highway Superintendent Deering.

AGENDA

- Public Announcements
 - Town Office Closed, Columbus Holiday
- Public Comment Period
- Approval of Minutes
 - Town Board Meeting, September 12, 2011
 - Town Board Workshop, September 20, 2011
- Supervisor's Report – August
- Department Reports
 - Building Department, August 2011
 - Police Department, August 2011
 - Town Clerk, August 2011
- Old Business
 - Electronics Recycling Collection Dates
- New Business
- Resolutions
 - Approval of Abstract, September
- Correspondence
 - Grace Covenant Church, The Matthew Project
- Town Board Workshops/Meetings
 - Special Town Board Meeting, September 30, 2011, 6:00pm
 - Town Board Meeting, October 11, 2011, 7:00pm
 - Town Board Workshop, October 18, 2011, 6:00pm
 - Town Board Meeting, October 24, 2011, 7:00pm

PUBLIC ANNOUNCEMENTS

Deputy Supervisor Touchette stated that there was a public announcement and continued by reading the following.

On Monday, October 10, 2011, all Town Offices will be closed in observance of Columbus Day. The closing of Town offices does not include the Police Department which is a 25-hour, 7-day operation, 365 day a year operation.

PUBLIC COMMENT

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

Ms. Starr Ross stated that she lives in the Hamlet of Coeymans and added that she is present to address the Board about some issues that they have in the Hamlet right now. She continued by saying that there are unsecured buildings, with windows completely knocked out of them with some being street level and are accessible to animals and children as well as being a health hazard and fire hazard. She went on by saying that in looking at the Town Code, it is very sketchy with what you can do about it but in Chapter 74 it does address unsafe buildings, which leaves it to a subjective opinion by the Code Enforcement Officer. She added that the Town Code does not specify what it considers to be unsafe and it is left up to the Code Enforcement Officer to decided whether it is or not while other towns are more specific and use words like dangerous or unsafe to the general public, attractions to juveniles under the age of 16 and vagrant trespassers, and rodent infested. She stated that the Town's Code does not have those words but she is sure that any of them can be find all of them in any of the houses. She concluded by saying that she would like for the Town Board to try and address the issue by contacting the owners and that they are compliant with securing the buildings and added that she had pictures for the Board.

Deputy Supervisor Touchette stated that they received e-mail copies of some of the pictures.

Ms. Ross stated that she tried to get pictures of the front of the houses so they could see the street numbers and added that the house that is the most deplorable is on First Street and it is completely wide open and because it was accessible they went inside and took inside pictures. She added that other houses are on Main Street where the sidewalk is level with open windows and recently on Second Street police were called to respond to a break-in of another house where children broke windows to access the house.

Collectively the Town Board looked at the pictures.

Deputy Supervisor Touchette stated that in the interest of full disclosure he wanted to mention that they did talk about it at a Historic Coeymans Landing Neighborhood Association meeting and they discussed the Vacant Building Registry Law that was recently enacted in the Town of Colonie.

Ms. Ross stated that she is concerned that the windows are street level and wide open and there are neighborhood kids that are going inside.

Deputy Supervisor Touchette stated that there are a couple of things that they can do and added that they can forward all the information to the Building Department to investigate the specifics.

Ms. Ross stated that it is the order of the way that things need to go and added that she does not think that he will have any problem with agreeing that all of those buildings are issues and should be closed up and secured, which would be a first step.

Deputy Supervisor Touchette stated that they can do that and then asked if she believes that the Vacant Building Registry Law is something that they should look into.

Ms. Ross stated that if she remembers correctly the Town of Coeymans Laws date back to 1971 and she believes that it could certainly be updated with some specific wording and possibly some Property Management Laws that would at least keep things on the

average in the Town and that there are homeowners down there that would like to see it kept up and some standards would be better than none.

Deputy Supervisor Touchette thanked Ms. Ross and then asked if anyone else wished to comment.

Ms. Donna Pasquini stated that she lives in the Hamlet of Coeymans and is also a member of the Historic Coeymans Landing Neighborhood Association and continued by saying that when the Association first started she was at every meeting when the young college students were present making suggestions and drawings trying to show them how the Hamlet could look. She continued by saying that when the Association first got together the Town Board was approached and they had asked that the Town Board be on their side because they could not do it alone and they needed the support of the Town. She added that they can just go and nail up a house knowing that it is dangerous, a fire hazard, with kids, rats and snakes and reiterated that as an Association they can not walk in and do it and they did ask the Town Board to support them. She went on by saying that one hand has to help the other in order for them to accomplish what they want to in the Hamlet and concluded by asking that they please consider the promise that was made back then.

Deputy Supervisor Touchette thanked Ms. Pasquini and continued by asking if anyone else wished to comment, hearing none he moved to the next item on the agenda.

APPROVAL OF MINUTES

Deputy Supervisor Touchette stated that there were two sets of minutes for Town Board approval, a Town Board Meeting on September 12th and a Town Board Workshop on September 20th and then asked for a motion to approve them.

MOTION

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Town Board Minutes were approved as presented and read.

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

SUPERVISOR’S REPORT

August 2011

FUND	BALANCE FWD.	RECEIEPTS	DISBURSE.	BALANCE
General	\$470,231.78	\$107,174.61	\$327,057.15	\$250,349.24
Part-Town	\$859,697.91	\$ 5,130.47	\$119,545.65	\$745,282.73
Highway	\$135,376.67	\$ 99,098.05	\$ 79,339.34	\$155,135.38
Bridge Const.	\$ 4,439.37	\$ 22.57	-0-	\$ 4,461.94
Sewer	\$125,050.89	\$ 27,480.42	\$ 36,312.18	\$116,219.13
Special Water	\$ 24,002.79	\$ 5.09	-0-	\$ 24,007.88
Police For.	\$ 16,850.26	\$ 4.27	\$ 300.00	\$ 16,554.53
Communication Tower	\$ 1,483.87	\$.04	-0-	\$ 1,483.91

Trust & Agcy.	\$ 16,352.67	\$312,897.61	\$308,825.68	\$ 20,424.60
H-Fund Cap. Proj.	\$ 58,174.63	\$ 12.34	-0-	\$ 58,186.97
Section 8 HUD	\$113,540.50	\$ 39,999.26	\$ 43,368.54	\$110,171.22
		Total		\$1,502,277.53

CERTIFICATES OF DEPOSITS

MATURITY DATE

NAT. BANK OF COX. (DA) Hwy. Bridge 9 months \$85,000.00 10-07-11

SAVINGS ACCOUNTS

**COLLATERAL
COVERAGE**

FDIC

COLLATERALIZED

Unemployment	\$ 1,730.86	Bank of Greene	\$250,000.00	\$1,933,832.97
Grove Cemetery	\$40,893.44	National Bank	\$250,000.00	\$ 545,645.06
Coe. Hollow Cem.	\$14,355.45			
Sewer-Dedicated	<u>\$ 6,325.18</u>			
Total	\$62,304.93			

Deputy Supervisor Touchette asked for a motion to approve the report.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Dolan, the Supervisor's Report was accepted as presented and read.

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

Attorney for the Town Wukitsch inquired as to if an unemployment claim was filed recently because the fund balance had dropped significantly since last month.

Deputy Supervisor Touchette stated that he would check with the Supervisor on that.

DEPARTMENT REPORTS

Building Department – September

Deputy Supervisor Touchette asked that Councilwoman Rogers give the Building Department Report.

Councilwoman Rogers continued by giving the report.

Deputy Supervisor Touchette asked for a motion to approve the report.

MOTION

On motion of Councilman Touchette, seconded by Councilman Boehm, the Building Department Report was accepted as presented and read.

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

Sewer Department – September

Deputy Supervisor Touchette continued by giving the Sewer Department Report and then asked for a motion to approve it.

MOTION

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

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

Town Clerk – September

Deputy Supervisor Touchette asked that Town Clerk Millious give the Town Clerk Report.

Town Clerk Millious continued by giving the report.

Deputy Supervisor Touchette asked for a motion to approve the report.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Dolan, the Town Clerk’s Report was accepted as presented and read.

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

OLD BUSINESS

Electronics Recycling Collection Dates

Deputy Supervisor Touchette asked that Councilman Dolan give an update on the Electronic Recycling Collection dates.

Councilman Dolan stated that the first date is October 26th at the Beautification Building in the Hamlet from 7am – 3pm and it is for recycling electronic products that otherwise should not be put in the garbage and then read the flyer of accepted and not accepted items. He added that the drop off is for the stated specific hours and can not be left prior to or after those hours and other tentative dates have been scheduled with the 2nd and 4th pickups at the Highway Department.

Councilwoman Rogers inquired as to what the tentative dates are.

Councilman Dolan stated that the tentative dates are January 25, 2012 at the Highway Department, April 25, 2012 at the Beautification Department, and July 25, 2012 at the Highway Department.

Councilman Boehm inquired as to if it will be advertised in the News Herald.

Councilman Dolan stated that it will be as well as flyers being distributed.

Deputy Supervisor Touchette thanked Councilman Dolan and then asked if there were any additional Old Business topics or any New Business topics, hearing none he moved to the next item on the agenda.

RESOLUTIONS

RES. # 84-11 APPROVE SEPTEMBER ABSTRACT

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

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

FUND	VOUCHER #	AMOUNT
GENERAL (A)		
General Pre-Pay	1792-1843	\$284,434.11
General	1900-1959	\$ 51,680.92

	General Total	\$336,115.03
GENERAL (A) Police For.		
General Police Forfeiture Pre-Pay	1844	\$ 300.00
General Police Forfeiture	1960	\$ 400.00
	General Total	\$ 700.00
PART-TOWN (B)		
Part-Town Pre-Pay	1845-1860	\$122,804.33
	Part Town Total	\$122,804.33
HIGHWAY (DB)		
Highway Pre-Pay	1861-1869	\$ 75,294.76
Highway	1961-2003	\$ 90,376.50
	Highway Total	\$165,671.26
SEWER (SS)		
Sewer Pre-Pay	1870-1892	\$ 21,511.91
Sewer	2004-2025	\$ 21,852.74
	Sewer Total	\$ 43,364.65
CAPITAL PROJ. (H35)		
Capital Projects	2026-2027	\$ 14,533.05
	Capital Proj. Total	\$ 14,533.05
CAP. PROJ. (H-36)		
Capital Projects	2028	\$ 3,271.46
	Capital Proj. Total	\$ 3,271.46
CAP. PROJ. (H-37)		
Capital Projects	2029-2035	\$ 5,861.82
	Capital Proj. Total	\$ 5,861.82
	Total for all Funds	\$692,321.60
TRUST & AGENCY (TA)		
Trust & Agency Pre-Pay	1893-1899	\$334,746.60
	Trust & Agcy. Total	\$334,746.60

CORRESPONDENCE

Grace Covenant Community Church – The Matthew Project

Deputy Supervisor Touchette stated that they were in receipt of a letter relative to the Matthew Project, which is a community based Summer Feeding Program and continued by reading the following:

September 21, 2011

Dear Town Supervisor Jim Youmans and the Town of Coeymans Board,

We would like to take this opportunity to update you as to the impact that The Matthew Project Summer Feeding Program has had on our community. The program was a huge success in so many ways! Helping to meet the basic nutritional needs that the children within our School District have during summer vacation was a great undertaking and a great blessing that could not have happened without your support.

In 2010 we served 2,600 lunches at 6 locations. As a result of economic conditions and increased awareness, this year over 4,400 lunches were served at 7 locations. This represents a 69% increase of distribution. Each lunch bag contained a sandwich (meat or PBJ), juice box, bag of chips, fruit snacks, and a string cheese. It was great to see the smiles on children of all ages! Toddlers through high school ages were served. NO child was ever turned away and there was always enough to go around!

During July and August, this community outreach served children from the RCS School District for 8 consecutive weeks in these seven locations:

Oakbrook Manor -1364 lunches served
Mosher Park Recreation Program - 182 lunches served
Mosher Park Pool - 209 lunches served
Food for Thought Program - 468 lunches served
Coeymans Gazebo -1049 lunches served
Flemings Trailer Park - 630 lunches served
Meilak's Trailer Park - 517 lunches served

As you can see, there is a great need for this service within our community. Our eyes continue to be open as to the hunger issues in our community. When children are waiting rain or shine to get a lunch, you know there is a need to be met. As we tried to reach the locations of greatest need within our community, we recognize that there are still other areas within the district that are in need of this service as well. We hope that next summer we will be able to further expand our distribution sites in order to meet the needs of even more children.

More than 80 people, ages 4-80+, volunteered over 400 hours of community service from nine local churches and from dedicated community members providing all labor, which resulted in zero cost to prepare and deliver the lunches. How wonderful it was to see the community arise and work together to meet this need within our community!

Again, we thank you for your support and for giving us access into the distribution sites mentioned above. You have helped to make a difference in the lives of numerous children! May God bless you greatly!

Sincerely,

Jim & Sheri Datri
Pastors of Grace Covenant Community Church

Deputy Supervisor Touchette stated that it is great work that they do and added that when they begin to do it next summer he hopes that more people can help out because they are always in need of help and contributions. He concluded by thanking all of those they helped out with the Program.

Disaster Food Stamp Benefit Program

Deputy Supervisor Touchette asked that Councilman Dolan read the News Release from Albany County Executive Michael G. Breslin's office.

Councilman Dolan stated that the News Release was sent by David Kircher, acting Commissioner of Social Services and continued by reading the following:

News Release – Disaster Food Stamp Benefits Available for Victims of Hurricane Irene

The Albany County Department of Social Services is accepting applications for a Disaster Food Stamp Benefit Program for eligible households impacted by Hurricane Irene today through September 29th. The Federal Program expands eligibility levels so that households impacted by Irene may receive some food assistance.

The Federal Government recently approved the New York State Office of Temporary and Disability Assistance to operate a Disaster Food Stamp Benefit Program. To qualify, households must meet one of the following conditions:

- Loss of food.
- Damage to or destruction of the household’s home or self employment business (e.g. complete destruction, loss of roof or walls, destruction of heating equipment).
- Disaster related expenses not expected to be reimbursed during the benefit period (e.g. home/business repairs, temporary shelter expenses, evacuation expenses, home/business protection, and disaster related personal injury including funeral expenses); or
- Loss or inaccessibility of income, including reduction or termination of income or a delay in receipt of income for half the benefit period.

If the household meets any one of the above criteria they may be able to receive assistance if their income is below these limits:

Household Size	Disaster Gross Monthly Income Limit
1	\$1,503
2	\$1,815
3	\$2,126
4	\$2,449
5	\$2,787
6	\$3,124
7	\$3,436
8	\$3,748
Each additional Member	+ 312

Households can apply at the Albany County Department of Social Services at 162 Washington Avenue in Albany or at the Albany County Disaster Recovery Center at the Cornell Cooperative Extension at 20 Martin Road in Voorheesville weekdays from 8:30 to 4:30pm today through Thursday, September 29th. The Disaster Recovery Center is also open on Saturday, September 24th from 8:30 to 1:00pm. Applications are available on the County website at <http://alturl.com/rs99y>.

The Albany County Department of Social Services reminds applicants:

- Tell the truth when applying for food benefits.
- Do not sell, trade or give away benefits.
- People who get benefits they are not entitled to will be required to pay them back.
- People who break the Program rules may be disqualified from the Program, fined \$250,000 or put in jail for 20 years.
- It is illegal to receive disaster food stamp benefits twice for the same disaster.

Deputy Supervisor Touchette stated that there is a note on the coversheet which reads as follows:

In addition to the offices listed in the Press Release, Albany County Social Services will be accepting applications at CHOICES in Ravena on Thursday, September 29th from 8:30am – 4:30pm.

Deputy Supervisor Touchette added that CHOICES is located in Faith Plaza and in addition to those who are currently receiving food stamps that lost their food can apply

for a replacement of those benefits at 162 Washington Avenue at the Department of Social Services or at the CHOICES in Ravenna at Faith Plaza. He concluded by saying that they will post it on the bulletin board in Town Hall and makes it available to various news outlets and the website.

TOWN BOARD WORKSHOP/MEETING

- Special Town Board Meeting – September 30, 2011, 6:00PM
- Town Board Meeting – October 11, 2011, 7:00PM
- Town Board Workshop – October 18, 2011, 6:00PM
- Town Board Meeting – October 24, 2011 -7:00PM

ADDITIONAL COMMENTS

Deputy Supervisor Touchette asked if there were any additional comments.

Councilman Boehm stated that he wanted to echo Councilman Touchette’s comments about the Matthew Project and added that they do a tremendous job in filling the niche in the summer when school is not in session. He concluded by saying that it is a simple Program that is highly successful and Jim and Shari Datri deserve a lot of thanks for having the Program.

Deputy Supervisor Touchette asked if there were any other comments.

Councilwoman Rogers interjected that on October 11th they will be starting with two Public Hearings, one at 6:00 and one at 6:30.

Deputy Supervisor Touchette asked if there were any additional comments.

Councilman Dolan stated that in case anyone thought that they don’t listen to the issues that the Historic Coeymans Landing Neighborhood Association brings to them, he has spoken with the Building Inspector about 5 properties on Main Street in the Hamlet and in turn he issued violations to each of the owners as well as sending letters to the owners. He added that they do take quality of life issues in the Hamlet seriously and after attending the meetings he passes their concerns on to the Building Inspector and Town Board and as pointed out in some cases there are not specific laws that address specific things. He then asked if Attorney for the Town Wukitsch had anything to add.

Attorney for the Town Wukitsch stated that the problem of unsafe, dilapidated buildings or structures is a problem faced by many towns and villages throughout New York State and added that they not only pose an eyesore but they also negatively impact surrounding neighborhoods and cause what is called an attractive nuisance where children, teens, young adults and others come on the property to harbor themselves to use alcohol and other substances as well as being a danger to themselves to the extent that the property is unsafe to even trespass. He continued by saying that the Town of Colonie recently enacted a Local Law which gives the Town more teeth in terms of its enforcement powers and Common Law, even without an ordinance or local law, if there is a public nuisance created by a structure, the Town has adherent powers to correct the situation to the extent that there is a danger to public health and safety and added that it would be a good idea for the Town Board to review their laws to see whether something similar to the Local Law that Colonie recently passed is in order. He went on by saying that one of the issues that causes many problems, is that the Town Court is a Court of limited jurisdiction and they have the power to assess fines for violations of Local Laws but has no power to order someone by way of an injunction to do anything and lacks injunctive power. He continued by saying that the NY State Supreme Court is the Court that would have jurisdiction to order a condemnation or removal of a structure but the problem with that is that it is not only costly but it involves other issues that commonly come up such as jurisdiction when there is an absentee owner that lives out of state and you would have

to acquire jurisdiction over that person in order for a court to act and another issue is that often times the owner of the property is unrepresented and the court makes extra efforts to protect the rights of an unrepresented party. He added that they should not be deterrents to the correction of a dangerous condition but it is something that they have to be aware of while moving ahead to try and correct the problems. He concluded by saying that he believes at a minimum the Town Board should consider review of the current law to see whether something like the Town of Colonie's recent law would be appropriate for the Town of Coeymans.

Councilman Boehm stated that an immediate step would be to secure the property and board the windows and doors and continued by asking if the expense can be assessed to the landowner on their tax bill.

Attorney for the Town Wukitsch stated that he does not believe that there is anything in the Town of Coeymans Code that you can do that and added that there are many towns that have Local Laws that provide any cost incurred by the Town in correcting a situation may be assessed against the property, which constitutes a lean against the property.

Councilman Boehm inquired as to if the Town secures the property by boarding them up, if there is a right to due process.

Attorney for the Town Wukitsch stated that you are dealing with private property and even to go on the property, unless there is an eminent danger to someone could be a problem.

Councilman Boehm stated that open doors and windows would be an eminent danger.

Attorney for the Town Wukitsch stated that it probably would be and added that it's always better when you are going on to private property to have a Court Order that would insulate Town Officials from any claim that they were trespassing or invading the property rights of the landowner. He added that the way the law is set up; there certainly are protections in place for members of the public and adjoining neighborhoods as well as protections established for the landowner and the Town is not the judge and jury that can determine what is going to be done with that person's property because you have to go through the legal procedures that are available.

Councilman Boehm interjected that the Town would actually have to go to court for the right to board up a property.

Attorney for the Town Wukitsch stated that the Town of Colonie has a procedure in the law that provides for that sort of action and the Town of Coeymans does not have it. He concluded by saying that if the Town is going to move in that direction, they need to beef up what they have on the books in terms of their law.

Councilman Boehm inquired as to if a version of what Colonie has would be suitable for here.

Attorney for the Town Wukitsch stated that it would and added that the reason why Colonie did it, even as big as it is with their own Law Department, is that they recognized that their laws did not have enough teeth in them to allow for them to go forward and do what they needed to do. He reiterated that if the Town is going to move in that direction, the Town needs to be protected too and they have to have the appropriate procedures in place.

Councilman Dolan stated that several of them have seen a copy of Colonie's law and they think that in most cases it will address the issues.

Councilman Boehm suggested that Attorney for the Town Wukitsch take a look at it and draft a law from it.

Attorney for the Town Wukitsch stated that he would.

Deputy Supervisor Touchette asked if there were any additional comments.

Town Clerk Millious stated that she wanted to mention that Friday, September 30th is the deadline for getting a Deer Management Permit at her office as well as there being a lot of changes with the Election Districts and Polling Sites and she would encourage everyone to look at the yellow card that came in the mail because it is possible that there may have been a change. She added that if there are any questions, they can call her office at 756-2100 or Board of Elections at 487-5060.

Deputy Supervisor Touchette asked if there were any additional comments.

Highway Superintendent Deering stated that he wanted to thank the Garden Club for the great job that they did at the Highway Garage Memorial and added that it really looks nice.

Deputy Supervisor Touchette 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 Dolan, the Town Board was adjourned.

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

Time - 7:45PM

Respectfully Submitted,

APPROVED

Diane L. Millious, Town Clerk