

A Town Board Meeting was held Monday, October 24, 2011, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

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

ABSENT: James Youmans, Supervisor

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

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

OPENING COMMENT

Deputy Supervisor Touchette stated that the record should reflect the presence of a full Town Board with the exception of Supervisor Youmans and added that also present was Town Clerk Millious, Highway Superintendent Deering, Chief of Police Darlington and Attorney for the Town Wukitsch.

AGENDA

- Public Announcements
 - Electronic Recycling Day
 - Town Offices Closed, Election Day & Veteran's Day
- Public Comment
- Supervisor's Report – September
- Department Reports
 - Building Department, September
 - Sewer Department, September
 - Town Clerk, September
- Old Business
 - Award Bid for Sewer Repair
 - Proposed Local Law #1-11 Revisions
- New Business
 - Resignation of Cemetery Services Coordinator
 - Partial Payment for Repair of Coeymans Landing Railing
 - Hurricane Irene Recovery & Hannacroix Creek Restoration
 - Economic Development
 - Joralemon Park Playground Equipment
- Town Board Workshops/Meetings
 - Town Board Budget Workshop, October 29, 2011, 9:00am
 - Public Hearing, November 10, 2011, 7:00pm
 - Town Board Meeting, November 14, 2011, 7:00pm
 - Town Board Workshop, November 22, 2011, 6:00pm
- Executive Session
- Adjournment

PUBLIC ANNOUNCEMENTS

Electronic Recycling Day

Deputy Supervisor Touchette read the following:

This is a reminder to our residents that the town will “host” a recycling day for computer and electronic equipment. The first collection is scheduled for this Wednesday, October 26, 2011 from 7:00am to 3:00pm at the Town’s Beautification Department, 70 South Main Street in Coeymans (former Coeymans Firehouse). Town personnel will be available to assist.

Residents are asked to bring only those items on the list such as: televisions, computer equipment, typewriters, video game systems, cell phones, I-Pods, monitors, scanners, ink cartridges, fax machines, printers, keyboards, and other computer accessories.

We will not accept liquids, air conditioners, dehumidifiers, refrigerators, kitchen or personal appliances, batteries or fluorescent lamps.

This list has been posted on the website.

Councilwoman Rogers stated that on the agenda it says that the date is October 28th but it actually is October 26th.

Town Offices Closed – Election Day & Veteran’s Day

Deputy Supervisor Touchette read the following:

The public should be aware that Town Offices will be closed on Tuesday, November 8th, Election Day. Additionally, Veterans’ Day falls in the same week; therefore, offices will be closed on Friday, November 11th in observance of that occasion.

As a 24-hour, 7-day operation, Police Department services will be available.

PRESENTATION

Deputy Supervisor Touchette invited Ms. Joan Borriello from the VFW Ladies Auxiliary to come forward for a presentation.

Ms. Borriello stated that she wanted to take the opportunity to recognize the Town’s participation of the 911 Remembrance Walk and added that she wanted to present a 911 flag to the Town Board.

Deputy Supervisor Touchette thanked Ms. Borriello and added that it was a very nice ceremony that was organized by the VFW.

PUBLIC COMMENT

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

Mr. Jerry Hall stated that he lives at 10 Greening Lane and the issue that he has is a project that is ongoing cleaning, which is cleaning out the Hannacroix Creek, and on many occasions they have asked for information on the status and how it is moving along and they are at the point where they are still very curious because it is four years later from the time that it started. He continued by saying that since that time they have been impacted by Hurricane Irene and they strongly feel as though the game and rules have changed because ENCON for a period of time, totally eliminated their requirements for permitting, which has also come and gone and they missed that window of opportunity.

He added that right now in their permitting process, which he had given to Councilman Dolan, it looks very simple and the information as interpreted by himself pertains to exactly what they intend to do, which is clean out the debris and modify the streambeds so the creek can flow where it is supposed to. He went on by saying that it is impacting their properties and back in 2007 when the first meeting took place, at the end of that meeting there was a summary which he wanted to read and a resolution that said:

“This site poses an immediate threat to public safety, health and property and is eligible under Public Assistance Program.”

Mr. Hall stated that the word immediate jumps out of the sentence and added that four years later he does not think it has been an immediate response and they would like to know what is going to happen from hereon, starting today, with some type of a timetable as to the permitting process because the way that he interprets it, it should not be very detailed. He went on by saying that his neighbors have joined him as well as Mr. Skip Hummel who interpreted from Governor Cuomo on a website, that he would be allowed to go into streams and take immediate action to protect his property, which he did and he took it upon himself to rent an excavator and he restored 500 feet of streambed to as good a quality as anybody is going to do and it took him a day and a half, which is the kind of response that they should be getting.

Deputy Supervisor Touchette stated that the Hannacroix Creek is on the agenda and will be addressed later in the meeting and then asked if anyone else wished to comment.

Mr. Rodney Krzykowski stated that he lives at 957 SR 143 and he wanted to address a meeting that was held over the past weekend and he was shocked and disappointed that he heard about it through the grapevine. He added that when he did finally make it to the meeting, he was greeted with a handshake and welcome but he did not feel very welcome and he would have felt more sincerity if he had been invited to the meeting rather than having to walk in on it. He went on by saying that he is curious about the meeting, which was basically to discuss town business and things concerning the town and there were 4 out of 5 of the Board Members there, which he believes constitutes a Board Meeting.

Deputy Supervisor Touchette inquired as to if it is a question.

Mr. Krzykowski stated that it was about town business, a majority of Town Board Members were there, and there was a quorum. If continued by saying if it was a Board Meeting the rest of the town should have been notified so they had a chance to go.

Attorney for the Town Wukitsch inquired as to if he was referring to a Political Fund Raiser.

Mr. Krzykowski stated that he didn't know if it was a Political Fund Raiser.

Deputy Supervisor Touchette stated that the event that he was referring to was a Political Campaign function that was hosted by the Coeymans Democratic Committee.

Attorney for the Town Wukitsch interjected that this was his answer.

Mr. Krzykowski stated that if it was by the Committee, it is fine and he will accept it and added that he never heard about it and if the Committee was looking for people to back them, they would let people know about things like this.

Deputy Supervisor Touchette asked if anyone else wished to comment.

Mr. Steven Moutopoulos stated that he lives at 31 Hannacreek Road and he has lived there for approximately 15 years and it seems to him that he and his neighbors constantly come to the Board and ask what is going on with the creek and within the 15 years that he has lived there, he has noticed that it gets worse and worse. He added that four years ago he and Mr. Hall had submitted pictures and 8 years prior to that he submitted pictures and video of the creek and the debris and he has never seen such slow response to such a problem and as Mr. Hall had said, it's not that much of a creek bed to clean out, it's not

rocket science, they just have to go in there and clean it out. He concluded by saying that it poses a large threat to his family, his home and his neighbor's homes and then asked that the Town Board please do something about it.

Councilman Dolan reiterated that it is on the agenda later in the meeting and they will tell him exactly where they are on it.

Deputy Supervisor Touchette asked if anyone else wished to comment.

Ms. Donna Pasquini stated that as she understands it, the Sewer District was created and belongs to the Hamlet of Coeymans.

Deputy Supervisor Touchette stated that the Sewer District is users within the District.

Ms. Pasquini stated that the residents in the Hamlet of Coeymans are the main users and then there is the Village of Ravena and from what she understands from looking at budgets, the Sewer District is considered the Hamlet.

Councilman Dolan interjected that there are other homes outside the Hamlet that are in the Sewer District.

Ms. Pasquini stated that it is the Village.

Councilman Dolan stated that there are other homes outside of the Village that are not in the Hamlet.

Ms. Pasquini inquired as to why it is the Hamlet that pays the brunt of it and she understood that it is the Hamlet Sewer District. She added that when they created the Sewer District, it is her understanding that there had to be a Board to run the District and then inquired as to whether there is a Board other than themselves.

Attorney for the Town Wukitsch stated that it is a Special Improvement District under Town Law and there is a provision for the appointment of Commissioners of any Special District but it is not mandatory and you don't have to appoint Commissioners.

Ms. Pasquini inquired as to if anyone other than the Town Board has to oversee it.

Attorney for the Town Wukitsch stated that the Town Board is the oversight function and there is an alternative to appoint a Board of Commissioners but the Town does not have to and they can do the oversight themselves.

Ms. Pasquini stated that maybe she misunderstood something that she read on the internet and added that she thought it said when a District was created; a Board had to be set up.

Attorney for the Town Wukitsch reiterated that you can set up a Board but it is not necessary.

Ms. Pasquini stated that she understands that it is a Hamlet Sewer District and she wanted to know if there was a Board that oversees the District because maybe it would help out if they had some outside input when it comes to contract and things like that.

Deputy Supervisor Touchette asked if anyone else wished to comment.

Mr. Bill McFerran stated that he lives at 9 Greening Lane and added that he is there with his neighbors and the Board had indicated that it is on the agenda for later in the meeting and indicated that there would be some sort of detailed plan laid out. He then asked if they will be able to ask questions at that point in time.

Councilman Dolan stated that typically they would not be able to.

Mr. McFerran stated that they have heard since 2007 that the problem would be remediated but would take some time and added that they have waited patiently for four

years and he thinks that where it was left off is that they needed a Fluvial Geomorphologist and there were only two in the country that could help design something that deals with the flow of water. He added that Mr. Hall had stated that all of that had been waived because of the fact the Hurricane Irene and they don't need a Fluvial Geomorphologist to come in and talk about the design and flow of water and what they are looking for is action and not words. He continued by saying that he sent a letter to previous Supervisor Hotaling in June 2007 outlining his concerns with regard to the Hannacroix Creek and he and his wife took the time to meet with Supervisor Hotaling as well as Code Enforcement Officer Conrad and at that time a plan was laid out and the plan was to take place in 2008, but never happened and things have occurred since then. He added that he wants the Board to recognize that Mr. Deering has done a lot of work out there, whether it was on his own or whether it was being directed and he and his neighbors are very appreciative of the work that he has done to help remediate some of the B Stream issues and they are waiting for someone to take action with regard to the Hannacroix Creek. He concluded by saying that he hopes that they allow them to ask questions when they outline the plan and action that they are going to take.

Deputy Supervisor Touchette asked if anyone else wished to comment.

Mr. Jerry Hall inquired as to whether or not any of the Board members have stepped foot on the property in question in all these years.

Collectively the Board stated that they had.

Mr. Hall continued by asking if they had been since Hurricane Irene and Tropical Storm Lee.

Councilwoman Rogers stated that they had been.

Councilman Dolan stated that he was to the end of the road but not in the stream itself since Irene.

Deputy Supervisor Touchette asked if anyone else wished to comment.

Mr. Henry Traver stated that he wanted to address the Town Board regarding reclaiming the Creek and added that Councilman Touchette had told him while he was on the Board that he was handling the whole situation and wanted for him to step back and he stepped back and here they are today still squabbling over the creek. He continued by saying that it does not take a Rocket Scientist to figure out that they have all these trees in the creek that is holding back the water and he brought it up before but they squashed it down when he was on the Board. He went on by saying that all they have to do is go in the creek and cut the trees and then most of the rocks and dirt will wash out itself, which is a very quick fix and after they cut the trees there will be an immediate fix to getting the flow down through there. He added that then they can still work on doing what they have to do to either realign the creek or take out more debris and he believes that all they have to do is contact DEC and let them know that they are going in the creek as well as the homeowners along the creek and get permission to take that stuff out. He reiterated that an immediate fix is to go in there and get the trees out as soon as possible, which he believes will alleviate a lot of the problems that are taking place right now.

Deputy Supervisor Touchette asked if anyone else wished to comment.

Mr. Hall stated that Mr. Traver is indeed partially right and added that there are debris dams all over the place with trees that have fallen down and have been ripped out by the roots but it is far beyond that problem. He continued by saying that there is sediment, rocks and earth that has moved and in the initial study they did an estimate of cubic feet because they are engineers and added that he is not an engineer but there is a whole mess of earth that has moved from where it was supposed to flow, everywhere in the flood plain and it is way past the day of tree cutting, which is a start because you have to do that to get the machinery in. He reiterated that it is way, way beyond that and he wishes that Mr. Traver would visit the site after Irene because it is five times worse and some of his neighbors have not been out there yet and he described it to them as well as have

taken a lot of pictures, which is worth 1,000 words but you have to be there to look at the damage.

Councilman Dolan interjected that there are in fact from the first storm 10,734 cubic yards of debris.

Deputy Supervisor Touchette asked if there were any additional comments.

Ms. Sharon McCloskey stated that she lives at 16 McIntosh Street and she really wants to convey the urgency of the matter, which is not just a bunch of people trying to protect their pretty property at this point. She continued by saying that with the last storm, and she has lived there 20 years, they were evacuated and faced with leaving their property and having to say to their daughter that they had to leave to be safe and having her crying because she didn't want to leave her father who was staying behind to protect their property. She concluded by saying that it is not just a bunch of whining neighbors but rather an immediate, urgent problem that needed to be addressed yesterday.

Councilman Dolan interjected and reiterated that they were going to address this specifically, and it was on the agenda, later in the meeting and added that when they met with FEMA he made a point of telling them that they are not just talking about a creek bed that has however many cubic yards but rather people's homes and families that are affected. He continued by saying that this is how he views it and he thinks that he convincingly made the point with FEMA and he believes the tone of the conversation changed when he said that and added that he does understand.

Deputy Supervisor Touchette asked if anyone else wished to comment.

Mr. Skip Hummel stated that he is a retired State employee and has lived in Coeymans Hollow for the last 30 years and retired after 28 years and added that he was responsible for construction of a major State Agency, New York City Department of Corrections and prior to that State Correction. He continued by saying that he has watched this with interest and he understands the frustration on both sides of this and even the Police Chief has tried to fix it and he would like to wait and hear what they have to say before he gives a recommendation because he has done thousands of projects for the State and he knows how difficult it is with DEC and getting them to improve anything or get anything done. He added that when the Governor made the approval back in September that landowners could actually fix their own property he was staggered because it is very rare for a high-ranking politician to do something that is reasonable and quick and he could not get an excavator quick enough because he knew everyone at DEC would be so upset and would be nagging him to change it, which he did on October 7th but they still have an opportunity to fix it and reiterated that he would like to hear what their plans are before he tells them what he thinks might be a good idea.

Deputy Supervisor Touchette asked if anyone else wished to comment.

Mr. Rodney Krzykowski inquired as to what the status of the Route 143 paving was because the bumps on the bridges are atrocious and he just blew a tire on a truck hitting one of the bumps and he knows of a lot of other people that have as well and then asked if they can stretch the aprons out a little bit more. He continued by saying that he wanted to know when it is going to be corrected.

Councilman Boehm stated that it is a race against the winter and they got as far as Greenbush Avenue with the final topcoat and they have been taking shoulder material out of Albert Deering's yard and are doing that part. He reiterated that he thinks it is just a race against the weather and hopefully they can get it done and then Highway Superintendent Deering if he knew any more.

Highway Superintendent Deering stated that Callanan moved a roller in by Nolan Road and hopefully they are going to do something.

Deputy Supervisor Touchette asked if anyone else wished to comment.

Mr. Jerry Hall stated that he wanted to publicly thank Albert Deering for all of his efforts and work that he has done for them and added that they feel from the bottom of their hearts that he is one of the only hopes at the end of the tunnel out there and concluded by telling Highway Superintendent Deering to keep up the good work.

Deputy Supervisor Touchette asked if anyone else wished to comment, hearing none he thanked everyone for their comments and then moved to the next item on the agenda.

SUPERVISOR’S REPORT

September 2011

FUND	BAL. FWD.	RECEIPTS	DISBURSE.	BALANCE
General	\$250,349.24	\$ 70,704.68	\$268,724.26	\$ 52,329.66
Part-Town	\$745,282.73	\$ 1,700.29	\$ 18,981.37	\$728,001.65
Highway	\$155,135.38	\$ 6,336.11	\$150,257.98	\$ 11,213.51
Bridge Const.	\$ 4,461.94	\$ 22.82	-0-	\$ 4484.76
Sewer	\$116,219.13	\$ 1,770.15	\$ 49,431.11	\$ 68,558.17
Special Water	\$ 24,007.88	\$ 25,229.00	-0-	\$ 49,236.88
Police Forf.	\$ 16,554.53	\$ 2.45	\$ 400.00	\$ 16,156.98
Comm. Tower	\$ 1,483.91	\$ 0.16	-0-	\$ 1,484.07
Trust & Agcy.	\$ 20,424.60	\$238,272.90	\$240,738.73	\$ 17,958.77
H-Fund Cap. Proj.	\$ 58,186.97	\$ 0.16	-0-	\$ 43,660.13
Section 8 HUD	\$110,171.22	\$ 43,736.33	\$ 44,021.76	\$109,885.79
			Total Rec. Balance	\$1,102,970.37

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	\$ 730.97	Bank of Greene	\$250,000.00	\$1,929,865.30
Grove Cemetery	\$40,899.48	National Bank	\$250,000.00	\$ 75,876.63
Coey. Hollow Cem.	\$14,357.57			
Sewer-Dedicated	<u>\$ 6,326.11</u>			
Total	\$62,314.13			

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

MOTION

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

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

Councilman Boehm asked Chief Darlington about the .16 for receipts on the tower and why it is so fractional.

Chief Darlington stated that he assumes that it is interest.

DEPARTMENT REPORTS

Building Department – September 2011

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

Councilwoman Rogers continued by giving the report.

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

MOTION

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

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

Sewer Department – September 2011

Deputy Supervisor Touchette read the Sewer Department Monthly Report and then offered a motion to approve it.

MOTION

On motion of Deputy Supervisor Touchette, seconded by Councilwoman Rogers, the report was accepted as presented and read.

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

Town Clerk – September 2011

Deputy Supervisor Touchette asked that Town Clerk Millious give the Town Clerk's Monthly 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 report was accepted as presented and read.

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

OLD BUSINESS

Award Bid for Sewer Repair

Deputy Supervisor Touchette stated that they need to award the bid for sewer repair on Rte. 9W south with a Change Order from Anjou Construction and added that what it amounts to is that their original bid for the sanitary sewer project was \$38,500.00 and after they awarded the bid, the contractor discovered that they can do a Change Order on the bid and take away the mobilization if they do it at the same time and they don't need a bond permit, which would reduce their bid by \$2,500.000. He added that they would

like to issue a Change Order, which would bring it down to \$36,000.00 and then asked for a motion to accept the Change Order.

Councilman Boehm inquired as to if they would be authorizing the Supervisor to sign the Change Order.

Deputy Supervisor Touchette stated that was correct.

MOTION

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing the Supervisor to do a Change Order from \$38,500.00 to \$36,000.00.

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

Proposed Local Law #1-11 Revisions

Deputy Supervisor Touchette stated that they had a Public Hearing on Proposed Local Law #1-2011, which is a Site Plan Review Law and some of the comments were that the timeframes were not in the best interest of the applicants or maybe even the Town. He continued by saying that there are a couple of places that have timeframes, timelines or time limits and there was some discussion and in turn he asked that it be on the agenda to ask anyone who has recommendations on what the timelines and time limits should be and to submit it preferably in writing in the next couple of weeks so they can move forward from there.

Councilman Boehm inquired as to where the comments should be directed and if it should be the Supervisor's Office.

Deputy Supervisor Touchette stated that it should be the Supervisor's Office.

NEW BUSINESS

Resignation of Cemetery Services Coordinator

Deputy Supervisor Touchette stated that there was a resignation letter received from the Cemetery Services Coordinator and continued by reading the following:

October 17, 2011

I, Dean Warfield, do hereby resign from the position of Cemetery Coordinator for the Town of Coeymans on October 17, 2011.

Dean Warfield

Deputy Supervisor Touchette stated that at this point the Town is without a Cemetery Coordinator and then asked for a motion to approve the resignation.

MOTION

On motion of Councilman Boehm, seconded by Councilman Dolan, accepting the resignation of Dean Warfield, Cemetery Coordinator.

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

Partial Payment for Repair of Coeymans Landing Railing

Deputy Supervisor Touchette stated that the railing by the boat launch was damaged in an accident earlier this year, which was totally covered by the driver's insurance company and in turn they received reimbursement in full. He continued by saying that Mr. Newburgh has asked for partial payment to cover some of his expenses to start the repair work and added that he does not see an amount on the request.

Councilman Boehm suggested that they authorize half the amount, which is \$3,000.00 so he can buy material and then pay the balance upon completion of the project.

MOTION

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing payment for half the amount, which is \$3,000.00.

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

Hurricane Irene Recovery & Hannacroix Creek Project

Deputy Supervisor Touchette asked that Councilman Dolan discuss the Hannacroix Creek Project.

Councilman Dolan stated that he would give some information and then turn it over to Chief Darlington because he has been dealing with it for a long period of time. He continued by saying that he and Chief Darlington met with FEMA representatives last week and during their ride to the meeting they discussed the project and that they might be able to move the State off the dime, which from his understanding is where the holdup is. He went on by saying that when they met with a FEMA representative about Hurricane Irene, they brought up the issue about the previous storm and the fact that they applied for an extension for the project and in essence got no response from the State. He continued by saying that his understanding is that after a certain period of time had elapsed, the State was no longer able to approve extensions and had to get approval from FEMA and added that the FEMA representative that they met with seemed very receptive and said she would personally take it upon herself to see what the problem was. He went on by saying that Carol Brain met with he and Chief Darlington earlier in the day and when they explained the situation, she said she would personally go to whomever they need approval from at the State and she will get the extension approved. He continued by saying that they also spoke about the damage that was done this year, which is considerable and with the delay in the project from the State, it certainly contributed to everyone's misery that happened the day of Hurricane Irene, which was actually affecting people in their homes, lives and their investments in their homes. He added that they talked about what would be the best approach to get this done as soon as possible and they are pursuing two tracks right now, one is to get the extension from the State and the second is to have FEMA go out and look at the damage that is there now and if necessary roll the previous damage into this year but in any event address both incidents, the original one and the one with Hurricane Irene. He continued by saying that they also talked about some mitigation money that might be available, which is not just clean up the creek but also do whatever they can to make sure that it does not occur again, which is not an ironclad guarantee that it won't happen again but they certainly can do what they can with the best advice to make sure that further erosion does not occur and added by saying that he does not want to end up where they are now in a few years because of another storm that has clogged up the creek again. He concluded by asking that Chief Darlington give a summary of the project.

Chief of Police Darlington stated that the way the process went is that they asked for approval through NYS Emergency Management Office and because of the amount of time that was going to be needed, the State could not approve the extension and had to get approval from FEMA and in turn FEMA is the one that is not giving the definite answer to the State to allow them to move forward. He continued by saying that there were several stages to the project and there was a debris cleanup where Albert and his crew went in and removed the trees from the initial 2006-2007 storm and from there they had a larger project, which is called the Hannacroix Creek Project, which is a major realignment of the entire creek from the boundaries of what the Town of Coeymans owns. He added that at the beginning it started to move forward and then got bogged down and at some point it was given to him and in moving forward during the permitting process, which they were required to do, and they were required to go through Army Corp of Engineers and DEC, they found out that they needed the engineering and in turn did an RFP and it was an additional \$98,000.00, which was not in the original cost. He continued by saying that they turned it in for approval and in turn got approval and after they started they found out that they needed topographical maps done, surveys, and some

other engineering, which was in excess of \$30,000.00 and then they asked for that approval, which came at the same time that the deadline was coming for the whole entire project, September 30, 2010. He went on by saying that at the same time he was asking for a 1½ year extension to get the work done because everyone knows that with the Hannacroix Creek you might be able to get in today but tomorrow you may not and to give them plenty of time and not limit themselves they asked for 18 months, which is what the original project called for. He added that the deadline passed and FEMA approved all of the funding that they asked for beyond the deadline but never authorized the time extension and Internal Control Officer Purinton and New York State said that if they spend any money beyond the extension, the Town could be on the hook for so at that time it was decided that they had to wait for the extension in order to move forward. He continued by saying that on a bi-weekly basis he contacted Mary Ann Wollaber from SEMO (State Emergency Management Office) asking if she had heard anything from FEMA and was getting no response. He went on by saying that as a result of Irene there was another meeting this past Thursday, and when it was brought back up Ms. Brain was astonished to find out that the extension for something that affected homes was not acted upon and originally when they talked it was indicated that it was along the Town's park and she did not realize that it affected homes and lives were at stake. He added that she took the urgency and called him back and said there were two potential plans and she wanted to meet with him, which they did earlier in the day and he along with Councilman Dolan met with her and currently they are looking at moving forward with the current project adding on any additional debris that was added and the potential at looking further upstream and downstream because originally they were told that they had to own the land to get in and do the work but FEMA said there might be a way that they can continue. He went on by saying that the potential of further clearance of the stream from wherever the debris starts to where it ends is also going to be looked at and reiterated that the Hannacroix Creek Project is digging out the streambed, and realigning where it's going, because he and Code Enforcement Officer walked it earlier in the day and it is going where it never went before and the urgency is there and they will push FEMA to move forward. He added that one of the concerns is that the bids for the engineering are over two years old and whether or not the bid that was approved, is still standing and by a phone call earlier in the day, F.X. Brown is standing behind that bid and they said the bid was still good, which was an e-mail so he has it is writing but the timetable schedule has specific dates that have to be changed. He continued by saying that he and Councilman Dolan agree on the urgency of keeping it moving and getting it done and they were moving forward trying to push it along as fast as they could but the biggest hold up was FEMA's additional funding approval and then the time extension. He concluded by saying that once FEMA gets in touch with him and says that they are good to start moving forward he will immediately contact F.X. Brown and C.T. Male to get the topographical maps done and engineering permitting process and then hopefully get the construction started.

Deputy Supervisor Touchette thanked Chief Darlington and added that typically they don't have public comment after the initial Public Comment period but they would reopen Public Comment to people who would like to speak specifically to the issue of the Hannacroix Creek and then asked that the comments be kept to 3 minutes. He then invited additional comment.

Mr. Bill McFerran stated that he lives on Greening Lane and added that the first question that he had is that it appears that the holdup had to do with funding and not the availability of getting into the creek.

Chief Darlington stated that was correct.

Mr. McFerran continued by saying that it appears to be an urgent issue and from all signs it appears that they will be getting the funding so there should not be anything holding up getting in the creek and starting the process. He added that he understands that they want all the sign-offs and don't want to be left on the hook, but they have to realize how long of an issue it has been for his neighborhood, him personally and funds that he has expended to help keep water away from his family, keep him in his house and keep him a taxpayer of this town and county. He went on by saying that he heard Mr. Dolan say that they don't want another Hurricane Irene, while that affected some people, a good rain

affects him because it is already backed up and the hydrostatic pressure is there and he has eight pumps in his basement and he is pumping on all eight and was doing so before Irene, which he did not have to do eight years ago. He added that when he first moved into the neighborhood eight years ago he had two pumps and Mr. Hall said during his first flood not to worry because 11 months of the year it is beautiful around here and he will only have to deal with the bad two weeks but since then there have been two one-hundred years floods and a five-hundred year flood so they should be good for 700 years. He continued by saying that he has to laugh because if he didn't he would put a For Sale sign up and get the heck out, but he can't and they just want to be able to enjoy their properties and not fear the rain. He continued by saying that he is excited to hear that they are looking to extend the project further up and down the creek as well as other possible remediation, such as the B Stream which comes across the Golf Course and they have seen water coming at them in a lot of different ways that it has never before and it doesn't have to do with the storms themselves but rather because the creek beds are full. He concluded by saying that he is hopeful and he heard about a timeline but there still is not a concrete start date, which is what they want to hear and added that they understand that the creek ebbs and flows and water rises but what they want is to see the project started.

Councilman Dolan interjected that he did not believe that he said he didn't want there to be another Irene but rather he does not want them to come back in a couple years because they were waiting for this to be taken care of and he doesn't want him to have to come back in the future.

Deputy Supervisor Touchette asked if anyone else wished to comment.

Mr. Skip Hummel stated that he has done thousands of State projects over the past 28 years and continued by asking if they have a cost estimate for the project.

Councilman Dolan stated that they do up to this date.

Mr. Hummel asked what the cost was.

Chief Darlington stated that there are cost estimates for engineering, permitting and a rough estimate for the actual construction and added that they can't get the solid numbers on the construction because as they apply for permits with NYS DEC and the Corp of Engineers, they ultimately set what happens in that streambed. He continued by saying that they are putting rip rap in and ENCON says that they don't want that in there because the fish don't like it and then they want something else. He added that these are the hurdles that they have to jump to realign the bed and when F.X. Brown did the site survey, they indicated that they are familiar with the Corps of Engineers and DEC and in turn would limit the amount of rip rap on certain areas, which would be more for the banks rather than the bed. He reiterated that the actual cost would ultimately depend on what ENCON and the Army Corps of Engineers requires.

Mr. Hummel inquired as to if they are looking at about \$250,000.00.

Councilman Dolan interjected that it is over \$300,000.00.

Chief Darlington stated that the total project right now is approximately \$320,000.00.

Mr. Hummel asked if that included construction.

Chief Darlington stated that he believes that there was approximately \$100,000.00 for the construction part of it and added that most of it is for the removal of debris.

Mr. Hummel stated that they are looking at \$200,000.00 for design and \$100,000.00 for construction.

Chief Darlington stated that these are estimates given by the Federal Government at the time and added that FEMA has indicated that as they get into the project and there are cost overrun, it's not an open checkbook but as long as the work that they are doing is within the scope of what is on the project worksheet, they will pay for it.

Mr. Hummel inquired as to if it would be paid 100%.

Chief Darlington stated that it would be 75% and he believes that New York State will be paying the 25% and originally one of their plans was to roll it over and put it in the most current storm except NYS only is paying 12.5%, which would put 12.5% in tax dollars. He added that under the 2006 storm, he believes that NYS said they would fund the 25% that the Federal Government is not funding.

Mr. Hummel stated that normally the design for a project is 12% and when he saw that this was \$225,000.00 for design his thought was that they are looking at a million dollar project, which would not surprise him if they do what ENCON will suggest because they will make the project as complicated as they possibly can and reiterated that he had done projects with them for almost 30 years. He continued by saying that they have an opportunity to simplify this and they have a man that can fix this that may not have all the equipment that he needs to do it but he can certainly run the equipment and fix it in a matter of weeks. He added that he thinks politically they could get the approval to put the equipment in the creeks, clean it out and dump it on the sides, which DEC will not like and they will fight it. He went on by saying that they will have to start with the initial approval of the permit and when they say no, they are going to have to ask who their boss is and work their way up to the Commissioner and they may have to go to the Governor's Office to get it approved, which he would be surprised if he didn't approve the project. He continued by saying that they cancelled the Governor's authorization on October 8th and he is surprised that they didn't do it sooner but there are all kinds of excavators and bulldozers in the Schoharie Creek right now as he speaks and they are not about to move them out of there and Prattsville is talking about suing DEP because they did not let them fix it before the storm and then it caused all this damage. He added that the public is tired of spending all this money and if they spend one million dollars in the creek, it is just as apt to flood two years from now and they will have to do it again. He went on by saying that Kelt Vosburg, who was Highway Superintendent Deering's boss, used to run a bulldozer up and down the creek every couple of years and solved the problem and you can still see the berms where he did it, and this is basically what they have to do, but DEC says right in the permit that they don't want berms along the creek, which keeps the water in the creek. He reiterated that DEC is not going to be helpful and they are going to have to go above them if necessary and get approval and the Governor is very practical and there is an opportunity right after the storm and if they are looking at a million dollar project they are looking to 2-2 ½ years before it is done and then they won't know how long it will last and added that he does not know if they have access to the Governor's Office or the Commissioner of DEC because they can get it approved.

Attorney for the Town Wukitsch stated that he does not believe that their pull extends that high but he understands what he is saying.

Councilman Dolan stated that they will certainly try and added that a conversation that he and Chief Darlington had on the way to the FEMA Meeting was along those lines.

Mr. Hummel stated that when you look at the scope of the work, aerial photos and stream flows, it's all part of the process because everyone makes money, the programmer makes money, the designer makes money, the contractor makes money and the bigger and more complicated they make the project, the more money everyone makes, but the public pays for it. He continued by saying that whether it is coming from FEMA or the State or the Town, we are all paying for it and they should really take advantage of the present situation and try to simplify it and let Al get in there and fix it, which may require renting an excavator. He then asked Highway Superintendent Deering if he has a big excavator.

Highway Superintendent Deering stated that he does not have one.

Mr. Hummel stated that he can drive one, he can drive anything and he could fix this in a couple of weeks.

Deputy Supervisor Touchette asked if there were any additional comments.

Mr. Wayne Noyes stated that he lives at 7 Greening Lane and added that he guesses the biggest problem is that if they don't take care of it now, come next Spring they are going to be in trouble, which means the Town will be in trouble, which is the bottom line and it has to be done with no if, ands or buts. He concluded by saying that he has been there 11 years and the first 5 years he never pumped but now he pumps every time it rains and he is a lot higher than other people and reiterated that the bottom line is that they have to get it done.

Deputy Supervisor Touchette asked if there were any additional comments.

Mr. Jerry Hall stated that they are getting back to discussing the same old, same old and the routine of permits and he does not think that the Town Board was privy to the information that he just gave Councilman Dolan on the permitting process following Irene. He added that even though the State lifted the restriction and that time has come and gone, the way he understands it is that there are still ways to get the permit in a rapid mode, and this is what they need to look at and getting the engineering done is fine and dandy for the big picture but for the immediate fix from what he is reading, is that they can get a permit and do what they want and get out of trouble and then do the grandiose project that ENCON seems to want. He concluded by saying that the way that they are taking care of their watersheds, they should change their name to Department of Environmental Destruction not Conservation.

Deputy Supervisor Touchette asked if there were any additional comments.

Mr. David Flach stated that he lives in Coeymans Hollow and added that he just wanted to say that he owns a couple of excavators, which he rents for thousands of dollars and would donate his time to do it.

Deputy Supervisor Touchette asked if there were any additional comments.

Councilman Dolan stated that in the conversation with Ms. Brain from FEMA, she suggested that they get the permit and then move ahead with the work and this seems like a shortcut to get a permit and this is exactly what they will do and then move ahead with the work.

Chief Darlington stated that FEMA would not pay if they got an excavator and dug it out and it would be on Town funds.

Councilman Dolan stated that if they did the labor, it would be on the Town and added that it could be done with volunteer labor.

Economic Development

Deputy Supervisor Touchette asked that Councilman Boehm address this topic.

Councilman Boehm stated that Supervisor Youmans and Sandy Mathis, the former IDA of Greene County had a meeting to discuss several options, which included a formation of a Local Development Corporation and seeking grant money for Economic Development activities here in town. He added that he will be following it up this week and will bring the Board up to date on the proposal and push forward.

Joralemon Park Playground Equipment

Deputy Supervisor Touchette stated that at the Budge Workshop last Saturday, Parks and Maintenance Supervisor Nelson Perry had requested new playground equipment at Joralemon Park and unfortunately in the economic climate that they find themselves, this is not going to be possible. He added that he was able to identify a grant from the EPA, DEC and NYS Parks and Historic Preservation, that has a component for municipal parks and one of the available funding grants is for playground equipment, which he will be applying for after they authorize it in a resolution.

RESOLUTIONS

RES. #90-11 AUTHORIZE FILE APPLICATION FOR FUNDING TO NYS OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION

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

WHEREAS, it has been brought to the Town Board’s attention that funding may be available through the New York State Office of Parks, Recreation and Historic Preservation for rehabilitation of parklands, and

WHEREAS, Joralemon Park’s playground equipment has not been upgraded in a number of years,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby authorize and direct Richard N. Touchette, as Deputy Supervisor, to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$30,000.00.

BE IT FURTHER RESOLVED, upon approval of said request to enter into and execute a Project Agreement with the State for such financial assistance to the Town of Coeymans for the purchase and installation of playground equipment at Joralemon Park.

Councilman Boehm stated that it is a great idea because there is a lot of use at the equipment in the Hamlet and he hopes they can duplicate it at Joralemon Park and then thanked Councilman Touchette for doing it.

RES. #91-11 APPROVE OCTOBER ABSTRACT

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

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

FUND	VOUCHER #	AMOUNT
GENERAL (A)		
General Pre-Pay	2036-2079	\$202,437.60
General	2129-2161	\$ 44,491.32
	General Total	\$246,928.92
PART-TOWN (B)		
Part-Town Pre-Pay	2080-2094	\$437,649.23
	Part Town Total	\$437,649.23
HIGHWAY (DB)		
Highway Pre-Pay	2095-2104	\$ 43,591.08
Highway	2162-2202	\$ 20,401.91
	Highway Total	\$ 63,992.99
SEWER (SS)		
Sewer Pre-Pay	2105-2121	\$ 17,765.69
Sewer	2203-2217	\$ 3,983.72
	Sewer Total	\$ 21,749.41

CAPITAL PROJ. (H35)		
Capital Projects	2218	\$ 11,049.30
	Capital Proj. Total	\$ 11,049.30
CAP. PROJ. (H-37)		
Capital Projects	2219	\$ 2,620.00
	Capital Proj. Total	\$ 2,620.00
	Total for all Funds	\$783,989.85
TRUST & AGENCY (TA)		
Trust & Agency Pre-Pay	2122-2128	\$219,871.75
	Trust & Agcy. Total	\$219,871.75

Deputy Supervisor Touchette stated that there is one more resolution that unfortunately didn't make the agenda and added that it was something that they talked about at the last Workshop. He then asked that Chief Darlington give an introduction to the resolution and why they are doing it.

Chief Darlington stated that currently they have a couple of personnel out on injury, all from outside their employment with the Town and one full-timer has been out for a week due to surgery and a part-timer has been out for quite some time. He continued by saying that the hourly rate that they pay part-time compared to the hourly rate of a starting full-time employee is widely different and due to the availability of some of the part-time staff, as a cost savings he requested that one of the current part-time employees be given a full-time position. He added that ultimately it is less to cover the 40 hours with the full-timer, including benefits, than it was with the current part-timer.

RES. #92-11 AUTHORIZE HIRING OF FULL-TIME POLICE OFFICER

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

WHEREAS, the Town Board finds that there is a need for the hiring of a full-time patrolman to reduce the amount of overtime logged by the Coeymans Police Department, and

WHEREAS, the Town Board previously appointed Frank McDonough off the Albany County Civil Service list as less than full-time in the Coeymans Police Department.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the hiring of Frank McDonough as a full-time patrolman at the start of the second year of the Collective Bargaining Agreement, effective immediately pending Albany County Civil Service approval and subject to a probationary period of one year.

Deputy Supervisor Touchette asked if there was any discussion.

Councilman Dolan stated that the Chief had mentioned that there is a differential in the rates and he wanted to clarify that the full-time Officer gets paid less than the part-time Officer per hour.

Councilman Boehm inquired as to if it is effective immediately.
 Councilman Dolan stated that it is.

Deputy Supervisor Touchette interjected that it is pending Civil Service approval.

Chief Darlington stated that he wanted to add that this is currently budgeted in the Proposed Budget so there would not be any more added to next year's budget as presented.

Deputy Supervisor Touchette stated that it is budget neutral and then asked that Chief Darlington extend the Board's congratulations to Officer McDonagh.

TOWN BOARD WORKSHOPS/MEETINGS

- Town Board Budget Workshop, October 29, 2011, 9:00am
- Public Hearing, November 10, 2011, 7:00pm
- Town Board Meeting, November 14, 2011, 7:00pm
- Town Board Workshop, November 22, 2011, 6:00pm

ADDITIONAL COMMENTS

Deputy Supervisor Touchette asked if there were any additional comments.

Town Clerk Millious stated that she wanted to remind everyone that on the upcoming election, people need to look at the cards that come in the mail because they may not be going to the same polling site and added that anyone that is not sure should check with either her office or Board of Elections because she would hate to see someone get to their polling site where they have always voted and have it be somewhere else. She reiterated that there have been a lot of changes and she wants to save people from running around.

Deputy Supervisor Touchette asked if there were any additional comments.

Attorney for the Town Wukitsch inquired about the Workshop on November 22nd and whether it is a regularly scheduled Workshop or if it is the second Town Board Meeting.

Deputy Supervisor Touchette stated that there is a Meeting on the 14th, a Workshop on the 22nd and then a Meeting on the 28th, which is not listed on the agenda. He then asked if there were any additional comments.

Chief Darlington stated that one thing that came out of the meeting with FEMA on Thursday pertains to the clean-up Joralemon Park and that FEMA only pays for overtime and because the clean-up would be on regular straight time, it would be non-reimbursable and added that if they were to hire a contractor it would be paid in full. He continued by saying that he is looking for direction as to how they want to move forward with it and get bids to see how much it would cost to clean it up and if they do, they need to work on it quickly as they will be having their next and possible final meeting with FEMA for the Irene storm.

Deputy Supervisor Touchette inquired as to if they have to follow the same bidding protocol if it is an emergency.

Chief Darlington stated that it is an emergency as far as falling under a Disaster Declaration but it is not an emergency as far as creating an issue and added that the urgency would be the time period that FEMA is giving them to get their paperwork done.

Councilman Boehm inquired as to the scope of the project.

Chief Darlington stated that he does not know 100% and added that in speaking with Nelson he had indicated that it will probably be spring before they can do it because of the amount of other work that they are doing and they have not given him an estimate yet.

Councilman Boehm inquired as to if it is fallen down trees and clean-up like that.

Chief Darlington stated that there is also clean-up from where the creek flowed out.

Councilman Touchette suggested that they follow-up with Nelson and coordinate it, which he thinks is a good plan.

Chief Darlington stated that he also wanted to remind everyone that not only for emergency notifications but for notifications in general, the Police Department is using NIXEL again and you can go to www.NIXEL.com to sign-up, which is free. He added that any time the Police Department puts out a message; you will receive it in your e-mail and/or cell phone if you wish.

Councilman Boehm inquired as to if it would include snow emergencies.

Chief Darlington stated that it would as well as the flooding that they had.

Deputy Supervisor Touchette asked if there were any additional comments, hearing none he asked for a motion to adjourn to Executive Session to discuss possible litigation.

ADJOURNMENT TO EXECUTIVE SESSION

MOTION

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Deputy Supervisor Touchette stated that they would be returning from Executive Session to formally adjourn the meeting.

Time: 8:24pm

EXECUTIVE SESSION

Executive Session convened in the Supervisor's Office immediately following the Town Board Meeting with a full Town Board minus Supervisor Youmans, with Attorney for the Town Wukitsch also present to discuss possible litigation, no decisions were made or action taken.

Executive Session Adjourned - 8:46pm

RECONVENE MEETING & ADJOURNMENT

Deputy Supervisor Touchette called the meeting back to order and asked for a motion to formally adjourn the meeting.

MOTION

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

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

Time 8:46pm

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk