

**A Town Board Meeting was held Tuesday, November 13, 2012, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Stephen D. Flach, Supervisor  
Dawn L. Rogers, Councilwoman  
Thomas A. Boehm, Councilman  
Thomas E. Dolan, Councilman  
Peter E. Masti, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Albert Deering, Highway Superintendent  
Scott Searles, Deputy Highway Superintendent  
Greg Darlington, Chief of Police

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

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### **OPENING COMMENT**

Supervisor Flach stated that the record should reflect the presence of a full Town Board.

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### **AGENDA**

- Public Announcements
  - Town Office Closed November 22 & 23, Thanksgiving
  - Adoption of 2013 Budget November 20, 2012, 6:00pm
- Public Comment
- Approval of Minutes
  - Town Board Meeting, October 22, 2012
- Old Business
  - Establish Public Hearing for Mid-Hudson Cable Franchise Renewal
- New Business
  - Establish Public Hearing for Proposed Local Law to Appoint Alternate ZBA Members
  - Resignation of Thomas Plath
- Resolutions
  - Appoint Special Counsel for DEC Order on Consent
- Town Board Workshops/Meetings
  - Town Board Workshop, November 20, 2012, 6:00pm
  - ZBA Meeting, November 21, 2012, 7:00pm
  - Public Hearing, November 26, 2012, 6:00pm
  - Town Board Meeting, November 26, 2012, 7:00pm

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### **PUBLIC ANNOUNCEMENTS**

Supervisor Flach stated that Town Offices will be closed November 22<sup>nd</sup> and 23<sup>rd</sup> for Thanksgiving. He continued by saying that the 2013 Budget will be adopted on November 20<sup>th</sup>, which will be a regularly scheduled Workshop.

Councilman Boehm stated that he wanted to announce to the public that Mark Evans from State Telephone will do a presentation at the November 26<sup>th</sup> Town Board Meeting regarding cable and internet service for the town.

**PUBLIC COMMENT**

Supervisor Flach invited the public to comment at this time.

**Mr. Gary Bogardus** stated that he wanted to clear up something that was said a few weeks ago when someone blamed some of them of accusing the Board of being dysfunctional and he wanted to clarify that it was not him.

Councilman Dolan stated he totally agrees with him.

Mr. Bogardus stated that it is actually the other way around and he thinks that the Board is doing a good job. He continued by saying that he had one question on the budget where it lists Special Improvements in the amount of \$190,000.00 and then asked what it consists of.

Supervisor Flach stated that it is for the Road List that they have every year and it comes from C.H.I.P.S. money.

Councilman Boehm interjected that most of it is reimbursed by C.H.I.P.S.

Mr. Bogardus stated that he didn't realize that people like Town Clerk Millious and Highway Superintendent Deering have not had pay raises in years and he thinks that it is unfair and with a 6 million dollar budget they should be able to find \$15,025.00 for all of the raises to be approved and if they want people to do a good job you have to give them a little incentive. He continued by saying that as far as the Supervisor's pay goes, Ron Hotaling did a full-time job and he got \$45,000.00, Jim Youmans lowered the salary to \$30,000.00 because he realized that he could not do it on a full-time basis and Rick Touchette was going to get some extra for filling in. He added that in the Tentative Budget it was raised to \$40,000.00 for the Supervisor and he feels if he is doing a full-time job, he should be paid close to what Ron was for a full-time job but if he is only going to be there for a couple hours a day he shouldn't get it and as a Board, if he is not doing full-time, they could lower the salary to a part-time salary. He went on by saying that for snow removal he thinks that they should see if they can get a contract with the County to plow their roads because they drive over them anyway to get to the Town roads.

Highway Superintendent Deering interjected that it is County and State roads.

Mr. Bogardus stated that all they would have to do is drop the plow.

Highway Superintendent Deering stated that they do it now when it is necessary.

Chief Darlington stated that they have talked about this because they end up calling Highway Superintendent Deering for the State roads because the County cannot get to them.

Mr. Bogardus stated that they need to do some work on it and he realizes that it is political and will require some arm twisting but people don't realize that the County taxes went up 9% and if the County can save some money, the Town saves money on both ends. He continued by saying that the County could reimburse the Town because there is a cash flow problem with less revenue and there are businesses closing and buildings being torn down and reiterated that they need to get some revenue somehow. He added that he realizes that it would take some work but the way the Country is moving, they have to consolidate to stay afloat because they can't keep going to the taxpayers who are tapped out. He went on by saying that he believes that they should have a metal collection a couple times a year because junk is \$200.00 - \$300.00 a ton.

Councilwoman Rogers interjected that she believes that Highway Superintendent Deering has that set-up now and there is a bin at the Highway Garage.

Mr. Bogardus stated that it should be like the brush collection where you can put it out by the road and have it picked up by a dump truck and then taken the Port for \$200.00 - \$300.00 a ton.

Councilman Dolan stated that he can tell him that the County has zero interest in paying the Town to plow their roads.

Councilman Masti inquired as to what happens if the Town doesn't plow them.

Councilwoman Rogers stated that we do plow them because during one storm they only had one plow and the Town covered for them and added that she hears that they may have two plows now.

Mr. Bogardus stated that if this is the County's attitude, the Town should not put a plow down on their roads and let the people complain.

Councilman Boehm stated that there could be an emergency and people have to get out.

Supervisor Flach stated that the Town is caught between a rock and a hard place because of the residents.

Mr. Bogardus stated that they are going to have to make some good publicity for the law makers in power and as he said earlier, it is going to take some arm twisting.

Councilman Masti interjected that the County had a 9% increase and then asked what they have done for the Town and where the money is going.

Councilwoman Rogers stated that they gave their own some nice raises.

Mr. Bogardus stated that most people don't realize that their County taxes have gone up because they don't see it.

Councilman Masti stated that you don't unless you are in the County Legislature.

Mr. Bogardus reiterated that they have to give them some publicity in the newspaper and on the television.

Supervisor Flach asked if there were any other comments.

Councilman Dolan asked Highway Superintendent Deering how much of the Special Improvement money they get back from C.H.I.P.S.

Highway Superintendent Deering stated that they get approximately \$87,000.00.

Councilman Masti inquired how much road, which are not town roads, does the Highway plow during a snowstorm.

Deputy Highway Superintendent Searles stated that they tell the guys that if the roads are not plowed when they go from one town road to the next, to keep their plow down.

Councilman Masti stated that that they should be getting something back from the County for their services.

Chief Darlington interjected that they literally had to shut Rte. 144 and Rte. 9W because they were impassable and they counted on the Town Highway Department to bail them out. He continued by saying that at least the State road might be able to be contracted and when they closed the road, they notified State DOT.

Mr. Bogardus stated that the County would be saving money if they don't have to plow the roads.

Councilman Masti stated that what cost the most for the Highway Department was increased fuel and salt but they won't give the Town enough salt when they need it to salt their own roads.

Councilwoman Rogers interjected that the Town ran out and had to pay for more.

Councilman Dolan stated that he does not think that there is any basis in Town Law for billing the County for plowing roads.

Chief Darlington stated that there is with an Intermunicipal Agreement.

Councilman Dolan stated that they don't have one.

Highway Superintendent Deering stated that there has to be an Agreement and then you can get paid for it because there are towns that do it.

Councilman Boehm asked if there are hill towns that have an Agreement with the County.

Highway Superintendent Deering stated that there are towns that plow county and state roads and get reimbursed because there is a contract.

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

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**APPROVAL OF MINUTES**

Supervisor Flach stated that there was one set of Town Board minutes for approval, a Town Board Meeting on October 22<sup>nd</sup> and then asked for a motion to approve them.

**MOTION**

On motion of Councilman Boehm, seconded by Councilman Masti, the minutes were approved as presented and read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**OLD BUSINESS**

**Establish Public Hearing for Mid-Hudson Cable Franchise Renewal**

Supervisor Flach stated that they need to establish a Public Hearing for the Mid-Hudson Cable Franchise Agreement Renewal and as Councilman Boehm had stated earlier, Mr. Evans from State Telephone will be giving a presentation on November 26<sup>th</sup>. He continued by saying that the Public Hearing will be at 6:00pm, November 26<sup>th</sup>, which is one hour prior to the Town Board Meeting at 7:00pm.

Councilman Dolan stated that he would encourage anyone with cable to contact the Town Board if there are any problems or questions about their cable service as well as if they know someone who does not have cable but has questions.

Councilman Boehm stated that the Village residents have cable through State Telephone.

Collectively the Town Board agreed to the date and time.

Town Clerk Millious interjected that she would take care of the Notice.

**NEW BUSINESS**

**Establish Public Hearing for Proposed Local Law to Appoint Alternate ZBA**

Supervisor Flach stated that they need to establish a Public Hearing for a Proposed Law to Appoint Alternate ZBA Members and they talked about December 10th at 6:00pm prior to the Town Board Meeting at 7:00pm.

Collectively the Town Board agreed to the date and time.

**Resignation of Beautification Employee**

Supervisor Flach stated that he was in receipt of a resignation letter from Tom Plath and continued by reading the following:

Dear Supervisor Flach and Town Board,

I am submitting my resignation for the purpose of retirement, effective close of business on November 25, 2012. Thank you for the opportunity of working for the Town of Coeymans for the past 35 years.

Sincerely,

Thomas Plath

Supervisor Flach stated that 35 years is a long time and Tom has been a good part of the Town's workforce and he is a great guy and good solid worker and they appreciate all of his hard work and everything that he has done for the Town.

Councilman Dolan stated that he would echo Supervisor Flach's comments and he is a great worker and one of the more colorful workers and he always enjoys seeing and talking to him and added that he is a great guy and he will miss him.

Councilman Masti stated that he is very friendly and he introduced himself when he first came on the Town Board and told him that if he had any questions, to just ask him.

Supervisor Flach asked for a motion to accept the resignation.

**MOTION**

On motion of Councilman Boehm, seconded by Councilman Dolan, accepting the resignation of Tom Plath for the purpose of retirement.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**Snow Emergency Procedures**

Supervisor Flach asked that Chief Darlington discuss the Snow Emergency Procedure.

Chief Darlington stated that in the Town as well as the Village, when there is 3 inches or more of snow accumulation there is no parking on town or village roadways and if you are parked on the road you will be ticketed up until 48 hours after the completion of the storm. He continued by saying that he recommends that people register with NIXLE.com because when snow emergencies are declared they are put on there and you will be aware of it.

Councilman Boehm inquired as to if it is on the television news stations.

Chief Darlington stated that they try to get them and it depends on how many are going on that determines how quick you get it.

Supervisor Flach asked what the procedure is for registering on NIXLE.

Chief Darlington stated that when you go on, there is a place to register and you put in your zip code and it will give you anything that is in the area if any other agencies are using it.

Councilman Masti inquired as to if it come across on cell phones.

Chief Darlington stated that it is cell phone and e-mail and it is free.

Councilman Boehm inquired about the parking lots in the Hamlet when people move their cars off the street.

Highway Superintendent Deering stated that he plows them out so they can park there and they don't have to move their cars from there for plowing.

Councilman Boehm suggested that they put something in the News Herald reminding people of the snow emergency so the first snow storm goes smoothly.

Supervisor Flach stated that he would get it in the News Herald for next week.

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**RESOLUTIONS**

Supervisor Flach stated that they received a Modification of the Order on Consent from NYS DEC and much of it goes along with the Village because they share the Waste Water Treatment Plant and Attorney Biscone is representing the Village and he should also represent the Town so they are not paying two different lawyers to do the same thing and continued by reading the following resolution.

**RES. #116 APPOINT SPECIAL COUNSEL FOR DEC ORDER ON CONSENT**

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

**WHEREAS**, the Town of Coeymans has received a Modification of Order on Consent from NYS Department of Environmental Conservation, and

**WHEREAS**, the Order on Consent has certain stipulations that require further legal action, and

**WHEREAS**, the Town of Coeymans and the Village of Ravena wish to use the services of Michael Biscone, Attorney at Law to address the legal issues regarding the Order on Consent with fees shared on a 50/50 basis,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Coeymans hereby appoints Michael Biscone as Special Counsel for the purpose of handling the legal issues regarding the Order on Consent.

Councilman Boehm asked if they had a cap amount for this.

Supervisor Flach stated that he didn't ask about that and he does not know what to expect.

Councilman Boehm suggested that they offer \$5,000.00 and then authorize a resolution for more payment if need be because he doesn't feel comfortable leaving it open-ended.

Supervisor Flach stated that they could do that and do another resolution later if they need to authorize more money.

Councilman Boehm offered an amended motion, which was seconded by Councilman Dolan.

Councilman Dolan stated that he believes that Mr. Biscone has some expertise in this particular field of legal practice and in talking with the Village Board that has been involved, they are very happy with the work that he has done previous to this and it makes sense to share the cost but also important to have someone that is skilled in this particular area. He added that Mr. Biscone on occasion has been known to be aggressive when he needs to be and he thinks that they need this because there were some issues with the modification of the Consent Order, which steps it up a notch.

Councilman Boehm suggested that they let Mr. Biscone know about the \$5,000.00 cap.

Supervisor Flach stated that he will send him a letter.

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**ADDITIONAL BUSINESS**

**Police Car**

Councilman Boehm inquired about the status of a new police car.

Chief Darlington stated that Town Clerk Millious pulled the bids.

Town Clerk Millious stated that there were two bids on October 4<sup>th</sup> for the 2013 Ford Taurus with one bid from R.C. Lacy for \$25,850.00 and the second from Crossroads in the amount of \$25,210.00.

Supervisor Flach asked for a motion to award the bid.

**MOTION**

On motion of Councilman Boehm, seconded by Councilman Dolan, authorizing Chief Darlington to award the bid for the purchase of a 2013 Ford Taurus in the amount of \$25,210.00 with Crossroads Ford in Ravenna.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**TOWN BOARD WORKSHOPS/MEETINGS**

- Town Board Workshop, November 20, 2012, 6:00pm
- ZBA Meeting, November 21, 2012, 7:00pm
- Public Hearing, November 26, 2012, 6:00pm (Mid-Hudson Cable Franchise)
- Town Board Meeting, November 26, 2012, 7:00pm
- Public Hearing, December 10, 2012, 6:00pm (Local Law to Appoint Alternate ZBA Members)

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**ADDITIONAL COMMENTS**

Supervisor Flach asked if there were any additional comments.

Councilman Boehm interjected that the reason that they are purchasing a police car is that they can pay cash for it before the end of the year so they will not have to Bond or BAN the balance and then asked that Supervisor Flach advise as to where the funds are coming from.

Supervisor Flach stated that the DB Fund owes B Fund and B Fund owes A Fund so they were able to come up with the money for it and the money that the Sewer Fund owes to B Fund and B Fund to A Fund will be bonded and there will be a resolution for the next Town Board Meeting.

Supervisor Flach asked if there were any other comments.

Town Clerk Millious stated that it has been busy at Grove Cemetery with one burial earlier in the day and one scheduled for Saturday. She continued by saying that she is getting ready for the relevy process for water, sewer, school and Village taxes.

Supervisor Flach asked if there were any other comments.

Chief Darlington stated that Halloween was fairly quiet with no major incidents. He added that earlier in the day they had a meeting with F.X. Browne regarding the Hannacroix Creek Project and they actually started some of the ground work and he along with Supervisor Flach, Councilman Dolan and Larry Conrad sat down with five representatives who explained what is going on out there and hopefully they will be moving this process along. He continued by saying that they had talked about parking on Colvin Avenue and decided that they should review the whole parking issue and he had forwarded what he and Deputy Highway Supervisor Searles came up with a couple of years ago and he would like for it to be put on the agenda for the next meeting.

Supervisor Flach asked if there were any other comments.

Councilman Boehm asked if the Proposed Law to appoint alternate ZBA Members is on the website and if there is somewhere that copies could be obtained.

Town Clerk Millious stated that it is not but will be.

Supervisor Flach asked if there were any other comments.

Councilman Dolan stated that he wanted to mention another thing about the meeting with F.X. Browne and added that they are skilled in this case in balancing the needs, demands, and wishes of what the homeowners will need out there and they did a very good job of explaining how things can get done to satisfy the needs and he is confident that they will be able to do it in a timely manner. He concluded by saying that he wanted to thank Larry Conrad and Chief Darlington for their knowledge of the history of the creek.

Supervisor Flach asked if there were any other comments.

Councilwoman Rogers stated that she wanted to wish Tommy Plath the best of luck in his retirement.

Supervisor Flach asked if there were any other comments.

Councilman Boehm stated that everything went smoothly with Hurricane Sandy and they didn't have to use the services that were available and the police did an excellent job evacuating people from Miller Road in preventing any issues if the storm became worse and the school district was phenomenal setting up the shelter and there were Suburban's ready to transport people and the food service was ready and they got 20 more cots and blankets from the Red Cross. He concluded by saying that they did a great job and fortunately they didn't need all of it and the meetings run by Chief Darlington and Emergency Management Coordinator Bruno were effective and it all came together nicely.

Chief Darlington stated that there was an article in the News Herald relative to the police response to the Hudson River going over its banks and added that throughout the entire day in their Emergency Operations Center downstairs they repeatedly contacted Albany County Emergency Operations Center who had direct contact with National Weather. He continued by saying that the question was what effect it would have on the river because they were seeing 5 foot storm surges in New York City, which they figured would effect up here and the prediction was that there would be no effect as of 9:00pm on that evening. He went on by saying that at 3:00am he was awakened to find out that the river had gone over and the river had been checked at 1:30am and was one foot below the sidewalk but at 3:00am it was up and over. He concluded by saying that he wanted to explain how it transpired and two days after the storm the National Weather came down

and he took them down to the river and they were amazed of the impact that the Hudson River had down there and they met with Carl Allen and they are considering working with them to put in a station to help monitor the river because right now there is a station in Poughkeepsie and one in Albany and the effects in between are still unknown and the reason why they get last minute advisements and they end up advising National Weather.

Councilwoman Rogers inquired as to who would install the station.

Chief Darlington stated that Carl Allen is very interested in working with them and there maybe grants with National Weather and there may be something that they can do to assist, to help predict. He added that a small number of businesses and people are impacted and when people are impacted it doesn't matter how small.

Supervisor Flach asked if there were any other comments.

Highway Superintendent Deering stated that he would like to thank the people on Miller Road who evacuated when they were asked to do so.

Supervisor Flach stated that there was very good cooperation and then asked if there were any other comments.

Councilman Boehm sated that he wanted to thank the Lions Club for the Halloween Party at the firehouse and those type of activities helps to make it a little safer in giving kids something to do.

Supervisor Flach asked if there were any other comments.

Councilman Masti stated that there was an article in the News Herald about the Girl Scouts going out and doing something for other people by collecting for U.N.I.C.E.F. and it is good to encourage the youth to go beyond their needs to do what they can for other people.

Supervisor Flach asked if there were any other comments.

Councilman Dolan stated that he along with Councilman Boehm, Doug Porter, Nancy Warner and Mr. Case met at the high school and Councilman Boehm suggested that they get some shelter training and Albany County Cooperative Extension has a contract with the Albany County Sheriff's to do shelter training, which will be December 17<sup>th</sup> at 6:00pm in Town Hall.

Councilman Boehm suggested that they contact Jen, Brian and Doug and the Village to let them know about it.

Councilman Masti stated that they had discussed getting their own blankets and cots and continued by asking if they were going to look into doing it.

Supervisor Flach stated that there are a number of cots up there now.

Chief Darlington stated there were 19 and the County came and retrieved the ones that they delivered and added that he did request it in his budget to buy cots and blankets.

Councilman Boehm stated that it makes sense to purchase the blankets and cots because there is a problem when everything hits and everyone is looking for them and you can't depend on being able to get them. He added that Doug Porter did a great job storing the cots from Hurricane Irene and reiterated that it makes sense to purchase the cots and blankets because the high-school is a perfect location for a power source, food source and transportation, which makes it a perfect shelter.

Supervisor Flach asked if there were any other comments.

Councilman Dolan stated that the last thing that he had to mention was that he wanted to thank the V.F.W. for the very nice memorial that they had on Main Street in Ravena.

Supervisor Flach stated that they all thank the Veteran's for all they have done and he personally thanked a Veteran and added that we are so blessed in the country to have people that are willing to fight for us. He continued by saying that Friday, December 7<sup>th</sup> is the Holiday Parade tree lighting at the gazebo. He went on by saying that he and Councilman Masti took over for Councilman Dolan and Councilman Boehm at the shelter and they were there until 2:30am and he got at call at 3:30am to go down to the river to rescue the dogs in the Town's shelter and to make sure that the Waste Water Treatment Plant was not completely under water and concluded by thanking Chief Darlington and his department for all of their hard work in our town, which is pretty long from one end to the other.

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

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**ADJOURNMENT**

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time – 7:45pm

*Respectfully Submitted,*

**APPROVED –**

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*Diane L. Millious, Town Clerk*