

A Town Board Meeting was held Monday, December 10, 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
Greg Darlington, Chief of Police

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

OPENING COMMENT

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

AGENDA

- Public Announcements
 - Town Offices Closed, Christmas Day 12-25-12
- Presentation
 - Southworth Milton Cat
 - Award to Clematis Club
- Public Comment
- Approval of Minutes
 - Town Board Workshop, November 20, 2012
 - Town Board Meeting, November 26, 2012
- Old Business
- New Business
- Resolutions
 - Reappoint Member of Board of Assessment Review
 - Adopt Local Law for Alternate Members of Zoning Board of Appeals
 - Appoint Alternate Member of Planning Board
 - Authorize Supervisor to Sign BAS Contract
 - Increase Part-Time Mechanic Pay Rate
- Correspondence
 - Letter from Former Park Committee
- Town Board Workshops/Meetings
 - Public Hearing, December 18, 2012, 6:00pm
 - Town Board Meeting, December 18, 2012, 7:00pm
 - Public Hearing, December 18, 2012, 6:30pm
 - ZBA Meeting, December 19, 2012, 7:00pm

PUBLIC ANNOUNCEMENT

Passing of Town Employee – Linda Bianca

Supervisor Flach stated that as many are aware, Highway Clerk Bianca passed away on Friday and continued by reading her obituary. He added that his condolences go out to Ralph and his family and anyone wishing to do so can donate to Hospice in lieu of flowers. He then asked if anyone wanted to comment.

December 10, 2012 – Town Board Meeting – 7:00PM

Councilman Dolan stated that he wanted to pass his condolences to Linda’s family, particularly Ralph and he has know Linda for sometime and most recently got to work with her on some of the FEMA reimbursement. He added that in addition to being a really great person she really knew her stuff when it came to FEMA reimbursement, which can be very confusing and bewildering but she kept it on track and handled it with her usual good humor.

Town Clerk Millious stated that she has been taking up a collection for a donation to Hospice in memory of Linda and added that she herself has been with the Town for 21 years and Linda was a very jolly person, good to work with and a lot of fun, she will miss her and her thoughts are with the Bianca and Shufelt families.

Chief Darlington stated that he wanted to extend his condolences to the family and added that he had worked closely with her on the FEMA Projects and she will be greatly missed.

Town Offices Closed 12-25-12

Supervisor Flach stated that the Town offices will be closed Christmas Day on Tuesday, December 25, 2012. He continued by saying that the tree lighting and parade were cancelled last Friday due to the weather and has been rescheduled to December 14th at 6:00pm and the Historic Coeymans Landing Neighborhood Association will be serving refreshments and hot cocoa. He added that there will be caroling at the Village Gazebo on December 16th at 4:00pm and people from the Village and Town are invited to spread some Holiday cheer.

Councilman Dolan interjected that it is at the intersection of Pulver and Main Streets next to the post office.

PRESENTATION

Awards to the Clematis Club

Supervisor Flach stated that he had a citation to present to the Clematis Garden Club by the Federated Garden Clubs of New York State, Inc. and continued by reading the following:

The National Garden Clubs Inc. presented a Certificate of Appreciation on the occasion of the Blue Star Memorial Marker for honoring our Veterans who bravely offered their lives for the preservation of our nation’s freedom. The Clematis Garden Club acknowledges the support given by the Town Board, the Highway and Beautification Departments and the private donations made in honor of loved ones who made the project possible. As the monument stays to the glory of God and those who served our country the Blue Star Memorial marks a tribute to the Armed Forces of America.

Supervisor Flach stated that the citation was given to the Clematis Garden Club who takes care of the flowers at the memorial and he thanks them for that.

Southworth Milton Cat

Supervisor Flach asked Highway Superintendent Deering if Mr. DiAcetis from Southworth Milton Cat was going to join them for a presentation.

Highway Superintendent Deering stated that he was supposed to be there.

Supervisor Flach stated that if he comes they will continue on with his presentation and then moved to the next item on the agenda.

PUBLIC COMMENT

Supervisor Flach invited the public to comment at this time.

Mr. Jerry Hall stated that he lives at 10 Greening Lane and was present to check up on the status of the Hannacroix Creek Project since they are approaching the five-year anniversary of when it was deemed an immediate threat to personnel and property. He then asked for an update that he would convey to his neighbors who are also very concerned.

Supervisor Flach asked that either Chief Darlington or Councilman Dolan give an update.

Chief Darlington stated that at the last meeting he had mentioned that he was waiting for a contract from C.T. Male and when he e-mailed them he was advised Supervisor Flach and Attorney for the Town Wukitsch had signed it and sent it back so that part of it is complete. He continued by saying that on December 19th he will be meeting with F.X. Browne for a pre-permitting meeting and after that they will be meeting with Fishery Biologists from DEC, Army Corp of Engineers and Mr. Marcuccio from DEC at the site to discuss the permits and the work that is proposed to be done and from there they will start applying for permits and moving forward.

Supervisor Flach stated that he will know the date of the meeting after December 19th.

Chief Darlington stated that it will all be on December 19th and they will be meeting with F.X. Browne an hour before and then they will be going to the site to meet with the others.

Mr. Hall stated that recently he spoke with Mr. Robbie VanEtten who had an issue with the creek encroaching his property and he got in touch with Water and Soil from the Albany County Department, who he told them about months and months ago, and he was able to get a permit, have machinery in the creek and clean up all his problems in less than two months. He added that he knows that it is a different scale of work but he seemed to get things done straight forward using the Department of Water and Soil.

Supervisor Flach stated that he spoke with Joe Slezak with Water and Soil early on and he did not indicate to him that the Town could go that route and he is not sure why Mr. VanEtten could go and just get a permit, which surprises him. He continued by saying that since he took office they have steadily been checking on this and these are the responses that they have been getting, which he does not understand and maybe he should put another call in to Mr. Slezak to see how he was able to get it so quickly.

Mr. Hall stated that he found it very interesting when Mr. VanEtten said that it was all taken care of and maybe the case was that he was supplying the rock, rip rap and excavator and the difference is that he owns the property that was being encroached upon.

Supervisor Flach stated that maybe it is because they are a municipality.

Councilman Dolan stated that he believes that some of it has to do with the fact that they are a municipality and the other issue he believes is the fact that FEMA adds an extra layer of bureaucracy.

Mr. Hall stated that they seem to have quite a bit of that.

Councilman Dolan stated that he would add that the people at F.X. Browne seems to be very skilled in dealing with the bureaucracy and have assured them that they can negotiate or navigate the bureaucracy and have assured that they can get it done within the timeframe, which would be a year from now.

Mr. Hall stated that as they know, they dodged the bullet with the last storm and one other benefit of that is that the reservoir was down about 4 feet and added that he thinks that every year they should be talking with the City of Albany, as the season comes

closer, about keeping the level down a little bit. He continued by saying that he has talked with some people up there and they don't see an issue as long as they release it slow enough that it does not cause any harm and would not have any issues with keeping it down, which would give them a little bit of a buffer.

Supervisor Flach stated that he would call Mr. Slezak to follow-up on the VanEtten matter and see if there is something that they missed.

Mr. Hall stated that he does not know the extent of Mr. VanEtten's problem and he had come to him and asked of their status with the Hannacroix Creek Project and added that he has to assume that it was on a much smaller scale. He continued by saying that he found it interesting that he could do it start to finish and be done with it in two months.

Supervisor Flach thanked Mr. Hall for the information and then asked if there were any other comments, hearing none he moved to the next item on the agenda.

APPROVAL OF MINUTES

Supervisor Flach stated that there were two sets of minutes for Town Board approval, a Town Board Workshop on November 20, 2102 and a Town Board Meeting on November 26, 2012 and then asked for a motion to approve them.

MOTION

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

OLD BUSINESS

Supervisor Flach stated that there were no Old Business topics to discuss.

NEW BUSINESS

Supervisor Flach stated that there were no New Business topics on the agenda and continued by saying that he received an e-mail from Michael O'Neil from the Environmental Facilities Corporation who is an Engineer assigned to Albany County. He continued by saying that there is a Clean Water State Revolving Fund that gives loans and grants to municipalities that qualify and they did it this year and it has to be renewed by February 1st. He then asked for a motion authorizing C.T. Male to update the current application for the Town.

MOTION

On motion of Councilman Masti, seconded by Supervisor Flach, authorizing C.T. Male to update the current application for the Town.

VOTE – AYES 5 – NAYS 0 – SO MOVED

RESOLUTIONS

RES. #122-12 RE-APPOINT BOARD OF ASSESSMENT REVIEW MEMBER

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

WHEREAS, the term of Joan Radley on the Board of Assessment Review expired on September 30, 2012, and

WHEREAS, the Town Board has determined her service to be of value to the Town, and

WHEREAS, Ms. Radley has expressed an interest in retaining a seat on the Board of Assessment Review, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby reappoint Joan Radley to a five-year term on the Town of Coeymans Board of Assessment Review.

Councilman Boehm stated that he wanted to thank Joan who has done this for a number of years and it is a lot of hours and a lot of work and he wanted to thank her for the work that she has done in the past and her experience is valuable to the Board.

RES. #123-12 ADOPT LOCAL LAW APPOINTING ALTERNATE MEMBERS OF ZONING BOARD OF APPEALS

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

WHEREAS, the Proposed Local Law Appointing Alternate Members of the Zoning Board of Appeals of 2012 has been introduced by the Town Board, and

WHEREAS, a Public Hearing was duly advertised in the official newspaper of the Town, and

WHEREAS, said Public Hearing was duly held on December 10, 2012 at 6:00pm at Tow Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the Proposed Local Law, or any part thereof, and

WHEREAS, the Town Board of the Town of Coeymans after due deliberation, finds it in the best interest of said Town to adopt said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans, hereby adopts Local Law “Appointing Alternate Members of the Zoning Board of Appeals” of 2012,

BE IT FURTHER RESOLVED, that the Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Coeymans, and to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

**LOCAL LAW #3-2012
A LOCAL LAW PROVIDING FOR APPOINTMENT OF ALTERNATIVE MEMBERS OF THE ZONING BOARD**

Section 1. LEGISLATIVE INTENT

This Local Law shall apply to the appointment, terms, functions and powers of alternate members of the Zoning Board of Appeals in the Town of Coeymans.

Section 2. DECLARATION OF POLICY

It is sometimes difficult to maintain a quorum on the Zoning Board of Appeals because members are ill or on extended vacation or find they have a conflict of interest situation on a specific matter before such a Board. In such instances, official business cannot be conducted which may delay or impede adherence to required time lines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this Local Law.

Section 3. DEFINITIONS

“Zoning Board of Appeals” means the Zoning Board of Appeals of the Town of Coeymans as established by the Town Board, pursuant to the provisions of Section 267 of the Town Law.

“Member” means an individual appointed by the Town Board to serve on the Town Zoning Board of Appeals pursuant to the provision of the Local Law or Ordinance, which first must be established.

“Alternate Member” means an individual appointed by the Town Board when a regular member is unable to participate on matters before the respective Board as provided herein.

Section 4. AUTHORIZATION

- A. The Town Board of the Town of Coeymans hereby enacts this Local Law to provide a process for appointing “alternate” members of the Zoning Board of Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the Board.
- B. Alternate members of the Zoning Board of Appeals shall be appointed by the Town Board or other duly authorized appointing authority, for a term of three (3) years with the terms to expire on December 31st of the third year after the date of their appointment.
- C. The Chairperson of the Zoning Board of Appeals may designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals Meeting, at which the substitution is made.
- D. All provisions of state law relating to the Zoning Board of Appeals member, eligibility, vacancy in office, removal, compatibility and service on other Boards, as well as any provisions of a Local Law / Local Ordinance relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

Section 5. SUPPRESSION OF TOWN LAW

This Local Law is hereby adopted pursuant to the provisions of Section 10 of the NYS Municipal Home Rule Law and Section 10 of the NYS Statute of Local Governments. It is the intent of the Town Board pursuant to Section 10 of the NYS Municipal Home Rule Law, to supersede the provision of:

- (1) Section 267 of Town Law relating to the appointment of members to the Town Zoning Board of Appeals.

Section 6. MISCELLANEOUS

- A. This Local Law shall be deemed to supersede and repeal any other Local Law to the extent therein inconsistent herewith.
- B. If any part of the Local Law shall be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and the Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.
- C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Coeymans to further regulate the subject matter of this Local Law.

Section 7. EFFECTIVE DATE

This Local Law shall become effective upon filing with the Secretary of State of the State of New York, as required by the Municipal Home Rule Law.

RES. #124-12 APPOINT ALTERNATE MEMBER OF PLANNING BOARD

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

BE IT RESOLVED, that Linda Ziegler is hereby appointed alternate member of the Town of Coeymans Planning Board, and

BE IT FURTHER RESOLVED, that the appointment of the alternate member will be for a period of one year, expiring December 10, 2013.

Supervisor Flach stated that they are adding a resolution to appoint Linda Ziegler the alternate member of the Zoning Board of Appeals Board.

RES. #125-12 APPOINT ALTERNATE MEMBER OF ZONING BOARD OF APPEALS

On motion of Councilwoman Rogers, seconded by Councilman Dolan, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

BE IT RESOLVED, that Linda Ziegler is hereby appointed alternate member of the Town of Coeymans Zoning Board of Appeals, and

BE IT FURTHER RESOLVED, that the appointment of the alternate member will be for a period of one year, expiring December 10, 2013.

RES. #126-12 AUTHORIZE THE SUPERVISOR TO EXECUTE CONTRACT WITH BAS

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

WHEREAS, Business Automation Services, Inc. (BAS) offers a wide range of computer services, and

WHEREAS, the Town Board of the Town of Coeymans wishes to contract with BAS for its services,

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute a contract with BAS for computer services effective January 1, 2013.

Councilman Boehm inquired as to the price.

Supervisor Flach stated that they are adding \$4,600.00 for the Utility Billing Software and \$15,700.00 for the yearly management cost for IT services to the resolution.

Councilman Boehm asked if the resolution was going to be amended

Supervisor Flach stated that it was.

Councilman Boehm asked Councilman Dolan if he accepted the amendment.

Councilman Dolan stated that he did.

RES. #127-12 INCREASE RATE OF PAY FOR POLICE MECHANIC

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

WHEREAS, Resolution #114-12, approved on October 22, 2012, the position of Part-Time Diesel/Heavy Equipment Mechanic; and

WHEREAS, the Town Board of the Town of Coeymans wishes to correct the rate of pay pertaining to this position,

NOW, THEREFORE BE IT RESOLVED, that the Town wishes to increase the rate of pay for Terrence Maddage to \$25.00 per hour effective October 22, 2012.

Councilman Masti and Councilwoman Rogers questioned the rate increase.

Councilman Boehm stated that they hired Mr. Weidman at \$25.00 per hour and Civil Service doesn't recognize the title of Diesel/Heavy Equipment Mechanic.

Supervisor Flach stated that the title is Automotive Mechanic under Civil Service and added that Mr. Maddage works on the police cars and was hired to work on cars but he thinks that there is a bit of a difference. He continued by saying that in all fairness Mr. Maddage brings his own tools and other equipment and is a mobile mechanic and that is justification for the increase.

Chief Darlington stated that Mr. Maddage was hired to work on all Town vehicles, excluding the Highway because they had a mechanic and added that he works on Parks and Sewer vehicles as well.

Councilman Boehm interjected that he also has extensive diesel experience in his other job.

Councilman Boehm suggested that they amend the resolution because it is his understanding that a Diesel/Heavy Equipment Mechanic does not exist and he believes that the title is Automotive Mechanic.

Supervisor Flach state that the original resolution hired him as an on-call as needed mechanic and it should be kept the same and then asked if everyone was alright with that.

Councilman Dolan stated that it is as long as it is correct and then asked if he is on call as needed.

Chief Darlington stated that anytime work is needed he is called and added that he is not scheduled to work.

Supervisor Flach stated that during this year Mr. Maddage only worked a total of 100 hours, which is less than 2 ½ weeks and it is not a lot of money.

Councilman Boehm asked Councilman Masti if he was alright in amending the resolution to eliminate part-time Diesel/Heavy Equipment Operator and substituting it for an on call Auto Mechanic as needed.

Councilman Masti stated that he was.

Chief Darlington stated that even at this rate, when they have to go to a garage it is \$90.00 - \$100.00 an hour for a mechanic and it saves them dramatically.

Councilman Boehm stated that they have been fumbling over this for a couple of months and he thinks that they finally corrected it.

Councilman Masti stated that the following month after the part-time Highway Mechanic was hired Mr. Maddage turned in his resignation and added that he is curious as to how it evolved.

Councilman Boehm stated that it was probably because they were paying him less for the same job.

Councilman Masti asked if he will be staying now that he got a raise.

Councilman Boehm stated that they brought equity to the position, which makes sense.

Chief Darlington interjected that they should not be discussing a personnel issue in public.

CORRESPONDENCE

Letter from Former Park Committee

Supervisor Flach stated that he was in receipt of a correspondence from the former Town of Coeymans Park Committee and continued by reading the following:

To: Supervisor Flach
From: The Former Park Committee
Re: Coeymans Landing Park

The former Town of Coeymans Park Committee comprised of TenEyck Powell, Angelo Rosato, Ruth Tompkins, Nancy Bruno and Cynthia Kunz wish to thank you for replacing the damaged bench located at the top of the park that had been given by Nicky and Vera Frangella in memory of the Frangella family. You followed through on a promise made year ago when so many residents, former residents and friends gave to the town in a shared desire to share desire to return to the banks of the Hudson River where the Town's roots began by Barent Pieter Coeymans. We appreciate your time, effort and dedication to the Town and commitments made several years ago.

Supervisor Flach stated that he wanted to thank the Town Board for authorizing him to work on the bench project and added that the exact same bench was at the Civill Pocket Park and they moved it to replace the damaged bench and now they have two matching benches at the Coeymans Landing Park.

TOWN BOARD WORKRSHOPS/MEETINGS

- Public Hearing, December 18, 2012, 6:00pm
- Public Hearing, December 18, 2012, 6:30pm
- Town Board Meeting, December 18, 2012, 7:00pm
- ZBA Meeting, December 19, 2012, 7:00pm

Councilwoman Rogers stated that she wanted to add that on December 14th at 6:00pm there will be the Town's Christmas Tree Lighting at Coeymans Landing Gazebo.

ADDITIONAL COMMENTS

Supervisor Flach asked if there were any other comments.

Councilman Boehm stated that he wanted to recognize the Clematis Garden Club for their great Garden Tour earlier in the year in the Town of Coeymans and added that they do a great job preserving and planting the Veteran's Memorial Garden at the Highway Garage and the award that they received was well deserved because they do a great job within the Town. He continued by saying that he along with Councilman Dolan joined the Village festivities at the lighting of their tree but the weather kept them from doing the Town's tree with caroling and refreshments.

Councilman Masti stated that at the last meeting they brought up the position of a Grant Writer and then asked if they had heard anything back.

Councilman Boehm stated that she hadn't got back with him.

Councilman Masti asked if there are any others that they can talk to.

Supervisor Flach stated that he could certainly check into it.

Supervisor Flach stated that Highway Superintendent Deering and his Highway crew have been doing some sewer work from Blaisdell to Colvin and also at the end of Colvin Avenue, which is coming along very good. He added that he was sorry that he missed the festivities at the Village tree lighting because of his son's piano recital.

Supervisor Flach asked for a motion to adjourn the meeting.

ADJOURNMENT

MOTION

On motion of Councilman Boehm, seconded by Councilman Masti, the Town Board
VOTE – AYES 5 – NAYS 0 – SO MOVED

Time – 7:30pm

Respectfully Submitted,

APPROVED –

Diane L. Millious, Town Clerk