

**A Town Board Meeting was held Monday, February 8, 2010, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Henry C. Traver, Supervisor  
Dawn Rogers, Councilwoman  
Thomas A. Boehm, Councilman  
James C. Youmans, Councilman  
Richard N. Touchette, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Laura VanValkenburg, Assessor  
Albert Deering, Highway Superintendent (arrived late)

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

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### **OPENING COMMENT**

Supervisor Traver stated that there was a full Town Board in addition to Town Clerk Millious and Laura VanValkenburg, Assessor.

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### **AGENDA**

- Public Announcement
  - H1N1 Update
- Presentation
  - Port of Coeymans Grant, Karen Moreau – Director of Governmental Relations
  - Senior and Veteran’s Exemptions – Assessor VanValkenburg
- Public Comment
- Approval of Minutes
  - Organizational Meeting, January 3, 2010
- Old Business
  - Request for Sewer Treatment Operator to Attend Training
  - Local Waterfront Revitalization Program
  - Award In-Car Video System
  - Drainage Project, Town Hall Building
- New Business
  - Resignation of Bookkeeper
  - Retirement of Telecommunicator
  - Lafarge Plant Modernization Project, Land Use and Zoning Requirements
  - Joint Training for Planning & Zoning Boards, Town & Village
  - Establish Public Hearing for Local Law #1-10, Defense & Indemnification for Town Employees
- Resolutions
  - Appoint Part-Time Clerk
  - Council 82 Labor Management Agreement
- Town Board Workshops/Meetings
  - Town Board Meeting, February 22, 2010, 7:00pm
  - Town Board Meeting, March 8.2010, 7:00pm
- Executive Session
  - Council 82 Agreement
  - Employment History of Town Employee

**PUBLIC ANNOUNCEMENT**

**H1N1 Update**

Supervisor Traver stated that as a reminder, all children 9 years and under need 2 doses of the H1N1 vaccine and continued by reading the following excerpt:

“To be sure that young children are fully protected against the H1N1 virus, all children 9 years and under need to receive 2 doses of the H1N1 influenza (flu) vaccine, given one month apart. One dose is not adequate. Parents of children who are younger than 9 who have only received the first dose should make sure these children return for the second dose at the appropriate time. If you or any member of your family has not yet received the H1N1 flu vaccine it is not too late to be vaccinated.”

Supervisor Traver stated that the virus is still in circulation and it is important to protect ourselves against the H1N1 flu.

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**PRESENTATION**

**Port of Coeymans Grant – Karen Moreau, Director of Governmental Relations Port of Coeymans**

Supervisor Traver stated that Karen Moreau, Director of Governmental Relations for the Port of Coeymans was present to give an update to the Town Board.

Councilman Boehm stated that he and Supervisor Traver met with Karen on Friday and added that the Port currently has 200+ employees at 14 separate businesses there and added that there are a lot of opportunities for different grants. He then asked that Karen share her information by going to the microphone.

Ms. Karen Moreau started by distributing recent articles to the Town Board that have been written about the Port, which appeared in the Chamber Magazine and Times Union. She continued by introducing herself as the Director of Governmental Relations for the Port of Coeymans and added that they are located at was once the Powell and Minnock Brick Yard. She added that two entrepreneurs, Carver Laraway and Eli White bought the property in 2002 and in turn spent the next several years figuring out what they thought should be done there and ultimately decided that it might be best to return the property to being a true Manufacturing-Industrial Port. She continued by saying that they set out to get the permits, reconstruct the docks and renovate and refurbish the old buildings that were there, including what was the brick horse barn and now where their offices are located. She added that from time to time there have been some changes, which occur because new businesses continue to locate there and conduct projects that require a river access. She continued by saying that the business plan of the port is to locate at least 30 businesses there that will hopefully each employ 30 people, which in a short time would be approximately 1,000 people working and added that right now there are 14 businesses with 200+ jobs that have been created and the Port Company itself has approximately 25 employees. She went on by saying that the types of things that are happening range from a bridge building company building a second bridge for New York City, which will be built entirely on-site, using upstate labor as well as a Company called Megrant and they are actually building the cooling towers for the Astoria Power Plant in Queens. She reiterated that many of the businesses have located there because they want to make use of the river and added that the Hudson River has historically been a place of commerce and over the years industry and manufacturing started to decline because of global issues. She continued by saying that the Town of Coeymans was once a place where there were many more jobs in the industrial-manufacturing segment and the largest private employer is Lafarge but the Port is running a pretty close second with the jobs that have been created. She added that their plan is to attract companies that want to do recycling and create green jobs and in listening to the media you hear a lot from the President and Public Officials about stimulus packages, job creation efforts and initiatives in government and continued by saying that the challenge for communities locally as well

as a business like theirs, is how they translate that message into something that will work for the community and private companies. She went on by saying that she was present to introduce herself and try to keep the Town posted on what they are doing at the Port and continued by saying that she will be stopping by every once in a while to let them know what they are doing at the Port. She added that one of the parts of her job description at the Port is to look for opportunities where they can work in partnership with government, whether it be the Town Board, Village Board, State and Federal governments, investigating what opportunities may be out there for funding and working together to achieve certain common goals. She continued by saying that she had an opportunity to look at the Town's Economic Development Plan and highlighted some of the goals and hopes that they are on track with meeting some of them and continued by reading the goals:

- Reconnect people to the waterfront.
- Revitalize and maximize waterfront land use.
- Maintain, restore and enhance the water quality and shoreline eco-system of the Hudson.
- Establish the regional context of the waterfront while emphasizing and supporting local municipal interest.
- Enhance job creation through business attraction and retention efforts.
- Develop business ready sites with the appropriate infrastructure.

She continued by saying that these are just a few things and added that one of the effects of the business that has been created at the Port is that they have been doing business with a lot of local small businesses that have been established longer than they have and added that based on their billing they have figured out what they are spending in the local economy and figure that they are putting approximately \$200,000.00 into the local economy. She added that there is a list of small businesses that service the Port and went on by saying that the more opportunity that they are able to create spins off to benefit not only residents but also the other businesses that are able to survive what is a very difficult economic climate. She continued by reading the following business names: Nolan Gas, NAPA, Mueller's Auto, Persico Hardware, Blue Diamond Septic, Yanni's, Bullock Utilities, W&W Transmission, The Sign Company, Tracey Welding, Finke and Francisco Equipment and added that those are just a few of the businesses within the area that they are trying to patronize. She went on by saying that one of the first opportunities for funding that she has come across in dealing with government happens to be in the Federal appropriations area and the appropriations through the Federal Government has a process that began in February and continued by saying that what they are looking for in cooperation with the Town is to extend the Sewer System from the Coeymans Creek north along Rte. 144, which is approximately 4,000 feet of sewer line, which they would like to be an 8" main. She added that one of the reasons for doing this is to enhance the environmental qualities in the area, which will be great as they grow so that they can locate more businesses there and take up less land with conventional systems as well as giving the opportunity for those properties north of the creek to tie into the system and eliminate any possibility of sewage in the creek. She continued by saying that this is the beginning stage of trying to get money for a project like this and went on by saying that in the Federal appropriations process the applicants for funding are typically municipalities or not-for-profit and in this case the municipality with respect to the sewer is the Town of Coeymans because they have jurisdiction over that. She added that she has prepared an application for the Town Board's review, which is very simple and a couple of pages that describes very generally what the project would be with other submissions as follows: Senator Schumer's Office, with a deadline of February 12<sup>th</sup>, Senator Gillabrand, with a deadline of February 19<sup>th</sup>, Congressman Murphy, with the Port not being in his district but there are a number of residents that work for the Port and work in the area are in his district, with a deadline of February 25<sup>th</sup> and Congressman Tonko with a deadline of February 25<sup>th</sup>. She went on by saying that they each have their own application, which she will be preparing to meet the deadlines and continued by saying that the appropriations process is very competitive and her understanding in speaking with Senator Schumer's staff is that they may fund three sewer or water projects statewide in a year. She added that given the nature of the Port and their role in the community as an engine to create jobs, they fit very nicely with the Federal initiatives right now, especially with job creation being their top priority and went on by saying that

she is hopeful that it will give the community a competitive edge in seeking some of these dollars and their relationship with the Town is one where they can have this energy that will allow them to go forward and make it a little more competitive than some community that is up in the hills somewhere that is not on the river and not a transportation hub and does not have the characteristics that the Town of Coeymans has. She continued by saying that the Town of Coeymans has so many great things going for it in its location and proximity to the river with businesses already there and infrastructure in place, which might require some upgrade but the fact that there is infrastructure is a real positive as well as proximity to the Thruway, which most communities don't have. She added that there are a lot of great things as far as natural resources and characteristics that will lend itself to identifying Coeymans as something different and a community that is distinct from others when they are going forward to look for funding. She continued by saying that it is her hope and attitude that it is worth a try because there are a number of programs out there in the State and Federal Government and grant programs that address infrastructure needs of rural communities and added that she will be looking into those and as she becomes more familiar with them and develops the paperwork and she would like for them to go forward together and try to take advantage of some of those things. She went on by saying that the application in front of them is one that she will need a resolution from the Board to actually submit and make the request and in turn doing the same with the other representatives previously mentioned. She added that extending and upgrading the system will help the value of other properties and in the area that the Port is there is a lot of undeveloped, industrial zoned land that if in time with the infrastructure and if it is shovel ready, which is mentioned in the Economic Development Plan to try and develop shovel ready sites, this could be a catalyst for future business development. She then asked if there were any questions.

Councilman Touchette inquired as to if it would require matching funds from the Town.

Ms. Moreau stated that it wouldn't and added that it is simply if they get the money, they get it and continued by saying that they probably won't know for a number of months. She went on by saying that what will happen first is that the Appropriations Committee in the House of Representatives will look at it first and as they move forward the two houses will line up to look at what they are prioritizing and in speaking with Senator Schumer's Chief of Staff, he recommended that they get as many of their representatives on board so they have that many more people pulling for them. She concluded by saying that this is her understanding how it works and reiterated that it would not require matching funds.

Councilman Touchette inquired as to whether or not she thinks that the price tag that she put on it is reasonable.

Ms. Moreau stated that it is as accurate as they can be and added that Mr. Laraway owns a large construction company and they talked to their engineers as well to get a sense of cost on the sewer line itself and they are estimating \$60.00 a foot just on the line and there are 4,000 feet. She continued by saying that between that and engineering they are figuring just on the line \$500,000.00 as well as additional funding for upgrades that may be required at the Sewer Plant and to continue the line. She went on by saying that this is why they are asking for 1 million, which they might not give them, but it is generally their goal and added that as they move forward they are probably going to ask for more detailed information as they move through the process. She continued by saying that she is also speaking with the Village about putting in a water line because when they do the project it would make sense to do both at the same time and it is her understanding that the Village is the jurisdiction that would apply for water.

Councilman Touchette stated that they are under a moratorium and added that he does not understand how it relates to a moratorium.

Councilman Youmans stated that it was the same question that he was going to ask and added that they are figuring roughly \$500,000.00 for the engineering for the sewer line itself. He continued by saying that he is a supporter of the Port of Coeymans and would like to help in any way possible and went on by saying that they are not allowed to hookup any more connections to the Sewer Plant because they are over capacity now and

added that it might make sense before they spend a lot of money on engineering and other things to check with the Town's Engineer, Mr. Vopelak to find out an approximate amount of what their contribution would be as far as gallons per day to get a handle on what kind of upgrades would have to be made to the Sewer Plant in order to hook them up and accommodate the sewage that they would contribute. He concluded by saying that they are currently not in a position to accommodate anymore at all, which is unfortunate.

Ms. Moreau stated that she understands and added that the issue about how many gallons they would be generating, they really are not talking about a lot and continued by saying that the only thing that she is asking for right now is simply to put in the request, which is for fiscal year 2011 and at least a year down the road before they would even see a dime. She added that she does not know the Town's timeframe but she is assuming that the moratorium is one that is not going to last forever.

Councilman Boehm interjected that part of the funds would be to upgrade the Sewer Plant to relieve the moratorium. He continued by saying that they also talked about if they don't get the million but rather \$500,000.00 or \$250,000.00 and added that they could develop engineering plans so they have a shovel ready project that everyone is talking about.

Ms. Moreau stated that there are also other programs out there like in the Rural Housing Development Program, State Grant Program and added that she is going to be turning up every rock she can for funding, wherever it might be. She continued by saying that this process, no matter where they go, is going to take at least a year for almost anything that they are looking for and went on by saying that they need to start somewhere. She added that if it comes to the point where they say that there is money for them, at that point they will have to decide where the money will go and whether it needs to go to upgrade the system to meet the needs of the Town because it is the Town making the application.

Councilman Boehm stated that they are at the very beginning stages and added that this is just the start of the process and went on by saying that based on what the Port has done so far, and if they improve their infrastructure, it can increase the number of jobs. He concluded by saying that he believes that it is something that they should look at right now and get the application put in and continued by saying that he wanted to make a motion authorizing the Supervisor to submit the application electronically.

Ms. Moreau stated that she has the hard copy printed out and added that she has it in Word as well as the instructions for submitting it.

Councilman Boehm stated that she could contact the Supervisor and work with him to submit it electronically.

Ms. Moreau stated that they also need to have a resolution to authorize submission to Gillibrand, Tonko and Murphy.

Councilman Boehm inquired as to whether it is the same application for all three.

Ms. Moreau stated that it is and added that she will prepare everything and submit it to the Board before it gets submitted electronically. She continued by saying that this is their monthly meeting and the deadlines are backing up.

Councilman Boehm inquired as to the soonest deadline.

Ms. Moreau stated that Schumer's deadline is the 12<sup>th</sup> and this is the one that they have in front of them and added that the next one is the 19<sup>th</sup>.

Councilman Touchette inquired as to whether it obligates them at all.

Ms. Moreau stated that it does not.

Councilman Touchette stated that he has had discussion with Tonko's office about Rte. 143 and continued by saying that it is probably a long shot and continued by asking how one would affect the other.

Ms. Moreau asked what the nature of their request was for Rte. 143 and added that she is not familiar with Rte. 143.

Councilman Touchette stated that they talked to them about the possibility of an earmark for some Federal funds and added that they have not gotten to the stage of an application and they might be under the gun to do that.

Ms. Moreau inquired as to whether it is sewer related.

Councilman Touchette stated that it was for road repair.

Councilman Boehm stated that it is certain sections for Rte. 143 with one section in particular being very bad.

Ms. Moreau stated that it is her understanding that when they are making these requests for appropriations, there is a list of bills and their request for sewer is in the Energy and Water bill and Rte. 143 would be a transportation request, which is a Transportation Bill so they would not compete with each other. She continued by saying that if it were another sewer project that they were looking to do, she would say yes it would compete.

Councilman Youmans stated that they do have another one and added that they have already applied for a Sewer Grant to upgrade the plant.

Ms. Moreau stated that she should be more specific and added that if they made a request for an appropriation and not a grant to the Federal Government for sewer it would be competing. She added that if it is a Grant Program, the money is already out there for grants and you are not competing in that sense.

Councilman Boehm continued by offering a motion.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing Supervisor Traver to complete the application based on the information provided, correct any clerical errors and submit to Paul Tonko, Scott Murphy and Kirsten Gillibrand by the appropriate dates.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Ms. Moreau interjected that for clarification the first application for appropriations would go to Schumer and it has to be by the 12<sup>th</sup>, to Gillibrand by the 19<sup>th</sup>, Murphy by the 25<sup>th</sup> and Tonko by the 25<sup>th</sup>.

Councilman Boehm stated that they would review it to make sure that everything is accurate and continued by saying that it is a great opportunity for appropriations and Ms. Moreau's efforts at the Port tie directly to the Town. He continued by saying that when he first came to the Town it was a vacant property and added that they have now expanded their tax base and approximately 200 jobs have been created. He concluded by saying that when they were doing the Economic Development Study four years ago one of the components was to create blue collar jobs, which is what this is doing and in his opinion this is a bright spot not only for the Town of Coeymans, but regional as well.

Collectively the Town Board thanked Ms. Moreau.

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**PUBLIC COMMENTS**

Supervisor Traver invited the public to comment at this time.

Mr. Jerry Hall stated that he and his neighbors find it appropriate that they are discussing the waterfront because last Monday night they had their own waterfront when the creek entered their neighborhood. He continued by saying that he wanted to know the status of the Hannacroix Creek Project and whether or not any progress has been made.

Councilman Touchette stated that the Town has engaged C.T. Male to review the bids that they got for the engineering and have determined that one of the companies seems to be the appropriate entity that they should deal with. He continued by saying that they are in the process of going through their application to make sure that they have the proper expertise to develop the process and added that he thinks they should have something by next month to move forward.

Mr. Hall asked if this is something that they have to keep coming back in front of the Board for or if they can access one of them individually.

Councilman Touchette stated that they are free to call him and he will be happy to keep them apprised of what is going on.

Councilwoman Rogers stated that she believes that the problem this time was not from the creek and added that it was further up on the golf course and then asked Highway Superintendent Deering if she was correct.

Highway Superintendent Deering stated that it was the little stream that comes down across the golf course and this is where the water was coming from that was going into their yards. He continued by saying that they were going to take pictures but it was too dark and went back the next morning and took pictures and added that up on the golf course it is narrow and blocked up and the water comes down into their yards and then back in the creek.

Councilman Boehm interjected that last year the Highway crew and Nelson's crew went in and worked on it.

Highway Superintendent Deering stated that they worked on it but it is incomplete and added that it is not going to solve the problem with the golf course.

Mr. Hall stated that it is part of the same stream and they have mentioned all this before and added that it is a bigger project. He continued by saying that even as that occurred the water was coming out of the secondary creek when it did find its way back and was flowing south into their neighborhood and added that it was coming between two of the houses and flowing north and then converging with the water that was coming south. He went on by saying that the little creek that they attempted to start on is part of the problem and the creek through the golf course is the same thing that has happened in both of the streams behind them with the little rocks that build up. He added that they might have to approach the owner of the golf course with the same request that they are coming to the Board with because it is water coming from their lands onto theirs. He concluded by saying that the farmer's access is going to be eliminated and continued by asking what the chances of berming it a little bit until they can clean it out.

Highway Superintendent Deering stated that they plan on doing this after they get the stumps and things out of the creek and added that they can't do it now because DEC will not let them in the creek. He reiterated that this is part of the plan and continued by saying that beyond the property where the golf course picks up he turned it in to Chief Darlington to see if they can come up with something from the Federal Government. He concluded by saying that the golf course has a problem that they have to solve.

Councilman Boehm stated that this project will only do the land that borders the park and added that it will not go up that far on the golf course.

Mr. Hall stated that if they are going to get in the little creek that they started on, it brings them right to the borderline and if it's lowered it will give a bigger area for the sediment that is going to be washed out to come down there and deposit. He added that this is not something that just can be done once and it will need to be done every few years.

Highway Superintendent Deering reiterated that the people that own the golf course has to do something because it is not very wide in one spot and it is all blocked up in that spot.

Mr. Hall thanked the Town Board.

Councilman Youmans stated that he knows that it is frustrating and added that the most frustrating part of it is that Highway Superintendent Deering could go in there for a couple days with a gradeall and probably solve any problem that they have but because we are so over regulated in New York State and might affect a fish or two he can't. He continued by saying that he does not know how much money they have spent to this point and they are just getting to the point where they can get an engineering study completed and they have to employ a Fluvial Geomorphologist to get plans. He concluded by saying that it is a symbol of what is wrong with the whole government and added that he apologizes that they can't do something sooner but they are working on it and understands their frustration.

Katrina Prystajko in the audience stated that it is silly because the creek dries up and there are no fish.

Highway Superintendent Deering stated that she is talking about the Hannacroix Creek and continued by saying the stream that he is talking about is a Class C stream.

Ms. Prystajko continued by saying that it is very frustrating and added that if you are not home you could lose your furnace and everything and added that it is causing a lot of stress and they are paying big taxes and they want to be able to enjoy their homes and not have the stress of worrying about rain or snow melt. She concluded by saying that it is very aggravating and the water ruins your lifestyle and it is a problem that can be solved.

Highway Superintendent Deering stated that it is not only the Town property and continued by saying that it is beyond the Town property line and the owners of the golf course have to start working on the problem.

Ms. Prystajko inquired about what they should do about that.

Highway Superintendent Deering stated that he didn't know and added that he does not know who owns it and continued by saying that they would have to go and ask.

Ms. Prystajko inquired as to who would have to do the work.

Highway Superintendent Deering stated that the owner would have to do something unless the Board comes up with something else and continued by saying that he can't do it because it is private property.

Councilman Touchette stated that if she is asking if the Town has the authority to go on private property and do something the answer is no.

Ms. Prystajko inquired as to if it is all private property where the water is.

Highway Superintendent Deering stated that it is and it is where the water is coming out of.

Councilman Youmans stated that to be clear the only reason that they are involved with the situation is because the creek borders Town land where they are talking about doing the remediation and continued by saying that if it wasn't Town land they would not be able to do a thing about it. He added that fortunately for everyone that lives there, there is a big section that is Town land that they do have some control over and are trying to get taken care of. He concluded by saying that he would advise that she make contact with the owner whose name is Joseph Bove and have conversation with him.

Mr. Hall interjected that he thinks they will have to do that through a representative because he will not spend money if he doesn't have to.

Supervisor Traver asked if there were any more comments, hearing none he asked that Councilman Touchette introduce the next speaker.

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**PRESENTATION**

**Local Waterfront Revitalization Project**

Councilman Touchette stated that he wanted to introduce Nicole Allen from the firm of Laberge & Associates who has worked with the Town on several occasions on Economic Development, the Comprehensive Plan and most recently the Zoning Law. He added that through them they have started the process of the Local Waterfront Revitalization Project and are at the point where it has been funded for \$19,000.00 by the State and they now have to start with a project description. He then asked that Nicole give them some background and let them know where they need to go from here.

Ms. Nicole Allen thanked the Town Board for having them and introduced herself as the Planning Services Manager for Laberge Group as well as Stephanie Siciliano, Senior Planner. She continued by saying that the previous presentation on the Port of Coeymans couples very well with the Local Waterfront Revitalization Project and added that the LWRP Plan is part of a State process in how they manage the waterfront and without a plan in place the State has their own guidelines and policies that tell you what you can do along the waterfront. She added that because the Hudson River is a coastal water, they manage any type of development that goes on the waterfront and if you want to deviate from that process you need to adopt a Local Plan and as part of the Local Plan you are able to take a look at the policies and identify which ones you find appropriate, and what type of land uses you want to see on the waterfront and if you are going to waive those policies you have to decide how you want to develop your land regulations along the waterfront. She continued by saying that the Town of Coeymans started a LWRP back in the mid 90's and started going through the process, which is a labor intensive process because it looks at all of the land uses along the waterfront and gets into specifics of the policies, which the State currently has 44 different ones that are possible that they have currently as part of their Coastal Management Plan. She added that the mid 90's process ran into a hiccup and the Plan was never adopted and it was set aside and then the Comprehensive Plan was adopted in 2006 and part of the process was that the public and officials really embraced that there was a need for a Local Waterfront Plan revisited and adopted and this is where the energy came back from, which the State recognized and in turn awarded a grant. She went on by saying that as Councilman Touchette had said there is \$19,000.00 grant, which is a matching grant so it is 50/50 for \$38,000.00 and continued by saying that as far as the planning process there is a Draft Contract that the State has provided for them to take a look at to see what the Work Plan would include in that planning process, which is something that can be modified by the Town. She continued by saying that they can go through the Work Plan and identify what is important and what they want to see focused on with the waterfront area, whether it be the Hamlet, Port, or more of the natural landscape. She added that one of the requirements is how they select their consultant and the Work Plan that they have identified lists that it should be under a Request for Proposal and one of the things that they have to be cautious of, because they have a very detailed Work Plan as part of their contract with the Town, is that if the Work Plan deviates from what they have with the State there will be two separate deliverables and the State is only going to pay/reimburse the Town on whatever the contract is with them and in turn be liable for whatever differences there might be for the contract between the Town and the consultant. She went on by saying that at this point in reviewing the contract they might want to go back to the State and say that they would rather do a Request for Qualifications or a Request for Letter of Interest because the State had done this with other communities and added that there would be a sticky point going forward if they had two contracts. She concluded by saying that the planning process couples very well with the draft zoning that is going in place now and as part of the LWRP process they take a hard look at the land use and the zoning and it is an opportunity to update or tweak any of those regulations as well and be reimbursed for some of the zoning that may be associated with the waterfront. She then asked if there were any questions.

Councilman Boehm asked if the Zoning Law should be done before the LWRP.

Ms. Allen stated that if it is not done, typically part of the LWRP process is to identify zoning and land use recommendations that may be better suited for that area after they go through the planning process and in turn it can be updated again. She continued by saying that if they are set and firm with recommendations that are in the zoning and it matches the LWRP, which is a key part that they do match and compliment each other, the timing of having the Comprehensive Plan, Zoning and LWRP done all need to come together and compliment each other.

Councilman Boehm inquired if the cost to the Town is a match of \$19,000.00 with the State.

Ms. Allen stated that was correct and added that the total is \$38,500.00 with \$19,250.00 from the Town and added that the advantage of having the LWRP Plan adopted is that it will make them eligible for grant funding going forward. She continued by saying that part of the LWRP Plan is identifying specific projects and in turn they become 50/50 matches as well.

Councilman Boehm inquired as to if it ties into the appropriations that Karen had spoken about earlier from the Federal level if they give more detail and start refining the process and whether or not they look for a LWRP and if it helps them.

Ms. Allen stated that she does not think that the appropriations would count towards any of the matches and that she does not believe that the Town can use their funds to match.

Ms. Moreau stated that they can't.

Ms. Allen stated that they can piggy back on the project or build upon and expand.

Councilman Touchette stated that he believes that Councilman Boehm's question was that if they have this, does it increase their chances of getting an appropriation.

Ms. Allen stated that it does and added that it is one more plan that justifies what type of development that they want to see on the waterfront and how they want to see it managed. She continued by saying that one of the key things of the LWRP process is defining what is a water dependent use because Ms. Moreau had said earlier that there are businesses that want to be near the water, which the State would not classify or define as water dependent and under their plan they may not allow it to happen and in turn could be more of an inhibitor than promoter if the local plan is not in place.

Councilman Touchette stated that if the Town develops the plan, they set the ground rules for what happens in town.

Ms. Allen stated that was true and they will be able to define what is water dependent and added as an example is that in the Town of Watervliet there was a restaurant on a barge and without the LWRP Plan the State said that a restaurant does not need to be on the water and can locate somewhere else because it is not water dependent and therefore not allowed. She added that they had to go through the whole LWRP process in order to define that the restaurant on the barge is water dependent and they want to encourage that type of use.

Councilman Boehm interjected that the Port would be water dependent.

Ms. Allen stated that it is but the types of business that go in it could be questionable and it would depend on how they are defined and whether or not they need to be there.

Councilman Boehm stated that if it involves a ship, it would be water dependent.

Councilman Touchette inquired about the next step and continued by asking Supervisor Traver if he signed the contracts with the State.

Supervisor Traver stated that he did and added that within the next 2-3 weeks there should be a response.

Councilman Touchette asked what the next step would be.

Ms. Allen stated that the next step with the executed contract would be flushing out a detailed work plan with them and added that if there are tweaks to the contract they still have an opportunity before they contract with any type of consultant. She continued by saying that as she had mentioned earlier, with the work plan if they do an RFP they will get a different work plan from them as well unless they are provided with the exact contract that the State has. She concluded by saying that they have to match apples to apples or there won't be a reimbursement process.

Councilman Touchette inquired as to if they can just take the contract and say that it is what they want the consultant to do.

Ms. Allen stated that typically they can't with the Department of State and added that they don't like to share that unless it is part of an RFQ, REI or letter of interest. She continued by saying that there is the Grant Application that was submitted back in 2007, which includes the scope of work or work plan and added that it does not necessarily match the work plan that they have as part of the contract, which may not match another consultant's contract and there would be three different work plans that they are working from. She continued by saying that the key part of the next step is to make sure that the work plan is exactly what they want and matches what ever consultant they use.

Councilman Touchette inquired as to if the work plan will come back when they get the response from the State.

Ms. Allen stated that they won't make modifications unless they request them specifically and added that the Town has to be proactive in making any changes otherwise the State goes with the cookie cutter approach.

Councilman Boehm inquired as to if there are any opportunities for funding for the Town's matching side.

Ms. Allen stated that she does not recall if the Town has used any Hudson Valley Greenway funds for the zoning and added that they might be able to secure \$7,500.00 for zoning, which could go towards the match.

Supervisor Traver asked if there were any other comments, hearing none he thanked Ms. Allen and moved to the next presentation.

### **Senior Tax Exemptions**

Assessor VanValkenburg stated that the State Legislature has enacted approximately 135 exemptions over the course of time and added that in the Town of Coeymans she uses predominately 12 of them. She continued by saying that the most commonly used ones are the senior citizen, STAR school tax release, disabled with limited income, veterans, alternative veterans, Cold War, agricultural, solar and wind energy, clergy and not-for-profit exemptions and added that in total here in Coeymans, based on the 12 exemptions, the number participating is approximately 2,700 in various forms. She continued by saying that she does not know how much detail the Board wants to go in to.

Councilman Boehm inquired as to if there is a deadline.

Assessor VanValkenburg stated that each year on or about the middle of October they send out all of the renewals to the people currently who have exemptions and in early February they send out reminder notices to those that have not submitted them yet and in about the third week in February they make phone calls to capture those that still have not responded. She went on by saying that if it is not renewed by March 1<sup>st</sup> you would lose your exemptions, which she does not like to do because ultimately there is some reason or another why it didn't happen but the law is the law. She concluded by saying that she

encourages everyone, whether it is a new exemption or a renewal, to do it by March 1<sup>st</sup> and added that the only exception to it is during the year of a revaluation, agricultural exemptions get an extension because land values change and certified agricultural values may come into play and reiterated that it is the only exception to the rule.

Councilman Boehm stated that anyone watching with a question about the exemptions can contact the Assessor's Office.

Assessor VanValkenburg stated that most of the exemptions are written by the State Law that a municipality taxing jurisdiction has to opt in by resolution or Local Law.

Councilman Touchette interjected that this is what they did last year for the Cold War Exemption.

Assessor VanValkenburg stated that the only one she has come across that is the opposite is the solar energy one and added that you are in unless the municipality opts out.

Councilman Boehm inquired as to if there are a lot of solar energy exemptions.

Assessor VanValkenburg stated that there are 3, and added that the biggest exemption is the Basic STAR and Enhanced STAR, which is approximately 1,800 with the Aged being 161, 35 Agricultural, 400 Veterans and a few here and there of the not-for-profit, clergy and that kind of thing.

Councilman Boehm stated that anyone interested in information as to whether or not they qualify should contact the Assessor's Office.

Assessor VanValkenburg stated that it should be as soon as possible and continued by asking if there were any other questions.

Supervisor Traver moved to the next item on the agenda.

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**APPROVAL OF MINUTES**

Supervisor Traver stated that there was one set of minutes for approval and continued by asking for a motion to approve the January 3, 2010, Organizational Meeting.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, accepting the minutes as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**OLD BUSINESS**

**Docks at Coeymans Landing**

Supervisor Hotaling stated that Ray Giroux from Easy Docks met with Nelson Perry and will be meeting with him regarding the purposing and delivery schedule for the docks down in Coeymans.

Councilman Boehm inquired as to whether they discussed the railings and if they are scheduled for a spring installation.

Supervisor Traver stated that he hadn't and will check with him when they meet.

**Request for Sewer Treatment Plant Operator to Attend Training**

Supervisor Traver asked Councilman Youmans if he had anything to report regarding Operator Lennon's request to attend training.

Councilman Youmans stated that the last Supervisor's Report shows only \$14,764.00 in the Sewer Fund and added that considering the fact that they burn at least \$20,000.00 a month, he does not know where \$495.00 would come from. He continued by saying that it would be nice to send him for 24 hours of contract training but at this time he would recommend that they ask him to hold off on any further training request until they are in a solvent position with the Sewer Plant and continued by asking if there were any other thoughts.

Collectively the Town Board agreed.

**Award In-Car Video System**

Supervisor Traver asked that Councilman Youmans discuss the award for the In-Car Video System for the Police Department.

Councilman Youmans stated that he would be glad to but he is not prepared to award a bid because he has no numbers in front of him, which should have been provided by the Chief of Police. He continued by saying that all he has is a memorandum describing the different systems. He then asked if anyone else had the numbers.

Councilwoman Rogers suggested that they table it until the next meeting.

Town Clerk Millious stated that she has the bid folder in her office and asked if they wanted it.

Councilman Youmans stated that for the sake of expediency he would agree with Councilwoman Rogers that they table it.

Councilman Boehm stated that there is a recommendation in the memo's last paragraph and continued by saying that they don't have the numbers.

Councilman Youmans stated that was correct and continued by offering a motion.

**MOTION**

On motion of Councilman Youmans, seconded by Councilman Touchette, to table the bids for the In-Car Video System until the next Regular Town Board Meeting.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**Drainage Project – Town Hall Building**

Supervisor Traver stated that Highway Superintendent Deering submitted the estimated cost for materials to fix the drainage problem at Town Hall and added that it is \$6,997.00, which does not include the black top. He continued by saying that it would be the south and west sides of the building where they would put in drainage and catch basins to get the water away from the building.

Councilman Youmans stated that it would make sense before they dig things up and spend \$7,000.00 plus the blacktop and labor, to try and do something with the blacktop and make a swale to divert the water away from the building and maybe look at a different gutter system with down spouts. He added that it would make sense to experiment with it for a few times given the fact that there are not any carpets downstairs that are going to be ruined if it does get wet and concluded by saying that this would be his recommendation.

Councilman Boehm asked Highway Superintendent Deering if he thought that making a swale out of blacktop would work and whether it would keep the water away from the building.

Highway Superintendent Deering stated that it would probably help but he didn't know if it would solve the problem. He added that it is up to the Board and he is just doing the work.

Councilman Touchette stated that the water is coming from the corner and from the down spouts and if the down spouts were running downhill it would make sense and it would work. He added that he does not know that they need to do that and he believes that there is a less expensive solution, especially since they don't get water down there all the time.

Councilman Youmans stated that it is the severe events when they encounter a problem, which leads him to believe that there could be other remediation attempts that they could make, which would not involve \$7,000.00. He added that something as simple as a different gutter system could make a big difference and went on by saying that just from looking you don't have to be an engineer to see where the water comes from and just putting sandbags there and extensions on the down spouts helped and they didn't have a big problem the last time. He concluded by saying that this leads him to believe that the problem can be handled by a much simpler fix.

Councilwoman Rogers agreed and added that she would like a cheaper way first like a black top swale.

Highway Superintendent Deering inquired as to if they were talking about doing it in the spring.

Supervisor Traver stated that it would have to be because they won't be able to black top now.

Highway Superintendent Deering stated that there is no base and they will have to take out what's there because there is nothing but clay underneath and they will have to put some crusher run down and added that it is all broken up because there isn't any base. He continued by saying that he does not have a price but they can figure it will be \$625.00 a ton for about 6 inches plus the cost of the black top.

Councilman Boehm asked Highway Superintendent Deering if he had a ball park figure and if it will be cheaper than the \$7,000.00 price.

Highway Superintendent Deering stated that it would depend on the price of black top and added that they don't want to skimp on it and reiterated that he wouldn't guarantee that it would work.

Councilman Youmans stated that they could spend \$6,000.00 putting in catch basins and added that he does not believe that anyone would guarantee that either. He continued by saying that it is right where the street meets the parking lot and went on by saying that the question in his mind is what portion is the Village Street and what portion is the parking lot. He concluded by saying that it might be something that they can work with the Village on to take care of the swale.

Supervisor Traver stated that he could talk to the Village about the corner to see what they can do about blocking it.

Councilman Youmans reiterated that he does not know if it is the Village's responsibility or if it the Town's and added that he knows that there are things that they can do that will be less than \$7,000.00 plus black top.

Councilman Touchette interjected that it is clear that the water is coming off the street and on to the Town's property.

Councilman Youmans agreed.

Councilwoman Rogers stated that the sandbags are working and it is a fix for now.

Councilman Boehm asked if the gutter extensions had been moved.

Supervisor Traver stated that they are only put on for heavy rain.

Councilman Boehm inquired whether they could be left there.

Supervisor Traver stated that it is a tripping hazard and added that it is coned off.

Councilman Youmans agreed and added that he has a similar situation at home when he puts on extensions when he knows it is going to rain. He continued by saying that it could be handled on a long-term basis by putting a different down spout system up and if you run one towards the other side of the building at an angle, it dumps out away from the building. He went on by saying that there is a down spout that comes down and gushes water along the building and the water coming down the hill and concluded by saying that if you take care of those two things, the problem would probably go away.

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## **NEW BUSINESS**

### **Resignation of Bookkeeper**

Supervisor Traver stated that he was in receipt of a resignation letter from the bookkeeper and continued by reading the following:

January 29, 2010

Dear Henry,

Please accept this letter as my notice of resignation with the Town of Coeymans as Bookkeeper. I offer two weeks notice with my last day of work to be February 12, 2010.

Sincerely,

Lisa Boehlke

Supervisor Traver stated that she is moving to another job and continued by asking for a motion to accept the resignation.

## **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, accepting the resignation of Lisa Boehlke.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Boehm inquired as to whether it would make sense to advertise for the position and have the Town Clerk place an ad to start collecting candidates for the position.

Supervisor Traver stated that he currently has three applications in his office and added that it is up to the Board whether or not he puts it in the paper or go through the applications that he has.

Councilman Touchette interjected that they have known about this since January 29<sup>th</sup> and continued by saying that they should move to do something quickly.

Councilman Boehm stated that they have three applicants, which is a limited applicant pool and they might be forced to open it up two weeks from now, which would put them further behind. He concluded by saying that he would recommend that the Town Clerk advertise for the position of Bookkeeper in the local newspaper.

**MOTION**

On motion of Councilman Boehm, authorizing Town Clerk Millious to advertise for the position of Bookkeeper.

Councilman Touchette inquired as to if there is a job description for the position.

Supervisor Traver stated that he believes that there is one in his office.

Councilwoman Rogers inquired as to if any of the applicants were impressive.

Councilman Youmans stated that a couple of them are impressive and added that what concerns him is that not one has any municipal bookkeeping experience, which is different from regular bookkeeping. He added that maybe they can find someone that has that experience and this would be his vote.

Councilwoman Rogers stated that they should mention it in the ad.

Town Clerk Millious inquired as to if the applicant has to have municipal bookkeeping experience.

Councilman Youmans stated that it is preferred.

Town Clerk Millious stated that she has never put anything in the paper for the Supervisor's Bookkeeper and added that she will see what they put in before and will work with Confidential Secretary Lewandowski to get an ad in the paper.

Councilman Boehm interjected that he previously offered a motion to authorize Town Clerk Millious to advertise for the position and added that it needs a second.

Councilwoman Rogers stated that she would second the motion.

**VOTE – AYES 5 – NAYS 0 – SO MOVED**

Councilman Youmans asked Town Clerk Millious if typically it would not be one of her responsibilities to advertise for the Bookkeeper for the Supervisor's Office.

Town Clerk Millious stated that she has never put in anything for the Supervisor and added that she can make sure that it gets in the paper and she will work with Mary on it.

**Retirement of Telecommunicator**

Supervisor Traver stated that he was in receipt of a resignation from Telecommunicator Judy Tucker and continued by reading the following:

February 4, 2010

Dear Sir,

I wish to submit my resignation for the purpose of retirement effective March 30, 2010.

The twenty years I have spent in the Communication Center has been a most rewarding one and an experience that I will treasure forever.

I wish to thank you for the opportunity to serve the community and thank my fellow coworkers who have played such a vital role in making my time very happy and fruitful.

Thank you and best wishes for a successful year.

Sincerely,

Judy L. Tucker

Supervisor Traver asked for a motion to accept the resignation.

**MOTION**

On motion of Councilman Youmans, seconded by Councilman Boehm, accepting the resignation of Judy Tucker, Telecommunicator.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Youmans thanked Ms. Tucker for her service to the Town.

Councilman Touchette stated that he wanted to wish her the best in her retirement.

Councilwoman Rogers stated that she had done a great job in Communications.

Supervisor Traver stated that he worked with Judy who was a very good Telecommunicator and added that he wanted to wish her the best of luck.

**Lafarge Plant Modernization Project – Land Use & Zoning Requirements**

Supervisor Traver asked that Councilman Touchette discuss the Lafarge land use and zoning requirements.

Councilman Touchette stated that back in November/December they got a request from John Reagan concerning their Draft Environmental Impact Statement and added that it was a request for the Town to comment on some of the comments of DEC and continued by saying that one of their comments was concerning the view sheds in the Town. He went on by saying that he has a draft letter that he would like for the Board to review that he would like to send if there aren't any revisions or comments and continued by reading the following:

Ms. Elena Varnett, Vice President  
Henningson, Durham & Richardson Architecture and Engineering, P.C.  
500 7<sup>th</sup> Avenue  
New York, NY 10018

RE: Lafarge Ravena Plant Modernization Project  
Land Use and Zoning Requirements in the Town of Coeymans

Dear Ms. Barnett,

We have reviewed the Land Use Zoning and Public Policy and the Visual Resources sections of the Draft Environmental Impact Statement. There are several significant view sheds in the Town of Coeymans, such as the Hudson River, the historic character of the Hamlet and the rural agricultural landscapes of Coeymans Hollow. The proposed action will not negatively impact any of these important view sheds and is consistent with the Town of Coeymans Comprehensive Plan.

Based on an assessment of the conformance of the proposed modernization of the Ravena Plant with the requirements of the Town of Coeymans Land Use Review Procedure and Zoning Ordinance and the Town of Coeymans Comprehensive Plan, we have determined that the proposed modernization conforms to those requirements and would not result in an adverse effect on the visual resources of the town. Although the proposed modernization project would include a new peheater/precalciner tower/stack structure of greater height and bulk than the main stack at the existing facility, we do not believe that this would result in a significant adverse effects on views from visually sensitive resources in the town. Overall, the majority of structures included in the proposed modernization would be similar in character, bulk, form, size, scale and use to that which currently exists at the Ravena Plant, and would not represent a major departure from the visual presence of the existing Ravena Plant.

Sincerely,  
Town Board, Town of Coeymans

Councilman Boehm stated that it is specifically what it was talking about and it would make sense to talk about the environmental impact of the dry process and the existing view sheds.

Councilman Touchette stated that it is what they are commenting on now and added that personally he feels that even though the new tower is going to be higher and larger bulk than the stack that is there, he feels as though there is a view shed there and something already there, which changes a bit but there is still something in the view shed. He continued by saying that it changes a little bit but there is still something in the view shed and went on by saying that he does not feel as though there will be any adverse effect.

Councilman Youmans stated that it is his understanding that the new tower is going to be placed in a lower spot than the existing smoke stack and it is going to look like a modern office building like structure. He continued by saying that he does not think that anyone in their right would find that objectionable when the alternative is a giant smoke stack with smoke coming out of it, which will eventually be torn down.

Councilman Boehm stated that this is what he was going to add.

Councilman Youmans stated that he would move that they authorize the Supervisor's Office to prepare the letter for their signature at the next meeting or sooner and get it sent out as soon as possible.

Councilman Touchette stated that the sooner would be better.

Councilman Youmans stated that he can stop and sign it by the end of the week.

#### **MOTION**

On motion of Councilman Youmans, seconded by Councilman Boehm, authorizing the Supervisor's Office to prepare the letter for the Town Board's signature and to send it as soon as possible.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Touchette thanked the Town Board.

#### **Joint Training for Planning & Zoning Boards – Town & Village**

Supervisor Traver stated that a Joint Training Session for the Planning & Zoning Boards for the Town and Village will take place March 2, 2010 at Village Hall. He continued by saying that to send the Planning and Zoning Boards to the seminars would cost the Town approximately \$900.00 but with the Town and Village both doing it, it will cost approximately \$450.00 for the Town's share of the cost. He continued by saying that Andrew Burke will be doing the seminar, which is the mandatory 4-hour training that they have to have. He went on by saying that he sent a letter to the Planning & Zoning Boards to see what kind of response he would get and as of now he is waiting for only two members for the date to be available.

Councilman Youmans stated that he would assume that Mr. Marsh, who is an Attorney, would be exempt from the training.

Councilman Touchette stated that he believes that Mr. Marsh has to go as well and has commented in the past that it would be nice if he could take a class where he would get both the attorney and zoning CU's, which he does not know if this qualifies.

Councilman Boehm inquired as to what day the 2<sup>nd</sup> is.

Supervisor Traver stated that it is a Tuesday.

Councilman Touchette inquired as to if it is all day.

Supervisor Traver stated that it is four hours.

Councilman Youmans stated that he would say that if it mandatory training and half the cost by partnering with the Village, it is a no brainer.

Councilman Boehm inquired as to if it would be \$450.00 for the Town and \$450.00 for the Village.

Councilman Touchette asked if Supervisor Traver knew what the agenda for the training is.

Supervisor Traver stated that he didn't have the agenda and continued by asking for a motion to authorize the training.

**MOTION**

On motion of Councilman Touchette, seconded by Councilman Boehm, authorizing that the Town partner with the Village to provide members of the Planning & Zoning Boards with the required 4 hours of training through the joint training on March 2, 2010.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**Establish Public Hearing for Local Law #1-10 – Defense & Indemnification for Town Employees**

Supervisor Traver asked that Councilman Touchette talk about Proposed Local Law #1-10.

Councilman Touchette stated that this is a law that has been brought up on several occasions and added that they spoke of it at the last Board Meeting. He added that Attorney for the Town Wukitsch has provided them a draft of the law and continued by reading the following:

**PROPOSED LOCAL LAW #1-2010  
TOWN OF COEYMANS**

**A LOCAL LAW PROVIDING DEFENSE AND INDEMNIFICATION  
FOR TOWN EMPLOYEES SUED FOR ACTIONS TAKEN  
IN PERFORMANCE OF THEIR OFFICIAL DUTIES**

**Section 1. Legislative Intent**

The purpose of this chapter is to provide legal and financial protection for those individuals serving the Town of Coeymans from losses which may be brought against them in their individual capacity for actions taken while in the performance of their official duties and responsibilities. In enacting this chapter, the Town Board finds that the State of New York has enacted similar provisions for the legal and financial security of its officers and employees and further finds that such security is also required for local personnel. By enactment of this chapter, the Town Board does not intend to limit or otherwise abrogate any existing right or responsibility of the Town of Coeymans or its employees with regard to indemnification or legal defense. It is solely the intent of this chapter to provide maximum coverage for local employees, such as is presently provided for state employees, so as to continue to attract qualified individuals to local government service.

**Section 2. Definitions**

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:

**EMPLOYEE** – Any person holding a position by elections, appointment or employment in the service of the Town of Coeymans, whether or not compensated, or a volunteer expressly authorized to participate in a municipally sponsored volunteer program, but shall include a former employee, his or her estate or judicially appointed personal representatives.

**Section 3. Town to Provide Defense**

**A. Conditions**

Upon completion by the employee with the provisions of Section 5 of this chapter, the Town of Coeymans shall provide for the defense of the employee in any civil and criminal action or proceeding in any State or Federal Court arising out of any alleged act or omission of a Federal, State or local rule or regulation which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his or her public employment or duties, or which is brought to enforce a provision of the laws of the United States, including but not limited to 42 United States Code, Section 1981 or 1983.

**B. Representation by Town Attorney; Private Counsel**

(1) Subject to the conditions set forth in Subsection A of this section, the employee shall be entitled to be represented by the Town Attorney; provided, however, that the employee shall be entitled to representation by private counsel of his or her choice in any civil judicial proceeding whenever the Town Attorney determines, based upon his or her investigation and review of the facts and circumstances of the case, that representation by the Town Attorney would be inappropriate or whenever a court of competent jurisdiction,, upon appropriate motion or by special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his or her choice. The Town Attorney shall notify the employee, in writing, of such determination that the employee is entitled to be represented by private counsel of his or her choice.

(2) The Town Attorney may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel under the provisions of this section, the Town Attorney shall so certify to the Town Board. Reasonable attorney's fees and litigation expenses shall be paid by the Town to such private counsel from time to time during the pendency of the civil action or proceeding, subject to the certification that the employee is entitled to representation under the terms and conditions of this section by the head of the department, commission, division or agency in which such employee is employed. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorney's fees shall be resolved by the court upon motion or by way of a special proceeding.

**C. Duty of Town Attorney**

Where the employee delivers process and a request for a defense to the Town Attorney as required by Section 5 of this chapter, the Attorney shall take the necessary steps, including the retention of private counsel under the terms and conditions provided in Subsection B of this section, on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

**Section 4. Responsibilities of Town**

**A. Indemnification of Employees**

The Town shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any State or Federal Court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or settlement occurred while the employee was acting within the scope of his or her public employment or duties; the duty to indemnify and save harmless prescribed by this subsection shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.

**B. Settlement**

An employee represented by private counsel shall cause to be submitted to the Town Board any proposed settlement which may be subject to indemnification by the Town and, if not inconsistent with the provision of this section, the Town Board shall certify such settlement, and submit such settlement and certification to the Town Attorney, the Attorney shall review such proposed settlement as to form and amount and shall give his or her approval if, in his or her judgment, the settlement is in the best interest of the Town. Nothing in this subsection shall be construed to authorize the Town to indemnify or same harmless an employee with respect to a settlement not so reviewed and approved by the Town Attorney.

**C. Payment of Final Judgment and Settlement**

Upon entry of a final judgment against the employee or upon the settlement of the claim, the employee shall cause to be served a copy of such judgment or settlement, personally or by certified or registered mail within 30 days of the date of entry or settlement, upon the Supervisor; and, if not inconsistent with the provisions of this section, such judgment or settlement shall be certified for payment by the Supervisor. If the Attorney concurs in such certification, the judgment or settlement shall be paid upon the audit and warrant of the Town Treasurer.

**Section 5. Cooperation of Employee**

The duty to defend or indemnify and save harmless provided by this chapter shall be conditioned upon delivery to the Town Attorney or his or her assistant, at his office, by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleading within five days after he or she is served with such document; and the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the state based upon the same act or omission, and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the Town provide for his or her defense pursuant to this chapter.

**Section 6. Rights of Other Parties**

The benefits of this chapter shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party, nor shall any provision of this chapter be construed to affect, alter or repeal any provision of the Workmen's Compensation Law.

**Section 7. Insurance Policies**

The provisions of this chapter shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

**Section 8. Pending Litigation**

The provisions of this chapter shall apply to all actions and proceedings pending upon the effective date thereof or thereafter instituted, whether or not the actions or commissions complained of occurred prior to or subsequent to the effective date of this chapter.

**Section 9. Immunity**

Except as otherwise specifically provided in this chapter, the provisions of this chapter shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the Town, or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with or by reason of any provision of state or federal statutory or common law.

**Section 10. Effective Date**

This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State.

Councilman Boehm stated that at this point they need to schedule a Public Hearing.

Councilman Touchette reiterated that it is something that has been in the works and was highlighted by the fact that there have been some litigations threatened that would affect personally some of the members of the Planning and Zoning Boards. He continued by saying that everyone agrees that it is something that is necessary at this point to protect the people of the Town.

Councilman Boehm asked Town Clerk Millious if they can schedule a Public Hearing prior to the next Town Board Meeting and whether there would be enough time to advertise.

Town Clerk Millious stated that it would not make the paper until the 17<sup>th</sup> and it is too late in the week to put that type of Local Law and added that it would not be enough time. She continued by saying that there is a Town Board Meeting on March 8<sup>th</sup> and inquired as to if it would be alright to have it then at 6:30pm.

Councilman Touchette stated that he will get a copy of the draft Local Law to Town Clerk Millious.

Councilman Boehm stated that they can schedule it by motion and continued by offering one.

**MOTION**

On motion of Councilman Boehm, seconded by Councilman Youmans, scheduling a Public Hearing for Local Law #1-2010 – a Local Law providing defense and indemnification for Town employees sued for action taken in performance of their official duties, on March 8, 2010, 6:30pm at Town Hall.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Traver stated that they would be moving on to resolutions.

Highway Superintendent Deering stated that he has a couple of items that are not on the agenda and added that he does not know if it would be Old Business or New Business. He continued by asking about the shoveling snow in the sidewalks in Coeymans.

Councilwoman Rogers stated that she had it in her hand and was going to bring it up.

Highway Superintendent Deering asked if there was a resolution and continued by saying that he knows that there was no Local Law.

Councilwoman Rogers stated that verbally they had a conversation about it.

Highway Superintendent Deering reiterated that there is not a Local Law and added that in the meantime it is up to the Highway Department to clear the sidewalks according to Highway Law Section 140.

Councilman Youmans stated that it would be unless there is a Local Law that supersedes it.

Highway Superintendent Deering stated that there isn't and it is under Highway Law unless there is an emergency.

Councilman Youmans stated that there is a Property Maintenance Law that says the homeowner will maintain the sidewalks, which would mean sweeping, shoveling and

keeping them in a condition that is safe and passable and added that it seems to be pretty clear to him.

Councilman Touchette interjected that it also says to remove any hazard, which would be snow.

Councilman Youmans stated that he would not expect the Highway Department to go down and shovel every sidewalk.

Highway Superintendent Deering stated that they use to do it.

Councilman Touchette inquired about them doing it and then stopping.

Highway Superintendent Deering stated that it came up at a Board Meeting and reiterated that there was no resolution or Local Law and added that under Highway Law it says that he has to maintain them. He continued by saying that the Property Maintenance Law may supersede Highway Law.

Councilwoman Rogers stated that they would ask Attorney for the Town Wukitsch.

Highway Superintendent Deering stated that there could be a liability.

Councilman Youmans stated that if they come to a conclusion from their legal counsel that the Property Maintenance Law does not supersede the Highway Law they will pass a Local Law that will because they can't shovel every sidewalk in the Hamlet.

Councilwoman Rogers stated that they have been doing it for years.

Councilman Youmans stated that he thinks that they are covered but they will be sure and if not they will pass a Local Law that says that they are.

Supervisor Traver asked if there were any other comments on the sidewalks.

Highway Superintendent Deering stated that he gets all kinds of different things on Mud Hill and added that according to Town Attorney Wukitsch it goes beyond those two properties, and they are included. He went on by saying that at the last Town Board Meeting he said that they stop at the property line and Attorney for the Town Wukitsch stated that it doesn't stop because there are two parts of it and he faxed it to him and outlined it.

Councilwoman Rogers stated that this is what he was doing anyway and he goes all the way through.

Highway Superintendent Deering stated that they have been maintaining some of it and added that the property line that they have to go to, he took him up and showed it to him. He added that he wanted to make it clear in case there are problems in the future and continued by saying that they were doing what the petitioners want.

Supervisor Traver asked if he had spoken with Attorney for the Town Wukitsch about it.

Highway Superintendent Deering stated that he is the one that faxed it to him and told him at the last Board Meeting that he had to go further.

Councilman Youmans stated that they should bring it up at the next Town Board Meeting when Attorney for the Town Wukitsch is present and added that they can get a public statement from their legal counsel.

Councilman Boehm interjected that it is confusing.

Collectively the Town Board agreed.

Highway Superintendent Deering asked if the computer is all set with the virus protection.

Councilwoman Rogers stated that Confidential Secretary Lewandowski had said that she got the bill earlier in the day and it should be coming.

Highway Superintendent Deering asked if it would have virus protection.

Councilman Youmans stated that there will be 30 days protection included with it and added that they can buy what is called Corporate Suite, which would give them a license for as many computers as they need and would be less expensive than buying it individually from Norton or McAfee. He continued by saying that he had done an informal poll and found that none of the computers have antivirus software on them, which is not good.

Highway Superintendent Deering stated that they had it on their computer.

Councilman Youmans stated that he was talking about Town Hall and then asked Town Clerk Millious if she was running antivirus on any of her computers.

Town Clerk Millious stated that she thought that Matt Canning had put something on it because he had blocked a lot of things.

Councilman Youmans stated that it is something that they need to get an answer on as to how to go about buying antivirus software on all the computers instead of a one-on-one basis. He continued by saying that he will have an answer at the next meeting and reiterated that when they take the new machine out of the box it is covered for 30 days.

Highway Superintendent stated that he is not happy that they did not get the computer that they ordered off State Contract and they hired someone to come out there for \$210.00 and he didn't do anything.

Councilman Youmans stated that he has not seen an invoice for \$210.00 for there.

Highway Superintendent Deering stated that he will because he just made out the voucher and added that he thought they were trying to save money.

Councilman Youmans stated that they wanted to spend \$1,500.00 on a computer and spent \$1,000.00 and added that even if they did spend \$210.00 for someone to assess what they needed, the math works out to roughly a \$300.00 savings.

Highway Superintendent Deering stated that there are other things that have to be put on it.

Councilman Youmans stated that Mr. Palmer who is now the Town's consultant and is handling this, does this for a living and added that the reason that he went out there was to talk to them to see what they do with the computer to see what they needed. He continued by saying that Mr. Palmer assured him that the computer he speeded out for them is going to be more than enough for what they need.

Highway Superintendent Deering stated that they have done it in the past and it has worked out fine and added that it is like they don't know what they are doing and this is the impression that he gets.

Councilwoman Rogers interjected that she thought the cost was \$1,100.00 for the State Contract computer.

Councilman Youmans stated that the first night that it came up there was a purchase order for \$1,500.00 for a computer.

Supervisor Traver stated that it was for \$1,490.00.

Highway Superintendent Deering stated that there was everything on it that they needed.

Councilman Youmans stated that the one they got is State Contract as well and still a savings.

Highway Superintendent Deering reiterated that they paid someone over \$200.00 and added that he will probably have to go back for the new computer.

Councilman Youmans stated that the new computer was \$1,000.00 and they paid him \$200.00.

Highway Superintendent Deering stated that it will probably be another \$200.00.

Councilman Youmans inquired as to what the other \$200.00 will be for.

Highway Superintendent Deering stated that he will probably need to do something with the new computer.

Councilman Youmans stated that he is going to need some cable because he is going to reconfigure the way things work as well as taking the old computer and setting it up in a different office so everything backs up to that. He continued by saying that Mr. Palmer will run a wired connection as opposed to a wireless connection because it is faster and more of a reliable connection and added that this is the only extra that they are talking about and this is to optimize the performance of the computer. He concluded by saying that he does not see it as a waste.

Councilman Touchette inquired as to if there is a server out there.

Councilman Youmans stated that they don't and it is a stand alone.

Supervisor Traver asked if there were any other comments.

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**RESOLUTIONS**

**RES. #31-10 APPOINT PART-TIME CLERK - TOWN CLERK'S OFFICE**

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

**WHEREAS**, the Office of the Town Clerk experienced reduced coverage following the unexpected resignation of a part-time clerk, and

**WHEREAS**, the Town Board, in an effort to prevent backlogs in the Town Clerk's Office, allowed a 90-day temporary hire of the part-time clerk who preciously retired from the position, and

**WHEREAS**, the Town Clerk has since advertised and interviewed a number of applicants for the position, and found a candidate who meets the minimum qualifications, and

**WHEREAS**, the Albany County Civil Service has reviewed and approved the candidate's qualifications,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Deana Ferrusi to the position of part-time Clerk I, at the hourly rate of \$11.00, effective February 11, 2010.

Supervisor Traver stated that they would hold off on the next resolution.

Councilman Boehm stated that he wanted to offer a motion to adjourn to Executive Session.

**ADJOURNMENT TO EXECUTIVE SESSION**

**MOTION**

On motion of Councilman Boehm, seconded by Councilman Touchette, to adjourn to Executive Session for the purpose of discussing an employee and Council 82 Contract Agreement.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Traver stated that they would be returning to pass the Council 82 Agreement resolution.

Time 8:52pm

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**EXECUTIVE SESSION**

Executive Session was called to order in the Supervisor’s Office with the full Town Board present and discussion ensued about an employee of the Town as well as Council 82 Contract Agreement.

Executive Session ended at 9:22pm

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**RECONVENE MEETING**

Supervisor Traver called the meeting back to order and asked that Councilwoman Rogers introduce the Council 82 Resolution.

**RES. #32-10 AUTHORIZE SUPERVISOR TO SIGN COUCIL 82 AGREEMENT AND AUTHORIZE COMMENCEMENT OF RETROACTIVE CALCULATIONS**

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

**WHEREAS**, on January 27, 2010, representatives of AFSCME Council 82 Local #2647 and the Town of Coeymans reached a tentative agreement pertaining to the terms and conditions of employment for the period January 1, 2009 through December 31, 2010 for employees in the Bargaining Unit consisting of full-time and part-time police and telecommunicators, and

**WHEREAS**, the tentative agreement was ratified by a vote of the Union’s membership shortly thereafter,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby reaffirms and authorizes Supervisor Henry C. Traver, to sign the agreement reached for the period January 1, 2009 – December 31, 2010 with AFSCME Council 82 Local 2647, and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Coeymans authorizes commencement of retroactive calculations in accordance with the terms and conditions of the Labor Management Agreement.

Councilman Boehm stated that he wanted to thank Councilman Touchette for all of his work on it and added that the job was not finished when Supervisor Hotaling left office and Councilman Touchette took the reins and did a great job in brining it to fruition.

Collectively Supervisor Traver, Councilman Youmans and Councilwoman Rogers thanked him as well.

Supervisor Traver stated that he wanted to add that he would be abstaining from the vote because he was part of Council 82 Local 2647 and added that he was abstaining because he will have some benefits from it.

Councilman Youmans interjected that it is also important to point out that Supervisor Traver had no part in the negotiation of the contract.

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**TOWN BOARD WORKSHOPS / MEETINGS**

- Town Board Meeting – February 22, 2010, 7:00pm
- Town Board Meeting – March 8, 2010, 7:00pm

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**ADJOURNMENT**

Supervisor Traver asked for a motion to adjourn the meeting.

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 9:22pm

**Respectfully Submitted,**

**APPROVED:**

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**Diane L. Millious, Town Clerk**