

A Town Board Meeting was held Monday, February 22, 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
Albert Deering, Highway Superintendent

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

OPENING COMMENT

Supervisor Traver stated that there was a full Town Board present in addition to Town Clerk Millious and Highway Superintendent Deering.

AGENDA

- Public Announcement
 - New York Municipal Insurance Reciprocal
 - C.T. Male Associates, P.C.
- Public Comment
- Approval of Minutes
 - Town Board Meeting, January 11, 2010
 - Town Board Workshop, January 19, 2010
- Supervisor's Report – January 2010
- Department Reports
 - Building Department, January 2010
 - Sewer Department, January 2010
 - Town Clerk, January 2010
- Old Business
 - Review of Bid Opening, Highway Equipment
 - Discussion of In-Car Video Bid
 - Route 143, Golf Course to Gedney Hill
 - Mud Hill Road
 - Surplus Equipment, Award of Online Bids
- New Business
 - Required Training Request for Building Inspectors & Code Enforcement Officers
 - Application for Grant Funding
- Resolutions
 - Approve February Abstract
- Town Board Workshops/Meetings
 - Town Board Meeting, March 8, 2010, 7pm
 - Town Board Workshop, March 16, 2010, 6pm
 - Town Board Meeting, March 22, 2010, 7pm
- Executive Session
 - Discussion of Legal Matters with Attorney for the Town

PUBLIC ANNOUNCEMENT

C.T. Male Associates, P.C.

Supervisor Traver stated that Internal Control Officer Purinton found a discrepancy, which goes back to 2008, with C.T. Male where the Town paid them twice and added that they have now refunded the Town \$3,375.00.

New York Municipal Insurance Reciprocal

Supervisor Traver stated that when he was at the Association of Towns training in New York City he received from New York Municipal Insurance Reciprocal a check in the amount of \$8,382.82.

PUBLIC COMMENT

Supervisor Traver invited the public to comment at this time.

Mr. John Allen stated that he lives in the Hamlet of Coeymans on Westerlo street and added that he had a couple of questions to ask the Board, which arise out of his concern about the Town's financial position and it's impact on taxpayers like himself. He continued by saying that he knows that they held a Public Hearing on the Sewer District and in looking at the reports it looked like it was ready to be passed but has been held off because the Town is negotiating with the Village for a less than cost set of bills for sewer reimbursement. He went on by saying that he would like to understand how tax payers in the Town who pay one rate that covers the cost of operating the sewage plant, if they are going to have different rates for the sewage, why it is fair for the Village to pay less than the cost and the rest of the town to pay the difference to make up the actual operation for the Sewer Plant. He added that he finds it very troubling and disturbing as someone who lives in the Hamlet and pays his taxes on time and continued by saying that if there is a cost, they should be negotiating the cost for whatever the cost is and not creating differential rates because there was a contract that is now expired and the Town is still allowing the Village to pay the old rate until they establish a new contract. He went on by saying that similarly with the Sewer District issues he understands that because they have not passed that set of rates, the folks on Martins Hill, who they have not created a Sewer District for, is getting free sewer service. He added that it is great and he is happy for them and glad that they got sewage but the rest of them are paying for the additional cost of operating the Sewer Plant because they have not established Sewer Rates fairly and equitably for all residents who use the sewage service rather than preferential treatment for residents who use sewage service who happen to live in the Village as opposed to living in the rest of the Town. He continued by saying that it affects tax payers disproportionately for those that don't happen to live in the Village and the Town's waste products must cost more and the Village waste products cost less to process, which seems inconsistent with the facts of general science. He added that he is also concerned about some of the more recent examples and he wants to express some concerns as a taxpayer when he sees that they have the budget passed to hire a bookkeeper for \$20.00 an hour and then there was a discussion about hiring someone, which may have been a discussion outside of public view, to hire someone for \$27.00 an hour. He continued by saying that in his job in government they can't hire someone except for what is authorized and you can't indiscriminately create a rate unless the body at large, the elected representatives, pass that rate. He went on by saying that he is equally troubled and he does not know if it is true and added that he apologizes to Supervisor Traver if his perception is wrong but he understands that they are paying him a yearly salary in addition to his time working for the Village, which is fine, but it creates an apparent conflict of interest when as the Town's Chief Financial Officer, one of the sets of negotiations is the Town's ongoing relationship with the Village starting with the Sewer District issues and the cost of sewer services for residents of the Town of which the Village is a part. He reiterated that he is troubled by the appearance of conflict of interest even if he not directly participating in those discussions as Chief Financial Officer for the Town and added that it creates a misperception as well as being troubled that the Supervisor's Office is now only open a

couple hours of the day and sometimes on weekends and the Town is paying a full-time salary. He continued by saying that he would like to know how his tax dollars are being used when he thinks what he has been paying for is a full-time supervisor and whether they are getting that for the Supervisor’s salary, which he believes was set at a full-time rate. He went on by saying that he is troubled by what he sees as a slippery slope sliding down some financial potentially long term mismanagement issues of not keeping the budget well regulated and being consistent with the approved budget as approved by the whole Board. He concluded by saying that he wanted to raise that concern, not that there is any immediate pressing issue but that these things not continue to fester and affect taxpayers disproportionately and added that people in the Town and people in the Village waste by-products should cost the same amount to process.

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

APPROVAL OF MINUTES

Supervisor Traver stated that there were two sets of minutes for Town Board approval a Town Board Meeting on January 11, 2010 and a Workshop on January 19, 2010 and continued by asking for a motion to accept them.

MOTION

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

SUPERVISOR’S REPORT

January 2010

FUND	BAL. FWD.	RECEIPTS	DISBURSE.	BALANCE
General	\$219,156.67	\$1,466,354.64	\$544,132.23	\$1,141,379.08
Part-Town	\$198,411.47	\$ 436,358.91	\$224,690.07	\$ 410,080.31
Highway	\$113,581.65	\$200,518.82	\$142,952.99	\$ 171,147.48
Bridge Const.	\$311,048.59	\$ 137.99	-0-	\$ 311,186.58
Sewer	\$ 14,764.94	\$166,009.18	\$ 48,898.63	\$ 131,875.49
Special Water	\$ 2,133.65	\$.63	-0-	\$ 2,134.28
Police Forf.	\$ 3,420.21	\$ 1.16	-0-	\$ 3,421.37
Trust & Agcy.	\$ 11,038.08	\$234,288.59	\$254,083.44	\$ (8,756,77)
Cap. Proj.	\$ 43,220.42	\$157,008.22	\$181,009.34	\$ 19,219.30
Section 8 HUD Units - 75	\$180,480.72	\$ 554.50	\$ 35,593.00	\$ 145,442.22
			Tot. Rec. Bal.	\$2,237,129.34

SAVINGS ACCOUNTS		COLLATERAL COVERAGE	FDIC COV.	COLLATERALIZED
Unemployment	\$ 4,056.22			
Grove Cemetery	\$40,683.70	Bank of Greene	\$250,000.00	\$4,683,482.24
Sewer-Dedicated	<u>\$ 6,292.72</u>	National Bank	\$250,000.00	\$1,275,272.79
Total	\$51,032.64			

Supervisor Traver stated that the report shows a negative balance of \$8,756.77 in the Trust & Agency fund and added that for the Board's advisement money was transferred and there is now a \$10,496.00 balance.

Councilman Touchette inquired as to where it was transferred from.

Supervisor Traver stated that he didn't have where it was transferred from in front of him and added that the bookkeeper did it.

Supervisor Traver asked for a motion to accept the report.

Councilman Touchette stated that he would move it for discussion.

Councilman Youmans stated that he would second it for discussion and continued by asking if the date on the report should be 01-31-10.

Supervisor Traver stated that it should be.

Councilman Youmans stated that he has some financial concerns and added that he believes that the first step that they should take at this point is that for all of the .2 equipment purchase accounts, they should issue a spending freeze effective now. He went on by saying that some of the concerns that he has are budgetarily and where they are at this point because they are 2/3 of the way through the first quarter of the year and he doesn't have any kind of a handle on financial data at this point. He added that he believes that it would make sense to wait until later in the year to make any equipment purchases that are not completely necessary until maybe the end of the 3rd or start of the 4th quarter until they know where they are at.

Councilman Boehm asked Supervisor Traver if there is any indication as to how they finished 2009.

Supervisor Traver stated that they are just finishing up the books now and added that they still had vouchers coming in from 2009 up to two weeks ago.

Councilman Boehm inquired as to approximately how much he was talking about.

Supervisor Traver stated that it is slowing down and added that there were a lot in January.

Councilman Boehm stated that they were hit on the sales tax revenue and added that he thinks that they need a snapshot of that as soon as possible.

Councilman Touchette stated that the report they got is for year end 2009 but it is without year end receivables or payables and continued by asking Supervisor Traver if he knows what the receivables or payables are.

Supervisor Traver stated that he doesn't at this point because they are still getting some bills for 2009.

Councilman Touchette inquired as to where the receivables would be coming from at this point.

Supervisor Traver stated that Sarah is finishing up the books on the weekend and continued by saying that they should not be receiving any more receivables.

Councilman Touchette inquired about not expecting any more receivables on the books and continued by asking if he has a sense where they are according to budget after the first month of the year.

Supervisor Traver stated that he spoke with Darryl and they are going to be sitting down within the next two weeks to see where they are with the sales tax money that they got as well as talking about cutting back on equipment spending and other areas that they can start cutting.

Councilman Touchette stated that he had a couple of questions that came up with the vouchers and added that there was one where they transferred \$151,000.00 that went from the H29 Capital Project Fund to the Sewer Fund and a prepay voucher in the Highway Fund, which he can't tell where it came from and where it went for \$200,000.00 and it appeared to have been transferred to other funds and then asked if it was Highway Funds or money that goes into Highway Funds from the A Fund.

Supervisor Traver stated that he was not sure because he didn't have it in front of him.

Councilman Touchette stated that the check was cut and he must have signed it.

Supervisor Traver stated that he can check into it.

Councilman Touchette asked that he let them know where the \$200,000.00 came from and went.

Councilman Youmans stated that for 2009 they ended up with approximately \$1,756,000.00 in sales tax revenue and were budgeted for 1,709,000.00 so they ended up for the year approximately \$47,000.00 ahead of where they thought they were going to be. He continued by saying that the concern now is that they budgeted for 1,769,000.00, which is \$13,000.00 ahead of where they ended up for 2009 and financial analysts have forecasted that the indicators are looking pretty positive for sales tax revenue but he heard on the news earlier today that it is the worst year that they have ever had and are down 5.9% statewide. He went on by saying that the 1.7 million dollars is a crap shoot and no one really knows that it is what they will realize and all it is going to take is for one jerk to blow up a bomb on a subway in New York City and people will stop spending money and went on by saying that it is anyone's best guess estimate and this is why he talked about equipment freezes and getting into the end of the third quarter and beginning of the fourth and see how it trends as well as any place else that they could save. He continued by saying that they need to look at other avenues where they can save some money and added that he wonders what cash strategies they have employed to this point.

Councilman Touchette stated that they brought it 1.4 million dollars in receipts for the General Fund and continued by asking where the money is now.

Councilman Boehm inquired as to if they are in CD's.

Supervisor Traver stated that this was another discussion that he had with the Internal Control Officer when he got back from the Association of Town's Meeting and continued by saying that they talked about taking some of the money and put it back in CD's.

Councilman Boehm stated that he is concerned with the fact that it is taking so long to have the discussions and added that they could be locking some cash in CD's and making some money

Councilman Youmans stated that CD's may or may not be the way to go and added that there is one account that is a Money Market Account and continued by asking Supervisor Traver if he knows what they are getting for interest.

Supervisor Traver stated that he didn't have it in front of him.

Councilman Youmans stated that based on the Supervisor's Report they have 2.3 million dollars sitting there and they obviously don't need that much to get them through the next

few months and continued by asking if Supervisor Traver had forecasted it out as far as what they need for payroll and if he had gone back and looked at abstracts for the last couple of years to see how it trends for what they are going to need for the next 3-6 months. He continued by saying that if they don't need 2 million dollars, they can put 1 million dollars of it away someplace, such as a CD and they could probably do a percent better, which would add up. He went on by saying that they would have done two things which would be putting it away so they could make some interest on it and they would also know that they have it to fall back on later in the year when they are going to need it. He added that if they are going to put it in a CD, there is a risk associated with it and if they are going to get a bigger return they would see a bigger risk involved, which would be not having access to the money so it requires some pretty good planning, which he is concerned is not done at this point. He reiterated that they are 2/3 of the way through the first quarter of the year and added that he wonders where they are headed.

Supervisor Traver asked if there were any other comments.

Councilman Boehm stated that he would echo what Councilman Youmans had said and added that he is concerned that they have had a poor start and continued by asking if the spending freeze was in the form of a motion.

MOTION

On motion of Councilman Youmans, seconded by Councilman Boehm, directing the Supervisor to issue a memo to all departments first thing in the morning indicating that there is a spending freeze in effect on all .2 accounts as well as directing him to take all the .2 account balances to zero and move the money somewhere else.

Councilman Boehm stated that he agrees and added that they can't wait for discussions and it is something that they have to move forward with because it is imperative and they don't know what the financial future will bring with seeing what is going on at the State level.

Councilman Touchette asked Supervisor Traver if he had a response to the concerns that have been expressed.

Supervisor Traver stated that he absolutely does and added that he agrees with the Board on freezing the .2 accounts and looking to other avenues to try and save as much money as they can because they don't know what way the financial market is going and added that they need to save as much money as they can.

Councilman Boehm stated that he appreciates it but they are general statements and added that they need some definite direction on the length of CD's and how much they can lock up and how much money they need to manage the Town.

Councilwoman Rogers stated that she agrees with the freeze until they know where they are.

Supervisor Traver stated that he will work with Darryl on Wednesday.

Councilman Boehm interjected that they do have one issue with the truck.

Councilman Youmans stated that they have all agreed that the truck needs to be replaced and continued by saying that they also have the bids in front of them.

Councilman Boehm stated that he wanted to make sure that the truck was not included.

Councilman Youmans stated that in saying the .2 accounts he would amend the motion to not reduce the Highway account to zero because they are getting ready to purchase a truck. He added that given the lack of financial data that is being provided at this point he would urge that they start a policy immediately that every Board Meeting they should bring in one Department Head and do a budget review. He continued by saying that they need to make sure that the Department Heads aren't under a misconception of where they

stand budgetarily and for them as a Board to make sure where they stand budgetarily and added that he is concerned that they are almost done with the first quarter of the year, which only leaves three more, and in order to manage the budget effectively he does not have the numbers in front of him.

Supervisor Traver asked for the vote.

Councilman Boehm asked Councilman Youmans if he amended the motion.

Councilman Youmans stated that he amended the motion to exclude the Highway .2 account.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Traver stated that there was also a motion and a second to approve the Supervisor's Report and then asked for the vote.

VOTE – AYES 5 – NAYS 0 – SO MOVED

DEPARTMENT REPORTS

Building Department – January 2010

Supervisor Traver asked that Councilwoman Rogers give the Building Department Report.

Councilwoman Rogers continued by giving the report.

Supervisor Traver asked for a motion to approve the report.

MOTION

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Sewer Department – January 2010

Supervisor Traver asked that Councilman Youmans give the Sewer Department Report.

Councilman Youmans continued by giving the report.

Supervisor Traver asked for a motion to approve the report.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the Sewer Department Report was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Touchette asked if it was the appropriate time to address the CSEA complaints about the Sewer Department.

Supervisor Traver stated that he hadn't talked to Chief Operator Breedlove because he was out ill and added that he wants to discuss it further with him to see what is going on at his end.

Councilman Touchette asked that he report back to the Board.

Supervisor Traver stated that he would.

Town Clerk – January 2010

Supervisor Traver asked that Town Clerk Millious give the Town Clerk Report.

Town Clerk Millious continued by giving the report.

Supervisor Traver asked for a motion to approve the report.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Touchette, the Town Clerk Report was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

OLD BUSINESS

Review of Bid Opening

Supervisor Traver stated that there was a Bid Opening for a Highway truck and reported them as follows:

Metro Ford	\$45,961.00	Vision Ford	\$43,425.00
Joe Basil Chevrolet	\$42,999.00	West Herr Ford	\$44,3228.00
Crossroads Ford	\$43,517.00		

Supervisor Traver asked if there was any discussion.

Councilman Youmans inquired as to when they plan on awarding the bid and whether it would be now.

Supervisor Traver stated that they would be awarding it now.

Councilman Youmans stated that this is something that they have to be careful about with these trucks and continued by saying that the first one that they previously got from Van Bortel Ford, in talking to Crossroads they had some issue about how the truck was speced and the dump body would not even fit the truck. He then asked Highway Superintendent Deering if he or Deputy Searles had studied the bids as presented and whether or not it was for what they had submitted.

Highway Superintendent Deering stated that they had.

Councilman Youmans inquired about awarding it to the lowest bidder and whether or not it is the truck that they need.

Highway Superintendent Deering stated that it is.

Councilman Boehm asked Attorney for the Town Wukitsch if they have to award the bid to the lowest bidder.

Attorney for the Town Wukitsch stated that the truck is a good and added that he would say that they probably should. He continued by saying that Highway Superintendent Deering had said that the specs match up and it is the same item and reiterated that he would think that they have to submit it to the lowest bidder.

Councilman Boehm stated that the only reason he asked was because of the difference between Vision Ford and Crossroads and Crossroads being a local business and added that any savings would be made up in having the service and the parts local.

Attorney for the Town Wukitsch stated that the way the State Law is set up is that there is a distinction between the purchase by bid of goods, which this is, and the purchase of services, which is best value. He added that with services you can take into account things other than price but with commodities or goods it is the lowest responsible bidder and with everything matching up he would say that it has to go to the low bidder.

Highway Superintendent Deering interjected that they all have the same specs.

Attorney for the Town Wukitsch stated that the specs are identical.

Councilman Youmans stated that this is what he was going to ask.

Attorney for the Town Wukitsch stated that they have a duty to the public and to the taxpayers of the Town to go with the lowest bidder.

Councilman Boehm stated that he asked because it is a local dealer.

Councilman Touchette inquired as to what line item it is coming out of.

Highway Superintendent Deering stated that it is coming out of D5130.2.

Councilman Youmans stated that the truck is \$42,999.00 and added that there is \$50,000.00 budgeted for equipment. He continued by saying that Highway also bought a computer, chain saws and some other things.

Highway Superintendent Deering stated that it didn't come out of the D5130.2.

Councilman Youmans asked where it came out of.

Highway Superintendent Deering stated that it came out of D5140.2.

Councilman Youmans interjected that if Highway Superintendent Deering is fine with it he is fine with it and added that it is his budget.

Highway Superintendent Deering stated that it is the same spec.

Councilman Youmans stated that he would move for a motion.

MOTION

On motion of Councilman Youmans, seconded by Councilman Boehm, authorizing the bid award to Joe Basil Chevrolet in the amount of \$42,999.00.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Discussion of In-Car Video Bid

Supervisor Traver inquired as to whether or not the Board wanted to hold off on discussion about the In-Car Video Bid.

Councilwoman Rogers stated that she would hold off until the Chief is present and added that this is the second time that it has been on the agenda but they have not seen the prices.

Route 143 – Golf Course to Gedney Hill

Supervisor Traver asked Councilman Boehm to discuss Rte. 143.

Councilman Boehm stated that earlier in the day he had conversation with Attorney for the Town Wukitsch regarding his concern about the ongoing issue of the condition of Rte. 143. He continued by saying that there is one particular section that starts at the Golf Course and proceeds up past Gedney Hill Road and goes down, where the guide rails are coming out of the ground and there is no shoulder with a sheer drop of at least 75 feet

down a bank to a creek bed. He added that they have had petitions from local residents and they petitioned in person Tim Gordon and other people but it doesn't seem to get anywhere and went on by saying that one of his suggestions was to sue the State and he had asked Attorney for the Town Wukitsch if they could.

Attorney for the Town Wukitsch stated that the law says that even under circumstances that are posed such as this; you cannot compel or force the State Government to perform a governmental function, which is maintaining the roads. He added that they do not have the power to do it by way of a court lawsuit and it would be fruitless and continued by saying that they could make an argument that there is a danger to public safety. He continued by saying that his guess is that there are locations all over the state where the same could be said and a he does not see a lawsuit going any where.

Councilman Boehm stated that it is that particular section of road for a couple of reasons and added that the roadbed is shot, there are pot holes, no guiderails, no shoulder and Gedney Hill intersecting with a limited sight distance. He added that he firmly believes that someone is going to be killed or seriously hurt in that particular section and continued by saying that he would like to make a motion that Attorney for the Town Wukitsch draft a letter to the appropriate people with one being the Regional Director in Schenectady and people that have been involved in the process to state it and hopefully it will shake something loose because it is his understanding that there is nothing in the near future for repairs for that particular section, which he drives twice a day along with Councilwoman Rogers. He concluded by reiterating that it is a hazard.

MOTION

On motion of Councilman Boehm authorizing Attorney for the Town Wukitsch to draft a letter for submission to the State regarding the condition of Rte. 143.

Attorney for the Town Wukitsch inquired about the particular section.

Councilman Boehm stated that he said Gedney Hill and added that it is actually from CR 102 to the crest where Gedney Hill is to the bottom of the hill and added that there are guiderails coming out and some elm trees that are ready to fall into the road. He reiterated that the road in general, in that particular section, is incredibly dangerous and continued by saying that the State has posted rough road signs but not a speed reduction as well as no intersection sign for Gedney Hill. He went on by saying that they need to write this letter to try and gain some attention.

Councilman Touchette inquired as to if there are any mile markers there so they can be specific.

Attorney for the Town Wukitsch stated that this is what he is looking for and added that he is looking for a specific identification.

Supervisor Traver stated that he believes that there are a couple of markers.

Attorney for the Town Wukitsch asked that Highway Superintendent Deering get the markers for him and get back to him.

Supervisor Traver stated that there is a motion on the floor and asked for a second to the motion.

Councilwoman Rogers seconded the motion.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Boehm interjected that Confidential Secretary Lewandowski has a list of people that they should contact.

Mud Hill Road

Councilman Boehm stated that he thought that they needed some clarification on Mud Hill and added that there was a conversation prior to the meeting and Highway Superintendent Deering is fine with it now.

Highway Superintendent Deering stated that it had been cleared up with the Attorney for the Town.

Surplus Equipment – Award of Online Bids

Supervisor Traver stated that he was in receipt of a memo from Highway Superintendent Deering regarding bidding results for surplus equipment that was done online and then asked for a motion to accept the bids.

Councilman Touchette inquired as to if they were the things that they talked about last year.

Highway Superintendent Deering stated that it is and added that it was through Auctions International and he listed what they got for the surplus equipment and he would just as soon see them go.

Councilman Boehm asked Highway Superintendent Deering if the truck that they are replacing will go online as well.

Highway Superintendent Deering stated that if they ask for it he will put it on there.

Councilman Boehm asked Highway Superintendent Deering if he thinks the bids are reasonable.

Highway Superintendent Deering stated that in his opinion they are.

MOTION

On motion of Councilman Boehm, seconded by Councilman Touchette, to accept the bids as presented for surplus equipment.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Touchette stated that he has one more item under Old Business and added that at the last meeting they talked about what they need to do to stop the water infiltration to Town Hall and added that Supervisor Traver had said that he was going to talk to the Village about doing something.

Supervisor Traver stated that he talked to Mayor Bruno and he was going to have the Village crew take a look at it to see what could be done on the corner to stop the water from coming down to the Town property.

Councilman Youmans inquired about moving the gutter.

Supervisor Traver stated that they are going to put some pipes on like they did before and in nicer weather reroute the gutters and try to tie them in on the backside.

Councilman Youmans asked if he was saying that if they are expecting rain, they will put the extensions back on with orange cones around them so no one trips on them

Supervisor Traver stated that they will and it would be temporarily.

Councilman Youmans stated that it would be temporarily until they can actually move the gutters, which could be any day and added that they might want to get to that before the mowing season because the guys get pretty busy with that. He continued by saying that the gutter drops the water right on the pavement upstairs from where they had the leak and added that you don't need to be an engineer to figure that out.

Councilman Touchette stated that it is a cheap fix anyway.

Councilman Youmans interjected that it is something to try before they spend thousands of dollars digging and added that ultimately they may need to dig and put catch basins in but he's not convinced that it is the case yet.

Supervisor Traver asked if there was any other Old Business.

Councilman Youmans stated that he had mentioned having Department Heads coming to each meeting for a budget review and continued by saying that they didn't finish the conversation. He then asked how everyone else felt about it.

Councilman Boehm stated that he was going to bring it up under New Business and added that they can do it now. He continued by saying that he thinks it is a good idea given no accurate financial snapshot and added that it is imperative that the Town Board personally interview the Department Heads. He concluded by saying that they should start with Highway or Police and go forward with the next Town Board Meeting.

Supervisor Traver inquired as to whether they wanted to do it during the meeting or in Executive Session.

Councilman Youmans interjected that finances is public business and added that they should have it right out in the open. He continued by saying that they can kind of project for each department budgetarily where they are and added that he would expect the Supervisor to bring those projections with him to the next meeting.

Supervisor Traver stated that he would and added that they were moving to New Business.

Councilman Touchette asked if they had agreed that this is what they are going to do.

Supervisor Traver asked if he wanted it as a motion.

Councilman Youmans inquired as to if they wanted one Department Head per meeting or have them all come in for one meeting every couple of months.

Councilman Boehm interjected that it is new ground and added that they can start with Highway and Police and go from there.

Councilman Youmans asked if he was saying one per meeting.

Councilman Boehm stated that he thinks that it should be one per meeting and added that maybe for other departments they could combine but they have to take a look at it.

Councilman Youmans stated that he does not want it to be construed by the Department Heads as any reflection on them.

Supervisor Traver stated that it would be a form of information.

Councilman Boehm interjected that it is because of a lack of information and added that the Town Board needs to speak with the Department Heads until they get an accurate picture of the Town's finances.

MOTION

On motion of Councilman Youmans, seconded by Councilman Boehm, to start at the next Town Board Meeting to bring in a Department Head per meeting and do a budget review with the Supervisor deciding which department on which night.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Traver asked if there was any other Old Business, hearing none he moved to the next item on the agenda.

NEW BUSINESS

Required Training Request for Building Inspectors & Code Enforcement Officer

Supervisor Traver stated that he was in receipt of a memo from Building Inspector Conrad regarding training sessions for John Cashin, Sante DeBacco and himself to attend the 23rd Annual Hudson Valley CEO Educational Conference being held in Poughkeepsie, NY with classes scheduled for April 7th, 8th and 9th. He continued by reading the following excerpt:

“The seminar will give us 19 hours of certified in-service training. The cost of this course is \$285.00 per person and we will all use the Building Department vehicle for travel. As the Department Head, I ask that this be granted. Should the Board have any questions, I would be happy to respond at your convenience.”

Councilman Touchette inquired as to how many hours are required for certification.

Supervisor Traver stated that 24 hours are required.

Councilwoman Rogers stated that since it is required training she does not have a problem with Mr. Conrad and continued by asking if the Village and the Town of New Baltimore would contribute.

Supervisor Traver stated that Mr. Cashin went to the Association of Towns Meeting and got some training there through New Baltimore.

Councilwoman Rogers inquired about this training.

Supervisor Traver stated that he would find out.

Councilman Touchette inquired as to how many hours he got down there.

Supervisor Traver stated that he wasn't sure.

Councilman Touchette stated that it would seem to him that if you need three people trained it might be a little more effective, rather than lose three people for three days, to spread it out, especially if some of these people already have training.

Supervisor Traver asked if there was any other discussion.

Councilwoman Rogers reiterated that she has no problem with Mr. Conrad going for required training and added that her question with the others is whether or not the Village or New Baltimore is going to help with the other two guys.

Supervisor Traver asked if it was in the form of a motion.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Boehm, authorizing Mr. Conrad to attend the Annual Hudson Valley CEO Educational Conference in Poughkeepsie, NY on April 7th – April 9th.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Youmans stated that at the next meeting if they have further information saying that the other two gentlemen do in fact need the training and it is their responsibility to send them, they will indeed send them. He added that it is not until April 7th and there seems to be some time to get them registered.

Application for Grant Funding

Supervisor Traver stated that he was in receipt of a copy of a letter from Assemblyman Gordon's office addressed to Highway Superintendent Deering regarding grant money through the State in the amount of \$8151.00 to assist the Town with the roads. He

continued by saying that it is not a matching grant and added that all he needs to submit it is an authorization for him to request an appropriation from the State.

Councilman Youmans inquired about it being for the roads.

Supervisor Traver stated that it is for highway maintenance for this year.

Councilman Youmans inquired about it being a free \$8,151.00.

Supervisor Traver stated that it is and it's part of the State's budget.

Councilman Boehm interjected that they all are paying for it in a round about way.

Councilman Touchette stated that it could be a little clearer and added that St. Agnes received a similar grant last year for \$10,000.00 and added that it was awarded in April and they have not even started processing the request yet and continued by saying that they should not start spending the money yet.

Supervisor Traver asked for a motion to sign for the grant.

Councilman Boehm inquired as to what has to be signed.

Supervisor Traver stated that it is a Grant Application Statement.

Supervisor Touchette continued by offering a motion.

MOTION

On motion of Councilman Touchette, seconded by Councilman Boehm, authorizing Highway Superintendent Deering to sign the Grant Application Statement.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Touchette stated that he thinks that someone should send a letter of appreciation to Assemblyman Gordon for helping to secure the grant.

Councilman Youmans agreed and continued by offering a motion.

MOTION

On motion of Councilman Youmans, seconded by Councilman Touchette, authorizing Supervisor Traver to send a letter to Assemblyman Gordon voicing their appreciation for the opportunity.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Traver stated that they would be moving to resolutions.

Highway Superintendent Deering stated that he had additional New Business and continued by saying that he currently has three chain saws that according to OSHA they cannot be used. He continued by asking for permission to put them on the on-line auction.

Councilman Touchette inquired as to if there is any liability of the Town's part if they sell a piece of equipment that isn't safe.

Highway Superintendent Deering stated that they are safe.

Attorney for the Town Wukitsch stated that they are safe and added that he would put them in "as is" and without any warranty of any kind.

Supervisor Traver asked if there was a motion authorizing Highway Superintendent Deering to list the three chain saws on the on-line auction site.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Touchette, authorizing Highway Superintendent Deering to list the three chain saws on the on-line auction site.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Youmans stated that he would like Highway Superintendent Deering to provide a description of the saws as far as what type of saw and what make.

Highway Superintendent Deering stated that he would.

Supervisor Traver asked if there was any other Old Business.

Highway Superintendent Deering stated that he had something that he wanted to ask the Town Board about and added that he had spoken with Attorney for the Town Wukitsch about it. He continued by saying that there is an old 1999 Dodge that he is interested in buying himself and went on by saying that there is not a policy for selling equipment.

Attorney for the Town Wukitsch stated that there is no State Law that applies to the Town that requires the Town to dispose of used equipment in any particular manner except that it has to be done in a commercially reasonable way, such as no self dealing. He continued by saying that if there is a truck worth \$1,000.00 and there was an appraisal or estimate of value and it was established that \$1,000.00 was the value and he wanted to pay that for it, with no other policies in place, he could do that. He concluded by saying that he could not pay \$10.00 and then take it and went on by saying that if they want to put it out to bid they can.

Councilman Boehm interjected that it makes sense to put it out to bid.

Attorney for the Town Wukitsch stated that there have been cases in his experience where no one bids on something.

Councilman Youmans stated that personally he has a problem with a Town employee busying surplus equipment without it being put out to bid just because of the way that it would look.

Attorney for the Town Wukitsch asked if the Town has a written policy for disposing of used equipment.

Councilman Touchette stated that there is not one that he knows of.

Attorney for the Town of Wukitsch stated that he researched disposing of used equipment and found that there is no State Law that governs the disposition of used Town equipment.

Councilman Touchette stated that he understands that and added that he thinks there is a precedent in disposing equipment that they put it out to bid or on an auction site.

Attorney for the Town Wukitsch interjected that except for the rule being that they have to do it in a commercially reasonable way and added that if someone pays fair value for it there is no restriction on disposing used equipment that way. He continued by saying that Councilman Touchette had raised a point that it looks like self dealing if a member of the Town buys it and it might be a valid public concern.

Supervisor Traver stated that as long as they put it out there for everyone to bid on it would be ok.

Attorney for the Town Wukitsch stated that it would remove you from any criticism.

Councilman Touchette stated he would suppose that they should do it the way that they did it with the other equipment and what they are going to do with the chain saws and added that Highway Superintendent Deering would be free to bid on it.

Attorney for the Town Wukitsch stated that a lot of municipalities are doing it that way and are using the internet, rather than even publishing it in a newspaper. He added that you get more interested parties that way.

Highway Superintendent Deering stated that he was just asking and added that he knows that it's not his to put out to bid.

Supervisor Traver stated that as long as it is put out to bid and if Albert is the highest bidder it would be his.

Councilman Touchette inquired as to if they are authorizing him to do it and added that he does not have a problem with doing it.

Highway Superintendent Deering stated that it is not his truck and added that it went to Community Beautification and added that he is just asking because it is just sitting down there rusting.

Councilman Boehm stated that they could list it with the on line auction, which would allow Albert to bid online and if he were the highest bidder he could have it.

Supervisor Traver asked if there was any other New Business to discuss, hearing none he moved to the next item on the agenda.

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RESOLUTIONS

RES. # 033-10 APPROVE FEBRUARY 2010 ABSTRACT

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

BE IT RESOLVED, that the Town Board, of the Town of Coeymans, does hereby approve and allow the following claims of vouchers for the February, 2010 Abstract.

FUND	VOUCHER #	AMOUNT
GENERAL (A)		
General Pre-Pay	172-282	\$868,904.15
General	353-420	\$105,988.39
	General Total	\$974,892.54
POLICE FORFEITURE		
Police Forfeiture	302	\$ 300.00
	Police Forfeiture Total	\$ 300.00
PART-TOWN (B)		
Part-Town Pre-Pay	283-301	\$210,343.42
Part-Town	482	\$ 83.94
	Part Town Total	\$210,427.36
HIGHWAY BRIDGES (DA)		
	421	\$ 37,755.37
	Highway Bridges Total	\$ 37,755.37
HIGHWAY (DB)		
Highway Pre-Pay	303-313	\$ 44,602.16
Highway	422-468	\$ 12,895.61

	Highway Total	\$ 57,497.77
SEWER (SS)		
Sewer Pre-Pay	314-343	\$ 17,922.38
Sewer	469-481	\$ 5,821.80
	Sewer Total	\$ 23,744.18
CAPITAL PROJ. (H29)		
Capital Proj. UV Water	344	\$151,312.85
	Capital Proj.Total	\$151,312.85
	Total of all Funds	\$1,455,930.07
TRUST & AGENCY (TA)		
Trust & Agency Pre-Pay	345-352	\$145,963.70
	Trust & Agcy. Total	\$145,963.70

Councilman Touchette stated that he had a couple of questions about the vouchers and added that voucher 358 is in the General Fund for Dryar Boyajian for legal services for the Sewer District in the amount of \$3,656.88 and continued by asking if it should be in the Sewer Fund.

Attorney for the Town Wukitsch stated that from a bookkeeping standpoint he didn't know.

Supervisor Traver stated that he would check into it.

Councilman Touchette inquired as to if he was suggesting that they pull the voucher.

Supervisor Traver stated that they would pull it for now.

Town Clerk Millious interjected that there were three approvals on the voucher that he was talking about.

Councilman Touchette stated that there were a couple that pertain to the Highway Department and added that it isn't meant to be critical and continued by saying that they bought one chain saw for \$319.00 and then they also bought another one because one chainsaw was lost.

Highway Superintendent Deering stated that it was either lost or stolen and added that they filed a police report for it but it has never been found.

Councilman Touchette continued by asking if the Highway Department has a physical inventory of all the tools and equipment and if anyone goes through and checks it.

Highway Superintendent Deering stated that he submits an inventory of equipment and tools every September.

Town Clerk Millious interjected that it also goes to the Insurance Company.

Highway Superintendent Deering stated that they never found the chainsaw and added that it wasn't that old.

Councilman Touchette inquired about him not knowing what happened to it and then asked when it disappeared.

Highway Superintendent Deering stated that it happened last summer and added that he gave the serial number to the police and he never heard anything.

Supervisor Traver asked if there was any other discussion.

Councilman Touchette stated that there is an invoice for the purchase of a domain name coeymanspolice.org and a company e-mail for the Police Department and added that his question is a policy question rather than a financial question and continued by asking if they currently have a different website for the Police Department.

Supervisor Traver stated that he didn't believe so.

Councilman Touchette continued by saying that he wonders why they need a separate website for the Police.

Councilman Youmans stated that especially in light of what they are spending for website hosting for coeymans.org as it is and continued by asking why they would have a separate one and added that he didn't sign the voucher.

Councilwoman Rogers stated that the first time that any of them knew about it was when the voucher came in.

Councilman Youmans stated that no one mentioned it, no one discussed it and it was never brought up.

Councilman Touchette continued by saying there is a voucher for six Employee Parking Only signs for Town Hall and continued by asking where they are going.

Supervisor Traver stated that they are going along the back.

Councilman Touchette inquired why they were needed.

Supervisor Traver stated that it was set up because of Court being held during the day and added that it is for parking spaces for the employees.

Councilwoman Rogers interjected that it should come out of a Court Fund.

Councilman Touchette agreed that it should be a Court Fund.

Supervisor Traver stated that it is part of building and grounds.

Councilman Touchette asked if everything that has to do with the building and a physical part of the court comes out of the A Fund.

Supervisor Traver stated that some things come out of the Court Fund.

Councilman Touchette inquired as to if the building and actual infrastructures come out of the Court Fund.

Supervisor Traver stated that it does.

Councilman Touchette questioned whether the signs should be out of the Court Fund and added that the signs are strictly because of the court changing their hours.

Supervisor Traver stated that he would check into it.

Councilman Touchette inquired whether he should pull that voucher as well.

Supervisor Traver stated that it was up to the Board.

Collectively the Board agreed.

Councilman Touchette stated that he was amending his motion to remove vouchers 354 from General making it 353,355-420 and the voucher for the website.

Town Clerk Millious interjected that the vendor was Keep Lock.

Councilman Touchette asked how they want to handle the voucher for Dryar Boyajian and whether he wanted to redo it.

Supervisor Traver stated that he would.

Councilman Touchette stated that it was voucher 358 and added that it would now be 353, 355-357, 359-420 and then said that it would also include voucher 380, which would make it 353, 355-357, 359-379,381-420.

Town Clerk Millious continued by asking how many vouchers it was and whether they were all out of General.

Councilman Touchette stated that it is 354, 358 and 380.

Town Clerk Millious stated that she has to know for sure so she can let the bookkeepers know not to pay them.

Supervisor Traver asked for a motion to accept the amended abstract.

Councilwoman Rogers stated that she had seconded it.

Supervisor Traver asked for the vote.

TOWN BOARD WORKSHOPS/MEETINGS

- Town Board Meeting, March 8, 2010, 7pm
- Town Board Workshop, March 16, 2010, 6pm
- Town Board Meeting, March 22, 2010, 7pm

ADDITIONAL COMMENTS

Supervisor Traver asked if there were any additional comments.

Councilman Youmans thanked Mr. Allen for coming to the meeting and added that he appreciates his comments at the beginning and continued by saying that he needed to clear a couple of things up so that everyone in the Hamlet knows what is going on with the sewer. He went on by saying that the Village is not paying the old rate that they use to pay under the old contract and added that the fact is that they are currently paying nothing, which has been the case for the last 18 months.

Mr. Allen interjected that it is even worse.

Councilman Youmans stated that for some time going back over a year ago past Supervisor Hotaling started negotiating a contract and added that in regard to fairness in what each user pays for the sewer service, going back as far as 1969 when the original agreement was written they called for meters, which would be placed where any Town sewage enters the Village sewer system and then again by the point at the firehouse, which would measure what is coming into the Town sewer system. He continued by saying that he has worked closely on this for two years and the 1969 agreement called for that and the 1999 agreement called for that and for one reason or another the proper meters were not placed because they didn't measure the flow at the highest times when there was inflow and infiltration. He added that it would be nice to think and it is one way to look at it to say that they all flush their toilets about the same and use their bathrooms

the same amount and if that is all that entered the sewer system it would be a valid point but the fact of the matter is that there is other water that comes into the sewer system in the form of inflow and infiltration, with inflow being water that comes into the system from places where it shouldn't such as old roof drains and sump pump drains and infiltration comes in because there are so many cracks. He continued by saying that given the fact that the infrastructure in the Hamlet was new in 1969 and in other parts of the Village and Town are older, they need to take it into account and went on by saying that it is his belief that the only fair way to get to a number for what each municipality should pay for sewer usage is through meters because it has been planned for the last 40 years. He added that currently the Village is reviewing the Town Attorney's draft of an Agreement that they got from the Village and he looked at it and reworked it and it calls for 2011 to be based off actual meter readings so it will be fair for everyone and continued by saying that he believes it is the only fair way to go about it. He went on by saying that Local Law 3 that was mentioned did not set sewer rates because sewer rates have been set and added that Local Law 3 provided a mechanism for the Town Hamlet Sewer District to bill users that are outside the district. He concluded by saying that they will be revisiting that very shortly and it is imperative that they do put that in effect.

Mr. Allen continued by asking if the Town will be finding out when the Village will be paying since they have not paid for 18 months.

Councilman Youmans stated that the Agreement calls for them to pay when they sign the Agreement.

Mr. Allen stated that it could take 10 years for them to be willing to sign it and added that there is no vested interest right now for them to sign anything as he understands the process and continued by saying that it could drag on indefinitely. He went on by saying that he applauds Councilman Youmans negotiating the Agreement and added that fair and equitable makes sense but given that they have never had it fair and equitable there is a disparity here and the appearance, whether it is legitimate or not with the Chief Executive being an employee of the Village and the ongoing negotiations or lack thereof, there is no Agreement signed which has been worked on for the last year and a half as well as there not being an incentive for them signing the Agreement as near as he can tell, forever. He concluded by saying that if he were them he would continue to negotiate indefinitely because as Councilman Youmans' had said that according to the Agreement they don't have to pay until they sign.

Councilman Touchette stated that they do have other options that they can explore if they think they have come to a stalemate.

Councilman Touchette asked that Supervisor Traver address the perception of a conflict of interest.

Supervisor Traver stated that he has checked with attorneys and added that there is no conflict of interest between his job at the Village and this job with the Town of Coeymans. He continued by saying that he does not negotiate pricing on the Village part of it, he is not a Department Head, he has nothing to do with the Village budget at all and he is just a regular employee with the Village of Ravena. He added that it is no different than anyone else such as a Board Member or Village Trustee working at another job and reiterated that there is no conflict with his jobs between the two positions.

Mr. Allen stated that as Supervisor he is the Chief Financial Officer for the Town, which is the entire town, and as the negotiations are going on with the Village that involve the Town's finances, it would seem to him that even though he might absolutely be legally correct under a legal opinion, it certainly provides the appearance of a conflict of interest. He continued by saying that the major negotiation that the Town is involved in with the Village is between the Town's Chief Financial Officer, even though he recused himself in that regard, he is still beholden to two masters and one of the masters is the Town taxpayers who have a financial vested interest in the resolution of this and there is a conflict. He concluded by saying that he has not heard him publicly say that he is not going to share or disclose any information or publicly make any proclamation, and added that in looking at the finances there has not been a change in salary and he is confused

that the Town is paying for a full-time Supervisor who is acting on the taxpayers behalf to manage the town's finances and as he listened to the Board discussion earlier in the meeting there are town finances that they don't have any knowledge of and the Supervisor who is the Chief Financial Officer has to ask other people about things that are suppose to be his responsibility and as a taxpayer he is concerned because his tax dollars are hopefully at work and he thought he was buying some full-time staff but has not heard anything to the contrary.

Councilman Boehm asked if Supervisor Traver was going to address it.

Supervisor Traver stated that he was not going to discuss it at this time and continued by asking if there were any additional comments.

Ms. Donna Pasquini stated that the Village is not paying any sewer to the Town of Coeymans right now but they are collecting the sewer rents from the Village residents and continued by asking if they are getting interest on the money and if so is the Town going to be getting the interest on the money that they are holding.

Supervisor Traver stated that she would have to ask the Village.

Ms. Pasquini stated that it is up to him to ask and added that he is Chief Financial Officer and should be the one in charge of saying that the Town wants the money and the interest that they are holding. She continued by saying that it is not up to her to go to the Village because she is just a taxpayer in the Town of Coeymans.

Supervisor Traver asked if there were any other comments.

Town Clerk Millious stated that she wanted to mention that for the past few weeks Court has been held Thursday mornings starting at 9:00am and will continue and added that she wanted residents to know that anyone wishing to see her can still come to see her while court is in session.

Councilman Boehm stated that especially since the handicap entrance is at the Court end of the building.

Town Clerk Millious stated that anyone needing to should still use the handicap entrance even though court is in session.

Supervisor Traver asked if there were any other comments.

Attorney for the Town Wukitsch stated that he did prepare a draft of a Local Law providing for defense and indemnification for town employees.

Supervisor Traver stated that there is a Workshop regarding that on March 8th.

Town Clerk Millious stated that they passed to have a Public Hearing on March 8th at 6:30pm and added that it was left off the agenda but is posted and in the paper.

Supervisor Traver asked if there were any other comments, hearing none he asked for a motion to adjourn to Executive Session.

ADJOURNMENT TO EXECUTIVE SESSION

MOTION

On motion of Councilman Boehm, seconded by Councilman Touchette, the Town Board Meeting was adjourned to Executive Session to discuss legal matters regarding the P.I.L.O.T. Agreement and Bank of Greene County.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 8:30pm

Supervisor Traver stated that they will be returning to formally adjourn the meeting and added that there will be no resolution with what is to take place in Executive Session.

EXECUTIVE SESSION

Executive Session was convened in the Supervisor's Office at 8:40pm with all members of the Board present as well as Attorney for the Town Wukitsch. Legal matters involving the P.I.L.O.T. Agreement and Bank of Greene County were discussed with no action taken and it was adjourned at 8:57pm.

RECONVENE MEETING AND ADJOURN

Supervisor Traver called the meeting back to order and asked for a motion to adjourn.

MOTION

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 8:57pm

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk