

**A Town Board Meeting was held Monday, March 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  
Albert Deering, Highway Superintendent  
Linda Bianca, Highway Clerk  
Greg Darlington, Chief of Police  
Nelson Perry, Parks & Recreation Maintenance Supervisor

\*\*\*\*\*

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, Highway Superintendent Deering, Highway Clerk Bianca, Chief Darlington and Parks & Recreation Maintenance Supervisor Perry.

\*\*\*\*\*

### **AGENDA**

- Proclamation
  - Eye Donor Month
- Presentation
  - Cluster Development Conservation Subdivision
- Public Comment
- Approval of Minutes
  - Town Board Meeting, January 25, 2010
  - Town Board Meeting, February 8, 2010
  - Bid Opening, February 18, 2010
- Old Business
  - Request for Training for Code Enforcement Officers
  - In-Car Video Bid
  - Proposed Martins Hill Water District
  - Planning Board Site Review Requirements
  - Hamlet Resident Sewer & Drain Problems
  - Employee Retirement System Reporting Requirements
- New Business
  - Request to Attend NYSDEC Training Seminar
  - Request Mileage Reimbursement to Attend Town Clerk & Board of Elections Meeting
  - Request for Microsoft Word Software for Supervisor
  - Census 2010 & Sales Tax Revenue
  - Authorize C.T. Male to Prepare Infiltration & Inflow Report for December 2009
  - Hiring of Part-Time Telecommunicators
- Resolutions
  - Adopt Albany County Multi-Jurisdiction Hazard Mitigation Plan
  - Adopt Local Law #1-2010, Defense and Indemnification for Town Employees Sued for Actions Taken in Performance of Official Duties
  - Appoint Bookkeeper
- Correspondence
- Town Board Workshops / Meetings

- Town Board Workshop, March 16, 2010, 6:00pm
- Town Board Meeting, March 22, 2010, 7:00pm
- Town Board Meeting, April 12, 2010, 7:00pm
- Executive Session
  - Personnel Matters

\*\*\*\*\*

**PROCLAMATION**

Supervisor Traver read the following Proclamation:

**WHEREAS**, President Ronald Reagan declared the first National Eye Donor Month in 1983, and

**WHEREAS**, one of our most important senses is that of sight and restoration of this sense to those not so endowed is the honorable goal of the Sight Conservation of Northeastern New York, Inc., and

**WHEREAS**, the Eye Bank Association of America seeks to raise awareness of the need to donate eyes, and

**WHEREAS**, the Eye Bank in this area is supported by the Lions Club, a member of the Sight Conservation of Northeastern New York, Inc., and

**WHEREAS**, the success of the Eye Bank Program is dependent on eye donors, and

**WHEREAS**, the Town Board wishes to urge our community to consider participation in the Eye Donor Program.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans proclaim the month of March as “Eye Donor Month” in the Town of Coeymans for 2010.

**Henry C. Traver, Supervisor  
Town of Coeymans**

Supervisor Traver presented the Proclamation to Mrs. Patricia Downes.

Ms. Downes stated that she wanted to thank the Town Board for the Proclamation and continued by saying that the Lions is a community organization that supports the community with their motto being “We Serve”. She added that the major goal of Lions internationally is to conserve sight and hearing for people around the world starting with their local community. She went on by saying that they do collect donations to provide eye exams and eye glasses to people in need as well as hearing aids and supporting sight conservation and the Eye Bank in Albany, which has had over 10,000 transplants in their 50 years of service with a 95% success rate, which is a wonderful thing. She concluded by saying that they want to remind everyone that they are here to serve the people in the area and anyone wanting more information can contact Lion Pat Downes or Lion Hank Mormile and then thanked the Town Board for the Proclamation.

Collectively the Town Board thanked Ms. Downes.

\*\*\*\*\*

**PRESENTATION**

**Cluster Development Conservation Subdivisions**

Supervisor Traver introduced Andrew Meyer, Biodiversity Educator with Hudsonia, Ltd. and continued by asking that he go to the microphone for the presentation.

Mr. Meyer thanked the Town Board for the opportunity to speak and continued by saying that he works for Hudsonia, which is a non-profit Environmental Research and Education Institute in Red Hook, NY in northern Dutchess County and added that he was asked to speak and thanked Councilman Touchette for setting it up. He went on by saying that he spends most of his time doing Public Education Programs for people on Town Boards, Planning Boards and Zoning Boards who make important decisions that Towns have to make that have a large impact on biodiversity on the natural world around them. He continued by saying that in New York State there is a lot of power vested in local municipalities and local officials and with funding from the Hudson Estuary Program of the DEC he has the job of bringing information about biodiversity and about good ways to bring biodiversity into the planning process on a local level up and down the Hudson River estuaries from Rockland and Westchester Counties all the way up to Albany and Rensselaer Counties. He added that they have been doing programs like that for approximately 10 years and two weeks ago they offered one of the programs at Five Rivers in Delmar with 20-25 Planning and Zoning Board members present from Rensselaer, Greene and Albany Counties and went on by saying that he met Cynthia Kunz, Buddy Irwin, Dave Ross and a couple other people from the Town of Coeymans Planning Board. He continued by saying that it was great that they were there and interested in those kind of things and in turn he was able to come and talk about cluster development conservation subdivisions, which is a topic that the Town is investigating and added that he hopes and encourages them to look hard at cluster zoning, open space design because it can have a lot of important and positive impacts to the local biodiversity. He added that the Town of Coeymans is the perfect place to do this kind of zoning to allow these kinds of projects to go forward because it helps to preserve the rural character and continued by saying that in driving south from here or north from Westchester you really see what 30 years and lots of subdivision did to the counties going north and south and in Westchester and Rockland they wish they had invested in cluster subdivisions and in conservation design. He continued by saying that Ulster and Dutchess Counties are now dealing with a lot of subdivision pressure and pressure of new development and places like Coeymans and a lot of Albany County outside the Albany area are great places for this type of discussion and these kind of zoning ideas are useful for helping get buildings built as well as getting the wealth from the land and often farmers and people who own a lot of land need that kind of payback. He added that it can be designed to still get the benefit to the farmer and local biodiversity of the grassland and get still get building lots and investment returns for the developer depending on how it's designed. He went on by saying that one way to do that is to do something called conservation subdivision design, which is a way of doing cluster subdivision and putting the houses closer together, which would leave a lot of space as open space, whether it be private or public space, which is a benefit to the local flora and fauna of that space. He continued by saying that there are other benefits beside biodiversity and you could have smaller building imprints with smaller roads and less roads, which would require less clearing and grading, which would save costs for the developer and added that a lot of developers have found that if they market a place as having beautiful trails and access to creeks, ravines and open space, it can be a selling point and beneficial economically. He continued by saying that the benefits are obvious if you are taking houses that otherwise would be put on 5 acre parcels throughout a 100 acre area and spreading out the disturbances associated with humans such as barking dogs, driveways, lawns as well as changing the character of the forest or the meadow, which would make the microclimate hotter and dryer and in turn have an impact on what types of species will germinate as well as losing some wildflowers and increasing the noise level that has a big impact on breeding birds. He went on by saying that the benefits of biodiversity are documented in what are called edge effects, which are those effects that extend into an open space that you are looking to preserve like a forest or meadow but go beyond the edge that you created such as barking dogs and changes in noise, light and temperature. He added that there is a big benefit to biodiversity of moving human development closer and closer to each other so that the edge of influence is shrunken down as much as possible and continued by saying that this is the easy part. He went on by saying that the hard part is to get the zoning right and you may change the ordinance but still not get what you are looking for and you have to have some control over where the cluster goes on the property and what percentage of the area is left as open space, what the open space looks like and what kind of control you have over the management of the open space. He

concluded by saying that it is much too technical for him to get into in a ten minute presentation and added that he has a handout for the Board.

Councilman Boehm asked if he could ask a question and continued by asking how it works with septic and water in a rural area where there is not municipal water and if there are agreements amongst the families.

Mr. Myer stated that it is all site dependent and added if you have a place where a septic works on one acre lot, you cluster everything in from the standard 5 acre zoning that it was and you would give every parcel a ½ to 1 acre lot.

Councilman Boehm asked if they share well water or septic.

Mr. Myer stated that they could do it that way and there are some newer programs and ideas going on with small central sewers and shared septic and continued by saying that the way that they have seen it done successfully in rural areas is that a lot is not that small where you need shared sewer but rather 1 acre instead of 5 and added that on 1 acre you can have individual septic and well. He continued by saying that there are general conservation measures for protecting biodiversity, which are included in the handout and added that there are general rules for what to think about when you are siting individual houses or clusters and the information is what they want to use to site the cluster on the parcel itself. He added that the cluster has to be in the right spot because if you have the cluster development right in the most beautiful, most diverse area then you are not doing much for the biodiversity even though you have a cluster in name. He went on by saying that on the second page of the handout there is literature and website references where he got some of the information and continued by saying that if you are looking for particular language or advice on wording an ordinance it can be found on that page in addition to there being important considerations on the back of the page, which chronicles some of the more technical things if you are looking into conservation subdivision. He continued by saying that it contains some of the things that they want to make sure they are thinking about and able to handle as well as knowing what way the ordinance will lead you and added that there are places with cluster ordinances and they want conservation subdivision but the final product when the developer follows the zoning ordinance gets them a benefit that is not any better than a conventional subdivision. He reiterated that they have to be careful with how they word it and they have to know what they want when they are going into it so that the language is right and what they are looking for. He continued by saying that the third page is some research that he did in looking at cluster ordinances and zoning codes throughout the Hudson Valley and there are six towns with specific information about how they define open space, how the open space is owned and how it is stewarded, and some notes on whether the open space needs to be part of a larger plan. He then asked if the Town of Coeymans has an Open Space Plan and whether they have gone through the process of identifying large areas that they think are important.

Collectively the Town Board stated that they have not.

Mr. Meyer stated that if they are thinking about doing a Conservation Subdivision Ordinance they will want to make sure that the open spaces that they are leaving behind are being set aside for public enjoyment and for the benefit of biodiversity as well as wanting them to be contiguous with other places that are also being set aside. He continued by saying that you don't want the spaces to be small ancillary pockets all over the Town of Coeymans fragmented and subdivided again by a larger development. He concluded by saying that he is leaving his business card with the handout and added that if they are looking into doing it, it is a really good idea and there are some positive benefits for biodiversity.

Collectively the Town Board thanked Mr. Meyer.

Councilman Touchette stated that when he spoke with Mr. Meyer earlier in the day they discussed the number of handouts and they decided 20 would be enough and continued by saying that he will scan and e-mail it to anyone that didn't get one.

Councilman Youmans stated that he believes that it is important to note that the Town is considering this as a potential for further development and not necessarily the only future development. He added that he does not want people to hear the talk and think that now they are going to tell people that they cannot build their house on their five acre lot and reiterated that it is a potential avenue for future development.

Councilman Touchette interjected that he would go further than that and say that it is an informational presentation at this point and as far as he knows no one from the Planning or Zoning Boards has talked about it.

\*\*\*\*\*

**PUBLIC COMMENT**

Supervisor Traver invited the public to comment.

Ms. Donna Pasquini stated that she lives in the Hamlet of Coeymans and continued by saying that she had a few questions and on the agenda is the 2010 Census and added that she has been hearing on the television that you should mail the census back but she has not received one.

Councilman Youmans stated that he received a form letter in the mail today informing that within the next 10 days he will be receiving the census form and added that he would question why they spent the money to mail a letter saying that the census was coming.

Ms. Pasquini stated that also on the agenda is a resolution to appoint a bookkeeper and continued by asking if it is within the budget's limits.

Supervisor Traver stated that it is.

Ms. Pasquini stated that she is having problems in the Hamlet and continued by asking if they were going to discuss it now or do it as it is on the agenda.

Supervisor Traver stated that they would follow the agenda and continued by asking if there was anyone else wishing to comment.

Mr. John Allen stated that he wanted to raise two issues and continued by saying that he thinks that Supervisor Traver is an honorable man and his intent is to do the right thing, but he is concerned, and as he raised the last time as a taxpayer, there is an inherent conflict of interest in his position. He continued by saying that as he has listened around the community and he has heard members of the Village Board of Trustees make it clear that there might be some political ramifications of looking at the sewage outcomes in a variety of different ways and as an employee of the Village it potentially puts him in a position of conflicted values. He added that he contacted the Association of Towns and they informed that they don't issue legal opinions about whether something is a conflict or not but do give advice, which he understands they may have given him. He went on by saying that it is not whether he is working one job or two and he applauds him for taking responsibility in doing what he needs to do to meet his personal obligations and to better himself in life and continued by saying that his concern as a taxpayer is with the pressure being put on the Town Board in its relationship in negotiations with the Village that he is clearly in a position where the Village Trustees and others in the Village can put undue pressure on him as the Supervisor of the Town, which would not allow him to be impartial in the process. He continued by saying that he would ask the Board to look at Chapter 16 of the Town Law to see that matters of potential conflict of interest should be referred to the Ethics Committee and added that he would further ask that the Town Board give the Committee the where with all to seek legal guidance so they are getting a legal opinion about whether the safeguards are in place to protect the Supervisor's neutrality so he is not compromised and to protect the issues of taxpayers. He added that the other issue that he would like to raise before the Town Board is that Councilman Youmans had reported at the last meeting that the sewer negotiations with the Village were going in good faith and continued by saying that he understands that users in the Village got their Sewer Bills at the same rates that they historically have been. He went

on by saying that he would argue that if the negotiations were in fact in good faith on the Village's part, they would have made efforts to come somewhere reasonably so they could pay their obligation to the Town to meet the requirements to fund the Sewer Plant and by billing at the old rates the burden is left to the taxpayers of the Town and not the Village, which is disproportionately affecting the Town. He continued by saying that he would ask and request that the Board immediately consider seeking legal action because there does not appear after two years time, in spite of whatever is happening, the efforts that they have actually raised by putting forth their Sewer Bills at the old rate without any changes to them with no effort made to pay the back invoices that are due to the Town to cover the budget shortfall that will exist if they don't pay their assessment, which disproportionately affects the residents of the Town who are paying their full assessment to cover the sewage and will be further assessed when they get in a shortfall because the Town Board has the ability to assess the residents and not the ability to assess the Village residents. He went on by saying that the Village residents got billed \$88.00 and his bill was \$105.00 and added that you can't tell him that it is fair and equitable for a single family residence to be treated differently simply because of the jurisdiction that they live in and added that he was asking that the Town Board immediately look at the facts that if in fact it was being negotiated in good faith there would have been a good faith effort to either make a payment to the Town or at least change the rates so they could pay the Town the arrearage that's currently owed now, going on almost two years. He concluded by asking that it be immediately addressed.

Supervisor Traver asked if there were any other comments.

Mr. Lazlo Polyak stated that the Constitution of the United States clearly states in both the 5<sup>th</sup> and 14<sup>th</sup> amendments that all laws have to apply equally to all its citizens and added that the inequity in both the sewer and water rates is the reason that he brought his suit against the Village and Town. He added that in the end it will be decided by a jury and judge and it will be a gallon of sewage per gallon of water to all residents of the Village and Hamlet.

Supervisor Traver asked if there were any other comments.

Ms. Donna Pasquini stated that she received her Water Bill earlier in the day and added that it went from \$150.00 every six months to \$168.75 and continued by saying that it went up \$18.75 for six months. She went on by saying that her daughter, who lives in the Village, got raised \$12.00 and she didn't remember hearing about a Public Hearing for the Village to set new rates and then asked if anyone knew if they had to have a Public Hearing.

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

Ms. Pasquini stated that she assumed if you are setting rates to the taxpayers, you have to have a Public Hearing like the Town does to set the Sewer Rates and added that she would think that the Village would have to have one to change the Water Rates. She continued by saying that she didn't know if the Town Board was aware that the Village had raised the rates and reiterated that the Town residents got raised higher than the Village residents.

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

\*\*\*\*\*

**APPROVAL OF MINUTES**

Supervisor Traver stated that there were three sets of minutes for approval, a Town Board Meeting on January 25<sup>th</sup>, a Town Board Meeting on February 8<sup>th</sup> and a Bid Opening on February 18<sup>th</sup> and continued by asking if there was a motion to accept the minutes.

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

\*\*\*\*\*

**OLD BUSINESS**

**Training Request for Code Enforcement Officers**

Supervisor Traver stated that there was discussion at the last meeting regarding Larry Conrad attending training and added that since that he has further checked into the request for Sante DeBacco and John Cashin to attend. He continued by saying that the Board had inquired about the Village of Ravena & Town of New Baltimore contributing towards the training and Larry advised him that the Town of New Baltimore sends John Cashin to the Association of Towns and the Village of Ravena sends Sante DeBacco for Fire Inspection and added that Larry sets the plan up and it is a split between all the municipalities for the cost of the training.

Councilwoman Rogers interjected that she had no problem with it at the last meeting and added that she was just inquiring if the Village and Town of New Baltimore were going to share the expense.

Councilman Touchette stated that it is for 19 hours and continued by asking how many hours he had just gotten at the Association of Towns Meeting.

Supervisor Traver stated that he believes that he had got 12.

Councilman Touchette inquired as to if the hours carry over.

Councilwoman Rogers stated that she believes that they do.

Councilman Boehm asked how many hours per year are needed.

Supervisor Traver stated that they need 24 and continued by asking for a motion to send Sante DeBacco and John Cashin to the training.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Youmans, authorizing attendance at the Annual Hudson Valley CEO Educational Conference.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**In-Car Video Bid**

Supervisor Traver asked Chief Darlington if he had all of the figures for the In-Car Video Bid.

Chief Darlington stated that Town Clerk Millious has them in the bid packet and then asked if the Board wanted them.

Councilman Youmans stated that if they are going to award the bid it would be good if they had the numbers.

Town Clerk Millious provided the Board with a copy of the bids.

Councilman Boehm stated that in Schenectady officers turned off their camera and continued by asking if there is a policy for the use of the cameras.

Chief Darlington stated that the cameras are on anytime the vehicle is running and added that you can't turn them off.

Councilman Boehm inquired as to whether or not an Officer can override the camera or the audio.

Chief Darlington stated that the audio only comes on if the Officer activates the lights and added that the cameras are set to turn on when the car is on, which means that if the car is running the camera will be on.

Councilman Boehm inquired as to what the purpose is of separating the audio from the video with the lights.

Chief Darlington stated that when an Officer is driving around it's not recording everything that they are saying such as phone conversations.

Councilman Boehm inquired as to if the audio and video would be recorded during a routine traffic stop.

Chief Darlington stated that it would.

Councilwoman Rogers stated that when they had discussed it prior, Chief Darlington was looking into it further because one of the bidders had Option A and Option B and continued by asking what he found out.

Chief Darlington stated that it had to do with the way it was going to be downloaded, whether they did it wireless or via thumb drives.

Councilman Youmans stated that Watch Guard is the system that Chief Darlington wants to go with and added that there are systems that look on paper as though they are less money but they would require additional software purchases so you could download the video and went on by saying that Watch Guard is the most seamless and integrated system. He continued by offering a motion to accept the bid from Watch Guard.

#### **MOTION**

On motion of Councilman Youmans, seconded by Councilwoman Rogers, awarding the bid to Watch Guard in the amount of \$9,890.00.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilwoman Rogers interjected that this is the system that they are using now.

Chief Darlington stated that was correct and added that the current car that has one is a Watch Guard System, which would mean that they won't have to retrain everyone.

Councilman Youmans stated that it is important to point out that the cameras are being purchased with a grant from Albany County.

Chief Darlington stated that it is actually through the Byrne Grant, which is a Federal Grant that is part of the stimulus money.

#### **Proposed Martins Hill Water District**

Supervisor Traver stated that he was in receipt of a copy of a letter from the Department of Health regarding the Martins Hill Water District and continued by reading the following:

This office has reviewed the map, plan and report for the proposed Martins Hill Road Water District located in the Town of Coeymans. The proposed project involves the connection to the Village of Ravena Water Supply System and the installation of approximately 2,100 linear feet of 8-inch water main, hydrants, valves and appurtenances.

Based upon our review, the New York State Department of Health (NYS DOH) conceptually endorses the project and the map, plan and report with the following conditions.

**THAT** approval of district formation shall be obtained from the NYS Office of the State Comptroller (OSC). It should be noted that a permissive referendum may be required since the estimated user costs for this project (\$1,255.13) exceeds OSC's average estimated cost threshold for water (\$624.00 for 2009).

**THAT** a Water Supply Permit for the new Water District shall be obtained from the NYS Department of Environmental Conservation (NYS DEC).

**THAT** an engineering report, plans and specification shall be submitted to the NYS DOH for review and approval.

Councilman Boehm stated they had called the Office of the State Comptroller who were suppose to weigh in on it and added that they never got back to them.

Councilman Youmans interjected that they have not heard a thing from the State Comptrollers Office.

Councilman Touchette stated that it has been since June of last year.

Councilman Youmans stated that they have heard unofficially that they will not ok the project because of the cost threshold and added that they have not received the official word. He continued by saying that he would say that they need to pursue the State Comptrollers Office and get them to say no because he thinks that they can do it for less money than was figured when they did the road project to begin with and added that all the laterals are in and there is no cutting of the road required at this point.

Councilman Touchette inquired as to whether Mr. Haffner submitted it to the Comptrollers Office.

Councilman Youmans stated that he did.

Councilman Touchette suggested that they call him for follow-up.

Councilman Youmans stated that he would call him in the morning.

### **Planning Board Site Plan Review Requirements**

Supervisor Traver asked that Councilman Touchette discuss the Site Plan Review requirements.

Councilman Touchette stated that it is a Proposed Local Law, which would be #2 and added that it was at the request of the Planning Board to implement the law. He continued by saying that he would start by reading it and then asked that Mr. Irwin or anyone else from the Planning Board to speak to the issue.

## **PROPOSED LOCAL LAW #2-2010**

### **A LOCAL LAW RELATING TO SITE PLAN REVIEW REQUIREMENTS**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF COEYMANS AS FOLLOWS:**

#### **SECTION I – TITLE**

This Local Law shall be know as **“The Site Plan Review Law”**

## **SECTION II – INTENT**

The site plan review procedures and requirements of the local law are intended to achieve the following:

1. Provide a consistent and uniform method of review of certain proposed development plans.
2. Ascertain that significant redevelopment complies with current standards.
3. Create an accurate record of approved development.
4. Achieve efficient use of the land.
5. Protect natural, archaeological and historical resources.
6. Review adverse impact on adjoining or nearby properties.
7. Retain rural and natural resources with a clean and attractive environment as well as continued development of the economy of the town and the general welfare of its inhabitants.
8. Conform the Zoning requirements of the Town of Coeymans.

## **SECTION III – STATUTORY AUTHORIZATION**

The Town of Coeymans Planning Board is hereby authorized pursuant to Town Law, Section 274-A, and the Municipal Home Rule Law Section 10, to review and approve site development plans.

## **SECTION IV – APPLICABILITY**

1. Projects requiring Site Plan Review and approval.
  - a. The construction of any new structures, development of any new use(s), and all other building or development activities shall require “site plan approval” from the Town of Coeymans Planning Board prior to the issuance of any building permit.
  - b. Site Plan Review shall also be required for the resumption of any use discontinued or not used for more than one (1) year, or for the expansion of any any existing use. “Expansion” shall include a floor space increase of twenty-five (25) percent or more within any ten (10) year period, or the introduction of new material or processes not previously associated with the existing use.

## **SECTION V – DEVELOPMENTS NOT REQUIRING SITE PLAN APPROVAL**

Construction, moving, relocating or structurally altering a single-family dwelling or two-family dwelling, including any customarily incidental accessory structure.

## **SECTION VI – REVIEW ELEMENTS AND CRITERIA**

In acting on any site plan application, the Planning Board, in addition to all other applicable laws, shall take into consideration the following:

1. Traffic access roads. (Ingress & Egress)
2. Pedestrian safety and access.
3. Circulation and parking.
4. Screening and landscaping.
5. Environmental quality.
6. Fire protection.
7. Drainage / storm water runoff.
8. Refuse and sewage disposal.
9. Water supply.
10. Location and dimension of buildings.
11. Impact of the proposed use on adjacent land uses.
12. Snow clearing and removal.
13. Design elements.
14. Impact of the proposed use on both on-site and off-site infrastructure.

15. Effects of smoke, noise glare, vibration, odors and/or other noxious and offensive conditions if any.
16. Effects on historical properties listed on the National, State, or County
17. Hours of operation, lighting, signs.

#### **SECTION VII – CONCEPTUAL SITE PLAN**

1. An applicant may request a meeting with the Planning Board for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project, which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such Site Plan Review.
2. Conceptual site plan submissions shall present a flexible design concept that may be readily changed by the Planning Board in determining the feasibility of the project. The Planning Board shall indicate its general acceptance of the proposed layout of buildings, roads, driveways, parking areas, other facilities, and of the general character of the proposed development.
3. Conceptual site plan submissions are likely to contain less detailed information than a final site plan submission, with the result that review of these two submissions may yield different results. All review of conceptual site plans is tentative and subject to reconsideration upon submission and review of additional detail provided in a final site plan.

#### **SECTION VIII – SITE PLAN REQUIREMENTS**

The requirement for a final site plan review and approval shall include, but not be limited to the following:

1. Submission of site plan application form with payment of the required fee as established by the Town Board.
2. The site plan may require a plan drawn by a design professional if required by the Planning Board. The scale shall be based on not more than fifty (50) feet to the inch. Or greater and must be on a 11”X17” sheet.
3. A check list provided with the Site Plan Review application shall be reviewed and then submitted to the Planning Board by the applicant.
4. Applicant shall complete the project within 180 days of approval. Applicant may apply for a one 90 day extension.

#### **SECTION IX – SUBMITTAL OF INCOMPLETE SITE PLANS**

Submittal of site plans that do not contain the required information as set forth in the Local Law or otherwise required are not subject to review deadlines and failure to provide a decision by said guidelines does not constitute approval or conveyance of a vested right for said development. The Planning Board shall notify the applicant of the incomplete status of the application.

#### **SECTION X – SITE PLAN APPROVAL PROCESS**

1. Except those applications for which the Planning Board has waived site plan review, the Planning Board shall issue a notice of completed application to the applicant upon determining the site plan to be complete.
2. Within sixty-two (62) days of a complete application, the Planning Board shall schedule a Public Hearing and provide public notice of the hearing in the official newspaper at least five (5) days prior to the date set for the Public Hearing.

3. The Planning Board shall make a determination for final site plan approval within sixty-two (62) days of the close of the Public Hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the Applicant and the Planning Board.
4. The decision of the Board shall be filed in the office of the Town Clerk within five (5) business days of the date such decision is rendered and a copy thereof shall be mailed to the applicant.

#### **SECTION XI – AMENDMENTS TO SITE PLANS**

1. Any amendment of a final site plan previously approved by the Planning Board shall be subject to the same approval procedure as provided by this law.
2. The Planning Board may waive any of the procedural steps to the extent it deems appropriate for an application for an amended final site plan, provided the applicant shall formally submit an application to amend and receives formal approval therefore, and the application to amend must be submitted within two years of the date of the approval proposed to be amended.

#### **SECTION XII – APPEALS**

The Town of Coeymans Planning Board shall bear sole and final authority in its decisions pursuant to the law. Decisions of the Planning Board shall be subject only to judicial review in the matter prescribed by law.

#### **SECTION XIII – CONFLICTS WITH OTHER PROVISIONS**

In the event that any provision of any other Town of Coeymans Local Law, Ordinance or regulation conflicts with the provisions of this Law, the more stringent provision shall be controlling.

#### **SECTION XIV – PENALTIES FOR OFFENSES**

1. Any person or persons, associations or corporations committing an offense against this law or any section or provision thereof is guilty of a violation and shall, upon conviction thereof, be subject to a fine not exceeding \$250.00 or imprisonment not exceeding 15 days, or both.
2. In the event of a continuing offense of any section or provision of this law, each day that such offense shall continue shall be separate violation and subject to a separate fine, imprisonment or combination thereof.
3. Notwithstanding a conviction for any offense against any provision or sections hereof, an association or corporation convicted shall be subject to revocation of any permit therein granted without reimbursement of fees paid thereof.
4. In lieu of or in addition to any fine or imprisonment, or both, imposed for a conviction of an offense of this law, each such offense may be subject to a civil penalty not to exceed \$250.00 to be recovered in an action or proceeding in a court of competent jurisdiction. Each day an offense continues shall be subject to a separate civil penalty.
5. The Town Attorney may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with this law, notwithstanding the provisions of Subsections A, B and C of this section, for a penalty or other punishment.

Councilman Touchette asked that Planning Board Member Irwin explain the proposed law.

Planning Board Member Irwin stated that several members of the Town Board had previously served on the Planning Board and added that the law is saying that things that they are currently doing in their Zoning Law, it is not written down that they have the

ability to do what the proposed law states and added that they needed a law and continued by saying that appreciates all the Planning Board members spending a lot of time in trying to get it right. He went on by saying that they need a law that will allow them to enact all of the things and do exactly what they currently do when they go out on a Site Plan Review and continued by saying that they try to be uniform on their judgment and the law is a way of making sure that they follow through. He added that it is good for the Planning Board and the Building Department because now the Building Department will have a piece of paper that will say what you can and cannot do as well as a check list being provided so that when someone comes in that wants a Building Permit it will tell them exactly what the steps are that they need to do. He continued by saying that there will be no question about what has to be done and right from the very beginning everyone will know what it is for and went on by saying that they asked that it be a Local Law because planning changes all the time and a good plan will change all the time because things happen that cause a need for change and a Local Law is much easier to change than trying to put it into the Zoning Law, which no one wants to review on a consistent basis of every five years or so and added that if there are changes or they need to tweak it because of changes that have happened or changes that they may foresee, the Local Law can be changed or added to by just a change to the Local Law. He concluded by saying that it is the consensus and there are three Planning Board members present and they voted on it and adopted it unanimously and they are asking the Board's support in making it Local Law #2-2010 and added that it will be a great stride in giving the Planning Board the necessary tools to be able to do their jobs uniformly and to the best of their ability on behalf of the Town's residents.

Councilman Boehm stated that on page 4 it says "within 62 days of a complete application the Planning Board shall schedule a Public Hearing" and continued by saying that it seems like a lot of time.

Planning Board Member Irwin stated that it is what is currently in the Zoning Law now and added that they have 62 days to hold it.

Councilman Boehm inquired as to if there would be another 30 days to wait in addition to that or if the 62 days included the Public Hearing.

Planning Board Member Irwin stated that the 62 days would include the Public Hearing because they have to render an opinion within 62 days.

Councilman Boehm continued by saying that on the same page under Appeals it says "Decisions of the Planning Board shall be subject only to judicial review in the manner prescribed by law".

Planning Board Member Irwin stated that it is an Article 78 proceeding, which is treating someone unfairly and added that it would be when someone would bring suit against the Town and Planning Board and go to court.

Councilman Boehm stated that there is quite a laundry list on page 2 such as environmental quality, water supply and fire protection.

Planning Board Member Irwin stated that under fire protection some of the things that they look at is when someone comes in with a development and it's not going to be a town road but rather a private road, they need to make sure that the road is going to be able to handle emergency equipment if necessary. He added that the road has to be built to an engineering standard so it can handle fire and rescue equipment.

Councilman Boehm asked if they are prepared to reach out to engineers regarding items such as impact of the proposed use on adjacent land uses, runoff water and topography.

Planning Board Member Irwin stated that they don't bear this type of thing and added that it is usually born upon the applicant if they want it and added that with the road specification they would get an engineer to put a stamp on it indicating that the road is adequate.

Councilman Boehm stated that if he were putting in a subdivision and hired an engineer, the engineer works for him and not the Planning Board and if there was a problem he would sue the engineer and not the Planning Board.

Planning Board Member Irwin stated that if an engineer puts a stamp of approval on it there wouldn't be much that they could do other than hire their own engineer to see if the road is adequate. He continued by saying that in the recent past there have been roads that they have looked at and reviewed and made some changes to roads that had already been built.

Councilman Boehm stated that based on a site plan review if there is a road or driveway with a steep grade where the run off might put gravel on a road, they would ask that they provide an engineering report.

Planning Board Member Irwin stated that if a driveway cut is going to come on a county road it has to go to Albany County and added that if it comes out on a town road it is under Highway Superintendent Deering's jurisdiction and he would provide the Planning Board with information as far as the driveway being too steep and it having to be cut down to a certain angle so the gravel does not go on the road and cause a problem.

Highway Superintendent Deering inquired about a development with a private road and then later wanting to turn it over to a town road and continued by asking if the specifications would have to be the same as the towns before they accept it.

Planning Board Member stated that it would have to be brought up to the specifications that a town road has and added that they always bring that to the attention to anyone that is proposing it. He added that they try to make sure that the private roads can easily be brought up to the minimum specifications that a town road has.

Supervisor Traver asked for a motion to move the proposed law to a Public Hearing.

#### **MOTION**

On motion of Councilman Touchette, seconded by Councilman Youmans, authorizing the scheduling of a Public Hearing for Local Law #2-10.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Traver inquired as to how many days are needed to post the Notice.

Town Clerk Millious stated that it said five in the notice and continued by asking if they wanted to have it the first meeting in April.

Collectively the Town Board agreed.

Town Clerk Millious asked if it would be before the Regular Meeting.

Supervisor Traver stated that it would be at 6:30.

Councilman Youmans inquired as to what date it was.

Supervisor Traver stated that it will be April 12<sup>th</sup>.

Councilman Touchette stated that he had spoken to Nelson Perry earlier in the day and added that he had some items of interest to the Town Board. He continued by saying that he was going to bring them up and then noticed that Mr. Perry was in the audience and then asked that he make the comments himself.

Mr. Nelson Perry introduced himself as the Building and Maintenance, Park and Recreation Supervisor and added that he has been working on a grant for docks between the Department of Environmental Conservation and Greenway. He continued by saying that they will taking delivery of brand new docks starting tomorrow and will tentatively be putting them in the water the second week in April. He went on by saying that the

other thing that they have been working on is the 440' of railing at Coeymans Landing, which will cover both sides where the boats launch and added that at this time they only have five more to paint and in turn will be installing them as well and it will be completed as per NYMIR, the Town's Insurance Company. He concluded by saying that they have a lot of projects planned for this year between the parks and cemeteries and added that they are moving along.

#### **Hamlet Resident Sewer & Drain Problems**

Supervisor Traver asked that Councilman Youmans discuss the problem at the Pasquini residence on Westerlo Street with the sewer and drain.

Councilman Youmans interjected that Supervisor Traver put the item on the agenda and added that he was interested in hearing his take on it.

Supervisor Traver stated that at the Pasquini residence there has been an ongoing sewer and drain problem and added that C.T. Male has been working on rerouting it to go down Colvin Avenue away from the residence. He continued by saying that he went to the residence and observed sinking in the driveway and door jambs being off and added that he feels as though it is a problem that they need to check into and rectify as soon as possible because there is another property that is sinking in to where the drain is. He added that he feels as though between the Highway Department and Sewer Department they can rectify the problem.

Councilwoman Rogers interjected that it would be a temporary fix.

Supervisor Traver agreed and added that once they get the plan review going down Colvin Avenue they will do something there because the way that the land is, it is creating a bigger problem.

Councilman Boehm inquired as to what type of timeline he is thinking about.

Supervisor Traver stated that he will be in contact with Albert and Larry and have them go take a look at it to see what they can do and in turn he will get back with the Board to decide what the next process will be.

Planning Board Member stated that on the agenda there is an item to have an I&I study done and continued by asking if it will be done in that area and whether or not it is where they put the camera down in the sewer lines.

Councilman Youmans stated that it is not.

Supervisor Traver stated that it is a report to DEC showing what water was taken into the sewer system.

Planning Board Member Irwin stated that he does not know the last time that they shot those lines down through that area and added that they are the old clay type pipes. He continued by saying that routinely they use to have I&I studies done and they actually put cameras down through the sewer lines to see where cracks were developing and blockages so they could be handled and taken care of before they became a problem.

Councilman Touchette stated that he would like to clarify that Supervisor Traver has not determined conclusively that the sewer problem has caused the problems at the Pasquini residence.

Supervisor Traver stated that he had not and then asked the Town Board what direction they would like for him to go.

Councilwoman Rogers stated that this is why they had C.T. Male and Ed Vopelak make the judgment because they knew this was happening down there and added that the Board before Supervisor Traver was aware that it is a sewer problem.

Councilman Boehm stated that he thinks they should contact Mr. Vopelak before they start digging up yards.

Councilman Youmans stated that he would agree with Councilman Touchette that he is not willing to go out on a limb right now and say that the problems at the Pasquini home are or are not directly related to the storm sewer that runs through the property. He continued by saying that it is established that in that area there is an issue with the storm sewer and they had rough plans drawn up by Mr. Vopelak from C.T. Male to change the routing of that Storm Sewer System and bring it a different way in addition to applying for a grant to do that. He went on by saying that he is told that in April they should know the status of the grant and given the state of affairs with State Government right now he is not extremely hopeful about getting a lot of money out of the State to fix their problems. He reiterated that they have identified a problem with the storm sewer in that area and while the best course of action would be to move and reroute it, there should be and must be something that they can do to fix it so if in fact it is the cause of the problem at the Pasquini residence they can mitigate that problem now. He concluded by saying that with his limited knowledge of storm sewers and routing he would ask that Supervisor Traver and Highway Superintendent Deering, who has knowledge of the particular situation, to take a look at the problem to see what can be done.

Highway Superintendent Deering stated there was somewhat of a decision to change that with the last Supervisor, Town Board and Building Inspector and continued by saying that he does not know where it went after that and where the money is coming from.

Councilman Youmans reiterated that it went to them applying for a grant and added that it is going to require easements through properties as well as maybe even the acquisition of one particular property, which is not going to take place overnight and this is his concern. He concluded by saying that his point is whether or not there is something that they can do there just to fix the leak in the interim if it does in fact cause problems as it is alleged and it mitigates them.

Highway Superintendent Deering stated that it can't be done without digging it up to see what is going on.

Councilman Youmans stated that he figured it would have to be dug up and continued by asking if it is a reasonable course of action.

Highway Superintendent Deering stated that it is a pretty messed up storm drain line.

Councilman Youmans stated that he knows it is ancient and continued by asking if he thinks in his opinion it is worth digging up so they can see what is going on and added that they maybe what they have is not a huge elaborate fix and if it is causing a problem they could stop it.

Highway Superintendent Deering stated that if they dig it up it could create a bigger problem with the wall or house falling down.

Councilman Youmans inquired as to how close it is to the house.

Supervisor Traver stated that it is within five feet.

Ms. Pasquini from the audience interjected that it is within inches and added that it has dropped in that far and her neighbor's property has come in at least six feet on her property.

Councilman Youmans stated that he would have to raise the question, and not to put the blame on anyone, and continued by asking why anyone would build a house five feet from a storm sewer.

Ms. Pasquini stated that it was five feet and added that it wasn't until the storm drain collapsed that every thing came her way and brought it closer.

Councilman Youmans reiterated that he was not putting it on her and added that he just wonders what the approval process was when it was built.

Ms. Pasquini stated that she went through either the Planning or Zoning Board, which ever one was required at the time and her blueprints were approved and she had a Building Permit and the house was built by the outstanding contractors in town. She reiterated that it was not until the storm drain collapsed that she started having problems and notified the Town in August of 2009.

Councilman Youmans inquired about it being collapsed.

Ms. Pasquini stated that you can see right through and there is a hole in her yard where you can see the storm drain.

Mr. Allen interjected that the storm drains are all stone, which runs through his backyard and if you look down in there the stones are actually falling in on themselves and in a lot of places the storm drain is actually open. He continued by saying that if you walk the lines, there is clearly a problem and it is not only in that yard but all the storm drains starting from the Senior Housing all the way down and reiterated that the old stone line is falling in on itself.

Councilman Youmans stated that it is not as though they have done nothing and added that they have applied for grant money and had engineering done to change the route of the storm sewer, which is something that will not happen over the next several weeks or even months. He concluded by saying that what they are faced with from his point of view is that they wait and hope that it is not causing further damage until they can make further plans and/or finance it a different way to change the route of the storm sewer.

Mr. Allen stated that Councilman Youmans was right when he asked if there was something that could mitigate this and continued by saying that he thinks they should get C.T. Male, the engineering experts who have looked at it, to make a recommendation on whether there is a short-term mitigation strategy that would make sense rather than those in the room guessing about what could or could not happen.

Councilman Youmans stated that he believes Mr. Allen is right.

Highway Superintendent Deering stated that he would agree with that.

Supervisor Traver asked if he should contact C.T. Male.

Ms. Pasquini inquired as to if she will get an answer soon so she will know that she is going to stop getting damage to her property.

Supervisor Traver stated that he would call C.T. Male tomorrow and talk with Ed Vopelak to see if there is a short-term solution and also to see what they can do about mitigating it as soon as possible or at least slow down what is going on.

Ms. Pasquini stated that Highway Superintendent Deering saw what was going on when he dug up two ash trees in her yard that were uprooted and added that he could see the hole, which is near the storm drain. She continued by saying that from the top of Westerlo Street down is where the water is running outside the storm drain and coming down to the ground, which is undermining properties and added that she has a sink hole in her backyard. She continued by saying that it is not just her property and she was there when Supervisor Hotaling, Ed Vopelak from C.T. Male, Chief Operator Breedlove and Highway Superintendent Deering walked the line and continued by saying that the property above her is like a sponge, which she almost went through. She concluded by saying that it was the property on the other side of Colvin above her and added that all of it is coming down and she is getting the brunt of it and the brunt of the damage.

Councilman Youmans stated that the answer is that they are going to seek a short-term mitigation strategy while they pursue rerouting the entire storm drain line.

**Employee Retirement System Reporting Requirement**

Supervisor Traver stated that he wanted to let the Town Board know that they have to have their retirement system reporting information in by March 19<sup>th</sup> indicating their hours and added that Confidential Secretary Lewandowski is working on the resolution that they have to have within 180 days of appointment and payroll is working on the payroll reports for them.

\*\*\*\*\*

**NEW BUSINESS**

**Request to Attend NYSDEC Training Seminar**

Supervisor Traver stated that he had a request from Chief Sewer Plant Operator Breedlove regarding attendance at a FOG Management-Controlling Collection System Impacts & Disposal Options seminar. He continued by saying that he is requesting approval for himself and John Lennon to attend the training seminar on Wednesday, April 7, 2010 in Selkirk and then read the following excerpt:

“This seminar is co-sponsored by New York State Department of Environmental Conservation and New England Interstate Water Pollution Control Commission. The course fee is \$60.00 each, which is half the normal rate of \$120.00 each. This rate is available to all NYS Certified WWTP Collection System Operators.”

Supervisor Traver continued by asking for a motion.

**MOTION**

On motion of Councilman Boehm, seconded by Councilman Touchette, authorizing \$120.00 for Larry and John to attend the seminar.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

**Request Mileage Reimbursement to Attend Town Clerk & Board of Elections Meeting**

Supervisor Traver stated that he was in receipt of a memo from Town Clerk Millious requesting mileage reimbursement to attend the Town Clerk’s Meeting on March 11<sup>th</sup> at 2035 State Street, Schenectady and the Board of Elections Meeting on March 30<sup>th</sup> at Gateway Diner, 889 Central Avenue, Albany and continued by asking for a motion.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, authorizing mileage reimbursement for Town Clerk Millious to attend the meetings.  
VOTE – AYES 5 – NAYS 0 – SO MOVED

**Request for Microsoft Word Software for Supervisor**

Supervisor Traver stated that he would like Microsoft Office Word Software in the Supervisor’s Office, which is no longer on the system and continued by asking for a motion allowing Confidential Secretary to purchase and have it installed.

Councilman Boehm inquired as to where it went.

Supervisor Traver stated that when he took office it was erased from the computer.

Councilman Youmans asked if he was sure that it was not on the server.

Supervisor Traver stated that they checked and it is not on the server.

Councilman Touchette inquired as to if they have a license for that computer and if so they should be able to duplicate it and continued by asking if he was talking about just Word and not Office Suite.

Supervisor Traver stated that he was requesting Word.

Councilman Youmans stated that obviously he needs access to that.

Supervisor Traver stated that when he has something that needs to be downloaded, he has to send it to his secretary and she had to download it for him from her computer.

Councilman Youmans asked if he had Mr. Palmer look at it to be sure that there is not a way for him to access it and added that he does not want to hold it up if they do in fact need it.

Supervisor Traver stated that he will check with him and have him take a look at it.

Councilman Touchette inquired as to whether or not he needed Excel.

Supervisor Traver stated that he didn't and reiterated that he will have Mr. Palmer take a look at it,

### **Census 2010 and Sales Tax Revenue**

Supervisor Traver asked that Councilman Touchette discuss the 2010 Census.

Councilman Touchette stated that he attended a meeting last week at the County building about the census and sales tax revenue and added that the current data shows that the Town of Coeymans in the last census had a population of 8,151 people and the sales tax distribution percentage was 2.77. He continued by saying that the estimate for 2008 is 8,008 people, which would bring the percentage to 2.69 and if it materializes they will be looking at a smaller slice of the sales tax distribution pie that is already shrinking. He went on by saying that there a couple of things that they can do, which is make sure that everyone is counted in the town and continued by saying that they can put some information on the website. He reiterated that everyone that lives in the town should be counted such as farm workers, undocumented people, college students who live home and "snow birds" should be counted here rather than Florida or Arizona or wherever they are. He continued by saying that it is important because from a very fundamental view point each person that is either counted or not counted accounts for about \$275.00 in sales tax revenue every year and for the decade of the census for each person, if they miss a person they are going to lose out on approximately \$2,750.00. He reiterated that it is important that everyone be counted and the census forms will be mailed with Census Day being April 1<sup>st</sup> and added that he thinks it is a good thing that the Census Bureau is getting the word out in trying to get everyone to be counted. He continued by saying that the data is completely confidential and cannot be released for 75 years, which means that people who are undocumented don't have to worry about it or if there is a household that has more people than might be considered proper, those people should be counted and they cannot be penalized. He concluded by saying that they need to get the word out and then follow up to see how it's going, which can be done by following the trends of the data and added that he wants to encourage everyone not only to complete the census for their own household, which is 10 questions but to also talk to friends and maybe reach out to the Grange or the agricultural community who may have farm workers on their property to make sure that every one in the Town of Coeymans is counted for the census.

### **Authorization to Contact C.T. Male to Prepare Infiltration & Inflow Report for December 2009**

Supervisor Traver stated that he needs authorization from the Town Board to contact C.T. Male to prepare an Infiltration & Inflow Report for 2009.

**MOTION**

On motion of Councilman Youmans, seconded by Councilwoman Rogers, authorizing the Supervisor to contact C.T. Male and have them prepare the I&I Report for 2009.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**Hiring Part-Time Telecommunicators**

Supervisor Traver asked that Chief Darlington discuss the hiring of part-time Telecommunicators.

Chief Darlington stated that at a previous meeting the Town Board accepted the resignation of Judy Tucker who will be retiring as a full-time Telecommunicator effective March 30, 2010. He added that per discussions with his liaison, a cost savings attempt is to replace with part-time staff rather than full-time staff.

Councilman Youmans stated that in other words he is not looking to up any coverage or hours but rather replace one full-time person with four part-timers and added that one of the questions that arose with Councilman Boehm is whether or not they need four part-time people to fill the spot of one full-time person and continued by saying that when you think it through, she has been the day person five days a week.

Chief Darlington stated that most of the current part-time staff is available in the afternoon and added that even that availability is starting to lessen. He continued by saying that with summer coming and vacations, their numbers have dropped in the number of part-time staff that they have.

Councilman Touchette stated that there will be two full-time people remaining and continued by asking if he will move one of them to the daytime shift.

Chief Darlington stated that it has not been fully decided yet and added that it will be based on the availability of the part-time staff that they have to decide whether she would be moved to a day shift or held at the shift she is at if the majority of part-time that they have is available days.

Supervisor Traver asked if there were any other comments and continued by saying that there is a resolution to hire part-time Telecommunicators.

Councilman Youmans stated that he is fine with that and then asked if the other Board Members wished to weigh in.

Collectively the Town Board agreed that they were ok with it.

Supervisor Traver stated that they would move the resolution at the resolution part of the meeting.

Councilman Touchette stated that he had another item for discussion and added that he didn't know if it would be New or Old Business and continued by asking Supervisor Traver if he could bring it up now.

Supervisor Traver stated that he could.

Councilman Touchette continued by saying that earlier in the meeting the pending Sewer Agreement with the Village was mentioned and added that they have been in negotiations for as long as he has been on the Board and it seems to him at this point that they delivered a Proposed Contract to the Village about 3-4 weeks ago and in turn have not heard anything back. He added that he believes that now is the time to draw a line in the sand and establish a deadline because they need to get it over with and they should communicate with the Village Board that this is not an endless process that can go on for years. He went on by saying that they do have remedies that they can take if they don't have a signed contract within a certain period of time and they will take those remedies.

Supervisor Traver asked if there were any other comments.

Councilman Youmans stated that it is a difficult topic and added that two meetings in a row they have had members of the public allege that there is a conflict of interest on the Board and added that he would say in the interest of open and honest government, as Mr. Allen had suggested, they should call for an Ethics Panel Review. He added that he thinks it is the prudent thing to do and continued by urging the Board to consider it.

Councilwoman Rogers stated that she and Supervisor Traver had already had that discussion.

Councilman Youmans asked Supervisor Traver how he felt about it.

Supervisor Traver stated that if they want an Ethics Review they will go from there and added that he feels as though there is no conflict at all.

Councilman Youmans interjected that he is not alleging that there is.

Supervisor Traver stated that they will let the Ethics Board decide and added that he was elected by the people but they will go with the Ethic's Board if that's how they feel.

Councilman Youmans stated that it's not what he feels and added that it was brought up by members of the public.

Supervisor Traver reiterated that they will have the Ethics Board check into it.

Councilman Youmans asked the rest of the Board to weigh in and added that maybe he is out of line.

Councilman Touchette stated that since there has been the question brought before them, it is their obligation to do that and added that Supervisor Traver has made it clear that he had talked to people and they feel that there is no conflict. He continued by saying that if they don't do it, it is going to come up time and time again and it is in everyone's best interest to settle it.

Councilman Boehm stated that he agrees and it is an independent Board outside the Town Board and continued by offering a motion.

**MOTION**

On motion of Councilman Boehm, seconded by Councilman Youmans, to convene an Ethics Board to determine a conflict of interest.

VOTE – AYES 4 – NAYS 1 – SO MOVED

Supervisor Traver stated that they were moving on to resolutions.

\*\*\*\*\*

**RESOLUTIONS**

**RES. #34-10 APPOINT PART-TIME TELECOMMUNICATORS**

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

**WHEREAS**, the Police Department is desirous of increasing coverage in the Communications Department, and

**WHEREAS**, the Albany County Department of Civil Service has confirmed the candidates meet the minimum qualifications of the position,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby appoint Justin M.G. Rivituso, Nicholas LaMountain, Kelsey

Turek, and Alyssa C. Williams as part-time Telecommunicators, effective March 9, 2010, at the hourly rate of \$16.01. Such appointment is to be contingent on the successful completion of all phases of the background investigation.

**RES. #35-10 APPROVE COUNTY-WIDE MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

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

**WHEREAS**, the Albany County Legislature has adopted a County-wide, multi-jurisdiction Hazard Mitigation Plan, and

**WHEREAS**, the plan is a joint project between the Albany County Department of Public Works, which has the responsibility for hazard Mitigation, the Albany County Sheriff's Department Emergency Management Office, and all 19 municipalities in Albany County in accordance with the Disaster Mitigation Act of 2000, and

**WHEREAS**, through the adoption of the plan, the County and participating municipalities will become eligible for hazard mitigation project grants once the plan is approved by the NYS Emergency Management Office and the Federal Emergency Management Agency,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby adopts the County-wide, multi-jurisdiction Hazard Mitigation Plan.

Councilman Boehm asked that Supervisor Traver review how the Town is involved in this.

Supervisor Traver stated that he would pass it along to the Chief who has been involved in this.

Chief Darlington stated that Bill Bruno approached him when he received the correspondence and added that apparently in order to tap into Federal Grants for mitigation projects the Town would have to adopt the resolution and added that evidently everything is going to be a shard effort. He continued by saying that the Town's plans go to the County and ultimately the money gets divided up along those avenues and concluded by saying that it would have to be as part of the County's Mitigation Plan.

**RES. #36-10 ADOPT LOCAL LAW #1-10 PROVIDING DEFENSE AND INDEMNIFICATION FOR TOWN EMPLOYEES SUED**

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

**WHEREAS**, the indemnification for town employees sued for actions taken in performance of their official duties was introduced by a member of the Board at the January 25, 2010 meeting, and

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

**WHEREAS**, said Public Hearing was held March 3, 2010 at 6:30pm at Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the Proposed Local Law, or any part thereof, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby adopts Local Law #1-10 providing the defense and indemnification for town employees sued for actions taken in performance of their official duties, and

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

**RES. #37-10 APPOINT BOOKKEEPER**

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

**WHEREAS**, the Town Board has accepted the resignation of the Bookkeeper at a previous Town Board Meeting, and

**WHEREAS**, the Supervisor has advertised for and conducted interviews of candidates for the position of Bookkeeper,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby, at the request of the Supervisor, and in accordance with Town Law Section 29, appoints Christine Ricci as Bookkeeper, at the hourly rate of \$20.00, effective March 10, 2010.

\*\*\*\*\*

**CORRESPONDENCE**

**New York State Department of Environmental Conservation**

Supervisor Traver stated that he was in receipt of a correspondence from the Department of Environmental Conservation, who are going to be the Lead Agency in a SEQR and continued by reading the following excerpt:

“The purpose of this request is to determine under Article 8 (State Environmental Quality Review-SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617 the following:

1. Your jurisdiction in the action described below.
2. Your interest in assuming the responsibilities of Lead Agency; and
3. Issues of concern which you believe should be evaluated.

I have enclosed a copy of the permit application and a completed Environmental Assessment Form and site location map to assist you in responding.

Project: Operation of a 4.86 acre shale mine on a 126-acre parcel owned by Joy Seufert, 135 Alcove Road, Coeymans.”

Supervisor Traver continued by saying that DEC was passing the information on to the Town Board and added that if they have any comments regarding it, they are to submit them.

\*\*\*\*\*

**WORKSHOPS/MEETINGS**

- Town Board Workshop – March 16, 2010, 6:00pm
- Town Board Meeting – March 22, 2010, 7:00pm
- Town Board Meeting – April 12, 2010, 7:00pm

\*\*\*\*\*

**ADDITIONAL COMMENTS**

Supervisor Traver asked if there were any additional comments.

Councilman Boehm asked Chief Darlington about the new software program scheduling.

Chief Darlington stated that currently it is moving forward quickly but initially they were having computer problems with their computers and had to have some things installed, which were free. He continued by saying that they were having a problem getting them installed and their tech people spent about 8 hours online with their computers and eventually they were able to get them installed and added that they are now moving forward with the training.

Supervisor Traver asked if there were any additional comments.

Town Clerk Millious stated that she will be sending out Reminder Notices for the taxes, which is something that she is required to do by law and added that taxes can be paid until March 31<sup>st</sup> and added that after that date they are sent to Albany County and she has until April 15<sup>th</sup> to settle with the County.

Supervisor Traver asked if there were any other comments.

Chief Darlington stated that earlier in the day he was on the phone with a gentleman from AT&T Cellular and they are interested in the Town's tower site that they are in the process of constructing. He added that approximately 1 ½ - 2 years ago they met with a company called J&S who had municipally owned towers where they would come in and build it, manage it and take care of it at no cost to the town. He continued by saying that it looks like they might be in that position now, which was originally going to cost \$200,000.00 and added that now they might be able to get it built for nothing. He went on by saying that at the next Workshop he would like to sit down with the Board and go over what it is going to entail and start looking at approvals if this is what they are desirous of doing.

Supervisor Traver asked if this was the same subject that he spoke with him about.

Chief Darlington stated that it is and added that the representative originally met with Supervisor Traver and the Building Inspector when he was away on vacation and in turn they pointed him in his direction as a result of the Town's tower. He added that they were originally looking at the highway garage site but there are concerns with the flooding of the Hannacroix and it being such a small parcel. He reiterated that he wanted to add it as an agenda item because they are looking at constructing this summer.

Supervisor Traver stated that he is already scheduled for another topic and added that they can add this. He continued by asking if there were any other comments.

Highway Superintendent Deering stated that he wanted to thank the people of the Town and Hamlet when the Town declared a Snow Emergency and added that they were very good about moving their cars and continued by saying what a difference it made and it should have been done years ago. He continued by asking if a letter was written about the condition of Rte. 143.

Councilman Boehm stated that they did a letter with Attorney for the Town Wukitsch and it was signed and they have received a form letter from Assemblyman Gordon's office.

Highway Superintendent Deering interjected that it is worse than riding in a plowed field.

Councilman Touchette stated that he had not seen the letter.

Councilman Youmans inquired as to the outcome of the conversation with Assemblyman Gordon.

Supervisor Traver stated that Assemblyman Gordon is checking with the State Department of Transportation at the local level and added that he is trying to at least get the hazard of the guard rails rectified as soon as possible. He continued by saying that he is suppose to contact him and let him know how he made out and in turn he will report back to the Board.

Highway Superintendent Deering stated that he has been on a lot of roads and added that this road is unreal.

Chief Darlington stated that the Police Department reported it to the State and added that he doesn't think that there is any blacktop left in the one section by Osterhout and continued by saying that it is nothing but dirt holes now and added that they did some patching by fixing one hole in the beginning and one at the end, which he guesses was their fix. He concluded by saying that they notify them routinely.

Highway Superintendent Deering stated that he does too.

Supervisor Traver stated that the Board had asked that he bring Department Heads to each meeting to discuss their budget and added that Chief Darlington and Highway Superintendent are present for discussion. He continued by asking the Board if they wanted to discuss it now or in Executive Session.

Collectively the Town Board stated that it should be done now.

Councilman Youmans asked if they had any numbers.

Supervisor Traver reiterated that the Board asked for the Department Heads to be present to discuss their budgets.

Councilman Touchette asked Highway Superintendent Deering where he stands year to date as compared to his budget.

Highway Superintendent Deering handed out a summary to each Board member.

Councilman Touchette asked if the numbers were from the General Ledger.

Highway Clerk Biance stated that they keep track of what they spent with every voucher to date.

Councilman Touchette asked that they summarize whether or not they are on track.

Highway Clerk Biance stated that they are well within their parameters and are not going overboard in any respect and added that usually at the beginning of the year it is a little bit of catch-up because they have to wait until the first of the year to purchase certain things when there is funding.

Councilman Boehm inquired about overtime for snow plowing.

Highway Superintendent stated that it is over.

Highway Clerk Biance stated that it is going to be over the 70 hours and added that they can't do anything about that.

Highway Superintendent Deering interjected that it already over.

Councilman Boehm stated that they still have November and December of this year.

Highway Superintendent Deering stated that it was only put in for 70 hours and added that it was usually 100, with a couple being over by 8-9 hours.

Councilman Boehm inquired as to where he expects to fill that budget line with the overtime if there is another snow storm.

Highway Superintendent Deering stated that he didn't know but they have to plow the roads.

Councilman Touchette stated that he is concerned that there are no comparative budget figures for year to date and then asked Supervisor Traver if they can expect to get them soon.

Supervisor Traver stated that they will be.

Highway Clerk Bianca stated that their figures are more accurate because it includes vouchers that haven't been processed yet through abstract and added that it is right to date including the last payroll and continued by saying that it gives a percentage of what is left in each account.

Councilman Boehm inquired about the equipment funds and their intent to bring them down to a zero balance.

Councilman Youmans stated that it is what they directed the Supervisor to do.

Councilman Boehm asked Supervisor Traver if it had been done.

Supervisor Traver stated that a memo went out to freeze the .2 accounts.

Councilman Boehm stated that the accounts were frozen and continued by asking if the account balances were brought to zero.

Highway Clerk Bianca interjected that the truck had already been approved.

Councilman Boehm stated that they made an exception for the truck.

Supervisor Traver stated that there is also money in .2 for the grant for court and added that they have to check into that because they can't use the grant money.

Highway Clerk Bianca stated that they got a call from Terry Ryan for estimated amounts for the past storm and added that they are trying to get it declared so they can get some S.E.M.O. or F.E.M.A. money for the storm. She added that it is not a guarantee but they are going through the process.

Councilman Boehm inquired as to if this is what they did last year with the ice storm.

Highway Clerk Bianca stated that it is and added that they got a considerable amount back and added that with a little luck they will get a little reimbursement for this storm and reiterated that there is no guarantee. She went on by saying that a letter came in from Tim Gordon regarding an \$8,000.00 grant for highways and continued by saying that they might qualify for that, which can off set and compensate for the overtime.

Councilman Youmans interjected that he was hoping that the Board would have some numbers to compare and added that he has no reason to believe that the numbers are not completely accurate and continued by saying that it is no reflection on that department. He continued by saying that his thought was, and he thought that they discussed, that they would come in and review the budget numbers that bookkeeping has with each department. He concluded by saying that it is great the way that they have it broken down but if they could have compared ours to yours it would have been more telling, which maybe they can do at the next Board Meeting for the same time frame to see where they are at.

Councilman Touchette suggested that they put it on the Workshop agenda.

Supervisor Traver interjected that he believes they should be discussing the budget at either a Workshop or Executive Session.

Collectively the Town Board questioned why they would talk about the budget during Executive Session.

Councilman Youmans stated that they have a Budget Public Hearing so people can come and talk about the budget and get the details and continued by saying that it is no secret.

Supervisor Traver stated that they will discuss it at the next Workshop.

Councilman Touchette inquired as to if Supervisor Traver will have the reports.

Supervisor Traver stated that he will try and added that they are still trying to close out the books for 2009.

Councilman Touchette inquired as to if anything has been posted to 2010.

Supervisor Traver stated that there was and continued by asking for a motion to adjourn to Executive Session for discussion of personnel matters and added that they will return to formally adjourn.

\*\*\*\*\*

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 8:53pm

\*\*\*\*\*

**EXECUTIVE SESSION**

Executive Session was convened in the Supervisor's Office at 9:10pm with all members of the Town Board present. Personnel matters were discussed with no action taken.

\*\*\*\*\*

**RECONVENE MEETING AND ADJOURN**

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

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 9:47pm

*Respectfully Submitted,*

**APPROVED:**

---

*Diane L. Millious, Town Clerk*