

A Town Board Meeting was held Monday, April 12, 2010, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

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

ABSENT: Henry C. Traver, Supervisor

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

Councilman Rogers opened the meeting and led the Pledge of Allegiance.

RES. #45-10 AUTHORIZATION FOR COUNCIL TO PRESIDE OVER MEETING

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

WHEREAS, the Town Supervisor is unable to attend and preside over the Town Board Meeting on April 12, 2010, and

WHEREAS, Town Law, Section 63, authorizes the Town Board to designate a Town Board Member to preside over a Town Board Meeting in the absence of the Town Supervisor, and

WHEREAS, the Town of Coeymans does not have a Deputy Supervisor,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby designate Councilwoman Rogers to preside over the Town Board Meeting on April 12, 2010.

OPENING COMMENT

Councilwoman Rogers stated that there was a full Town Board with the exception of Supervisor Traver who was not able to attend the meeting.

AGENDA

- Public Comment
- Approval of Minutes
 - Bid Opening, January 21, 2010
 - Town Board Meeting, February 22, 2010
 - Public Hearing, March 8, 2010
 - Town Board Meeting, March 8, 2010
 - Town Board Workshop, March 16, 2010
 - Town Board Meeting, March 22, 2010
- Old Business
 - Authorize Attendance for Attorney Penpraze to Attend Special ZBA Meeting
 - Rte. 143
 - Budget Considerations
 - Alleged Safety Issues at Waste Water Treatment Plant

- Center for Economic Growth Membership
- Workplace Violence Prevention Program
- Cedar Grove Road Internet Access
- Office of State Comptroller Letter
- Census
- Public Service Commission Letter
- January 22nd Audit Draft
- Abandoned Property on Main Street
- Coeymans Hollow Cemetery
- Tower Master Management Agreement
- Court Hours
- Drainage Project at Town Hall
- New Business
 - Grange Week Proclamation
 - Highway Superintendent Request to Attend Highway School
 - Portable Sanitation Units for Town Parks
 - Ravena Soccer Academy, Joralemon Park
 - Establish Public Hearing Date, Five Year PHA Plan
 - Proposed Local Law #3-2010, Clarifying Salary & Benefits of Chief of Police
- Correspondence
 - NYS Department of Transportation
- Town Board Workshops / Meetings
 - Town Board Workshop, April 20, 2010, 6:00pm
 - Town Board Meeting, April 26, 2010, 7:00pm
- Executive Session

PUBLIC COMMENT

Councilwoman Rogers invited the public to comment at this time, hearing none she moved to the next item on the agenda.

APPROVAL OF MINUTES

Councilwoman Rogers stated that there were six sets of minutes for Town Board approval, a Bid Opening on January 21st, a Town Board Meeting on February 22nd, a Public Hearing on March 8th, a Town Board Meeting on March 8th, a Town Board Workshop on March 16th, and a Town Board Meeting on March 22nd.

Councilwoman Rogers asked for a motion to approve the minutes.

MOTION

On motion of Councilman Boehm, seconded by Councilman Touchette, the Town Board Minutes were accepted as presented with the exception of the Town Board Meeting on March 22nd.

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Traver) – SO MOVED

Councilman Youmans stated that he was not in attendance for the Workshop on March 16th.

OLD BUSINESS

Authorize Attendance for Attorney Penpraze to Attend Special ZBA Meeting

Councilman Touchette stated that they have a letter dated March 18 from Attorney Penpraze, Legal Counsel to the Zoning Board and added that there is a ZBA Meeting

scheduled for Wednesday with Laberge to review the proposed Zoning Law. He continued by reading the following excerpt from the letter:

“It is my understanding that the ZBA would like to have me, as the ZBA’s Council, to review the proposed changes, participate in the April 14th Workshop, and to the extent necessary remain involved in matters concerning the proposed amendment of the Zoning Code. Because this is outside my regular ZBA duties, I am requesting that the Town Board authorize me to act in this capacity on an hourly basis. This has been a practice of the past. Further, it is my understanding from conversations with then Supervisor Hotaling, that the Town has a line item in the budget for ZBA Workshops. Generally, our representations are on a time and disbursements basis. Our firm’s present hourly rates range from \$130.00 to \$240.00 per hour (with my rate at \$220.00), depending upon which attorney or paralegal assistant in the office performs the services. If these rates change during the course of our representation, we will notify you in advance. In light of my existing relationship with the Town and the fact that I am a resident of the Town, I propose that services rendered in this matter would be at a reduced hourly rate of \$175.00.”

Councilman Touchette continued by saying that the letter was addressed to Supervisor Traver on the 18th and he received an e-mail from him on the 22nd stating that they should discuss it as a Board and go from there. He continued by saying that the meeting is scheduled and the question for the Board is whether or not they authorize Attorney Penpraze to attend the meeting and participate in the Workshop.

Councilman Boehm questioned whether her presence was necessary.

Councilman Touchette stated that the ZBA specifically requested that she be present.

Councilwoman Rogers questioned why they would have to pay Laberge to come down for the meeting and added that it is an informational input meeting.

Councilman Touchette stated that their role in this has been a technical roll to align this with today’s practice and standards in their Comprehensive Plan and continued by saying that he thinks it is appropriate that as the technical consultants they would be available and added that it is at their request.

Councilwoman Rogers inquired as to who’s request.

Councilman Touchette stated that it was at the ZBA’s request.

Councilwoman Rogers stated that she thought she read it different in the ZBA Minutes and that it was his request.

Councilman Touchette interjected that he thinks that there are some misleading comments in the minutes about his role at the last ZBA Meeting and added that the Workshop was originally scheduled by the ZBA for March but another matter came up that they felt was more pressing and the Workshop was postponed and rescheduled.

Councilwoman Rogers asked if they were going to authorize Ms. Penpraze to attend the ZBA Meeting on April 12th for \$175.00 an hour.

Councilman Youmans stated that it is customary that when the ZBA meets, the Attorney for the ZBA is present and added that they specifically asked for her presence and he does not know why he would say no to that.

Councilwoman Rogers asked for a vote.

AYES – 4 – NAYS 0 – ABSENT 1 (Traver) – SO MOVED

Councilman Touchette asked if he should communicate it to Attorney Penpraze in Supervisor Traver’s absence.

Councilwoman Rogers stated that he should.

Route 143

Councilman Touchette stated that he asked that Rte. 143 be placed on the agenda and added that they have had some correspondence between various people and Mary Ivey, the Regional Director suggested in two of her letters that Assemblyman Tim Gordon schedule a time to meet with DOT to discuss the situation. He continued by saying that he would like to move forward and have one of them contact Assemblyman Gordon and ask him to schedule a meeting and any Board Member that would like to or can be present should attend.

Councilman Boehm stated that he will reach out to Assemblyman Gordon and added that they are also in the process of revising a letter because the other one didn't have much of an effect as well as now being in possession of a Police Report where a firefighter responding to an emergency actually blew out two tires on Rte. 143. He continued by saying that this information might be helpful because the letters are not getting them anywhere and went on by saying that he believes a meeting would be appropriate and added that hopefully there would be a room full of people to speak about the road that is deteriorating more each and every day and becoming more hazardous. He concluded by saying that they are working with Councilman Youmans in trying to attract some media attention to it and added that a public meeting will allow people like Mary Ivey, who has written the letters, to come and actually drive the road and then attend a public meeting where people from the public can express their concerns.

Councilman Youmans interjected that it would be great for her to come and look people in the eye and tell them the road is not bad enough for them to do anything about.

Councilwoman Rogers stated that she agreed.

Budget Considerations

Councilwoman Rogers stated that Councilman Touchette requested that this topic be on the agenda.

Councilman Touchette stated that he wanted to table this item.

Alleged Safety Issues at Waste Water Treatment Plant

Councilman Touchette stated that he wanted to table this item.

Center for Economic Growth

Councilman Touchette stated that he wanted to table this item.

Workplace Violence Prevention Program

Councilman Touchette stated that he wanted to table this item.

Cedar Grove Road Internet Access

Councilman Touchette stated that he wanted to table this item.

Office of State Comptroller Letter

Councilman Touchette stated that he wanted to table this item.

Census

Councilman Touchette stated that there has been some concern that the people in the Hamlet that are required to have post office boxes have not received the census forms and letters and added that he spoke with someone in Congressman Tonko's office who made

a call and he got a call back on the same day from one of the Regional Census Directors who explained that census forms are not sent to post office boxes because having a post office box does not mean that you reside in the area. He continued by saying that anyone with a post office box has not received the letter and went on by saying that the census people will follow-up personally with a personal contact sometime in May. He added that last year they went through the whole country and they have a GEO code for every residence, so they know where the residences are and reiterated that they will contact those people for a personal interview. He continued by saying that it should be happening in the Hamlet as well as some of the rural areas where those homeowners did not receive the census and went on by saying that he would like to hear of any personal contact so they can make sure that everyone is counted. He concluded by saying that he wanted to reiterate the importance of the census in terms of how the sales tax is allocated and each person counted or not counted is worth \$2,700.00 over the ten-year period in sales tax revenue to the Town and added that it is important that everyone return the form if you got it in the mail or respond with a personal contact.

Public Service Commission Letter

Councilman Touchette stated that he wanted to table this item.

January Audit Draft

Councilman Touchette stated that he wanted to table this item.

Abandoned Property on Main Street

Councilman Touchette stated that they received notification that there are two houses on Main Street that are going to be abandoned and added that he is bringing it up because he questions if they are abandoned, who are they abandoned to and whether or not the Town has a liability or responsibility.

Councilman Youmans stated that he believes that it would be a question for Attorney for the Town Wukitsch and continued by saying that the letter he read was from a bankruptcy trustee who stated that there is not sufficient equity in the property to warrant his further involvement; therefore the trustee was abandoning the property. He continued by saying that there may be a bank or two lined up for the property and the letter was a formality and added that he would ask Attorney for the Town Wukitsch at the next meeting.

Coeymans Hollow Cemetery

Councilman Touchette stated that Surveyor Charlie Hite came to a Workshop and talked to them about there being an issue with the Title to part of the cemetery and continued by saying that he does not recall if they gave him sufficient direction to move forward with that or how they left it and added that the issue was that a church had titles to some of it.

Councilwoman Rogers interjected that some of it is so old that they could not find any records.

Councilman Boehm stated that Town Clerk Millious has several documents.

Town Clerk Millious stated that she does and she also found some more and in turn talked to Charlie Hite about it and continued by saying that it had something to do with moving the road and added that Mr. Hite stated that it was another part of the missing puzzle.

Councilman Touchette inquired as to whether the ball is in the Town Board's court or if Charlie is still working on it.

Town Clerk Millious stated that the last she knew, Charlie Hite was going to go and talk to the Osterhout's and talk to them and try to find out more information. She continued

by saying that she called Albany County and got everything that they had on file and in turn she gave anything that she found to Charlie Hite.

Councilman Touchette inquired as whether she thinks that the Town Board can expect to hear back from Mr. Hite at some point.

Town Clerk Millious stated that she believes they will.

Town Master Management Agreement

Councilman Touchette stated that he wanted to table this item.

Court Hours

Councilman Touchette stated that he wanted to table this item.

Drainage Project at Town Hall

Councilman Touchette stated that the drainage project was discussed previously and continued by saying that he put it on the agenda to inquire as to whether it had been started or if anything had been completed.

Councilman Youmans stated that he thought they agreed to change the gutter downspouts.

Councilman Touchette interjected that this is what he meant.

Councilman Youmans stated that to his knowledge it had not been started or completed.

Councilman Touchette inquired as to whose daily work it would fall under.

Councilman Youmans stated that he would suspect that it would be the Beautification Department.

Councilman Touchette stated that he will inquire with the Department Head.

Councilwoman Rogers asked if there were any other Old Business topics.

Councilman Boehm asked Highway Superintendent Deering how it is coming along with the Biechman Road culverts.

Highway Superintendent Deering stated that he got a call earlier in the day that the plan is going to be sent to the engineer for design.

Councilman Boehm inquired as to how long it will be before the project is done.

Highway Superintendent Deering stated that he didn't know and added that the water has to be a lot lower than it is to do it and continued by saying that Charlie Hite surveyed it and sent it to the engineer.

Councilman Boehm inquired as to if the work can be started once that is done depending on the water level.

Highway Superintendent Deering stated that the lower the water is, the better it is for them.

Councilman Boehm stated that the other thing that he wanted to mention is that in speaking to Joan Radley, they are still looking for plant donations for the Veteran's Memorial at the Highway Garage. He continued by saying that the pavers are in and improvements have been done and anyone wishing to donate any perennials should contact Joan.

NEW BUSINESS

Grange Week Proclamation

Councilwoman Rogers stated that there is a Grange Week Proclamation and continued by asking that Councilman Boehm read it into the record.

Councilman Boehm continued by reading the following:

WHEREAS, the Grange has sought to advance the interest of farmer, rural Americans and out Nation's families for 143 years through the simple but potent concept that by working together we can accomplish much for our communities; and

WHEREAS, voluntary association with the Grange not only provides the benefits of economic and political cooperation for its members, but also elevates their character by providing social, cultural and educational programs; with opportunities for personal growth; and

WHEREAS, the Grange gives members the opportunity to serve their community through projects and programs that make a difference in the lives of children, youth and neighbors in need of assistance; and

WHEREAS, the Ravena Grange in Coeymans Hollow has served this community since 1919;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans, proclaims the week of April 18-24, 2010 as Grange Week, in recognition of the contributions make by the Grange throughout their many years of faithful service.

Henry C. Traver
Supervisor
Town of Coeymans

Councilwoman Rogers stated that there is a plaque that they will get to them tomorrow.

Councilman Boehm stated that the Grange acted as a shelter during an ice storm a few years back and added that they do provide for their community and are a great asset.

Highway Superintendent's Request to Attend Highway School

Councilwoman Rogers stated that there is a request from Highway Superintendent Deering to attend Highway School, June 7-9 and continued by saying that this is something that he does every year. She continued by saying that it is in Ithaca, New York and he stays at the Clarion Hotel and added that for now it is a matter of the registration fee for \$90.00.

Highway Superintendent Deering stated that it is for the registration fee and hotel arrangements.

Councilwoman Rogers asked for a motion.

MOTION

On motion of Councilman Youmans, seconded by Councilman Boehm, authorizing Highway Superintendent Deering to attend Highway School and pay the registration fee of \$90.00.

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Traver) – SO MOVED

Councilman Touchette inquired as to if this includes the hotel.

Highway Superintendent Deering stated that it is just for the registration and the hotel is separate and they will get that later.

Councilwoman Rogers stated that he just needs the registration now.

Highway Superintendent Deering interjected that he buys his own food.

Portable Sanitation Units for Town Parks

Councilman Boehm stated that there were three proposals for Portable Sanitation Units and quoted as follows:

Blue Diamond Septic	\$380.00
Stone Industries LLC	\$450.00
Greene County Septic	\$490.00

Councilman Boehm continued by saying that the proposals are for both Coeymans Landing and Joralemon Park and added that there will be one regular and one handicap unit placed at both locations. He continued by saying that it appears that Blue Diamond Septic is the lowest bidder and went on by saying that they used Greene County last year, who was the low bidder. He added that the Town uses Blue Diamond for the sludge removal at the Waste Water Treatment Plant and then offered a motion.

MOTION

On motion of Councilman Boehm, seconded by Councilman Youmans, awarding the bid for portable facilities at Coeymans Landing and Joralemon Park to Blue Diamond Septic in the amount of \$380.00.

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Traver) – SO MOVED

Ravena Soccer Academy – Joralemon Park

Councilman Boehm inquired as to if any one was present from the Soccer Academy.

Councilman Youmans stated that he had done some investigation into this himself and added that he found out that they are not associated or affiliated with Ravena Youth Soccer and the way he reads it, it looks like a business. He went on by saying that he would by all means encourage any one that wants to use Joralemon Park but he is looking for reservations for the pavilion and looking to do it for free, which he does not know how appropriate it would be.

Councilman Touchette stated that he looked at the website and added that it looks like a commercial venture.

Councilman Boehm interjected that they should invite him to come in and approach the Town Board to see if his intention is different.

Councilwoman Rogers indicated that they could have the Supervisor send him a letter to attend a Workshop with the Town Board.

Councilman Boehm stated that they need more information and added that if it is a business enterprise they don't want to tie up the pavilion.

Establish Public Hearing Date – Five Year PHA Plan

Councilman Youmans asked if anyone had a calendar.

Councilman Touchette interjected that there has do be 45 days advance notice for a Public Hearing.

Councilwoman Rogers suggested the first meeting in June and continued by asking if June 14th at 6:30 would be ok.

Town Clerk Millious inquired as to whether it would be Local Law 2 and not 3 because Proposed Local Law #2 was not done.

Councilman Youmans stated that his guess would be that it would be #2.

Councilwoman Rogers agreed.

Proposed Local Law #3-2010 – Clarifying Salary & Benefits of Police Chief

Councilman Boehm stated that he would read the Proposed Local Law into the record and continued by saying that they would be scheduling a Public Hearing for the next Town Board Meeting. He continued by reading the following:

LOCAL LAW #3-10

A LOCAL LAW CLARIFYING THE SALARY AND BENEFITS OF THE CHIEF OF POLICE OF THE TOWN OF COEYMANS

Section A171-11 of the Coeymans Town Code is hereby amended by deleting the present paragraph or subsection M and replacing it with the following:

The Chief of Police is a Supervisor and Department Head excluded from coverage by any applicable Collective Bargaining Agreement. Salary and benefits including vacation time provided to the Chief of Police shall be set by the Coeymans Town Board in its sole discretion.

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

Councilwoman Rogers inquired as to how much time is needed between the Notice and Public Hearing.

Town Clerk Millious stated that it is 10 days.

Councilwoman Rogers inquired as to whether they wanted to do it in June or the end of April.

Councilman Boehm inquired as to the date of the next Town Board Meeting.

Councilwoman Rogers stated that it is April 26th.

Councilman Boehm suggested that it be on April 26th at 6:30pm.

CORRESPONDENCE

NYS Department of Transportation

Councilman Youmans stated that some time ago, then Supervisor Hotaling wrote a letter to New York State Department of Transportation in regard to pedestrian accommodations at the intersection of Rte. 9W and Rte. 143, Main Street. He continued by saying that some concerns were brought to the Board regarding the safety of crossing the road there and it was said that with a multi-million dollar road project in the works, a couple of residents found it appropriate that the State add some pedestrian accommodations to make it easier to cross the road. He added that they received a letter from Mark Kennedy, Regional Traffic Engineer, which was addressed to Supervisor Traver and continued by reading the following:

Dear Supervisor Traver:

This letter is in response to a request the Department received last September regarding pedestrian accommodations at the intersection of Rte. 9w and Rte. 143 in the Town of Coeymans. The initial inquiry, which was forwarded to this office for evaluation and response, was submitted by the previous Town Supervisor Ron Hotaling to the Engineer

in charge of the construction project that was reconstructing Rte. 143 just west of the subject intersection. Mr. Hotaling was concerned that pedestrian accommodations were not included in the project, and requested to be added.

We have completed our study of the intersection, which included documenting the existing pedestrian accommodations, observing pedestrian activity during the PM peak traffic period, and reviewing the accident records for the intersection. Our review of the most recent 10 year period of accident data did not reveal any pedestrian related accidents in the vicinity of the intersection. The existing pedestrian accommodations consist of a four foot sidewalk along the north side of Rte. 143 and two push buttons at the signal. The observed pedestrian activity was very light (less than 5 per hour), and did not appear to have any operational issues navigating through the study area. The results of our study do not justify the installation of additional pedestrian accommodations at this time.

If you have any questions, please contact Rob Fitch of this office at 388-0380.

Sincerely,

Mark Kennedy
Regional Traffic Engineer

Town Board Workshops / Meetings

- Town Board Workshop, April 20, 2010, 6:00pm
- Public Hearing, April 26, 2010, 6:30pm
- Town Board Meeting, April 26, 2010, 7:00pm

ADDITIONAL COMMENTS

Councilwoman Rogers asked if there were any additional comments.

Councilman Youmans stated that he understands that they are close to tearing down the building on Westerlo Street in Coeymans.

Highway Superintendent Deering stated that the firemen are having a drill there tonight and they will be starting demolition tomorrow morning.

Councilman Youmans stated that he wanted to thank Highway Superintendent Deering for working on that and continued by saying that Highway Deputy Searles had indicated to him that they are waiting for catch basins on Colvin Avenue.

Highway Superintendent Deering stated that one catch basin is being done tomorrow or Wednesday and added that he planned on updating the Board.

Councilwoman Rogers asked if there were any additional comments.

Chief Darlington stated that he had sent an e-mail out concerning a voucher in reference to the F.E.M.A. Project and continued by asking the Board if they were going to have one person specifically responsible for the project because in the past there have been double paid vouchers when the same voucher went to two different people. He added that he is looking for some kind of direction as to whom or where they should go so that they are all aware.

Councilman Touchette stated that he thinks that in his role as Deputy Director of Emergency Management and he has been following it and bird dogging it since its inception, he would think that it is appropriate for the vouchers to go to his office.

Chief Darlington stated that he wanted to report to the Board that yesterday they lost all

of their radio communications for the Police Department and the Village of Ravena Fire Department and it was determined that someone cut the padlocks off their shed, broke in and unplugged the transmitters. He continued by saying that if anyone has any information regarding the incident, they would like to have it and take care of it.

Councilman Touchette inquired as to if they knew what they were doing when they unplugged it.

Chief Darlington stated that he does not know and added that it would be considered vandalism as well as some other things because they cut the padlock. He added that it's interesting that it has been there for 20 plus years and has never been touched and now out of the blue they are having an issue. He continued by saying that they went in and specifically unplugged them as well as kicking a couple of the breakers. He added that his final comment is that he had submitted three requests in the past and one of them they are trying to address now and went on by saying that if they do pass the Proposed Local Law, it will take effect the date that they are making it. He continued by saying that he would respectfully request that the 207-M for the General Municipal Law still holds that he is entitled to the raises that were discussed. He concluded by saying that his vacation time in not accruing appropriately, which he has asked to be corrected but has not been done as well as his cell phone reimbursement that had been discussed but has also not been taken care of.

Councilman Touchette asked if he had submitted vouchers for cell phone reimbursement.

Chief Darlington stated that there was discussion as to how it should be done appropriately and added that if it is done by voucher it has to be accountable and under the current system it is not so it should be included in the payroll, which is what he requested.

Councilwoman Rogers inquired as to how it had been done all along.

Chief Darlington stated that it has been by voucher but he was notified that it is not the proper way to do it.

Councilwoman Rogers inquired as to who said it.

Chief Darlington stated that it was their Internal Control Officer.

Councilman Touchette stated that he also had some discussion with him and suggested that they discuss the IRS regulations at the next Meeting or Workshop.

Councilwoman Rogers asked if there were any additional comments hearing none she asked for a motion to adjourn to Executive Session.

ADJOURNMENT TO EXECUTIVE SESSION

Councilwoman Rogers stated that they would not be returning from Executive Session.

MOTION

On motion of Councilman Boehm, seconded by Councilman Touchette, the Town Board Meeting was adjourned to Executive Session.

VOTE – AYES 5 – NAYS 0 – SO MOVED.

Time: 8:10pm

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk