

A Special Town Board Meeting was held Friday, July 9, 2010, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

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

ALSO PRESENT: Diane L. Millious, Town Clerk
Albert Deering, Highway Superintendent

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

OPENING COMMENT

Supervisor Traver stated that the record should reflect the presence of a full Town Board and continued by giving an overview of the agenda.

AGENDA

- Public Comment
- Motions
 - Cancellation of July 20th Public Hearing
 - Postponement of Second Sewer Billing
- New Business
 - Litigation, Hall vs. Town of Coeymans, et al
 - Permission to Auction 1988 Ford Crew Truck
- Resolutions
 - Highway Equipment Operator
- Town Board Workshops/Meetings
 - Town Board Workshop, July 20, 2010, 6pm
 - Town Board Meeting, July 26, 2010, 7pm

NOTICE OF SPECIAL MEETING

The following notice appeared in the News Herald and was posted in Town Hall and various other locations.

NOTICE

**SPECIAL
TOWN BOARD MEETING**

In compliance with Public Officer’s Law, this will inform you that the Town Board of the Town of Coeymans has scheduled a Special Town Board Meeting for the purpose of discussing possible litigation. The meeting will be held at 7:00pm on Friday, July 9, 2010 at Town Hall, 18 Russell Avenue, Ravena, New York.

**By Order of the Town Board
of the Town of Coeymans
Diane L. Millious
Town Clerk**

PUBLIC COMMENT

Supervisor Traver stated that he wanted to advise the public that there would be two minutes allowed for comment and continued by saying anyone wishing to speak had to come to the microphone. He then asked if anyone wished to comment at this time.

Mr. Mark Stanton stated that he lives on the Stanton Farm at 89 Biers Road in Coeymans Hollow and continued by saying that since the last meeting, he along with his brother and the Town has been served with papers relative to being sued by Jerome Hall. He continued by saying that he wanted to encourage the Town to hire a lawyer to represent themselves because there is a conflict of interest with the Attorney for the Town and reiterated that he feels it is very important that the Town hire counsel to defend the Town. He went on by saying that a few things have come up since the last meeting and added that the Department of Health has investigated the situation at the park land that is used as well as having a New York State Vehicle and Traffic Law that states during agricultural purposes, if dirt and manure is on the road, it is legal. He continued by distributing a copy to each Board Member and added that the Department of Health letter stated that they followed all the laws and they could not find any evidence of wrong doing. He added that the Village had detected an odor in their water but DEC had knocked down a beaver dam a few days before, which they presumed was the cause of the odor and reiterated that any issues that they had and any of their practices were determined to be legitimate. He went on by saying that it is in the public's best interest for the land to be used for the purpose that is being used now because until the Town deems that it is time to make it a park, it is going to require maintenance and added that when that time comes they are in full support. He continued by saying that their advisors and supporters have been in contact with the Land Conservancy as far as the deed restriction on the property and it says in the restriction that it is suppose to be used for municipal park purposes as well as protect the wetlands and natural resources and added that agricultural use is protecting the natural resources of the land. He concluded by saying that the land has been worked for years as farm land and their counsel has advised that it comes under prior non-conforming use and as long as it has been farmed it should be legal to continue to be farmed.

Supervisor Traver asked if there were any other comments.

Mr. Bill Cook stated that he is a Schoharie County farmer and added that he had the opportunity to be the Chairman of the Albany County Water Quality Coordinating Committee for 10 years and he became very familiar with the Stanton family farm and what was going on at the farm. He added that the Nature Conservancy does a number of deals on land protection, whether by fee or by acquiring the Conservation Easement or development rights that include long term agriculture. He continued by saying that the use of the land has been historically consistent, precedes any zoning, is in the best interest of the Town and is something that apparently is a problem for one individual person. He went on by saying that he is present to show support for the farming family but also to show support for the Town Board in getting a lawyer and fighting it and added that it is not just happening here, but rather happening in a number of areas where an agitated resident will insist that something be changed to suit their personal wants. He concluded by saying that when it comes to farming, farmers are frequently the target and the bottom line and the reason why he thinks the Town has to fight it aggressively is because if you don't, who knows what might be next and if one well monied bully can force the Town to do what they want, they are all in trouble.

Mr. John Allen stated that he lives at 37 Westerlo Street and continued by saying that the was present to ask the Board the status of the Sewer Contract with the Village and added that he understands that it is still not fully executed and the Town does not have the money yet. He added that the public was told at a March Meeting that within two weeks there would be an executed contract and monies that were owed to the Town in arrears so that Sewer Bills would not be affected. He continued by saying that it is his understanding that the Town still does not have a contract and still does not have the money and are still waiting for whatever the current wait dejure is and whatever the Village is asking for in terms of documentation even though they told the public and Town Board at a Joint Meeting that they had everything that they needed and were fully

prepared to execute a contract within two weeks. He concluded by saying that he wanted to know what the Town's position is and why as a Town they have not taken action when he understands it has been contemplated to raise the Sewer Rates when most people that are and have been paying the Town sewer bills, the resident in Town that are not part of the Village, are not getting subsidized rates by lack of a contract and agreement.

Supervisor Traver asked if there were any other comments.

Mr. Craig Thompson stated that he lives on the Stanton Farm and added that he is the Vice-Chairman of the Audubon Council of New York State and continued by saying that in brief he wanted to suggest that agricultural uses in Joralemon Park are not incompatible with park values and park uses. He added that there is minimal conservation degradation and minimal environmental impact from the activities that they are doing and he continued by saying that he wanted to suggest that they continue to let the land be farmed. He went on by saying that an alternative would be to turn it into a soccer field, which would be great but it would involve tremendous capital expense to provide safe access, maintenance and upkeep and surveillance for security purposes, which they do not have right now. He concluded by saying that he would much prefer the sound of growing corn to the sound of ATV use ripping through there and added that he does not have anything against legitimate ATV use but when you can't surveil something, which he believes the Town has an obligation to provide as well as security on Town property, anything can happen and he would much prefer seeing it farmed than just be open space for anyone to do what they want.

Supervisor Traver asked if there were any other comments.

Mr. Gary Bogardus stated that he owns the farm across from the development and added that when he was 17 years old he worked for Bob VanEtten, who farmed that same land in 1960 and continued by saying that it has been continually farmed ever since and prior to that, his father worked the land when he worked for Consolover. He went on by saying he is worried about what goes on over there because he could be next across the road because he does the same thing that is being done on the land in the park and if he is forced out they will not like who he sells it to. He concluded by saying that as he had said before, he hates to see neighbors fighting and he believes that there should be some kind of settlement or negotiation because it is a mess.

Mr. Giles Wagner stated that he has a small cattle farm at the border of the Coeymans-Bethlehem border, which is mostly in the Town of Bethlehem and added that he is retired and works part-time for the Stanton's. He continued by saying that he wanted to offer the comment that as farmers, as a Dairy of Distinction and all the other accolade's that the State has given, the Stanton's should mean something to the Board and whatever decisions that they have to make regarding that property because they are outstanding farmers. He went on by saying that the Town of Bethlehem has an Agricultural and Farmland Protection Plan, which he co-authored and added that he would suggest that the Town Board get a copy of it and see if they want to do the same. He added that a group of ten met for the better part of a year and wrote up the plan to protect farmland in the Town of Bethlehem and continued by saying that Coeymans probably has more farmland than the Town of Bethlehem. He continued by saying that it is a good product, serves the public and addresses a lot of the issues that they are talking about and went on by saying that an example would be that if someone sells a lot and it's a certain distance from an agriculture practice, it is a disclosure that has to be brought forth in the sale. He concluded by saying that they also adopted the Albany County Right to Farm Law as policy, which is also addressed in the Plan and reiterated that it might be something that they want to look at and it might solve some of disputes that may arise in the future.

Mr. Bill Buell stated that he spoke at the last meeting and added that he lives at 280 Blodgett Road and is an old farm boy and veteran of Viet Nam and what he sees sickens him. He continued by asking why they can't bring it down to exactly what it is and added that there was a guy that got cow manure on his tires when he drove in his driveway and now he wants to disrupt everything. He went on by saying that we all live with it and the Stanton Farm is one of the outstanding farms here and the other day he rode by the new barns and he noticed that they put cupolas on top of the barns, that are pretty and they

didn't have to put them on and they cost a lot of money but it makes the farm look nice and neat. He concluded by saying that they follow the law and the law is simple and continued by asking why they are all sitting there on a Friday night talking about it because it is their job as the Board, the Board of the Town, who should be stopping the nonsense because they don't need lawyers and they need to move on.

MOTIONS

Supervisor Traver stated that he wanted to make a motion to cancel the Public Hearing on July 20, 2010 at 5:30pm and added that due to the contract signing with the Village, the rates will change and in turn they will have to schedule a new Public Hearing date, which he proposes to be August 9, 2010. He then asked for a second.

On motion of Supervisor Traver, seconded by Councilman Youmans, to cancel the Public Hearing on July 20, 2010 and rescheduling it to August 9, 2010.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Traver continued by saying that he wanted to make a motion to postpone the second Sewer Billing Cycle due to the need for a budget amendment to the Sewer Fund and then asked for a second.

On motion of Supervisor Traver, seconded by Councilman Youmans, to postpone the second the Sewer Billing Cycle.

VOTE – AYES 5 – NAYS 0 – SO MOVED

NEW BUSINESS

Authorization to Auction Surplus Equipment

Supervisor Traver stated that Highway Superintendent Deering sent a memo requesting permission to auction off the old C-27, which is the 4-door cab truck and continued by reading the following.

TO: Supervisor Traver and Town Board

I am hereby requesting to be put on the agenda for the Special Board Meeting on July 9, 2010 to request authorization to submit the old C-27, 1988 Ford Crew truck bearing Serial # 1FDKE30M2JHB59602 to Auctions International for sale.

Supervisor Traver asked for a motion authorizing Highway Superintendent Deering to auction the vehicle.

Councilman Boehm asked if he wanted to do it now or wait for the next meeting.

Supervisor Traver stated that if they could he wanted to do it now.

MOTION

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing Highway Superintendent Deering to auction off the C-27, 1988 Ford Crew Truck using Auctions International for the sale.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Hall vs. Town of Coeymans, et al

Supervisor Traver stated that he was skipping the litigation topic for the moment.

RESOLUTIONS

Supervisor Traver asked the Town Board how they felt about a resolution to hire an Equipment Operator at the Highway Department.

Councilman Youmans stated that he wanted to table it until the next meeting.

MOTION

On motion of Councilman Youmans seconded by Councilman Boehm, to table hiring an Equipment Operator at the Highway Department.

VOTE – AYES 5 – NAYS 0 – SO MOVED

ADDITIONAL NEW BUSINESS

Hall vs. Town of Coeymans, et al

Supervisor Traver stated that he would offer a motion to adjourn to Executive Session.

MOTION

On motion of Supervisor Traver, seconded by Councilman Youmans to adjourn to Executive Session.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Traver stated that they will be returning to adjourn the meeting and added that no further action will be taken.

Time 7:20pm

EXECUTIVE SESSION

Executive Session commenced in the Supervisor’s Office immediately following the adjournment, it was decided to offer a resolution relative to the Hall vs. Town of Coeymans, et al.

Executive Session concluded at 7:32pm.

RECONVENE MEETING AND ADJOURN

Supervisor Traver called the meeting back to order immediately following Executive Session.

Councilman Youmans offered the following resolution.

WHEREAS, the Town of Coeymans has been named in a law suit, and

WHEREAS, the Town of Coeymans is desirous of having legal representation, now

THEREFORE, BE IT RESOLVED, that the Town Board off the Town of Coeymans does hereby hire John W. Clark, Attorney at Law for the purpose of representing the Town of Coeymans in the matter of Jerome Hall vs. the Town of Coeymans.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Boehm stated that he would amend the motion to state that they make every effort to expedite contact with the Attorney and provide him with the material for review as soon as possible.

Councilman Youmans agreed to the amendment.

Supervisor Traver asked if there was any other business, hearing none he asked for a motion to adjourn the meeting.

ADJOURNMENT

Supervisor Traver adjourned the meeting at 7:34pm.

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk