

A Public Hearing was held Thursday, August 19, 2010, at 6:00pm 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
Theresa Shear, Confidential Secretary to the Supervisor

Supervisor Traver opened the Public Hearing and led the Pledge of Allegiance.

OPENING COMMENT

Supervisor Traver stated that the purpose of the Public Hearing is to receive comments from the public on the proposed Local Law #3-2010, Amending Article I, Sewer Rents of Chapter 134 of the Code of the Town of Coeymans. He then asked that Town Clerk Millious read the Notice of Public Hearing.

Town Clerk Millious continued by reading the following:

**NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW #3-2010**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Coeymans will hold a Public Hearing on Thursday, August 19, 2010 beginning at 6:00pm at Coeymans Town Hall, 18 Russell Avenue, Ravena, NY, concerning Proposed Local Law #3-2010 as follows:

**AMENDING ARTICLE 1, “SEWER RENTS” OF CHAPTER 134
OF THE CODE OF THE TOWN OF COEYMANS**

Authority – This Local Law is adopted pursuant to Municipal Home Rule Section 10.

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

1. Section 134-1 Purpose, is amended to read as follows:

The purpose of this article is to establish a schedule of Sewer Rents and time for collection thereof for the Coeymans Hamlet Sewer District, Town of Coeymans, County of Albany, State of New York and for users outside of the District which utilize the Town of Coeymans Hamlet Sewer System.

2. Section 134-2 is amended by adding the following new paragraph:

C. Also including such other properties either within or outside the Town of Coeymans which utilize the Town of Coeymans Hamlet Sewer System.

3. Section 134-3 entitled, “Amount of rent to be determined annually,” is amended to read as follows:

The Town Board shall annually fix and determine by Resolution the amount of the Sewer Rent to be charged for each classification of property users within the Coeymans Hamlet Sewer District and for each classification of users outside the

District which utilize the Town of Coeymans Hamlet Sewer System in accordance With GML, Section 452.

4. Section 134-4, entitled “Payment Schedule; late payments”, is amended to read as follows:

Such Sewer Rents shall be payable annually in two installments: half of such Sewer Rent shall be payable on the first of January and the second installment shall be payable on the first day of July in each year, beginning in the year 1971. In the event that said Sewer Rent is not paid within 30 days from the due date. Ten percent penalty shall be added to the charge imposed upon the real property. The Town Clerk shall annually file with the Town Board a statement showing the unpaid rates, charges and fees for the Coeymans Hamlet Sewer District and any out-of-district users, containing a brief description of the *property* against which such sewer rents were imposed, the names of the persons or corporations liable to pay for the same and the amounts chargeable to each. In the event that the fee and penalty shall not be paid prior to the levy of Town taxes, including taxes for special district purposes, then the Supervisor shall, pursuant to Section 198, Subdivision 1 (k), of the Town Law, transmit a statement of such delinquency to the County Legislature of the County of Albany, which shall levy the sums against the property liable therefore.

5. Severability – The Invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.
6. Repealed – All Local Laws or Ordinances or parts of Local Laws or Ordinance in conflict with any part of this Local Law are repealed.
7. Effective Date – This Local Law shall take effect upon filing in the Office of the New York State Secretary of State or as otherwise provided by law.

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

PUBLIC COMMENT

Supervisor Traver asked the members of the public to silence their cell phones and continued by saying that anyone wishing to address the Town Board should come to the microphone and sign in. He then invited the public to comment at this time.

Supervisor Traver stated that there was no one to comment and then asked for a motion to close the Public Hearing and then re-open it if anyone wishes to speak.

Councilman Youmans suggested that they take the sound down and leave the Public Hearing open for 20 minutes in case anyone wished to speak.

Councilman Touchette stated that he wants to make sure that he understands what all of the due to and due from are and continued by asking if they can talk about it.

Supervisor Traver stated that they can't during the Public Hearing.

Laszlo Polyak stated that he had a point of information and added that as a layman he can speak, so certainly a Councilman is more than free to speak if he has questions about what he does not understand.

Supervisor Traver asked Councilman Traver if it was in reference to this Public Hearing.

Councilman Touchette stated that it is in reference to the Sewer District.

Mr. Polyak asked if it is in reference to the Law and added that there are two Public Hearings.

Councilman Touchette asked Mr. Polyak if he wanted to address the Board.

Mr. Polyak stated that he was addressing the Board in telling them that he has the right to speak. He reiterated that as a point of information, if he as a layman has the right to speak, Councilman Touchette has the right to speak and should be able to ask questions.

Supervisor Traver invited Councilman Touchette to speak.

Councilman Touchette stated that they don't operate by Robert's Rules of Order and added that even if they did a point of order is something that a participant in the meeting brings up and Mr. Polyak is a spectator.

Mr. Polyak interjected that he was bringing up a point of information and not a point of order.

Councilman Touchette stated that it was the same thing and continued by saying that as of 12-31-09 they were due from the H29 \$267,000.00 and H35 \$62,000.00, which is \$329,000.00 and added that his first question is where that money is going to come from and whether it is due from that fund. He went on by saying that due from H29 was showing zero as of June 30th, and H33 and H35 are due to and the \$355,984.00 that they got yesterday cancels it out and continued by asking if it was going to go in the B Fund to pay down that due to.

Supervisor Traver stated that he along with the Internal Control Officer and the Bookkeeper will sit down with all the figures to determine where the money will be going to also keep the operations and maintenance going at the Sewer Plant as well as paying off some of the debt.

Councilman Touchette stated that the \$355,000.00 that was accrued as of 12-31-09 should go totally to the debt because it is a prior year and added that the entire \$355,000.00 should reduce their total due to other funds and the deferred revenue equals \$1,198,979.00. He continued by asking if the deferred revenue was to offset the due from the Village and went on by saying that he wanted to know how they arrived at the principal and interest and whether they have \$300,000.00 in Capital Improvements over 20 years.

Supervisor Traver stated that they do.

Councilman Touchette then asked if it was going to be bonded or banned as well as whether there was any payment of principal or interest included in that and if the \$15,000.00 in principal interest is for the debt that they already owe.

Supervisor Traver stated that it is.

Councilman Touchette stated that they don't have anything budgeted for the \$300,000.00 in Capital Improvements.

Supervisor Traver stated that it was in the Budget to actuals.

Councilman Touchette stated that as of June 30th they budgeted \$34,000.00 for debt principal for a Bond Anticipation Note and debt interest of \$15,000.00 on a Bond Anticipation Note and continued by asking if they are carrying any outside debt for the Sewer District at this time.

Supervisor Traver stated he would have to look into it.

Councilman Touchette stated that they have debt interest in a fund loan of \$10,300.00 which they have not paid anything on and added that his question is if the principal and interest is on the inner-fund debt and added that the \$15,000.00 in principal and \$3,000.00 in interest is for the inner-fund debt.

Supervisor Traver stated that was correct.

Councilman Touchette stated that they are not budgeting anything for the Capital Improvements for the balance of this year and continued by asking if they are talking about bonding for all the Capital Improvements.

Councilman Youmans stated that they would be for \$300,000.00.

Councilman Touchette questioned if they would accrue any interest or principal payment in this fiscal year.

Supervisor Traver stated that the Village portion would be paying \$1,625.00 and added for the \$15,000.00 for the principal year 2010 they would be paying \$9,750.00 and the Town would be paying \$5,450.00.

Councilman Touchette questioned as to whether it was for the existing inner-fund debt or if it is new debt and added that if it is for the new debt, they don't have anything budgeted for the year for the inner-fund debt and if it is for the inner-fund debt they don't have anything for the Bonds or BANS. He continued by saying the he is just trying to understand how it works and added that they have to pay interest on an inner-fund debt of 2% and they are accruing debt, and it has to be included some where.

Supervisor Traver stated that there is \$15,000.00 in the budget for this year for the principal and added that he had said that 65% of it will be going toward the Village paying \$9,750.00 and 35% for the Town, which is \$5,215.00.

Councilman Touchette interjected that it will be for new debt.

Supervisor Traver stated that it would be for new debt with \$3,000.00 in estimated interest for 2010 at 1% and 65% would be for the Village at \$1,625.00 and \$875.00 for the Town.

Councilman Touchette stated that there is nothing there for the inner-fund debt and added that he does not know where the deferred revenue is and if it is off-set by what the Village owes the Town. He continued by saying that if you take that out, there is still inner-fund debt of \$900,000.00 reduced by \$355,000.00, which is roughly \$600,000.00. He went on by saying that if they don't pay it down at all or pay any interest, they will continued to accrue interest and then asked if the inner-fund debt is for expenditures that have already occurred.

Supervisor Traver stated that was correct.

Councilman Touchette stated that it means that the Hamlet users owe that entire amount and continued by asking if they were going to ignore it in this year's budget.

Councilman Youmans stated that they were not and added that he actually had some input with the numbers and the number that they got from the Supervisor's Office for the inner-fund debt was \$450,000.00 and they decided to take it out on an 8 year basis and they budgeted in \$56,250.00 this year to cover it and he knows that it does not show up.

Councilman Touchette stated that it shows up as a fund balance and continued by asking what the \$15,000.00 is for administration.

Supervisor Traver stated that it is for the engineering and attorney fees.

Councilman Touchette inquired about it not being in the operations and maintenance.

Councilman Youmans stated that it is but when you start looking at engineering fees and such it is broken out separate.

Councilman Touchette stated that there is \$30,000.00 for maintenance of transmission system and all totaled it is \$217,550.00 for the Town's share.

Supervisor Traver asked if there were any other comments.

Mr. Polyak stated that for clarification he wanted to know what the +9-R stands for and added that it is in Section 134-4.

Supervisor Traver asked Town Clerk Millious is she knew what it was.

Town Clerk Millious stated that she didn't know.

Collectively the Town Board stated that they didn't know.

Mr. Polyak stated that he wanted to thank the Board for utilizing their time to do what some would consider a Workshop and for the public to be able to listen in to Councilman Touchette's questions and continued by saying that the Public Hearing was closing and added that if anyone else had any comments he wanted to bring that to light.

Supervisor Traver asked if there were any other comments, hearing none he asked that the sound be brought down until someone else wished to speak.

Supervisor Traver asked that the sound be brought back up and added that the Public Hearing was being held for the purpose of hearing comments on Proposed Local Law #3-10 Amending Article I for Sewer Rents and added that in going through the Local Law and in go through some background information, in reference to what Mr. Polyak had brought up, they are going to be striking our the +9-R on both lines, which appears to be a typo. He then asked if there were any other comments, hearing none he asked for a motion to adjourn the Public Hearing.

ADJOURNMENT

On motion of Councilman Youmans, seconded by Councilwoman Rogers, the Public Hearing was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 6:25pm

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk