

A Town Board Meeting was held Monday, August 23, 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
Richard N. Touchette, Councilman

ABSENT: James C. Youmans, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk
Albert Deering, Highway Superintendent
David Wukitsch, Attorney for the Town
Greg Darlington, Chief of Police
Theresa Shear, Confidential Secretary

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

OPENING COMMENT

Supervisor Traver stated that the record should reflect the presence of Council Rogers, Boehm, and Touchette and added that Councilman Youmans was absent. He continued by saying that Town Clerk Millious, Highway Superintendent Deering, Attorney for the Town Wukitsch, Chief of Police Darlington and Confidential Secretary Shear were also present and then gave an overview of the agenda.

AGENDA

- Public Announcement
 - Town Offices Closed, September 6, 2010, Labor Day
- Approval of Minutes
 - Town Board Meeting, July 26, 2010
 - Special Town Board Meeting, August 9, 2010
 - Public Hearing, August 9, 2010
 - Town Board Workshop, August 17, 2010
- Supervisor's Report
 - July 2010
- Department Reports
 - Building Department, July 2010
 - Police Department, July 2010
 - Sewer Department, July 2010
 - Town Clerk, July 2010
- Old Business
 - Port Security
 - Town Hall Maintenance
 - Sewer Department, WPCF Raw Influent Pumps
 - EMS Agreement 2011
 - Water Rents
 - Police Department, New Vehicles
- New Business
 - Police Department, Town Employees Driver's Licenses
- Motions
 - Accept Resignation of Police Department Employee
 - Authorize to Enter Into Agreement with American Legion
 - Authorize Town Clerk to Bid Sludge Hauling
 - Authorize Contract for Renewal of Software Support

- Authorize Purchase of Software through ITS
- Resolutions
 - Adopt Local Law #2-10 Amending Article I, Chapter 134 of Code of Town of Coeymans
 - Amend Sewer Rents for 2010
 - Annual Audit of Justice Court
 - Annual Audit of Town Officials
 - Approve August Abstract
 - Health Insurance Renewal
- Public Comment
- Correspondence
 - Ladies Auxiliary, Remembrance Walk
 - Supervisor, Town of Barker, NY, Marcellus Shale
 - Town Attorney Wukitsch, Town of Coeymans Public Housing Agency, NY
- Town Board Workshops/Meetings
 - Town Board Meeting, September 13, 2010, 7:00pm
 - Town Board Workshop, September 21, 2010, 6:00pm
 - Town Board Meeting, September 27, 2010, 7:00pm

PUBLIC ANNOUNCEMENT

Town Offices Closed – Labor Day

Supervisor Traver stated that the Town Offices will be closed September 6, 2010 in observance of Labor Day.

APPROVAL OF MINUTES

Supervisor Traver stated that there were four sets of minutes for Town Board approval, a Town Board Meeting on July 26th, a Special Town Board Meeting on August 9th, a Public Hearing on August 9th and a Town Board Workshop on August 17th and continued by asking for a motion to approve them.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the Town Board Minutes were accepted as presented and read.

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

SUPERVISOR’S REPORT

July 2010

FUND	BALANCE FWD.	RECEIPTS	DISBURSE.	BALANCE
GENERAL	\$568,712.78	\$114,038.99	\$207,436.92	\$475,314.85
PART-TOWN	\$432,324.68	\$446,509.17	\$117,386.89	\$761,446.96
HIGHWAY	\$ 38,733.18	\$100,441.97	\$102,190.73	\$ 36,984.42
BRIDGE CONST.	\$274,026.27	\$ 86.25	-0-	\$274,112.52
SEWER	\$ 56,330.88	\$ 11.87	\$ 32,498.62	\$ 23,844.13

SPEC. WATER	\$ 18,303.66	\$ 401.98	-0-	\$ 18,705.64
POLICE FOR.	\$ 5,805.48	\$ 1.69	\$ 1,140.00	\$ 4,667.17
TRUST & AGCY.	\$ 14,578.14	\$238,349.66	\$237,419.39	\$ 15,508.41
H-FUND CAP. PROJ.	\$ 35,931.49	\$ 9.14	-0-	\$ 35,940.63
SECTION 8 – HUD UNITS – 80	\$139,494.62	\$ 41,113.31	\$ 41,910.96	\$138,696.97
			Total Rec. Bal.	\$1,758,221.70

SAVINGS ACCOUNTS	COLLATERAL COVERAGE	FDIC COV.	COLLATERALIZED
Unemployment	\$ 4,063.31	Bank of Greene	\$250,000.00 \$2,037,817.90
Grove Cemetery	\$40,754.75	National Bank	\$250,000.00 \$ 392,353.72
Sewer – Dedicated	<u>\$ 6,303.71</u>		
Total	\$51,121.77		

Supervisor Traver asked for a motion to approve the report.

MOTION

On motion of Councilman Touchette, seconded by Councilman Boehm, the Supervisor’s Report was accepted as read.

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

Councilman Touchette asked Supervisor Traver in his opinion how they are doing as far as the cash flow and cash needs and where they are in the year.

Supervisor Traver stated that right now they are approximately 1.7 million.

Councilman Touchette inquired as to if it is going to be adequate for all of their obligations for the rest of the year.

Supervisor Traver stated that as of right now it is as long as they don’t have any major projects.

DEPARTMENT REPORTS

Building Department – July 2010

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

Councilwoman Rogers continued by giving the report.

Supervisor Traver asked for a motion to approve the report.

MOTION

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

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

Police Department – July 2010

Supervisor Traver asked the Chief Darlington give the Police Department Monthly Report.

Chief Darlington continued by giving the report.

Supervisor Traver asked for a motion to approve the report.

MOTION

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

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

Sewer Department/Leachate – July 2010

Supervisor Traver stated that in Councilman Youman's absence he would give the Sewer Department / Leachate Monthly Report.

MOTION

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

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

Councilman Touchette inquired as to if they allocate the personnel cost for the time that goes into the Leachate Plant to the A-Fund or if it is covered by the Sewer District.

Supervisor Traver stated that it is covered by the Sewer District and at this time he is doing the budget and proposing that it goes back to the A-Fund so the Village and Hamlet Sewer District is not paying for the Leachate Plant.

Councilman Touchette stated that they should also look at the portion of the Sewer Plant that is not used for sewer activities and those areas should be allocated to the A-Fund as well.

Town Clerk – July 2010

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

Town Clerk Millious continued by giving the report.

Supervisor Traver asked for a motion to approve the report.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the Town Clerk's Monthly Report was accepted as presented.

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

Town Clerk Millious stated that she was invited to attend a meeting at Guilderland Town Hall regarding Agriculture & Market issues and as they know it is going to be the responsibility of the municipalities to issue dog licenses. She added that she is asking for permission for mileage reimbursement to attend the meeting on August 26, 2010 at 9:30am.

Councilman Touchette stated that he does not have a problem with it and there is money budgeted for it and then asked if it is something that has to be approved by the Town Board.

Town Clerk Millious stated that prior to 2004 she had always budgeted for this and she didn't have to get Board approval but now there could be a question about them signing the voucher because they didn't approve her to go. She continued by saying that if the Board wishes, she does not have to ask and they could do something at the beginning of each year and be fine with it.

Councilwoman Rogers stated that she could just mention it to them but if it is already planned in her budget she can go ahead and do it.

Councilman Boehm inquired about the municipalities having to do the licensing and what it means for the Clerk's office.

Town Clerk Millious stated that it will be more work and they will have to purchase their own supplies such as dog tags as well as having to pass a new Local Law, which she does not know what the wording will be for the Town Board to pass the law. She continued by saying that it will be her office sending out the renewals and she knows that it is budget time and she is trying to figure out where she will be as far as costs. She went on by saying that at this point the Town gets 53% with the State getting 47%.

Councilman Boehm inquired as to if she thinks that the Town will make money, lose money or break even.

Town Clerk Millious stated that it is hard to say and added that Coeymans is one of the few towns that don't have a local fee and a census has never been done. She added that most Towns do a census and stay right on it and reiterated that it has never been done here. She continued by saying that while they are going through this it might be something that they might need to take a look at and as soon as she knows more she will let them know. She concluded by saying that right now they just know that it is going to happen and will take effect next year and it has been on the news and reiterated that it will create more work and right now there are approximately 400 dogs that are licensed and will have a renewal.

Councilman Boehm inquired as to the date of the meeting.

Town Clerk Millious stated that it is this coming Thursday at 9:30am at Guilderland Town Hall.

Councilman Boehm stated that he would like to make a motion.

MOTION

On motion of Councilman Boehm, seconded by Councilman Touchette, authorizing reimbursement for mileage to Town Clerk Millious.

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

Chief Darlington stated that if it would be possible he would like to attend the meeting because a lot of the Agriculture and Markets is done with the dog control, which falls under his agency and added that Town Clerk Millious could ride with him if he were able to attend and he does not know if it is just for Clerks.

Town Clerk Millious stated at this time it is regarding the software, which she already has and BAS will be going over the change. She advised that she will let him know when she has more information regarding the change.

OLD BUSINESS

Port Security

Supervisor Traver asked if the Town Board wish to table the Port Security topic.

Councilman Boehm interjected that it should be mentioned because it was discussed at the Workshop.

Supervisor Traver stated that at the last Workshop there was discussion regarding Port of Coeymans Security and he along with Chief Darlington met with Carver Laraway, owner of the Port and at this time there is a private contractor doing the security. He continued by saying that Mr. Laraway wants to partner with the Town of Coeymans and have the Town do the security because if there is an emergency the Town would be going there anyways. He then asked Chief Darlington if he had anything that he wanted to add.

Chief Darlington stated that right now they contract with a private company and they are interested in contracting with the Police Department and there is a possibility that it might generate revenue for the Town. He continued by saying that currently he and Councilman Youmans are researching the legalities and the insurance requirements if in fact they are interested in doing this, to make sure that it would be on the part of revenue as opposed to on the backs of the taxpayers.

Councilman Boehm interjected that they have also asked that Attorney for the Town Wukitsch look at the legal issues as well as having contacted Colonie Police Department.

Chief Darlington stated that Colonie Police Department provided him with the information and have provided him with the forms that they use when they contract with businesses.

Councilman Boehm stated that he thinks it is a good idea to look into it.

Town Hall Maintenance – Gutters

Supervisor Traver stated that they discussed the installation of new gutter at Town Hall at the Workshop Meeting and he discussed it with Nelson Perry earlier in the day and he didn't get back to him as far as an upgraded cost. He continued by saying that Councilman Youmans, Chief Darlington and Nelson met last Friday in regard to re-routing the gutters and in talking to Nelson he stated that he believes it will be an additional \$300.00 to do what they have to do, which would be \$1,620.00 to re-route the water so they do not have flooding downstairs.

Councilman Boehm stated based on the conversations, the gutters are necessary and added that he would like to offer a motion.

MOTION

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing the expenditure of not to exceed \$1,700.00 for the purchase of new gutters for Town Hall.
VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Youmans) – SO MOVED

Councilman Boehm stated that with the change of seasons the sooner it is done the better.

Sewer Department – WPCF Raw Influent Pumps

Supervisor Traver stated that they discussed at the Workshop the price to rebuild 2 Wemco raw influent pumps for use at the Waste Water Treatment Plant and added that he has not talked to Chief Operator Breedlove about it but he believed that Councilman Youmans was going to talk to him and he is not sure what was discussed.

Councilwoman Rogers stated that they should hold off on the topic.

Councilman Boehm suggested that they table it until the next meeting.

Councilman Touchette interjected that if it is a necessary repair and if there is money in the budget he would think that just a purchase order should be prepared by Chief Operator Breedlove and in turn submitted to the Supervisor for his signature.

Supervisor Traver stated that as the Supervisor he would feel more comfortable presenting everything to the Board and letting them know what is going on and added that if they wanted to offer a motion they could and it would be passed by the full Board that they will accept items like this.

Attorney for the Town Wukitsch stated that there are some benefit to airing such expenditures in a public forum so the public can be kept abreast of the type of spending is going on. He added that he does not think that from a strict legal standpoint, once the money is budgeted that every single expenditure needs to be approved formally but it is certainly beneficial to bring it to the public and let them see what is going on.

EMS Agreement 2011

Councilman Boehm stated that he had conversation with Starr Ross and they are waiting to hear from the Town of New Baltimore about the renewal of their agreement, which will make a big difference on what they look at and once that is done they can move forward on it.

Supervisor Traver stated that they would table it until the next Town Board Meeting.

Water Rents

Supervisor Traver asked that Town Clerk Millious talk about water rents.

Town Clerk Millious stated that in May she had mentioned to the Town Board that it was brought to her attention that she can not re-levy unpaid water on the property tax bills as well as receiving information that she is not authorized to collect the water rents. She continued by saying that she wanted to bring this to the Board's attention and they have Attorney for the Town Wukitsch's opinion. She added that they are now going in to the second half and the Village is looking for the address changes and she did collect the first half and the money is paid upfront to the Village and the warrant was \$82,779.80 with unpaids to date of \$23,550.78, which she is concerned with. She concluded by asking what the Board wishes to do with the water collection and went on by saying that she believes that they all received the opinion of Attorney for the Town Wukitsch.

Councilman Boehm asked Attorney for the Town Wukitsch what he would recommend based on his decision.

Attorney for the Town Wukitsch stated that the Town with the benefit of counsel entered into an agreement 28 years ago, which permitted this practice but in taking a fresh look at the law, he stands by his opinion and continued by reading a quote from his conclusion as follows:

“Delinquent water charges owed by users of the Village water system or located outside the Village may not be collected by the inclusion of such delinquent amounts on the Town Tax Roll”

Attorney for the Tow Wukitsch stated that he thinks it is pretty straight forward in terms of legal research and if the practice that has been going on for 28 years is unauthorized, it is not authorized by State Law and concluded by saying that he would not recommend continuing it in the future.

Supervisor Traver inquired as to if it would be wise to contact the Village Attorney to advise them what is going on as far as the findings.

Attorney for the Town Wukitsch stated that it could be the next step if that is they way that the Board wants to proceed.

Councilman Boehm stated that it should be shared with the Village Attorney as well as the Village Trustees.

Attorney for the Town Wukitsch agreed.

Councilman Boehm asked Supervisor Traver if he wanted to provide a copy of the opinion.

Supervisor Traver stated that he would provide a copy to the Mayor as well as the Village Board and if there are any questions they can contact Attorney for the Town Wukitsch and continued by asking in the meantime how Town Clerk Millious should proceed.

Attorney for the Town Wukitsch stated that it might be a better idea if he contacted the Village Attorney and share with him a summary of his findings and then go from there.

Councilwoman Rogers stated that it was a good idea.

Attorney for the Town Wukitsch stated that they should do it attorney to attorney.

Supervisor Traver asked that Attorney for the Town Wukitsch let Town Clerk Millious know once he does it because they are so close to the next billing cycle.

Attorney for the Town Wukitsch stated that he will do it right away.

Police Department – Purchase of New Vehicle

Supervisor Traver stated that the next item on the agenda was a motion to authorize the purchase of a police vehicle and continued by saying that he was asking that a motion be made to authorize the Chief of Police to purchase a fully equipped 2010 Crown Victoria in the amount not to exceed \$36,000.00 and to direct the Supervisor to determine the appropriate budget or fiscal source to pay for this purchase. He then asked for a motion.

Councilman Boehm interjected that it was a motion and added that he would second the motion.

Councilman Touchette asked to discuss it and continued by saying that his feeling is that if it is a three year budget item it should be a BAN or bonded rather than paying it in cash out of this year's budget. He then asked if Supervisor Traver had any plans or idea on how he is going to fund it.

Supervisor Traver stated that he would be sitting down with the Bookkeeper and contacting the banks to find out the proper procedure for a BAN.

Councilman Touchette inquired as to if it will be a BAN.

Supervisor Traver stated that he would suggest that it be by BAN.

Councilman Boehm asked that he amend the motion to reflect that.

MOTION

On motion of Supervisor Traver, seconded by Councilman Boehm, authorizing the purchase a fully equipped Crown Victoria in the amount not to exceed \$36,000.00 and direct the Supervisor to obtain information about a BAN.

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

NEW BUSINESS

Police Department – Town Employee Driver's License

Supervisor Traver asked that Chief Darlington discuss his memo regarding Town Employee Driver's Licenses.

Chief Darlington stated that late March he received a Newsletter from the insurance carrier recommending that the Town perform annual license checks on Town employees

who operate town vehicles to determine their qualification and effects on the insurance. He added that currently the Police Department does it and at one point they were doing it for the Town but they have not done it in the three years that he has been Chief. He continued by saying that it is his request as to whether the Town wants to continue this procedure and if so he will need a copy driver's licenses.

Councilman Boehm inquired as to if he would prepare an abstract on all Town employees.

Chief Darlington stated that he would report anything that's not noted on any previous years to the Supervisor's Office and department heads and it would be done directly by his office by either himself or Dawn for confidentiality purposes.

Councilman Boehm stated that it is a safety issue and is important to find out that everyone has a license, which could be suspended and continued by saying that he would like to offer a motion and continued by asking if there is anyone that does not drive a Town vehicle and would be excluded.

Supervisor Traver stated that it would be some of the secretaries that don't have access to the vehicles.

Chief Darlington stated that the court doesn't as well as the Town Clerk's Office but Highway, Parks and Building Departments do and the Highway Clerk has at times used Town vehicles. He added that he believes it would be everything other than the main offices upstairs at Town Hall and he does not know if the Building Department clerk or Assessors clerk staff does.

Supervisor Traver stated that the Assessor's staff does.

Councilman Touchette inquired as to what happens if a report comes back that a license is suspended.

Chief Darlington stated that he would immediately notify the department head and they would not be allowed to drive and in turn the Town Board and department head would have to decide ultimately what would transpire with that employee. He continued by saying that he would caution on the side of suspension, since suspensions are caused by insurance companies not being diligent in their reporting and it would be a matter that the employee would have to show whether it was in fact cleared and in turn they could come up with steps to deal with those issues.

Councilman Boehm inquired about issues such as excessive speed and driving while intoxicated.

Chief Darlington stated that this would be something where they would contact the insurance company to find out what the impact would be on the Town and they should take proactive action and look into it now rather than waiting for an incident to happen and find out that they are going to be open to more.

Councilman Touchette stated that he would like for this to be a Policy of the Town and adopted into the Personnel Policy and annually pick an arbitrary date as well as new employees being checked after they are hired.

Councilman Boehm stated that he agrees.

Chief Darlington stated that he can check with NYMIR and added that they have several sample policies and in turn he can present one to the Board.

Attorney for the Town Wukitsch stated that another question is that they have to determine if it impacts any of the Collective Bargaining Agreements.

Highway Superintendent Deering stated that he believes that there is something in the Handbook that pertains to that.

Councilman Boehm inquired as to if there is something in the Union Agreement that prevents them from doing this.

Highway Superintendent Deering stated that he does not believe so but he is not sure.

Attorney for the Town Wukitsch stated that they are acquiring information about the employees and it may be a situation where you at least have to bring it to the attention of the Union and acquire their consent because otherwise they could conceivably file a grievance depending on whether or not it is covered in the Collective Bargaining Agreement. He continued by asking if it is being done as a condition of hire or rather a check on the existing employees.

Chief Darlington stated that was correct.

Attorney for the Town Wukitsch stated that it could be a determining condition of employment, which could be something that conflicts with the Collective Bargaining Agreement that is already in place. He continued by saying that he is not saying that it's not a good idea but rather they need to make sure that everyone is on board.

Councilman Boehm inquired if the Agreement is that detailed and stated that if you are a driver or operator you have to have a license to drive a vehicle. He continued by saying that he does not see how you could grieve that because it seems so basic.

Attorney for the Town Wukitsch interjected that you would think that drug testing is basic too and that a person can't come to work intoxicated or under the influence of drugs. He added that there has been so much litigation that has been created involving employers who have imposed drug testing without consent from the unions that are involved. He concluded by saying that it is not an identical issue but it is analogous.

Councilman Boehm inquired as to if he is recommending that they hold off until they review the Union Contracts.

Attorney for the Town Wukitsch stated that they need to review them to make sure that they are not creating an issue.

Councilman Boehm asked Attorney for the Town Wukitsch if he could do that.

Attorney for the Town Wukitsch stated that he could.

Councilman Boehm stated that based on his decision and if it is ok, he can authorize the Chief to run the abstracts.

Chief Darlington stated that the only union that it will be an issue with is the regular Town employees and added that as far as Council 82, it is in their manual and they do it annually.

Councilman Boehm interjected that they can break it down.

Supervisor Traver stated that there was a motion from Councilman Boehm and he needs a second.

Councilman Touchette stated that he would second it but it would be contingent on Attorney for the Town Wukitsch's approval.

MOTION

On motion of Councilman Boehm, seconded by Councilman Touchette, authorizing Chief Darlington to run an abstract of Town employee driver's licenses contingent on Attorney for the Town Wukitsch's approval.

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

MOTIONS

Accept Resignation of Police Department Employee

Supervisor Traver stated that he was offering a motion to accept the resignation of Police Department employee Justin Rivituso, part-time Telecommunicator, effective August 31, 2010 and then asked for a second.

MOTION

On motion of Supervisor Traver, seconded by Councilwoman Rogers, accepting the resignation of Justin Rivituso, part-time Telecommunicator.

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

Authorize Exchange of Services Agreement with American Legion

Supervisor Traver asked for a motion to authorize an Exchange of Services Agreement with American Legion Post #114 for 2010.

Councilman Boehm inquired as to the amount.

Collectively the Board advised that it is \$1,000.00.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Boehm, authorizing the Supervisor to enter into an Exchange of Services Agreement with American Legion Post #114.

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

Authorize Town Clerk to Put Sludge Hauling Out to Bid

Supervisor Traver stated that he was offering a motion authorizing Town Clerk Diane Millious to put the sludge hauling out to bid.

Councilman Boehm stated that he would second it for discussion and continued by asking how it is bid out and whether it is by gallon or by haul.

Town Clerk Millious stated that she and Chief Operator Breedlove had discussed the bid earlier in the day.

Councilman Boehm stated that they talked about a sludge pen so the truck would be full each time, which would be cheaper than having them come down every couple of days.

Councilman Touchette stated that it was a recommendation in the report

Town Clerk Millious stated that the specs should say “hauling waste water treatment plant sludge to Albany County Sewer District south plant, Port of Albany” and added that it was taken from when they bid it out in 2002. She continued by saying that it was changed a little because the Town had their own tanker.

Councilman Boehm inquired as to if it will be a price per gallon.

Town Clerk Millious stated that on the bid specification it says price per gallon and price per trip and added that she wanted the Town Board to take a look at it to make sure that it is right.

Councilman Boehm interjected that price per gallon makes the most sense to him.

Councilwoman Rogers inquired as if they know if the tanker is full or if they are just making trips.

Councilman Boehm stated that this is what he does not know and when they come down twice a week they might be taking ½ truck loads.

Councilman Touchette stated that he thinks it was part of the recommendation to expand and there would be fewer trips, which would cost less.

Supervisor Traver stated that he believes that the way it is done now is that they call and there is at least 1-2 truck loads a day 2-3 times a week depending on the sludge.

Councilman Boehm stated that from the gauge it is broken down by gallons.

Councilman Touchette stated that they pay for disposal by the gallon.

Town Clerk Millious stated that she has vouchers showing them how they break it down.

Supervisor Traver stated that the per gallon charge is from Albany County and the hauling is different.

Councilman Touchette stated that he just wants to make sure that they are comparing apples to apples.

Supervisor Traver asked if they should table it for now until they do some more research.

Councilman Touchette stated that it should be how Chief Operator Breedlove would like to do it.

Town Clerk Millious inquired as to if they want to see price per gallon.

Councilman Boehm stated that they can approve putting it out to bid and in turn Supervisor Traver can talk with Chief Operator Breedlove to find out the best and most appropriate way to word it and in turn he could communicate it back to the Board. He added that he thinks that it is a good idea to put it out to bid and maybe they can save some money.

Town Clerk Millious stated that Chief Operator Breedlove put it together.

MOTION

On motion of Councilman Boehm, seconded by Supervisor Traver to put the disposal of sludge out to bid based upon the conversations which will determine whether it will be per gallon or per trip.

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

Councilman Boehm stated that they need to understand the bids when they come back so they can make a decision on the best price.

Councilman Touchette stated that he thinks that it is important because the Comptroller is implying that they need to look at purchases of aggregate.

Authorize Contract for Renewal of Software Support

Supervisor Traver stated that at a Town Board Meeting they discussed the Assessor's use of SDG Software, who provides the database of homes online, which is used to compare and get information for grieving the value of your home versus others. He added that it was decided that the cost is well worth it because it potentially can save the Town the administrative cost of grievances because residents could check their home value versus others in the area themselves online as well as providing a spirit of openness in allowing residents access to the information. He continued by saying that the cost for this service is \$1,200.00, which is the same amount as last year and then offered a motion authorizing him to sign a Renewal Agreement with SDG, which will allow Town Assessor VanValkenburg to administer the contract as well as authorizing the payment of \$1,200.00 by voucher to SDG.

MOTION

On motion of Supervisor Traver, seconded by Councilwoman Rogers, authorizing a renewal agreement for SDG Software in the amount of \$1,200.00
VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Youmans) – SO MOVED

Authorize Purchase of Office Software through ITS

Supervisor Traver stated that at a Town Board Meeting on August 9th the Town Board hired Intelligent Technology Solutions as its technology service provider and after examination of the server and computer systems of the Town; one of the recommendations is for the Town to purchase updated software such as Microsoft Office 2010 and Windows 7 Upgrade. He continued by saying that the quote for the upgrade and purchase is \$5,150.00, which would provide the software for every computer in the Town's inventory. He then asked for a motion to authorize the purchase, authorize the Supervisor to sign the agreement to purchase the software and authorize the expenditure of money to pay for this purchase.

MOTION

On motion of Supervisor Traver, seconded by Councilman Touchette, authorizing the purchase of software, authorize the Supervisor to sign the purchase agreement and authorize the expenditure to pay for it.

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

Councilman Touchette inquired as to if the number of computers in the Town is 32.

Supervisor Traver stated that it is.

Councilman Touchette inquired as to if there is an inventory of them and if the Town needs 32 and continued by asking if they are all in use.

Supervisor Traver stated that they are all in use.

Councilman Touchette inquired as to if this resolves anything with the server.

Supervisor Traver asked Town Clerk Millious if she knew.

Town Clerk Millious stated that this was an extra finding.

Council Boehm and Rogers collectively stated that it is part of the package.

Councilman Touchette inquired as to if they are still working on the server.

Town Clerk Millious stated that they are working with everything and at this point they cannot do any upgrades to it because it would show errors and added that without the upgrades, they can't move forward.

RESOLUTIONS

RES. #75-10 ADOPT LOCAL LAW #2-10

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

Attorney for the Town Wukitsch stated that there needed to be a roll-call vote, Town Clerk Millious continued with the roll-call vote as follows:

Supervisor Traver AYE
Councilwoman Rogers AYE

Councilman Boehm AYE
Councilman Youmans ABSENT
Councilman Touchette AYE

**RESOLUTION AUTHORIZING ADOPTION OF
LOCAL LAW #2-2010, AMENDING ARTICLE I, “SEWER RENTS”
OF CHAPTER 134 OF THE CODE OF THE TOWN OF COEYMANS**

WHEREAS, the amending of Article I, “Sewer Rents”, of Chapter 134 of the Code of the Town of Coeymans was introduced by a member of the Board at a meeting of the Town Board on January 11, 2010, and

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

WHEREAS, said Public Hearing was duly held on August 19, 2010 at 6:00pm at Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition of the Proposed Local Law, or any part thereof, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans hereby adopts Local Law #2-2010 Amending Article I, “Sewer Rents” of Chapter 134 of the Code of the Town of Coeymans, 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 New York.

**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.

RES. #76-10 SET SEWER RENTS AND AUTHORIZE TOWN CLERK TO COLLECT SECOND HALF

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

WHEREAS, the Town Board of the Town of Coeymans passed Resolution #120-09, authorizing the Town Clerk to collect an established sewer rate, and

WHEREAS, the Village of Ravena and the Town of Coeymans did enter into a Shared Services Agreement, made on July 6, 2010, signed by the Town on July 29, 2010 and the Village on August 5, 2010, which changed the percentages to be collected by each municipality, and

WHEREAS, as a result of current changes in the abovementioned agreement the sewer rates for 2010 need to be amended, and

WHEREAS, A Public Hearing on the proposed new sewer rates was held at 6:30pm on August 19, 2010, pursuant to Section 452 of the General Municipal Law, and

WHEREAS, the Town Board considers the number of uses per parcel to calculate the parcel billing for operation and maintenance and capital improvements, and each use is hereby charged:

\$494.43/year	Residential & Commercial – Coeymans Sewer District
\$494.43/year	Industrial User
\$100.00/year	Vacant Lot
\$494.43/year	Martins Hill Gray Water User
\$494.43/year	Out-of-District User
\$221,700.00/year	Village of Ravena (billed monthly), and

WHEREAS, Local Law allows for a late penalty to be imposed on all balances thirty days from the due date of the billing.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby amend the motion made on December 28, 2009, to reflect the change in the 2010 Sewer Warrant, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Coeymans does hereby authorize the Town Clerk to collect for the first billing cycle and second billing cycle of 2010, pursuant to the above established rates.

RES. #77-10 AUTHORIZE COMPLETION OF AUDIT FOR JUSTICE COURT
On motion of Supervisor Traver, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Youmans) – SO MOVED

WHEREAS, the Town Board must complete and has completed an audit in accordance with Town Law Section 123 and Section 2019-a of the Uniform Court Act, of all Town Justices and,

WHEREAS, the Town Board has adopted an audit procedure, based on the Local Management Guide, Fiscal Oversight Responsibilities, published by the State of New York Office of the State Comptroller, on May 14, 2007 to be applied to records of each Town Justice, and

WHEREAS, the Town Board has completed the audit on August 17, 2010,

NOW, THEREFORE, BE IT RESOLVED, the records of Town Justice Dardani have been reviewed by the following reviewers and have concluded as follows:

<u>Board Member</u>	<u>Conclusion</u>
Henry C. Traver	See attached checklist/comments
Dawn Rogers	See attached checklist/comments
Thomas Boehm	See attached checklist/comments
James Youmans	See attached checklist/comments
Richard Touchette	See attached checklist/comments

The records of Town Justice Reilly have been reviewed by the following reviewers and have concluded as follows:

<u>Board Member</u>	<u>Conclusion</u>
Henry C. Traver	See attached checklist/comments
Dawn Rogers	See attached checklist/comments
Thomas Boehm	See attached checklist/comments
James Youmans	See attached checklist/comments
Richard Touchette	See attached checklist/comments

The completed checklists, which include the reviewer's comments and conclusions, are made part of this resolution.

Councilman Touchette inquired as to if the checklists will be included in the minutes.

Town Clerk Millious stated that they are kept in a notebook on file in the Town Clerk's Office.

Councilman Boehm asked if they are available to the public for anyone that wants to see them.

Town Clerk Millious stated that they are.

RES. #78-10 AUTHORIZE COMPLETION OF AUDIT FOR TOWN OFFICIALS THAT HANDLE CASH

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

WHEREAS, the Town Board must complete or have completed an audit, in accordance with Section 123 of Town Law, of all Town Officials that handle cash, and

WHEREAS, the Town Board has adopted an audit procedure, based on the Local Management Guide, Fiscal Oversight Responsibilities, published by the State of New York Office of the State Comptroller, on May 14, 2007, to be applied to the records of each Town Official that handles cash, and

WHEREAS, the Town Board has completed the audit on August 17, 2010,

NOW, THEREFORE, BE IT RESOLVED, that the records of the Town Supervisor have been reviewed by the following reviewers and have concluded as follows:

<u>Board Member</u>	<u>Conclusion</u>
Henry C. Traver	See attached checklist/comments
Dawn Rogers	See attached checklist/comments
Thomas Boehm	See attached checklist/comments
James Youmans	See attached checklist/comments
Richard Touchette	See attached checklist/comments

The records of the Town Clerk have been reviewed by the following reviewers and have concluded as follows:

<u>Board Member</u>	<u>Conclusion</u>
Henry C. Traver	See attached checklist/comments
Dawn Rogers	See attached checklist/comments
Thomas Boehm	See attached checklist/comments
James Youmans	See attached checklist/comments
Richard Touchette	See attached checklist/comments

The records of the Receiver of Taxes have been reviewed by the following reviewers and have concluded as follows:

<u>Board Member</u>	<u>Conclusion</u>
Henry C. Traver	See attached checklist/comments
Dawn Rogers	See attached checklist/comments
Thomas Boehm	See attached checklist/comments
James Youmans	See attached checklist/comments
Richard Touchette	See attached checklist/comments

The records of the Town Clerk's collection of water receipts have been reviewed by the following reviewers and have concluded as follows:

<u>Board Member</u>	<u>Conclusion</u>
Henry C. Traver	See attached checklist/comments
Dawn Rogers	See attached checklist/comments
Thomas Boehm	See attached checklist/comments
James Youmans	See attached checklist/comments
Richard Touchette	See attached checklist/comments

The records of the Town Clerk's collection of sewer receipts have been reviewed by the following reviewers and have concluded as follows:

<u>Board Member</u>	<u>Conclusion</u>
Henry C. Traver	See attached checklist/comments
Dawn Rogers	See attached checklist/comments
Thomas Boehm	See attached checklist/comments
James Youmans	See attached checklist/comments
Richard Touchette	See attached checklist/comments

The records of the Police Chief's collection of bail and other cash receipts have been reviewed by the following reviewers and have concluded as follows:

<u>Board Member</u>	<u>Conclusion</u>
Henry C. Traver	See attached checklist/comments
Dawn Rogers	See attached checklist/comments
Thomas Boehm	See attached checklist/comments
James Youmans	See attached checklist/comments
Richard Touchette	See attached checklist/comments

RES. #79-10 APPROVE AUGUST 2010 ABSTRACT

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

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

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

FUND	VOUCHER #	AMOUNT
GENERAL (A)		
General Pre-Pay	1422-1433,1435-1474	\$222,658.35
General	1519-1561	\$103,161.57
	General Total	\$325,819.92
POLICE FORFEITURE (A)		
Police Forfeiture Pre-Pay	1475	\$ 740.00
	Police Forf. Total	\$ 740.00
PART-TOWN (B)		
Part-Town Pre-Pay	1434,1476-1490	\$319,327.28
Part-Town	1562-1567	\$ 3,845.64
	Part Town Total	\$323,172.92
HIGHWAY (D)		
Highway Pre-Pay	1491-1497	\$ 33,107.34
Highway	1568-1608	\$ 52,727.58
	Highway Total	\$ 85,834.92
SEWER (SS)		
Sewer Pre-Pay	1498-1512	\$ 14,498.23
Sewer	1609-1625	\$ 15,299.12
	Sewer Total	\$ 29,797.35

CAP. PROJ. H-35		
Cap. Proj. Pre-Pay	1626	\$ 1,676.48
	Cap. Proj. Total	\$ 1,676.48
	Total for all Funds	\$767,041.59
TRUST & AGENCY (TA)		
Trust & Agency Pre-Pay	1513-1518	\$224,467.14
	Trust & Agcy. Total	\$224,467.14

RES. #80-10 AUTHORIZE BENETECH TO PREPARE CONTRACTS FOR CDPHP

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

WHEREAS, the Town of Coeymans provides health insurance to employees and retirees, and

WHEREAS, the Town pays the majority of the cost of the employee and retiree paying a portion of the cost, and

WHEREAS, the Town has reviewed the options for annual health insurance coverage available for the period of September 1, 2010 to August 31, 2011, and

WHEREAS, input has been obtained from the employees and retirees with regard to options,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans has selected CDPHP HMO 25 for employees and MVP Medicare Gold are hereby authorized.

BE IT FURTHER RESOLVED, that the Town Board directs our health insurance consultant, Benetech, to prepare the contracts for CDPHP HOM 25 and MVP Medicare Gold for the year September 1, 2010 to August 31, 2011.

Councilman Boehm asked if the rates on the back are the premiums.

Supervisor Traver stated that it shows single, double and family.

Councilman Touchette inquired as to what the increase is from last year.

Tape Change - some conversation was not recorded and there is no video.

PUBLIC COMMENT

Supervisor Traver invited the public to comment at this time.

Mr. John Hillman stated that he got a letter from Code Enforcement about his dumpster being in public view and it being a violation of the Code and added that a \$50.00 fine or 15 days in jail is a kick in the teeth. He continued by saying that he took some pictures as well as taking a survey at his shop for 13 business days, and he has over 50 signatures to his question whether or not his dumpster’s appearance bothers them when they come into his facility and not one person said it does. He added that Mr. Conrad is the only person that does not like his dumpster and he went to school with him and could have come to him and talked to him instead of sitting in the vacant lot across the street and waving to

him. He went on by saying that he does not want to put a fence around it and everyone is going through hard economic times, including himself and he does not want to incur an expense of \$400.00 - \$500.00 to put a fence around a dumpster that is clean and neat and never over-flowing. He continued by saying that he also has pictures of other dumpsters in the area and he does not know if they also received letters but he would like to know. He added by saying that the Town needs to take a look at the businesses that have closed up, moved or are for sale, and Main Street is no beauty and the fact is that he has tried to keep his business neat and orderly. He continued by saying that he would have to worry about customer's cars being hit with the garbage man flinging open the door at 4:00am or someone hiding behind it ready to engage in a criminal act like jumping someone that is picking up their car. He went on by saying that the dumpster has been in five different places since he built his business in 1987-1988 and the reason that it is in the corner is because the owner of Deli-Plus does not want him driving across his fresh blacktop with the garbage truck. He continued by saying that he invites any of them to drive 55mph past his business and see where his dumpster might be bothering them and added that it seems like an asinine request for him to have to move his dumpster or put a fence around it and incur more debt. He concluded by saying that it is hard enough to run a business and people are going out of business everyday and there has been no one in the past five years that have wanted to go in business around here and added that if anyone wants to talk logic about it, he is here.

Councilman Boehm asked that Mr. Hillman leave his pictures for review.

Mr. Hillman stated that he would.

Ms. Mary Driscoll stated that as President of the Ladies Auxiliary to VFW Post #9594 she wanted to tell the Board about a Remembrance Walk on September 11th at Village Hall, 10:00am in the morning. She continued by saying that they will be joining thousands of communities in remembering the victims of 9-11 as well as honoring the local heroes, Fire Departments, Police Department, and Rescue Squad. She concluded by saying that they wanted to invite everyone to join in a short impressive ceremony.

Mr. Larry Conrad stated that he wanted to point out that he was not present in any official capacity and had listened to the discussion about the Water District earlier and it seems that there are some facts that are being left out of the picture that he feels should be brought into the picture. He added that Attorney for the Town Wukitsch referred to the fact that a contract was consummated back in the 80's, which is the most recent contract that was developed between the Village and Town basically because of the fact that the Town had no billing capacity at that time. He went on by saying that the contract that was consummated by then Supervisor John T. Biscione was the way it was done back then, a handshake a hit and a miss and away they went and they probably tried to escape some of the legalities of the law. He continued by saying that he brought it to Town Clerk Millious' attention that she does not have authority to collect those bills or interest and it was based on the same thing that they passed earlier, Local Law 2-04, which authorizes collection of Sewer Rents, which they can do because there is a Sewer District. He added that he also wanted to point out that the Coeymans Water District was originally consummated in 1896 and has been reformulated three times since then and it is a District just like the Coeymans Hamlet Sewer District and there are obligations in dealing with districts and you don't just disband them or hand them off. He went on by saying that the Town Board is obligated to look out for those districts and those districts depend on the Board to take care of the district users, whether it is water or sewer and it appears based on discussions that he's heard that they are just going to do away with the Water Billing and let the Village take it over. He continued by saying that he'd like to point out that just like the Sewer Billings that they have the ability to do now, that same Sewer Billing will also do a Water Billing and there is the capability to do it in-house in the Town of Coeymans and Town Clerk Millious can verify that the Sewer Billing that she uses already has the Water Billing loaded on it and because of the way that the Village keeps track of the rates, it is problematic for her office to keep track of who owes what and what penalties of interest are due. He concluded by saying that he would suggest that in the discussion with Attorney for the Town Wukitsch and the Village that they look at the possibility of another Local Law authorizing Town Clerk Millious to collect the Water Rents.

Councilman Touchette asked that he respond to Mr. Hillman's comments.

Mr. Conrad stated that he is the Code Enforcement Officer for the Town of Coeymans who represents the Town of Coeymans and he has a job to do. He added that Mr. Hillman has not been singled out and there are many letters that have been sent out from the Town of Coeymans line in the south at the Town of New Baltimore line to the Town of Bethlehem line. He continued by saying that it is Section 102-7 of the Code that he has provided to Supervisor Traver and basically he is doing what the Code says in that a dumpster should be obscured and a fence does not have to be put up, he can move it around behind the building. He went on by saying that when you send out a letter to one business you can't discriminate against all the rest and there are others like Key Bank that have complied and put up a fence and some foliage to block the view of their dumpster and it is a matter of trying to maintain some kind of façade along the 9W Corridor so it's not quite so harsh in the future. He continued by saying that the law was put into place in 2000 and if the Board wants to do away with it in 2010 so be it but until then he has a job to enforce the Code.

Ms. Mary Pape stated that she wanted to know when the Board's next discussion regarding the Port of Coeymans and the Coeymans Police Department is going to be.

Supervisor Traver stated that it will be once they have the information back as far as the legalities.

Ms. Mary Pape asked if there would be a Workshop or sometime when the public can present their feelings on it.

Councilman Boehm interjected that she could do it now if she wanted.

Ms. Mary Pape stated that she doesn't really have any information and it is too limited to form an opinion. She added that just off the top of her head she does not have a good feeling about it but she has very limited information and it's always been her understanding that the Police Department is already overwhelmed with the needs that the Town and Village has and they are already over capacity. She continued by saying that she really would question taking on a private security job and as a taxpayer she does not want to pay for her Police Department, who is already overworked, to be affording private security for a private company. She went on by saying that she does not think that the Albany Police are the security for the Port of Albany and she believes that they retain a private company for that as well as the Hudson being an international river, which makes it under Homeland Security. She then asked how that would affect the Town of Coeymans Police status and if they become Homeland Security.

Supervisor Traver stated that the Port is in the Town of Coeymans and if there are calls at the Port, the Coeymans Police Department would respond to all calls for down there.

Ms. Pape asked if the was referring to now or then.

Supervisor Traver stated that it is for now and if there is a call for assistance the Coeymans Police Department would respond.

Ms. Pape stated that she asked two years ago who the security would be for the Port of Coeymans and she never got an answer from the Town Board or her State Representative and now all of the sudden this has surfaced. She added that she thinks it should be a private company that the Board would hire to be their security and if some of the Town of Coeymans Police force want to do it on their own time, it is their business and then reiterated that she does not feel that it is something that the Town's Police Department should be doing because they've already got their hands full with the Town.

Councilman Touchette stated that when it is on an agenda for the future, the agendas are published on the Town's website in advance and suggested that she check the website before the meetings she can see what is going to be on the agenda.

Ms. Pape stated that she thought it was true about the agendas being on the website but regarding the sewer issues that went on last week, there wasn't anything on the website and she would not have known about it if people hadn't told her by word of mouth. She continued by saying that if she can trust that the information is really going to be there, which is wonderful to have it there, it would be great and reiterated that she would like to be present to hear that discussion.

Chief Darlington stated that he wanted to make a couple of comments and added that the question about the Homeland Security and the opportunity to provide security there would open up grant funding through the Department of Homeland Security because they are directly involved with the Port of Coeymans. He continued by saying that the intent of him presenting this would not cost the taxpayers and in fact it would be a revenue source to the point that it could potentially create enough revenue to put another officer on the road protecting the Town of Coeymans with no cost to the taxpayers. He added that there were some preliminary numbers that they were looking at and some insurance questions did come up. He went on by saying that the Port of Coeymans currently hires private security and if there is an issue they do not address it and they call the police. He went on by saying that the definition of security is questionable and his concern is what the true security is with international ships entering the Town.

Ms. Pape inquired as to when it is discussed further and whether or not the public is going to be able to participate in the discussion.

Supervisor Traver stated that they will be able to participate and continued by asking if there were any additional comments.

Mr. John Hillman stated that he wanted to clear something up with Larry Conrad's comment and added that he is not zeroing in on him and only mentioned his name because he is the one that signed both letters that he received. He continued by saying that he is just asking for communication and this is how things get accomplished and he is easily accessible and a phone call or stopping in and saying that there was a problem and in talking about it they maybe could have gotten a resolution instead of sending letters. He went on by saying that he is an upfront type person and doesn't hide behind letters, e-mails, or voice mails and would like to be upfront and get the problem solved, if there is such a problem and reiterated that he is not zeroing in on Larry Conrad and he wanted to make that clear but he is the one that signed the two letters and this is why he mentioned his name.

Supervisor Traver asked if anyone else wished to address the Board, hearing none he moved to the next item on the agenda.

CORRESPONDENCE

Ladies Auxiliary – Memory Walk

Supervisor Traver stated that Mary Driscoll spoke about the Ladies Auxiliary Memory Walk earlier in the meeting.

Supervisor, Town of Barker, NY – Marcellus Shale

Supervisor Traver stated that he received a letter from the Supervisor of the Town of Barker looking for some assistance from the Town Board in passing resolutions regarding the Marcellus Shale. He continued by saying that he is checking into it and he wanted to let the Town Board and public know that there is a possible formation of Marcellus Shale in part of the Town of Coeymans in the Gedney Hill area and down the road it may become a concern for the Town of Coeymans.

Councilman Touchette stated that the Supervisor is asking for support by resolution.

Attorney for the Town Wukitsch stated that it is a resolution of support.

Councilman Touchette stated that it is a resolution supporting the drilling of Marcellus Shale and added that at this time he does not have enough information.

Supervisor Traver stated that he agreed and added that it may be something that they will be concerned with because a portion of it may be in the Town of Coeymans.

Town Attorney Wukitsch, Town of Coeymans Public Housing Agency NY

Supervisor Traver stated that he was in receipt of a copy of a letter from McNamee, Lochner, Titus & Williams, P.C. to Leavenworth and Company and continued by reading the following:

Leavenworth & Co., CPA's, PLLC
2600 State Hwy. 30A
Fonda, NY 12068

RE: Town of Coeymans Public Housing Agency, New York

Dear Sirs:

By letter dated August 11, 2010 and in connection with your audit of the Town of Coeymans Public Housing Agency (the "Town PHA"), we have been requested by Henry C. Traver, Supervisor, to furnish you with certain information concerning the Town PHA.

Our response is made in conformance with and is limited by the ABA Statement of Policy regarding Lawyers' Responses to Auditors' Requests for Information issued in December 1975.

Subject to the foregoing, this will confirm that as of December 31, 2009 and as of this date, there are no matters involving pending or threatened litigation or lawsuits, with respect to which we have been engaged and to which we have devoted substantive attention on behalf of the Town PHA in the form of legal consultation or representation which pose any risk of liability to the Town PHA.

Based on available knowledge, we confirm management's belief that there are no unasserted claims which are probable of assertion or which, if asserted, would have at least a reasonable possibility of an unfavorable outcome.

Our response is limited to matters upon which we have been consulted, and we specifically disclaim any undertaking to opine on matters for which this firm has not been consulted. Further, we have not conducted an investigation to determine whether there are other matters upon which we have not been consulted, which would alter the opinions expressed above.

We are not aware of any other matters which we feel would assist you in arriving at an opinion concerning the financial position of the Town PHA. This will confirm as correct the Town PHA's understanding as set forth in its letter to us that whenever, in the course of performing legal services for the Town PHA with respect to a matter recognized to involve unasserted possible claims or assessments that may call for financial statement disclosure, we have formed a professional conclusion that the Town PHA must disclose or consider disclosure concerning such possible claim or assessment, we, as a matter of professional responsibility, will so advise and will consult with the Town concerning the question of such disclosure and the applicable requirements of Statement of Financial Accounting Standards #5.

As of this date, there is \$0.00 due this firm for billed services or unbilled services. Legal fees, if any, paid this firm in 2009 were attributable entirely to the normal Town PHA legal services.

We are not aware of any filings under the Uniform Commercial Code or of any other assignment of the Town PHA's assets. We have not concluded a search of public records for purposes of locating any filings or assignments.

The information set forth in this letter is given as of the date of the audit, although it reflects changes to the date of this letter. We disclaim any undertaking to advise you of changes which hereafter may be brought to our attention.

This letter is solely for your information in connection with your examination of the foregoing financial statements and your reports with respect thereto, and shall not be quoted in whole or in part or otherwise referred to in any financial statements of the Town PHA on your report with respect thereto or in any other document, nor shall it be filed or furnished to a governmental agency or other person without our prior written consent.

Very truly yours,

McNamee, Lochner, Titus & Williams, P.C.

David Wukitsch

Councilman Touchette stated that this is a standard letter that is written for any audit and continued by asking if it is typically required before the final audit statement is issued.

Attorney for the Town Wukitsch stated that it is.

Councilman Touchette stated that the final audit statement was issued several months ago.

Attorney for the Town Wukitsch stated that he issued the opinion as soon as he got the request for it.

Councilman Touchette stated that the request was in August of this year.

Attorney for the Town Wukitsch stated that was correct.

Councilman Boehm stated that he had a correspondence to share and added that he received a copy of a letter from the Office of State Comptroller from Anthony J. Dolan, C.P.A., which was copied to all the Town Board Members and continued by reading the following:

Dear Town Supervisor Traver,

Despite previous correspondence with your office, your Annual Financial Report for fiscal year ending 12-31-09 remains delinquent. Pursuant to Municipal Law 30 your Annual Report should have been filed with the Office of the State Comptroller on May 1, 2010. In as such, a timely report impacts the entire municipality a copy of this letter is being distributed to each member of your municipality's legislative body. We recognize that the demands of your office may conflict with your efforts to complete the report; however we must emphasize the importance of the information in the Annual Financial Report to the managers within your municipality and a wide variety of external users. Our prior correspondence noted that we provide financial data from your municipality and other local governments to the State Legislature, State agencies and other interested parties for their use in allocating resources and monitoring programs which may affect your municipality directly. We also make this information available to the general public and note those municipalities that have not filed a report with our office. To avoid negative consequences that may be associated with these circumstances, we again urge you to file your Annual Financial Report for the fiscal year ending December 31, 2009 without further delay. As we have noted in each of our earlier letters, Division of Local Government and the School of Accountability is prepared to assist you in filing your Annual Financial Report. Questions relating to accounting issues or the preparation of your Annual Financial Report should be to our regional office serving your County. A listing of New York State Counties and regional office contacts can be found on our website. For assistance with the Annual Financial Report or electronic filing software, please call (518) 474-4014.

Councilman Boehm stated that the purpose of him reading the letter is to formally ask and get a deadline, because it is severely late and when it will be completed.

Supervisor Traver stated that it is being worked on with Internal Control Officer Purinton and added that they have found a few discrepancies with some of the filings for the Report for 2009 and they are working on those issues. He continued by saying that one of the issues is with H.U.D. and they are trying to ascertain some money from H.U.D. as well as getting the audits done, which are now complete and can be added.

Councilman Boehm asked if he has reached out to the State Comptroller's Office and asked for their assistance.

Supervisor Traver stated that the last time that he spoke with them, they asked that he keep them up to date, which he has done and he advised that they are still working on it.

Councilman Boehm reiterated that they need to set a deadline or some kind of timeline and he does not know how many other letters there were and this is the first one that he copied the Board on.

Supervisor Traver stated that it is the third letter.

Councilman Boehm asked that they commit to a deadline or timeline right now so they can get the financial information to the Comptroller's Office.

Supervisor Traver stated that he will speak with Internal Control Officer Purinton to see how quick they can get the rest of the report done and added that as Supervisor he does not feel comfortable signing off on a report and would much rather have it be accurate and correct as opposed to a report that is not correct.

Councilman Boehm interjected that it still has to be filed and continued by saying that he does not know his colleagues feel but he thinks that 30 days makes sense.

Supervisor Traver stated that he can work within that timeline and will have it submitted within 30 days.

Councilman Boehm thanked Supervisor Traver.

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

ADDITIONAL COMMENTS

Supervisor Traver asked if there were any additional comments.

Chief Darlington stated that as many are aware there was a train derailment that happened right outside Town Hall and one of the cars laying on its side was an empty tanker with residue sulfuric acid and when they clarified what residue and empty meant they were advised that it is anything under 1,000 gallons. He added that it raised a concern with him about the Town employees and in the past three years he has asked for additional funding to maintain the Communications Bus, which is the Town's backup system for the Dispatch Center. He continued by saying that if the tanker were to leak they would have had to evacuate the Dispatch Center and 911 lines and the radios that are currently in the bus are outdated and inadequate and would not be able to handle it. He went on by saying that in the 2011 Budget he has asked for some funding to start upgrading the bus and it is one of those things that they keep saying will never happen but unfortunately it did and they were lucky with the results. He added that another thing that has come up is the use of the garage at the Sewer Plant and in their research he would also ask that when the mechanic works on a Sewer Plant vehicle, with the Chief Operator's salary and everything coming out of the A-Fund, that they make sure that the repair also comes out of the Sewer Fund. He continued by saying that regarding Section 8, the Police

Department has done many investigations and he has several cases where they are possibly going to be reimbursed for them. He then asked if any decision had been made as to whether or not they are going to obtain that money and what they will be doing with the possible reimbursement, which has been out there for at least a year and a half.

Attorney for the Town Wukitsch inquired as to where the reimbursement comes from.

Chief Darlington stated that he believes the way that the Internal Control Officer explained to him is that with the Section 8 Program, when someone commits fraud they are required to pay the fund back and for example out of \$20,000.00 the PHA is entitled to up to 50% of reimbursement of that money and if the Town spent \$10,000.00 investigating it, they would be reimbursed \$10,000.00.

Attorney for the Town Wukitsch inquired as to if Mastrianni Inc. agrees with their analysis.

Chief Darlington stated that Mastrianni Inc. has not agreed with anything with the Town of Coeymans regarding Section 8.

Councilman Touchette stated that they discussed it recently at a Workshop and he thought they were going to ask Attorney for the Town Wukitsch to look into it.

Supervisor Traver stated that it is beyond his scope.

Attorney for the Town Wukitsch stated that he has a stack of Federal Regulations and miscellaneous documents and other matters and added that he feels as though it is outside the scope of his retainer.

Councilman Boehm stated that it would cost more to get the money back.

Attorney for the Town Wukitsch stated that he is willing to do it and added that he does not feel that an analysis and a study of that potential claim, which has already been rejected by Mastrianni Inc., is within the scope of the services.

Councilman Boehm inquired as to what it would cost.

Councilman Touchette stated that he thought they decided at the Workshop that they were going to discuss with Attorney for the Town Wukitsch what the cost of examining it would be and in turn determine if it made sense to move forward.

Attorney for the Town Wukitsch interjected that they would have to make a claim against something and added that it does not sound like anyone is prepared to issue the Town or the Town PHA a check.

Chief Darlington stated that the Town writes the checks and it is just a matter that it would come out of that account and added that he would emphasize that if the Town does not take the money; Mastrianni gets that money and takes the recovery.

Attorney for the Town Wukitsch stated that in reading through Mastrianni's correspondence, he is of the view that the Town has no right to make a claim against those moneys and the Town is without authority to make that claim.

Chief Darlington stated that was correct.

Councilman Boehm inquired about writing a check to pay themselves and added that they would then have to come after the Town.

Attorney for the Town Wukitsch stated that he would not recommend that the Town do that unless they are on firm legal footing. He added that if they are going to take a claim adverse to Mastrianni, they better be on firm legal footing before they do it or they could get in a lot of trouble.

Chief Darlington stated that was correct and added that he will say that Mastrianni's attorney also said that the Town did not have the authority or grounds to investigate the Section 8 frauds and once the Special Agent from HUD came down and when Mastrianni refused to reveal the records, it was explained that the records are in fact the property of the Town of Coeymans. He added that the Town of Coeymans is the PHA and it says that the PHA can recover for fraud recoveries, which has been the discussion and he had asked and Internal Control Officer Purinton had asked if someone was on the Town's side and even the previous Supervisor had questioned the operation and how it is funded. He went on by saying that he along with Internal Control were looking for someone on the Town's side to review it and give an official decision.

Councilman Touchette inquired as to if his recollection was correct that they were going to ask Attorney for the Town Wukitsch to give them some sort of ballpark figure as to what it might cost to give an opinion.

Supervisor Traver stated that they discussed how many days it would take him to investigate and see if it is worth going forward to see if they can recoup some of the money.

Chief Darlington stated that he believes that there is a substantial amount of money.

Supervisor Traver stated that there is over \$40,000.00 right now.

Attorney for the Town Wukitsch stated that he would share with the Board an estimate of what he thinks that it would take.

Supervisor Traver stated that it would also assist with one of the items on the Annual Financial Report.

Attorney for the Town Wukitsch stated that he would not hold that up.

Councilman Touchette stated that they already have the audited financial statements for that and added that he thinks the crux of it is who the PHA is and clearly and it says on Mastrianni's website that the PHA is the Town of Coeymans. He continued by saying that he would like for Attorney for the Town Wukitsch to investigate it further.

Supervisor Traver asked that Attorney for the Town Wukitsch check into it.

Attorney for the Town Wukitsch stated that he would and get back to him.

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

TOWN BOARD WORKSHOPS/MEETINGS

- Town Board Meeting, September 13, 2010, 7:00pm
- Town Board Workshop, September 21, 2010, 6:00pm
- Town Board Meeting, September 27, 2010, 7:00pm

ADJOURNMENT

Supervisor Traver asked for a motion to adjourn the meeting.

MOTION

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

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

MINUTES BOOKTOWN OF COEYMANS
August 23, 2010 – TOWN BOARD MEETING – 7:00PM**

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Time – not indicated

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk