

MINUTES BOOKTOWN OF COEYMANS
March 9, 2023 – Town Board Meeting – 6:00pm**

A Town Board Meeting was held Thursday March 9, 2023 at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: George D. McHugh, Supervisor
Brandon L. LeFevre, Council Member
Linda S. Bruno, Council Member
Stephen J. Schmitt, Council Member
Marisa Tutay, Council Member

Absent:

ALSO PRESENT: Candace McHugh, Town Clerk
Daniel Baker, Superintendent of Highways

Supervisor McHugh called the meeting to order and led the audience in the Pledge of Allegiance. Council member Bruno led the audience in prayer. Supervisor McHugh asked that the record reflect that all members were present.

Announcements:

RCS Drama Club: The High school Drama Club presents its live performance of The Addams Family! Shows will be tomorrow, March 10th & Saturday, March 11th at 7:00 pm and on Sunday, March 12th at 2:00 pm, at the RCS High School Auditorium. General admission tickets can be purchased in advance on the RCS website and at the door. Adults are \$12 per ticket; Students are \$7 per ticket. Tickets are free for Senior residents of the RCS District. Golden Tickets, known as reserved seating, are available online only and cost \$22 per ticket. The High School Auditorium doors will open 45 minutes before the beginning of each show, please reach out to RCSdramatickets@gmail.com for all admissions information or questions, and accessible seating requests.

Easter Egg Hunt: The annual RCS Community Easter Egg Hunt, hosted by the Unitas Memorial Veterans Association & VFW Post #9594 Auxiliary will be on April 8th at the Ravena VFW. The Easter Egg Hunt will begin at 11:00am and cloth baskets will be provided to children age 12 and under.

Crystal Image Benefit Concert: Crystal Image has announced they will be holding their annual benefit concert for former band member and friend Wayne VanKampen at Joralemon Park, on Friday, July 21st, 2023 at 6:00 pm. This is a great community event, Remembering Wayne, while listening to some great music!

Seasonal Town Laborers: We are now accepting applications for Seasonal Town Laborers, start date will be April 10th, and employment shall end on October 2nd. Various duties include

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mowing, weeding, and general park and cemetery maintenance. Applicants must have a valid driver's license, be 18 years old, and pass the required pre-screening. Applications can be found on the Town of Coeymans Website or at the Supervisor's Office, 54 Mountain Road Ext. Applications must be handed in to the Town Supervisor's Office no later than Friday, March 24th.

NARCAN Training: Through the efforts and coordination by our County Legislator Zachary Collins, together with Albany County Sheriff Craig Apple and the Coeymans Volunteer Fire Company and Coeymans Hollow Volunteer Fire Company, NARCAN training will be held at the Coeymans Fire House on April 24th at 7:00pm, and again on April 25th at the Coeymans Hollow Fire House at 7:00pm. This training is open to the public. You do not need to be a fire fighter or Coeymans resident to attend this valuable training. This training is FREE.

Recycling Day May 13, 2023: Our annual recycling day will take place on May 13, 2023 at the Highway Department and WM Biers Property on Route 144 from 8am to 1pm. Please check the website for allowable items. This service is free to the public due to the generosity of Thiele Carting, Collins & Sons and WM Biers.

Presentations

RCS CBA:Marlene McTigue gave an update on the RCSCBA as they begin their fiscal year. On March 21 there will be a program at the Ravena Senior Projects regarding the financial crisis they are having. On March 23rd RCSCBA will be hosting Curaleaf Tours, preregistration is required. April 20th they will have the annual review of the RCS School Budget at Finke Equipment. In June they will host their first "Science on Tap" at Rail II River which will be a discussion with members of Lafarge and the kiln demolition process.

Rebecca Flach, Vice Chair of the RCS CBA presented the first promotional community map which will highlight local businesses and attractions. There will be hard copies and digital as well. The digital version will allow people to access hyperlinks to attractions they are interested in. It is of no cost to the municipalities and will be funded by sponsors.

Rebecca Flach spoke about the charity Helping Harvest and shared their annual report with the board.

Bronk Road Inquiry: Supervisor McHugh asked for a Carver representative to come to the meeting to dispel some rumors regarding the Bronk road property. Robert Rosenburger is the Environmental Health and Safety Manager and Sydney Kane is the marketing director for Carver Companies. Mr. Rosenburger stated the plan for this property is for it to be a homestead and pastures. All necessary and proper approvals were in place from NYS DEC and no additional approvals were needed from the town of Coeymans. Ms. Kane stated the property is zoned "R1". Supervisor McHugh followed up with clarification that it is "R1 or R2" but if the property does not have public water or sewer on it the "RA" restrictions apply according to our code. Community member Mr. Stott asked what the difference is between "R1" and "RA". Supervisor

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McHugh said they would need to be reviewed within the code which is online. Ms. Kane stated that Carver Companies will also be attending the informational meeting scheduled for March 14, 2023 to answer any further questions. Supervisor McHugh thanked Carver Companies for coming tonight. Mrs. Pruiksma asked what was being sprayed today on the property. Mr. Rosenberger explained that it was hay that is being laid down for erosion control per NYS DEC guidelines. Mr. Stott asked if fill was coming in and Mr. Rosenberger said at this time it is not planned. Mr. Rosenberger reiterated that all the proper permits were obtained for work already completed. Mr. Assael asked if farm animals could be brought in. Supervisor McHugh said that would be a question for the Code enforcement Officer. Council member Schmitt stated he understands the concerns but we do need to remember it is personal property. Council member Tutay added that the Town Board has no jurisdiction over this. Mr. Rosenberger said he meets daily with NYS DEC regarding this project. Council member Bruno stated that Mr. Laraway has only improved Coeymans with his projects thus far and she believes he will continue to improve Coeymans. Mrs. McDonald expressed how wonderful it was for Carver Companies to come and explain what their intentions were. She suggested some type of planting or buffer to show good faith to the neighbors. Mr. Stott asked if properties in the future would be converted to industrial and Supervisor McHugh referenced the Comprehensive Plan which states we have enough industrial property and do not need to expand the industrial footprint.

Motion to Approve Minutes

Minutes were approved for the following Town Board meetings:

February 23, 2023 Town Board Meeting
February 23, 2023 Public Hearing

Council member Tutay made a motion to accept the minutes and Council member leFevre seconded the motion.

APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 0– ABSTAIN 1 (Schmitt)- SO
MOVED

New Business:

Summer Youth/ Recreation Programs: Council member Bruno and Tutay will be revising the program and are currently working on that.

Old Business:

Coeymans 350th: The beverage trail kicks off Friday March 17, 2023. A commemorative glass can be purchased for \$25 at Yannis, Rail II River, and the Halfway House and at town hall. Each glass comes with a punch card for a free drink at 4 local Establishments. A comedy show will take place on May 5 at Sycamore Country Club, a golf tournament on May 21 and the main festivities will take place June 9 & 10th.

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Park Bathroom Process: The Invitation to Bid has been posted for the Joralemon Park Bathrooms and bids must be in by March 30, 2023 at 2pm.

Hecate Solar Project: Supervisor McHugh stated they are close to being done. The Town will be getting \$750,000 with the Host Benefit Agreement and they will still be paying on a PILOT.

Resolutions

Resolution # 053-23 Amendment to Resolution 048-23

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
George D. McHugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandon L. LeFevre	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda S. Bruno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marisa J. Tutay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen J. Schmitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>	<u>5</u>		<u>4</u>	<u>1</u>	

I, Council member Tutay offer the following resolution and move its adoption:

WHEREAS, the Town Board of the Town of Coeymans passed Resolution #048-23 on February 9, 2023, appointing an Alternate Member of the Planning Board/Zoning Board of Appeals for a term to expire on December 31, 2023; and

WHEREAS, it has come to the attention of the board that Section 54-4 of the Town Code states “*Alternate members of the Planning Board/Zoning Board of Appeals shall be appointed by the Town Board or other duly authorized appointing authority, for a term of three years with the terms to expire on December 31 of the third year after the date of their appointment*”;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby amend Resolution #048-23, only to the extent that said term shall expire December 31, 2025, and not December 31, 2023.

Seconded by Council member LeFevre, offered for discussion and duly put to a vote, the results of which appear above.

Discussion: Council member Schmitt expressed concerns regarding this resolution. While he understands the code, he stated past practice has been for a one-year term and feels it should stay that way. Supervisor McHugh stated he understands what council member Schmitt is saying but the Attorney has advised we get in line with our code. At this point the code would need to be

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changed by local law in order to revert back to a one-year term. Council member LeFevre and Bruno both felt it is necessary to follow the code and they should proceed. Council member Schmitt doesn't understand how this was overlooked, Supervisor McHugh stated he isn't perfect and it was missed. The board was more focused on the merging of the two boards rather than the terms.

Resolution # 054-23 Accept Resignation of PB/ZBA Legal Counsel

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
George D. McHugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandon L. LeFevre	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda S. Bruno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marisa J. Tutay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen J. Schmitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>	<u>5</u>		<u>4</u>	<u>1</u>	

I, Council member LeFevre offer the following resolution and move its adoption:

WHEREAS, a written letter of resignation was received by the Town of Coeymans on February 27, 2023, from Planning Board/Zoning Board of Appeals legal counsel, Andy Brick, effective immediately;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby accept the resignation of Planning Board/Zoning Board of Appeals legal counsel, Andy Brick, and we wish him the best in his future endeavors.

Seconded by Council member McHugh, offered for discussion and duly put to a vote, the results of which appear above.

Discussion: Council member Schmitt read the letter of resignation¹ into the record. He asked the board where the lack of confidence came into play. Council member Schmitt expressed his great respect for Mr. Brick and is disheartened by his resignation.

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Resolution # 055-23 Appoint New PB/ZBA Counsel

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
George D. McHugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandon L. LeFevre	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda S. Bruno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marisa J. Tutay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen J. Schmitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>	<u>5</u>		<u>5</u>		

I, Council member McHugh offer the following resolution and move its adoption:

WHEREAS, the Town of Coeymans is desirous of retaining an attorney for Planning and Zoning matters; and

WHEREAS, the Albany Law Firm of Tabner, Ryan & Keniry, LLP has been recommended by the attorney for the town as well as the Town Engineer; and

WHEREAS, the law firm of Tabner, Ryan & Keniry, LLP has provided the town board with information relative to its experience and expertise in representing municipalities, especially relating to planning and zoning matters;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby appoint the law firm of Tabner, Ryan, & Keniry, LLP to serve as legal counsel to the Planning Board/Zoning Board of Appeals at an annual rate of \$12,000.00, contingent upon meeting attendance, payable by monthly voucher submission, expiring December 31, 2023; and

BE IT FURTHER RESOLVED, that Tabner, Ryan, & Keniry, LLP be compensated at the rate of \$375.00 per hour (in addition to the monthly retainer) for any special projects which require extensive legal research, communications, or written opinions; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute a professional services agreement with the law firm of Tabner, Ryan & Keniry, consistent with the terms of this resolution, and subject to prior approval by the attorney for the town.

Seconded by Council member Bruno, offered for discussion and duly put to a vote, the results of which appear above.

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Resolution # 056-23 Authorize Town Clerk to Attend NYSTCA Conference

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
George D. McHugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandon L. LeFevre	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda S. Bruno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marisa J. Tutay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen J. Schmitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>	<u>5</u>		<u>5</u>		

I, Council member Bruno offer the following resolution and move its adoption:

WHEREAS, the New York State Town Clerk’s Association Annual Conference will be held in Syracuse on April 23- April 26, 2023; and

WHEREAS, the Town Clerk is desirous of attending the Town Clerk’s Conference to attend classes and receive the training opportunities this conference offers; and

WHEREAS, the conference registration fee must be paid no later than March 24, 2023;

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk is hereby authorized to attend the New York State Town Clerk’s Association Annual Conference in Syracuse, New York on April 23- April 26, 2023, and to submit a voucher for the registration fee and any other related expenses.

Seconded by Council member Schmitt, offered for discussion and duly put to a vote, the results of which appear above.

Resolution # 057-23 Appoint Part Time Detective

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
George D. McHugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandon L. LeFevre	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda S. Bruno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Marisa J. Tutay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen J. Schmitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>	<u>5</u>		<u>5</u>		

I, Council member Schmitt offer the following resolution and move its adoption:

WHEREAS, the Town of Coeymans Police Department is in need of an additional officer to perform Detective duties pertaining to evidence management and investigative needs for the Department; and

WHEREAS, currently there is only one designated part-time Officer performing Detective work within the Department and the Department currently employs a part-time Officer with the background to perform these duties in Officer Scott Mullen;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby authorize the designation of Detective for part-time Officer Scott Mullen at an additional rate of pay of \$1.00 per hour when performing Detective duties, pursuant to the current bargaining agreement between the Town of Coeymans and Council 82 AFSCME.

Seconded by Council member Tutay, offered for discussion and duly put to a vote, the results of which appear above.

Public Comment:

Patricia Grogan lives on Cedar Grove Road and is a member of the PB/ZBA. Mrs. Grogan stated she had recently sent an email to the Town Board to see the letter of correspondence from the lawyer firm retained through Mr. Nolan’s business. She is asking the town board to look into some of the decisions the current chair has made. Ms. Grogan stated there was zero discussion as a group about bringing Mr. Cinque on as an alternate. She felt not all participants were given a shot. Ms. Grogan feels Andy Brick should not have been asked to resign, Mr. McHugh stated he was not asked to resign. She feels Mr. Brick was never bias and led the PB/ZBA in a proper direction.

Nathan Boomer lives on Beichman Road and is a member of the PB/ZBA. Mr. Boomer asked to clarify a few things. He stated he completely agrees with Mrs. Grogan regarding anything going on with Mr. Brick. Mr. Boomer feels this situation puts the PB/ZBA members in a dangerous situation for future decisions. He encourages the public to attend meeting to see what happens. Council member Tutay asked if there were other times besides the Marebo incident he feels there has been a bias. Mr. Boomer stated at least three board members were called personally by the

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chair and told the rest of the board was leaning a certain way. He feels the Town Board needs to assist the PB/ZBA in this situation so the members can hold their heads high.

Melissa Stanton lives on Civil Avenue and is a PB/ZBA member. She felt she should recuse herself during certain due to her relationship as a customer with the applicant but Mr. Brick advised her against this and she never felt he was bias. Ms. Stanton feels like the situation is a mess and is embarrassed by it.

Adam Derway lives on Church Street. Mr. Derway feels there is a “façade of shade” within the town. He would like to know why certain people are putting their own bias hands in every situation.

Zachary Assael lives on Fox Street. Mr. Assael is concerned that our Town Supervisor is profiting from his dealings with Carver Companies. Supervisor McHugh asked what dealings he was referring to. Mr. Assael brought up the fact Supervisor McHugh was once counsel for Carver Companies. Supervisor McHugh stated he has not been in that position since 2019 and never held it during his term as Supervisor.

Sara Pruiksmas lives in the Hamlet of Coeymans. Mrs. Pruiksmas feels the current leadership is a greater toxicity than the pollution of local industry. She feels the removal of posts on the Town FaceBook page is unconstitutional. Mrs. Pruiksmas feels there is a willful ignorance among the board members.

Mr. Derway approached the podium again. He feels the meeting rules are unconstitutional. Council member Tutay asked what the board has done that is so detrimental to the Town of Coeymans. Mrs. Tutay stated just because she does not have active debate in a public arena doesn't mean it doesn't happen. She prefers to have a certain level of decorum when a meeting is being held.

Yvonne Shackleton asked Council member Tutay if debates happen during executive session. Council member Tutay stated sometimes they are sometimes it is during personal conversation. She personally apologized to the PB/ZBA board members that she did not contact them sooner as their liaison regarding Mr. Brick's resignation. Mrs. Shackleton wanted clarification on what conversations are being held in executive session. Council member Tutay clarified the laws of executive session are followed but sometimes debate happens in private conversation, but not a quorum.

Council member LeFevre stated he agrees with Mrs. McDonald about the amount of energy in the room and we should try to turn that into positive energy instead of attacking one another.

Supervisor McHugh stated Mr. Brick's letter of resignation has several inaccuracies and he was not asked to resign, he did it voluntarily. The law firm that was hired has an impeccable reputation. He stated there are two separate litigation holds on everything related to Marebo at this time. All correspondence is on hold for potential evidence. Supervisor McHugh stated the PB/ZBA is a separate board and hopes their decisions are in the best interest of the town, legally defensible and consistent with the Comprehensive Master Plan of the Town.

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Mrs. Grogan thanks Mr. McHugh for speaking about this and admitting there were some inaccuracies presented. She feels the town board has accomplished good things but feels if there was better open communication between the PB/ZBA and Town Board things may have been different.

Council member Tutay stated we all want the best for this town and hopes to see it become the polished diamond that it can be.

Mr. Boomer asked if the board was planning on looking into the fact the chairman was suing people working with the PB/ZBA that affect his business. Supervisor McHugh stated no lawsuit has ever commenced.

Sara Pruiksma approached the podium about proposals she has submitted in the past. She feels as though they weren't shared. Ms. Pruiksma feels that with certain projects people could have been handled more neighborly.

Motion to Adjourn was made by Council member Tutay and Seconded by Council member LeFevre- APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT 0 – SO MOVED

Respectfully Submitted,

Candace McHugh, Town Clerk

ⁱ Letter of Resignation for Andrew Brick is attached.

Brick Law Firm, P.C.

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DONALD ZEE, ESQ.
LINDA S. LEARY, ESQ.

LEGAL ASSISTANTS
CHERI A. McGEARY
WENDY E. SHAY
ISABELLA M. CASALE

RECEIVED

MAR 02 2023

TOWN OF COEYMANS
TOWN CLERK

February 27, 2023

VIA EMAIL & USPS FIRST CLASS MAIL

George D. McHugh
Supervisor
Town of Coeymans
17 Russell Ave.
Ravena, NY 12143

Re: Cessation of Legal Representation for Planning Board/Zoning Board of Appeals

Dear ^{George} Supervisor McHugh:

I am writing to confirm our conversation of Friday, February 24, 2023. You informed me that the Town had received correspondence from a law firm retained by the Nolan Propane Company alleging a "bias" in my representation of the Planning Board/Zoning Board of Appeals (PB/ZBA). Not having been afforded a copy of such correspondence, I cannot comment upon any specific allegations contained therein. But I can state this, I stand behind each and every statement made, position taken, opinion offered, recommendation suggested, and piece of legal advice provided to the PB/ZBA during my tenure as their attorney. Each and every one.

Clearly, I cannot continue to effectively represent a Board when its own Chairman has chosen to hire legal counsel to publicly attack my integrity and professionalism. Nor am I comfortable representing any town entity without the support and confidence of the Town Board which you informed me I no longer possess.

As requested by you on Friday, please allow this correspondence to serve as confirmation that my firm will no longer be representing the PB/ZBA. I trust that you and the Town Board will ensure effective counsel is retained to assist the good and decent people who serve on the PB/ZBA. It has been a privilege to represent them and they deserve nothing less than the Town Board's full support.

Sincerely,



Andrew Brick, Esq.

cc: Via Email Town Board
PB/ZBA
Jim Peluso
Jeanne Ch...