

A Town Board Meeting was held Monday, January 14, 2008 at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: Ronald K. Hotaling, Jr., Supervisor
Dawn Rogers, Councilwoman
Thomas A. Boehm, Councilman
James C. Youmans, Councilman
Richard Touchette, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk
Greg Darlington, Chief of Police

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

OPENING COMMENTS

Supervisor Hotaling stated that there was a full Town Board in addition to Town Clerk Millious, Chief of Police Darlington with both Justice Reilly and Justice Dardani being in the audience.

AGENDA

- Public Comment
- Approval of Minutes
 - Town Board Meeting, December 10, 2007
 - Town Board Workshop, December 18, 2007
 - Public Hearing, December 26, 2007
- Old Business
 - Planning Board / Zoning Board Training
 - Update on Loan Agreement with Recent Grant
- New Business
 - Safe Routes to School Program
 - American Legion Contract for Services
 - Alcove Preservation Society Contract for Services
 - ALS Reimbursement – 4th Quarter
 - Small Cities Grant Agreement
 - Resignation of Police Officer
 - Request from Staff to Attend Association of Towns Conference
 - Qualifications for Full-Time Clerk
- Resolutions
 - Highway Betterment Agreement
 - Appoint Town Attorney
 - Appoint Part-Time Clerk
 - Annual Accounting
 - Amend December 2007 Abstract
- Correspondence
 - NYS Department of Environmental Conservation
 - Mid-Hudson Cablevision
- Town Board Workshops / Meetings
 - Town Board Workshop, January 22, 2008, 6pm
 - Zoning Ordinance Committee Meeting
 - Town Board Meeting, January 28, 2007

PUBLIC COMMENT

Supervisor Hotaling invited members of the public to comment at this time, hearing none he moved to the next item on the agenda.

APPROVAL OF MINUTES

Supervisor Hotaling stated that there were three sets of minutes for approval, a Town Board Workshop on December 8, 2007, a Town Board Meeting on December 10, 2007, and a Public Hearing on December 26, 2007. He continued by asking for a motion to approve the minutes.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the minutes were approved as read.

VOTE – AYES 4 – NAYS 0 – ABSTAIN 1 – SO MOVED

Supervisor Hotaling stated that he was absent from the December 10th Meeting and added that Councilman Touchette was abstaining from the vote because he was not on the Town Board at the time of the meetings.

NEW BUSINESS

Qualifications for Full-Time Court Clerk

Supervisor Hotaling stated that earlier in the day Judge Reilly had requested that the qualifications for a full-time court clerk be placed on the agenda and continued by saying that he was not sure who would be making a presentation and then asked that whomever was going to, to go to the microphone. He added that it is under New Business, which was added to the agenda based on a request of the Judges and he wanted to give them the opportunity to be heard early on in the meeting.

Judge Reilly and Judge Dardani stepped to the microphone.

Judge Kevin Reilly stated that he wanted to discuss some of the issues that they are having with the qualifications of a position that they have open for a full-time Court Clerk, which was advertised in the paper and as a result there were several applicants and interviews were performed. He continued by saying that they had recommended an applicant and in turn they got a response back from Civil Service indicating that they had rejected the appointment because the individual did not meet minimum qualifications, which is what they are there to talk about. He added that in 2006 they had advertised for a full-time Court Clerk and in looking at the requirements everything was the same except for the last paragraph and continued by saying that in 2005 it said “acceptable training and experience determined by the appointing authority” and went on to say that earlier in the day it was explained by Rachel Myers at Civil Service that it was revised in July 2007 and the last paragraph went from saying acceptable training to suggested minimum qualifications, graduation from high-school, three years of clerical and/or secretarial work in a legal public safety or governmental setting. He continued by saying that this is where they are having a problem because out of the four applications, not one came close to that and went on to say that he had asked Ms. Myers some questions that she could not answer and in turn she had referred him to Mr. Michael Cummings, who had indicated that the position is competitive in Civil Service and added that Civil Service is proposing that they will be putting forth legislation next month to make the job exempt and it is their feeling that it won’t have a problem passing and added that if it does pass the qualifications will become the Town’s, which will take it out of the hands of Civil Service. He continued by saying that the problem right now is that their office is backed up and each day they fall behind more and added that they are present to ask for some

kind of relief to get them going toward a resolution. He concluded by saying that if they have to continue to advertise with the qualifications that are in place now they could be months or longer in their search to find that person that has the qualifications that are so restrictive.

Supervisor Hotaling stated that he thought that there was one applicant who had significant legal office experience.

Judge Reilly stated that there was one with legal office experience and added that there were issues that they can discuss in an Executive Session.

Supervisor Hotaling stated that he recalled that on the resume it included several law firms.

Judge Reilly stated that there were multiple firms but there were issues and added that he as well as Judge Dardani felt that it was not in the best interest of the Town to move forward with that applicant and reiterated that they can explain that at another time if necessary. He continued by saying that the immediate need is to get someone to pick up some of the load to help move them forward because each day they are falling behind further.

Councilwoman Rogers interjected that they would have to change the title of Court Clerk.

Judge Reilly stated that it is possible and added that it is something that they can discuss and continued by saying that there are no part-time Court Clerk qualifications because there is not a position under Civil Service. He went on by saying that they can go with part-time for the immediate need right now or they could go with a Clerk position outside of the Court Clerk designation and in turn make their own qualifications as they did in 2005 where it is deemed to the appointing authority.

Supervisor Hotaling inquired as to if this would be as an interim or if it would be a permanent solution.

Judge Reilly stated that it could be either/or.

Supervisor Hotaling inquired as to what he is suggesting.

Judge Reilly stated that they do want a full-time person and added that it will hinge on the new legislation if it goes through, which will mean that they can have the full-time Court Clerk with different qualifications.

Supervisor Hotaling stated that this is something that has been on-going and added that he stated his opposition and made it known to Civil Service that he opposes the Court Clerk going to an exempt status and added that this is his opinion and he believes that it should be competitive.

Judge Reilly stated that he has not given it much thought one way or the other.

Supervisor Hotaling stated that he does not know what the underlying reason is to make it exempt and added that he should not deem it in any way a reflection of what is occurring or might occur here but everyone has read the OCA horror stories where the judge happens to have his or her spouse as a Court Clerk, which would give a sense of the appearance of impropriety. He continued by saying that a competitive atmosphere for such a position would reduce dramatically the likelihood of that occurring or anything that could be viewed as any appearance of impropriety and reiterated that his view is that competitiveness works best. He went on by saying that there are some restrictions that Judge Dardani had uncovered in the law that talked about a residency requirement for the Court Clerk to serve in the municipality in which he or she resides.

Judge Dardani interjected that Town Attorney Rotello looked into this.

Supervisor Hotaling stated that it was about that time that Civil Service began to consider the exempt status possibility of Court Clerks and added that based upon his submission to him he had made Civil Service aware of the residency requirement and added that you can have an exempt status but if the other laws seem to suggest that a residency is required then clearly the action on the part of the County Legislature to create the exempt status should also include some discussions about the residency requirement. He concluded by saying that he was not aware that Civil Service is ready to go as quickly as a month from now.

Judge Reilly stated that the legislation will be submitted in February and added that when you look at the qualifications it says in bold letters “suggested qualifications” and went on by saying that you can take that as meaning that Civil Service is suggesting it but it is not mandatory.

Supervisor Hotaling stated that if you are going to suggest something and then call them minimum qualifications you cannot have it both ways.

Judge Reilly stated that he had asked Ms. Myers about this and in turn she had said that their interpretation of suggested minimum qualifications is that these are the minimum that you can have and the least you can have. He then asked Judge Dardani if he had anything to add.

Judge Dardani stated that they had discussed this before and this is why they came up with the concept of hiring an Assistant Court Clerk and then graduate that person to a Court Clerk because no one that he knows of could walk through the door and do the job because it is different from any other department and added that things are changing constantly. He continued by saying that within the budget this year they had budgeted for a full-time Court Clerk and to date they have not had that expense and went on to say that he would like to see something like Judge Reilly had mentioned to get someone in there part-time in addition to being able to get someone to sit on the bench for four hours a week and added that they had put it in their budget but apparently it had gotten knocked out.

Supervisor Hotaling stated that it didn't get knocked out because it never got put in.

Judge Dardani reiterated that they put it in.

Supervisor Hotaling stated that it never got put in by him and it was not knocked out by the Board because he never presented it to them.

Judge Dardani stated that this person would sit on the bench with the Court Clerk and do duties such as making copies, put walk-in tickets and pull them as the defendants come in, pull them from the files, give the defendants return court notices, receive cash or checks for fines or surcharges write receipts, write bail receipts, take phone messages, fax orders of protection, etc. He continued by saying that the Court Clerk would be taking notes and listening to the attorney and taking motions and added that another person would save a lot of time. He concluded by saying that it would be for four hours a week and be a total of approximately \$2,550.00 and added that there would be enough money to do this as well as whatever the Town Board decides to let them do with a Court Clerk or Assistant Court Clerk.

Councilman Touchette stated that under part-time status it is his understanding that it is not in the union contract.

Supervisor Hotaling stated that it is in the union contract and added that if someone works an equivalent of 25 hours that person has to be afforded the opportunity to go in the union. He continued by saying that under Civil Service, part-time is no more than 50% of the hours and added that clerical staff's week is 35 hours, which equates to 17.5 hours a week. He went on by saying that the only part-time position that he is aware of in Civil Service that provides flexibility for the hiring authority is a part-time clerk, which is 17.5 hours a week and does not carry union status. He concluded by saying that the only Civil Service review was the initial one like they did for their proposed candidate for the

full-time position which affords them the application and resume and in turn they decide whether or not the candidate meets the minimum qualifications and once that is established the part-time appointment can be made without going to a list because there is no list for part-time clerk.

Councilman Touchette inquired as to if there is a difference in the maximum hours per week between Civil Service part-time and part-time that is not Civil Service.

Supervisor Hotaling stated the maximum hours is 50% of the work of a full-time person in that position.

Councilman Touchette asked if it was either/or as far as Civil Service or outside Civil Service and added that there is no part-time Court Clerk in Civil Service. He inquired again as to if you are outside of Civil Service if it is still only 50% of the hours.

Supervisor Hotaling stated that he is not getting the concept of outside Civil Service and continued by saying that a clerk position is a Civil Service position and added that a part-time clerk is outside the scope of the testing for Civil Service and went on by saying that there is no list established for part-time clerk. He continued by saying that there is a list for full-time clerk and the distinction made is that there is no test for part-time clerk so the appointing authority has some flexibility, which is limited to 50% of what the ordinary full time work week is.

Judge Reilly interjected that either way it would be 17 ½ hours per week.

Supervisor Hotaling stated that there could be situations for example in the Highway Department where it is a 40 hour work week, which would be 20 hours part-time and added that a part-time Police Officer would also be 20 hours because the work week is 40 hours. He reiterated that the concept of part-time is 50% of the normal work week.

Judge Reilly stated that in this realm it would be 17 ½ hours.

Supervisor Hotaling stated that was correct and added that he was opening it up for Town Board discussion. He added that he is hearing from the judges that they need some relief to occur and continued by saying that there is no part-time position currently in the 2008 budget. He went on by saying that if the Town Board were to agree with their request, even on a temporary basis, the first step would be that the Board would have to pass the authority to create a budget item and fund it for a part-time clerk in that particular area. He continued by saying that full-time is in the budget and added that when you look at numbers there has been no appointment for the first 14 days, which would calculate to \$500.00 a week, which would be \$1,000.00 that has not been expended because he or she was not appointed January 1st. He concluded by reiterating that the first order of business would be to amend the budget to permit and create a position and added that he believes that the Town Board knows his position.

Judge Reilly inquired as to if there is a possibility of a full-time clerk.

Supervisor Hotaling stated that there might be and he could call for a list and added that he had heard the Judges before as well as members of the previous Board and the decision was to have two court clerks, which would be one for each judge. He continued by saying that in going back to Judge Dardani's suggestion as far back as a couple years ago, this is preferential to the Resource Center that the judges call to get their guidance from. He added that he had discussion with Mr. Kevin Reilly at the Resource Center approximately a year ago about the circumstances in the court and continued by saying that he thought it was odd that a municipality was seeking to put two Court Clerks in because most municipalities are seeking to reduce.

Judge Reilly interjected that the Town of Bethlehem has four court clerks, which is a lot more than two and added that they are not looking to reduce.

Supervisor Hotaling stated that he is not sure what his point is.

Judge Reilly interjected that he had said that most towns are looking to reduce their court clerks and added that they only have one at the moment.

Supervisor Hotaling stated that he said what Mr. Kevin Reilly had said, which was that it is unusual for municipalities to be seeking to fill a Court Clerk for each judge where most towns are looking to reduce.

Judge Reilly interjected that the Town of Bethlehem only has two judges.

Supervisor Hotaling stated that he cannot speak for Bethlehem and added that he is sure that Mr. Reilly's statement was not a blanket statement for all towns and continued by saying that the trend is to reduce staff not only in the court but other areas as well.

Judge Reilly stated the trend is nation and industry wide.

Supervisor Hotaling reiterated that Mr. Reilly found it surprising that the Town's effort was to fill a second Court Clerk position.

Judge Reilly stated that he had said that without knowing the Town's needs and continued by asking if he had discussed it with Mr. Reilly in detail.

Supervisor Hotaling stated that it would have been up to Judge Dardani and Judge Pearson, who were in office at the time.

Judge Reilly interjected that they were getting off track.

Supervisor Hotaling stated that he would not ordinarily have discussion with the Resource Center.

Judge Reilly stated that it was a statement made out of context because Mr. Reilly does not know what the Town's needs are.

Supervisor Hotaling stated that it might have been and added that he would retract Mr. Reilly's input.

Judge Dardani stated that the Town of Coeymans ranks number seven in terms of busiest courts.

Councilman Youmans stated that there is money in the budget for two full-time Court Clerks and added that it was previously decided that this is what they were going to do and continued by saying that they now have to decide who it is going to be.

Judge Dardani stated that this was not the case because no one is qualified.

Judge Reilly stated that it is the qualifications issues that is the hanging point right now and added they have to go by Civil Service and it is going to be very difficult to find someone with those qualifications.

Councilman Youmans inquired as to what solution he proposes.

Judge Reilly stated that the immediate solution that he proposes is to get someone in that office as soon as possible with the least delay however they can come to an agreement and added that if they need to go a different route two months from now is fine, which he believes that they will all agree to. He reiterated that the immediate concern is that they get someone in there as soon as possible that can go in and help out to get them back on track and keep them going until they can resolve this long term. He concluded by saying that short term is the immediate need right now and added that if they go the Civil Service route they could be months and possibly a year to find someone to meet the qualifications.

Supervisor Hotaling inquired as to if they have thought about advertising again and spreading the net.

Judge Reilly inquired as to what he meant.

Supervisor Hotaling stated that it would be putting the ad in more than the News Herald.

Judge Dardani stated that they would have to stay within the Town of Coeymans.

Supervisor Hotaling stated that this is what he had said a year ago.

Judge Dardani stated that the Town Attorney at that time had come up with this.

Supervisor Hotaling stated that if this is what it is and they agree that there should be a residence requirement in the Town of Coeymans.

Judge Dardani stated that the Town Attorney had looked into it and came back with this determination.

Supervisor Hotaling stated that he does not disagree and added that the candidate must be a resident of the Town of Coeymans and continued by asking if they want to advertise again with this requirement.

Judge Reilly stated that they can and he does not have a problem with it and then asked what the next step will be and whether or not they have to wait until another Board Meeting to address it again.

Supervisor Hotaling stated that appointments are made at Board Meetings unless there is a Special Meeting called.

Councilman Boehm stated that it is in the budget for a full-time clerk and added that there is an immediate need for help. He continued by asking about modifying a line in the budget for a part-time clerk for less money to give them their immediate need and went on to say that they can put a 90-day timeframe to give them an opportunity to look at the list or possible legislation being passed that would affect the Civil Service status of the position. He concluded by saying that he would recommend modifying the full-time position in the budget to reflect a part-time clerk, which would be 17 ½ hours in order to appoint the candidate that they have in mind to provide immediate help.

Councilwoman Rogers interjected that it would be temporarily.

Councilman Boehm agreed that it would be temporary and added that he's not sure if temporary would mean 90-days.

Councilwoman Rogers inquired as to how long it will take to get the Civil Service list.

Supervisor Hotaling inquired as to what list she was referring to.

Councilwoman Rogers stated that it is the list for court clerk.

Supervisor Hotaling stated that there isn't a list for Court Clerk and added that the Court Clerk that has been there since 1991 is still provisional because no tests have been given. He added that the State was contemplating ordering a test for Court Clerk and Albany County's response was that they intend to move toward changing the class from competitive to exempt.

Councilman Youmans stated that what Councilman Boehm said seems to make the most sense to him at this point.

Councilman Touchette inquired as to if the search for a full-time Court Clerk would take place now or if they would wait until after the 90 days.

Councilman Youmans stated that they would have to start the search right away.

Judge Reilly stated that they would put the minimum qualifications into the ad.

Supervisor Hotaling stated that the questions that he has asked are very important and added that it is a decision that the Town Board has to render and added that they are the appointing authority at this point. He then asked if there was any further discussion or any other action that the Board wants to do.

MOTION

Councilman Boehm stated that he wanted to make a motion that they modify the full-time clerk position to a part-time clerk position in the 2008 budget. He continued by asking if the appointment should be a separate motion.

Supervisor Hotaling inquired as to if they are appointing someone.

Councilman Boehm interjected that they have a candidate in mind.

Supervisor Hotaling stated that he hadn't heard that.

Councilwoman Rogers stated that she hadn't heard it either.

Judge Reilly stated that it is the original candidate.

Supervisor Hotaling asked Councilman Boehm how he heard that.

Councilman Boehm stated that he thought they were going to review the application and appoint the candidate.

Supervisor Hotaling stated that Judge Reilly had made reference to the fact that Civil Service rejected it.

Judge Reilly stated that it was rejected as a full-time Court Clerk.

Councilman Boehm stated that this was for part-time clerk.

Supervisor Hotaling asked Councilman Boehm what he wanted to do.

Councilman Boehm stated that he wanted to modify the 2008 budget for the full-time clerk position to become a part-time clerk position.

Councilman Touchette asked if there were clarifications.

Supervisor Hotaling stated that the motion had not been seconded and then asked Councilman Boehm to finish the motion.

Councilman Boehm stated that it was finished.

Supervisor Hotaling stated that Councilman Boehm's motion was to modify the 2008 budget removing the full-time Court Clerk position and making a part-time clerk position and then asked for a second.

Councilwoman Rogers inquired as to if they were going to stipulate 90 days.

Supervisor Hotaling stated that there were to be no questions and again asked for a second.

Councilwoman Rogers stated that she seconded the motion.

Supervisor Hotaling stated that it was seconded for discussion by Councilwoman Rogers and then asked if there were any questions or discussion.

Councilwoman Rogers stated that they needed to include a date.

Councilman Boehm inquired as to what the date should be.

Councilman Youmans stated that they could just say 90 days.

Councilman Boehm stated that he wanted to amend the original motion for a 90-day appointment.

Supervisor Hotaling stated that the motion suggests the modification to eliminate the full-time Court Clerk position in exchange for a part-time clerk position with a 90 day limit on the incumbent in that position to hold it and continued by asking if this means at some point after that the Board will have to take affirmative action again to determine whether a full-time Court Clerk is again added to the budget.

Councilman Boehm stated that prior to that reappointment the Town Board can consult with the judges to see what way to go forward and whether they should reappoint that person to in the position or if there are some changes to Civil Service that will change the position all together.

Supervisor Hotaling inquired as to if everyone understood that.

Collectively they agreed that they did.

Supervisor Hotaling asked if there were any further questions on the motion.

Councilman Touchette asked that the motion be read back to them.

Supervisor Hotaling asked that Town Clerk Millious read back the motion.

Town Clerk Millious stated that Councilman Boehm made the motion to modify the 2008 budget full time Court Clerk position to a part time clerk position, which was seconded by Councilwoman Rogers and then for discussion regarding a 90 day date.

Supervisor Hotaling asked if in her record the motion contained a 90 day limit or whether it was a question that was raised.

Town Clerk Millious stated that there was not a 90 day limit.

Supervisor Hotaling stated that the motion was to modify the 2008 budget to remove the full-time position and replace it with a part-time clerk position.

Town Clerk Millious stated that was correct.

Councilman Boehm interjected that he wanted it to be amended to include a 90 day period and added that after that time someone would have to be reappointed to that position.

Supervisor Hotaling stated that Councilman Boehm is amending it to include a 90 day limit and then asked Councilwoman Rogers if it was alright with her because she seconded the motion.

Councilwoman Rogers stated that was alright.

Supervisor Hotaling asked if there were any questions with regard to the motion as amended.

Councilman Touchette inquired as to if at the end of 90 days the position would be eliminated.

Councilman Boehm stated that hopefully they will have further information from the judges regarding the position and in turn they can either vote to reappoint for additional time or hire a full-time clerk off the Civil Service list and added that there are a number of options.

Councilman Touchette stated that at the end of 90 days they will have to take some action.

Councilman Boehm stated that was correct.

Councilman Touchette inquired as to if they will wait to advertise and added that they don't know what they will be doing in 90 days.

Councilman Boehm stated that he is trying to give them some help so they can run their court.

Councilwoman Rogers stated that it will be temporary relief.

Judge Reilly attempted to answer the questions.

Supervisor Hotaling stated that there was no more discussion from the floor.

Judge Reilly thanked Supervisor Hotaling and added that he appreciates it.

Supervisor Hotaling stated that he does not know what Judge Reilly can add because there was a motion and a second.

Judge Reilly stated that he is the Supervisor and he put him in his place and it was fine.

Supervisor Hotaling stated that there was no place to put him and added that it is a process for the Town Board at this point and not a process for the public. He continued by saying that Judge Reilly had his input.

Judge Reilly thanked Supervisor Hotaling.

Supervisor Hotaling asked if there were any further questions, hearing none he asked that Town Clerk Millious take a roll call vote.

Town Clerk Millious asked for Supervisor Hotaling's vote.

Supervisor Hotaling – Nay

Town Clerk Millious asked for Councilwoman Roger's vote.

Councilwoman Rogers – Aye

Town Clerk Millious asked for Councilman Boehm's vote.

Councilman Boehm – Aye

Town Clerk Millious asked for Councilman Youmans' vote.

Councilman Youmans – Aye

Town Clerk Millious asked for Councilman Touchette's vote.

Councilman Touchette – Nay

Supervisor Hotaling stated that the vote carried 3-2 and added that the 90 day time period is January 14 – April 14 and continued by saying that applications for the position will be considered again and sent to Civil Service upon receipt from the judges.

Judge Reilly inquired about Civil Service.

Supervisor Hotaling stated that the application for part-time clerk goes to Civil Service.

Judge Reilly stated that there is no part-time clerk position with Civil Service.

Supervisor Hotaling stated that there is no part-time clerk test with Civil Service and added that every position goes to Civil Service for review and added that he had previously made the point that it provides flexibility for the appointing authority only for part-time clerk. He reiterated that upon receipt of the application he will forward it to Civil Service and upon receipt of a response he will contact the judges.

Judge Dardani stated that they will get the application to him the following day.

Judge Reilly and Judge Dardani thanked the Town Board for their time.

OLD BUSINESS

Planning Board / Zoning Board Training

Supervisor Hotaling stated that Attorney Brick had conducted the minimum four hour training for members of both the Planning and Zoning Boards on December 4th and added that the requirement is to officially notify the Town Board that the training had taken place. He continued by saying that the Town Board is in receipt of a memo from Code Enforcement Officer Conrad indicating that the training had been done along with a copy of the curriculum to comply with the requirements and regulations.

Update on Loan Agreement with Recent Grant

Supervisor Hotaling asked that Councilman Boehm give an update on the loan agreement relative to the recent CDBG grant.

Councilman Boehm stated that prior to the meeting they had met with Mr. Kirk and added that they will be reviewing the document in addition to contacting the Town's attorney to finalize the Loan Agreement between the Town and P&M Brick at the next Workshop on January 22nd.

NEW BUSINESS

Safe Routes to School Program

Supervisor Hotaling stated that he had received a letter from the Department of Transportation Commissioner for the State of New York and continued by reading the following:

“I am pleased to announce the availability of applications for the Safe Routes to School Program”

Supervisor Hotaling continued by saying that it was authorized by Congress in 2005 and added that it is 100% reimbursement for successful municipalities, schools and not-for-profit organizations and they may apply through the New York State Department of Transportation Safe Routes to school coordinators, who will provide applicants with a guidebook and application. He continued by saying that the program is designed to provide communities and schools with the critical resources necessary to make walking and bicycling to school safer for children. He concluded by saying that this could be contemplated by the Town Board as a means to fund some additional sidewalks in the Hamlet of Coeymans and added that members of the Board can contemplate it and let him know if they think that it is something that they should file an application for.

Collectively they decided that they would like some time to look at it.

American Legion Contract for Services

Supervisor Hotaling stated that American Legion Post #114 had submitted a voucher for 2007 funds in the amount of \$500.00 for exchange of services such as placement of flags and veterans markers as well as coordinating memorial services and added that if the contract is signed now it will go until November 2008. He continued by saying that in the 2008 budget there is \$1,000.00 allowed for their services and in November 2008 they will be putting in for that amount. He then asked for a motion to sign the contract and expend the money.

MOTION

On motion of Councilman Boehm, seconded by Councilman Touchette, authorizing the Supervisor to sign the Contract for Exchange of Services with American Legion Post #114.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Alcove Preservation Society Contract for Services

Supervisor Hotaling stated that similarly there is a contract for Alcove Preservation Society for 2008 and added that there was no money for them in 2007 because it was for Veteran services only. He continued by saying that in the 2008 budget they included \$1,000.00 for several organizations and added that he met with Mr. Tom Sweeny and they prepared a contract, which states that the Town of Coeymans is in need of services for continued preservation of historical significance in and around the Alcove area and further development of Valley Mill Park for use by all Town residents. He added that the Alcove Preservation Society is in need of funding to assist in their mission to preserve and convey to future residents the history of the Valley Mill and other areas in and around Alcove. He then asked for a motion.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Boehm, authorizing the Supervisor to sign the Contract for Exchange of Services with Alcove Preservation Society.

VOTE – AYES 5 – NAYS 0 – SO MOVED

ALS Reimbursement 4th Quarter

Supervisor Hotaling stated that he was in receipt of a check from Ravena Rescue Squad, which goes back to an agreement that commenced in December 2003, which provides payment for ALS calls. He added that the payment is in the amount of \$6,980.06.

Small Cities Grant Agreement

Supervisor Hotaling stated that they had discussed this topic earlier in the meeting.

Resignation of Police Officer

Supervisor Hotaling stated that he was in receipt of a resignation of a Police Officer from Chief Darlington and continued by asking Chief Darlington to discuss the resignation.

Chief Darlington stated that Officer VanEps has been searching for full-time employment in the state of Florida and added that he has a job opportunity and has tendered his resignation effective at the end of his shift on January 26th.

Supervisor Hotaling asked for a motion to accept the resignation.

MOTION

On motion of Councilman Youmans, seconded by Councilwoman Rogers accepting the resignation of Officer VanEps, effective January 27th.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Boehm interjected that he wanted to thank Mr. VanEps for his service to the Town and then wished him well in Florida.

Chief Gregory Darlington Sir,

It is with much regret that I respectfully announce my formal resignation as a Police Officer with the Town of Coeymans.

I wish to extend my appreciation to the entire department and the Town of Coeymans in its collectiveness. I have gained knowledge and experience that is an invaluable attribute to my career goals. It is my objective to move to the northwestern part of Florida and continue my career in law enforcement. Should my services ever be needed by the Town of Coeymans, please do not hesitate to contact me.

With sincere thanks and gratitude I will be reporting to my regularly scheduled B-line shift with my final tour of duty being the twenty sixth day of January, two thousand and eight.

Respectfully Submitted,

Michael S. VanEps, Police Officer, Shield #122

Request from Staff to Attend Association of Towns Conference

Supervisor Hotaling stated that he was in receipt of a memo from Code Enforcement Officer Conrad asking for Town Board approval to have two staff members attend the Association of Towns Annual Conference and added that the Town Board authorizes Elected Officials to go in addition to accepting requests from staff members who can benefit attending. He continued by saying that it has been beneficial for the Code Enforcement Officials to attend and went on by saying that Mr. Conrad and Mr. Cashin are requesting to attend and added that it provides up to 14 hours of credit hours. He concluded by saying that Mr. Conrad is requesting attendance as well as lodging and Mr. Cashin is requesting permission for the Town to pay his \$100.00 registration fee with no other costs associated with his travel or lodging to be incurred by the Town. He then asked if there were any comments.

Councilman Youmans inquired as to how many credit hours are required per year.

Code Enforcement Officer Conrad interjected from the audience that it is 24 credit hours.

Councilman Youmans inquired as to where they would go for the remaining hours required.

Councilman Conrad stated that the NYS Codes Division puts on several training sessions throughout the year and added that normal courses are 3 credit hours. He added that the Association of Towns Annual Conference offers the most amount of training possible.

Councilman Youmans stated that this would be more cost effective.

Councilman Conrad stated that it is much more cost effective and added that they have had trouble trying to get the 24 credit hours for everyone. He continued by saying that if they don't have the 24 hours they cannot be a Code Official.

Supervisor Hotaling asked for a motion.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Touchette, authorizing Laverne Conrad and John Cashin to attend the Association of Towns Annual Conference February 17-20.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that as indicated it would be Mr. Conrad’s full cost and Mr. Cashin’s registration fee only.

Qualifications for Full-Time Court Clerk

Supervisor Hotaling stated that they had previously discussed this topic earlier in the meeting.

RESOLUTIONS

Supervisor Hotaling stated that the first resolution is for the Betterment Project for the Martin’s Hill area for gray water sewer and added that there have been several discussions publicly as well as amongst Board members about the problems that were brought upon to the Town by the fact that some residents on Martin’s hill were discharging their sewage directly into the State’s right-of-way. He continued by saying that the State was upset and held off the project until something would be done and went on to say that it was decided that the project was in jeopardy and in turn they convened a meeting between the Department of Transportation, the Department of Health, NYS Department of Environmental Conservation, the Town, Legislator Clouse and Building Officials. He went on to say that as a result it was contemplated that a Gray Water Sewer System would work in that area to eliminate the discharge into the right-of-way and in turn Mr. Ed. Vopelak, the Town’s Engineer, who was also at the meeting, agreed on his own to put together plans, which have progressed to the point of being approved by the Albany County Health Department and DEC. He continued by saying that DOT requires a betterment, which is an amount of money that the Town puts up and gives to the State and in turn the State adds the project to the larger project of the road realignment, which is much less than them tackling it on their own because DOT will be excavating the ditch lines and all the Town will have to do is drop the pipes in. He concluded by saying that the estimate for the betterment is \$18,400.00 with an additional 15% or \$2,760.00 added to cover the cost of construction inspection, which is a total cost of \$21,160.00, which will put a sewer system in that area and the project will continue.

RES. #029-08 AUTHORIZE SUPERVISOR TO EXECUTE NECESSARY AGREEMENTS OR OTHER INSTRUMENTS FOR BETTERMENT

On motion of Supervisor Hotaling, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

WHEREAS, pursuant to Highway Law Section 10(27), the Commission of Transportation may (the “Commissioner”), upon the request of a municipality, perform for and at the expense of such municipality, any work of construction or reconstruction, including the removal and relocation of facilities, provided the Commissioner deems it practicable to perform such work for such municipality in connection with the performance of any work of construction, reconstruction or improvement under the Highway Law; and

WHEREAS, the Town of Coeymans is a municipality within the meaning of such section of the Highway Law (“Municipality”); and

WHEREAS, pursuant to Highway Law Section 10(27), the Municipality, in connection with reconstruction of Route 143 from RM 1165 to Route 9W, Town of Coeymans, Albany County, wishes the New York State Department of Transportation (“NYSDOT”) to perform certain work described in Schedule A (that describes the “Betterment”) annexed to this resolution; and

WHEREAS, there is a substantial public interest in and benefit to the performance of the Betterment, which will be part of the State or municipal highway system and will be available for use by the general public; and

WHEREAS, NYSDOT has estimated the cost of the Betterment; and

WHEREAS, in connection with the Betterment Agreement and no later than NYSDOT's award of contracts inclusive of the work contemplated by such agreement, the Municipality shall deposit in escrow with the State Comptroller, subject to the draft or requisition of the Commissioner, the amount of such cost estimate, to be expected by the State Comptroller on the costs of the Betterment so requested and approved or the return of the excess amount thereof, if any, to the Municipality; and

WHEREAS, upon completion and payment of the costs of the Betterment the Commissioner shall determine the costs thereof to be borne by the Municipality, and any excess of deposit shall be paid to the Municipality on the warrant of the State Comptroller on vouchers approved by the Commissioner; and, in the event such costs exceed the amount of the deposit, the Municipality shall within 90 days of receipt of notice from the Commissioner pay the amount of such deficiency to the State Comptroller.

NOW, THEREFORE, the Town Board, duly convened does hereby

RESOLVE, that the Town Board hereby approves the above subject Betterment; and be it

FURTHER RESOLVED, the sum of \$21,160.00 (twenty one thousand one hundred sixty dollars and no cents) is hereby appropriated from Coeymans Martin Hill Sewer District for deposit with the State Comptroller pursuant to a Betterment Agreement with NYSDOT and expenditure on the draft or requisition of NYSDOT for betterment project costs in accordance with Highway Law Section 10(27) and such Betterment Agreement, and be it

FURTHER RESOLVED, that the Supervisor be and is hereby authorized to execute all necessary agreements or other instruments on behalf of the Town of Coeymans in connection with the advancement or funding of the Betterment; and be it

FURTHER RESOLVED, that a certified copy of this resolution be filed with the State Comptroller and New York State Commissioner of Transportation by attaching it to the Betterment Agreement with NYSDOT, it be understood that upon completion of the betterment by NYSDOT, NYSDOT shall transmit to this body a statement showing the actual costs and expenses of the Betterment and shall notify the fiscal Officer of the amount due from or to be returned to the Municipality, as the case may be, and that any sum due to NYSDOT shall be paid by the Municipality within ninety (90) days after the date of transmittal of such statement, and the funds therefore shall be raised according to law and the term of the Betterment Agreement, as applicable.

Councilman Boehm stated that the \$21,160.00 will be reimbursed back to the Town.

Supervisor Hotaling stated that it will be reimbursed by the people within that district over a period of time. He added that once the district is completely formed and the project is done there will be a debt note issued to the district payable to the taxpayers of the Town of Coeymans from the General Fund.

RES. #030-08 APPOINT ATTORNEY FOR TOWN

On motion of Councilman Touchette, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

WHEREAS, the Town of Coeymans is desirous of acquiring attorney services to provide advice on municipal matters, and

WHEREAS, the Town Board has reviewed the proposals for such services,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans hereby authorizes Supervisor Ronald K. Hotaling, Jr. to accept and agree to

the proposal stated in the December 31, 2007 letter from David J. Wukitsch of McNamee, Lochner, Titus & Williams, P.C. and

BE IT FURTHER RESOLVED, that the Town Board acknowledges the agreement to include a \$20,000 retainer, disbursed in equal quarterly \$5,000 payments, upon submission of a voucher and statement.

Supervisor Hotaling stated that the appointment is a result of the Town Board's review of two applications that were received and agreed upon unanimously.

RES. #031-08 APPOINT PART-TIME CLERK

On motion of Councilman Boehm, seconded by Councilman Youmans, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

WHEREAS, the recent resignation of a part-time Town Clerk staff member has reduced departmental coverage within Town Hall, and

WHEREAS, the Town Board believes that additional part-time staff people will provide the necessary office coverage, and

WHEREAS, the Town Clerk has publicly advertised and interviewed several applicants for this position, and

WHEREAS, the Albany County Department of Civil Service has determined that the selected candidate meets the minimum qualifications for this position,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby appoint Valerie A. Besta to the position of part-time Clerk I, at the hourly rate of \$11.23, effective January 15, 2008.

Supervisor Hotaling asked Town Clerk Millious if she had any comments.

Town Clerk Millious stated that she had received several applications and continued by saying that she believes that Valerie Besta will work out well. She added that she has known her for many years and will work out good based on her qualifications. She then thanked the Town Board for appointing her.

RES. #032-08 DIRECT TOWN OFFICERS AND EMPLOYEES TO FILE DETAILED STATEMENTS OF ALL RECEIPTS AND DISBURSEMENTS FOR FISCAL YEAR 2007

On motion of Councilwoman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

WHEREAS, Town Law Section 62 and Section 123 require an annual accounting of all receipts and disbursements for the fiscal year, and

WHEREAS, the Town Board is responsible for the conduct of such audit, and

WHEREAS, all pertinent books and records for such audit must be turned over to the Town Board on or before January 16, 2008,

NOW, THEREFORE, BE IT RESOLVED, the Town Board directs all Town officers and employees, except Town Justices to file detailed statements of all receipts and disbursements for fiscal year 2007, and further directs the production of all pertinent books and records for audit.

BE IT FURTHER RESOLVED, that the Town Board directs each Town Justice to produce their dockets for examination on or before January 22, 2008.

Supervisor Hotaling stated that there was an effort last year at this time to perform the Annual Audit and added that they had developed the audit material and questionnaire. He went on by saying that the statute provides certain times to do this and continued by

saying that Town Clerk Millious, and his staff have until January 16th to turn over their books and added that the Justice Department has until the day of the Workshop on the 22nd to make their dockets available for inspection. He concluded by saying that this year he would like the inspection to be more thorough with the books and dockets being available and added that he will also be asking Internal Control Officer Purintan to be present to walk them through the process.

Supervisor Hotaling then asked Councilman Youmans to read the next resolution and continued by saying that he should only address what is highlighted in red because it is an amendment to the December 2007 Abstract, which was already approved. He then asked that Town Clerk Millious explain the necessity for the amendment.

Town Clerk Millious stated that when the Bookkeeper was issuing the checks she realized that one of the vouchers had different totals, which resulted in an adjustment of \$16.40 to the previously approved Abstract.

Supervisor Hotaling stated that it was an arithmetic correction and added that an amendment is required.

RES. #033-08 AMEND DECEMBER 2007 ABSTRACT

On motion of Councilman Youmans, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

BE IT RESOLVED, that the Town Board, of the Town of Coeymans, does hereby amend the December 2007 Abstract as follows and indicated in red.

FUND	VOUCHER #	AMOUNT
GENERAL (A)		
General Pre-Pay	2253-2290	\$330,894.52
General	2339-2387,2467	\$ 36,185.34
	General Total	\$367,079.86
PART-TOWN (B)		
Part-Town Pre-Pay	2291-2304	\$ 38,416.75
Part-Town	2388-2413	\$ 4,749.32
	Part Town Total	\$ 43,166.07
HIGHWAY (D)		
Highway Pre-Pay	2305-2316	\$ 88,552.65
Highway	2414-2451	\$ 23,798.35
	Highway Total	\$112,351.00
SEWER (SS)		
Sewer Pre-Pay	2317-2329	\$ 23,990.76
Sewer	2452-2463	\$ 11,176.52
	Sewer Total	\$ 35,167.28
CAPITAL PROJ. (H)		
Capital Projects	2464-2465	\$ 1,962.17
	Capital Proj. Total	\$ 1,962.17
SPECIAL WATER (SW)		
Special Water	2466	\$ 330.00
	Special Water Total	\$ 330.00

	Total for all Funds	\$560,056.38
TRUST & AGENCY (TA)		
Trust & Agency Pre-Pay	2330-2338	\$432,083.88
	Trust & Agcy. Total	\$432,083.88

CORRESPONDENCE

NYS Department of Environmental Conservation

Supervisor Hotaling stated that he was in receipt of a letter from DEC relative to the November 14th inspection of the Waste Water Treatment Plant and added that it simply states that all permit parameters sampled were within permit limits and continued by saying that the field sample results are listed in the letter.

Mid-Hudson Cablevision

Supervisor Hotaling stated that he was in receipt of a letter from Mid-Hudson Cable detailing some changes in channel offerings.

Town Board Workshops / Meetings

- Town Board Workshop, January 22, 2008, 6pm
- Zoning Ordinance Committee Meeting, January 23, 2007, 7pm
- Town Board Meeting, January 28, 2007, 7pm

Supervisor Hotaling stated that there were a couple of changes to the personnel on the Zoning Ordinance Committee and continued by saying that David Ross will be substituting Cynthia Kunz as a Planning Board representative and at the Town Board level with the departure of Councilwoman Chmielewski it will be Councilman Touchette serving with Councilman Boehm on the Zoning Ordinance Committee.

ADDITIONAL COMMENTS

Supervisor Hotaling offered the opportunity for additional comments at this time.

Chief Darlington stated that there was some damage to one of their police cars late December and added that during a property check the car slid on some snow and ran into a security gate, which caused damage to the vehicle as well as the gate. He added that it has been filed with the insurance companies and is being taken care of. He continued by saying that as a quick Communications update, he had met with the Albany County Sheriff's Department earlier in the day and added that they have a tentative work date for them to start the move of their equipment as the first week in February and added that there is a very preliminary cut over date of February 11th. He went on by saying that they have outside work to do at Town Hall, which is weather permitting and added that tentatively they are looking at the end of February to have everything complete and moved over and continued by saying that it is not definite that they will be out of 15 Mountain Road on that date. He concluded saying that the cubicles for the Dispatch Center are being built and added that along with the County, the phone system is going to be upgraded and they will be receiving a computerized phone system for the dispatchers, which will integrate into the system.

Supervisor Hotaling asked if there were any additional comments, hearing none he asked for a motion to adjourn the meeting.

ADJOURNMENT

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 8:11pm

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk