

A Town Board Meeting was held Monday, January 28, 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
Richard Touchette, Councilman

ABSENT: James C. Youmans, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk
Greg Darlington, Chief of Police
George Dardani, Judge
Albert Deering, Highway Superintendent
David Wukitsch, Attorney for the Town

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

OPENING COMMENTS

Supervisor Hotaling stated that the record should reflect the absence of Councilman Youmans, who is out of town on business and continued by saying that also present were Highway Superintendent Deering, Chief of Police Darlington, Attorney for the Town Wukitsch, Town Clerk Millious and Judge Dardani.

AGENDA

- Public Announcement
- Public Comment
- Approval of Minutes
 - Public Hearing, December 5, 2007 (7:00pm)
 - Public Hearing, December 5, 2007 (7:30pm)
 - Town Board Meeting, December 26, 2007
 - Town Board Organizational Meeting, January 1, 2008
- Supervisor's Report – December 2007
- Department Reports
 - Building Department – December 2007
 - Waste Water Treatment Plant – December 2007
 - Town Clerk – December 2007
- Old Business
 - Superintendent of Highways Vehicle Control
 - One Man Snow Plow Training Update
 - Safety Issue Update
 - Snow Emergency Parking
 - Update on Martin's Hill Sewer
- New Business
 - Establish Town Park Rules
 - Resignation of Zoning Board of Appeals Attorney
 - Recycling Jurisdiction
- Resolutions
 - Appoint WWTP Operator Trainee
 - Position Exchange of Equipment Operators 1&2
 - Amend 2008 Budget
 - Approve December 2007 Abstract
 - Approve January 2008 Abstract
- Town Board Workshops / Meetings

- Town Board Meeting, February 11, 2008
- Town Board Meeting, February 25, 2008

PUBLIC COMMENT

Supervisor Hotaling invited the public to comment at this time.

Judge Dardani stated that he was curious about some communications that they had sent to the Town Board and added that he did not see that it was on the agenda.

Supervisor Hotaling stated that it is not on the agenda because he had stated previously that he was going to let the Town Board deal with it and added that it is his understanding that based on a conversation between Judge Dardani and Councilwoman Rogers and then communicated to him that Judge Dardani and Judge Reilly are not happy that he is taking part in the discussion and in turn believe that he should recuse himself from the matter. He continued by saying that he was turning the meeting over to Councilwoman Rogers because he was leaving the table and added that when the topic is concluded he will return to the Town Board agenda.

Supervisor Hotaling excused himself from the table.

Justice Dardani thanked Supervisor Hotaling.

Councilwoman Rogers inquired as to if Judge Dardani was referring to the hiring of Mr. Filkins.

Judge Dardani stated that their position is that they still need a full-time Court Clerk and added that it has been difficult to fill the position because according to Civil Service they cannot find anyone qualified for the position. He added in the past they have tried to come in with a clerk and in turn advance that clerk to Clerk I, then Clerk II, then Assistant Court Clerk and in due time make that person a full-time Court Clerk. He added that the Town of Coeymans Court is ranked #5 in Albany County and went on by saying that they have spoken with the Towns of Colonie, Bethlehem and Guilderland and the Town of Colonie has three judges one head Court Clerk and seven clerks under, the Town of Bethlehem has one Court Clerk and six clerks and Guilderland has two judges and six full-time clerks. He continued by saying that they are looking for one full-time clerk per judge or two part-time clerks to render some help.

Councilwoman Rogers inquired as to if they had received any new applications for the full-time position.

Judge Dardani stated that they had received a couple and added that they have not put anything else in the paper.

Councilwoman Rogers stated that at the end of 90 days for a part-time position they will still be looking for a full-time position.

Judge Dardani stated that they can advertise for a full-time clerk position and not a Court Clerk position and in turn Civil Service will be satisfied.

Councilwoman Rogers inquired as to if he will start advertising for a full-time clerk.

Judge Dardani stated that they are just trying to get some help and added that they are trying to work with the Town Board. He added that they have their job to do and the Town Board has their jobs to do and continued by saying that sometimes you can't cross the line. He concluded by saying that they are just trying to get some help and went on by saying that the present Court Clerk is anticipating taking a vacation and there is no one to fill the position.

Councilwoman Rogers inquired as to if the Town Board has any questions.

Councilman Boehm stated that the intention is to hire a part-time clerk for now for 90 days and at the end of that time hire a Court Clerk.

Judge Dardani stated that he does not believe that at the end of 90 days they will be hiring a Court Clerk because he does not believe that there will be an applicant that satisfies the requirements of Civil Service. He continued by saying that they tried this and it did not work.

Councilwoman Rogers inquired as to what they plan on doing at the end of 90 days.

Judge Dardani stated that they are going to put a clerk in that position.

Councilwoman Rogers inquired as to if it would be a full-time clerk.

Judge Dardani stated that it would be and added that they would like to see the applicant come in now part-time and then advertise for a full-time clerk.

Councilman Touchette stated that last year when the budget was being discussed the judges requested two full-time Court Clerks.

Judge Dardani stated that Court Clerks are not a dime a dozen and added that it was the Town Board that directed them to have two clerks, which would be one for each judge. He continued by saying that it would be nice but it does not happen that way and added that you have to start with a clerk and train them to understand the procedures. He concluded by saying that they anticipate this happening someday and each judge will have a clerk.

Councilman Touchette stated that at the last Town Board Meeting the Town Board passed a resolution creating a part-time temporary clerk position for 90 days and added that there have been some more applicants. He continued by asking Judge Dardani if he has reviewed the applications.

Judge Dardani stated that he has and added that they do not fit the criteria of Court Clerk.

Councilman Touchette interjected that the temporary position is for a clerk.

Judge Dardani stated that they have never advertised for a clerk and added that the only advertisement has been to hire a Court Clerk.

Councilman Touchette stated that a new position was created and inquired about it not being posted.

Judge Dardani stated that it was because they have been going back and forth between a clerk and a Court Clerk and added that they would like to see someone in there now part-time. He continued by saying that between now and then they would like to advertise in the News Herald for a full-time clerk and explain to them the duties as well as having to work Thursday evenings.

Councilwoman Rogers inquired as to who they would like to hire now.

Judge Dardani stated that they would like to hire Richard Filkins and added that he would be the most feasible because he was previously in the position for 11 months and knows some of the duties.

Councilman Boehm stated that his only problem is that he does not understand why they are hiring a clerk and not a Court Clerk and added that he does not see it as an impossible task.

Judge Dardani stated that they cannot hire someone if Civil Service says that they do not the qualifications.

Councilman Boehm stated that they don't know that because they have not advertised for the position.

Judge Dardani interjected that they have advertised for a Court Clerk.

Councilman Boehm stated that if they advertise for the position in 90-days they do not know who will apply for the Court Clerk position.

Judge Dardani inquired as to if he is saying that they advertise the position as a Court Clerk.

Councilman Boehm stated that there would be two Court Clerks, one for each judge and added that they will give them the temporary help but ultimately they will hire another Court Clerk.

Judge Dardani stated that they don't want to lose sight of the clerk ultimately becoming the Court Clerk after he or she learns the duties.

Councilman Boehm inquired about advertising for a Court Clerk and hiring that position initially.

Judge Dardani stated that they could try it again.

Councilman Boehm interjected that this is what they are trying to do and added that the 90 day part-time position is because of the workload.

Judge Dardani inquired as to what will happen if they get no more applications in.

Councilman Boehm stated that this would be acting like they were defeated before they start and added that they should advertise for the position and try to hire a Court Clerk and not clerk.

Judge Dardani stated that they did this once already and added that they are now almost into the month of February with no help.

Councilman Boehm stated that Confidential Secretary Lewandowski had stated that she has received four new applications for the Court Clerk full-time position and then asked if he has reviewed them.

Judge Dardani stated that he was not aware of those and then asked if they have to wait another two weeks to get some help.

Councilman Boehm stated that they are prepared to give them the temporary help that they need and added that it is with the anticipation that they hire a full-time Court Clerk.

Judge Dardani stated that he would have no problem with the Town Board being part of the interview process.

Councilman Boehm stated that it is something to consider and added that they need to be on the same page and continued by saying that they want to give them the temporary help that they need with a competent person that has worked there before but ultimately have two Court Clerks so the office hours can be maintained and they can move forward. He concluded by saying that if nothing happens after 90 days they will have all wasted their time.

Judge Dardani stated that he anticipates talking with Councilwoman Rogers in two weeks and giving her an update as to what is happening.

Councilman Touchette stated that at this time they do not have an existing Court Clerk position after 90 days and added that this is something that they will have to look at. He continued by saying that the temporary position will help alleviate the problems with unanswered e-mails, answering the phone and the office being closed.

Judge Dardani stated that it would and added that it is only 17 ½ hours a week. He continued by saying that ADA Court day starts at 2:00pm and they are there until 9:45pm and went on to say that the part-time person won't get much done by the time that they open the mail because they have 9,000 e-mail tickets and added that they are not a small court and went on by saying that they are trying not to get back logged. He continued by saying that if the Court Clerk goes on vacation or gets sick there is no one and added that they need two clerks on the bench. He concluded by saying that he would be happy with them granting him a part-time temporary clerk and added that they will advertise in the paper as soon as possible and start from ground zero.

Councilman Boehm stated that they would make a motion to grant the part-time help with the ultimate goal of hiring a full-time Court Clerk.

Councilwoman Rogers interjected that it would be by the end of the 90 days.

Councilman Boehm continued by asking if it is feasible and can be done.

Judge Dardani stated that he will go over the applications to see if there is anyone that qualifies.

Councilwoman Rogers stated that she would offer a resolution.

RES. #034-08 APPOINT PART-TIME TEMPORARY CLERK FOR THE COURT
On motion of Councilwoman Rogers, seconded by Councilman Boehm the following resolution was APPROVED – VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Youmans) – SO MOVED

BE IT RESOLVED, that the Town Board of the Town of Coeymans appoints Richard Filkins to the position of part-time clerk at the hourly rate of \$10.64 an hour up to a maximum of 17 ½ hours a week, which will expire in 90 days.

Councilwoman Rogers inquired as to when he will start work.

Judge Dardani stated that it will be immediately on 01-29-08.

Councilwoman Rogers interjected that it will expire on 04-29-08.

Councilman Touchette inquired as to if Judge Dardani had spoken with Mr. Filkins.

Judge Dardani stated that they did in the past and added that he is very agreeable to coming back.

Councilman Touchette inquired as to if Mr. Filkins will be accepting the position.

Judge Dardani stated that he is not present and he will be calling him as soon as he leaves the meeting and continued by thanking the Town Board.

Supervisor Hotaling returned to the meeting and asked if anyone else wished to comment, hearing none he moved to the next item on the agenda.

APPROVAL OF MINUTES

Supervisor Hotaling stated that there were four sets of minutes for Town Board approval, two Public Hearings on December 5th, a Town Board Meeting on December 26th and the Organizational Meeting on January 1st. He then asked if the Town Board was ready to offer a motion.

Councilwoman Rogers stated that Councilman Touchette was not on the Town Board for the December meetings.

Supervisor Hotaling suggested two motions, one for the December minutes and one for the January meeting.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Boehm, accepting the December 5th minutes as well as the December 26th minutes as presented.

VOTE – AYES 3 – NAYS 0 – ABSENT 1 (Youmans) ABSTAIN 1 (Touchette) – SO MOVED

On motion of Councilman Boehm, seconded by Councilwoman Rogers, accepting the December 26th minutes as presented.

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

SUPERVISOR’S REPORT

FUND	BAL. FWD.	RECEIPTS	DISBURSE.	BALANCE
General	\$680,460.17	\$ 67,658.76	\$366,777.50	\$381,341.43
Part-Town	\$722,095.45	\$205,702.34	\$144,320.65	\$783,477.14
Spec. Water	\$ 5,577.04	\$ 333.74	\$ 660.00	\$ 5,2510.78
Highway	\$ 40,167.83	\$178,238.46	\$ 106,577.98	\$111,828.31
Bridge Const.	\$ 35,252.71	\$ 23.11	-0-	\$ 35,275.82
Trust & Agcy.	\$ 11,748.23	\$422,111.32	\$426,399.06	\$ 7,460.49
Sewer	\$ 89,769.57	\$ 26.94	\$ 34,092.84	\$ 55,703.67
Sew. Cap. Proj.	\$129,553.96	\$ 165.16	\$ 612.24	\$129,106.88
			Tot. Rec. Bal.	\$1,509,444.52

CERTIFICATES OF DEPOSIT

				Maturity Date
Citizens Bank	A-Fund	90 Days	\$115,000.00	02-25-08
National Bank	DA-Highway	90 Days	\$250,000.00	01-24-08

SECTION 8 – HUD

Occupied Units	81
HUD Payments	\$ 34,846.00
Admin. Fee	\$ 122.67
Total HUD Pmt.	\$ 34,968.67
Tenant Rent	\$ 13,986.00
Contract Rent	\$ 48,954.67
Section 8 / Ck.	\$110,811.92
Section 8 / Sav.	\$ 2,256.26
Total	\$113,068.18

SAVINGS ACCOUNTS

Police Forfeitures/Ck.	\$ 72.58
Police Forfeitures	\$ 2,594.44
Unemployment	\$ 3,151.92
Grove Cem./Sav.	\$36,231.49
Grove Cem./Ck.	\$11,007.00
Sewer Dedicated	\$ 6,203.42
Total	\$59,260.85

**COLLATERAL
COVERAGE**

EDIC COVERAGE

COLLATERALIZED

National Bank of Coxsackie	\$100,000.00	\$1,309,891.96
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Citizens Bank	\$100,000.00	\$354,880.24
First Niagara	\$100,000.00	\$152,278.35

Supervisor Hotaling asked for a motion to approve the Supervisor's Report.

MOTION

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

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

DEPARTMENT REPORTS

Building Department – December 2007

Supervisor Hotaling asked that Councilman Touchette give the Building Department Monthly Report for December 2007.

Councilman Touchette proceeded to give the report.

Supervisor Hotaling asked for a motion to approve the report.

MOTION

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

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

Waste Water Treatment Plant – December 2007

Supervisor Hotaling continued by giving the Waste Water Treatment Plant and then offered a motion to approve the report.

MOTION

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, the Waste Water Treatment Plant Report was accepted as presented.

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

Town Clerk – December 2007

Supervisor Hotaling asked that Town Clerk Millious give the Town Clerk's Report for December 2007.

Town Clerk Millious continued by giving the report.

Supervisor Hotaling asked for a motion to approve the report.

MOTION

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

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

OLD BUSINESS

Superintendent of Highways Vehicle Control

Supervisor Hotaling stated that they had previously discussed the Town Board's policy that was issued that prohibited the use of Town vehicles to and from home except in individual circumstances of the Chief of Police and Highway Superintendent. He continued by saying that subsequent to that the Highway Superintendent indicated that he was in conflict with that policy by virtue of the fact that he wanted his Deputy to have use of the Town's pick-up truck for the purpose of going back and forth to home. He added that it in turn it was referred to Attorney for the Town Wukitsch who had found a Comptroller's opinion 806 of 1980, which in summary said:

“The Town Highway Superintendent has the power to authorize highway employees to take highway vehicles home at night regardless of any contrary policy adopted by the Town Board.”

Supervisor Hotaling stated that he was unable to find the initial question for the opinion and added that he didn't know if the opinion contemplated the fact that the vehicle was being taken out of town each day. He added that it had been discussed at a Town Board Workshop and the decision was to postpone it until the second Town Board Meeting of 2008, which is now. He then stated that he was putting it back on the floor for discussion among Town Board members to determine if a decision had been reached by the Board as to whether the policy of the Board should be executed in this particular case in light of the Comptroller's opinion.

Councilman Boehm stated that he believed that initially they made the policy to prevent a Town vehicle from becoming a commuter vehicle and added that he is not convinced that it needs to go home on a nightly basis because there are not that many emergency calls. He added that the policy is a great idea that saves taxpayers money.

Supervisor Hotaling reiterated that it is a Comptroller's opinion and not law and added that he chooses to stay with the policy that they created. He continued by saying that Highway Superintendent Deering had previously directed the Deputy to take the vehicle home and then asked Highway Superintendent Deering if it is being taken home and whether or not the employee lives in or outside the Town.

Highway Superintendent Deering stated that he lives outside the Town and added that it is being taken home.

Supervisor Hotaling asked if there was any other discussion or if they reached a decision.

Councilman Boehm stated that given the Comptroller's opinion he does not believe that it should be taken home.

Supervisor Hotaling asked that he put it in the form of a motion that they will exempt the Highway Department and any of its employees from the policy that was created by the Town Board.

Councilwoman Rogers inquired about using the word employees.

Supervisor Hotaling inquired as to if he would be stretching it to say all of the employees in terms of the opinion that Attorney for the Town Wukitsch had read.

Attorney for the Town Wukitsch stated that it didn't seem to distinguish among employees and added that if they are going to rely on the Comptroller's opinion they have to have a carve out or exception for the Highway Department employees. He continued by saying that Supervisor Hotaling accurately summarized the law and went on by saying that he has done the research and this is what they have been able to come up with in terms of a legal opinion. He went on by saying that it is a Comptroller's opinion and added that it does not have the force of a law but does analyze and offer an opinion as to the state of the law by discussing both a Town Law section, which seems to give the Town Board the power to control the vehicles and another section of the Highway Law that seems to afford the power to the Highway Superintendent. He concluded by saying that there is a gray area and the Town Board has to do its best with what has been put before them in terms of making a decision and added that if they are going to rely on an

opinion, the Comptroller's opinion is that the Highway Superintendent seems to have the power to control the vehicles.

Councilwoman Rogers stated that her only problem is that the vehicle is being taken out of town, which raises more issues.

Attorney for the Town Wukitsch interjected that this was not part of the opinion.

Councilman Touchette asked Highway Superintendent Deering why he felt so strong about the Deputy Superintendent having a vehicle to commute back and forth to work.

Highway Superintendent Deering stated that there might be times that they cannot get in touch with him and would have to get in touch with his Deputy and added that he does the same job when he is not around. He continued by saying that when he was a foreman he took it home as well as others in the past that have taken it home and added that it was not out of town.

Councilman Touchette inquired as to when the Deputy started taking the vehicle home.

Highway Superintendent Deering stated that it was when his Deputy started and added that the person before him that was a Foreman took it home and went on by saying that it has been going on for years.

Councilman Touchette started to inquire about the value of the personal use of the vehicle.

Highway Superintendent Deering stated that to his knowledge it is not used for personal use.

Supervisor Hotaling asked that Highway Superintendent Deering listen to the whole question because he thinks it is a different question.

Councilman Touchette inquired as to if the value of the personal use of the vehicle is included on his W2.

Highway Superintendent Deering stated that he didn't believe so.

Supervisor Hotaling stated that the practice in the past has been that many people have done that and added that it has been a long standing practice. He continued by saying that he believes that it was the Town Board's sense that whatever they are paying for a gallon of gasoline and the fact that they are not adding that value to the employee, they are treating that employee differently than they do a lot of other employees and added that the policy was grounded in that. He went on by saying that they exempted the Police Chief and Highway Superintendent because of their unique responsibilities, which they did not extend to other individuals. He concluded by saying that it was put on the agenda at the request of the Town Board at the Workshop on December 18th and then asked if the Town Board was prepared to come to some kind of closure or decide when they will.

Councilman Touchette inquired as to reasons why the Deputy Superintendent would be called in.

Highway Superintendent Deering stated that it would be if he wasn't around.

Councilman Touchette inquired about the duties.

Highway Superintendent Deering stated that he would have to go to the shop to call the guys in to work and added that if the Police Department can't get in touch with him they would call his deputy. He continued by saying that he is only speaking for the Highway Department and added that he does not know what the other Departments have done.

Councilman Touchette stated that as it stands right now there is a resolution.

Supervisor Hotaling stated that there is and added that it stands in opposition of the fact pattern that Highway Superintendent Deering describes for his Deputy at this point. He continued by saying that he would either have to be included in the exemption or told that the policy still stands with a majority of the Town Board. He concluded by saying that right now it is in conflict with the policy that was established by resolution.

Councilman Boehm stated that he sees it as another form of compensation because most of the time he is using the vehicle to commute and added that if he is called in he does not understand why he cannot use his personal vehicle to go to the Highway Garage and get the equipment that he needs. He concluded by saying that he would like to investigate the possibility that it is an additional form of compensation and in turn have the Town Board and Attorney for the Town Wukitsch review it.

Supervisor Hotaling stated that his point is well taken and added that the law is specifically clear on that already in that when a situation occurs like this it is the obligation of the municipality to treat the personal use as an income and add it to that individual's W-2 in the form of income. He continued by saying that the problem is in knowing what value to place on that and if it is figured on the mileage that the IRS uses for deduction, which is 50 cents a mile or if it the actual cost of the fuel.

Councilman Boehm stated that if it for emergency use it would not be considered but if it is just commuting it would be considered.

Supervisor Hotaling stated that the Town Board's policy exempted Superintendent Deering and Chief Darlington and continued by asking if they should do the same for them or have it checked into by Attorney for the Town Wukitsch as to whether it obligates the municipality to add the value to their salary under the IRS rules.

Attorney for the Town Wukitsch inquired as to how they are treated now.

Supervisor Hotaling stated that no one gets it added at this point.

Attorney for the Town Wukitsch inquired as to if the issue that they want him to look into is if the Town is required to report or add the income of the use of the vehicle to their W-2.

Supervisor Hotaling stated that was correct.

Attorney for the Town Wukitsch interjected that this is different from the issue that they started with and added that initially the issue was whether or not the Town Board wants to extend the current exemption on the use of the vehicles to the Deputy Highway Superintendent, which is the same issue that it was a month ago. He added that based on the opinion from the Comptroller's office it seems to support that exemption even though they don't know all of the details.

Supervisor Hotaling added that it seems to support that exemption plus an exemption for the entire Highway Department, and added that any piece of equipment that is drivable on the highway would be under the Highway Superintendent's control to any of the employees of the Highway Department.

Attorney for the Town Wukitsch stated that was correct and added that the issue is not going to change even after he researches the latest issue.

Supervisor Hotaling inquired as to if the Town Board wants to withhold their decision on the first issue and have Attorney for the Town Wukitsch check into the requirements under the law with regard to value.

Collectively it was agreed that they would withhold their decision.

Supervisor Hotaling inquired as to if they wanted to hold it until the end of February, which will give Attorney for the Town Wukitsch time to research it.

Attorney for the Town Wukitsch stated that he will have an answer by then.

Supervisor Hotaling stated that it is deferred until the Town Board Meeting on February 25th.

One Man Snow Plow Training Update

Supervisor Hotaling stated that they had received a correspondence from Highway Superintendent Deering indicating that the training has commenced and all but two of the employees have completed the course.

Highway Superintendent Deering interjected that those two employees had completed it earlier in the day.

Supervisor Hotaling stated that there were three segments to the training, a classroom segment, a demonstration segment and the third will be completed when there is an actual storm. He continued by asking if the plan is that the instructor will return when there is a storm.

Highway Superintendent Deering stated that the instructor will come down when there is a storm and the wing needs to be used and added that he will go out in the truck with each one.

Supervisor Hotaling inquired as to the timeframe that there he has to be with each one.

Highway Superintendent Deering stated that it is four hours per student and added that it is also depends on the student.

Supervisor Hotaling stated that it is not likely that everyone will be certified during the first snow storm.

Highway Superintendent Deering agreed and added that they are all ready to do it.

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

Safety Issue Update

Supervisor Hotaling stated that the safety issues update is in response to a letter that he had received from Donald VanAlstyne who is a Safety Officer and employee of the Highway Department. He continued by saying that he identified seven issues in the Highway Department and two in the Beautification Department that from his perspective as Union Safety Officer, designated by the Union, are a problem. He went on by saying that he asked Councilwoman Rogers as liaison for the Highway Department to start talking with Highway Superintendent Deering and then asked for an update as to what has happened.

Councilwoman Rogers stated that the lights on the small trailer have been done.

Highway Superintendent Deering interjected that they did not do the electric brakes yet because they may take an axel off because it is not needed.

Councilwoman Rogers stated that the wood chipper has lights.

Supervisor Hotaling inquired as to if there were two axels on the trailer and then whether or not it will require electric brakes if they take one off.

Highway Superintendent Deering stated that an axel was put on when they had a heavier trailer and added that they can eliminate that if they need to.

Supervisor Hotaling stated that his discussion with the Union seemed to indicate that a fairly heavy piece of equipment is on the trailer and moved around.

Highway Superintendent Deering stated that it was a roller and one axel will work.

Councilwoman Rogers added that the lights on the stump grinder have been taken care of and added that they are waiting for the metal hood for the welding area, which has been ordered.

Highway Superintendent Deering stated that they have the hood and it is the fan for the ceiling that they are waiting for and continued by saying that Peter Bullock is working on it.

Supervisor Hotaling interjected that he just signed a purchase order for a portable hood.

Highway Superintendent Deering stated that it is portable for welding and added that it goes around to where they are welding.

Supervisor Hotaling inquired as to if it was designed to fix the problem raised with the Safety Officer.

Highway Superintendent Deering stated that it will fix some of it and added that it will be at one end of the building.

Supervisor Hotaling stated that it was fairly expensive and added that he believed that it was in response to the Safety Officer's letter.

Councilwoman Rogers stated that it wasn't and added that she just found that out.

Supervisor Hotaling stated that they spent \$3,000.00 for something that isn't going to take care of what's on the list.

Highway Superintendent Deering stated that it will suck up the welding and is portable and can be moved to where you are working.

Supervisor Hotaling stated that there were two concerns with the Beautification Department and added that it has been reported to him that the gas cans have been converted to metal and there is a metal cabinet on site for the storage of gas and separation of other flammables. He then asked if there was any other discussion.

Highway Superintendent Deering stated that he would appreciate it if the Safety Officer gives him a copy of his findings and added that he should know what is going on.

Supervisor Hotaling stated that he agrees and added that the Safety Officer works with him everyday and there should be weekly discussions.

Highway Superintendent Deering stated that he felt as though it was sneaky because he didn't know anything about it.

Supervisor Hotaling stated that he should tell him that.

Highway Superintendent Deering stated that he already knows.

Supervisor Hotaling stated that it should have been handled there and added that the Safety Officer had said that those communications had taken place and there was a failure to communicate.

Councilwoman Rogers stated that she had given a copy of the safety issues to Highway Superintendent Deering.

Supervisor Hotaling stated that when he had met with the Union they had said that the issues had been discussed and added that he does not know if this is so. He reiterated that he agrees with Highway Superintendent Deering and there should be weekly meetings with the Safety Officer.

Highway Superintendent Deering reiterated that he should have gotten a copy of the letter.

Snow Emergency Parking

Supervisor Hotaling stated that he was in receipt of a memorandum from Highway Superintendent Deering dated January 24th and added that it was relative to the previously discussed no parking emergency system and whether or not there was any progress. He continued by saying that there was some preliminary discussion about their recollection on this and then asked for comments from the Town Board.

Councilman Boehm stated that he had thought that Chief Darlington and Highway Superintendent Deering were communicating with each other to work out the details, which he believed was going to parallel what the Village does in that after three inches of snow you cannot park on the road.

Highway Superintendent Deering stated that this is what he was thinking and added that it should state the entire Town of Coeymans. He continued by saying that there should not be any parking on any road for 24 hours when there is a snow fall of 3 inches or more.

Supervisor Hotaling inquired as to whether either of them had a discussion with Attorney for the Town Wukitsch relative to the need to either convert it to an ordinance or law or if can be done by resolution only.

Highway Superintendent Deering stated that they had not.

Attorney for the Town Wukitsch stated that he will check into it.

Chief Darlington stated that the previous Town Attorney felt that if the Town was actually going to do a Snow Emergency like the Village, they would have to pass a Local Law. He continued by saying that there was a question on 1163, which gave the Police Chief the power to declare a snow emergency for snow removal and added that it was more for when they do the cleanup after the snow storm and not necessarily during the storm.

Supervisor Hotaling stated that he remembers the discussion and added that he was on board with that because it would have been the easier way to do it. He continued by saying that there was no correlation that they could make separating the removal of snow after an event to the actual snowfall.

Chief Darlington stated that they would have to post Emergency No Parking Signs and added that they would have to go on all the Town roads and put up temporary signs the same as they do during a snow removal.

Supervisor Hotaling asked that Highway Superintendent Deering give some guidance to Attorney for the Town Wukitsch relative to what he is talking about.

Highway Superintendent Deering stated that he is talking about the entire Town of Coeymans.

Supervisor Hotaling stated that some of the roads in the 5th and 7th districts are different from the roads in the Hamlet.

Highway Superintendent Deering stated that a lot of them are narrow and reiterated that it should be the whole town.

Chief Darlington stated that he would provide Attorney for the Town Wukitsch a copy of the Village Code.

Attorney for the Town Wukitsch stated that would be great.

Highway Superintendent Deering stated that he wanted to go back to the safety issue.

Supervisor Hotaling stated that they were going back to the previous topic.

Highway Superintendent Deering stated that the safety issues raised were not budgeted for and added that he wanted to let the Board know. He continued by saying that if had known about it he could have budgeted for it.

Supervisor Hotaling stated that if he had known that the \$3,000.00 for the portable unit was not going to address the problem he would not have signed the purchase order.

Highway Superintendent Deering stated that it will take care of the problem because it is portable.

Supervisor Hotaling stated that they still need to hire an electrician to do something more permanently.

Highway Superintendent Deering stated that this would be at the permanent welding location and added that he should stop in to see what he is talking about.

Update of Martin's Hill Sewer

Supervisor Hotaling stated that a check was sent to the State of New York Department of Transportation in the amount of \$21,600.00 to include the gray water sewer system construction in the Rte. 143 realignment, which is scheduled to start as early as mid spring 2008 and go until 2009.

NEW BUSINESS

Establish Town Park Rules

Supervisor Hotaling stated that there was discussion between himself and Chief Darlington relative to establishing park rules for the parks within the Town. He continued by saying that Town Clerk Millious provided a copy of the existing rules and added that the problem that Chief Darlington had was identifying dark as the closing time. He went on by saying that what is dark to one might not be dark to another and added that Chief Darlington wants to be in the position to have something that is more enforceable.

Councilman Boehm stated that there are specific times for sunset and sunrise.

Chief Darlington stated that sunset does not mean dark and added that it leaves a wide open interpretation with it comes to the court when you are having someone charged with trespassing on the property.

Attorney for the Town Wukitsch suggested that it be 30 minutes after sunset.

Supervisor Hotaling stated that it would be a slippery slope for the court.

Attorney for the Town Wukitsch stated that sunset is a different time each year and added that the easiest way might be to have one time for the fall and winter months and another time for the spring and summer months.

Supervisor Hotaling stated that they had discussed this and talked about April 1st to September 30th being 10pm and October 1st to March 31st being 8pm.

Chief Darlington stated that if there is a closing time there would have to be a reopen time.

Collectively it was agreed that it should be 6am.

Supervisor Hotaling stated that it makes sense to have two segments of the year and added that during certain times of the year the Hudson River is used to fish for Stripers and added that they are probably out there earlier than 6am. He added that there was not great structure with the park rules and regulations and then asked Town Clerk Millious if they had ever codified them in some way by resolution or motion.

Town Clerk Millious stated that they had not and added that in the 90's they had started charging a fee because there was a problem with people fighting over the pavilion and gazebo. She continued by saying that originally they charged \$50.00 and gave back \$25.00 if it was left in an orderly manner but then went to a flat fee of \$25.00 for the pavilion and gazebo. She added that you can know reserve the ball fields but there is no charge

Supervisor Hotaling stated that he didn't want to get into ball fields, pavilions and gazebos and added that he wants to figure out and establish the rules and regulations.

Attorney for the Town Wukitsch stated that if they are simply establishing rules and regulations for the general usage of the parks, what they have developed is fine and added that if they want to get to the point where they impose fines they will have to move to the next level and have an ordinance or local law. He went on by saying that this has to be done in order to cite someone and impose a fine.

Chief Darlington stated that in the past when specific times were posted the violator could be charged with trespassing, which took care of any fine structure because they were charged under the penal law.

Supervisor Hotaling stated that there is a means to enforce if they put the hours and added that they can amend the rules to include hours of operation. He continued by saying that Town Clerk Millious reminded him that the first two pages is a form that was created in response to NYMIR (New York Municipal Insurance Reciprocal) to make sure that anyone who uses the park has insurance because without it they would be putting all of the taxpayers at risk for liability if someone gets injured and added that the person who uses a facility has to have proper insurance prior to use.

Attorney for the Town Wukitsch stated that he glanced at it and added that they do have the required provisions in the rules and regulations and continued by saying that it states that the Town of Coeymans will be added as an unrestricted additional insured on the users policy as well as limits of coverage as well as an acknowledgement and indemnity by the user. He concluded by saying that they key elements are all there.

Supervisor Hotaling stated that by his recollection the form was not adopted by the Town Board for use and added that it is the form that they are currently and have been using for the last several months for Joralemon and Coeymans Landing. He added that there are questions raised by the user about their requirement to have \$100,000.00 limited liability on their Homeowner's Policy and that proof is required. He concluded by saying that he wants to make the Town Board aware that the form has not been adopted and added that he would recommend that they adopt it.

Tape change – some dialect lost.

Supervisor Hotaling stated that there should not be a lot of commercial users and added that there is a million dollar liability requirement and a two million dollar aggregate required. He continued by saying for an individual there is a requirement of \$100,000.00 limited liability as well as their policy not excluding off premises activity.

Chief Darlington stated that this is true only if someone reserves the pavilion and added that his concern is when a group uses the pavilion without a reservation. He continued by saying that the rules could say "park use by permit only".

Councilwoman Rogers stated that the way that she is reading it, it sounds like only homeowners can get a permit for the pavilion with that kind of liability insurance.

Town Clerk Millious stated that she has run into that type of situation and someone else in their party will do it for them if they are a Town resident.

Supervisor Hotaling stated that they do not have to adopt the rules and regulations and added that if they don't they run the risk of any claim arising out of use of a park being denied by the Town's insurance carrier.

Councilwoman Rogers interjected that Chief Darlington had pointed out that you can still use the pavilion if it is not reserved.

Supervisor Hotaling stated that as Chief Darlington had indicated it can state that any party in excess of a designated number will require a permit.

Attorney for the Town Wukitsch stated that it currently says that a permit is required for a large organized activity and added that it is not defined.

Supervisor Hotaling stated that this is something that they can not decide on now and then asked for someone to take the lead on trying to come up with something that makes sense balancing between the requirements for insurance and the liabilities that are attached to that and the public use of the facilities.

Councilwoman Rogers stated that she would work on it.

Supervisor Hotaling stated that he would give her anything that he has on it from the insurance carrier and added that he believes that the form reflects their suggested words.

Attorney for the Town Wukitsch stated that with other municipalities he has seen it very similar.

Resignation of Zoning Board of Appeals Attorney

Supervisor Hotaling stated that he was in receipt of a resignation of the Zoning Board of Appeals Attorney, Aline Galgay dated January 24th. He continued by saying that she is tendering her resignation as Attorney for the Zoning Board of Appeals as well as moderator for the Zoning Ordinance Committee and added that it is effective immediately. He added that they are in search of Zoning Counsel and went on by saying that he will defer it to members of the Board who are sitting on the Zoning Ordinance Committee to indicate their preference with a continuation of that committee. He then asked for a motion to accept the resignation.

MOTION

On motion of Councilman Boehm, seconded by Councilman Touchette, accepting the resignation of Aline Galgay as Attorney for the Zoning Board of Appeals and moderator for the Zoning Ordinance Committee.

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

Dear Ron:

After very serious consideration, and with much regret, I am submitting my resignation to the Town of Coeymans with respect to my positions as attorney to the Zoning Board of Appeals and moderator for the Zoning Ordinance Committee. I believe that it is very important for both entities to operate as cohesive units with a vision towards progress. When that is not successfully occurring, there needs to be a change to ensure that the progress is stymied.

I understand that I need to return the Code Book to the Town Clerk, which I will do at my earliest convenience. Further, I began a compilation of the decisions I wrote for the ZBA, which I would be happy to turn over to my successor. Lastly, I have the updated Zoning Law on my computer, amended through December (not inclusive of the changes from last night's meeting) which I would be happy to e-mail to the individual tasked with leading the Zoning Ordinance Committee.

Please know that I truly enjoyed my time serving the Town of Coeymans. I am sorry that I will be able to continue.

Respectfully yours,

Aline D. Galgay

Councilwoman Rogers inquired as to if she had returned the Code Book to Town Clerk Millious.

Supervisor Hotaling stated that the letter states that she knows that she has to do that and added that she will do it at her convenience and then asked that Town Clerk Millious get in touch with her.

Town Clerk Millious stated that she will.

Councilman Boehm stated that he had spoken with Attorney Galgay and she indicated that there were some personality issues with certain people and continued by saying that he does think that it is important to move forward and take a fresh look at it. He added that during the past four months the Committee has made very little progress and of an 86 page document they are only on page 10. He concluded by saying that they have to decide what role the attorney will play because it is an important role and that person will have to defend the Zoning Board when they do pass the new zoning laws and added that they need to secure counsel and move forward.

Supervisor Hotaling stated that it does make sense to have an attorney involved in order to defend the document requirements. He continued by suggesting the he along with Councilman Touchette reach out for a referral for an attorney.

Recycling Jurisdiction

Supervisor Hotaling stated that the Recycling Law in the Town of Coeymans was passed in early 1990 as a result of the State mandate to do a Solid Waste Management Law to include recycling. He added that at that time it was assumed that the Town's Recycling Law was one that was going to be exercised across the Town. He continued that approximately 8 months ago he received an inquiry from a resident of the Hamlet about the fact that school does not recycle and in turn he had said that he would look into it. He went on by saying that he called the school and was advised that from their perspective it is too difficult to do because their waste hauler is not prepared to deal with separating the paper, recyclables and garbage. He added that in turn he contacted DEC to find out what his authority is and found that the Town lacks jurisdiction where there is a Village in it and continued by saying that the high-school and middle-school was annexed into the Village in the mid 80's, which would mean that the Town is without jurisdiction to impose the Recycling Law that they passed and in turn the Village has to enforce their law. He went on by saying that the Village does not have a law and added that they did not pass a law when all municipalities were required to do so. He continued by saying that maybe they didn't because they thought that the Town Law was going to apply. He then asked that Attorney for the Town Wukitsch look into the current status of the law relative to the Town's jurisdiction to apply its Recycling Law to locations within a Village, within a Town, if that jurisdiction does not have a Solid Waste Management Law and added that it is unique using a school because there is going to be an overlay of the Education Department that has regulatory responsibility for the school as well, which might include the area of recycling. He continued by saying that in spite of the Town's ability to have jurisdiction because the Village does not have a law, it may be superseded by the Education Department in this particular case. He concluded by saying there is also a question as to whether or not in general in any residence that sits in the Village if the Town has any jurisdiction over the recycling that occurs in that residence or commercial establishment.

Attorney for the Town Wukitsch inquired about what he has learned to date from DEC and whether or not he is correct in understanding that if a Village has a law, the Town cannot enforce its Recycling Law.

Supervisor Hotaling stated that is true and added that he believes that it goes further than that and continued by saying that he gathered from DEC that they are surprised to find that the Village does not have a law. He went on by saying that the Village may believe that the Town's law applies and continued by saying that DEC indicated that every municipality under the State mandate was required to come up with a Solid Waste Law and because they are required to do it each municipality within their jurisdiction enforces it, which the Village does not have. He concluded by saying that he wants to convey to the Village his findings because they may be of the opinion that the Town does have and has exercised jurisdiction, which DEC has indicated may have been misplaced.

Attorney for the Town Wukitsch stated that he understands the issue.

Supervisor Hotaling stated that he wanted to find out one way or the other and added that in New York State the law sometimes acts in cross purposes of one another.

Attorney for the Town Wukitsch inquired as to if he should report back to the Board with a written opinion.

Supervisor Hotaling stated that he would like that and added that it only has to be a summary of what he finds with his review and contact with DEC. He then asked if there were any other New Business topics, hearing none he moved to the next item on the agenda.

RESOLUTIONS

RES. #035-08 APPOINT WASTEWATER TREATMENT PLANT OPERATOR TRAINEE

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

WHEREAS, the Sewer Department is desirous of filling the current Sewer Plant Treatment Operator Trainee position, and

WHEREAS, several applications have been received and the recommended candidate has been forwarded to Albany County Civil Service for qualification review, and

WHEREAS, Albany County Civil Service has determined that the recommended candidate meets the minimum qualifications,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby appoint Keith P. Geraldson to the position of Sewage Treatment Plant Operator Trainee, provisional, effective immediately, and contingent upon further Civil Service review. Appointment is made at the hourly rate of \$14.89, consistent with the current Labor Management Agreement in effect.

Supervisor Hotaling stated that Chief Operator Breedlove had indicated that in his discussion with Mr. Geraldson, the opportunity for a starting date is February 4th.

RES. #036-08 APPROVE POSITION EXCHANGE OF OPERATORS 1&2

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, Gilbert Stevens is currently Equipment Operator 2 (EO2) in the Highway Department and George LaMountain, Jr. is the Equipment Operator 1 (EO1), and

WHEREAS, EO2 Stevens has requested to be allowed to revert to an EO 1 position, and

WHEREAS, the Highway Superintendent, pursuant to the Labor Management Agreement requirements, has internally posted the potentially vacant EO2 position, and

WHEREAS, applications for that position have been received and reviewed, and

WHEREAS, Highway Superintendent Deering recommends George LaMountain, Jr. be promoted to the EO2 position.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans hereby grants Gilbert Stevens request to revert to the EO1 position vacated by George LaMountain, Jr., and

BE IT FURTHER RESOLVED, that George LaMountain be promoted to the EO2 position vacated by Gilbert Stevens, and

BE IT FURTHER RESOLVED, that the rates of pay be adjusted, effective immediately, to reflect this exchange of titles.

Supervisor Hotaling stated that he put this together earlier in the day at Highway Superintendent Deering's request and continued by asking Highway Superintendent Deering if he summarized it right.

Highway Superintendent Deering stated that it is just a switch.

Supervisor Hotaling stated that there are no vacancies and added that as they are switching there is a vacancy and then asked Attorney for Town Wukitsch if there is a down side to doing it. He continued by saying that all of the jobs are labor class positions for which qualifications are such that are determined by the Superintendent of Highways and in turn Civil Service only wants to be told who fills them.

Attorney for the Town Wukitsch stated that he does not see a problem with it.

Supervisor Hotaling stated that he had discussed with Highway Superintendent Deering about how to do it and added that they believed that this would be the best way to do it.

Highway Superintendent Deering stated that this is the first time that it has ever been done.

Attorney for the Town Wukitsch stated that it seems fine.

RES. # 037-08 AMEND 2008 BUDGET

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

WHEREAS, the Town has received notice from the New York Stated Division of Criminal Justice Service (DCJS) and the U.S. Department of Justice of a Bullet Proof Vest Partnership Program, and

WHEREAS, the Town had not provided for the revenue or related expenditure of the grant in the Town's 2008 budget, and

WHEREAS, the Town anticipates the entire cost of the grant will be reimbursed by the grant,

NOW, THEREFORE, BE IT RESOLVED, that the 2008 budget be amended as follows: Increase the revenue State Aid Account A3089 by \$3,000, increase the Federal Aid Account A4089 by \$3,000, and increase the expenditure account A3120.21 by \$6,000.

Supervisor Hotaling asked that Chief Darlington explain the program.

Chief Darlington stated that it is a program that they have used in the past and added that it was taken out of their uniform budget. He continued by saying that any time that they hired a new police officer it would exhaust their uniform budget and when they got reimbursed it went into the General budget. He added that the Federal government reimburses 50% of any new vests and the State government reimburses the other 50% as well as the Federal government reimbursing 50% of any replacement vest.

Supervisor Hotaling stated that it preserves the program and does not have an impact on the regular uniform budget and then asked Chief Darlington if he worked this out with Internal Control Officer Purinton and Bookkeeper Puckett.

Chief Darlington stated that he had.

RES. #038-08 APPROVE DECEMBER 2007 ABSTRACT OF CLAIMS

On motion of Councilman Touchette, seconded by Supervisor Hotaling, 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 December 2007, Abstract.

	VOUCHER #	AMOUNT
GENERAL (A)		
General Pre-Pay	2468-2497	\$133,049.05
General	2535-2594	\$ 74,940.29
	General Total	\$207,989.34
PART-TOWN (B)		
Part-Town Pre-Pay	2497-2508	\$ 13,611.60
Part-Town	2595-2609	\$ 12,325.86
	Part Town Total	\$ 25,937.46
HIGHWAY (D)		
Highway Pre-Pay	2509-2517	\$ 29,028.89
Highway	2610-2658	\$ 42,565.98
	Highway Total	\$ 71,594.87
SEWER (SS)		
Sewer Pre-Pay	2518-2531	\$ 8,008.29
Sewer	2659-2673	\$ 11,198.38
	Sewer Total	\$ 19,206.67
CAPITAL PROJ. (H)		
Capital Projects	2674-2677	\$ 8,823.50
	Capital Proj. Total	\$ 8,823.50
	Total for all Funds	\$ 333,551.84
TRUST & AGENCY (TA)		
Trust & Agency Pre-Pay	2532-2534	\$ 92,107.34
	Trust & Agcy. Total	\$ 92,107.34

RES. #039-08 APPROVE JANUARY 2008 ABSTRACT OF CLAIMS

On motion of Councilman Boehm, seconded by Councilman Touchette, 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 January 2008, Abstract.

	VOUCHER #	AMOUNT
GENERAL (A)		
General Pre-Pay	1-18	\$169,508.42
General	51-62	\$ 6,441.99
	General Total	\$175,950.41
PART-TOWN (B)		
Part-Town Pre-Pay	19-25	\$ 25,404.72
Part-Town	63	\$ 285.00
	Part Town Total	\$ 25,689.72
HIGHWAY (D)		
Highway Pre-Pay	26-34	\$ 52,211.98
Highway	64-84	\$ 12,444.06
	Highway Total	\$ 64,656.04
SEWER (SS)		
Sewer Pre-Pay	35-43	\$ 10,781.13
Sewer	85	\$ 82.00
	Sewer Total	\$ 10,863.13
CAPITAL PROJ. (H)		
Capital Projects	86	\$ 352.00
	Capital Proj.Total	\$ 352.00
	Total for all Funds	\$277,511.30
TRUST & AGENCY (TA)		
Trust & Agency Pre-Pay	44-50	\$230,239.93
	Trust & Agcy. Total	\$230,239.93

WORKSHOPS / MEETINGS

- Town Board Meeting, February 11, 2008, 7pm
- Town Board Meeting, February 25, 2008, 7pm

CLOSING COMMENT

Supervisor Hotaling stated that he had heard that there was a vote, which resulted from the presentation of Judge Dardani earlier in the meeting and added that he wanted it written up in memorandum form and in his office the following day so he can act on it if it is something that he has to act upon.

Councilman Boehm stated that they have the original resolution and stated that he will get it to him.

Supervisor Hotaling reiterated that he will need instruction as to what to do because he did not participate.

ADDITIONAL COMMENTS

Supervisor Hotaling asked if there were any additional comments.

Town Clerk Millious stated that there is a Presidential Primary Election on February 5th and added that it is for Democrats and Republicans.

Supervisor Hotaling asked if there were any additional comments.

Chief Darlington stated that they have ordered equipment that will be coming in to move Communications and added that the generator is also in and will be installed next week.

Supervisor Hotaling asked if there were any additional comments.

Highway Superintendent Deering inquired as to if Attorney for the Town Wukitsch had received the paperwork from him relative to Biers Road.

Attorney for the Town Wukitsch stated that he had not and added that he will look for it.

Highway Superintendent Deering continued by inquiring about Deyo Road Extension and the signage on Oak Street.

Supervisor Hotaling stated that after receiving a memorandum from Highway Superintendent Deering he took the initiative to contact former town Attorney Rotello and found in the Oak Street matter that Mr. Michael Biscone was the last one to be charged with writing the deed for Hammerhead turnaround at the end of Oak Street. He continued by saying that to Mr. Rotello's knowledge Mr. Biscone has yet to write the deed in addition to Mr. Rotello saying that he was going to talk with Attorney for the Town Wukitsch and convey the material in the file to him so that he can follow up with Mr. Biscone. He added that Attorney Rotello had indicated that Deyo Road is a two segment extension with the first segment being the lower section, which has been used for years and considered by Attorney Rotello to be a highway by use and continued by saying that any deed acquisition to that segment of the road would be a formality at best. He went on by saying that the second section, that was created further up the road to Mr. Campbell's gates, is all owned by John Campbell and presumably can be deeded to the Town of Coeymans and added that there has been a request to pave the road and it has been the Town Board's concern that without a deed and ownership of the road it would be difficult for them to authorize the expenditure of tax dollars to pave it. He continued by saying that there was a resident complaining about drainage, who is also one of the those that have to sign off on the deed that has to take place and added that it is Attorney Rotello's opinion that he does not believe that this individual will be willing to sign off on a deed given his concerns expressed in public forum about the drainage. He added that it was concluded that Attorney Rotello was going to discuss this with Attorney for the Town Wukitsch and convey the material in that file to him. He went on by saying that with respect to Fifth Street he recalls that in going back some time, the Chief of Police, Superintendent of Highways and Town Attorney were going to come together and decide as to what the best course of action would be because a couple of things were to take place, it possibly being converted to a one-way street, and it being converted to a no-parking area and removing a portion of the street retaining wall, which was on private property. He continued by saying that a conclusion was reached on the part of the Town Attorney and conveyed to the Town Board that it would be appropriate for the Highway Department to work on the retaining wall to hold back the private property from the highway. He concluded by saying that to his knowledge that they are all open questions

and added that he does not know if the Town Board is involved in any except for the one that authorizes him to work on the private property.

Highway Superintendent Deering inquired as to what wall and private property.

Supervisor Hotaling stated that it is on Fifth Street and added that in order to do the road properly and remove the sidewalks, which they also talked about doing, would also mean to beef up the retaining wall because when the sidewalks are removed it would tend to provide some kind of erosion opportunity of the land in front of the private residences. He continued by saying that it was Attorney Rotello's opinion, which might not be Attorney for the Town Wukitsch's opinion, that Highway Superintendent Deering would have to get approval from the Town Board to authorize the expenditure of tax dollars to shore-up the wall if they remove the sidewalks. He added that the issue of which way it should be one-way is something that has to be a dialog between the Chief of Police and Highway Superintendent Deering and then presented to the Board. He went on by saying that some would suggest south to north, given the fact that there is limited sight distance on Church Street for those that would be parked there heading north to south in a one-way event may be in jeopardy for someone coming around that turn, coming up the hill and finding someone stopped there heading one-way down Fifth Street. He continued by saying that it impedes the property entrance of one resident down there, which would mean that the resident as well as his tenants would have to access it from Westerlo Street to come up and turn right into the property as opposed to turning the wrong way on the south-north one-way street. He concluded by saying that the issues raised by Highway Superintendent Deering are not issues that the Town Board has to consider at this point and added that they are issues to be considered by Highway Superintendent Deering and Chief Darlington along with guidance from Attorney for the Town Wukitsch.

Highway Superintendent Deering stated that he is puzzled about the ownership of the private property because the sidewalk goes right to the edge.

Supervisor Hotaling stated that he should not get hung up on that and if it is puzzling he should leave it off the plate for now because there are a lot of issues that they can deal with on Fifth Street before they have to even consider if it is a private property. He added that Highway Superintendent Deering's presentation to Attorney for the Town Wukitsch can determine if it is or not and whether or not he will need authority from the Board to work on the property.

Highway Superintendent Deering inquired about the no-parking signs to be placed on both sides of the road and whether or not it is still in the works.

Supervisor Hotaling inquired as to what works he thinks the Town Board is doing.

Highway Superintendent Deering stated that it has to be approved by the Town Board.

Supervisor Hotaling stated that it does and added that it has not come to the Town Board in terms of a formal resolution.

Highway Superintendent Deering stated that it hasn't and added that he has mentioned it before and continued by saying that he will work with Attorney for the Town Wukitsch on it.

Supervisor Hotaling stated that it has all been previously discussed and added that they had talked about no-parking and stop signs in the Hamlet and whether or not a change has to be done in terms of amending a law to add certain other areas of the Town. He continued by saying that he believes that it was the opinion of the then Town Attorney that it had to be done that way and in turn it was left up to Highway Superintendent Deering and the Chief of Police to come up with a coordinated plan to present for amendment of the law.

Highway Superintendent Deering stated that he would get together with Chief Darlington and Attorney for the Town Wukitsch.

Supervisor Hotaling asked if there were any further comments.

Highway Superintendent Deering stated that he wanted to explain to the taxpayers and Town Board that the item mentioned earlier that was signed for and purchased is not a waste and is serving its purpose.

Supervisor Hotaling stated that he didn't say it was a waste and added that he had said that he thought that it was purchased to address those critical things of safety issues as presented by the Union to the Town Board. He then asked if there were any additional comments, hearing none he asked for a motion to adjourn the meeting.

ADJOURNMENT

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

Time: 8:38pm

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk