

A Public Hearing was held Monday, April 28, 2008 at 6:30pm 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 N. Touchette, Councilman

ALSO PRESENT: Valarie Besta, Deputy Clerk
George Dardani, Judge
Kevin Reilly, Judge

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

OPENING COMMENTS

Supervisor Hotaling asked that Deputy Clerk Besta read the Notice of Public Hearing, which was published in the Town's official newspaper the News Herald.

LEGAL NOTICE PUBLIC HEARING Proposed Local Law 1-2008

NOTICE IS HEREBY GIVEN that the Town of Coeymans will conduct a Public Hearing for the purpose of receiving comments on proposed Local Law 1-2008 to establish the residency requirements for the appointed office of Justice Court Clerk for the Town of Coeymans. The Public Hearing will be held on April 28, 2008 at 6:30pm prior to the Town Board Meeting at 18 Russell Avenue, Ravena, NY.

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

Supervisor Hotaling stated that he would read into the record the proposed Local Law that was included in the Public Notice in the paper.

Proposed Local Law 1-2008

A Local Law to establish the residency requirements for the appointed office of Justice Court Clerk for the Town of Coeymans.

Be it enacted that the Town Board of the Town of Coeymans as follows:

Section I. Title: A Local Law to establish the residency requirements for the appointed office of Justice Court Clerk.

Section II. Authority: This Local Law is adopted pursuant to Municipal Home Rule Law Section 10[1][ii][a][1] that grants to local governments the authority to enact local laws regarding the qualifications of local officers. Furthermore, this Local Law recognizes that the State Legislature has amended Public Officers Law Section 3 numerous times expanding the residency requirements for appointed public offices, thereby rendering the statute a special law, not a general law.

Section III. Supersession: This Local Law shall supersede Town Law Section 23[1] in its application to the office of Justice Court Clerk for the Town of Coeymans.

Section IV. Residency requirements for the position of the Justice Court Clerk for the Town of Coeymans: The person holding the office of Justice Court Clerk in the Town of Coeymans need not be a resident nor an elector of the Town of Coeymans, provided, however, that such person shall reside in the county which such town is located or an adjoining county within the State of New York.

Section V. Inconsistency: All other local laws and ordinances of the Town of Coeymans that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this Local Law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section VI. Savings Clause: If any clause, sentence, paragraph, word, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, work section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section VII. Effective Date: This Local Law shall take effect upon filing with the New York Secretary of State.

Supervisor Hotaling stated that it concluded the wording for the proposed Local Law and continued by asking if there was any public comment. He added that anyone desiring to speak should sign in and continued by saying that those speaking should come to the microphone and state their name and public comment.

PUBLIC COMMENT

Ms. Karol Beck continued by reading the following:

Hello, my name is Karol Beck. I was born and raised in the Town of Coeymans and previously introduced myself to each and everyone of you Board members with a letter dated April 16th so you are well aware why I am opposed to changing the existing law. I feel this Board and Court simply have no regard for the taxpayers of this town. When Richard Filkins and I were hired in March of 07 there was no mention of a position requiring a Civil Service qualification. I was told after 90 days the position would change from part-time to full-time, which was not true. In December the Civil Service requirement came to light to oust Mr. Filkins. Now the Board wishes to change the law to fill the position with a non-resident. I am a Civil Service qualified person, held the position for 90 days and I feel I should have the first shot at getting my job back. If you hire people who do not reside in the Town, their paychecks go to businesses out of town, they do not support our local Shop N Save, drugstores and such as we do as taxpayers. I totally oppose changing the law to hire residents outside our town. You the members of the Board want the taxpayers vote but you don't want to hire taxpayers or Town residents and that's the way I feel. Thank you very much.

Supervisor Hotaling continued by asking if anyone else wished to comment, hearing none he added that they are 7 minutes into the Public Hearing. He continued by saying that each time he conducts a Public Hearing he is told that they have to be open for 20 minutes but no one has ever shown him the statutory requirement but has traditionally held them open for at least 20 minutes in the event that someone either present or may show up care to provide a comment. He concluded by saying that with the permission of the Board he will ask that the sound be turned off until someone wishes to speak or at the end of the 20 minutes to close the Public Hearing.

Supervisor Hotaling stated that the remaining 12 minutes of the Public Hearing was silent and added that 20 minutes had been reached. He continued by asking if there was anyone else wishing to make a comment on the proposed Local Law 1-2008 relating to the

residency requirements for Justice Court Clerk candidates, hearing none he asked for a motion to close the Public Hearing.

ADJOURNMENT

MOTION

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Public Hearing was closed.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 6:51pm

Respectfully Submitted,

SO MOVED:

Diane L. Millious, Town Clerk