A Town Board Meeting was held Thursday, March 14th, 2024 at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT:

Stephen Donnelly, Supervisor Linda S. Bruno, Council Member Stephen J. Schmitt, Council Member Ronald Hotaling, Council Member Michael J. Stott, Council Member

Absent:

ALSO PRESENT:

Candace McHugh, Town Clerk Richard C. Reilly, Town Attorney

Supervisor Donnelly called the meeting to order and led the audience in the Pledge of Allegiance. Supervisor Donnelly asked that the record reflect that all members were present.

Former Council Member Ken Burns asked if he could lead the group in prayer and was allowed to do so.

Announcements:

Ravena Grange Hall will host a Roast Beef Dinner on march 23, 2024 @ 4pm

Supervisor Donnelly announced that after receiving an opinion from the Association of Towns, the Times Union will remain the paper of record for the town.

Approval of Minutes: The following minutes were approved:

- February 22, 2024 – Town Board Meeting

Council member Stott made a motion to approve the minutes for the February 22, 2024 Town Board meeting which was seconded by Hotaling-- APPROVED – VOTE – AYES 4 – NAYS 0 – ABSTAIN 1 (Schmitt) ABSENT 0 – SO MOVED

Old Business:

16 Hillcrest: Supervisor Donnelly opened the conversation regarding the purchase of 16 Hillcrest. After further review with the engineers the renovation would be approximately 5 million dollars which the board felt we should move on from. Council member Schmitt stated the church was revisited by the board members with the exception of Council member Hotaling. The condition had seemed to worsen and the church has yet to act on the needed subdivision for the sale. There has been no communication between the church and town since the signing

which allows the town to get their deposit back. Council member Schmitt does not feel the board would be acting as good stewards of the town if they were to continue with this project.

Resolution #050-24 W					
	Present	Absent	Aye	Nay	Abstain
Stephen Donnelly	\boxtimes		\boxtimes		
Linda S. Bruno	\boxtimes		\boxtimes		
Stephen J. Schmitt	\boxtimes		\boxtimes		
Ronald J. Hotaling	\boxtimes		\boxtimes		
Michael J. Stott	\boxtimes		\boxtimes		
Total	<u>5</u>		<u>5</u>		

I, Council member Stott offer the following Resolution and move its adoption:

WHEREAS, the Town of Coeymans ("Purchaser"), previously entered into a Standard Form Contract for Purchase and Sale of Real Estate, dated November 20, 2023 (the "Contract"), with the Grace United Methodist Church ("Seller"), for the purchase of a portion of property known as 16 Hillcrest Drive, in the Town of Coeymans, New York; and

WHEREAS, the Purchaser and Seller have mutually agreed to cancel the Contract and sign a Cancelation and Release, in substantially the form attached hereto.

NOW, THEREFORE, BE IT RESOLVED, that Stephen Donnelly, as Town Supervisor be and hereby is authorized to execute the Cancelation and Release, as well as any other documents necessary for the cancelation of the Contract, and to transmit said document(s) to the listing broker for transmittal to the Seller.

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

Appeal Withdrawal: Supervisor Donnelly said the cost for the Article 78 and the Appeal has cost the town \$82,000.00 in total.

Resolution # 051-24 Withdrawal from Article 78 Appeal

	Present	Absent	Aye	Nay	Abstain
Stephen Donnelly	\boxtimes		\boxtimes		
Linda S. Bruno				\boxtimes	
Stephen J. Schmitt	\boxtimes		\boxtimes		
Ronald J. Hotaling	\boxtimes		\boxtimes		
Michael J. Stott	\boxtimes		\boxtimes		
Total					

I, Board Member Hotaling offer the following Resolution and move its adoption:

WHEREAS, the Town of Coeymans and the Town Board of the Town of Coeymans were named as Respondents-Defendants in the matter of:

Marebo, LLC v. Robert Nolan, Town of Coeymans, Town of Coeymans Planning Board and Zoning Board of Appeals, Town of Coeymans Town Board, et al., For a Judgment Pursuant to CPLR Article 78 and CPLR 3001 (Sup. Ct., Albany Co., Index No. 904639-23)

(hereinafter the "Marebo Matter"); and

WHEREAS, the Supervisor and Town Clerk of the Town of Coeymans were also named as Respondents-Defendants in the Marebo Matter—in their respective capacities as "Records Appeal Officer" and "Records Access Officer" for the Town of Coeymans; and

WHEREAS, on November 27, 2023, the Supreme Court, Albany County issued a Decision, Order and Judgment (the "Decision and Order") in connection with the Marebo Matter; and

WHEREAS, a prior Town Board appealed from the Decision and Order (the "Appeal"); filing a Notice of Appeal on December 1, 2023; and perfecting the Appeal on December 29, 2023; and

WHEREAS, the prior Town Board caused the Appeal to be taken on behalf of all of the named Respondent-Defendants; and

WHEREAS, the Appeal of the Decision and Order as it relates to the Town Supervisor and Town Clerk has been rendered moot in that the records sought have been produced; and

WHEREAS, the current Town Board now seeks to withdraw the Appeal, in so much as it is an Appeal on behalf of the Town of Coeymans and the Town Board of the Town of Coeymans.

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1.1. The Town Board of the Town of Coeymans determines to withdraw, on behalf of itself and the Town of Coeymans, the Appeal form the Decision and Order.
- 1.2. The Town Board directs the Town Supervisor to take such actions, and sign such papers, as are necessary to withdraw the Appeal on behalf of the Town of Coeymans and the Town Board of the Town of Coeymans, including communicating the Town Board's desire to withdraw the appeal to the Respondents-Defendants' current attorneys-of-records (Dreyer Boyajian); and communicating the Town Board's desire to withdraw the appeal to the Appellate Division, Third Department.
- 1.3. The Town Board directs its current Town Attorneys (Gleason, Dunn, Walsh & O'Shea) to take such actions, and sign such papers, as are necessary to withdraw the Appeal on behalf of the Town of Coeymans and the Town Board of the Town of Coeymans, including communicating the Town Board's desire to withdraw the appeal to the Respondents-Defendants' current attorneys-of-records (Dreyer Boyajian); communicating the Town Board's desire to withdraw the appeal to the Appellate Division, Third Department; and/or appearing on the Town of Coeymans and Town Board's behalf in connection with the Marebo Matter.
- 1.4. The Town Board directs the Respondents-Defendants current attorneys (Dreyer Boyajian) to take such action as are necessary to achieve the purposes of this Resolution.

Seconded by Board Member Donnelly, offered for discussion and duly put to a vote, the results of which appear above.

Discussion: Council member Schmitt asked the question if this resolution made this a done deal in which town Attorney Richard Reilly replied that several parties were named so the town board can only act on itself and the town as a whole. The PB/ZBA would have to make their own determination. Council member Schmitt asked if those who have been recused would be allowed to vote. Attorney Reilly stated they should seek council from their own attorneys. He said case law states the town cannot insert itself into the PB/ZBA decision so they will have to make their own decision. Mr. Reilly stated his firm was not the attorney of record during this process up to this point so there is more to come.

Resolution # 052-24 Execute Escrow Agreement

	Present	Absent	Aye	Nay	Abstain
Stephen Donnelly	\boxtimes		\boxtimes		
Linda S. Bruno	\boxtimes		\boxtimes		
Stephen J. Schmitt	\boxtimes		\boxtimes		
Ronald J. Hotaling	\boxtimes		\boxtimes		
Michael J. Stott	\boxtimes		\boxtimes		
Total					

I, Board Member Donnelly offer the following Resolution and move its adoption:

WHEREAS, pursuant to Local Law Number 2 for 2020, the Town of Coeymans authorized the establishment of an escrow account to be funded by an Applicant when the Planning/Zoning Board of Appeals determines that professional services are necessary to proprty review a submitted project; and

WHEREAS, implementing regulations (6 N.Y.C.R.R. 617.13) for the New York State Environmental Quality Review Act ("SEQRA") further allow for the charging of certain fees relating to the cost of an environmental review of a project; and

WHEREAS, counsel to the Planning Board/Zoning Board of Appeals recommends that the Town have in place a standard Escrow Agreement, further detailing the Town's and an Applicant's respective rights and obligations in the event escrow funds are required.

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1.5. The Town board hereby authorizes an approves the standard form Escrow Agreement annexed hereto.
- 1.6. The Town Board authorizes the Town Supervisor to execute the Escrow Agreement on the Town's behalf in the event the Planning Board/Zoning Board of Appeals determines escrow funds are necessary for the professional services related to the review of an application.

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

Discussion: Supervisor Donnelly Stated a copy of the Escrow Agreement is available for view in the Town Clerk's office

The board continued with old business concerning the amending of Resolution # 019-24

019A-24 Amending of Resolution 19-24 Concerning Grant Writer

	Present	Absent	Aye	Nay	Abstain
Stephen Donnelly	\boxtimes		\boxtimes		
Linda S. Bruno	\boxtimes			\boxtimes	
Stephen J. Schmitt	\boxtimes			\boxtimes	
Ronald J. Hotaling	\boxtimes		\boxtimes		
Michael J. Stott	\boxtimes		\boxtimes		
Total	<u>5</u>		3	<u>2</u>	

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

WHEREAS, the Town Board previously appointed Nicole Ambrosio as Town Grant Writer, for the period of January 1, 2024 through December 31, 2024; and

WHEREAS, the Town Board has since further considered whether to retain Ms. Ambrosio as a Town employee or as an independent; as well as the appropriate rate of compensation for the services that are to be rendered.

NOW, THEREFORE, BE IT RESOLVED, the Town Board ratifies its appointment of Nicole Ambrosio as Town Grant Writer, and determines that effective March 1st, 2024 through December 31st, 2024 Ms. Ambrosio shall be retained as an independent contractor and paid \$1,000.00 per month, via voucher,

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

<u>Discussion:</u> Council member Hotaling asked for clarification on Mrs. Ambrosio's agreement to attend department head meetings which she agreed to. He stated he will be one of the first to ask to go in a different direction should he feel there isn't progress in this area. Council member Schmitt asked if she had done any work up to this point in which she replied yes and had some items for the board to see.

New Business:

Travis Whitbeck spoke on behalf of the Ravena Rescue Squad. He spoke of the work they have done to this point with the special committee to explore becoming a special tax district in order to better fund the Rescue Squad's needs. He mentioned that the closing of a Capital Care will make their services even more crucial to the area. Mr. Whitbeck asked that the Town Board appoint two more people to the committee since two have left. Supervisor Donnelly said he supports this idea and looks forward to reviewing the report they had established in December of 2023. Mr. Whitbeck feels as though they could come back within a few months to present their ideas on the best way to move forward. The Town is currently paying \$125,000 to the Rescue squad for the next two years. Mr. Whitbeck explained all members are career individuals, none are volunteer. He stated his squad is able to perform 95% more care to individuals than other squads across the state because they have the support of a great team and board of directors. Council member Hotaling asked how many calls they get a year, Mr. Whitbeck stated about 1,350 this past year.

Remaining Resolutions:

Resolution #053-24 Authorize Clerk to Attend Conference

	Present	Absent	Aye	Nay	Abstain
Stephen Donnelly	\boxtimes				
Linda S. Bruno	\boxtimes		\boxtimes		
Stephen J. Schmitt	\boxtimes		\boxtimes		
Ronald J. Hotaling	\boxtimes		\boxtimes		
Michael J. Stott	\boxtimes		\boxtimes		
Total	<u>5</u>		<u>5</u>		

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

WHEREAS, the New York State Town Clerk's Association Annual Conference will be held in Albany on April 21- April 24, 2024; and

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

WHEREAS, the conference registration fee must be paid no later than April 15, 2024;

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk is hereby authorized to attend the New York State Town Clerk's Association Annual Conference in Albany, New York on April 21- April 24, 2024, and to submit a voucher for the registration fee, mileage, any other related expenses.

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

Resolution #054-24 Justice Audit Completion (Justice Frese)

	Present	Absent	Aye	Nay	Abstain
Stephen Donnelly	\boxtimes				
Linda S. Bruno	\boxtimes		\boxtimes		
Stephen J. Schmitt	\boxtimes				
Ronald J. Hotaling	\boxtimes		\boxtimes		
Michael J. Stott	\boxtimes		\boxtimes		
Total	<u>5</u>		<u>5</u>		

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

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

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

WHEREAS, the Town Board has completed the Audit on February 29, 2024;

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

Board Member	<u>Conclusion</u>
Stephen Donnelly S	See attached checklist/comments
Linda S. Bruno S	See attached checklist/comments
Stephen J. Schmitt S	See attached checklist/comments
Ronald J. Hotaling	ee attached checklist/comments

Michael J. Stott

See attached checklist/comments

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

Resolution #055-24 Justice Audit Completion (Justice Eissing)

2 value 12 date Completion (Justice Elssing)							
	Present	Absent	Aye	Nay	Abstain		
Stephen Donnelly	\boxtimes		\boxtimes				
Linda S. Bruno	\boxtimes		\boxtimes				
Stephen J. Schmitt	\boxtimes		\boxtimes				
Ronald J. Hotaling			\boxtimes				
Michael J. Stott			\boxtimes				
Total							

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

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

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

WHEREAS, the Town Board has completed the Audit on February 29, 2024;

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

Board Member	Conclusion
Stephen Donnelly	See attached checklist/comments
Linda S. Bruno	See attached checklist/comments
Stephen J. Schmitt	See attached checklist/comments
Ronald J. Hotaling	See attached checklist/comments
Michael J. Stott	See attached checklist/comments

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

Resolution #056-24 Accept Resignation of Part Time Officer (LaChappelle)

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	Present	Absent	Aye	Nay	Abstain
Stephen Donnelly	\boxtimes		\boxtimes		
Linda S. Bruno	\boxtimes		\boxtimes		
Stephen J. Schmitt	\boxtimes		\boxtimes		
Ronald J. Hotaling	\boxtimes		\boxtimes		
Michael J. Stott	\boxtimes		\boxtimes		
Total					

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

WHEREAS: the Town of Coeymans Police Department has received a letter of resignation from Part Time Officer Jeffrey LaChappelle; and

WHEREAS: Officer LaChappelle has performed as a Police Officer service for the Town for approximately 1 and ½ years; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby accept the resignation of Jeffrey LaChappelle.

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

Other Business:

Motion was made by Supervisor Donnelly to accept the amended Town Clerk reports for the months of April and July of 2023 to reflect proper coding for sewer funds which was seconded by council member Stott, all were in favor.

Public Comment:

Beth Cary from Long Energy thanked the Board for making the decision to withdraw the appeal. She was questioning whether or not the PB/ZBA has to consent to the appeal as well. She did state town law does not allow any officers to employ legal counsel except as directed by the Town Board. She is wondering what happens if the PB/ZBA chooses to move forward with the appeal along with the Town Board not authorizing legal counsel for them. She encourages the public to read the court decision.

Barbara Tanner states she agrees with the decision regarding the Church, but what now? Council member Schmitt said he feels that the water and mold issues have to be dealt with here first. Those are the numbers he cares about currently and suggests the board focus on that first. Council member Stott added that the board was well aware of the need to fix the current situation and it is a high priority. Mrs. Tanner asked about the mention of Robbie Nolan during the appeal discussion. Council member Schmitt explained he was named in his capacity as PBZBA chair at the time. She also asked if the board was qualified to do the audits. Supervisor Donnelly explained our town Business Manager was present and we do have a CPA that reviews all transactions.

Ken Burns asked if the parsonage was included in the church deal. Council member Schmitt explained it was not; that was the piece that should have been subdivided. He asked if there is a limit of the amount of in-house work they can perform? Council member Bruno said using inhouse people was the plan. Supervisor Donnelly stated the feasibility study alone was \$20,000 so people need to keep in mind the engineering costs are expensive. Supervisor Donnelly said we need to get inventive to solve this situation in a timely manner.

Nicole Ambrosio, the Town Grant Writer handed out some grant information to the board. She explained that some grant deadlines have passed or are looming. She expressed the need for engineers and the value they carry. Mrs. Ambrosio mentioned there are grants out there to help with the cost of a new town hall. She feels if the town and village would go into certain projects together and collaborate that would take precedence. She felt our website should offer more articles for the community to encourage them to visit it. She asked if she could speak to the board in executive session.

Joe Tracey mentioned he did not receive a call back from the Supervisor this week. Supervisor Donnelly asked if he had a question; no question was brought forth by Mr. Tracey. The Board clarified for Mr. Tracey that the Times Union is the official paper as he seemed to be confused.

Adalberto Gonzalez is having issues with the live stream and asked if anyone else was having these issues. He asked if he heard correctly that there were no numbers for the cost of fixing this building. He feels as a voter this is a good opportunity to give the voters some compare and contrast numbers. Supervisor Donnelly reached out to the engineers for numbers but none were given. Mr. Gonzalez feels this is an unacceptable answer, and they should be able to provide numbers.

Bill Tryon feels the engineers make things more complicated and we need to get back to the basics.

Motion to Adjourn to Executive Session to discuss attorney client matters was made by Council member Hotaling and Seconded by Council member Stott-APPROVED-VOTE-AYES 5 – NAYS 0 – ABSENT – SO MOVED

Motion to come out of Executive Session was made at 8:54p.m. by council member Schmitt and seconded by counsel member Donnelly. All were in favor.

Motion to Adjourn was made at 8:55p.m. by council member Hotaling and seconded by council member Stott. All were in favor.

Respectfully Submitted,

Candace McHugh, Town Clerk

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