

MINUTES BOOKTOWN OF COEYMANS**
November 14, 2024 – Town Board Meeting – 6:00pm

A Town Board Meeting was held Thursday, November 14, 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.

Announcements:

- Shout out to CHVFC, Ravena, and Selkirk Fire Departments for assisting in Orange County
- RCS Ravena Football will play for the sectional championship on 11/16
- Presentation at the Ravena Coeymans Historical Society 11/17 2pm
- Family Pop up shop at Adonais Pizza on 11/23 at 3pm

Approval of Minutes: The following minutes were approved:

- October 24, 2024 Town Board meeting minutes

Council member Donnelly made a motion to accept the minutes for October 24, 2024 Town Board Meeting and Council member Stott seconded the motion.

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT 0 – ABSTAIN - SO MOVED

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Resolutions

Resolution #121-24 Accept Sewer Re-Levy

| | <i>Present</i> | <i>Absent</i> | <i>Aye</i> | <i>Nay</i> | <i>Abstain</i> |
|--------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| Stephen Donnelly | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Linda S. Bruno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stephen J. Schmitt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ronald J. Hotaling | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Michael J. Stott | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>Total</i> | <u>5</u> | | <u>5</u> | | |

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

WHEREAS, the last day to collect for Sewer Rents was 10/23/2024, any rents unpaid are to be levied on the 2025 Property Taxes; and

WHEREAS, the Albany County Director of Finance has requested verification of unpaid sewer rents from the Town Board ensuring the correct amount to be place on the Tax Warrant;

NOW, THEREFORE, BE IT RESOLVED, the total amount of uncollected Sewer Rents to be levied to the 2025 Property Tax Warrant is \$47,464.77 which is a base amount of \$41,993.17 plus \$5,471.60 in penalty.

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

Resolution # 122-24 Accept Water Re-Levy

| | <i>Present</i> | <i>Absent</i> | <i>Aye</i> | <i>Nay</i> | <i>Abstain</i> |
|--------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| Stephen Donnelly | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Linda S. Bruno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stephen J. Schmitt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ronald J. Hotaling | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Michael J. Stott | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>Total</i> | <u>5</u> | | <u>5</u> | | |

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

WHEREAS, the last day to collect Water Rents was 10/23/2024, any rents unpaid are to be levied on the 2025 Property Taxes; and

WHEREAS, the Albany County Director of Finance has requested verification of unpaid water rents from the Town Board ensuring the correct amount to be placed on the Tax Warrant;

NOW, THEREFORE, BE IT RESOLVED, the total amount of uncollected Water Rents to be levied to the 2025 Property Tax Warrant is \$38,215.39, which is a base amount of \$37,426.79 plus \$788.60 in penalty.

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

Resolution #123-24 Assessment Agreement Rescinding

| | <i>Present</i> | <i>Absent</i> | <i>Aye</i> | <i>Nay</i> | <i>Abstain</i> |
|--------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Stephen Donnelly | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Linda S. Bruno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stephen J. Schmitt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ronald J. Hotaling | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Michael J. Stott | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>Total</i> | <u>5</u> | | <u>3</u> | <u>2</u> | |

**RESOLUTION CONFIRMING STATUS OF
ASSESSMENT AGREEMENT**

I, Council Member Donnelly offer the following resolution and move its adoption.

WHEREAS, upon the completion of certain improvements at 2477 U.S. Route 9W, Ravena, New York (the “Property”), the Assessor for the Town of Coeymans (the “Assessor”), using standard assessment methodologies, calculated the full value of the Property (as improved) to be \$1,750,000.00 (the “Full Value”); and

WHEREAS, on or about December 8, 2022, a prior Town Board subsequently voted to approve a document identified as an “Assessment Agreement” with the owner of the Property, RMN Properties, LLC (“Owner”)—which Assessment Agreement had not appeared on the

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meeting agenda but was presented to the Town Board by the then-Supervisor as a permissible agreement; and

WHEREAS, the Assessment Agreement purported to reduce the Town's assessment of the Property as follows:

| SCHEDULE A | | | | | |
|--|------------------|------------------|------------------|-----------------|-----------------|
| 2477 US Route 9W | | | | | |
| Tax Map Numbers: 168.13-2-20 and 168.13-2-21 | | | | | |
| <u>Assessed Value</u> | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> | <u>Year 4</u> | <u>Year 5</u> |
| Land | 109,600 | 109,600 | 109,600 | 109,600 | 109,600 |
| Total | <u>1,750,000</u> | <u>1,750,000</u> | <u>1,750,000</u> | <u>1,750,00</u> | <u>1,750,00</u> |
| Improvements | 1,640,400 | 1,640,400 | 1,640,400 | 1,640,400 | 1,640,400 |
| Exemption Agreement | 0.80 | 0.60 | 0.40 | 0.20 | 0.00 |
| Taxable Assessment | | | | | |
| (Including Land) | 437,680 | 765,760 | 1,093,840 | 1,421,920 | 1,750,00 |

; and

WHEREAS, believing she was bound by the Assessment Agreement, the Assessor subsequently set the Town's assessment of the Property, effective March 1, 2023, at \$437,680 "Year 1 Assessment;" and

WHEREAS, the Year 1 Assessment was then used to calculate County of Albany, Town of Coeymans, Ravena-Coeymans-Selkirk Central School District and Coeymans Fire District property taxes; and

WHEREAS, as a result of the Year 1 Assessment, the Owner of the Property is estimated to have paid \$32,681.14 less in real property taxes than it otherwise would have, with those taxes being shifted to other taxpayers in the respective taxing jurisdictions; and

WHEREAS, in 2024 the current Town Board requested that the Town Attorney provide an opinion concerning the enforceability of the Assessment Agreement; and

WHEREAS, the Assessor was subsequently advised that she is not bound by the Assessment Agreement in that it is unlawful, void and unenforceable under New York State law; and

WHEREAS, the Assessor was advised that she should assess the Property as she deems appropriate and in accordance with her statutory authority; and

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WHEREAS, effective March 1, 2024, the Assessor again assessed the Property at its Full Value of \$1,750,000; and timely notified the Owner that the Property had been assessed at that amount; and

WHEREAS, the Owner of the Property thereafter challenged the Assessment before the Town's Board of Assessment Review ("BAR");

WHEREAS, the BAR concluded that it was bound by the Assessment Agreement, at least in part because the Town Board had not formally voted to "rescind" the Assessment Agreement as unlawful, void and unenforceable; and

WHEREAS, the BAR set the Assessment of the Property at \$765,760 ("Year 2 Assessment"), based on "documentation submitted"—i.e., the Assessment Agreement; and

WHEREAS, as a result of the Year 2 Assessment, the Owner is projected to pay \$15,121.11 less in County, Town, School District and Fire District taxes than it otherwise would have, with those taxes being shifted to other taxpayers in the respective taxing jurisdictions; and

WHEREAS, the Town Board seeks to avoid such unlawful and improper transfers in the future, and to ensure that the Assessor is able to exercise her full statutory authority and assess the Property in the same manner as all other similar properties in the Town.

NOW, THEREFORE, BE IT RESOLVED:

The Town Board of the Town of Coeymans finds as follows:

1. Pursuant to Section 2 of Article 16 of the New York State Constitution, "[t]he legislature [has] provide[d] for the supervision, review and equalization of assessments for purposes of taxation." "[E]xemptions from taxation may be granted only by general laws." (Article 16, §1, New York State Constitution). And the reduction of an assessment without a valid "exemption" constitutes a "gift of public funds."
2. Pursuant to Real Property Tax Law Section 102(3) it is the "Assessor" of a Town who is "charged by law with the duty of assessing real property in [the] assessing unit for the purposes of taxation or special ad valorem levies." The "Standard of Assessment" that is to be used by an Assessor is set forth in Article 3 of the Real Property Tax Law; and the "Assessment Procedure" that is to be used is set forth in Article 5.
3. A Business Investment Exemption under the Real Property Tax Law "shall be granted only upon application by the owner of such real property on a form prescribed by the" Commissioner of the New York State Department of Tax and Finance. (See Real Property Tax Law, §485-b(3)).
4. Moreover, a taxing authority can limit or otherwise modify the applicability of the Business Investment Exemption; and in this instance both the Town of Coeymans (by Local Law No. 3 of 1976) and the Ravena-Coeymans-

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Selkirk Central School District (by Resolution dated February 2015) have done just that.

5. The Town is not an industrial development agency (“IDA”), and does not have the authority to enter into a Payment-in-Lieu-of-Taxes (“PILOT”) agreement in connection with the Property absent the involvement of an IDA.

AND BE IT FURTHER RESOLVED:

1. The Town Board confirms its position that the so-called Assessment Agreement is unlawful, void and unenforceable under New York State Law; and is not binding on the Town’s Assessor.

2. The Town Board formally votes to rescind the Assessment Agreement, to the extent it is not simply unenforceable as a matter of law; and directs the Town Attorney to take such actions as may be appropriate, including giving notice of this Resolution to the Owner’s attorneys.

3. The Town Board urges the Assessor to continue to assess the Property in accordance with the Assessor’s statutory authority; and in the same manner as all other similar properties in the Town.

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

Discussion: Council member Schmitt noted the date was incorrect in the second paragraph as it should read December 8, 2022 which the Town Attorney confirmed. The Supervisor made a motion to correct the date listed in paragraph 2 which was seconded by Council member Bruno, all were in favor to the correction.

The Town Clerk asked if the assessor helped write the resolution or was aware of it. Supervisor Donnelly stated he had a conversation about the resolution this morning. The resolution was written by the town attorney.

Attorney Steve Auletta from Young & Sommer spoke on behalf of RMN Properties, LLC. He felt the town should in good faith hold up their end of this agreement.

Council member Hotaling stated he understood good faith but wanted to know more about the legality of this agreement and how was it lawful. Mr. Auletta stated there is nothing to the contrary. Council member Stott asked for his legal opinion in regards to number 4 in the resolution, he stated he did not have a legal opinion and would discuss this with his firm which does. Town Attorney Richard Reilly explained due to local law 3 of 1976 in which the town opted out of business investment exemptions these types of agreements cannot be given. Council member Stott asked if Mr. Reilly reached out to the former town attorney which he stated he did but Mr. Peluso did not recall much of anything.

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Council member Schmitt stated Mr. Farbstein gave the board input back in 2022 on this agreement along with the town attorney and the previous supervisor. Based on that knowledge the board approved the agreement.

Supervisor Donnelly stated the assessment agreement is unenforceable and opens the town up to vulnerabilities. He believes it is his responsibility as CFO and Supervisor to protect the Towns' fiscal responsibilities.

Council member Hotaling stated he was discouraged that Mr. Farbstein wasn't available to discuss this. Council member Schmitt stated the former Supervisor and Attorney Michael Biscone were available via phone should the board wish to contact them. Council member Schmitt stated the law is sometimes dependent upon interpretation and would like to table this until they can speak with more people. Supervisor Donnelly doesn't feel any further meetings are needed.

The town clerk asked what happens with property taxes if this is rescinded. Mr. Reilly stated it would go back to the Board of Assessment Review.

Council member Stott stated his vote was based on the information provided by the current town attorney and Supervisor. Council member Hotaling stated he feels there is more to find out about this and feels it is being rushed.

Resolution #124-24 Appoint Equipment Operator Trainee (Liscum)

| | <i>Present</i> | <i>Absent</i> | <i>Aye</i> | <i>Nay</i> | <i>Abstain</i> |
|--------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| Stephen Donnelly | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Linda S. Bruno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stephen J. Schmitt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ronald J. Hotaling | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Michael J. Stott | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>Total</i> | <u>5</u> | | <u>5</u> | | |

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

WHEREAS, the Highway Superintendent is desirous of filling the vacant position of Equipment Operator Trainee in his department; and

WHEREAS, the Albany County Civil Service Department has confirmed this job title as a non-competitive position requiring the chosen candidate to meet the minimum qualifications; and

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WHEREAS, the position was posted and applications were received, evaluated, and reviewed by the Superintendent of Highways; and

WHEREAS, the Superintendent of Highways has confirmed the candidate meets the minimum qualifications;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby appoint Connor Liscum to the position of Equipment Operator 1 effective November 12th 2024, at an hourly rate of \$23.88.

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

Resolution #125-24 Adoption of 2025 Budget

| | <i>Present</i> | <i>Absent</i> | <i>Aye</i> | <i>Nay</i> | <i>Abstain</i> |
|--------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Stephen Donnelly | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Linda S. Bruno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stephen J. Schmitt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ronald J. Hotaling | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Michael J. Stott | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>Total</i> | <u>5</u> | | <u>3</u> | <u>2</u> | |

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

WHEREAS, the Chief Fiscal Officer prepared and submitted a Tentative Budget for the year 2025 on September 27, 2024; and

WHEREAS, the Town of Coeymans Town Board held a Budget Workshop on October 8th 2024, at which time each department had an opportunity to review the Tentative Budget with the Board; and

WHEREAS, the Town Board prepared and submitted a Preliminary Budget on October 25th, 2024; and

WHEREAS, a public hearing was held on November 6th at 6pm at Coeymans Town Hall located at 18 Russell Ave Ravena, N.Y. 12143, and all interested parties were heard.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby accept the Preliminary 2025 Budget as the Adopted Budget for the year 2025.

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

Discussion: Council member Schmitt stated he is against this motion because he feels the budget isn't where it needs to be as of yet. He stated there hasn't been any conversation regarding comments made during the public hearing and there is nothing in the current budget concerning the new town hall.

Supervisor Donnelly expressed surprise to Mr. Schmitt's comments. Mr. Hotaling asked why does the board not have these discussions ahead of time. Supervisor Donnelly stated his door is always open for the board members to come speak to him. Council member Stott suggested the board get back on track with the current resolution.

Public Comment:

Barbara Tanner asked where the number of 4 million came from for the new town hall. She commended Council member Hotaling and Schmitt for their votes.

Attorney Steve Auletta referenced an email sent by his firm to the town clerk which will be added to the record.

Barbara Heinzen brought a traffic study to the attention of the board which was done on 144 in the New Baltimore area. She feels it was an informative study and would be valuable to Coeymans as well.

Motion to Adjourn was made by Council member Donnelly and Seconded by Council member Bruno. APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED 7:10pm

Respectfully Submitted,



Candace McHugh, Town Clerk

Town Clerk

From: Town Clerk
Sent: Thursday, October 24, 2024 2:19 PM
To: Stephen Fazio (SFazio@coeymans.org); Linda Bruno; Michael Stott; Ron hotaling; Stephen; Stephen Donnelly
Subject: FW: Town Board Agenda - Assessment Agreement

Town Council members,
Please see the email below.

Candace

From: Rob Panasci <RPanasci@youngsommer.com>
Sent: Thursday, October 24, 2024 1:28 PM
To: Town Clerk <TownClerk@coeymans.org>
Cc: Rich Reilly <rreilly@gdwo.net>
Subject: Town Board Agenda - Assessment Agreement

Dear Ms. McHugh,

Our firm represents RMN Properties, LLC. Please add this letter to the record regarding the Town Board's discussion concerning the Assessment Agreement. Robert Nolan is the member of RMN Properties, LLC and has invested time and money into making the Town a great place and will continue to so because of his love of the community. It is disappointing that the Town Board will have this matter on the agenda and not provide Mr. Nolan the right to appear before the board to discuss the agreement. We had to hear about it after the agenda was published. We do not think this is a fair approach to addressing the issue and we ask that this matter be tabled until we have had an opportunity to appear before the Town Board.

The agreement in question was developed by the Town's consultant, Laurence Farbstein in order to induce development in the Town of Coeymans. Mr. Farbstein worked with the Town officials to establish the assessed values for facility. These are the facts. Has the Town Board received anything in writing from Mr. Farbstein stating that the agreement is not an arms' length agreement? There was no issue with this agreement until Supervisor Donnelly started on his quest to hurt Mr. Nolan in any way possible, which appears to be personally motivated and perhaps, politically motivated. Mr. Nolan has at least three individuals that are willing to submit affidavits.

Based upon the information that was provided to us, it appears that Supervisor Donnelly should recuse himself from the discussion and not be involved with the decision on whether to rescind the Assent Agreement due to his prejudged opinion of this matter and any matter involving Mr. Nolan or his related entities. The General Municipal Law and the opinions of the Attorney General "have emphasized that public officials should avoid circumstances which compromise their ability to make impartial decisions solely in the public interest. Even the appearance of impropriety should be avoided in order to maintain public confidence in government." (See 1984 Op Atty Gen [Inf.] 86, 160).

While it is our position that the parties entered into an agreement and Mr. Nolan invested at least \$1,750,000 into this property to keep jobs in the community, at the very least, it is respectfully requested that Supervisor Donnelly recuse himself from this matter to ensure public confidence in the Town's business.

Thank you for your consideration.

Rob Panasci