

MINUTES BOOKTOWN OF COEYMANS**
March 09, 2015 – Town Board Meeting – 7:00pm

A Town Board Meeting was held Monday, March 09, 2015, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: Stephen D. Flach, Supervisor
Thomas E Dolan, Councilman
Peter E. Masti, Councilman
Kenneth A. Burns, Councilman (arrived late)
George E. Langdon IV, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk
P.J. McKenna, Chief of Police

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

OPENING COMMENT

Supervisor Flach stated that the record should reflect a full Town Board with the exception of Councilman Burns.

AGENDA

- Public Announcements
 - Albany County Sheriff's
 - Annual Audit of Departments
 - R-C-S Library, Pie Baking Contest
- Public Comment
- Approval of Minutes
 - Town Board Organizational Meeting, January 5, 2015
 - Special Town Board Meeting, January 7, 2015
 - Town Board Meeting, January 12, 2015
- Old Business
 - Employee Handbook
 - Hannacroix Creek Project
- New Business
 - Highway Department, New Hire
- Resolutions
 - Authorize Employees to Attend Seminar
 - Authorize Supervisor to Negotiate Contract with Albany County
 - Approve Sewer Fees
 - Authorize C.T. Male to Prepare/Complete SPDES Permit
 - Authorize C.T. Male to Prepare I&I Report
 - Workplace Violence Investigations
- Correspondence
 - New York State Parks Recreation & Historic Preservation
- Upcoming Workshops/Meetings
 - Town Board Workshops, March 17, 2015, 6:00pm
 - Town Board Meeting, March 23, 2015, 7:00pm
 - ZBA Meeting, March 25, 2015, 7:00pm
- Executive Session
 - Contract Negotiations

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PUBLIC ANNOUNCEMENTS

Albany County Sheriff Dispatch

Supervisor Flach stated that on Tuesday, March 17th at the Workshop Meeting the Albany County Sheriff's Department will be discussing Dispatch and then asked if Councilman Masti had anything to add.

Councilman Masti stated that they will be present to give an update to the public.

Annual Audit of Departments

Supervisor Flach stated that on March 18th at 4:00pm the Town Board will be conducting the Annual Audit of Departments.

R-C-S Pie Baking Contest

Supervisor Flach stated that the R-C-S Library is hosting a pie baking contest on March 14th at 10:00am to 12:00pm, with judging at 12:30 and read the following:

Calling all pie bakers and pie lovers, the R-C-S- Community is celebrating Pi Day with a pie baking competition, Saturday, March 14th, entry submissions 10:00am to 12:00pm and judging will be at 12:30.

- Bring your pie to the Library on the date of the competition between 10:00am and 12:00pm.
- Only one entry per person.
- Pies should not be store bought.
- Please include a recipe with your entry. Include with your recipe a fun memory of where you obtained the recipe.
- Please fill out the registration form upon arrival with your name and number in case you win.
- You do not have to be present for the judging, but you'll miss out on the pie tasting.

For questions or more information, please call the Library at 756-2053.

PUBLIC COMMENT

Supervisor Flach invited the public to comment at this time.

Mr. Phil Crandall stated that he lives on Van Buren Avenue and added that on the agenda under resolutions, there is a resolution to authorize the Supervisor to negotiate with Albany County Sheriff's for Dispatch. He added that under upcoming Workshops, there is a Workshop on March 17th and then asked if they were putting the cart before the horse because the Workshop should come first so the public can have a say on the matter before they authorize a resolution. He then asked what the plan is that they have for this year.

Supervisor Flach read the following:

There was a meeting with the Communications Department, Councilman Masti, Sergeant Contento, Chief McKenna, Dawn LaMountain, Councilman Burns, and Councilman Langdon. Currently the Fire Companies have provided data with the exception of Ravena Fire, Kevin Demarest is going to contact Travis Whitbeck once again to try and get the data that they need. The Town and County will need to pass a resolution to adopt the transfer of function for communications. Albany County will be forwarding some samples of past resolutions that we should be able to modify to fit our needs. There should be a clause in the resolution stating that the Town is moving forward with the transfer of responsibilities provided a mutually agreed upon contract can be put in place. With that wording we are not held to do anything until a contract is actually agreed upon and signed. Any part-time employees should put in applications now. The Sheriff does not have open part-time positions but they are always looking to fill a void

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as it comes up. They will be taking two of our full-time employees. Albany County will grant a waiver as to the residency requirement. Currently you must be a resident of Albany County to work for them. They will waive that and will try and maintain the waiver should anyone decide to move, no guarantee on that. Ralph Marianni is also going to send over a Union Contract so we can see what their employees are getting. As you know, it looks as though our two employees will go in on Step 4. Ralph Mariani is also sending over a copy of the Cohoes Contract so that we can review that as well. Our phone lines would be forwarded/transferred to Albany County and the Town would get new numbers. Albany County absorbs this cost. We would then educate the public on calling 911. They would have to call 911 for everything. Mariani may have some informative brochures that were used that we can model after for education purposes. Mariani and Demerest asked for all the phone numbers and how many lines are in each office. They are thinking that we can get new phones since we pay a ridiculous amount of money to State Telephone and all our equipment is rented. I'll be sending him the phone bills early next week. We spoke briefly about an exterior phone for the Police Department and a buzz lock for the door. They also thought that the Mayor should be in the loop as to what is going on as they may need information for the Village with regard to their Public Works radios, etc.

Supervisor Flach stated that with that wording they are not held to do anything until a contract is actually agreed on and it is just a resolution so they can begin the process of negotiating a contract with the Albany County Sheriff's Department. He added that he spoke with the Sheriff today, he looked over the resolution, was satisfied with that and next Tuesday they will have a meeting to get more public comment, which they have had a lot of since November.

Councilman Dolan asked if there will be public comment at Workshop.

Supervisor Flach stated that the Sheriff's Department will be there so people will be able to ask questions.

Councilman Dolan stated that Supervisor Flach is reporting it as a plan but there are a lot of things missing from the plan and first of all it does not sound like all of the users of dispatch services have been contacted and their opinions or concerns taken in or answered. He added that Supervisor Flach mentioned that some work might be done allowing people to get in downstairs, which is not an answer but rather a maybe and many people have the expectation that if you go to the Police Department, regardless of the time of day, you will be helped and unless they are going to hire additional Officers, or someone to be downstairs all the time there is a possibility of public danger. He continued by saying that at the last meeting they talked about the fire at 100 Main Street and it was brought up that if they went to the County they would have to change Main Street to a different name and then asked when that process is going to start if they are looking to changeover June 1st and if people are going to be notified that they have to change their address. He went on by asking if they are going to be certain that if a fire breaks out on Main Street and someone who has lived there for 80 years is going to think about the fact that they changed the name of the street and these are all things that he thinks are legitimate concerns that need to be addressed before they start moving into a contract with the County. He added that he was looking into some minutes, at the November 24th Meeting and he was told that he would have a report the next day and it's almost three months later and there is still no report. He continued by saying that maybe it is a good move, maybe it will save money and maybe it's in the best interest of the safety of the people in Town but until they do an exhausted plan, they won't know. He went on by saying that he mentioned in the notes that Confidential Secretary Cirillo took, that they were going to bring the Village Mayor on board and the Village is approximately half the Town and they have not given their input at all except for some negative comments at one meeting when it was discussed.

Supervisor Flach interjected that he has spoken with the Mayor.

Councilman Dolan stated that he is basing it on what he read.

Councilman Masti stated that they did talk to Chief McKenna about placing a camera and putting a buzzer on the door.

Councilman Dolan stated that it is only a possibility of it happening.

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Councilman Masti stated that they will be putting a camera with a buzz button so when they see someone there, they can be buzzed in and the door will lock behind them and it is his understanding that they really can't do much negotiation until they have a contract, because it is a give and take.

Councilman Dolan stated that he isn't talking about negotiations, he is talking about them having a plan of what their needs are and making sure that all of their needs are answered to their satisfaction. He added that it isn't just their satisfaction, it is putting it out to the public so they can hear what they have to say about it.

Supervisor Flach stated that they have been working with Emergency Management personnel for a couple of months because they are the ones that take care of going to fires and ambulance service and they are working on the finalization of the plans for that.

Councilman Dolan interjected that they don't need finalization plans, they need some interim plan so they know what's being discussed and people can make an intelligent decision as they go through this process so people can know where they are at in discussions so they don't just wake up one day and wonder if they live on Main Street, River Road or some other variation. He continued by saying that this is a communication and information process so that people in the Town understand what's going on and if it is a great plan, it shouldn't be a problem to lay this out for them so they can hear it.

Supervisor Flach stated that they have to wait to see if they have to change Main Street to River Road, they don't know that part of it yet and are currently working on it and reiterated that they don't know at this point and won't until they look at the grid and see what has to be done.

Councilman Masti stated that he thinks a lot of the grid is done but he does not know if it has been completed.

Councilman Dolan stated that as of the date of that meeting, as reported by Confidential Secretary Cirillo, the Village has not been brought on board, they hadn't heard from the Village Fire Department or from the Mayor regarding dispatch services that the Village uses.

Councilman Masti stated that he can't speak for the Village but the Fire Department had been contacted and when they didn't respond, they were asked why.

Councilman Dolan stated that it is totally irrelevant why he doesn't have the information and the important thing is if they don't have their information, they don't know what their needs are and whether or not it is a plan that will work until they get the information.

Councilman Masti interjected that they can't get the information unless they cooperate with them and the other two Fire Departments didn't seem to have any problems.

Councilman Langdon stated that the day of the meeting, he went and saw the Mayor and as far as he knows he was meeting with Ralph Marianni from the Sheriff's Office to discuss their needs.

Councilman Dolan stated that as of the day the meeting took place and as of the day when the notes were taken, as reflected in the notes there was information needed from the Village. He added that if they are going to move ahead with a plan that affects half of the Town, which is the Village, and they haven't even heard from them yet, he thinks that moving over Dispatch in 75 days or so is a bit premature.

Supervisor Flach asked if there were any other comments.

Ms. Nita Chmielewski stated that she lives in Alcove and added that they keep mentioning a meeting that was had with Councilman Langdon, Councilman Burns and Councilman Masti present and then asked if the meeting was advertised since there were three Board Members there.

Councilman Masti stated that it was not advertised.

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Ms. Chmielewski asked why it wasn't advertised because there were three Board Members present and they always claim to have transparency.

Councilman Masti interjected that they just informed everyone of what happened at the meeting.

Ms. Chmielewski stated that it didn't matter and there is a law that states that if there are three or more present, it should be advertised.

Councilman Masti stated he didn't know that all three of them were going to show up.

Councilman Langdon stated that the meeting was not run by the Town Board, they attended a meeting that wasn't theirs.

Ms. Chmielewski stated that it didn't matter, there were three present.

Councilman Langdon stated that the law says that whatever was discussed at the meeting, has to be made available and minutes to the meeting are available.

Ms. Chmielewski reiterated that it should have been advertised so people could have come if they had wanted to.

Councilman Langdon stated that the meeting was held by the Sheriff for all of the Emergency Response personnel and it is who was invited to the meeting and they came as Councilmen as interested parties wanting to hear what was going on.

Councilman Dolan asked what other parts of Emergency Management were there and if the Fire Departments were there.

Councilman Langdon stated that he believes there was.

Councilman Dolan interjected that it didn't look like it from the list of attendees and added that it says Marianni, Demarest, the Chief of Police, Officer Contento, Secretary LaMountain, Councilmen Masti, Langdon & Burns and Lisa Cirillo.

Supervisor Flach asked if there were any other comments.

Building Inspector/CEO Conrad stated that he wanted to talk about the addressing system for 911 for River Road/Main Street. He added that this is an issue that has been on the table of numerous Town Boards for many years and the addressing set-up was brought up to the current Board by his Department and it has to do with the issues that they constantly have with their EMS and the medics who are not familiar when it comes to the two Main Streets. He continued by saying that they have noted on many occasion of the issues when they send someone to Main Street in Ravenna when it is Main Street in Coeymans and the newer Dispatchers do not catch it and it was addressed by him with Mr. Marianni at one of the 911 meetings as being an issue and it wasn't part of the negotiations with Dispatch. He went on by saying that it is an issue that is still ongoing and they looked at it when prior Building Inspector John Cashin and himself were there and going back to 1996, it still hasn't resolved itself, it should, because it is a duplication of Main Street Ravenna and Main Street Coeymans when it is River Road at the bridge and River Road at the Greene County Line. He added that he does not know how it morphed into the Dispatch negotiations contract, he does not think that it was meant to, it is still an issue and it still has to be addressed regardless of whether they Dispatch through the County or the Town.

Councilman Dolan stated that how it was brought into it was that it was told to him, they had a discussion with the Sheriff's people and if they turn Dispatch over to them they will have to switch Main Street in Coeymans to River Road because County Dispatch will not be able to distinguish between the two. He added that they spoke about it at previous meeting and talked about how it comes up on the screen and people mention why they can't just read where it says Ravenna and not Coeymans and this is how it morphed into it.

Building Inspector Conrad reiterated that it has been an ongoing issue for many years and to his knowledge he hasn't heard the resolve of it yet and they have had the plan mapped out for about

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5 years to readdress that entire section but some people in that area resisted and it is why it hasn't come to fruition at this time.

Councilman Dolan asked why they don't change it in Ravena.

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

APPROVAL OF MINUTES

Supervisor Flach stated that there were three sets of minutes for Town Board approval, a Town Board Organizational Meeting on January 5th, a Special Town Board Meeting on January 7th and a Town Board Meeting on January 12th and then offered a motion to approve them.

MOTION

On motion of Supervisor Flach, seconded by Councilman Langdon, the minutes were approved as presented and read.

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

OLD BUSINESS

Employee Handbook

Supervisor Flach stated that there is a draft of the Employee Handbook with completed changes that he would like everyone to look over and he knows it has been an issue for many years prior to when he came here and he is now trying to get things updated, wrapped up and finally done and there are a couple of changes that they talked about that need to be changed regarding health insurance for retirees. He asked that the Board look over the draft and they will talk about it again at the next meeting.

Councilman Langdon suggested that they discuss it at the next Workshop.

Supervisor Flach stated that he will highlight a couple of the changes and send them the draft of the changes this week and then asked if there were any other comments, hearing none he moved to the next item on the agenda.

Hannacroix Creek Project

Supervisor Flach stated that Councilman Masti attended a Hannacroix Creek Project Meeting and then asked him for an update.

Councilman Masti stated that he did attend a meeting with several of the people involved, Marlene Martin from F.X. Browne, FEMA representatives, Army Corp of Engineers, DEC, Department of Homeland Security. He added that the first Project Work Order that they did was not rolled over properly and hopefully they will get that fixed and it should cover the cost of the engineering fees. He added that the gentleman from FEMA who was handling it is on vacation and when he is back he will be in contact with him about what was found out about what they could be giving the Town from FEMA, which will give them a better idea as far as the possibility of actually getting the project done. He continued by saying that F.X. Browne did have a revised map that the Army Corp of Engineers looked at and gave his approval but it has to go through FEMA because they are the ones who are paying out the money. He added by saying that hopefully he will be hearing back from them this coming week and would like to see about meeting with them again the end of March or beginning of April and in turn get everyone together again. He went on by saying that Building Inspector/ CEO Conrad was present at the meeting and gave some of his insight from his experience with the first part of the project, it was a good meeting with everyone at the same table, it was very productive and hopefully within the next month or so they should have more information. He concluded by saying that right now as it

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stands, it looks like tentatively everything runs out at the end of September because they have been given so many extension but there is a possibility that they might be able to get another one, but he would prefer that it be done by the end of September.

Councilman Langdon stated that one of the big takeaways from that meeting was that the FEMA representative said that one of the challenges that they had was the estimates to do the project were well above what they were told FEMA estimated and he basically said that when a project costs "X" amount of dollars, as long as you verify that you are paying that amount, they generally do cover the cost of the whole project.

Councilman Masti interjected that they are working on it and it's going in the right direction.

Supervisor Flach asked if there were any other comments.

Councilman Dolan asked for an update on the TAN.

Supervisor Flach stated that the TAN was a \$310,000.00 Tax Anticipation Note that they took out in the fall because they had sales tax and CHIPS money that hadn't come in yet and a few overages by two of the departments. He added that the TAN has been paid off, most of the taxes are in and reiterated that they paid it off.

Councilman Dolan asked if the CHIPS money came in.

Highway Superintendent Searles stated that he was told around the 16th of next month and it is approximately \$111,000.00 plus an extra approximate \$13,000.00 for winter recovery.

Councilman Dolan asked if the TAN was paid from sales tax money or property tax money.

Supervisor Flach stated that it was paid with property tax money. He then asked if there were any other comments, hearing none he moved to the next item on the agenda.

NEW BUSINESS

Highway Department – New Hire

Highway Superintendent Searles stated that he had discussed hiring a new person at the last meeting because Nelson Perry was promoted to Deputy Highway Superintendent and it leaves a void in addition to a laborer going to the Sheriff's Department and he would like to replace Nelson's position so they can oversee parks, recreation and buildings and he needs someone to fill his shoes.

Councilman Langdon asked if it would be non-union.

Highway Superintendent Searles stated that it would be.

Councilman Langdon asked when the actual hire date would be.

Highway Superintendent Searles stated that it has to be advertised and interviews done so it will probably be the end of the month or early April.

Supervisor Flach asked for a motion to advertise the position.

MOTION

On motion of Councilman Masti, seconded by Councilman Langdon, authorizing the Highway Superintendent to advertise for the position of Parks, Recreation and Maintenance Supervisor.
VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Burns) – SO MOVED

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RESOLUTIONS

RES. #50-15 AUTHORIZE EMPLOYEES TO ATTEND SEMINAR

On motion of Councilman Masti, seconded by Councilman Langdon, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Burns) – SO MOVED

WHEREAS, the 2015 Hudson Valley CEO Educational Conference, a training seminar sponsored by New York State Building Officials Conference will be held April 22-24, 2015 in Poughkeepsie, New York, and

WHEREAS, the Building Inspectors of the Town of Coeymans have requested to attend said seminar, which will provide the mandatory, continuing education credits required for in-service training for code officials, and

WHEREAS, a pre-registration fee of \$300.00 per person for classes is required.

NOW, THEREFORE, BE IT RESOLVED, that Larry H. Conrad and Sandy DeBacco, Building Inspectors, may attend the 2015 Hudson Valley CEO Educational Conference to be held on April 22-24, 2015 in Poughkeepsie, NY, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Coeymans authorizes pre-payment for the registration as well as reimbursement for travel to and from the Conference Center for use of personal vehicles upon submission of a voucher.

RES. #51-15 AUTHORIZE SUPERVISOR TO NEGOTIATE CONTRACT WITH ALBANY COUNTY

On motion of Councilman Langdon, seconded by Councilman Masti, the following resolution was APPROVED – VOTE – AYES 3 – NAYS 1 – ABSENT 1 (Burns) – SO MOVED

WHEREAS, the Town of Coeymans has requested that the Albany County Sheriff and Albany County Executive negotiate and enter into an Inter-Municipal Agreement with the Town of Coeymans for the transfer of Dispatch functions to Albany County, and

WHEREAS, the Town of Coeymans realizes that consolidation of this service has been identified as a priority by the State Commission on Local Government Efficiency and Competitiveness and has the advantages of increasing operation effectiveness, minimizing response times and reducing costs and in updating technology, and

WHEREAS, the Town of Coeymans desires Albany County Communication Center to assume the duty and responsibilities of the dispatching functions in the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Coeymans Supervisor is authorized to enter into an Inter-Municipal Agreement with Albany County for the transfer of dispatch functions to Albany County Communications Center, and

BE IT FURTHER RESOLVED, that the County Attorney and Attorney to the Town are authorized and approve said Agreement as to form and content, and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Coeymans is directed to forward certified copies of this resolution to the appropriate County Officials.

Supervisor Flach stated that they had previous discussion and then asked if there were any further comments.

Councilman Langdon stated that the way it is worded it almost sounds like it says to go ahead and put the agreement together and there is nothing in there saying that they are going to review or finalize the agreement and then asked if it basically authorizes him to do that and then asked if the agreement is different from the contract with the County

Supervisor Flach stated that it is and they have to go through the whole contract.

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Councilman Langdon asked if this is what they talked about in having to do a resolution just to start talking.

Supervisor Flach stated that it is.

Councilman Dolan added that it also gives the Attorney for the County and the Attorney for the Town permission to approve the Agreement.

Supervisor Flach stated that they have to look at the Agreement before they sign it and in looking at the two full-time employees that are in there, as far as what the pay is, it has been gone over and it looks good and as far as part-time, they should get their applications in and they will try to work as many part-time in as they can and added that there is definitely more to do and they know that.

Councilman Masti stated that part-time would basically be on call.

Supervisor Flach stated that this just gets the ball rolling.

Councilman Dolan stated that at the November 24th Meeting, Councilman Langdon represented to Mr. Youmans that it would cost \$200,000.00 over two years and then be free.

Councilman Masti interjected that it is \$100,000.00 a year.

Councilman Dolan stated that it is \$146,000.00 for the first year, \$156,000.00 for the second year and \$160,000.00 for the third year, which is actually more like \$500,000.00 and not \$200,000.00, and people should know what the costs are going to be.

Councilman Masti stated that it is increasing the two full-time employees' benefits.

Councilman Dolan stated that he is not begrudging them a bit and what he is saying is that it was represented to the public as \$200,000.00 for two years and then they are done but it is really \$500,000.00 for three years with no guarantees after that.

Supervisor Flach stated that he remembers saying before that in another meeting that they thought it would be approximately \$100,000.00 each year for three years, which he thinks is what Councilman Langdon meant and after three years there is no cost.

Councilman Dolan stated that at the meeting, which he guesses is public because there are minutes for it, it says \$500,000.00 over three years and doesn't say anything about what happens after three years, or after three years it's free.

Supervisor Flach stated that they won't sign the contract unless it says what they want.

Councilman Dolan interjected that the even bigger question in why the Town of Coeymans is paying \$500,000.00 over three years and Rensselaerville is paying nothing over three years, Knox, Berne and New Scotland or Westerlo is paying nothing over three years.

Councilman Langdon stated that they don't have Police Departments.

Councilman Dolan stated that this is not for a Police Department, it is for Dispatch.

Supervisor Flach stated that he's not sure why they don't have to but there are other municipalities that have paid for five years.

Councilman Langdon stated that municipalities with Police Departments pay to do this and then asked if Councilman Dolan is suggesting that they not have a Police Department.

Councilman Dolan asked if that is what he got out of what he just said and added that it is the most amazing thing that he has ever seen in his life.

Councilman Langdon stated that he is saying that the Town should not pay because Rensselaerville and others don't have to pay and they don't have a Police Department.

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Councilman Dolan stated that it should not matter because they still have Fire Departments.

Councilman Langdon stated that part of the deal is that they are going to put equipment in their cars.

Councilman Dolan asked where that is in writing.

Councilman Langdon stated that it's not and it is why they have to negotiate a contract.

Councilman Dolan stated that they are going to turn over Dispatch June 1st but they don't have any of these details.

Councilman Langdon stated that it does not say that they are turning Dispatch over on June 1st, it is a target date.

Supervisor Flach reiterated that it is a target date and it is so they can begin negotiating a contract.

Councilman Dolan stated that it makes no sense that they would negotiate a contract when they don't have a plan and don't know what they want.

Councilman Langdon stated that meetings have been going on for months now.

Councilman Dolan stated that every time it gets talked about, it gets more expensive and they get less for it.

Councilman Langdon reiterated that there have been meetings going on for months with different Fire Companies, Ravena Ambulance and all the different people involved.

Councilman Dolan asked where there is the report that he was promised on November 24th, the next day, which would let them know what the Departments are saying.

Councilman Masti asked that Supervisor Flach get Councilman Dolan the report.

Councilman Dolan stated that he thought it didn't exist and then asked if Councilman Masti had seen it.

Councilman Masti stated that if it is what he is looking for, he will come down and look for it tomorrow if it will make him happy. He then asked Supervisor Flach if there was any further discussion.

Supervisor Flach stated that he didn't have any and then asked that Town Clerk Millious conduct a Roll Call Vote.

Town Clerk Millious conducted the vote as follows:

VOTE – Supervisor Flach AYE – Councilman Masti AYE – Councilman Langdon AYE – Councilman Dolan NAY – ABSENT 1 (Burns)

AYES 3 – NAYS 1 – SO MOVED

RES. #52-15 APPROVE SEWER FEES

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

WHEREAS, the Town of Coeymans Hamlet Sewer District has adopted rules and regulations for use of the sewer system known as Chapter 134 Sewers, and

WHEREAS, Chapter 134 Section 15 requires permits to be obtained in accordance with those rules and regulations, and

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WHEREAS, Chapter 134 Section 16 allows the Town Board to establish fees for permits to be issued, and

WHEREAS, the Town Board is desirous of establishing the appropriate governing body and fees in accordance with Chapter 134.

NOW, THEREFORE, BE IT RESOLVED, that the Building Department be authorized to issue permits as required and the following fee schedule be established:

- New Residential Connections (laterals) \$100.00
- New Commercial Connections (laterals) \$200.00
- Industrial Permit (3 year maximum) \$300.00
- Disconnection Due to Abandonment/
Non-Payment \$500.00
- Minor Repairs (includes inspection) \$ 50.00
- Main Extensions to the System \$500.00

BE IT FURTHER RESOLVED, that these fees shall be added to Chapter A170, Sewer Permit Fees and these fees shall be effective upon adoption of this resolution.

Councilman Masti asked if an Industrial Permit with a three year maximum is \$300.00 per year.

Sewer Administrator Conrad stated that it is \$300.00 for the permit, which is a three year permit.

Councilman Masti asked if they charge \$500.00 to disconnect someone and added that he is confused about that one.

Sewer Administrator Conrad stated that they discussed the fees at a Workshop a while ago about and that fee itself was not in there but based on the current resolution that the County brought to their attention about the possibility of not allowing re-levies to take place for any of the sewer and water in the future, could establish another problem to the Town where they are going to have to be actually cutting off sewer disconnects and there are some abandoned so in order to do that type of relevy there has to be a fee established, which they don't have and that fee was added by him, which is probably not even enough to cover it. He continued by saying that hopefully through the help of the Highway Department, if and when it has to be done, it is something that they can accomplish at least without totally putting the fee back on the residents in the Town when they expend those monies because it is the Sewer District and the Sewer District is supposed to be solely responsible for any and all costs associated with it and they don't want that to be associated throughout the Town and the District itself cannot absorb those kind of fees for 300 families. He added that it is the reason for the abandonment, which there are several right now in the Hamlet where the sewer is available and is leaking water into them and they have no way to do anything other than to go out to the main and disconnect those services in order to try to stop some of the inflow that was supposed to be taken care of through the DEC agreements. He went on by saying that this is one more step that was never established in writing or put online and it will be online so the residents paying those fees has that information available in A170 where the rest of the Permit Fees are and over the years it has been basically that someone came up with a fee and when he researched it when they had to amend it he found that it wasn't in writing anywhere and it is another thing that they have caught up over the years that they are trying to reign in some of the errors and make it more visual for the public to see and that it is not something that they just dreamed up. He continued by saying that the residential connections was let go for numerous years and people were just hooking up without inspection or anything else and with the DEC Consent Order they were told that they had to take charge of their system and they can't just let people do what they want. He added that there are industrial users that have never been addressed by anyone in the Town over the years and it has clearly been taken care of in the Sanitary Code and is part of Chapter 134 and it applies to industrial users as determined by the Albany County Health Department such as car washes that are supposed to be monitored for what is coming out of those and it is heavy with sand and grit that has caused problems with some of the meters and those users are supposed to also have oil and grease separators, which no one is monitoring and they need to get a handle on. He went on by saying in trying to keep up with all the requirements of DEC and become compliant, some of these things are coming to light and it only takes a resolution to adjust the fees at this point and reiterated that they are trying to forgo any expenses being pushed on the other residents of the District.

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Councilman Masti stated that the sewer is not like water where you have a main that you turn off, you have to literally dig it up, take it apart and plug both ends.

Sewer Administrator Conrad stated that unfortunately the main is in the middle of one of the Town's highways, for the disconnect, there is no fee at this point in time to be associated with the property that is associated with it and they have to be able to reimburse whoever dug it up, such as Highway and with frost in the ground it could cost you thousands and it is a fee for current disconnects and may be revised. He added that they have not finished with the County to determine whether or not their new "policy", which was passed in 2013, that they were going to stop doing the relevies that amount to approximately \$60,000.00 a year and he does not know where they are going to get that money from. He continued by saying that the resolution was passed by the Legislature but he did point out to the Attorney for the Town that in accordance with General Municipal Law they are required to set those rates and he does not think that the County can change Town Law with a resolution.

Councilman Dolan stated that the \$500.00 for non-payment would be passed on to the County.

Sewer Administrator Conrad stated that according to the County, they would have to notify the property owner of the amount, make an attempt to try and collect it and after three years they would be able to relevy it.

Councilman Dolan stated that he is just talking about the \$500.00 non-payment fee.

Sewer Administrator Conrad that it would be \$500.00 plus any other monies that are unaccounted for and normally the process is that they bill January through June for the first billing and the second billing is July through December and if the bills aren't paid by November 1st, it is automatically forwarded to the County and relevied. He added that the monies that Supervisor Flach was talking about that they were short, \$60,000.00 of that was coming to the Sewer and those monies go to the Districts just like any other tax monies that are collected and now the County is telling them that they can't do that, which is a serious problem and will become a bigger problem when it comes to the Village's water that they collect also. He concluded by saying that they are trying to resolve those issues and he is not sure where it is going to end up at this point.

Councilman Dolan stated that the Industrial Permit is 3 years for \$300.00 and then asked if it is just for the permit or if it includes the connections also.

Sewer Administrator Conrad stated that they are already connected and what it includes is the monitoring of the materials that need to be tested from time to time and most of the tests run around \$82.00 each time and they are typically done at the Sewer Plant and some of things that have to be kept tract of is that they make sure that harsh chemicals coming into the Sewer System.

Councilman Dolan asked if it is for things that already exist.

Sewer Administrator Conrad stated that it is.

Supervisor Flach welcomed Councilman Burns who had just arrived and asked if there were any other comments, hearing none he continued with the next resolution.

RES. #53-15 AUTHORIZE C.T. MALE TO PREPARE SPDES PERMIT RENEWAL

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

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) requires the Town of Coeymans to renew its State Pollutant Discharge Elimination System (SPDES) Permit, and

WHEREAS, the Engineering Firm of C.T. Male Associates, P.C. has provided the service of preparing the permit renewal in the past, and the Town of Coeymans is desirous of C.T. Male Associates compiling the necessary information for renewal.

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans authorizes Supervisor Stephen D. Flach, to engage with C.T. Male Associates for the purposes of preparing and completing the forms necessary for the SPDES renewal for a fee not to exceed \$2,000.00.

Councilman Masti asked if they usually use C.T. Male.

Sewer Administrator Conrad stated that they do and added that there are two things that they do for the Town, the Annual Report for the I&I as required under the Consent Order, which they have been released from provided they stay on track with their Engineering Plan. He added that the Engineering Report has been accepted and reiterated that they have been released from the Consent Order and sewer connections are allowed but if they don't finish the negotiations with the Village and the Village doesn't sign in to the trunk sewer modifications required for the pipe size, the engineering is going to basically go down the tubes at this point. He continued by saying that they are not totally in agreement on both Boards however they have come a long ways, the Village is working with them and it looks like they are going to do manholes 2-5 on the Sewer Plant Road but they have to do the piping upgrades all the way up through to Van Hoesen Street in the Village so they can stop the overflows throughout the areas of the Town. He went on by saying that he is not sure if they have to continue to do the I&I report, which they are checking on right now and it was another portion of the engineering that C.T. Male does for them where they look at the fixes that have been done for the year and any other work that has been accomplished to remove any and all overflows from the plant and collection system.

Councilman Masti asked if Village uses C.T. Male for their I&I.

Sewer Administrator Conrad stated that the Village has not done an I&I study in years and it was part of the Consent Order, which he does not know why they don't and he does not know why DEC hasn't done anything and he does not know why they would want to continue to do it under those circumstances other than they try to comply with the regulations.

Supervisor Flach asked what they need to do to find out.

Sewer Administrator Conrad stated that he has contacted DEC and it is being sought after at this time what they want from the Town.

Supervisor Flach stated that the following resolution is for the I&I Report and suggested that they table it.

Sewer Administrator Conrad stated that he would like to change the resolution to read \$800.00 because \$2,000.00 is actually the I&I study. He continued by saying that he is also asking that DEC upgrade the daily amount of flow allowed and currently it is only 820,000 gallons per day, which was one of the overflow problems when they get into the high flows, to 999,000, which is the maximum limit of their plant and hopefully that will be done as well this year.

Supervisor Flach asked if this going to be part of it.

Sewer Administrator Conrad stated that he is not sure about that, they have already done the work at one point and provided it to DEC and he is hopeful that they will be able to still use this.

Councilman Masti asked if anything over that will go in the lagoon.

Sewer Administrator Conrad stated that hopefully it will.

Supervisor Flach asked if there were any other comments, hearing none he stated that the following resolution was to prepare the I&I Report that Sewer Administrator Conrad had just spoken about and then offered a motion to table it.

MOTION

On motion of Supervisor Flach, seconded by Councilman Langdon, the resolution was tabled.
VOTE – AYES 5 – NAYS 0 – SO MOVED

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RES: #54-15 WORKPLACE VIOLENCE INVESTIGATIONS

On motion of Councilman Dolan, seconded by Supervisor Flach, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 1 – SO MOVED

WHEREAS, the State Legislature has passed legislation requiring municipalities to adopt and implement a Workplace Violence Prevention Program in accordance with New York Labor Law, Article 2, Section 27B, and

WHEREAS, the New York Department of Labor has promulgated regulations under rule 800.6 further defining the requirements of the Workplace Violence Prevention Programs, and

WHEREAS, the Town of Coeymans has adopted a Workplace Violence Policy and wishes to further strengthen said police, and

WHEREAS, the Town of Coeymans is ideally suited to investigate complaints of workplace violence.

NOW, THEREFORE, BE IT RESOLVED, the Town of Coeymans Police Department is hereby entrusted with the duty of investigating any complaints of workplace violence filed in the Town of Coeymans, and

BE IT FURTHER RESOLVED, that the Town of Coeymans Police Department shall promptly conduct an investigation of any workplace violence complaint and provide a written report to the Town of Coeymans Town Board for its review and determination in Executive Session, and

IT IS FURTHER RESOLVED, that the Town Board shall review the investigation report and make a determination as to whether the complaint of workplace violence has a merit and to take all necessary steps to remediate any violations that have occurred in the Town in accordance with the Town Policy.

Supervisor Flach stated that in the past they had a Committee of Department Heads who were not happy to be on the Workplace Violence Committee, many felt as though they were not qualified and in turn he talked to the Chief of Police because it seems like the Department that should handle all other types of violence and should be the ones.

Councilman Dolan asked if it might be a possible conflict of interest for the Police to be screening for workplace violence and then maybe having to investigate it as a crime.

Chief McKenna asked to address it and continued by saying that it is something that they had discussed and he does believe it could be perceived that way, however any complaint that comes to the Department will be handled as a Police matter initially and if it does not arise to the level of a violation, misdemeanor or felony and it stays as an internal issue, the findings will be forwarded to the Board who is overseeing the workplace violence that they are investigating. He added by saying that in other words, they will take a complaint, look at it and determine that it is not workplace violence but actually harassment, assault, etc. and it is not uncommon for someone to make a complaint but wish no prosecution, and if it rises to be a violation of NYS Penal Law, it will be pursued as a dispute mediation, which can also be reflected in the report that is forwarded to the Board. He concluded by saying that this the agenda that they are going to work towards.

Councilman Dolan asked if there are some things that they would have to treat as a crime.

Chief McKenna stated that there are and there will be times where the event may rear its head and they will be told that it cannot be resolved simply as workplace violence and could be a systemic pattern of abuse or something along those lines and could realm-into the domestic and in those cases they will have to treat them as a criminal complaint and they will do so.

Supervisor Flach stated that if they had the same Committee that they have had and there was workplace violence that was a crime, it would still be given to the Police.

Councilman Dolan stated that his concern is that someone may not come forward with a complaint because now you have to go to the Police and may not understand the fine balance that

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he puts on it and maybe they don't want their boss/co-worker screaming at them but don't want to go to the Police. He added that he's afraid that it might have a chilling effect on protecting employees from what the law is specifically supposed to be protecting them from.

Chief McKenna stated that he understands where he is coming from and he does not know what kind of data they have on workplace violence complaints, but it sounds like his concern is that someone may be reluctant to report what is perceived as an internal matter to a public entity, the Police Department. He reiterated that he understands that and all he can say is that the first part of workplace violence as he read the resolution is the education process, which would not be on the Police Department but back to the departments themselves to educate their employees as to what the Police do, what is being done, what is workplace violence vs. a criminal or violation act and perhaps that could alleviate the issue where they would know that they are going to the Police Department but having spoken to someone internally about training as to what is workplace violence then maybe it would help them realize the difference and forward the complaint.

Supervisor Flach stated that there is training through NYMIR and it is set up for two weeks from now so the training will be done.

Councilman Burns asked if the Union people would go to their Union Representative first and then maybe go to the Police.

Chief McKenna stated that would be in a perfect world, people are told to follow steps and if people are educated within each Department as to what the process is, what it entails and what the purpose of it is, it will help alleviate any feeling of conflict by coming to the Police Department.

Councilman Dolan interjected that it does not just apply to Union employees, it applies to Town employees as well.

Supervisor Flach asked if there were any other comments.

Councilman Masti interjected that if there is illegal activity he would feel better reporting it to the Police but he and Councilman Dolan see the opposite on a lot of things and he likes it.

Supervisor Flach stated that Councilman Dolan didn't say that he didn't like it.

Councilman Dolan stated that he is going to vote no but he doesn't have any doubts that the Chief will handle it well within his Department and reiterated that he is just afraid that someone might not report something, which will be on the Town if someone does not report something because they feel uncomfortable doing it.

Supervisor Flach stated that if you have 5 different Department Heads on a Workplace Violence Committee, there are 5 departments that you would have to deal with and with the Police there is only one department rather than 5 who know about what your issue is.

Councilman Dolan stated that he thinks people treat going to the Police Department to report something, different than going to the Assessor's Department to report something and he thinks that someone might, for whatever reason, want to go in front of Clerk Millious or the Supervisor rather than the Police Department and it isn't against the Police Department or the Chief, it is his opinion.

Supervisor Flach asked if it is because of the Police perception.

Councilman Dolan stated that they are Police, they have guns and can arrest people, Department Heads can't arrest people and some employees might have a different opinion about the Police and they might be doing something else themselves and don't want to be in front of the Police and reiterated that it is his opinion.

Councilman Masti stated that he can't see where he can say that upon the Town Board if they don't want to take it to the Police, they have given them the option, it's their choice and not the Boards.

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Councilman Dolan asked if he doesn't know how he can say that or if he doesn't agree with him.

Councilman Masti stated that he is saying both.

CORRESPONDENCE

New York State Parks, Recreation & Historic Preservation

Supervisor Flach stated that he received two correspondence from the Office of Parks, Recreation and Historic Preservations and continued by reading the following excerpt:

Dear Supervisor Flach,

We are pleased to inform you that the property noted above will be considered by the New York State Board for Historic Preservation at its next meeting, March 25, 2015, for nomination to the National and State Registers of Historic Places. These registers are the official lists of properties significant in history, architecture, engineering, landscape design and culture. Listing in the registers provides recognition of our national, state and local heritage and assistance in preserving it. Enclosed is a copy of the criteria under which properties are evaluated for listing.

Listing in the National and State Registers affords properties a measure of protection from the effects of Federal and/or State sponsored or assisted projects, provides eligibility for certain Federal and/or State tax credits and renders properties owned by non-profits or municipalities eligible for State Preservation Grants. In general, there are no restrictions placed upon private owners of registered properties. The results of listing are explained more fully in the attached fact sheet.

Owners of private properties proposed for listing in the National Register must be given the opportunity to concur in or object to the listing. If you are the sole owner of the property proposed for listing and you submit a notarized objection to the listing, the property cannot be listed. If there is one or more owner, a majority of the private owners must submit notarized objections in order to prevent listing. Each private property owner has one vote regardless of what portion of a single property that party owns.

Supervisor Flach stated that the letter goes on and there is another letter for another property with the two locations being 32 Church Street in Coeymans the former Reformed Protestant Church of Coeymans Parsonage and 29 Second Street, Coeymans, which is Brigadier General David McCarthy's former stone cottage. He added that he is sure that the owners have been notified.

Councilman Dolan interjected that he wanted to read another part of the letter and continued by reading:

If you wish to comment on whether or not the property should be nominated to the National and State Registers, please send your comments to the SHPO at the address below. Comments must be received by March 24, 2015, in order to be considered by the State Board for Historic Preservation when it reviews this district.

A draft copy of the proposed nomination will be posted on our website, www.nysparks.com/shpo approximately 30 days prior to the Board Meeting. For more information, contact John Bonafide, Division for Historic Preservation, Peebles Island State Park, PO Box 189, Waterford, New York 12188, (518) 268-2166.

Supervisor Flach asked Building Inspector/CEO Conrad if he knew the exact location of the Stone Cottage.

Building Inspector/CEO Conrad stated that it is on Second Street, the stone house by McNaughtons' and the other one is the old parsonage from the church that has been separated from the church property and was sold off and has sustained damage and a lot of change over the years. He added that another issue is that it is on Uthe Avenue but has a Church Street address and Mr. Bonafide is probably the one that solicited it for being placed on the State Register of

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Historic Places. He concluded by saying that the stone cottage he can understand but the houses that have been modified substantially, he does not understand .

UPCOMING WORKSHOPS/MEETINGS

- Town Board Workshop, March 17, 2015, 6:00pm
- Town Board Meeting, March 23, 2105, 7:00pm
- ZBA Meeting, March 25, 2015, 7:00pm

ADDITIONAL COMMENTS

Supervisor Flach asked if there were any other comments.

Town Clerk Millious stated that she will be sending out the Property Tax Reminder Notices, which she is required to do for unpaid tax bills, which will probably be by the end of the week. She continued by saying that the Fishing Guide Books are in for the new season and anyone getting a fishing license, it has been changed so it is good for a full year from the date of purchase.

Councilman Dolan asked what the rules are for fishing in the Hudson River.

Town Clerk Millious stated that if you are going to fish for striped bass you don't need a fishing license but you need to register and if you are going to catch any other fish you need a fishing license. She added that most people get a fishing license and register for the marine fishing, which is free and in her opinion it's good to have both if you are fishing in the river.

Councilman Burns inquired about fishing in the Alcove and if there has been anything more on that.

Town Clerk Millious stated that she hasn't heard anything on that other than there was some talk about it.

Supervisor Flach asked if there were any other comments.

Chief McKenna continued by give a brief Police Department Report for the month of February. He continued by saying that he wanted to acknowledge a few of his Officers, Jason Albert and Steven Prokym, Will Stockman and Brian Rinaldi and added that there were two attempts of burglaries in the beginning of the month where welding businesses were attempted to be broken into. He continued by saying that in following up on that, with the help of many in the community, a vehicle was located and through surveillance a plate was determined and someone was arrested on two counts of attempted burglary here and turned over to Colonie where additional burglary cases were closed as well as some that were opened in Cohoes. He went on by saying that it was nice work by the four Officers that were involved, which span both the Village and the Town.

Supervisor Flach asked if there were any other comments.

Councilman Dolan stated that there was a correspondence from the Department of Public Service regarding a rate increase requested by Central Hudson, 40.1 million in electric and 5.9 in natural gas delivery revenues and they have scheduled two Public Hearings, March 10th in Poughkeepsie and March 12th in Kingston at 7:00pm. He added that for those that don't want to go to Poughkeepsie or Kingston, you can file a comment as to the proposed increase to www.dps.ny.gov or you can call a toll free number at 1-800-336-2120.

Supervisor Flach asked if there were any other comments.

Councilman Masti stated that he went to the Flag Lowering Ceremony at the Coeymans Hollow Fire Department and heard nothing but good things about the Town's Highway Department in

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being courteous enough to allow the Fire Company to store their trucks while they demolish and construct a new Fire House and it is a good sign of the community working together. He added that it was a shame that the Fire Company could not get any grant money to build the new Fire House but through Representative Tonko's Office, they did get a 2% low interest loan, which was a big help.

Highway Superintendent Deering interjected that there are two fire trucks at the Highway's lower garage and the other two at the old Landfill Building and he wanted people to be aware in case they wondered why when there was a fire call that cars would be going up and down the road.

Supervisor Flach asked if there were any other comments.

Highway Foreman for the Village Traver stated that the Village is scheduling a water main repair next Monday on Main Street from Persico Oil east, which includes a quarter of the Village and all of the Hamlet and they will be shutting the water down with an anticipated shut down time of 3 hours, which will be from approximately 3:00pm – 6:00pm. He added that they had to work around the school, daycares and a couple of businesses and he wanted to let them know that

ADJOURNMENT TO EXECUTIVE SESSION

MOTION

On motion of Supervisor Flach, seconded by Councilman Langdon, the Town Board Meeting was adjourned to Executive Session.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time – 8:20pm

EXECUTIVE SESSION

Executive Session convened in the Supervisor's Office immediately following adjournment from the Town Board Meeting, the entire Board was present in addition to Building Inspector/CEO Conrad. Discussion ensued regarding contract negotiations, no decisions were made or action taken.

Time – 9:28pm

RECONVENE MEETING & ADJOURN

Supervisor Flach called the meeting back to order and asked for a motion to adjourn.

MOTION

On motion of Councilman Dolan, seconded by Supervisor Flach, the Town Board Meeting was adjourned.

Time – 9:30pm

Respectfully Submitted -

APPROVED – AS READ April 13, 2015


Diane L. Millious, Town Clerk