

MINUTES BOOKTOWN OF COEYMANS
December 8, 2014 – Town Board Meeting – 7:00pm**

A Town Board Meeting was held Monday, December 8, 2014, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: Stephen D. Flach, Supervisor
Peter E. Masti, Councilman
George E. Langdon, IV, Councilman
Kenneth A. Burns, Sr., Councilman

ABSENT: Thomas E. Dolan, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk
Peter McKenna, Chief of Police
Scot Searles, Highway Superintendent
John Kerr, Chief WWTP Operator

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

OPENING COMMENT

Supervisor Flach stated that the record should reflect four Town Board Members present with Councilman Dolan being absent.

AGENDA

- Public Announcement
 - Town Offices Closed, December 25th, Christmas Day
- Public Comment
- Approval of Minutes of Meetings
 - Public Hearing, October 30, 2014
 - Town Board Meeting, November 10, 2014
- New Business
 - Establish Public Hearing for Sewer Rates

PUBLIC ANNOUNCEMENT

Town Offices Closed – December 25th

Supervisor Flach stated that the Town offices would be closed on Thursday, December 25th for Christmas Day.

PUBLIC COMMENT

Supervisor Flach invited the public to comment at this time.

Mr. Richard Touchette stated that he lives on Church Street in Coeymans and wanted to read into the record the text of a letter that he sent to December 3rd to the Honorable Thomas P. DiNapoli, New York State Comptroller and continued by reading the following:

December 3, 2014

Hon. Thomas P. DiNapoli
New York State Comptroller

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110 State Street
Albany, Y 12236

Dear Comptroller DiNapoli:

We are writing today as residents and taxpayers to express our concern with the fiscal management of the Town of Coeymans and to request the assistance of the Office of the State Comptroller to help the Town avoid fiscal disaster.

On November 18, 2014, Supervisor Stephen Flach called an emergency meeting of the Town Board for the next day. At this meeting, the Supervisor informed the Board that the Town couldn't make payroll. The Town Board then raided the Sewer Fund for \$111,000.00 to transfer to the A Fund.

At the same meeting, the Board voted to float a \$500,000.00 Tax Anticipation Note to fund Town operations for the balance of the year and approved the 2015 Budget.

The 2015 Budget expenditures are about \$100,000.00 higher than 2014 and include 10% raises for some employees. The Budget also counts on a \$196,000.00 B Fund Balance, which obviously does not exist and contains no provisions to pay the TAN.

Mr. DiNapoli, these are just the latest examples of financial mismanagement over the last two years, but ones we fear will be catastrophic. We ask for you to do everything in your power to help the Town of Coeymans regain fiscal integrity.

Please feel free to contact rick.touchette@gmail.com for more information.

Thank you,

Rick Touchette, Andrea Natel Grutza, Keith Crossley, Barbara Heinzen, Tom Dolan, Kathi Rice, John Meola, Jo Jo Slithers, Anna Marie Anatriello Bonafide, Leslie Neff Lopez, Jim Youmans, Elyse Kunz, Sarah Hafensteiner, Shari Meola, Jo-Ann Segal, Starr Ross, Jackie Barklie Noblett

Supervisor Flach asked if anyone else wished to comment.

Mr. Sean Snyder stated that he is the adjunct for VFW Post 9594 and he is present to bring awareness of the Board of Education Meeting, December 9, 2014 at 7:00pm and they will be having a discussion on the Veteran Exemption for School Taxes that was currently passed by the Governor and left to the Board of Education for each School District to pass amongst themselves. He continued by saying that they are trying to get Veteran's to come to the meeting and show for support for the resolution to be passed by the Board of Education, which will have a minimal effect to the rest of the tax payers of the School District and by minimal he means that the average parcel would be about \$14.00 more a year in taxes to pass the exemption. He concluded by saying that if anyone knows any Veteran's or anyone interested in supporting it, the meeting is tomorrow night at 7:00pm at the Middle School.

Supervisor Flach asked if anyone else wished to comment.

Ms. Sylvia Lawler stated that she is a resident of the Town of Coeymans and she listened to the tape of the Special Meeting on November 19th and she is not there to address that but the meeting was called at the Town Board Workshop on November 18th and she checked with Bob Freeman who advised that there is old law that says if all the members agree to meet, the 48 hour notification by the Supervisor of his Board Members can be waived but what cannot be waived is the public notice. She added that it has to be posted in a reasonable amount of time if the meeting is to be held in less than a week, the earliest that the meeting could have been posted would have been at 8:30 when the Town Offices opened on November 19th, the same day that the meeting was held at noon, which according to Mr. Freeman is in strict violation of the Open Meeting Law so as far as she is concerned, they don't have a Budget, they have not passed a Budget, they passed a Budget at an illegal meeting. She continued by saying that she believes there are residents who have called this to the attention of the Committee on Open Government and she thinks that it behooves them as Elected Officials, in whom they placed their trust when they vote for them, to obey the law.

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Supervisor Flach asked if anyone else wished to comment.

Ms. Barbara Tanner stated that she there is a lot of negativity that she hears and reads in the paper and she wanted to say something positive and the bridge that they put in down in Coeymans is fantastic, it is great for the people where they closed off the roads and now they don't get any traffic going down that road.

Mr. David Flach stated that he lives at 353 Blodgett Road, Coeymans Hollow and he wanted to thank the Board for the job that they are doing, they finally got some business in Town, they finally got a lot of laws that were useless off the books. He reiterated that he thinks they are doing a wonderful job and using a lot of common sense, which is important and for those who don't know what common sense is; it is God given wisdom. He added that he also wanted to thank Carver, Lafarge, TCI and all the businesses that decided to put their trust and money in this town and in talking about money, he can't believe what Carver has done in the last year, he is amazing, he took an old house and made it beautiful and everything the man touches turns to gold in addition to the Baptist Church being delighted that they don't have trucks going by their church anymore on Sundays. He concluded by saying that he wanted the Board to keep up the good work and what they are doing is great.

Supervisor Flach asked if anyone else wished to comment, hearing none he moved to the next item on the agenda.

APPROVAL OF MINUTES

Supervisor Flach stated that there were two sets of minutes for Town Board approval, a Public Hearing on October 30th and a Town Board Meeting on November 10th and then offered a motion to approve them.

MOTION

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

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

NEW BUSINESS

Establish Public Hearing

Supervisor Flach stated that they have to establish a Public Hearing to set the Sewer Rates and added that he would like for it to be December 16th at 6:00pm and then asked for a motion.

MOTION

On motion of Councilman Masti, seconded by Councilman Burns, establishing a Public Hearing date of December 16, 2014 at 6:00pm to establish the Sewer Rates for 2016.

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

Mr. Touchette asked if the Sewer Rates would be made public before the Public Hearing.

Supervisor Flach stated that they would be.

RESOLUTIONS

Supervisor Flach stated that there was SEQRA for the Proposed Local Law, which is the Flood Plain Law and they did it at the last meeting with Attorney for the Town Wukitsch and the first resolution is a Negative Declaration.

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RES. #165-14 ADOPT FINDINGS AND CONCLUSIONS AND ISSUE NEGATIVE DECLARATION

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

WHEREAS, the Town of Coeymans Town Board is the Lead Agency under the State Environmental Quality Review Act (SEQRA) in the adoption of Propose Local Law #5-14, and

WHEREAS, pursuant to SEQRA, the Town Board has prepared Parts 1 & 2 of the Environmental Assessment Form (EAF), and

WHEREAS, the Town Board has considered the probable environmental impacts of the adoption of Proposed Local Law #5-14, and

WHEREAS, the Town Board has concluded that there will be no adverse impacts to the cultural, social, economic or environmental resources of the Town arising from this Local Law, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans pursuant to 6 NYCRR Part 677, hereby adopts the findings and conclusions set forth in the attached determination of non-significance and issues a Negative Declaration pursuant to SEQRA.

RES. #166-14 ADOPT PROPOSED LOCAL LAW #5-14

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

WHEREAS, the Proposed Local Law #5-14, a law to reduce the risk of flooding in the Town of Coeymans, was introduced by a member of the Board at the October 27, 2014 meeting, and

WHEREAS, a Public Hearing was duly advertised in the official newspaper of the Town, and

WHEREAS, said Public Hearing was held on December 8, 2014 at 6:00pm at Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the Proposed Local Law, or any part thereof, and

WHEREAS, the Town Board of the Town of Coeymans as Lead Agency has adopted the Negative Declaration pursuant to NYCRR, part 617, State Environmental Quality Review Act, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8, State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town of Coeymans that adoption of said Proposed Local Law would not have a significant effect upon the environment, and

WHEREAS, the Town Board of the Town of Coeymans, after due deliberations, finds it in the best interests of said Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans hereby adopts the Proposed Local Law #5-14.

BE IT FURTHER RESOLVED, that the Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Coeymans, and to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

Councilman Langdon interjected that they were advised that the law had to be passed in order for the residents of the Town to be eligible for Flood Insurance.

Supervisor Flach stated that was true and added that it was first introduced in 1989, there has not been an update since and the Flood Plain Maps were redone last year and in order for people to get Flood Insurance, they had to adopt the Local Law.

LOCAL LAW #05-14

**A LOCAL LAW FOR FLOOD DAMAGE PREVENTION AS AUTHORIZED BY THE
NEW YORK STATE CONSTITUTION, ARTICLE 1X, SECTION 2, AND
ENVIRONMENTAL CONSERVATION LAW, ARTICLE**

**SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE**

1.1 FINDINGS

The Town Board of the Town of Coeymans finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Coeymans, and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; and
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; and
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damages; and
- (5) Regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- (6) Qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

- (1) To protect human life and health; and
- (2) To minimize expenditure of public money for costly flood control projects; and
- (3) To minimize the need for rescue and relief efforts associated with flooding and Generally undertaken at the expense of the general public, and
- (4) To minimize prolonged business interruptions; and
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard; and
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; and

- (7) To provide that developers are notified that property is in an area of special flood hazard; and,
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

“Appeal” means a request for a review of the Local Administrator’s interpretation of any provision of this Local Law or a request for a variance.

“Area of shallow flooding” means a designated AO, AH or VO Zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of special flood hazard” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term “special flood hazard area (SFHA)” is synonymous in meaning with the phrase “area of special flood hazard.”

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Basement” means that portion of a building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”

“Cellar” has the same meaning as “Basement”.

“Crawl Space” means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

“Elevated building” means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building”, even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

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“Federal Emergency Management Agency” means the Federal agency that administers the National Flood Insurance Program.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood” or “flooding” also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

“Flood Boundary and Floodway Map (FBFM)” means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community’s Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

“Flood Elevation Study” means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study” see “flood elevation study”.

“Floodplain” or “Flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “Flooding”).

“Floodproofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Floodway” - has the same meaning as “Regulatory Floodway”.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

“Historic structure” means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; and

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- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; and
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) By an approved state program as determined by the Secretary of the Interior or
 - (ii) Directly by the Secretary of the Interior in states without approved programs.

“Local Administrator” is the person(s) appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Official, or employee of an engineering department.

“Lowest floor” means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a “Recreational vehicle”.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“Mobile home” - has the same meaning as “Manufactured home”.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

“One hundred year flood” or **“100-year flood”** has the same meaning as “Base Flood”.

“Principally above ground” means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

“Recreational vehicle” means a vehicle which is:

- (1) Built on a single chassis; and
- (2) 400 square feet or less when measured at the largest horizontal projections; and
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulatory Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal

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Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

“Start of construction” means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. The term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a “Historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “Historic structure”.

“Variance” means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations.

**SECTION 3.0
GENERAL PROVISIONS**

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Coeymans, Albany County.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Town of Coeymans, Community Number 360005, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Numbers:

360001C0286D, 360001C0288D, 360001C0289D, 360001C0291D,

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360001C0292D, 360001C0293D, 360001C0311D, 360001C0314D,
360001C0318D, 360001C0319D, 360001C0401D, 360001C0402D,
360001C0404D, 360001C0406D, 360001C0407D, 360001C0408D,
360001C0409D, 360001C0426D, 360001C0427D, 360001C0428D
360001C0429D, 360001C0431D, 360001C0432D, 360001C0433D

Whose effective date is, March 16, 2015, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Albany County, New York, All Jurisdictions" dated March 16, 2015.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at:

Building Department
Town of Coeymans
18 Russell Avenue
Ravena, New York 12143

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Coeymans from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town of Coeymans, any officer or employee thereof, or the Federal

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Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

SECTION 4.0
ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Building Inspector/Code Enforcement Official is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee of \$50.00. In addition, the applicant shall be responsible for reimbursing the Town of Coeymans for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDENTIAL STRUCTURES.

- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 5.1-1 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator

shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.

- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

4.4-3 ALTERATION OF WATERCOURSES

- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4-4 CONSTRUCTION STAGE

- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

4.4-7 CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance; and
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a basement; and
- (3) Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether or not the structures contain a basement; and
- (4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.

SECTION 5.0 **CONSTRUCTION STANDARDS**

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage; and
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

5.1-2 ENCROACHMENTS

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

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- (i) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (ii) The Town of Coeymans agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Coeymans for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Coeymans for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (ii) The Town of Coeymans agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Coeymans for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Coeymans for all costs related to the final map revisions.

5.2 STANDARDS FOR ALL STRUCTURES

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.2-1 ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

- (ii) The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

5.2-3 UTILITIES

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning plumbing connections, and other service equipment will be located at least two feet about the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or Residential Code of New York State for location of such items in wet locations; and
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system; and
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
- (2) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure shall either,
 - (i) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (ii) Be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall;
 - (i) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - (ii) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1) (ii)
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4 (1) (ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at three feet above the highest adjacent grade.

5.5 MANUFACTURED HOMES AND RECREATION VEHICLES

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) The Zoning Board as established by the Town of Coeymans shall hear and decide appeals and requests for variances from the requirement of this Local Law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this Local Law.

- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Local Law, and
 - (i) The danger that materials may be swept onto other lands to the injury to others; and
 - (ii) The danger to life and property due to flooding or erosion damage; and
 - (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; and
 - (iv) The importance of services provided by the proposed facility to the community; and
 - (v) The necessity to the facility of a waterfront location, where applicable; and
 - (vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage; and
 - (vii) The compatibility of the proposed use to with existing and anticipated development; and
 - (viii) The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program of that area; and
 - (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles, and
 - (x) The costs to local governments and the dangers associated with conduction search and rescue operations during periods of flooding, and
 - (xi) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this Local Law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Local Law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size conotiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

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- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (i) The proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic Structure"; and
 - (ii) The variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) The criteria of subparagraph 1,4,5 and 6 of this section are met; and
 - (ii) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - (i) A showing of good and sufficient cause; and
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing Local Laws or ordinances.
- (7) Any applicant whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
 - (i) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 insurance coverage; and
 - (ii) Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 4.4-8 of this Local Law.

RES. #167-14 AUTHORIZE SUPERVISOR TO EXECUTE 2015 EMERGENCY MEDICAL SERVICES AGREEMENT

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

WHEREAS, the Town is permitted by virtue of Section 122-b of the General Municipal Law of the State of New York, to provide emergency ambulance service for the purpose of treating and transporting sick and injured persons found within its boundaries to an acute care hospital, and

WHEREAS, the Ravena Rescue Squad has trained and experienced personnel and is certified by the New York State Department of Health as an Ambulance Service, and

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WHEREAS, the Ravena Rescue Squad is desirous of furnishing emergency medical services to said Town under the terms and conditions set forth in the Emergency Medical Services Agreement, 2014,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans hereby authorizes Supervisor Stephen D. Flach to execute said Emergency Medical Services Agreement 2015, this date December 8, 2014.

Supervisor Flach stated that it is the same amount of money as last year, \$144,960.00 and is in the budget.

RES. #168-14 APPOINT CHIEF WASTE WATER TREATMENT OPERATOR

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

WHEREAS, John Kerr has served provisionally as Chief Sewage Treatment Plant Operator, and

WHEREAS, Mr. Kerr has taken and passed the Civil Service Test, and

WHEREAS, Mr. Kerr's rank on the list in number 1, and

WHEREAS, Mr. Kerr is desirous of being appointed Chief Sewage Treatment Plant Operator.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Coeymans hereby appoints John Kerr to the Albany County Civil Service position of Chief Sewage Treatment Plant Operator at a rate of \$23.15 per hour. This appointment is from Albany County Civil Service list/exam number 201462902 and takes effect immediately.

Supervisor Flach stated that Mr. Kerr was hired at the beginning of the year and has a great asset to the Town and they appreciate his hard work, he took the Civil Service Test and passed it with flying colors, as they knew he would and they are happy to have him work for the Town.

CORRESPONDENCE

Albany County Legislature

Supervisor Flach stated that there are two pieces of property that have been authorized by the County of Albany to the Town of Coeymans and he needs a motion to accept them and to pay a \$60.00 transfer fee for said properties, 78 and 84 Main Street in the Hamlet of Coeymans.

MOTION

On motion of Councilman Masti, seconded by Councilman Langdon, authorizing the transfer of 78 & 84 Main Street and to pay the \$60.00 transfer fee.

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

FEMA – National Flood Insurance Program

Supervisor Flach read the excerpt from a letter as follows:

Dear Mr. Flach,

I commend you for the efforts that have been put forth in implementing the Flood Plain Management measures for the Town of Coeymans, New York, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- A Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community.
- The FIS and FIRM will become effective on March 16, 2015.

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By the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable flood plain management measures your community adopts in accordance with Title 44 Code of Federal Regulations Sections 60.3(d).

I appreciate your cooperation to ensure that your community's flood plain management measures are approved by the FEMA Regional Office by March 16, 2015. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Supervisor Flach stated that this pertains to the Local Law that they just passed.

WORKSHOPS/MEETINGS

- Public Hearing, December 16, 2014, 6:00pm
- Town Board Workshop, December 16, 2014, 6:30pm
- ZBA Meeting, December 23, 2104, 7:00pm

ADDITIONAL COMMENTS

Supervisor Flach asked if there were any additional comments.

Chief McKenna gave a brief report for the month of November. He continued by saying that he wanted to acknowledge some of the people that he works with and added that on November 1st the Coeymans Police Athletic League had their Haunted Hayride, which started out as a beautiful day but then got brutally cold and in spite of that Coeymans Hollow Fire, Ravena Fire, Town of Coeymans Fire Police, Ravena Rescue, Albany County EMS in conjunction with Sargent Dan Contento, Todd Polverelli, Jim Gallagher, Dawne LaMountain, Kyle Kearney, Amanda Mueller, Tressa Young, Matt Mueller, Nick LaMountain and Jeff D'Ambrosio worked under the guidance of Officer Jon Myers, the Pal Coordinator who works tirelessly for the effort, to host a fantastic event. He added that a little over 300 people came and braved the weather because of such good word of mouth and it is the work of Jon Myers and everyone that works with him is a shining star in the Police Athletic Program County wide and he wanted him to know what a great job he and all the volunteers did on that evening and he thanks them for their efforts.

Supervisor Flach asked if there were any additional comments.

Highway Superintendent Searles stated that he wanted to let the Board know that the salt shed is up and there is material in it and they are ready for a storm.

Supervisor Flach asked if there were any other comments.

Councilman Burns stated that what the Police, Scott and Sewer Treatment Plant Operator are doing is fantastic and every week he sees things getting better and better with everyone working together, he sees a lot of positive things happening, it is the season to be jolly and he thinks it is really cool with everything that is going on and he wanted to end on a positive note.

Supervisor Flach asked if there were any other comments.

Councilman Langdon stated that he wanted to congratulate Mr. Kerr on his permanent position with the Town; they are very pleased with his performance over the past year. He added that he is and everyone else is aware of the fiscal issues that they are dealing with in the Town, he is not saying that they did everything perfectly right but he thinks that they have a good plan going forward with what they are attempting to do and he thinks they are going to see the results of that and they will be able to address them in more detail as time goes on. He continued by saying that they never did end up taking the money out of the Sewer Fund, it became unnecessary, they avoided it so that concern didn't happen and they did exercise the Tax Anticipation Note and approved it as a \$500,000.00 figure because it is the limit that was put but the actual amount he

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believes was \$310,000.00 and they will be able to zero that out in a year or two with the budgets in place that they are putting forward. He concluded by saying that it is being addressed, it is not a perfect world and there were a lot of unforeseen issues that they would rather not talk about in public, but they are there and they are dealing with them, will continue to do so and would appreciate everyone's support.

Supervisor Flach asked if there were any other comments.

Councilman Masti stated that he wanted to compliment Chief McKenna as he continues to improve, organize, reorganize, and restructure the Police Department, he is in awe of his energy and he is putting it to good use and very impressive. He continued by thanking Mr. Kerr for keeping everything going down the stream and then thanked Mr. Sean Snyder for attending the meeting to support our veterans, which are approximately 600.

Mr. Snyder interjected that there are approximately 600 veterans but only 60 properties with the Veteran's Exemption because many veterans rent so they don't get the exemption.

Councilman Masti continued by thanking Mr. Snyder and all of those who have served because without their efforts they probably would not be enjoying their freedoms and it is a worthy cause to give them a bit of a tax break because he personally has never had to take a gun into battle and he appreciates and honors those who did.

Supervisor Flach asked if there were any other comments, hearing none he stated that he had something that he wanted to share and read the following:

Last week, we took a T.A.N. out for \$310,000.00. We are waiting for money from this year's revenues to come in; \$110,000.00 from State CHIPS (which is for Highway), \$60,000.00 from Sales Tax Revenue.

The other \$140,000.00 is revenue shortfalls and unexpected expenses that I will explain in a few minutes. We did not have to borrow from the Sewer Fund, as we thought we may need to, and the amount to borrow until February is quite a bit less. The note will be paid off in February, after the Sales Tax, Chips, and Taxes come in.

When I sat down to do the budget, There were quite a few things that I considered. First, you look at the expenditures from the year before and see how things were budgeted. If you are under budget in something you consider if you want to leave it or put in a bit less the following year, depending on why it was under. If something is over budget you ascertain why and budget accordingly for the following year.

Your Departments give you their wish list, and you begin to look at those individual budgets and each employee. We have union and non-union employees. The Union employees receive raises based on the union contract. The Non-union employees are given raises at the will of the Board. When I came into office, the non-union personnel had not had raises in 6 years. As far as raises this year, I felt that there were a couple of elected and non-union positions that needed to come up to the standards of the other employees.

This brings me to a comment that was made at the last meeting. The Highway Department is actually under budget this year by \$50,000.00. Almost 2 years ago, Former Highway Superintendent Albert Deering came to the Board wanting to hire Guy Weidman (who is my brother-in-law) as a mechanic. As Highway Superintendent he has the authority to pick who he wants to hire per Highway Law, and the Board does a resolution based on; if they can, or want to fund that position. Tom Dolan, Tom Boehm, Dawn Rogers, and Peter Masti hired Mr. Weidman, as I abstained from the vote, telling the board and the community that he was indeed, my brother-in-law. Mr. Weidman, as a mechanic, saved the town over \$10,000.00 on equipment last year, and over \$15,000.00 in fuel this year, along with other things like uniforms. The Deputy Superintendent position for Highway has been filled for over 8 years. The current Highway Superintendent appointed Mr. Weidman as his Deputy. Because of some off comments about the Deputy, I do know about Highway, running equipment, and having employees, and I also know that Mr. Weidman is more than qualified for that position. He pays taxes in this town. Because of the need for someone to oversee jobs and workers, it was less money to have a Deputy than to

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have a Union Foreman. There are 10 workers out at the Highway and 2 Supervisors that work alongside their workers.

Now, in 2011, the "A" Fund Budget was \$3,148,000.00, which is the General Fund. We have reduced the "A" Fund Budget by \$140,000.00 over the past 3 years and it reflects in the 2015 budget that we just put out.

When I came into office in 2012, there was a Fund Balance in the Highway Department of \$220,000.00, which was totally fictitious as Highway has no ability to have that kind of Fund Balance. The year before it was \$ 200,000.00, Highway has no ability to bring in revenue other than minor amounts of interest, and sales of scrap, equipment, etc. They are funded by transfers from the "B" Fund (mostly sales tax money), and State CHIPS money. Since 2012, we have decreased that imaginary Fund Balance to zero for 2015. There was a scramble at the end of 2011 to move money to Highway to pay bills, yet there was a supposed Fund Balance of \$220,000.00? In 2011, an Internal Control Officer was brought in at \$105.00 an hour. He made many recommendations, because there were many due to's and due from's, aka interfund loaning, these were never done. We pay an outside accountant who made the same recommendations to the Boards to fix the many carry-overs, and due to's and due from's that had been there for quite a few years. In 2010 and again in 2012, the NYS Comptroller came in and did an audit of the books for the previous years because our Annual Financial Reporting kept showing these interfund loans and due to's and due from's. Without going into many details, we fixed most of the issues that were within the books, and basically received an "A" report from the Comptroller in 2013 for working on these things.

My Bookkeeping and Human Resources budget is \$40,000.00 lower than in previous years, as we have condensed, and are making strides to modernize our outdated bookkeeping with accounting and payroll software.

I signed a contract with our ambulance that was neglected for years, and a police union contract that was overdue by a year when I came into office. There was money owed by the Village that we worked with them to get paid. These are just a couple of small things that have been taken care of since I have been here.

Three years later, we are still working on getting rid of a using a Fund Balance to such a large extent, and I hope to have that taken care of within the next two years.

For 2015, I am proud to say that we have only 4% of our revenue coming from a Fund Balance, down from 12% on average, when I came into office.

I am not one to throw people under the bus, or belittle anyone for making mistakes. I make plenty of mistakes myself. I am here, trying to do a job to the best of my ability. I try and surround myself with people who know what I don't. I have never publically thrown any former administration under the bus, even though I have had cause and reason. I try to use the rule of treating others, the way I want to be treated. I feel like I have tried to treat people fairly and justly as the Supervisor. I do not have a political agenda, and I am not looking ahead to the next election as has been the case over the last few weeks, with some people. I am writing these comments, because I actually do care about the community and my character and integrity. When the next Supervisor takes this office, I am proud to say that we have accomplished much toward making this office run more efficiently for the future.

No one could have foreseen having to pay out an extra \$65,000.00, or predicted an anticipated revenue shortfall of \$75,000.00. As far as the Police going over budget, we worked with the former Chief from the beginning of the year, and had a few unexpected issues. As far as unexpected lawyer bills, I hope the whole town is upset about the fact that 4 residents would place a lawsuit against the Town because of their dislike toward one individual, who is creating jobs, assessment increases, and helping to clean up some long overdue areas by the Coeymans Creek.

What I can answer for, is the overspending of our Dispatch Center, as I did not realize from April of this year until August that we were continuing to train people, and I was assured that we were within budget, which clearly we were not. I should have made sure that the Department Head had that in hand, and not trusted everything I was told.

MINUTES BOOKTOWN OF COEYMANS**

December 8, 2014 – Town Board Meeting – 7:00pm

Departments will need to be careful to stay within their budgets in 2015, as most have this year. I am confident that we are going to have a great year, as we have some possible unanticipated revenues, and good Department Heads to run their departments.

Supervisor Flach continued by saying that it is going to be a great year and he thanks all the members of the Board.

Supervisor Flach offered a motion to adjourn the meeting.

ADJOURNMENT

MOTION

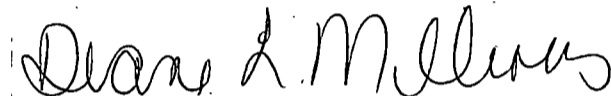
On motion of Supervisor Flach, seconded Councilman Masti, the Town Board Meeting was adjourned.

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

Time – 7:52

Respectfully Submitted,

APPROVED – As Read February 9, 2015



Diane L. Millious, Town Clerk