

**MINUTES BOOK\*\*TOWN OF COEYMANS**

**September 22, 2015 – Town Board Workshop – 6:00pm**

**A Town Board Workshop was held Tuesday, September 22, 2015, at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Peter Masti, Deputy Supervisor, Councilman  
Thomas E. Dolan, Councilman  
Kenneth A. Burns, Councilman  
George E. Langdon, IV, Councilman

**ABSENT:** Stephen D. Flach, Supervisor

**ALSO PRESENT:** Lucinda A. Vatalaro, First Deputy Clerk  
David Wukitsch, Attorney for the Town

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Deputy Supervisor Masti opened the meeting, led the Pledge of Allegiance and added that the record should reflect the absence of Supervisor Flach.

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**AGENDA**

- Resolutions
  - Approve Attendance to Capital District Planning and Zoning Workshop
  - Accept Bid Proposal for 84 Main Street
  - Authorize Justice Court to Apply for JCAP Grant
- Additional Business

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**RESOLUTIONS**

Deputy Supervisor Masti stated that the Planning and Zoning Board members have requested permission to attend a Local Government Planning & Zoning Workshop on October 15, 2015, which is \$30.00 per person with a registration deadline of October 9<sup>th</sup>. He added that this is something that each member is required to do and then asked that Councilman Dolan introduce the resolution.

**RES. #110-15 APPROVE ATTENDANCE TO CAPITAL DISTRICT PLANNING & ZONING WORKSHOP**

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

**WHEREAS**, the Capital District Planning Commission will be sponsoring a Local Government Planning & Zoning Workshop on October 15, 2015 at the Hudson Valley Community College in Troy, NY; and

**WHEREAS**, members of the Planning and Zoning Boards desire to attend this seminar, which will provide credit hours for the minimum training as required by Town Law; and

**WHEREAS**, a prepaid registration fee of \$30.00 per person is required.

**NOW, THEREFORE, BE IT RESOLVED**, that the members above are hereby authorized to attend the Local Government Planning & Zoning Workshop in Troy, New York, October 15, 2015; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Coeymans will reimburse for the round-trip mileage upon submission of voucher for use of the members personal vehicle.

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**RES. #111-15 ACCEPT BID PROPOSAL FOR 84 MAIN STREET**

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

**WHEREAS**, the Town of Coeymans has advertised for proposals to purchase property owned by the Town located at 84 Main Street, Coeymans, NY, SBL 168.12-2-3; and

**WHEREAS**, Coeymans Recycling Center, LLC, has submitted a proposal, which meets the terms of the bid issued by the Town including the requirement that the successful purchaser demolish the structure presently on the property with ninety (90) days of acceptance and execution of a contract of purchase; and

**WHEREAS**, Coeymans Recycling Center, LLC, has submitted a bid in compliance with the Town's notice and has tendered a check in the amount of \$250.00 for purchase of property with the assurance that it will demolish the structure on the property with ninety (90) days of the execution of the contract and pay all costs and fees associated with the transfer of this property.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby authorizes the Town Supervisor to execute a contract for the purchase and sale of the aforesaid real property in the form annexed hereto.

Councilman Dolan asked if the successful bidder needs to put up a Bond or anything since they are tearing down a property that is attached to another inhabited property in which the inhabitant expressed their concern to him.

Councilman Burns stated that he is sure that he is insured.

Councilman Langdon stated that he probably has the kind of insurance that he has to carry to do his normal business and it would probably cover the value of any home that is attached.

Attorney for the Town Wukitsch stated that a Bond would only insure compliance with the terms of the contract and would not provide any coverage to a third party. He continued by saying that they could ask him for proof of insurance, which would be appropriate.

Councilman Burns stated that they would need that anyway because when he had done work for the Town he had to have \$1,000,000.00 worth of coverage.

Attorney for the Town Wukitsch interjected that they need Proof of Liability coverage, which would provide coverage to a third party as well as Worker's Compensation and added that he can get proof of that.

**RES. #112-15 AUTHORIZE JCAP GRANT APPLICATION**

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

**WHEREAS**, the Town Court is desirous of making application for funding assistance to obtain office equipment; and

**WHEREAS**, such assistance is possible through the New York State Unified Court System Justice Court Assistance Program (JCAP) application.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans authorizes the Town Justice Court to prepare such a JCAP application and forward the completed application to Supervisor Stephen D. Flach for signature and submission.

Deputy Supervisor Masti stated that he would read the memo from Court Clerk Eissing and continued to read the following:

The Justice Court has been notified by the Unified Court System that applications are again being taken for available grant money to assist Towns and Villages in the operations of their Justice Court.

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In order to apply, and submit the completed application, the Justice Court requires authorization from the Town Board in the form of a resolution, which must be a certified copy. The Board's consideration in passing a resolution on this matter, as soon as possible, will be greatly appreciated.

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**ADDITONAL BUSINESS**

Deputy Supervisor Masti asked if there was any additional business.

Councilman Langdon asked where they were at with the replacement of the gazebo roof.

Councilman Dolan stated that at the last meeting they decided that they are not going to go through with it for now and will wait until funds are available and they will include it in the budget for next year.

Attorney for the Town Wukitsch stated that bids were submitted and there was only one bid and added that there is no concrete time period in which they have to accept the bid; it only has to be within a reasonable time.

Councilman Langdon stated that he thought there was a potential problem with the bid because it was faxed in, came in late and was not a sealed bid.

Attorney for the Town Wukitsch stated that you can waive those types of irregularities and have the power to do that and reiterated that if it is a single bid, they can waive those types of irregularities.

Councilman Dolan stated that he thinks it was consensus thinking that because it was the only bid that they received and it was put out multiple times, the idea is that if some money becomes available, they will try to do it. He added that in a conversation with the Supervisor, the bidder said he would be willing to wait.

Councilman Burns stated that the bidder indicated that he would do the work now and be paid later after the first of the year.

Councilman Dolan interjected that he thought they had decided that it probably was not a good idea.

Attorney for the Town Wukitsch stated that he would have control over when he submits his voucher and if there is no reason to question the voucher, other than he decided to complete it 90 days after the work was completed, he does not think that there is a problem with that.

Councilman Langdon stated that he agreed as long as it is planned in next year's budget.

Councilman Dolan stated that if it comes out of next year's funds, it will have to be done next year.

Deputy Supervisor Masti stated that it will be the year that he submits the voucher.

Attorney for the Town Wukitsch agreed and interjected that they would have 30 days to pay it.

Councilman Burns stated his view is that they have been going back and forth for so long on this and it is a low bid for the work that needs to be done, he has a good reputation and he's the only one that submitted a bid. He continued by saying that if he is willing to do that, now is the

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perfect time because the gazebo isn't being used and next spring it will be one less thing that they need to do.

Attorney for the Town Wukitsch interjected that if it is acceptable to him to wait and submit the voucher and then get paid in January, it would be fine.

Councilman Langdon stated that if they decide to do it this year, they should wait to see what the budget is looking like for next year because they would be spending money that they don't have.

Attorney for the Town Wukitsch stated that he should not be allowed to do the work then.

Councilman Langdon stated that by mid-October they should have an idea with the budget and whether or not it is in the budget.

Councilman Burns stated that when they get the budget done, if they definitely have the money to do it they should have it done this year so it will be done in the spring. He added that if they keep waiting it will cost a lot more than it is going to cost now.

Deputy Supervisor Masti interjected that the longer they wait, the more money it will be.

Attorney for the Town Wukitsch interjected they will have a better picture after they have some Budget Hearings and he can still work in October or November and then asked what the final bid was.

Councilman Dolan stated that it was \$5,250.00.

Councilman Langdon stated that it is between the other bids from previous years.

Councilman Dolan stated that the Supervisor had said the bidder agreed that if there is minor damage between now and then he will proceed at the same price and if it were much beyond the scope of the bid they would take care of that also.

Councilman Burns interjected that the other concern is the railing along the walkway by the river.

Councilman Langdon stated that it is pretty well screened off.

Councilman Dolan interjected that it is \$3,300.00 to fix it and approximately \$5,000.00 for new and added that he thinks it is much more of a safety issue than the gazebo roof if they can only do one.

Councilman Burns stated that Scott Searles is a very good welder and he could take sections out to his shop this winter and weld a piece in between each one. He added that they have the equipment to do it and it will only cost them their labor and for a little bit of material and reiterated that Scott is a very good welder.

Deputy Supervisor Masti stated that with the safety fence up against it, it is safe and no one will fall through.

Councilman Burns stated that Lou Newburg's intention was to take it section by section and insert pieces.

Deputy Supervisor Masti asked if there was any other business.

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Councilman Burns stated the only other thing is the Hannacroix Creek, which he thought was going to be cut and dry and it was going to be done but they keep giving them a hard time and have pushed the permits off.

Attorney for the Town Wukitsch stated that he thought it was going to be done this year by the end of the year.

Councilman Burns stated that John Wilhelm is the head of Homeland Security in charge of FEMA and everything was in motion for August, they were going to get in there and get it done, and FEMA was going to give them \$380,000.00.

Deputy Supervisor Masti interjected that it cost an additional \$100,000.00 to redo the original plan to satisfy Army Corp of Engineers recommendations.

Councilman Burns stated that Army Corp of Engineers was supposed to do their survey for the bats and trout and according to John Wilhelm they hadn't done anything. He added that FEMA was applying for a permit to get them through this year but he told him that they won't see any money this year and probably won't see any next year. He continued by saying that they did take a lot out of the stream, it looks good and they wanted to take out the piles of dirt that were obstructing the water when it floods, which isn't in the flood plain.

Councilman Masti stated that it's not in the creek itself and is acting as a dam if it floods.

Councilman Burns stated that there is a feeder stream that goes alongside that has been cleaned out and legally they can go into it without permission but next to it is where the material is and were told by letter that if they do anything without permits or permission, there will be no FEMA money. He added that Mr. Wilhelm advised that they go through the proper channels and apologized.

Councilman Masti stated that it's not his fault.

Councilman Burns stated that it wouldn't cost FEMA a dime because they would be doing the work themselves and local companies would truck it out for nothing because they could use it.

Councilman Masti interjected that it would be good, clean fill.

Councilman Burns reiterated that it won't cost anyone anything, it will be an improvement and when they go to do the project, that part of it will be done and it will be less money. He added that they are at a standstill and he does not know what to do about it. He concluded by saying that they missed out when the Governor gave permission to go in the creek for 30 days and they didn't do it.

Deputy Supervisor Masti asked for a motion to adjourn.

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**ADJOURNMENT**

**MOTION**

On motion of Councilman Dolan, seconded by Councilman Langdon, the Town Board Workshop was adjourned.

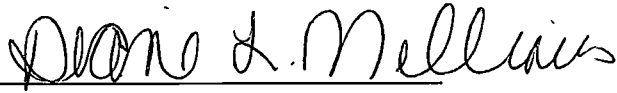
VOTE – AYES 4 – NAYS 0 – SO MOVED

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Time – 6:15pm

*Respectfully Submitted -*

**APPROVED – As Read September 28, 2015**



***Diane L. Millious, Town Clerk***