

MINUTES BOOKTOWN OF COEYMANS
November 23, 2015 – Town Board Meeting – 7:00pm**

**A Town Board Meeting was held Monday, November 23, 2015, at 7:00pm at Town Hall, 18
Russell Avenue, Ravena, New York**

PRESENT: Stephen D. Flach, Supervisor
Thomas E. Dolan, Councilman
Kenneth A. Burns, Councilman
George E. Langdon, IV, Councilman

ABSENT: Peter E. Masti, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk
Scott Searles, Highway Superintendent
David Wukitsch, Attorney for the Town
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 the presence of a full Town Board.

AGENDA

- Public Announcements
 - Town Hall Closed December 25, 2015, Christmas Day
 - Town Hall Closed January 1, 2016, New Year's Day
- Public Comment
- Approval of Minutes
 - Town Board Meeting, October 26, 2015
 - Public Hearing, November 4, 2015
 - Town Board Workshop, November 17, 2015
- Supervisor's Report – September 2015
- Department Reports
 - Town Clerk, October 2015
 - Building Department, October 2015
 - Sewer Department, October 2015
- Resolutions
 - In God We Trust
 - Approve November Abstract
 - Approve Highway Purchase, Dump Truck
 - Amend Resolution ZBA, Daniel Harris
 - Amend Resolution ZBA, David Flach
 - Approve 2016 Emergency Service Agreement
- Upcoming Workshops/Meetings
 - Planning Board Meeting, December 7, 2015, 7:00pm
 - Public Hearing, Sewer Rates, December 14, 2015, 6:00pm
 - Public Hearing, Local Law #1-15, December 14, 2015, 6:30pm
 - Town Board Meeting, December 14, 2015, 6:00pm
 - Town Board Workshop, December 22, 2015, 6:00pm
 - ZBA Meeting, December 23, 2015, 7:00pm
 - Town Board Meeting, December 28, 2015, 7:00pm

PUBLIC ANNOUNCEMENTS

Town Offices Closed Christmas & New Year's Day

Supervisor Flach stated that the Town Offices will be closed December 25th for Christmas and January 1st for New Year's Day. He added that Town Offices will also be closed at noon on December 24th and December 31st.

PUBLIC COMMENT

Supervisor Flach invited the public to comment at this time.

Mr. Thomas Nolan read the following:

My name is Thomas Nolan; I live at 221 Tompkins Road, CR 106 out in the Hollow. I have been a resident for over 25 years; it has been a great place to live raising my family and grandkids. Over the years I have had no problems with anybody until last month or so when I had some new neighbors move next door to me making unbearable loud noises from 2-stroke ATV's and dirt bikes with modified pipes. I don't want you to get the wrong impression, I am all for recreational vehicles, I have them myself, my grandkids have them, we use them and don't abuse them. The problem that I have is the abuse of racing up and down Tompkins Road in front of my house almost every single day. They have now built an oval race track in their backyard, 30-40 feet from my house. When I say an oval racetrack, I mean in front of their house, across the driveway and in the back. Over the last few weeks I have contacted the Coeymans Police Department on a number of occasions because the noise is so unbearable my family and I cannot even enjoy our home or let alone sit outside on the deck because the noise is so loud from the 2-stroke motors. If you don't mind I would like to give you a little example of what I have to listen to almost every day of the week.

Mr. Nolan continued by playing the recorded noise and added that it is 30 feet from his house and only one example. He added that he doesn't have a problem with the dirt bikes, his problem is with the pipes, they are ridiculous and he doesn't even want to come home from work anymore because it is stressing him out. He reiterated that it is almost every day and he called the Coeymans Police on an average of two days a week, the last time he called was on Friday. He added that he usually lets it go but this time they actually went on his property in the back yard so they are trying to extend a little bit each time. He went on by saying that what he is asking is that they adopt new regulations to stop this abuse of recreational vehicles next to his residence because he doesn't know what to do, he doesn't want to go home, he has a great-grand daughter that visits often and she can't sleep, it is stressing him out, he has to come home from work and listen to that. He concluded by saying that they have only been there a few months and the place is starting to get run-down, which will reduce the value of his house with 100 acres of land, it is a beautiful home that he and his wife worked for most of their lives and now he has to deal with this.

Supervisor Flach stated that they use Vehicle and Traffic Laws for ATV's and dirt bikes and then asked Chief McKenna if there is a distance that you have to be from a neighbor.

Chief McKenna stated that for Vehicle and Traffic Law, it has to be on a roadway. He added that he had been up to see Mr. Nolan on a number of occasions and they had discussed it and he doesn't believe that in the Hollow there is a Noise Ordinance or an Ordinance for 2-stroke vehicles on private property, and therein lies their conundrum at this point in time. He continued by saying that to his credit, he has done what he is supposed to do, which is call the Police Department who in turn goes out there, sees them and they go next door and talk to the family. He added that they are not on a roadway if they see and hear them coming, on their own yard the track is extending wider and wider and is starting to breach into his property. He went on by saying that if it goes on his property, it is one thing but in terms of their ability to enforce Vehicle and Traffic Law, infractions have to occur on roadways and can't happen on private property and it can't happen off the road. He concluded by saying that under these circumstances, unfortunately as he has told Mr. Nolan, their hands are a little constricted and it

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has to fall down to a Town Ordinance, which he would look to the Board to find a means to address.

Mr. Nolan asked about a Noise Ordinance.

Chief McKenna stated that there isn't one in the Town and it would require a Local Law.

Mr. Nolan stated that they are looking at half an acre of land that they have and he wishes he had bought the house.

Councilman Dolan asked if they own the house.

Mr. Nolan stated that he believes that they own the house.

Councilman Dolan asked if he had spoken with them.

Mr. Nolan stated that when they first moved in, he went over and said he doesn't have any problems with the ATV's and told them that there are plenty of trails around that whole area and if they go down the road and get on the trails he is all for it but running up and down the road and racing in their backyard, he can't deal with that. He added that he has been over there at least three times and talking to them is no good and now the neighbor waits until he gets home from work, he is sitting on the front porch and when he sees him, he jumps on the bike just to aggravate him, which is stressing him out. He then asked what he can do because he needs their help.

Councilman Langdon asked if he actually has video of them on the road.

Mr. Nolan stated that he does and when they ride, there is no gear, no helmets or nothing and he has video of him in shorts going up and down the road.

Chief McKenna stated that the difficulty with the Police is that it is a violation and a violation must occur in the presence of law enforcement for it to be enforceable and added that they are committing vehicle and traffic violations but they are hamstrung. He continued by saying that he knows that Mr. Nolan works very early in the morning so early evening hours for most of them is when they would start but it is the time that Mr. Nolan is going to bed.

Mr. Nolan interjected that he would normally be in bed now. He continued by saying that it is a great place to live and he is looking to retire in five years but he can't stay in a place like that and he hates to lose everything he has because of one person.

Councilman Dolan asked how old the neighbor is.

Mr. Nolan stated that he would guess that he is probably 15-16 and there are a couple of others like his sister.

Councilman Burns asked if the mother will do anything about it.

Mr. Nolan stated that she hasn't done a thing and his speculation is that she's hardly ever there because he knows what vehicles they have and a lot of times there is no parent there.

Supervisor Flach stated that he would like to go to the residence with Chief McKenna and have a discussion with them, which he thinks is appropriate. He added that he thought there was something in the law where there was a 50 foot distance.

Chief McKenna stated that there was a Town Ordinance but it was rescinded and it's not in effect now.

Supervisor Flach stated that his Board did that and the reason was so a property owner could start their motorcycle within 500 feet of someone and they tried to make it so you don't run your ATV after 10:00pm and before 7:00am and added that they have run into this issue before.

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Mr. Nolan interjected that he doesn't want these people to ruin it for everyone else, all summer long the kids go up and down the road and are having fun, which is not an issue, they are having fun and it's what he wants but now there is someone that just moved next to him and don't really care about what they do. He reiterated that there is a house within 30 feet of his house and they race up and down the road with pipes that they shouldn't have because they are made for racing.

Mr. Polyak asked about modifying bikes.

Chief McKenna stated that off road is a different statute and it would be a Local Ordinance and not New York State Vehicle and Traffic Law.

Supervisor Flach took Mr. Nolan's number and added that he will be in touch with him, he then asked if there were any other comments.

Mr. Mike Kindlon stated that he lives in the Village in Magnolia Circle and he is there to thank Supervisor Flach for trying to right what was wrong, which he inherited and he appreciates what he tried to do. He continued by saying that it is truly a shame that the new person got elected because he has a 46 page document for misconduct and no integrity and he is sorry for Supervisor Flach and the rest of the Board for people voting for someone like that and as far as he is concerned he should not have been able to be elected to anything. He added that the 800+ people that voted for him were probably the same 800 people who voted for Obama, the worst president in the country ever and probably the same people who voted for Cuomo, the second worst Governor we had, his father was the first and the same 800 will probably vote for Hillary Clinton. He concluded by saying that with that being said, Supervisor Flach is a much better man than anyone of them and reiterated that he appreciates what he did.

Supervisor Flach stated that this is why our country is so great, people can go out and vote, there will be five people on the Board, one of them not him as of January 1st and his hope and prayer is that they have the best interest of the Town at heart and he's hoping they do a great job. He added that he believes they ran because they wanted to make a difference in the Town as well and it is what they live for. He then 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 Meeting on October 26th, a Public Hearing on November 4th and a Town Board Workshop for November 17th and then asked for a motion to approve them.

MOTION

On motion of Councilman Langdon, seconded by Councilman Burns, the Minutes were approved as presented and read.

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

SUPERVISOR'S REPORT

October 2015

FUND	BALANCE FWD.	RECEIPTS	DISBURSEMENTS	BALANCE
GENERAL	\$ 14,053.35	\$349,241.83	\$229,577.28	\$133,717.90
PART-TOWN	\$176,508.14	\$422,584.76	\$290,165.18	\$308,927.72
HIGHWAY	\$144,331.62	\$ 4,445.32	\$ 86,565.50	\$ 62,211.44
BRIDGE CONST.	\$ 29,177.42	\$ 12.74	-0-	\$ 29,190.16

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SEWER	\$243,316.35	\$ 32,827.70	\$ 37,162.17	\$238,981.88
SPECIAL WATER	\$ 80,848.05	\$ 34,942.00	-0-	\$115,790.05
TRUST & AGCY.	\$ 33,557.04	\$180,357.63	\$162,222.39	\$ 51,692.28
POLICE FORF.	\$ 64,558.02	\$ 2.67	\$ 2,705.93	\$ 61,854.76
H-FUND CAP. PROJ.	\$480,269.73	\$ 81.91	\$ 3,045.93	\$477,305.71
SECTION 8 - HUD	\$ 1,609.21	\$ 45,035.28	\$ 45,587.19	\$ 1,057.30
			Total Rec. Bal.	\$1,480,729.20

CERTIFICATES OF DEPOSIT

SAVINGS ACCOUNTS

Unemployment	\$ 703.79
Grove Cem.	\$40,965.19
C.H. Cem.	\$13,438.29
Sewer Ded.	\$ 0.00
Total	\$55,107.27

**COLLATERAL FDIC COV. COLLATERALIZED
 COVERAGE**

Greene County	\$250,000.00	\$2,478,316.05
National Bank	\$250,000.00	-0-

Supervisor Flach asked for a motion to approve the report.

MOTION

On motion of Councilman Burns, seconded by Councilman Langdon, the Supervisor's Report was approved as presented and read.

VOTE - AYES 4 - NAYS 0 - ABSENT 1 (Masti) - SO MOVED

September 2015

Supervisor Flach stated that there is an amendment for the September Supervisor's Report changing the disbursement amount and read as follows:

FUND	BAL. FWD	RECEIPTS	DISBURSEMENTS	BALANCE
SEWER	\$192,824.42	\$ 84,257.53	\$ 33,795.60	\$243,316.35

Supervisor Flach asked for a motion to accept the amendment.

MOTION

On motion of Councilman Langdon, seconded by Councilman Dolan, the September 2015 Supervisor's Report was amended.

VOTE - AYES 4 - NAYS 0 - ABSENT 1 (Masti) - SO MOVED

DEPARTMENT REPORTS

Town Clerk - October 2015

Supervisor Flach asked that Town Clerk Millious give the Town Clerk's Monthly Report, which includes the Sewer and Water Collection Report.

Town Clerk Millious continued by giving the report.

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Supervisor Flach asked for a motion to approve the report.

MOTION

On motion of Councilman Langdon, seconded by Councilman Burns, the report was approved as presented and read.

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

Building – October 2015

Supervisor Flach gave the Building Department Monthly Report and then asked for a motion to approve it.

MOTION

On motion of Councilman Langdon, seconded by Councilman Burns, the report was approved as presented and read.

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

Sewer – October 2015

Supervisor Flach asked that Councilman Dolan give the Sewer Department Monthly Report.

Councilman Dolan continued by giving the report.

Supervisor Flach offered a motion to approve the report.

MOTION

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

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

RESOLUTIONS

Supervisor Flach stated that Mr. Sean Sontz was present and he introduced him to the In God We Trust movement and then asked that he address it to the Board.

Mr. Sontz introduced himself and added that he is from the Town of Bethlehem and he represents In God We Trust America and the goal of this organization is to get our National Motto, In God We Trust up in every Town Hall, City Hall and County Hall throughout the entire country. He added that right now it is big in the west and south but and they are trying to get more in the northeast too and he is the first person in New York State to try and push it and the Town of Coeymans will be the first town if they decide to adopt it. He added that it will be a wonderful thing but it is a little tougher around here because people tend to be more liberal and he is glad that Supervisor Flach worked with him to try and get this done and he is grateful for that and he hopes to go on from here to get many towns and cities to vote yes to it.

Councilman Dolan asked how he became interested in this.

Mr. Sontz stated that at first he was watching Glen Beck and he had on a woman named Jackie Sullivan from California who runs the organization out there who started it in her own town and got In God We Trust passed very quickly and in turn got a lot of California to also pass it and then decided to make it a National Movement. He added that he then called her and has been in contact with her for months and basically anyone who is a part of it, works with her to get this done and once it is accomplished she puts a picture of the National Motto on the Facebook page and sends an e-mail of congratulations for adopting it.

Councilman Dolan asked how old Mr. Sontz is.

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Mr. Sontz stated that he is 19.

Supervisor Flach thanked Mr. Sontz and continued by reading the letter he received from Ms. Sullivan as follows:

Dear Honorable Elected Officials,

This is an invitation to join the growing list of cities and counties across America that are voting yes to proudly and prominently display our National Motto, In God We Trust, in the Chamber where we conduct the people's business.

On July 30, 1956, during the Dwight D. Eisenhower administration, the US Congress adopted In God We Trust as the official Nation's Motto of the United States of America. Thus displaying our Motto is a legal right protected by the first amendment.

On November 1, 2011, the US House of Representatives voted overwhelmingly, 396-9, to reaffirm In God We Trust as our National Motto. Congressman Randy Forbes of Virginia authored the bill, in part, because some have mistakenly stated that E Pluribus Unum is our National Motto.

More importantly, the resolution specifically encourages the placement of this motto in all government buildings from courthouses to school classrooms.

As a grassroots patriotic movement, In God We Trust America Inc. stands on solid legal ground. To date, not one legal challenge has been raised against any City or County that has voted yes, this effort is legal and there is nothing to challenge.

Finally, I welcome you to call or contact me personally with any questions or encouragement I can provide.

May God Bless America and my American's trust always be in God!

Thank you in advance,

Jacquie Sullivan
City Council Member, Bakersfield, CA
In God We Trust America, Inc.
Founder/President

Supervisor Flach added that he thinks it is a wonderful thing and then asked that Councilman Langdon introduce the resolution.

RES. #126-15 APPROVE IN GOD WE TRUST DISPLAY

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

WHEREAS, "In God We Trust" became the United States National Motto on July 30, 1956, shortly after our nation led the world through the trauma of World War II; and

WHEREAS, the words have been on U.S. currency since 1864; and

WHEREAS, the same inspiring slogan is engraved above the entrance of the Senate Chambers as well as above the Speaker's dais in the House of Representatives; and

WHEREAS, in both war and peace, these words have been a profound source of strength and guidance to many generations of Americans; and

WHEREAS, the Town of Coeymans, Town Board desires to display this patriotic motto in the Council Chambers as a way to solemnize public occasions and express confidence in our society.

NOW, THEREFORE, BE IT RESOLVED, the Town of Coeymans Town Board Council does hereby resolve as follows:

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Section 1. That the Town of Coeymans Town Board does hereby determine that the historic and patriotic words of our national motto, "In God We Trust" shall permanently display in the Town of Coeymans Town Hall, located at 18 Russell Avenue, Ravena, NY.

Section 2. The Town Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Supervisor Flach thanked Mr. Sontz.

Councilman Burns told him to keep it going.

Supervisor Flach stated that as a young man, he appreciates his commitment to our country.

RES. #127-15 APPROVE NOVEMBER ABSTRACT

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

BE IT RESOLVED, that the Town Board has approved the payment of bills as presented in the Abstract for November, 2015, as follows:

PRE-PAID VOUCHERS – 170641,170965-170969,170979-171034,171041-171054 for a Pre-Paid Total of \$199,557.98

VOUHER NUMBERS – 171055-171113 for a Total of \$52,536.68

TOTAL FOR ALL FUNDS \$252,094.66

RES. #128-15 AUTHORIZE PURCHASE OF HIGHWAY TRUCK

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

WHEREAS, the Superintendent of Highways is desirous of purchasing a 2016, 7600 SFA 6x4 International Dump Truck; and

WHEREAS, the Town Board agrees that this purchase would be of benefit to the Highway Department.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans hereby authorizes Scott Searles, Highway Superintendent to purchase a 2016, 7600 6x4 International Dump Truck per State Contract at a cost of \$197,690.00.

Councilman Dolan asked that Highway Superintendent Searles tell him about his request.

Highway Superintendent Searles stated that it will replace a 1996 Ford LTS 9000 dump-truck but this one will be for year-round use, which will come with a stainless steel body that will last forever and also will have a plow and wing on it.

Councilman Dolan asked how many years he anticipates getting out of the truck.

Highway Superintendent Searles stated that it would be 15-20, like the one that they are replacing.

Councilman Langdon asked if it is all-wheel drive.

Highway Superintendent Searles stated that it's a tandem, which is rear-wheel drive.

Supervisor Flach asked when he would expect it to arrive.

Highway Superintendent Searles stated that if he orders it immediately, it won't be until June and it is a six-month build out.

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Supervisor Flach stated that when he first came in 2012, the previous Board had ordered the same type of dump-truck and they had to take a BAN out for that specific truck, which the new Board will have to do for the new truck and the plan is to BAN it for 5 years. He added that the first payment is not due until 2017 and it will be for 5 years.

Councilman Dolan interjected that it will be approximately \$40,000.00 for five years.

Highway Superintendent Searles stated that it enables cutting back on his repair budget.

Councilman Dolan asked if he knew the amount for repairs of the current truck.

Highway Superintendent Searles stated that since 1996 they have put \$71,000.00 into the truck.

Councilman Langdon asked if he knows how much for the last two years.

Highway Superintendent Searles stated that in the last two years they have put \$31,000.00 into the truck.

Supervisor Flach interjected that with living in the northeast, salt is always a factor.

Highway Superintendent Searles stated that with the stainless steel, it will last.

Supervisor Flach stated that they have a salt shed that was built and there was a two-year BAN, which they paid off a year early so it is totally paid for, which helps in buying another truck and he is excited that they are getting some new vehicles that are desperately needed with the Police Department as well.

Ms. Barbara Tanner stated that they were getting the truck June 2016 and the first payment isn't due until 2017 and then asked if interest is charged for that year.

Supervisor Flach stated that it isn't because the BAN won't be taken out until then and added that usually the BANS are extremely low interest, the BAN that they did in 2012 was less than 1% and the banks really work with municipalities.

Councilman Burns stated that it says 1-year warranty and then asked if it is just for what is being put on the truck such as the plow and box.

Highway Superintendent Searles stated that it is.

Councilman Burns asked what the warranty on the truck itself is.

Highway Superintendent Searles stated that it is a 5-year warranty and parts and labor is one year on the box and plow and the hoist is a 2-year warranty.

Councilman Burns stated that it says all repairs will be done in the Highway shop and if they can't be done there, at their expense they will pick it up and take it for repair to their shop.

Councilman Burns asked where it would be taken.

Highway Superintendent Searles stated that it is Watertown.

Councilman Burns asked about Ben Funk and whether they are still in business.

Highway Superintendent Searles stated that they are but sell Oshkosh and no longer sell International.

Supervisor Flach stated resolutions were approved at the last meeting regarding Mr. Harris who is on the Zoning Board and there were issues with not being able to get in touch with him so the Zoning Board Chairman and Building Inspector/Code Enforcement Officer asked that the Board replace him because no one could get in touch with him. He added that a registered letter was sent the following day and in turn Mr. Harris got in touch with him and he went to his house, spoke with him in length and he definitely said that he wants to serve on the Zoning Board. He

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continued by saying that it also is a little more of a process than to just appoint someone new so they are going to do away with the resolution that they did last week appointing a new Zoning Board Member and the following resolutions are to amend the resolutions that were passed.

RES. #129-15 AMEND RESOLUTION #121-15

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

WHEREAS, Resolution #121-15 was passed by the Town Board on November 17, 2015 reappointing Daniel Harris' position as Zoning Board of Appeals Member; and

WHEREAS, said appointment was being reappointed due to consecutive absences,

NOW, THEREFORE, BE IT RESOLVED, that the resolution being amended to keep Daniel Harris as a Zoning Board of Appeals Member;

BE IT FURTHER RESOLVED, that the change should reflect the date of November 23, 2015.

RES. #130-15 AMEND RESOLUTION #123-15

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

WHEREAS, resolution #123-15 was passed by the Town Board on November 17, 2015 appointing David L. Flach as Zoning Board of Appeals Member; and

WHEREAS, said resolution was being appointed due to a vacant position on the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that the resolution is being amended due to the position of Zoning Board of Appeals Member is no longer vacant; and

BE IT FURTHER RESOLVED, that the change should reflect the date of November 23, 2015.

RES. #131-15 AUTHORIZE SUPERVISOR TO EXECUTE EMS AGREEMENT FOR 2016

On motion of Councilman Dolan, seconded by Supervisor Flach, the following resolution was VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Masti) – 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 services for the purpose of treating and transporting sick and injured persons found within its boundaries to an acute care hospital; and

WHEREAS, the Town is desirous of entering into an Agreement providing such ambulance service to the Town of Coeymans, pursuant to said provisions of law; and

WHEREAS, the Ravena Rescue Squad has trained and experienced personnel and is certified by the NYS Department of Health as an ambulance service; and

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 2015.

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 2016 for this date November 23, 2015.

Supervisor Flach stated that the cost is \$147,852.00 for the year and payments will be made monthly in the amount of \$12,321.00 and for the past four years it has been \$144,000.00 so there is an increase but it is the first time that it has gone up. He added that he received it a month ago and all the Board should have gotten a copy.

Councilman Langdon asked if the amount of the contract should be in the resolution.

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Attorney for the Town Wukitsch stated that it didn't and it is in the contract.

Supervisor Flach stated that he has to sign the contract and have it notarized and this authorizes him to do it.

Supervisor Flach stated that they have worked on a Proposed Law for approximately 3 years now and it was brought up earlier in the year but it got put on the back burner so he wants to set a Public Hearing for the Local Law. He continued by reading the following:

The Local Law deals with the importation, landfilling operations, and/or landfills located within the Town of Coeymans and shall be known as The Landfill Law and the Local Law Chapter will be adopted pursuant to the provisions of New York State. It is the intent of this Local Law (Chapter) to promote and protect the public health and welfare of the residents of the Town of Coeymans by regulating solid wastes intended to be buried within the Town of Coeymans outside the Village of Ravena. It is also intended to repeal and replace Chapter 109 Landfills and repeal Article II of Chapter 138 Solid Waste of the Code of the Town of Coeymans.

Supervisor Flach stated that the law on the books specifies a landfill that has been closed on Jarvis Road, which speaks of hours of operation and what can be brought in and out of the landfill and it does not apply anymore to the Town's Code. He added that Chapter 138 talks about bringing solid waste into the Town and might be contention for some people and it basically says that you cannot bring in solid waste to be recycled in the Town of Coeymans and the original intent of Chapter 138 is that they didn't want a landfill. He went on by saying that they believe that the current laws that they have do not protect them enough against bringing a landfill in to the Town of Coeymans and it is very broadly written with several opinions, which they will give at the Public Hearing. He then asked Attorney for the Town Wukitsch if he needed to read the whole thing.

Attorney for the Town Wukitsch suggested that he read it into the record:

Supervisor Flach read the following:

PROPOSED LOCAL LAW #1 OF 2015

A LOCAL LAW, WHICH DEALS WITH IMPORTATION, LAND FILLING OPERATIONS AND/OR LANDFILLS LOCATED WITHIN THE TOWN OF COEYMANS.

Section 1: TITLE

This Local Law (Chapter) shall be known as the "Landfill Law".

Section 2: STATUTORY AUTHORIZATION

This Local Law (Chapter) is hereby adopted pursuant to the provisions of the New York State Municipal Home Rule Law.

Section 3: INTENT

It is the intent of this Local Law (Chapter) to promote and protect the public health and welfare of the residents of the Town of Coeymans by regulating solid wastes intended to be buried within the Town of Coeymans outside the Village of Ravena. It is also intended to repeal and replace Chapter 109 Landfills and repeal Article II of Chapter 138 Solid Waste of the Codes of the Town of Coeymans.

Section 4: DEFINITIONS

As used in this Local Law (Chapter), the following terms shall have the meanings indicated:

IMPORTATION

The importation of any solid waste into the Town of Coeymans intended to be processed within the Town. This does not include solid wastes being transported through the Town or solid wastes required and or approved to be recycled by NYS Department of Environmental Conservation.

LANDFILL

Any site where solid waste is to be buried.

LAND FILLING OPERATION

See Landfill

SOLID WASTE

All putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water control facilities, rubbish, ashes, contained gaseous materials, incinerator, residue, demolition and construction debris, discarded automobiles and offal.

CLEAN FILL

Uncontaminated soils, trees, brush, concrete blocks, bricks and concrete with small amounts of wire mesh or rebar.

Section 5: PROHIBITION

The placement or importation of solid waste that is intended to be buried or processed is hereby prohibited.

Exceptions:

- A. Land application of fertilizer for growing crops and similar products associated with farming.
- B. Recycling activities as required or allowed by New York State which does not allow anything to be buried.
- C. Recycling activities as required or allowed by the Town of Coeymans.
- D. Excavations as permitted or allowed by the Town of Coeymans, which include "Clean Fill".
- E. Burial of farm animals and/or domestic pets.

Section 6: PENALTIES FOR OFFENSES

- A. Any person, firm or corporation committing an offense of this Local Law (Chapter) shall be guilty of a violation and shall be subject to a mandatory minimum fine not to exceed \$1,000.00, and
- B. In the event of a continuing offense of this Local Law (Chapter), each day such offense shall continue shall be a separate violation and subject to a separate penalty, and
- C. The Attorney for the Town may also maintain an action or proceeding in a court of competent jurisdiction to restrain any violations of this Local Law (Chapter)

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Section 7: ENFORCEMENT AND ADMINISTRATION

Enforcement of this Local Law (Chapter) shall be the responsibility of Code Enforcement Official and/or Assistants duly authorized by the Town of Coeymans.

Section 8: SEVERABILITY

If any provisions of this Local Law (Chapter) are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Local Law (Chapter) shall remain in effect.

Section 9: CONFLICTS OF LAW

Whenever any Local Law, Chapter, Ordinance or Regulation of the Town of Coeymans, County of Albany, State of New York, or United States of America is inconsistent with this Local Law (Chapter), whichever Local Law, Chapter, Ordinance or Regulation is more stringent shall supersede the less stringent Local Law, Chapter, Ordinance or Regulation.

Section 10: REPEALER

This Local Law (Chapter) repeals Local Law #1 of 1995 also known as Article II of Chapter 138 Solid Waste, and replaces Local Law #1 of 1992 also known as Chapter 109 Landfills, of the Codes of the Town of Coeymans.

Section 11: EFFECTIVE DATE

This Local Law (Chapter) shall take effect upon the proper filing with the office of the Secretary of State.

Attorney for the Town Wukitsch stated that he has tried to give nonpartisan legal advice to the Town Board, which means he hasn't advised them as Republican, Democrat, Independent or Conservative and has tried to give them his best legal advice. He added that he thinks it is a mistake because when it was last raised there were a number of comments brought up by different people and he doesn't think that any of it was taken into account in this particular draft of the law and if they want to hold a Public Hearing, it is the draft that they have to hold it on. He reiterated that he thinks it is a mistake but if they want to do a resolution he can propose one for them and continued by saying that it is an incredibly complicated area of the law, there are a number of factors to consider and he's not so sure that they are all taken into account.

Supervisor Flach stated that he would like to set the Public Hearing.

Attorney for the Town Wukitsch proposed the following resolution and added that there needs to be a motion and second.

RES. #132-15 AUTHORIZE PUBLIC HEARING FOR PROPOSED LOCAL LAW #1-15

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

WHEREAS, the Proposed Local Law known as the Landfill Law has been distributed to the Town Board Members and read into the minutes of this meeting; and

WHEREAS, the Proposed Local Law repeals and replaces Chapter 109 – Landfills.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby declares itself Lead Agency for consideration of this Proposed Local Law under SEQRA.
2. The Proposed is referred to the Albany County Planning Board under the General Municipal Law.

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3. The Town Board hereby sets a Public Hearing to hear all those interested in this law, both for and against, to be held at 6:00pm on December 14, 2015. The Town Clerk is hereby directed to publish and post Notice of this Public Hearing in accordance with the law.

Town Clerk Millious stated that there will be a Public Hearing on that same night at 6:30 regarding the Sewer Rates.

UPCOMING WORKSHOPS/MEETINGS

- Planning Board Meeting, December 7, 2015, 7:00pm
- Public Hearing, Sewer Rates, December 14, 2015, 6:00pm
- Public Hearing, Local Law #1-15, December 14, 2015, 6:30pm
- Town Board Meeting, December 14, 2015, 6:00pm
- Town Board Workshop, December 22, 2015, 6:00pm
- ZBA Meeting, December 23, 2015, 7:00pm
- Town Board Meeting, December 28, 2015, 7:00pm

ADDITIONAL COMMENTS

Supervisor Flach asked if there were any other comments.

Town Clerk Millious stated that there are second doe permits available, which are mostly for the western part of the state and not around here and then wished everyone a safe and Happy Thanksgiving.

Supervisor Flach asked if there were any other comments.

Attorney for the Town Wukitsch wished everyone a Happy Thanksgiving.

Supervisor Flach asked if there were any other comments:

Chief McKenna stated that as a side note the Coeymans Police Department in conjunction with the Coeymans Police Athletic League and R-C-S District is having a free Capital Lights in the Park Tour for any students in the District and it will be December 7th and 14th. He added that anyone wishing to go should contact their School Administrator and reiterated that there is no cost to any student but there is a cost for parents and any others who wish to go. He continued by saying that it will be by bus from Pieter B. Coeymans and A.W. Becker and they will going in to Albany, there will be no stopping, students must stay on the bus to see the lights and then return to the school where they were picked up. He concluded by saying that anyone with questions should contact the Police Department, Police Athletic Department or the R-C-S School District and reiterated that it is on Monday December 7th and 14th with the buses leaving at approximately 5:00PM.

Supervisor Flach asked if there were any other comments.

Highway Superintendent Searles thanked the Town Board for authorization to purchase a new truck and added that in going through the budget there is money left over. He added that during budget discussions he spoke with the Chief of Police about getting a tire balancer and tire changer for next year. He continued by saying that because there was money left over, he is purchasing it this year and splitting the cost with them, which have been ordered as well as getting a 12 lb. lift. He went on by saying that it is all on State Contract and the lift will be installed December 2nd and concluded by wishing everyone a Happy Thanksgiving.

Supervisor Flach stated that there are two good mechanics at the Highway Garage who do a lot of work on the Police vehicles for the Chief and they appreciate Mr. Searles crossing over into the Sewer and Police Departments. He added that they are one Town, one community and then thanked Highway Superintendent for allowing his guys to help other departments.

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Highway Superintendent Searles interjected that they are saving tremendously and they are only charging for the parts. He added that tires on Police vehicles have to be changed twice a year and with the tire changer it is going to be a tremendous savings.

Supervisor Flach asked if there were any other comments.

Councilman Dolan wished everyone a Happy Thanksgiving.

Supervisor Flach asked if there were any other comments.

Councilman Burns stated that he wishes they had a new building to put the lift in and added that it is coming eventually. He continued by saying that everyone is doing such a great job, the Chief is doing an awesome job with the Police Department and everyone he talks to says what a different atmosphere it is with the police around here. He added that Highway Superintendent Searles and his guys are doing fantastic and he wanted to give an extra pat on the back to the Sewer Plant guys who have been going over and above trying to do what they need to get done down there with Larry's supervision and John Kerr doing an awesome job. He went on by saying that Highway Superintendent Searles has been bending over backwards trying to help John Kerr out with whatever he needs, which is nice and it is a community where everyone is working together as well as Town Clerk Millious and her crew.

Supervisor Flach asked if there were any other comments.

Councilman Langdon stated that he appreciates Scott and John working together on projects; it is the smart thing to do and added that he wished everyone a Happy Thanksgiving.

Supervisor Flach asked if there were any other comments hearing none he continued by wishing everyone a Happy Thanksgiving.

Councilman Burns asked to make another comment and stated that in going back to the noise problem, he and his wife did foster care for a long time and it is very aggravating when you get a child who is not used to being in your house to go to sleep and then someone goes by and honks their horn because they live 10 feet from the road. He continued by saying that he really does understand Mr. Nolan's pain and suggested that he ask his neighbors for compassion and he isn't condemning anyone, everyone likes to ride but there is a place and time for it and they need to be compassionate toward each other. He concluded by saying he wishes there was more that he could do and they are working on it.

Supervisor Flach reiterated that he wished everyone a Happy Thanksgiving and also thanked Mr. Kindlon for his kind words to him. He added that he has enjoyed his time as Supervisor for the Town and with any public service job, there are ups and downs and then thanked Highway Superintendent Searles, Chief of Police McKenna, Attorney for the Town Wukitsch and Town Clerk Millious for everything they do for the Town. He continued by saying that motorcycles are a very important part of his life, he is a motorcycle nut and he will be going to their house himself because there certainly is a time and place to use them. He went on by saying that his family has a track for races, it is a place and there are times that people come, there is no noise except for up in the back and the neighbors have been awesome. He concluded by saying that they will see where they get with it if he doesn't get anywhere, he will speak with the Board about some ordinance that they might be able to do within a certain number of houses and they will do what they can.

Councilman Dolan interjected that it's hard to legislate respect.

Mr. Kindlon interjected that every morning at 2:00am his bed starts shaking because of the trains.

Supervisor Flach thanked everyone for a good meeting and added that they will meet again on December 14th. He then asked for a motion to adjourn.

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ADJOURNMENT

MOTION

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

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

Time – 8:05pm

Respectfully Submitted,

APPROVED – As Read December 28, 2015



Diane L. Millious, Town Clerk