

MINUTES BOOKTOWN OF COEYMANS
December 22, 2015 – Town Board Workshop – 6:00pm**

A Town Board Meeting was held Monday, December 14, 2015, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

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

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

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

OPENING COMMENT

Supervisor Flach stated that the record should reflect the presence of a full Town Board.

AGENDA

- Resolutions
 - Adopt Findings of Environmental Assessment Form and Issue Negative Declaration
 - Adopt Local Law #1-15
 - Accept Resignation of Part-Time Police Officer
 - Appoint Part-Time Police Officer
 - Provisionally Appoint Clerk I – Assessor / Highway

RESOLUTIONS

RES. # 139-15 ADOPT FINDINGS OF ENVIRONMENTAL ASSESSMENT FORM AND ISSUE NEGATIVE DECLARATION

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

WHEREAS, the Town of Coeymans Town Board has declared itself Lead Agency under the State Environmental Quality Review Act (SEQRA) in the adoption of Proposed Local Law #1-15; and

WHEREAS, a Short Environmental Assessment Form (EAF) has been prepared for the project on December 7, 2015; and

WHEREAS, the Town Board has considered the criteria contained in 6 NYCRR 617.7 completed Part II of the EAF and thoroughly analyzed all identified relevant areas of environmental concern; 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.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans, pursuant to 6 NYCRR Part 617.7 hereby adopts the findings and conclusions set forth in the attached determination of non-significance and issues a Negative Declaration pursuant to SEQRA.

MINUTES BOOKTOWN OF COEYMANS
December 22, 2015 – Town Board Workshop – 6:00pm**

Councilman Dolan asked when the EAF was completed.

Supervisor Flach stated that it was on December 7th and put in all of their boxes last Monday.

Councilman Dolan stated that it was not in his box and this is the first that he had seen it.

Supervisor Flach reiterated that it was put in their boxes last week.

Councilman Dolan stated that last week was not the 7th.

Supervisor Flach stated that it was the beginning of last week, after the Public Hearing.

Councilman Dolan reiterated that it still wasn't the 7th, they at best got it on the 15th and this is the first that he's seeing it.

Supervisor Flach stated that he filled it out the 7th.

Councilman Dolan stated that it was possible that he did but in turn he had an obligation to give it to the Town Board.

Supervisor Flach stated that he did give it to the Town Board, last week.

Councilman Dolan stated that it was the 15th at the earliest.

Supervisor Flach stated that they didn't vote on it before tonight and he had all week to look at it.

Councilman Dolan stated that it wasn't in his box.

Councilman Langdon interjected that he got his last week.

Councilman Dolan reiterated that he hadn't gotten it.

RES. #140-15 ADOPT LOCAL LAW #1-15 – LANDFILL LAW

On motion of Councilman Langdon, seconded by Councilman Dolan, the following resolution was TABLED

WHEREAS, the Proposed Local Law 1 – Land Fill Law of 2015 has been introduced by the Town Board; and

WHEREAS, a Public Hearing was duly advertised in the Official Newspaper of the Town; and

WHEREAS, said Public Hearing was duly held on December 14, 2015, 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 after due deliberation, finds it in the best interest of said Town and to adopt said Local Law; and

WHEREAS, the Town Board made an attempted referral of the Law to the County Planning Board under Article 239 of the General Municipal Law; and

WHEREAS, the Town Board of the Town of Coeymans considered the criteria contained in 6 NYCRR 617.7 completed Part II of the EAF and thoroughly analyzed all identified relevant areas of environmental concern; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans hereby finds that the Proposed Law was published in accordance with the law and that a Public Hearing on said law was duly held; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Coeymans hereby enacts Local Law #1 – Landfill Law 2015; and

MINUTES BOOKTOWN OF COEYMANS**
December 22, 2015 – Town Board Workshop – 6:00pm

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 Dolan stated that the language states an attempted referral and then asked exactly what it means.

Supervisor Flach stated that it was sent to the Albany County Planning Board.

Councilman Dolan asked what the Albany County Planning Board said.

Supervisor Flach stated that they hadn't heard back from them yet.

Councilman Dolan stated that it is because he filed it after the deadline to hear from them this month.

Supervisor Flach stated that it was filed on the deadline.

Councilman Dolan stated that he didn't and had already admitted that he doesn't know the difference between the 7th and the 15th, he said he sent it last Monday, which was the 14th but he didn't complete it until the 14th.

Supervisor Flach stated that it wasn't true.

Councilman Dolan stated that it is true.

Supervisor Flach stated that it's not and that it doesn't matter.

Councilman Dolan reiterated that it didn't go before the Albany County Planning Board, it was not accompanied by the Law, just the 239 form was sent, it was supposed to be accompanied by the Environmental Form and a letter from the Town Attorney, none of which were done and to say that it was attempted is really stretching the meaning of the word. He added that in reading the 239 form, it says unless the form is complete, it will not be accepted and as of this afternoon at 3:00pm it was not accepted because it didn't have the attached documentation with it.

Supervisor Flach stated that in speaking with Town Attorney Wukitsch, he didn't say anything about having to send a letter.

Councilman Dolan stated that he wanted to put people on notice that if it is passed, the law is not a legal law and subsequent Town Boards will not be required to follow it and it will have no force in law.

Supervisor Flach interjected that it will be up to the courts to decide.

Councilman Dolan stated he is knowingly passing a law that is going to entail a lawsuit.

Supervisor Flach stated that he said nothing about a lawsuit and what he said was that the courts can decide if what he just said about the Board not having to enforce it, which is quite a bit different from a lawsuit.

Councilman Dolan stated that if the next Town Board is forced to defend it or have a lawsuit, then the next Town Board at the Organizational Meeting will have to set aside some funds so the next Town Board will be able to defend the law because he passed the law when he knew that the proper procedure was not followed. He added that he was putting everyone on notice and told him to proceed with the vote.

Supervisor Flach stated that he certainly intends to.

Town Clerk Millious stated that it has to be a roll-call vote.

Town Clerk Millious conducted a roll-call vote as follows:

MINUTES BOOKTOWN OF COEYMANS
December 22, 2015 – Town Board Workshop – 6:00pm**

Stephen Flach – AYE

Peter Masti – Stated that he was pondering it; it is a lot of information.

Councilman Dolan interjected that if there was any doubt and if what he is saying is wrong, they can pass it at the December 28th Meeting because the facts that he just stated are not going to change between now and next Monday. He then suggested that they adjourn and call the Attorney for the Town.

Peter Masti – ABSTAIN

George Langdon – AYE

Thomas Dolan – NAY

Kenneth Burns – no reply

Councilman Dolan stated that he would say the same thing to him, if what he is saying is fact and he wants to talk to the Attorney for the Town, he would suggest that they adjourn and call him and in the worst case scenario, they can vote on it the 28th because the facts are not going to change between now and then.

Supervisor Flach stated that he would offer a motion to adjourn to Executive Session to speak with the Attorney for the Town.

ADJOURNMENT TO EXECUTIVE SESSION

MOTION

On motion of Supervisor Flach, seconded by Councilman Dolan, to adjourn to Executive Session.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time – 6:14pm

EXECUTIVE SESSION

Executive Session convened in the Supervisor's Office, the entire Town Board was present, and a phone discussion ensued with Attorney for the Town Wukitsch relative to Local Law #1-15 – Landfill Law.

Time – 6:28pm

RECONVENE MEETING

Supervisor Flach called the meeting back to order and continued by saying that he would like to table Local Law #1-15 – Landfill Law.

Councilman Dolan stated that he wanted to reiterate what he said last week on the 14th about his desire to move forward on some points on what is commonly called the Landfill Law. He added that there are a couple of points of the Landfill Law that he does want to address, the recycling part of the law refers to the Town's Recycling Center and all the laws listed underneath it, including the one that mentions no recycling from outside the Town of Coeymans refers specifically to the Town of Coeymans Recycling Center. He continued by saying that obviously the Town does not have a Recycling Center so he wants to work on aligning that part of the law more with reality and there is a part of the law that refers to the landfill, which they currently

MINUTES BOOKTOWN OF COEYMANS**
December 22, 2015 – Town Board Workshop – 6:00pm

don't operate and he thinks that the law should reflect the reality of that, the law lists hours of operation and what items can be accepted and not accepted and this part should be taken out. He went on by saying that the solid waste part of the proposed law, the part of the law that he really does like is the part that forbids burying in town and he thinks it should be made more clear in town law that burying of solid waste is not acceptable and should be a separate part of the law. He added that the part on importation, particularly as it applies to recyclables, he does not think that they have the authority to regulate recyclables because State Law mandates that they recycle and perhaps it could be a different law or part of one of the others because that part of the law needs to be changed and amended to reflect that. He continued by saying that these are his opinions, there will be new Board Members next year and he would like over the first two months of 2016, to offer those 3-4 laws as separate entities and give the public a full chance to voice their opinion or to give them recommendations of what they would like to see and over the course of the first two months, if possible, wrap up the revamping of those parts of the law. He went on by saying that Councilman Langdon rightly said when he came into office that this is something that has been lingering for a while, Supervisor Flach had said the same thing, he can understand that it can be frustrating to work on something sporadically over the years and not get any changes at all. He concluded by saying that he thinks breaking it up in to smaller parts gives them their best shot of amending all of those parts of the law that need to be amended and perhaps as the public speaks out on those laws, there might be some better ideas presented to them, which they will consider them all.

Councilman Langdon stated that the reality is, and it has been his concern, that this has been lingering and Larry stated that he has been attempting to deal with this since 2005 and his concern is that for too long, too many administrations have just let things go and have not done anything about it. He added that with the assurance from Councilman Dolan, that between himself, Councilman Dolan and Councilman Burns, they will deal with this within the first few months, and as long as it is going to be dealt with he is fine with waiting as long as he knows they are going to do something because he doesn't like to see things left undone.

Councilman Burns interjected that he wanted to see it get passed because it would at least be a basis of something to work off; they can amend and change it. He continued by saying that another issue that came up was if there is solid waste brought into town to be transferred from ship to railcar, he doesn't want to see it sit for more than 3-4 days, he wants to see it come and go and not get stored. He added he was assured that they are going to work on this and actually do something with it, so he can wait on it.

Councilman Dolan stated that there was a very real threat that Mr. Masti will be in the audience so he will have to choice but to follow through on his word.

Councilman Masti stated that he thinks he will follow through.

Supervisor Flach moved to the next item on the agenda.

RESOLUTIONS

Supervisor Flach asked that Chief McKenna speak to the first resolution.

Chief McKenna stated that Officer Abraham had been with them for approximately 6 months, she works for the University Police and worked for his former Deputy Chief, she came highly recommended and is a very good Officer. He continued by saying that she has taken a full-time position in social work in Springfield Massachusetts, which won't allow her to participate in a part-time role for the Town. He concluded by saying that she will be missed and may end up coming back as a viable Police Officer, she is a wonderful person, will be missed and he wishes her the best in her new career.

Supervisor Flach continued by reading her resignation letter.

MINUTES BOOKTOWN OF COEYMANS**
December 22, 2015 – Town Board Workshop – 6:00pm

Dear Chief McKenna,

It is with deepest regret that I resign from my position of part-time Police Officer of the Town of Coeymans Police Department. Due to a change in my full-time job, I will be unable to fulfill my obligations of the required shifts. I would like to thank you for giving me the opportunity to serve the community in the Town of Coeymans. I will fulfill my current commitment of shifts for the month of November with my last day of employment being November 30, 2015.

RES. #141-15 ACCEPT RESIGNATION OF PART-TIME POLICE OFFICER

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

WHEREAS, Marie Abraham has submitted her letter of resignation as part-time Police Officer.

NOW, THEREFORE, BE IT RESOLVED, that the resignation of Marie Abraham, part-time Police Officer is to be accepted effective December 22, 2015.

RES. #142-15 APPOINT PART-TIME POLICE OFFICER

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

WHEREAS, the Town of Coeymans Chief of Police has a need to fill a part-time position as Police Officer in the Police Department.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby appoint Richard Gould to the position of part-time Police Officer, effective December 22, 2015, pending a successful background check, one-year probation and Albany County Civil Service approval. Appointment is contingent upon the candidate signing a Personal Services Contract with the Town of Coeymans. Part-time Police Officer Richard Gould will be compensated at a rate of \$18.13 per hour as designated in the current Collective Bargaining Agreement.

Councilman Dolan asked that Chief McKenna give the Board an update.

Chief McKenna stated that he worked with Richard in Albany and has known him for 30+ years, having spent 15 years together in the Detective Division and has been out of Albany for about 3-4 years. He added that he recently expressed a desire to come back, he is a great fit having worked in patrol with the City as well as Traffic Safety and a very long time in Investigations so he has the ability to work with people. He continued by saying that he is an upstanding Police Officer and fine human being and in his opinion will be a great fit for the mesh of the community and Police Department. He went on by saying that at the earliest possible convenience they will be sending him for a refresher course to make sure that he is proficient in all the areas necessary as advocated by DCJS. He concluded by saying that he can't say enough about him, he is a friend but also a great Police Officer and reiterated that he thinks he will be a great fit in what they are looking to build here and he would very much appreciate if the Board would approve Mr. Burns motion for Mr. Gould to become a Police Officer here.

Councilman Langdon asked if he will be receiving Civil Service approval so he can have the 20 hr. limit.

Chief McKenna stated that he will be limited to 1,080 hours until the refresher course is completed and by replacing Marie with Richard, he does not see foresee any issues with what they have right now because of the Officers that they do have off the Civil Service list with Officers Posniewski, Favata & Mueller who have status to allow them to work 40 hours a week. He added that they are very fortunate, Civil Service has been fantastic, if they creep over on time a little bit there has been no gripe because they are doing everything to endeavor to keep in compliance with Albany County Civil Service standards. He went on by saying that as they move forward, if they do find other positions open due to vacancies, they will do their best in bringing people from Civil Service's Preferred List, which would be people in Town anywhere on the Civil Service List.

MINUTES BOOKTOWN OF COEYMANS
December 22, 2015 – Town Board Workshop – 6:00pm**

RES. #143-15 APPOINT FULL-TIME CLERK I

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

WHEREAS, Highway Superintendent Searles is desirous of filling a part-time position for a Clerk I in the Highway Department; and

WHEREAS, Assessor DeRose is desirous of filling a part-time position for a Clerk I in the Assessor's Office; and

WHEREAS, the position is pending Albany County Civil Service Department review and approval of the candidate's qualifications.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby provisionally appoint Nancy J. Pike to the full-time position of Clerk I, at the hourly rate of \$15.47, effective December 28, 2015.

Supervisor Flach stated that Nancy will still be in the Supervisor's Office next Monday and that Mary is going to come in and work with her a bit next week to try to make the transition smooth. He added that they spoke with Civil Service, and sent out the mailers, it will be a full-time position as Clerk I, she has been with the Town since 2013, coming to his office when his former secretary left. He concluded by saying that she did a great job and he would like to see her continue working with the Town, the Assessor and Highway Superintendent are very excited to have her. He went on by saying that they had Cathy Anderson in the Building Department doing Building and Assessor but the Building Department has been way too busy for her to work with the Assessor. He concluded by saying that the Assessor really needs someone down there and Highway Superintendent needs someone as well.

Councilman Dolan asked if there are currently names on the Clerk I Civil Service List.

Supervisor Flach stated that there are and letters were sent out, they got a few responses back, which were sent to Civil Service. He added that Civil Service sent a letter earlier in the day saying that Ms. Pike could be appointed provisionally until a test is available. He then asked if there was any other discussion.

Councilman Dolan stated that Nancy had been really helpful to him and he doesn't have a problem with her work performance but he does have a problem with taking two jobs and combining them together to make a full-time job, which is not a reflection on Nancy in any way.

ADDITIONAL COMMENTS

Supervisor Flach asked if there were any other comments.

Town Clerk Millious stated that her office has been busy getting the tax bills ready to go out on time for January 2016 and she is currently working with getting it so they will be online. She continued by saying that she wishes Supervisor Flach and Councilman Masti well and the past four years has been a pleasure and then wished everyone a Merry Christmas.

Supervisor Flach asked if there were any other comments.

Councilman Dolan stated that he wanted to announce that they intend on having the Swearing in Ceremony at 3:00pm, New Year's Eve, Judge Dardani will be doing the Oaths and everyone is invited. He added that as it says on the Town's website, the Organizational Meeting is set for 10:00am on January 1st.

Town Clerk Millious interjected that she believes it also made it to the paper and she posted it as well.

Supervisor Flach asked if there were any other comments.

MINUTES BOOKTOWN OF COEYMANS
December 22, 2015 – Town Board Workshop – 6:00pm**

Councilman Burns thanked everyone for their service and it has been a pleasure working with Steve and Peter, he is looking forward to seeing what the new Board is going to do and he believes they are going to get a lot done. He then wished everyone a Merry Christmas.

Supervisor Flach asked if there were any other comments.

Councilman Langdon stated that it has been a pleasure working with Supervisor Flach; he has done a good job with this Town, which he really appreciates and then wished everyone a Merry Christmas.

Supervisor Flach asked if there were any other comments.

Councilman Masti stated that he wanted to thank Chief McKenna again, when he loses one he has someone else stepping right up to the plate who is not only qualified but probably over qualified and still willing to come down here and work. He added that he thinks it is good for the new guys coming on board who can get some pointers. He continued by saying that it is Supervisor Flach's last meeting so he wanted to say thank you, it had been very good working with him and the prayers they have put into this town have paid off and he has learned a lot in four years.

Councilman Dolan stated that he forgot it was Supervisor Flach's last meeting and added that people like to think that they actually hate each other, which he does not think is true.

Supervisor Flach stated that it definitely is not true.

Councilman Dolan continued by saying that they have had a lot of good conversations over the years, particularly regarding his family and usually even if they don't agree on a subject, they make their points and are able to deal with whatever it is that they have to deal with and he wishes him luck.

Supervisor Flach thanked him for being able to agree to disagree because it is very important to be able to do it. He continued by saying that it had been a great 4 years for him and he appreciates the time that they had in talking about their families and the Town but there have been times when it hadn't been fun up there and people aren't lining up to take any of their jobs but it has been a pleasure to serve the community. He then thanked Councilman Burns and referred to him as the salt of the earth and he was very thankful to have worked with him as well as George and Peter. He concluded by saying that they had just received another grant for approximately \$800,000.00 this past week, which is on top of the 3.2 million dollars.

Councilman Dolan asked if it is for sewer.

Supervisor Flach stated that it is and C.T. Male was there working on getting the paperwork out and next year when it begins to happen, hopefully everything will fall into place. He added that as they said last week, Larry and the attorneys are working on the 75/25 Agreement. He concluded by thanking Town Clerk Millious and added that as far as he is concerned, the Town Clerk's Office is the hub of the town, which he had said from the beginning and then thanked her once again.

Supervisor Flach offered a motion to adjourn.

ADJOURNMENT

MOTION

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

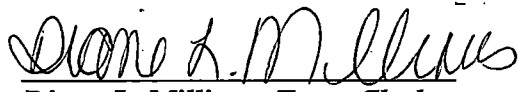
VOTE – AYES 5 – NAYS 0 – SO MOVED

Time – 6:35pm

MINUTES BOOKTOWN OF COEYMANS**
December 22, 2015 – Town Board Workshop – 6:00pm

Respectfully Submitted,

APPROVED – As Read January 14, 2016



Diane L. Millious, Town Clerk