

TOWN BOARD MINUTES  
TOWN OF POESTENKILL  
TOWN BOARD MEETING  
JULY 16, 2020  
(Not approved at time of distribution)

ROLL CALL AS FOLLOWS

Councilwoman Butler	Present
Councilman Hass	Present
Councilman Van Slyke	Present
Councilman Wohlleber	Present
Supervisor Hammond	Present

NON-VOTING MEMBERS

Susan Horton, Town Clerk  
Jack Casey, Town Attorney - Absent

Supervisor Hammond opened the meeting with the Pledge of Allegiance at 7 p.m. and on a motion by Hass, seconded by Butler and carried it was stated that the monthly bills had been audited for payment.

Motion by Wohlleber, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of June 18, 2020 as written. Motion by Butler, seconded by Hass and oral vote of 5 ayes to accept the Town Clerk's Workshop minutes of July 6, 2020. Supervisor Hammond thanked everyone for attending the Workshop given the short notice. He also stated that on Monday, July 20<sup>th</sup> there will be a Shared Services meeting at the Rensselaer County Building if any of the Board members were interested in attending as he will be unavailable to attend that meeting.

Public Comment Period – Councilman Hass stated that he noticed on the website that the State of Emergency for the Town was still in effect and wanted to know if that was necessary. Supervisor Hammond was in favor of ending the State of Emergency as he feels we are in stage 4 and are able to hold Board meetings and the Town Hall is open for business. Councilman Van Slyke along with Councilman Wohlleber were opposed to this action and voiced their concerns. Supervisor Hammond stated we will always have to be cautious and if necessary, we can impose another State of Emergency. Motion by Supervisor Hammond, seconded by Butler and oral vote of 3 ayes and 2 nays (Wohlleber and Van Slyke) to end the Town of Poestenkill's State of Emergency. With no other comments this portion of the meeting was closed.

Liaison Reports:

Planning Board-Town Board members had copies of the July 7<sup>th</sup> Planning Board meeting in their packet. Councilwoman Butler reported on the meeting and expressed it was a very busy meeting with five (5) applicants in attendance. Chairman Russell also went into detail on each of the applicants and stated that he spoke with a liaison from the NY Bridge Program. T. Russell also wanted to thank our Youth Director, Tiffany Buker for her excellent work with the Summer camp.

Zoning Board-- Susan Kalafut reported on the July 14<sup>th</sup> ZBA meeting. S. Kalafut stated the Board interviewed (2) candidates for the Alternate position and will send their recommendation to the Town Board for their approval at the August Town Board meeting. Supervisor Hammond stated that it was discussed in a previous workshop that the Alternate would not be a paid position. S. Kalafut replied this is not the way it was presented to the candidates therefore; she would have to talk to the candidates and let them know. Councilman Van Slyke voiced his concerns over not paying the ZBA Alternate. He stated that he attends almost all the ZBA meetings and 50% of the time one of the members are absent and the Alternate steps in. He feels there is a need for the

Alternate and having an Alternate on hand is a learning process for them. ZBA Chairman, P. Jamison spoke regarding one of the applicants requesting a variance, J. Hitchcock and the

interpretation of "Retail." Supervisor Hammond suggested that ZBA forward to the Town Board their interpretation of "Retail" for review and stated that the ZBA should follow up with their Attorney for guidance.

Fire Company – Town Board members had copies of the June 2020 Fire Co. report. D. Toniatti stated that the Car Show scheduled for August has been cancelled.

Library – M. McClellan reported for the Library reported on the current activities happening at the Library. She stated that the library porch is finished; however, some extra materials are still there, and she would like to get rid of them so they can pressure wash the porch. Supervisor Hammond asked the Highway Superintendent, Toby Chadwick if he was interested in any of the materials and he replied, no. After a lengthy discussion about the materials, it was decided that a FREE sign will be placed on the materials for anyone that is interested.

Youth Advisory Board- T. Buker reported that Summer camp is in Week 2 and is very successful. She stated that parents are very happy to have their children out and about and enjoying the summer. Supervisor Hammond stated that he was disappointed with the school not allowing the camp to take place there and the Town having to spend the extra money for tents to accommodate the children.

CAC- no meeting

#### Correspondence:

##### Charter Communications

Board members had several memos from Charter Communications in their packets refencing upcoming changes.

#### Discussion Items:

Ambulance - Councilman Wohlleber began this discussion stating that the Ambulance Committee which was formed in January by the Board has not been able to meet due to the Covid19 outbreak. Therefore, anything of significant importance has not been done and the likelihood is we will not be able to meet, and we are in Mid-July in the same place we were in January. E. Wohlleber stated he wanted to discuss a Resolution to create a boundary, and he proposes that to be the Town line limits and once that boundary is set, we will begin the Public Hearing process and have a meeting for the Public's input. E. Wohlleber stated the more we consider the next step we would be required to have a Mandatory Referendum as soon as one can be done on creating an Ambulance District. He went on to say if you create the district first you are not tied down to anything and it gives you options that can include any number of things. He feels having a district/budget and resources is important because it gives you leverage when speaking with people. E. Wohlleber went on to say that he feels the first step would be to direct the Town Attorney to file an MPR (Map, Plan and Report) with the Town Clerk and if that is the will of the Town Board it will lead to a Public Hearing and the Town Board will make a decision as to proceed or not. As part of that order the district lines need to be established, a Public Hearing date will need to be made and a budget amount will need to be published. E. Wohlleber stated he felt a "not to exceed" amount should be stated, and he felt the amount of \$225,000 was appropriate. Councilman Van Slyke went over ambulance response times that he received from the County.

Supervisor Hammond stated that ultimately it would be the vote of the people of Poestenkill if there was going to be a district. He also stated that it would not be on this November's ballot. Councilman Wohlleber agreed with Supervisor Hammond and stated we would have to work with the Board of Elections, and it would probably be a Special Election sometime in 2021. Supervisor Hammond is in favor of having this be voted on by the people. Councilwoman Butler wanted to know how we got from "a memo that the Town Attorney sent" to a "Resolution." She stated it was not on the agenda. Supervisor Hammond stated that it's been a very difficult week with the Town Attorney and his secretary both having to be quarantined. He has done his best to have the information available for Board members. He stated that this can be postponed until next month. Councilwoman Butler stated one of the options was not to have the whole town and why would you want the whole town when a quarter of the town will not be served. Supervisor Hammond stated you don't know that until you decide what you are doing with the district. Supervisor Hammond stated he had several productive meetings with the County regarding this subject. Councilman Hass stated the purpose of the Committee was to gather information so the Town Board could make informed decisions. However, with the circumstances that have occurred, the Town Board has no information whatsoever. "With no information you propose to take action," which makes no sense to Councilman Hass. He also stated that E. Wohlleber sent out letters to Department Heads asking them to cut their budgets by 10% due to the uncertainty of the financial situation that has occurred and now you are proposing an amount \$225,000 for an existing service that we currently get for free to the taxpayers. E. Wohlleber stated that it is your opinion that the service we are getting is excellent. He went on to state that the response time is getting longer and longer, and he wanted it noted that this is not connected to the budget aspect. D. Hass wanted to know if anyone has contacted Mohawk Ambulance about response times. Both Councilman Wohlleber and Councilman Hass have not. Supervisor Hammond stated he has spoken with many residents and they are in favor of an ambulance district. However, he stated once again that it should be put to a vote for the people to decide. D. Jacangelo, former Supervisor of the Town suggested that as a Board they should look at the DOS website (Dept. of State) under Local Government. He said there is about a dozen studies on consolidated services. He also suggested that what you can do is write a Grant application. Furthermore, a district is only how you can raise the money it is not what you are going to do and what is important is to know what you are going to do. E. Eisenhandler, resident wanted to know if this was such a good idea to apply for a grant why wasn't this done in a previous administrations term. The discussion continued and there were several comments from town residents including, D. Basle, Asst. Chief and L. Basle regarding response time. They feel the residents are not being informed properly about response times. D. Basle wanted to clarify that the response time does not include the fact that the Fire Company is usually on the scene well before Mohawk Ambulance and is providing care to our residents. Councilman Van Slyke stated he received the 2019 response times from the County, which indicated that the Fire Company was unable to respond to many of the calls. After a lengthy discussion, it was decided to hold a Special Meeting on Thursday, August 6<sup>th</sup> at 6:30 p.m. at the Fire House to continue the discussion regarding Ambulance Service.

#### Action Items:

RESOLUTION #6-2020 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, IN GRATEFUL RECOGNITION OF THE SERVICES OF VIVIAN KELLY AS DEPUTY TOWN CLERK, NOW, BE IT THEREFORE RESOLVED, that the Town Board of the Town of Poestenkill, on behalf of the Town and its residents, hereby formally recognizes and expresses its sincere appreciation to Vivian Kelly for the many tireless and dedicated service she rendered to the Town of Poestenkill.

MOVED BY: Councilwoman Butler  
 SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS:

Councilwoman Butler	YES
Councilman Hass	YES
Councilman Van Slyke	YES
Councilman Wohlleber	YES
Supervisor Hammond	YES

Supervisor Hammond stated that Vivian Kelly is a staple in our community and will be dearly missed.

RESOLUTION #7-2020 - RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, IN GRATEFUL RECOGNITION OF THE SERVICES OF BRIAN JACKSON, POESTENKILL TOWN ASSESSOR, NOW BE IT THEREFORE RESOLVED, that the Town Board of the Town of Poestenkill, on behalf of the Town and its residents, hereby formally recognizes and expresses its sincere appreciation to Brian Jackson for the six years of service he rendered to this Town in his role as Assessor, and for the knowledge, experience and professionalism he brought to that office.

MOVED BY: Councilman Wohlleber  
 SECONDED BY: Councilman Van Slyke

VOTED UPON AS FOLLOWS:

Councilwoman Butler	YES
Councilman Hass	YES
Councilman Van Slyke	YES
Councilman Wohlleber	YES
Supervisor Hammond	YES

Reports:

Supervisor's Report- Supervisor Hammond reported that he was treated to lunch by the Poestenkill Seniors at the Lakeview. He also met with the County (3) times to discuss the Ambulance Services. He also stated it has been a difficult week as his secretary and the Town Attorney were both under quarantine. He wanted to thank Betsy, Tiffany and Sue for their help.

Town Attorney's Report – Mr. Casey was unable to attend tonight's meeting since he is under quarantine. However, Mr. Casey is available if you have any questions or concerns.

Town Clerk's Report – Motion by Hass, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's report of June 2020. The total amount received in the Clerk's office was \$5,426.86 and of that amount \$5,066.34 was remitted to the Supervisor.

Town Board members had copies of the Building Inspector/Code Enforcement Officer's written report. There were also reports from the Assessor, DCO, Water Manager/811 report, Highway Dept. report. R. Brunet reported that he has been extremely busy with EPA-Cooper Lead samples. He stated that all 12 samples were successful, and all those residents have received a letter stating so. The quarterly water meters were read, and the billing was sent out. Mr. Brunet also spoke about issues he has been dealing with and hopes to remedy them soon. Councilman

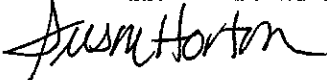
Wohlleber asked the Highway Superintendent, Toby Chadwick the status on picking up brush. T. Chadwick stated maybe Fall or next Spring. E. Wohlleber asked if a notice should be put in the paper because there have been numerous calls regarding brush pickup and T. Chadwick replied that it was already on the website and went on to say that the Highway Department has been picking up brush for the last 2 ½ months and that they have been around the town 4 times so far. E. Wohlleber stated "so you are not going to pick up any more brush, that seems odd." Highway Superintendent replied, "do you want a landscaping service, or a Highway service" and he also stated that his crew has been out paving. E. Wohlleber feels as though there should be a way that the Highway Department can pick up the brush. He went on to ask T. Chadwick if he needed to hire additional help for this purpose. T. Chadwick responded with how can we do that if need to cut the budget? E. Wohlleber replied that it would be in this year's budget not next years. Councilwoman Butler feels part of the issue is that people are now home due to the pandemic and have been cleaning. She feels a notice should be placed stating that the Highway picks up brush in the Springtime and that there is no more time to pick up brush because the Highway crew is paving. E. Wohlleber stated his personal opinion is that town residents want two things, the roads paved, and brush picked up. He went on to state that if the brush cannot be picked up, it should be noted in the paper and finds it unacceptable.

Payment of Bills:

Motion by Hass, seconded by Butler and an oral vote of 4 ayes and 1 nay to pay Warrant #13-2020 in the amount of \$20,356.00. Councilman Wohlleber refused to sign the bills (Highway) until the brush is picked up. Motion by Hass, seconded by Butler and an oral vote of 5 ayes to pay Warrant #14-2020 in the amount of \$1,018.94.

Motion by Hass, seconded by Butler, and carried to adjourn this meeting at 8:05 p.m.

Respectfully submitted,  
Susan Horton Town Clerk



TOWN BOARD MINUTES  
TOWN OF POESTENKILL  
TOWN BOARD SPECIAL MEETING  
AUGUST 6, 2020  
(Not approved at time of distribution)

ROLL CALL AS FOLLOWS

Councilwoman Butler	Present
Councilman Hass	Present
Councilman Van Slyke	Present
Councilman Wohlleber	Present
Supervisor Hammond	Present

NON-VOTING MEMBERS

Tiffany Buker, Deputy Town Clerk

Supervisor Hammond opened this Special Meeting with the Pledge of Allegiance at 6:30 p.m. and thanked everyone for attending tonight's meeting. He stated to the residents that this was not a public hearing and this meeting was for the sole purpose to start a process; it does not create an ambulance service and it does not cost a penny and is solely for our Town Attorney to file the proper paperwork needed for the (MPR) Map, Plan and Report with the Town Clerk so that the process can begin. It is important to hold this meeting so the Board can vote on whether a public hearing will be scheduled. Supervisor Hammond stated he would have a public comment period tonight for residents to address the Board. A town resident asked what is the process of starting an Ambulance Service? Supervisor Hammond reiterated that the Town Attorney needs to file the proper paperwork and a public hearing will be held to see if it goes to a public vote.

Councilwoman Butler read a statement from the former Chairman of the EMS Committee, Owen Goldfarb. (which can be viewed at the Town Clerk's office). Councilman Hass also read a statement outlining his concerns on the proposed Ambulance Service. He stated that our present emergency response system is excellent. Mohawk is part of the system and it works very well. He is concerned over the lack of transparency on this issue and the future costs to the town residents. (Councilman Hass's comments can be viewed at the Town Clerk's office) Councilman Wohlleber stated that he felt he was being totally transparent when it came to this issue. He also stated that both our Town Attorney and the Supervisor's Administrative Assistant were both under quarantine and therefore, the notice was delayed. Councilman Wohlleber stated he submits a summary of Town Board meeting minutes to the Advertiser each month. Councilman Van Slyke stated Councilman Hass was incorrect when saying that he and Councilman Wohlleber had never had discussions with Mohawk Ambulance, when in fact, they sat down with them in 2017 and a Mohawk Ambulance representative stated that they serve their contract customers first.

During the meeting there were many lively discussions concerning where the money was coming from to maintain the proposed Ambulance Service. The group discussed past history regarding ambulance service. L. Basle – Town resident requested to know what the Ambulance Committee has come up with. The response was that little has happened so far due to covid-19.

E. Fahrenkopf -- Town resident stated that he believed Mohawk Ambulance was doing a good job. He further stated that any further actions should be put (on hold) until the Covid-19 situation is concluded and our residents could be part of this discussion. Many residents expressed their concerns over two issues; one being starting this process during the Pandemic and the other regarding the purpose of the meeting.

**RESOLUTION #8-2020 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, TO COMMENCE THE CREATION OF THE POESTENKILL AMBULANCE DISTRICT SUBJECT TO MANDATORY REFERENDUM**

Resolved, that the Town Board of the Town of Poestenkill, in compliance with Town Law 209-e, hereby instructs the Town Attorney to file with the Town Clerk no later than August 13, 2020 a “Map, Plan and Report” (MPR) concerning the creation of the Poestenkill Ambulance District with the requisite information required by Town Law 209-c; and

Be It Further Resolved that the metes and bounds of the proposed Ambulance District shall be coterminous with the boundaries of the Town of Poestenkill; and

Be It Further Resolved that the Town Board hereby schedules a public hearing regarding the establishment of this ambulance district to be held September 17, 2020; and

Be It Further Resolved that effective August 13, 2020, the Town Board adopts and issues an order pursuant to Town Law 209-d, directing the Town Attorney to publish a notice of a public hearing in the Troy Record on the MPR and the proposed Ambulance District to be held September 17, 2020; and also directs the Town Clerk to post such order and notice in the Office of the Town Clerk on August 13, 2020 as well; and

Be It Further Resolved, that said order shall state, as set forth in the MPR the boundaries of the proposed ambulance district and what the maximum annual expenditure for such services shall be and how such services will be provided; and

Be It Further Resolved, that any resolution presented to the Town Board to create such ambulance contain a provision requiring a mandatory referendum so that a vote of a majority of voters in the Town of Poestenkill must approve the district before it can be established.

MOVED BY: Supervisor Hammond  
SECONDED BY: Councilman Wohlleber

**VOTED UPON AS FOLLOWS:**

Councilwoman Butler	NO
Councilman Hass:	NO
Councilman Van Slyke	YES
Councilman Wohlleber	YES
Supervisor Hammond:	YES

**RESOLUTION #9-2020 – FURTHER RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, TO COMMENCE THE CREATION OF THE POESTENKILL AMBULANCE DISTRICT SUBJECT TO MANDATORY REFERENDUM**  
WHEREAS, by Resolution 8-2020 the Town Board has voted pursuant to Town Law Article 12-A to commence the process to create an ambulance district subject to mandatory referendum,  
NOW BE IT THEREFOR RESOLVED that the following order shall issue:

BY ORDER OF THE POESTENKILL TOWN BOARD – In order to begin the process of establishing an Ambulance District in and for the Town of Poestenkill, and subsequent to the filing of the Map, Plan and Report (MPR) for such district in the Office of the Town Clerk pursuant to Town Law 202-c, the Town Board of the Town of Poestenkill hereby ORDERS, that the Town Attorney publish in the Troy Record at least ten and no more than twenty days before September 17, 2020, a Notice of Public Hearing setting forth the date and time for such hearing, the purpose of the meeting, the boundaries of such proposed district being coterminous with the town boundaries, and the maximum amount the district proposes requires to fund its services.

MOVED BY: Councilman Wohlleber  
SECONDED BY: Supervisor Hammond

VOTED UPON AS FOLLOWS:

Councilwoman Butler:	NO
Councilman Hass:	NO
Councilman Van Slyke:	YES
Councilman Wohlleber:	YES
Supervisor Hammond:	YES

Motion by Supervisor Hammond, seconded by Councilman Wohlleber and carried to enter Executive Session at 7:25 p.m. to discuss a personnel issue with no votes being taken. Motion by Councilman Wohlleber, seconded by Councilman Van Slyke and carried to exit Executive Session at 8:00 p.m. and to immediately adjourn this meeting.

Respectfully submitted,

  
Susan Horton, Town Clerk

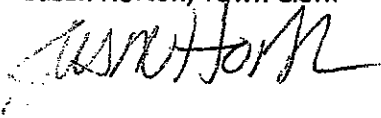


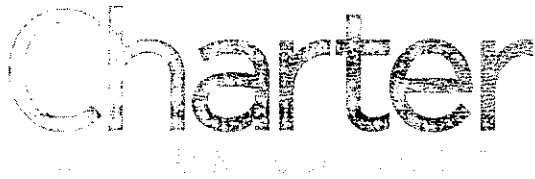
Amending Minutes of August 6, 2020

Please note that Councilman Van Slyke wanted to clarify the minutes of August 6, 2020.

He wanted it stated during the 2017 Meeting at the Firehouse, a Mohawk Ambulance representative stated that they serve their contract customers first.

Susan Horton, Town Clerk

A handwritten signature in black ink, appearing to read "Susan Horton", written in a cursive style.



August 4, 2020

Re: Charter Communications- upcoming changes

Dear Municipal Official:

The Yankee Entertainment and Sports Network ("YES Network") has requested that Spectrum Northeast, LLC ("Spectrum"), locally known as Spectrum, launch a temporary channel to televise overflow in-market games for the remainder of the season. We expect the channel to be removed at the conclusion of the baseball season. Spectrum currently carries YES Network on Expanded Basic/Standard Tier in HD on channel 321 and intends to make an overflow channel available on or around August 5, 2020, on Expanded Basic/Standard Tier in HD on channel 371, on the channel lineup serving your community.

For a complete channel lineup, visit [www.spectrum.com/channels](http://www.spectrum.com/channels).

If you have any questions about this matter, please feel free to contact me at 518-640-8575 or via email at [kevin.egan@charter.com](mailto:kevin.egan@charter.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Egan".

Kevin Egan  
Director, Government Affairs  
Charter Communications

## Michelle Asquith

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**From:** Lynn E. Kane <pzclerk@poestenkilny.com>  
**Sent:** Monday, July 20, 2020 2:44 PM  
**To:** khammond@poestenkilny.com; Eric Wohlleber; 'June Ross'; Harold Van Slyke; dh@hassmfg.com  
**Cc:** jackcaseyj@aol.com; jackcaseyj@gmail.com; tfield@ryanbiggs.com; Tom Russell; Harvey Teal; Robert J. Ryan; 'Victor Gush'; 'nicholas costa'; Robert.Davis.Jr@outlook.com  
**Subject:** Drainage District - 8 Lot Major Subdivision 614 Cooper Hill Rd.  
**Importance:** High

Good afternoon,

Please be advised that the Planning Board currently has an 8 Lot Major Subdivision application by Victor Gush on the parcel at 614 Cooper Hill Rd. (Rt. 355). At the July 14, 2020 Planning Board meeting, the Board classified this project as an 8 Lot Major Subdivision and reviewed the Preliminary Plat with Mr. Gush's business partner, Ray Naly, and Robert Davis of Advance Engineering & Surveying. During this discussion with Board Members, Mr. Naly, Mr. Davis and subsequently, Mr. Gush, were advised of several items missing from the Plat and that a Drainage District would be needed.

This project is tentatively scheduled to appear at the September 1, 2020 Planning Board meeting for review of the revised Preliminary Plat. Once the Planning Board deems the Plat sufficient, it will forward its documents and comments per Chapter 111 Drainage Districts of the Town Code, to the Town Board for consideration. Applicant Gush has been advised of his responsibilities as well. Thank you for your attention.

*Lynn E. Kane, Clerk*  
Town of Poestenkilny  
Planning Board &  
Zoning Board of Appeals

(518) 283-5100, ext. 112



Planning Board

## TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210  
Poestenkill, NY 12140  
(518) 283-5100 Phone  
(518) 283-7550 Fax

### PLANNING BOARD AGENDA

July 7, 2020, 7 pm

@ Poestenkill Fire Department

**7:00 Meeting Opens – Pledge of Allegiance**

**Applicant:**

<u>Joseph Hitchcock</u> 137.-1-23.12	<u>Informal Conference – SUP (Sawmill)</u> 160 Lynn Rd.
<u>Victor Gush</u> 124.-10-5	<u>Informal Conference-Major Subdivision-8 lots</u> Cooper Hill Rd/Rt. 355
<u>Kara &amp; Curt Seifridsberger</u> 135.-4-7	<u>Informal Conference-Referred by Town Board</u> 63 Snyders Corner Road
<u>George &amp; Jenna Czerno</u> 138.-1-7.111	<u>Informal Conference-2 lot Minor Subdivision</u> 547 Oak Hill Rd.
<u>Ernest Molina</u> 125.-11-11	<u>Informal Conference – SUP (Alpacas)</u> 1 Clemente Drive

**Minutes of the June 9, 2020 Meeting:**

**Public Comments:**

**Old Business:**

**Organization:**

**Other:**

**Bill Daniel**

**to attend July meetings**

**Don Heckelman**

**to attend August meetings**

**Harvey Teal**

**to attend September meetings**



## Planning Board

# TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210

Poestenkill, NY 12140

(518) 283-5100 Phone

(518) 283-7550 Fax

## PLANNING BOARD

July 7, 2020 Minutes

### Attendees:

Tom Russell, Chairman

Jeffrey Briggs

Harvey Teal

Robert Dore

Don Heckelman

Steve Valente

### Non-Voting:

Robert Ryan, Esq.

Lynn E. Kane, Clerk

### Absent:

William Daniel

Judy Grattan

Chairman Russell called the meeting to order at 7:30 pm with the Pledge of Allegiance and introduced Board Member. Due to current NYS Executive Order with regards to COVID, meeting was held at the Poestenkill Fire House.

### Applicants:

Joseph Hitchcock

137.-1-23.12

Informal Conference – SUP (Sawmill)

160 Lynn Rd.

Mr. Hitchcock and his attorney, Linda Mandel-Clemente were in attendance. Ms. Mandel-Clemente explained to the Board Members that the application for a Special Use Permit was based on the “retail use” of Mr. Hitchcock and explained that there was “cutting of wood for packaging” taking place on site. Ms. Mandel-Clemente further offered to the Board that this operation should be considered as one would for the sale of fudge – the cutting of fudge to be packaged – and that the operation as it stands today is that of “sale of goods”. Chairman Russell stated while he understood the Applicant’s thoughts of retail, he disagreed with the premise due to the quantity and quality of noise, objectional operation, that the operation is not performed under agricultural codes. Chairman Russell further stated that given the manner in which the business is run, it does not meet the criteria for consideration of a Special Use Permit. Member Briggs stated that comparing the slicing of sandwich meats to be equal to the preparation of the logs into firewood is inappropriate, that the equipment is much different (bigger, noisier), the material is in a different form, there is substantially greater quantity of the wood product and that in fact, this operation is a commercial light industry in a Residential zone Ms. Mandel-Clemente requested the Planning Board continue to discuss this operation as a “retail” business and noted that when Mr. Hitchcock used timber from the property, he would have qualified under the agricultural codes.

Members Valente disclosed that Mr. Hitchcock is a competitor, has nothing against the Applicant and that he would recuse himself if the Board Members wanted him to but felt he could consider the application without any bias. Member Dore disclosed that Mr. Hitchcock is a customer (sharpening of blades) and he would be recusing himself. There were no issues from the rest of Board. Member Valente stated he feels the operation is a retail business. Chairman Russell disagreed and much discussion ensued. Chairman Russell made a motion to send an Interpretation Request to the Zoning Board of Appeals to read as - "At the July 7, 2020 Planning Board meeting, the Board reviewed the Special Use Application submitted by Joseph Hitchcock for a "Retail Business or Service" in a RR1 zone for the wood processing (sawmill) located at 160 Lynn Road. The Planning Board is seeking an interpretation of the definition of "Retail Business or Service" and whether the wood processing and sale would fall within such definition." Motion seconded by Board Member Briggs and approved by a vote of five (5) ayes; zero (0) nays and one (1) abstentions – Member Dore.

*Resolution: Referred to Zoning Board of Appeals for Interpretation*

Victor Gush  
124.-10-5

Informal Conference-Major Subdivision-8 lots  
Cooper Hill Rd/Rt. 355

In attendance for this project was Ray Naly, Project Partner and Bob Davis, Engineer, Advance Engineering & Surveying. Chairman Russell stated that the needed Subdivision with Vanderheyden Hall was issued at the May 26, 2020 Special Meeting of the Planning Board. Chairman Russell asked the gentlemen to please give the Board an overview of the proposed project and current activities. Mr. Davis stated he has followed up with DEC on some issues, that the stormwater on the property is to be designed and will likely be directed to the culvert under Rt. 355 and that the swales would send the storm water to the back of the properties, along common lot lines.

Member Teal stated that the creation of a "Drainage District" was needed and would be overseen by the Town Board. Member Teal further stated the full sewer design and tie-in with the Town's Water system would need to be designed and shown on the Preliminary Plat, that the project requires SWIPP and all documents needed to be reviewed by the Town Engineer prior to next meeting. Member Teal stated that with the completed Preliminary Plat submission, the time of sixty-two (62) days would begin per Code. Chairman Russell opened a comment period for the audience. A gentleman from the audience stated that "6 more driveways on that curve will be dangerous and this issue needs to be looked at and considered before approval. Motion made by Member Teal to re-classify this project as an eight (8) Lot Major Subdivision. Motion seconded by Board Member Briggs and approved by a vote of six (6) ayes; zero (0) nays and zero (0) abstentions.

*Resolution: Classified as an 8 Lot Major Subdivision*

Kara & Curt Seifridsberger  
135.-4-7

Informal Conference-Referred by Town Board  
63 Snyders Corner Road

Chairman Russell stated the Town Board has referred this Applicant to the Planning Board for consideration of a Natural Products mining application. He asked the Applicant to come forward and explain situation. The Applicant recounted that a large tree crashed through their home last year and did considerable damage. This home was originally the Grandparent's home. Due to the remaining trees on the property, they are unable to obtain homeowner's insurance. They approached Mr. Fane to mine approximately two (2) acres worth of material in rear of property in exchange for removing all the trees (88-102 trees). There would be no exchange of money and they are working with Greg Fane and his attorney to coordinate application to New York State Department of Conservation. They stated that All Phase Contractor will remove trees for a fee of \$85,000 and that the gravel will be removed from the steep bank. There is discussion of water run-off from the hill and the need for abutting neighbors to be on-board with this proposal. Member Teal stated a detailed grading plan needed to be submitted and the Board needed to know how much gravel would be removed. Mrs. Seifridsberger referred to the letter from Griggs-Lang Consulting letter dated May 21, 2020, stating that approximately 9,000 cubic yards (to equal 2 acres) of material would be removed. Applicant will obtain needed items and return to the Board hopefully next month.

*Applicant to obtain detailed grading plan, apply for Natural Product authority*

George & Jenna Czerno  
138.-1-7.111

2 lot Minor Subdivision  
547 Oak Hill Rd.

Applicants reviewed their current rehabilitation of the existing residence and wish to convey Lot 1 of approximately three point one three (3.13) acres of land to close personal friends to build a home and retain the remaining lands for Lot 2 with forty point eight seven (40.87) acres. The Board questioned previous subdivisions of lands. Surveyor Kevin McGrath stated the first subdivision was in 1994 and the last subdivision was in 2005. The Applicants do not anticipate future subdivisions.

Motion made by Member Briggs to classify this project as a two (2) Lot Minor Subdivision. Motion seconded by Board Member Heckelman and approved by a vote of six (6) ayes; zero (0) nays and zero (0) abstentions.

Motion made by Member Briggs to schedule a Public Hearing for Tuesday, August 4, 2020. Motion seconded by Board Member Dore and approved by a vote of six (6) ayes; zero (0) nays and zero (0) abstentions.

*Resolution: Public Hearing scheduled for August 4, 2020*

Ernest Molina  
125.-11-11

Special Use Permit – Nonfarm Animals  
1 Clemente Drive

Applicant and his husband, Kevin Simsuangco, reviewed for the Board of their wish to have two (2) Alpacas as pets (no breeding) on their approximately 0.75 acre lot located at 1 Clemente Drive. They have done a great deal of research, have visited Tybush Mountain alpaca facility and state that the animals are very cold tolerant but need protection from the sun and heat. A three-sided lean-to or shed would be acceptable, that there would be no noise or smell issues and will have their entire yard fenced in with 5' fence. Chairman Russell confirms there will only be two alpacas and there will be no breeding. There was discussion regarding location of animal enclosure, possibly under a second-floor deck and Applicant was advised to contact Town Building Inspector to comply with codes for structure and fencing. Applicant has spoken to one direct neighbor, who has no issue to proposal.

Motion made by Member Valente made a motion to forward Applicant to the Zoning Board of Appeals for an Area Variance. Motion seconded by Board Member Heckelman and was approved by a vote of six (6) ayes; zero (0) nays and zero (0) abstentions.

*Resolution: Applicant referred to ZBA for Area Variance*

**Public Comments:** Chairman Russell asks if there are any issues or comments from the public. As there are none, the Public Comments portion is closed.

**Minutes:** Meeting minutes of June 9, 2020 were reviewed. Member Valente requested "Mess Deck" be changed to "Mess Hall". Motion to accept the Minutes with correction was made by Board Member Briggs, seconded by Chairman Russell and approved by a vote of six (6) ayes; zero (0) nays and zero (0) abstentions.

**Organizational:**

Chairmen Russell advised the Board that the Shuharts are currently working with DOT. Chairman Russell also advised that after review with Attorney Ryan, he is rewriting Sections 195.11 and 195.20 of the Town Code for the Green Space proposal to the Town Board.

A motion to adjourn the meeting at 9:25 pm was made by Member Briggs, was seconded by Member Dore and approved by a vote of six (6) ayes, zero (0) nays, and zero (0) abstentions.

Respectfully submitted,

  
Lynn E. Kane,

Planning Board Clerk





Planning Board

## TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210  
Poestenkill, NY 12140  
(518) 283-5100 Phone  
(518) 283-7550 Fax

### PLANNING BOARD AGENDA August 11, 2020, 6:30 pm @ Poestenkill Fire Department

#### **6:30 Meeting Opens – Pledge of Allegiance**

#### **Public Hearing:**

<u>George &amp; Jenna Czerno</u>	<u>2 lot Minor Subdivision</u>
138.-1-7.111	547 Oak Hill Rd.

#### **Applicants:**

<u>Noelle Hardy</u>	<u>Special Use Permit</u>
136.-8-13	8905 Rt. 66

<u>James Colaneri</u>	<u>2 Lot Minor Subdivision</u>
115.-3-6.1	240 Davitt Lake Road

<u>Kara &amp; Curt Seifridsberger (cont.)</u>	<u>Referred by Town Board</u>
135.-4-7	63 Snyders Corner Road

#### **Minutes of the July 7, 2020 Meeting:**

#### **Public Comments:**

**Old Business:**

**Organization:**

#### **Other:**

**Don Heckelman**

**to attend August meetings**

**Harvey Teal**

**to attend September meetings**

**Tom Russell**

**to attend October meetings**



## TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210

Poestenkill, NY 12140

(518) 283-5100 Phone

(518) 283-7550 Fax

Zoning Board of Appeals

### AGENDA

## Zoning Board of Appeals

July 21, 2020 @ 7:00 pm

### MEETING OPENS – PLEDGE OF ALLEGIANCE

#### Public Hearing:

Ernest Molina

125.-11-11

Area Variance (Alpacas)

1 Clemente Drive

Approve Meeting Minutes of March 10, 2020

Organizational:

#### Other:

Susan Kalafut

Tim Hoffay

Paul Jamison

to attend July Meetings

to attend August Meetings

to attend September Meetings



Zoning Board of Appeals

## TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210  
Poestenkill, NY 12140  
(518) 283-5100 Phone  
(518) 283-7550 Fax

### AGENDA

#### Zoning Board of Appeals

August 18, 2020 @ 7 pm at the  
Poestenkill Fire Hall, 182 Main St.

#### MEETING OPENS – PLEDGE OF ALLEGIANCE

##### Public Hearings:

Ernest Molina (CONTINUED) Area Variance (Alpacas)  
125.-11-11 1 Clement Drive

Louis Basle Code Interpretation (Non-conforming)  
69 Abbott Drive 125.-11-17.11 (14 Abbott Drive)

Joseph Hitchcock Code Interpretation (Retail Use)  
137.-1-23.12 160 Lynn Rd.

Approve Meeting Minutes of July 14, 2020 and July 21, 2020.

Organizational:

##### Other:

Tim Hoffay to attend August Meetings  
Paul Jamison to attend September Meetings  
Kevin McGrath to attend October Meetings

6:55 PM  
08/02/20  
Accrual Basis

**Poestenkill Fire Company**  
**Custom Summary Report**  
July 2020

	<u>Jul 20</u>
<b>Expense</b>	
<b>Building Maintance</b>	
<i>Refuse</i>	71.85
<b>Total Building Maintance</b>	71.85
<b>Electric</b>	
East Poestenkill	22.70
Main Station	21.02
<b>Total Electric</b>	43.72
<b>Equipment</b>	
New Equipment	412.74
<b>Total Equipment</b>	412.74
<b>Fire Trucks</b>	
Fuel	527.82
Repair & Maintance	183.37
<b>Total Fire Trucks</b>	711.19
Internet & Phone	112.84
Medical Supplies	25.20
Office Supplies	11.66
<i>Professional Services</i>	1,100.00
Security Alarm	130.00
<b>Telephone</b>	
East Poestenkill	41.56
Main Station	53.19
<b>Total Telephone</b>	94.75
Water	29.20
<b>Total Expense</b>	<u>2,743.15</u>
<b>Net Income</b>	<u><u>-2,743.15</u></u>

# 2021 Town Budget Process & Calculating the Carryover

(November 10).

Town Board Review of the Tentative Budget (Town Law §106 [3]): The town board reviews the tentative budget and may modify it.

Changes should be in writing, approved by a majority vote of the town board by resolution and included in the minutes of a town board meeting (Town Law § 63). During its review, the town board may call on department heads and the budget officer to explain their estimates. The tentative budget review may be adjourned and continued at later meetings, but the town board should be aware of impending deadlines in the budget process and complete its review in a timely manner.

The Preliminary Budget (Town Law §§106 [4]; 107): Once the town board finishes reviewing the tentative budget, it needs to approve it and any modifications made to it. Once approved, the tentative budget becomes the preliminary budget and must be filed with the town clerk. The town clerk

must make as many copies available for public distribution as the town board directs. From this point, no changes should be made to the preliminary budget until the town board conducts a public hearing.

Public Hearing on the Preliminary Budget (Town Law §108): The town board must hold a public hearing on the preliminary budget no later than the Thursday following Election Day – for 2020, this will be Thursday, November 5 (December 10). The hearing may be adjourned, but may not be adjourned beyond November 15 (December 15).

Notice of the Public Hearing on the Preliminary Budget (Town Law §108): Notice must be published in the official newspaper and any other paper that the town board directs. In addition, notice should be posted on the town clerk's bulletin board and on the town's website, if practicable. The notice must state the time,

Town Budget Calendar	
(Dates in parentheses apply to towns in Westchester and Monroe counties)	
1. The budget officer furnishes the heads of administrative units with the prescribed forms	We recommend the estimate forms be furnished to the units no later than September 1st (October 1st).
2. The administrative unit heads submit estimates to the budget officer.	On or before September 20th (October 20th). Budget officer prepares estimate for each administrative unit that fails to submit an estimate. (Town Law Section 104)
3. The budget officer files the tentative budget with the town clerk.	Not later than September 30th (October 30th). (Town Law Section 106)
4. The town clerk presents the tentative budget to town board.	On or before October 5th (November 10th). (Town Law Section 106)
5. The town board makes revisions and prepares the preliminary budget; preliminary budget filed with town clerk.	Prior to public hearing. (Town Law Section 106)
6. Notice of public hearing.	At least five days shall elapse between the date of first publication and the date specified for public hearing. (Town Law Section 108)
7. The public hearing is held	On or before the Thursday immediately following the general election (December 10th). The hearing may be adjourned from day to day but not beyond November 15th (December 15th). (Town Law Section 103)
8. Final revisions to the preliminary budget are made.	After public hearing but prior to adoption. (Town Law Section 109)
9. The budget is adopted by the governing board.	Not later than November 20th (December 20th). (Town Law Section 109)

*Source: the New York State Comptroller's Office  
Local Government Management Guide, Understanding the Budget Process*

See: 2021 BUDGET PROCESS on Page 6

# Town Topics

## Town Boards

### IN THIS ISSUE

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  - DiNapoli: Tax Cap Below 2 Percent Low Inflation Rate Impacts Counties, Towns and Cities
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  - New schedule, LGS-1 Retention and Disposition Schedule for New York Local Government Records arrives August 1
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  - Removal of STAR Benefit for Delinquent Taxes (Tax Law section 171-w - Chapter 56 of the Laws of 202)
- Justice Courts ..... 3
  - Proper Foundation Needed for Municipal Aerial Photographs to be Used in Evidence
- Highways ..... 4
  - Have CHIPS/PAVE NY allocations for FY 2020/2021 been reduced?

### DiNapoli: Tax Cap Below 2 Percent Low Inflation Rate Impacts Counties, Towns and Cities

Property tax levy growth for local governments with fiscal years closing Dec. 31 will be capped at 1.56 percent for 2021, according to State Comptroller Thomas P. DiNapoli. This figure affects tax cap calculations for all counties, towns, fire districts, 44 cities and 11 villages.

"The pandemic and the fiscal uncertainties municipalities are facing add to the challenge of adhering to the tax cap," DiNapoli said. "At the same time the levy growth rate is dropping, both revenues and spending could deviate significantly from what was planned. Local governments must closely monitor their budgets to ensure they are balanced and that they have cash on hand."

The tax cap, which first applied to local governments and school districts in 2012, limits annual tax levy increases to the lesser of the rate of inflation or 2 percent with certain exceptions, including a provision that allows municipalities to override it. The cap is just one of many fiscal pressures facing local governments during the COVID-19 pandemic.

The 1.56 percent allowable levy growth factor for the 2021 fiscal year is the first time municipalities with a fiscal year ending on Dec. 31 had their levy growth capped at less than 2 percent in three years. Levy growth was capped at 2 percent for these municipalities due to inflation above 2 percent in recent years.

This information was released following a stark report issued by OSC titled *Under Pressure: Local Government Revenue Challenges during the COVID-19 Pandemic*, which ultimately concluded:

Even though New York State is opening back up, its local governments are only beginning to feel the profound impact of COVID-19 on their revenues. Statewide local sales tax collections declined by 24 percent in April and 32 percent in May. Collections will likely continue to decline over the next several months, though perhaps not at the same rate, and further mid-year reductions in State aid are still possible. This combination puts counties, cities and less-wealthy school districts in an especially tenuous position. The property tax, which is the other primary source of revenue for most local governments, is more stable but is not able to make up for losses in other revenues as it once did. Federal aid thus far has been helpful but does not address revenue losses that will negatively affect most local governments.

Local governments may be able to take steps to help mitigate a few of these risks. Some are already employing creative cost-containment strategies to provide new services with existing funding,

Association of Towns and Training Bulletin  
 Published by the Association of Towns of the State

For advertising or circulation matters, contact the  
 Association of Towns, 100 West Street, Albany, NY 12242  
 Phone: 518-466-7105, Fax: 518-466-0771

At a duly convened meeting of the Town Board of the Town of Poestenkill in the County of Rensselaer conducted at the VFW Pavillion at 7:00 P.M. on August 20, 2020.

**RESOLUTION NO. \_\_ OF THE YEAR 2020:**

---

**THANKING THE SULLIVAN JONES VFW POST FOR ITS HOSPITALITY IN HOSTING THE 2020 SUMMER CAMP FOR RESIDENTS OF POESTENKILL**

---

WHEREAS, the Sullivan Jones VFW Post 7466 hosted the Town of Poestenkill 2020 summer camp, while most neighboring communities were forced to cancel these services; and

WHEREAS, the Sullivan Jones VFW Post 7466 provided the Town of Poestenkill Summer Camp the opportunity to remain open in the midst of the 2020 COVID pandemic; and

WHEREAS, the Sullivan Jones VFW Post 7466 worked with out Youth Department and Youth Director to ensure our residents had access to this important community resource; and

WHEREAS, the Sullivan Jones VFW Post 7466 provided a safe, clean and healthy environment for our young residents to enjoy their summer camp experience;

NOW, LET IT BE THEREFORE RESOLVED therefore be resolved that the Town Board officially thanks the leadership and membership of the Sullivan Jones VFW Post 7466 for their support and willingness to keep our summer camp open for residents in town.

MOVED BY: \_\_\_\_\_

Prepared and approved as to form by:  
John T. Casey, Esq., Town Attorney

SECONDED BY: \_\_\_\_\_

VOTED UPON AS FOLLOWS:

Councilwoman June Butler: \_\_\_\_\_

Councilman David Hass: \_\_\_\_\_

Councilman Harold Van Slyke: \_\_\_\_\_

Councilman Eric Wohlleber: \_\_\_\_\_

Supervisor Keith Hammond: \_\_\_\_\_

## Michelle Asquith

---

**From:** Gaunay, Eric <EGaunay@rensko.com>  
**Sent:** Monday, August 10, 2020 1:18 PM  
**To:** Wilson, Jay  
**Cc:** Foley, Anna  
**Subject:** Rensselaer County Hazard Mitigation Adoption  
**Attachments:** Adoption Resolution Sample.docx

**Importance:** High

Good Afternoon,

The Rensselaer County Bureau of Public Safety is proud to announce that after review by New York State Division of Homeland Security and Emergency Services and FEMA, that the Rensselaer County Multi-Jurisdictional Hazard Mitigation Plan have been approved to meet the standards for Hazard Mitigation Plans. With this being said, it is now time for every municipality to adopt this plan as soon as possible through resolution.

I have attached the drafted resolution and below is the link to the Mitigation Plan which is up for adoption on the Rensselaer County website. The final copy will be uploaded as soon as possible but the link will remain the same. Upon passing a resolution for adoption, you will need to return a copy of the resolution back to me **no later than Friday, August 28<sup>th</sup>**. Any issues, please do not hesitate to reach out as soon as possible.

<https://www.rensco.com/departments/public-safety/hazard-mitigation-planning/>

Sincerely,

**Eric Gaunay**

**Emergency Preparedness Coordinator**

**Rensselaer County Bureau of Public Safety**

Mailing Address: 4000 Main Street, Troy, NY 12180

Office Location: 127 Bloomingrove Drive, Suite 209, Troy, NY 12180

Email: [EGaunay@rensko.com](mailto:EGaunay@rensko.com)

Phone: 518-266-7671

Cell: 518-912-2264





## ADOPTION RESOLUTION SAMPLE

(Name of Jurisdiction) Town A

(Governing Body) Town Council

(Address) 100 Main Street, Town A

### RESOLUTION

WHEREAS, Town A, with the assistance from AECOM and Rensselaer County Bureau of Public Safety, has gathered information and prepared the Rensselaer County Multi-Jurisdictional Hazard Mitigation Plan; and

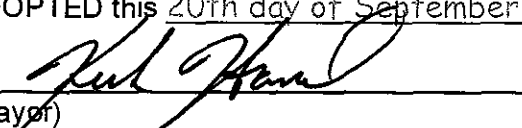
WHEREAS, the Rensselaer County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, Town A is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, Town A have reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by Town Council that Town A adopts the Rensselaer County Multi-Jurisdictional Hazard Mitigation Plan as approved by FEMA and New York State in July 2020 as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

ADOPTED this 20th day of September, 2005 at the meeting of the Town Council.

  
\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(Clerk)

At a duly convened meeting of the Town Board of the Town of Poestenkill conducted at the VFW Pavillion at 7:00 PM on the 20<sup>th</sup> day of August, 2020.

**RESOLUTION NO. \_\_\_ OF THE YEAR 2020**

---

**ADOPTING THE RENSSELAER COUNTY  
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN FOR THE  
TOWN OF POESTENKILL**

---

**WHEREAS**, the Town of Poestenkill, NY, with the assistance from AECOM and Rensselaer County Bureau of Public Safety, has gathered information and prepared the Rensselaer County Multi-Jurisdictional Hazard Mitigation Plan; and

**WHEREAS**, the Rensselaer County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

**WHEREAS**, the Town of Poestenkill, NY is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

**WHEREAS**, the Town of Poestenkill has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

**NOW THEREFORE, BE IT RESOLVED** by Town Council that the Town of Poestenkill, NY adopts the Rensselaer County Multi-Jurisdictional Hazard Mitigation Plan as approved by FEMA and New York State in July 2020 as the Town of Poestenkill, NY Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

Prepared and approved as to form by:  
John T. Casey, Esq.,  
Poestenkill Town Attorney

**VOTED UPON AS FOLLOWS:**

Councilwoman June Butler: \_\_\_\_\_

Councilman David Hass: \_\_\_\_\_

Councilman Harold Van Slyke: \_\_\_\_\_

Councilman Eric Wohlleber: \_\_\_\_\_

Supervisor Keith Hammond: \_\_\_\_\_

Andy Gilchrist, atty for Lochvue, asks if we can approve the roadwork and release the security. Should we get this on the agenda for next week?

JACK

-----Original Message-----

From: Andrew W. Gilchrist <agilchrist@gilchristtingley.com>  
To: 'jackcaseyj@aol.com' <jackcaseyj@aol.com>  
Sent: Thu, Aug 13, 2020 9:39 am  
Subject: Lochvue Subdivision

Jack- I hope all is well. I am providing an update on the road completion in the Lochvue Subdivision. The top course of pavement on Lochvue Drive and the public portion of McKinley Way was completed on July 24. Toby Chadwick did witness the work. While the top course was installed in compliance with the approved specifications, Toby wanted the edge of the pavement backed up with shoulder material before he signs off on the road work. The work on the shoulder material is being completed now. I have taken the liberty of drafting a memorandum for Toby to confirm his sign off on the road work, which will allow the security escrowed with the Town to be released. I have attached that memorandum, which I believe our engineer, Wayne Bonesteel, has already provided to Toby. My clients would like the Town Board to release the security for the road work upon sign off from Toby. I am also attaching the signed security agreement, which at paragraph 5 outlines the release of the security upon completion of the work. Thanks. Andy.

## Andrew W. Gilchrist

Shareholder • [agilchrist@gilchristtingley.com](mailto:agilchrist@gilchristtingley.com)



Gilchrist Tingley, P.C.  
[www.gilchristtingley.com](http://www.gilchristtingley.com)

251 River Street, Suite 201 • Troy, New York 12180  
Phone: (518) 238-3759 ext. 202 • Fax: (518) 203-7755

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**IRS CIRCULAR 230 DISCLOSURE:** IRS regulations require us to notify you that any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

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## MEMORANDUM

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**TO:** Poestenkill Town Board

**FROM:** Toby Chadwick, Highway Superintendent

**DATE:** August 13, 2020

**RE:** Lochvue Drive; McKinley Way

---

The top course of pavement on Lochvue Drive and the public section of McKinley Way was installed on July 24, 2020. I was present to observe the installation. The top course of pavement was installed in compliance with the approved specifications. Lochvue Drive and the public section of McKinley Way, including road drainage, are now in full compliance with the approved road specifications.

## ROAD COMPLETION AND REPAIR SECURITY AGREEMENT

THIS AGREEMENT, by and between 43 MALL, LTD., with a business address of PO Box 214, Sand Lake, New York 12153 (the "Developer") and the TOWN OF POESTENKILL, a municipal corporation in the State of New York, with its principal offices at 38 Davis Drive, PO Box 210, Poestenkill, New York 12140-0210 ("the Town").

### WITNESSETH:

WHEREAS, the land development plan of Developer, entitled Lochvue Estates Subdivision, as approved by the Town of Poestenkill Planning Board, included new subdivision roads identified as McKinley Way and Lochvue Drive (hereinafter "Subdivision Roads"); and

WHEREAS, upon completion by Developer of construction of the Subdivision Roads in substantial compliance with the approved plans and specifications, and upon acceptance of construction thereof by the Town of Poestenkill, the Town Board of the Town of Poestenkill accepted the Subdivision Roads as public highways and directed placement of such Subdivision Roads on the inventory of public highways of the Town of Poestenkill; and

WHEREAS, such acceptance of the Subdivision Roads as public highways by the Town of Poestenkill was conditioned upon the requirement that Developer post a road completion and repair security in the total amount of \$53,500.00, consisting of \$7,000.00 for repair of completed road improvements as identified in Exhibit "A" hereto, and \$46,500.00 for completion of the top course of pavement as identified in Exhibit "B" hereto.

NOW, THEREFORE, in consideration of the covenants expressed herein, and in order to set forth in writing the terms of their agreement, the parties do mutually covenant and agree as follows:

1. The Developer is held and firmly bound unto the Town of Poestenkill in the amount of \$53,500.00, and hereby binds itself, its successors and assigns, firmly by these presents, and hereby agrees to furnish, as security for the obligations set forth herein, performance security in the amount set forth hereinabove. The form and content of such performance security is subject to review and approval by the Town Attorney and Town Board.

2. With respect to the repair work on the Subdivision Roads as identified in Exhibit "A" hereto, repair items listed therein shall be completed by the Developer at its expense subject to approval by the Town of Poestenkill Highway Department. The repair work identified in Exhibit "A" under "Bldg Lot 14", including replacement of culvert and repaving of driveway, shall be completed on or before June 1, 2020. The repair work identified in Exhibit "A" under "Longview Road", including sand and seal of approximately 150 feet of road surface on Lochvue Drive to repair existing marks and grooves in pavement, shall be completed at the time of installation of the top course of pavement as set forth in paragraph "4" hereof. Prior to commencement of any repair work required pursuant to this paragraph "2", the Developer or its contractor shall secure and maintain a policy of general liability insurance by a company lawfully authorized to conduct business in New York in an amount not less than One Million (\$1,000,000) Dollars per occurrence, Three Million (\$3,000,000) Dollars aggregate, with the Town of Poestenkill named as additional insured. The Developer or its contractor shall file a certificate of such insurance with the Town of Poestenkill prior to commencing such repair work. In the event the Developer or its contractor shall fail to provide such certificate of insurance or to make such repair within the time herein specified, then in that event, the Town shall provide written notice to Developer of said default, and Developer shall thereupon have a period of thirty (30) days, or any extended period upon mutual agreement, to cure said default. In the event

Developer fails to cure such default, the Developer authorizes the Town to call on the performance security and to thereafter perform the Developer's obligation to complete the repairs required hereunder, either by Town employees or through contract let through public bid. Any surplus funds will be returned to the Developer after all necessary work has been completed.

3. The Developer agrees to perform such repair work in a good and workmanlike manner, in accordance with the rules and regulations, standards and specifications of the Town of Poestenkill.

4. The installation of the top course of pavement as identified in Exhibit "B" hereto shall be completed on or before August 15, 2020. Prior to commencement of any work required pursuant to this paragraph "4", the Developer or its contractor shall secure and maintain a policy of general liability insurance by a company lawfully authorized to conduct business in New York in an amount not less than One Million (\$1,000,000) Dollars per occurrence, Three Million (\$3,000,000) Dollars aggregate, with the Town of Poestenkill named as additional insured. The Developer or its contractor shall file a certificate of such insurance with the Town of Poestenkill prior to commencing such work. In the event the Developer or its contractor shall fail to provide such certificate of insurance or to complete such work within the time herein specified, then in that event, the Town shall provide written notice to Developer of said default, and Developer shall thereupon have a period of thirty (30) days, or any extended period upon mutual agreement, to cure said default. In the event Developer fails to cure such default, the Developer authorizes the Town to call on the performance security and to thereafter perform the Developer's obligation to complete the work required hereunder, either by Town employees or through contract let through public bid. Any surplus funds will be returned to the Developer after all

necessary work has been completed. The top course of pavement on the Subdivision Roads shall be completed in full compliance with the approved plans for the Lochvue Estates Subdivision.

5. The financial security required hereunder shall remain in full force and effect pending the Developer's satisfactory completion of the repairs and improvements described herein. Upon satisfactory completion of any part of said repairs and improvements by Developer, and acceptance thereof by the Town, the Town shall reduce the total amount of the financial security by the value of the completed repair or improvement, and release said amount to the Developer.

6. The Developer further agrees that if for any reason the individual or institution issuing the security files for voluntary or involuntary bankruptcy, liquidation, receivership, or executes an assignment for the benefit of creditors or for any other reason, such actions by the individual or lending institution shall constitute a default and Developer herein shall by certified mail, return receipt requested, forward such notification to the Town Clerk, Town Attorney, and Town Supervisor of the Town of Poestenkill, and shall, within ten (10) days from said notice, post new security in the amount set forth in this agreement.

7. Any amendments to this agreement shall be in writing and signed by the parties hereto. This agreement is binding on the Developer and all successors and assigns; provided, however, that this agreement shall not be assigned by the Developer to any successor and/or assignee without prior written consent of the Town Board of the Town of Poestenkill, which consent shall not be unreasonably withheld.



IN WITNESS WHEREOF, the undersigned have set their hands and seals this 26 day  
of February, 2020.

TOWN OF POESTENKILL

By: 

Keith Hammond, Supervisor

43 MALL, LTD.

By: 

Mark Pettrone, Member

STATE OF NEW YORK )

COUNTY OF Rensselaer ) ss.:

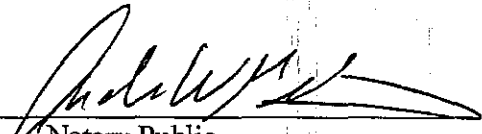
On the 26 day of February in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Keith Hammond, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

  
Notary Public

Michelle D. Asquith  
Notary Public, State of New York  
Reg. No. 01AS6024555  
Qualified in Rensselaer County  
Commission Expires May 10, 2023

STATE OF NEW YORK     )  
  )ss.:  
COUNTY OF RENSSELAER )

On the 25 day of February in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Mark Petrone personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

Andrew W. Gilchrist  
Notary Public - The State of New York  
No. 4944018  
Qualified in Rensselaer County  
My Commission Expires: November 14, 2022

Exhibit A



P.O. Box 262

Valley Falls, NY 12185

Tel. (518) 753-7283 - Fax (518) 753-7284

---

**PROPOSAL**

**PROPOSAL SUBMITTED TO:**

Maser Consulting  
18 Computer Dr. E suite 203  
Albany, NY 12205  
Attn: Wayne

**DATE:** December 15, 2019

**Scope of work-**

**Longview Road -**

Sand & seal approx. 150 ft. to repair marks & grooves in pavement \$ 2400

**Bldg Lot 14**

Dig out, excavate & replace 40' x 12 ft. culvert & re-blacktop driveway \$ 4600

**EXCLUSIONS:**

1. N.Y.S. Sales and/or Use tax.

**Payment Terms:**

All material is guaranteed to be as specified. Contractor is not responsible for any unstable subbase. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

**AUTHORIZED SIGNATURE:** Albie Lewis \_\_\_\_\_

**NOTE:** WE IF NOT ACCEPTED WITHIN 30 DAYS MAY WITHDRAW THIS PROPOSAL.  
ACCEPTANCE OF PROPOSAL - THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.

**DATE OF ACCEPTANCE:** \_\_\_\_\_

**AUTHORIZED SIGNATURE:** \_\_\_\_\_

**J. HUNZIKER PAVING LLC**  
31 Furry Road • Wynanskill, NY 12198  
Office 518-326-4466  
Cell 518-858-7917



E-Mail: j.hunzikerpaving@yahoo.com • www.jhunzikerpaving.com

DATE 11/15/19  
NAME Mark Patton  
STREET Lochvue Drive #100 Kinley Way  
CITY Wynantskill  
ZIP 12198

HOME # \_\_\_\_\_  
WORK # \_\_\_\_\_  
CELL # 518-798-9288  
FAX # \_\_\_\_\_

J. Hunziker Paving is pleased to provide this proposal. Please call with any questions or for additional information from our estimator.

**PROPOSAL/CONTRACT**

RE: \_\_\_\_\_

RE:  Site different than above address Lochvue Estates  Private Driveway  Parking Lot  Other

**SCOPE OF WORK:**

- Resurfacing Existing Asphalt:
  - Edge perimeter of area to be paved of any greenery, mulch, etc.
  - Provide all necessary sawcuts to establish "keyways" - for flush transitions @ garage floor, roadway, walks, etc.
  - True and level all depressed areas with asphalt and compact.
  - Mechanically clean surface to maximize asphalt adhesion.
  - Establish string lines for true edges.
  - Pave with \_\_\_\_\_ inches of TYPE \_\_\_\_\_ and compact.
  - Expansions: Sq. Footage \_\_\_\_\_  
(New Areas: See remarks below).
- Excavating Existing Asphalt: (Dig Outs)
  - Excavate and remove existing asphalt: Sq. Ft. \_\_\_\_\_
  - Supply and install Geo-textile Stabilization Fabric if necessary.
  - Supply and install all necessary imported crushed stone aggregate as sub-base and compact.
  - Fine grade for positive water drainage and compact.
  - Pave with \_\_\_\_\_ inches of Type 3 Dense Binder Asphalt and compact.
  - Pave with \_\_\_\_\_ inches of Type \_\_\_\_\_ Top Course and compact.
  - Special Conditions: Sod Dig-Out Concrete Dig-Out Other \_\_\_\_\_
- Grade & Pave: New Asphalt Area Sq. Ft. \_\_\_\_\_
- Scope of work includes all items checked marked above.

Remarks: Mill all necessary frequency for flush transitions. Mechanically clean surface to maximize asphalt adhesion. Apply commercial top coat. Pave with 2 inches type 6 commercial top course and compact.

Prior Payment Arrangement:  
Field Notes: \_\_\_\_\_

Clay Conditions  Bring Barrier Fabric  
Terms: \$ 46,500.00  
No Guarantee: \_\_\_\_\_  
Guarantee: \_\_\_\_\_



If the above scope of work is acceptable - please sign contract and mail or fax white copy to our office.

Signature: \_\_\_\_\_

**"When Price Is Forgotten Quality is Remembered"**

Payment Upon Completion of Job (Unless Stated). If there are any complaints they are to be addressed within 24 hours by calling our office at 464-5024.  
MOST MAJOR CREDIT CARDS ACCEPTED

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## MEMORANDUM

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**TO:** Poestenkill Town Board

**FROM:** Toby Chadwick, Highway Superintendent

**DATE:** August 13, 2020

**RE:** Lochvue Drive; McKinley Way

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The top course of pavement on Lochvue Drive and the public section of McKinley Way was installed on July 24, 2020. I was present to observe the installation. The top course of pavement was installed in compliance with the approved specifications. Lochvue Drive and the public section of McKinley Way, including road drainage, are now in full compliance with the approved road specifications.

## ROAD COMPLETION AND REPAIR SECURITY AGREEMENT

THIS AGREEMENT, by and between 43 MALL, LTD., with a business address of PO Box 214, Sand Lake, New York 12153 (the "Developer") and the TOWN OF POESTENKILL, a municipal corporation in the State of New York, with its principal offices at 38 Davis Drive, PO Box 210, Poestenkill, New York 12140-0210 ("the Town").

### WITNESSETH:

WHEREAS, the land development plan of Developer, entitled Lochvue Estates Subdivision, as approved by the Town of Poestenkill Planning Board, included new subdivision roads identified as McKinley Way and Lochvue Drive (hereinafter "Subdivision Roads"); and

WHEREAS, upon completion by Developer of construction of the Subdivision Roads in substantial compliance with the approved plans and specifications, and upon acceptance of construction thereof by the Town of Poestenkill, the Town Board of the Town of Poestenkill accepted the Subdivision Roads as public highways and directed placement of such Subdivision Roads on the inventory of public highways of the Town of Poestenkill; and

WHEREAS, such acceptance of the Subdivision Roads as public highways by the Town of Poestenkill was conditioned upon the requirement that Developer post a road completion and repair security in the total amount of \$53,500.00, consisting of \$7,000.00 for repair of completed road improvements as identified in Exhibit "A" hereto, and \$46,500.00 for completion of the top course of pavement as identified in Exhibit "B" hereto.

NOW, THEREFORE, in consideration of the covenants expressed herein, and in order to set forth in writing the terms of their agreement, the parties do mutually covenant and agree as follows:

1. The Developer is held and firmly bound unto the Town of Poestenkill in the amount of \$53,500.00, and hereby binds itself, its successors and assigns, firmly by these presents, and hereby agrees to furnish, as security for the obligations set forth herein, performance security in the amount set forth hereinabove. The form and content of such performance security is subject to review and approval by the Town Attorney and Town Board.

2. With respect to the repair work on the Subdivision Roads as identified in Exhibit "A" hereto, repair items listed therein shall be completed by the Developer at its expense subject to approval by the Town of Poestenkill Highway Department. The repair work identified in Exhibit "A" under "Bldg Lot 14", including replacement of culvert and repaving of driveway, shall be completed on or before June 1, 2020. The repair work identified in Exhibit "A" under "Longview Road", including sand and seal of approximately 150 feet of road surface on Lochvue Drive to repair existing marks and grooves in pavement, shall be completed at the time of installation of the top course of pavement as set forth in paragraph "4" hereof. Prior to commencement of any repair work required pursuant to this paragraph "2", the Developer or its contractor shall secure and maintain a policy of general liability insurance by a company lawfully authorized to conduct business in New York in an amount not less than One Million (\$1,000,000) Dollars per occurrence, Three Million (\$3,000,000) Dollars aggregate, with the Town of Poestenkill named as additional insured. The Developer or its contractor shall file a certificate of such insurance with the Town of Poestenkill prior to commencing such repair work. In the event the Developer or its contractor shall fail to provide such certificate of insurance or to make such repair within the time herein specified, then in that event, the Town shall provide written notice to Developer of said default, and Developer shall thereupon have a period of thirty (30) days, or any extended period upon mutual agreement, to cure said default. In the event

Developer fails to cure such default, the Developer authorizes the Town to call on the performance security and to thereafter perform the Developer's obligation to complete the repairs required hereunder, either by Town employees or through contract let through public bid. Any surplus funds will be returned to the Developer after all necessary work has been completed.

3. The Developer agrees to perform such repair work in a good and workmanlike manner, in accordance with the rules and regulations, standards and specifications of the Town of Poestenkill.

4. The installation of the top course of pavement as identified in Exhibit "B" hereto shall be completed on or before August 15, 2020. Prior to commencement of any work required pursuant to this paragraph "4", the Developer or its contractor shall secure and maintain a policy of general liability insurance by a company lawfully authorized to conduct business in New York in an amount not less than One Million (\$1,000,000) Dollars per occurrence, Three Million (\$3,000,000) Dollars aggregate, with the Town of Poestenkill named as additional insured. The Developer or its contractor shall file a certificate of such insurance with the Town of Poestenkill prior to commencing such work. In the event the Developer or its contractor shall fail to provide such certificate of insurance or to complete such work within the time herein specified, then in that event, the Town shall provide written notice to Developer of said default, and Developer shall thereupon have a period of thirty (30) days, or any extended period upon mutual agreement, to cure said default. In the event Developer fails to cure such default, the Developer authorizes the Town to call on the performance security and to thereafter perform the Developer's obligation to complete the work required hereunder, either by Town employees or through contract let through public bid. Any surplus funds will be returned to the Developer after all



necessary work has been completed. The top course of pavement on the Subdivision Roads shall be completed in full compliance with the approved plans for the Lochvue Estates Subdivision.

5. The financial security required hereunder shall remain in full force and effect pending the Developer's satisfactory completion of the repairs and improvements described herein. Upon satisfactory completion of any part of said repairs and improvements by Developer, and acceptance thereof by the Town, the Town shall reduce the total amount of the financial security by the value of the completed repair or improvement, and release said amount to the Developer.

6. The Developer further agrees that if for any reason the individual or institution issuing the security files for voluntary or involuntary bankruptcy, liquidation, receivership, or executes an assignment for the benefit of creditors or for any other reason, such actions by the individual or lending institution shall constitute a default and Developer herein shall by certified mail, return receipt requested, forward such notification to the Town Clerk, Town Attorney, and Town Supervisor of the Town of Poestenkill, and shall, within ten (10) days from said notice, post new security in the amount set forth in this agreement.

7. Any amendments to this agreement shall be in writing and signed by the parties hereto. This agreement is binding on the Developer and all successors and assigns; provided, however, that this agreement shall not be assigned by the Developer to any successor and/or assignee without prior written consent of the Town Board of the Town of Poestenkill, which consent shall not be unreasonably withheld.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 26 day of February, 2020.

TOWN OF POESTENKILL

By: 

Keith Hammond, Supervisor

43 MALL, LTD.

By: 

Mark Pettrone, Member

STATE OF NEW YORK     )  
  )ss.:  
COUNTY OF Rensselaer )

On the 26 day of February in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Keith Hammond, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

Michelle D. Asquith  
Notary Public, State of New York  
Reg. No. 01AS6024555  
Qualified in Rensselaer County  
Commission Expires May 10, 2023

STATE OF NEW YORK     )  
  )ss.:  
COUNTY OF RENSSELAER )

On the 25 day of February in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Mark Peterson personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

Andrew W. Gilchrist  
Notary Public – The State of New York  
No. 4944018  
Qualified in Rensselaer County  
My Commission Expires: November 14, 2022

# Exhibit A



P.O. Box 262

Valley Falls, NY 12185

Tel. (518) 753-7283 - Fax (518) 753-7284

---

## PROPOSAL

### PROPOSAL SUBMITTED TO:

Maser Consulting  
18 Computer Dr. E suite 203  
Albany, NY 12205  
Attn: Wayne

DATE: December 15, 2019

### Scope of work-

#### Longview Road -

Sand & seal approx. 150 ft. to repair marks & grooves in pavement \$ 2400

#### Bldg Lot 14

Dig out, excavate & replace 40' x12 ft. culvert & re-blacktop driveway \$ 4600

### EXCLUSIONS:

1. N.Y.S. Sales and/or Use tax.

### Payment Terms:

All material is guaranteed to be as specified. Contractor is not responsible for any unstable subbase. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

**AUTHORIZED SIGNATURE:** Albie Lewis \_\_\_\_\_

**NOTE:** WE IF NOT ACCEPTED WITHIN 30 DAYS MAY WITHDRAW THIS PROPOSAL.  
ACCEPTANCE OF PROPOSAL - THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.

**DATE OF ACCEPTANCE:** \_\_\_\_\_

**AUTHORIZED SIGNATURE:** \_\_\_\_\_

**J. HUNZIKER PAVING LLC**  
31 Furry Road • Wynanskill, NY 12198  
Office 518-326-4466  
Cell 518-858-7917

E-Mail: j.hunzikerpaving@yahoo.com • www.jhunzikerpaving.com



DATE 11/15/19  
NAME Mark Peritore  
STREET Lochvue Drive #10 Kinleyway  
CITY Wynantskill  
ZIP 12198

HOME # \_\_\_\_\_  
WORK # \_\_\_\_\_  
CELL # 518-798-7288  
FAX # \_\_\_\_\_

J. Hunziker Paving is pleased to provide this proposal. Please call with any questions or for additional information from our estimator.

**PROPOSAL/CONTRACT**

RE: \_\_\_\_\_

RE:  Site different than above address Lochvue Estates  Private Driveway  Parking Lot  Other

**SCOPE OF WORK:**

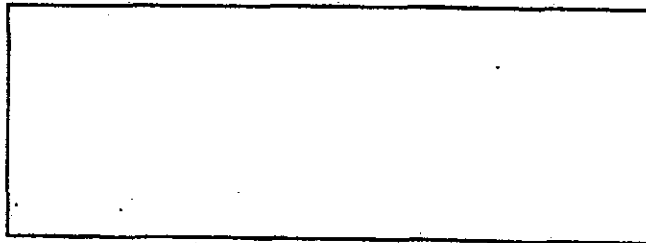
- Resurfacing Existing Asphalt:
  - Edge perimeter of area to be paved of any greenery, mulch, etc.
  - Provide all necessary sawcuts to establish "keyways" - for flush transitions @ garage floor, roadway, walks, etc.
  - True and level all depressed areas with asphalt and compact.
  - Mechanically clean surface to maximize asphalt adhesion.
  - Establish string lines for true edges.
  - Pave with \_\_\_\_\_ inches of TYPE \_\_\_\_\_ and compact.
  - Expansions: Sq. Footage \_\_\_\_\_  
(New Areas: See remarks below).
- Excavating Existing Asphalt: (Dig Outs)
  - Excavate and remove existing asphalt: Sq. Ft. \_\_\_\_\_
  - Supply and install Geo-textile Stabilization Fabric if necessary.
  - Supply and install all necessary imported crushed stone aggregate as sub-base and compact.
  - Fine grade for positive water drainage and compact.
  - Pave with \_\_\_\_\_ inches of Type 3 Dense Binder Asphalt and compact
  - Pave with \_\_\_\_\_ inches of Type \_\_\_\_\_ Top Course and compact.
  - Special Conditions: Sod Dig-Out Concrete Dig-Out Other
- Grade & Pave: New Asphalt Area Sq. Ft. \_\_\_\_\_
- Scope of work includes all items checked marked above.

Remarks: Mill all necessary tie-up for flush transitions. Mechanically clean surface to maximize asphalt adhesion. Apply commercial top coat. Pave with 2 inches type 6 commercial top course and compact.

Prior Payment Arrangement:  
Field Notes: \_\_\_\_\_

Clay Conditions  Bring Barrier Fabric  
Terms: \$ 46,500.00  
No Guarantee: \_\_\_\_\_  
Guarantee: \_\_\_\_\_

Payment Upon Completion of Job (Unless Stated). If there are any complaints they are to be addressed within 24 hours by calling our office at 464-5024.  
**MOST MAJOR CREDIT CARDS ACCEPTED**



If the above scope of work is acceptable - please sign contract and mail or fax white copy to our office.  
Signature: \_\_\_\_\_

**"When Price Is Forgotten Quality is Remembered"**

At a duly convened meeting of the Town Board of the Town of Poestenkill in the County of Rensselaer conducted at the VFW Pavilion at 7:00 P.M. on August 20, 2020.

**RESOLUTION NO. \_\_ OF THE YEAR 2020:**

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**IN THE MATTER OF THE RELEASE OF THE REMAINING SECURITY TO THE DEVELOPER OF LOCHVUE UPON COMPLETION OF ROAD CONSTRUCTION**

---

**WHEREAS**, the Town of Poestenkill and 43 MALL LTD. (Developer of Lochvue) entered into an agreement February 26, 2019 providing in part that the Developer would post security to guarantee satisfactory completion of certain repairs and improvements at the Lochvue site; and

**WHEREAS**, upon completion of these repairs and improvements to the satisfaction of the Town of Poestenkill Highway Superintendent, the Town would release the security to the Developer; and

**WHEREAS**, the Developer has completed work on the road in the Lochvue subdivision and the Town of Poestenkill Highway Superintendent has stated in an August 13, 2020 memorandum that Lochvue Drive and the public section of McKinley Way, including road drainage, are now in full compliance with the approved road specifications;

**NOW, LET IT BE THEREFORE RESOLVED** that the security be released to the 43 MALL LTD, Developer of Lochvue.

MOVED BY: \_\_\_\_\_

Prepared and approved as to form by:  
John T. Casey, Esq., Town Attorney

SECONDED BY: \_\_\_\_\_

VOTED UPON AS FOLLOWS:

Councilwoman June Butler: \_\_\_\_\_

Councilman David Hass: \_\_\_\_\_

Councilman Harold Van Slyke: \_\_\_\_\_

Councilman Eric Wohlleber: \_\_\_\_\_

Supervisor Keith Hammond: \_\_\_\_\_

DATED: July 18, 2019

TOWN CLERK'S MONTHLY REPORT

Town of Poestenkill, New York

July 2020

To THE SUPERVISOR: Pursuant to Section 27, Subd. 1, of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the payment of

	Conservation Fees to the Town:	\$ 23.20
	Marriage License 1 @ \$ 7.50	\$ 7.50
	Marriage Certificate 1 @ \$10.00	\$ 10.00
A1255	Total Town Clerk Fees	\$ 40.70
A-1090	Penalties/Interest	\$ 20.00
A1289	Registrar	\$
A2655	Minor Sales – Copies (certified copy) –	\$
A2544	Local Fee for Dogs –	\$ 100.00
A2115	Planning Board Fees - \$ 750.00 ZBA Fees - \$ 232.59	\$ 982.59
A2555	Building Permits	\$ 1,224.72
A-2545	Peddlers Permit	\$
2110	Water Benefit Charge	\$ 1,085.57
A2720	Water Meter Fee - \$	
A2240	Misc. Water Charges - \$357.94	
A2710	Water Permit Fee -	
1001	Water Billing - \$22,403.90	
	<b>TOTAL WATER CHARGES</b>	<b>\$23,847.41</b>
	<b>REVENUE TO SUPERVISOR</b>	<b>\$26,215.42</b>
	Amount paid to State Comptroller for Games of Chance License	\$
	Amount paid to DEC for Conservation Licenses	\$ 396.80
	Amount paid to AG & Markets for fee for unsprayed/unneutered Dog program	\$ 22.00
	Amount paid to State Health Dept. for Marriage Licenses	\$ 22.50
	<b>TOTAL DISBURSED</b>	<b>\$ 441.50</b>
	August 4, 2020	\$
	Keith Hammond, Town Supervisor	
	<b>TOTAL AMOUNT RECEIVED BY CLERK</b>	<b>\$26,656.72</b>
<p>State of New York, County of Rensselaer, Town of Poestenkill, Susan Horton being duly sworn says that she is the Clerk of the Town of Poestenkill the foregoing is a full and true statement of all Fees and Moneys received by her during July.                  Fees the application and payment of which are otherwise provided by law subscribed and sworn to before me this 4th day of August 2020.</p> <p><i>Susan Horton</i></p>		



# Town of Poestenkill

## Assessor's Office

P.O. Box 210 38 Davis Drive  
Poestenkill, NY 12140  
518-283-5100 Ext. 101

TO: POESTENKILL TOWN BOARD

FROM:  Betsy Pinho, Assessor

RE: Assessor's Report July 2020

The Assessor's Office continues to receive new deeds from the County as well as split/merger documents for processing. We are also processing exemption applications and responding to resident inquiries.

A hardcopy of the 2020 final assessment roll is now available in the Assessor's Office and in the Town Clerk's Office. An electronic version of the final roll is also available on the Town website.

The Board of Assessment Review has a vacancy. All Board of Assessment Review members must be Town residents. This position vacancy is posted on the Town website.

cc: Susan Horton, Town Clerk



Town of Poestenkill  
Office of the Water Department  
P.O. Box 210  
Poestenkill, NY 12140

Memorandum

To: Town Supervisor- Keith Hammond  
Town Board Members – June Butler, David Hass, Harold Van Slyke,  
Eric Wohlleber (Deputy Town Supervisor)  
Town Attorney – Jack Casey

From: Robert L. Brunet, P.E. / Water Manager *R.L. Brunet, P.E.*

Date: August 14, 2020

RE: Monthly Activities (July-August )

**OVERVIEW:**

**In both the Water and the 811 disciplines all our requirements were met or exceeded during this period without any major problem.**

**WATER REPORT:**

**From an overall viewpoint everything is going quite well, but very busy.** During this period we have continued implementing the new testing requirements for 2020, as specified by the RCDOH in the **Poestenkill SDWIS / State Water Sample Report Schedule for 2020.**

A major undertaking which we had this period is the required special testing of a number of our residents buildings (12) for lead and copper content in the Municipal Water. **The U.S. Environmental Protection Agency and the New York State Health Department has now mandated that the Town take a water sample for lead and copper from individual faucets from buildings within the Water District.** This was extremely time consuming, but we have distributed the necessary test materials to the involved residents, and we then collected these test samples, and brought them to Bender

Labs for testing. I am happy to report that Bender Labs completed the testing and notified us that **all test results were within acceptable limits**. We have sent out a letter to each of the 12 residents and notified them of the test results (including a copy of the Bender Lab report) and also notified the RCDOH of the results. I expect that we will not be required to perform these tests again for several years, thereby saving us testing costs.

As requested, we have completed and submitted our 2021 Departmental Budget in accordance with the guidelines detailed.

A major frustration this period has been an increase in late bill payments; both Sue and I have strongly addressing this issue and we have been making significant progress but still have a ways to go.

We have also been closely working on site with Chris Goodrich (EJP Regional Manager) to overcome "start-up" problems associated with the new Mueller meter system readings for billing purposes. After significant efforts both by Chris and by us, we determined that the problems were caused by a Hot Rod software reading glitch in the new program as well as a hardware problem associated with our handheld Mueller meter reading device. We fixed these problems and the new meter reading system is now working well.

Our department's emphasis continues to be keeping the water safe for our residents, continuing our improvement in eliminating water leakage, planning for further improvements to our system, and continuing to be responsive to the needs of our residents. To accomplish our objectives we continually work closely with Bender Labs (St. Peters Hospital Environmental Laboratory) for our ongoing testing.

### **RESIDENT ISSUES AND REQUESTS THIS PERIOD:**

Handled a number of customer "water usage" and billing issues. Almost all issues were positively resolved, and most of the residents paid their outstanding bills, with certain exceptions which we are "working" on. The larger bills, including an "out of district" user, have been paid (including the interest which the Town Board recently approved).

Worked with a resident, Mr. John Porter, 9 Victorian Drive, who questioned his water consumption, thinking that there could be a meter problem. Worked with him and took daily usage readings for 2 weeks. We also changed out his meter with one of ours for a two week period to further convince John of our meter accuracy. He then agreed that he actually used that much water and he paid his bill. He stated that he was very pleased with the extent that we went to in order to resolve the issue to his satisfaction.

Presently working on another problem on Spring Avenue Extension similar to the above issue. In these types of cases we go to great extents to convince the resident of the results (they generally did not recognize the amount of water which they used); we do

not take the approach of “just believe us” !! It has been my experience that the residents very much appreciate our “working with them” approach and we invariably solve the particular situation with a satisfied resident rather than a disgruntled person---it is well worth the extra effort it takes.

### **STATUS OF SPECIFIC NORMAL WATER OPERATIONAL FUNCTIONS:**

We have been working on the proposed 8 lot major subdivision proposed by Victor Gush and have been helpful to their engineer Bob (518-573-9961) in the design of the water system which will be connecting to our municipal water main facilities on Route 355. **It should be noted that as the project proceeds, we will be billing the subdivision for the required Professional Engineering services provided by me in connection with the Water Facilities, including interacting with the RCDOH. This is the same approach which we used with both Lochvue and Quail Meadows, charging each \$5,000. This is an efficient approach which we initiated several years ago and saves the developer significant engineering cost paid to outside engineering firms, while at the same time bringing additional revenues into Poestenkill; it is a “win-win” situation.**

We have also been working with other Town organizations regarding a property on Rt. 355 concerning the issuance of a grading permit by the Code Enforcement Officer and other issues involving the DEC and the Planning Board.

We have completed our 2020 seasonal hydrant flushing program and have flushed most “Dead End” streets and numerous intermediate hydrants on non-dead end streets. It is a reflection of this programs’ success that we do not receive “dirty water” complaints from our users.

We are working with Chip Kronau on the design for the water facilities in the Phase 3 of the Quail Meadow subdivision. We will be performing the required inspections as the construction proceeds. We will also be developing the required Town records for ongoing operations.

We completed two new water installations to residents homes this period and are currently working on others which are “in-progress”.

We performed the periodic inspections of the water tank on Hinkle Road, both interior and exterior; all is well. We are also working with Taylor Young (National Accounts Manager) at the PITTSBURG TANK & TOWER GROUP to ensure that we meet all AWWA requirements regarding tank issues.

On Saturday, August 1<sup>st</sup> we filled a pool at 10 Lawrence Street, thereby saving the homeowner approximately \$ 450 dollars, while at the same time bringing additional revenues into the Town (approximately \$ 250).

Repaired the pumping diaphragm in the LMI Pump #2.

Replaced a high pressure leaky chlorine feed line.

We “weed wacked” and mowed the area around the tank on Hinkle Road.

We also “weed wacked” and mowed the area around the pump house.

Continued work associated with the repair shed.

Repaired 6 street valves at Lochvue after street paving work.

Working with several contractors regarding new water service line requirements. These work functions include permit issuance, discussing our technical equipment requirements with the contractor, providing the necessary equipment to the owner, and performing at least 3 to 4 inspections at each location to insure proper excavation depth, proper “rough” underground plumbing, the required 15 minute 100 psi static water pressure test and line flushing, and the Final Inspection required to insure that all Town and NYS installation requirements have been met. We then finalize the installations by formalizing the account information into our data bases for record and billing operations. Presently working on new installations at 15 Pine Bowl Road, 284 Snyders Corner Road, 12 Empire Drive and others in the Quail Meadows subdivision.

Working with the executor of an estate on Snyders Corner Road where the owner passed away and the home was taken over by a “squatter”. There are many legal implications in this type of situation, and we are carefully assisting the executor of the estate, while at the same time, legally protecting the Town of Poestenkill.

We are investing major efforts on locating water leaks in the underground plant. We were very successful with our efforts last year and we are dedicated to improving our “lost water” performance and saving Poestenkill unwarranted costs. Unfortunately, most of our work needs to be done on an “out of normal hours” basis because of street traffic as well as customer water usage. We will keep you informed of our progress.

We have mentioned pump station “cycling” in past reports. Due to the recent ununiform cycling patterns, we spent considerable time and efforts this period working on this operation. Over this past weekend, we again completed our periodic “pump cycling tests” and routine maintenance work (pumps on and off, and also transferring from pump #1 to pump #2, etc.). I am pleased to report that all is presently well and that the proper “cycling” of our two main pumps is working very well, as well as the Tigerflow computer control system.

We picked up required items from Tremont for the Water District operation.

Performed the daily water tests (at Town Hall) and added the necessary sodium hypochlorite (12.5 %) to our system (at the Pump Station) as required by the NYSDOH and NYS law (seven days/week).

Performed daily (24/7) overall inspections of the Pump Station to insure operational performance.

Documented the weekly high and low meter readings at the underground metering pits (at Creek Road and Spring Avenue Extension) to be used in evaluating our water supply, usage, and leakage. These readings represent the volume of water supplied from Troy and Brunswick and are used in conjunction with other readings taken throughout the water system to identify problems and also to substantiate the billing which we receive from Troy and Brunswick every six months.

Our main operational focus, as mentioned earlier, is the quality and safety of the water supplied to our residents. I am happy to report that all of our test results during these last two months were returned from Bender Labs (with a copy automatically sent to the RCDOH) and all were satisfactory.

Normal Pump Station maintenance is being performed as required. Additionally, we continue to invest a significant effort in updating and maintaining our field water facilities on a seven day per week basis. During this period our involvement involved work on the raising the street valves as required by the placement of new macadam in locations such as Lochvue. We appreciate the job done by Toby's guys at Lochvue.

We have been working on our "record maintenance" efforts to keep up with the changes necessary to the Water System records, as a result of the new meters and the new computer programs introduced as of January 1, 2020.

Periodically, tested the LMI pump transfer system at the Pump Station for "automatic tank transfers" when liquid runs out in a given tank. This involves determining the trouble locations and repairing the clogged piping, the line pickup "foot valves" and screens and the transfer switch between the tank and the 6" high pressure injection line. This action was a follow-up to the repairs we recently made to the system last month to insure proper operation. All tests were OK.

Continued field testing curbstops and street valves for leakage.

Performed required NYSDOH functions for our system; for example, take daily (7 days per week) water pumping volume data at the pump house, add chlorine as required, and test water samples at Town Hall. This daily test measures "Free Chlorine Residual At Entry Pt." and measures the Chlorine level as a deterrent to E-coli. This information is then entered into the NYSDOH 360 REPORT on a daily basis, which is submitted to the RCDOH and the NYSDOH each month, along with the monthly Bender Lab test results report.

We took the monthly required samples for Coloform at Town on July 1<sup>st</sup> and on August 3<sup>rd</sup>. We completed the "chain of custody" paperwork, and then delivered the test samples (on ice) to Bender Labs in Albany (ST. PETER'S HOSPITAL ENVIRONMENTAL LABORATORY) for testing as required by the RCDOH and NYSDOH. We have received the lab test results and they were all "satisfactory".

Cleaned various Valve Piping components at the pump station; this is an area requiring continuous routine maintenance, and is critical to the chlorination process. The chlorination process, by its very nature, causes solidified calcium blockages in the lines which must be periodically cleared. We also replaced one high pressure line check valve at the pump station which was restricting the chlorine flow to the LMI pumps feeding the main pipe output to our system. There are many potential trouble spots in the system which, when clogged, will reduce the LMI pump output and will affect our daily Chlorine Residual test results submitted monthly to the RCDOH and NYSDOH.

We are continuing to locate, wire brush and paint some of our facilities to keep them in good condition, notably our street valves and curbstops. We generally perform these functions in the early morning hours on Saturday and Sunday mornings so as to not encounter street traffic.

We picked up 20 gallons of 12.5% sodium hypochlorite on each of two trips to Agway for daily use at the pump station in the chlorination process.

Continued work on our "Street Valve Exercise Program" to prioritize and exercise the critical street valves in our system.

We dissolved the calcium buildup (using CLR) in several key valves and other fittings to insure free flow of our chemical mix from the LMI pumps into our high pressure piping into our system. This is a continuously required operation.

We performed calibration routines at the Tigerflow station to insure proper functioning of the many functions which the Tigerflow System control, such as the main pumps "cycling" and alternation, LMI pumps start/stop and alternation, continuously documenting the pump station specific operations (27/7), etc. This computer is extremely "sensitive" and requires continual attention--we monitor it daily (7 days per week).

We performed the monthly maintenance functions on the large emergency generator located at the pump station; some of these functions involve running the generator for a period of time, exercising the batteries, and checking the output voltages for accuracy. We also performed the monthly operational tests on the portable 5 KW generator used for field emergency issues. Both generators are functioning well and are ready, should we need them.

Prepared and Submitted required NYSDOH Monthly 360 Report and Bender Labs reports to the RCDOH. **All Bender Lab results for the month were satisfactory.**

Worked with other Town organizations on various Town undertakings and problems (i.e.: various subdivision issues, for example) and other special situations. Also we keep in close contact with adjacent towns' water operations to stay on top of upcoming potential problems which could affect Poestenkill.

## SPECIAL NOTICE:

In some of my past reports I have tried to keep you aware of the EPA and NYSDOH approach to PFOAs and PFOSs, caused largely by the Hoosick Falls situation. I have highlighted the various political approaches and what they could mean to Poestenkill. Additionally, you have recently seen the TV News reports that discuss the issue and the new pending government regulations and testing standards. I have attached a copy of the NYRWA summer publication, AQUAFACTS for your information. The article entitled "NEW MCLS FOR PFOA, PFOS, AND 1,4 DIOXANE" specifies the expected new MCLs of 10 ppt (compared to the old standard of 1,000 ppt) with the initial Capitol Costs of 400,000 and ongoing Annual Maintenance Costs of \$25,000 for systems under 3,300 users (our system). The article states " This is an especially difficult burden for smaller systems".

At this point, based upon our testing and other actions which we have taken, I am anticipating that we will be ok, but we will undoubtedly incur significant testing costs in 2021 which are not yet budgeted (my best guess is \$2,000 to \$3,000 in 2021). If our results turn out as I expect then our ongoing annual costs will be minimal.

## 811 REPORT:

From an overall viewpoint everything is going quite well, but very busy. All 811 Dig Safe daily requests (tickets) were received and responded to appropriately and in a timely fashion.

**IMPORTANT UNDERTAKING** - During this period the NYS DIG SAFELY 811 organization completely changed its Notification and Response System and its software approach; this required that we undergo specialized training and that we establish entirely new protocols. They introduced two new computer systems which we are currently using daily (7/24) These new systems are called the "**Exactix System**" which is the location request submission platform, and the "**Coursettra System**" which comprises the learning management system. This work on our part was challenging and time consuming but we completed all the necessary work and the new system is fully operational and working well..

The 811 tickets are initially generated by homeowners, utility companies, and by individual contractors. On each of these tickets I receive, I pull the respective Plats for the section of our water system, and I then call the Field Contact, discuss what they are planning to do. I visit the location and then I provide the details of our system to the contractor, mark out the pipe locations when appropriate, and exchange telephone numbers with him and ask to be kept informed if he changes the schedule. This process must be completed within 48 clock hours or the Town would be fined and held accountable. I then follow up (visit the work location) when the job is progressing to ensure that no problems occur. We recently received notification from the 811 organization that we should be prepared to handle a large number of locate and mark out requests due to the pent-up demand created by the COVID-19 pandemic; we are ready to handle these.

The volume of mark out requests was very significant during this period, particularly for pole replacements done by independent contractors such as Northline Utilities Contractors; on one day alone we recently received 6 total mark out requests, 5 from this one company alone and one "emergency callout" from National Grid for a broken pole on Zeph Street. This does not include those requests by National Grid, Verizon, or other independent contractors.

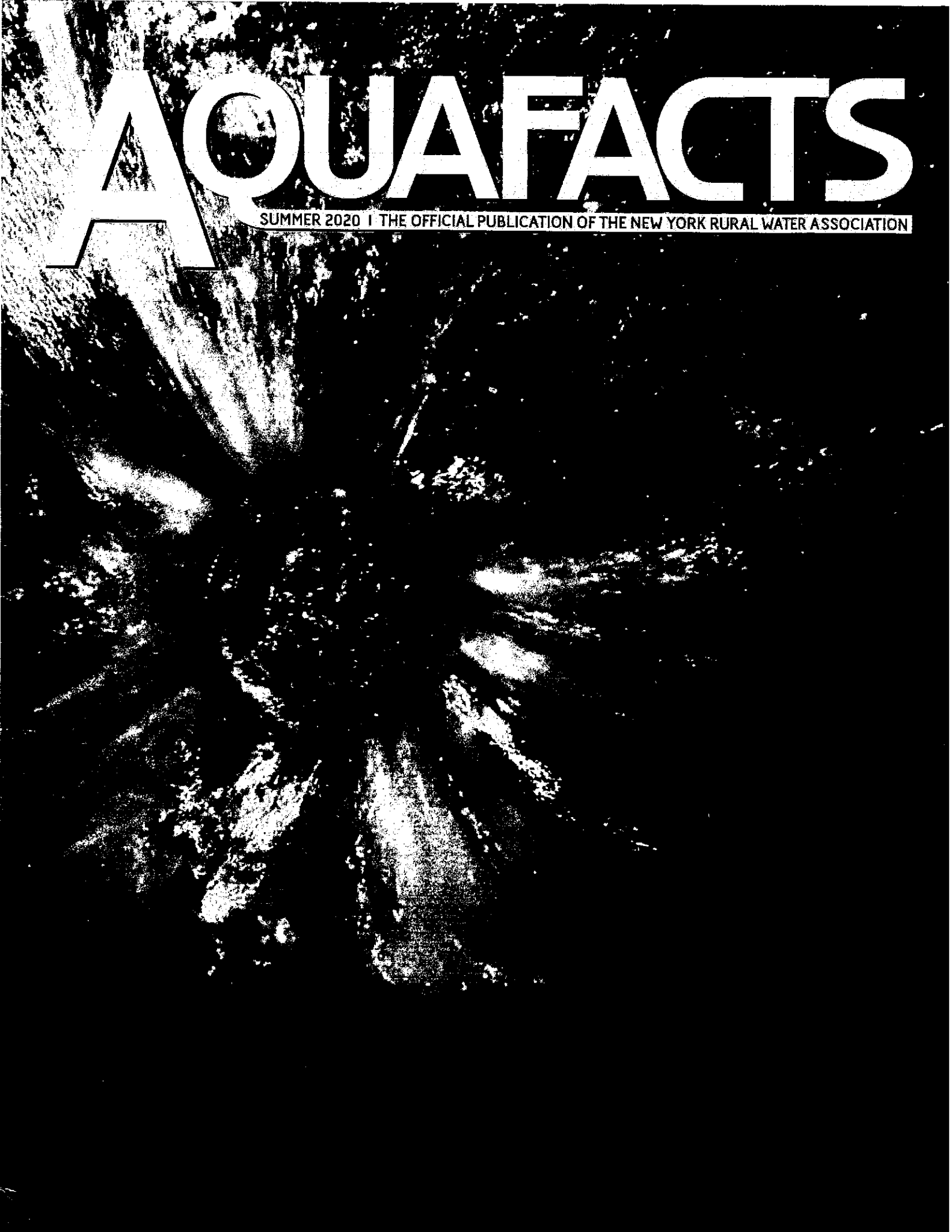
We also worked with the 811 bureau in Syracuse to update issues, as they requested.

Retrieve daily (7 days / wk.) NYS DIG SAFELY tickets and audit reports, verify accuracy and respond as required.



# AQUAFACTS

SUMMER 2020 | THE OFFICIAL PUBLICATION OF THE NEW YORK RURAL WATER ASSOCIATION





# NEW MCLS FOR PFOA, PFOS, AND 1,4-DIOXANE

Steven Winkley, P.G. | NYRWA Source Water Protection Specialist

## INTRODUCTION

In the fall 2017 Aquafacts edition, I wrote an article entitled "Emerging Contaminant Monitoring Program". In this article I discussed recently enacted state legislation that would eventually require all community and non-transient, non-community water systems to test for certain emerging contaminants. This same legislation required NYSDOH to consider the recommendations of a Drinking Water Quality Council (DWQC) regarding a maximum contaminant level (MCL) for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and 1,4-dioxane. PFOA and PFOS are part of a group of chemicals known as per- and polyfluoroalkyl substances (PFAS). These are chemicals used to make fluoropolymer coatings and products that resist heat, oil, stains, grease, and water. The chemical 1,4-dioxane has been used as a stabilizer in solvents, paint strippers, greases and wax.

## PROPOSED MCLS

In December 2018, the DWQC released its recommendations for MCLs of 10 parts per trillion (ppt) for PFOA, 10 ppt for PFOS, and 1 part per billion (ppb) for 1,4-dioxane. On July 24, 2019, the NYSDOH proposed the acceptance of these recommended MCLs changes and opened a 60-day public comment period. The NYSDOH proposal at this time specified a staggered testing program. Public water systems serving 10,000 people or more would begin monitoring within 60 days of adoption of the new rule. Systems serving 3,300 to 9,999 people would begin monitoring within 90 days of adoption of the rule and water systems serving less than 3,300 would begin monitoring within 6 months of adoption of the rule.

On January 22, 2020, NYSDOH revised its proposed MCL rule for PFOA, PFOS, and 1,4-dioxane. NYSDOH indicated that based upon public comments it received, it added a provision for a public water system to defer an MCL violation. How this would work is that if a public water system had sample results that exceeded the MCL for PFOA, PFOS or 1,4-dioxane, it could request in writing that the NYSDOH defer actions for determining MCL violations for up to 24 months past the effective date of the PFOS, PFOA or 1,4-dioxane MCL. The deferral request must document that such a deferral period is

necessary for the system to implement corrective actions to comply with the MCL for PFOS, PFOA or 1,4-dioxane. Such a request must be made within 90 days of the effective date of the MCL. The deferral request must also include a timeline with specific milestones. If the NYSDOH grants the MCL deferral, the system must distribute a public notice within 30 days. Based upon demonstrated need, there is the potential for a one-year extension in addition to the original 24 month deferral.

## IMPLICATIONS OF THE NEW RULE

For the first year of enactment of the new rule, community and non-transient non-community water systems will have to test for PFOS, PFOA or 1,4-dioxane on a quarterly basis for each entry point. The testing requirement would then be reduced to every three years unless a detection is found. Quarterly testing would then be continued in this case. NYSDOH estimates that the cost for a single PFOA/PFOS analysis is between \$200 and \$300 per sample and the cost of a single 1,4-dioxane analysis is between \$100 and \$250.

NYSDOH estimates that approximately 21% of all public water systems in New York will have PFOA or PFOS above the proposed MCLs of 10 ppt. This is very important given the significant treatment costs. As indicated in Table 1 below, the capital and maintenance costs for PFOA/PFOS are very substantial. This is an especially difficult burden for smaller systems. The best available treatment technology for PFOA/PFOS is granular activated carbon.

**NYSDOH-Estimated Treatment Costs for PFOA/PFOS**

<u>Population Served</u>	<u>Capital Costs</u>	<u>Annual Maintenance Costs</u>
< 3,300 ✓	✓ \$400,000	✓ \$25,000
3,300 - 9,999	\$2,400,000	\$125,000
≥ 10,000	\$15,000,000	\$725,000

**Table 1. PFOA/PFOS Treatment Costs**

Capital costs for treatment of 1,4-dioxane are estimated by NYSDOH to average \$3,570,000 per system, with an estimated average annual operation and maintenance cost of approximately \$150,000 per system. The best available treatment technology is oxidation (chlorination or ozonation) and advanced oxidation process (AOP). Fortunately, the

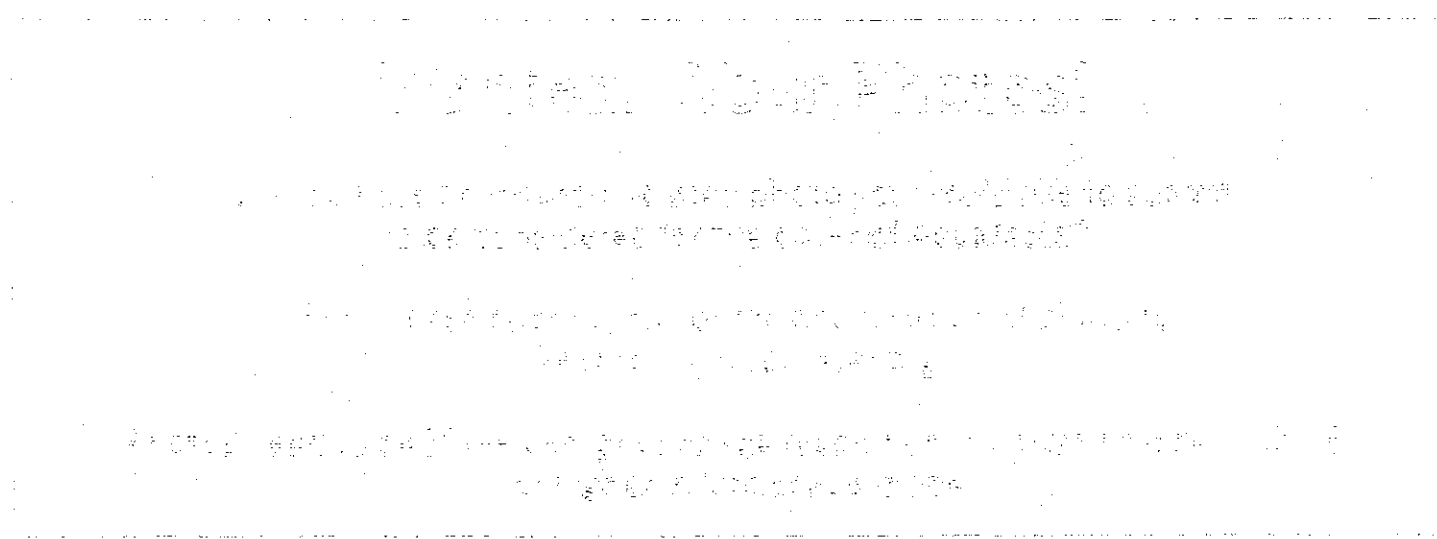
number of public water facilities potentially impacted by 1,4-dioxane is estimated by NYSDOH to be eighty-nine. The vast majority of these are located on Long Island.


**CLOSING**

Unfortunately, there will be a large number of public water systems that will be impacted by the new state MCLs on emerging contaminants. The ability to defer an MCL violation may be very important to reduce the impact on

smaller systems. There is some dedicated state funding that is available to address potential treatment costs, and a deferra period will allow some systems to design and implement an effective solution to come into compliance. In some situations it may even be more cost-effective to locate new wells that are less susceptible to PFOS, PFOA or 1,4-dioxane.

As always, feel free to contact me at [winkley@nyruralwater.org](mailto:winkley@nyruralwater.org) or 1-888-NYRURAL, ext. 170 with any questions. ☺☺☺





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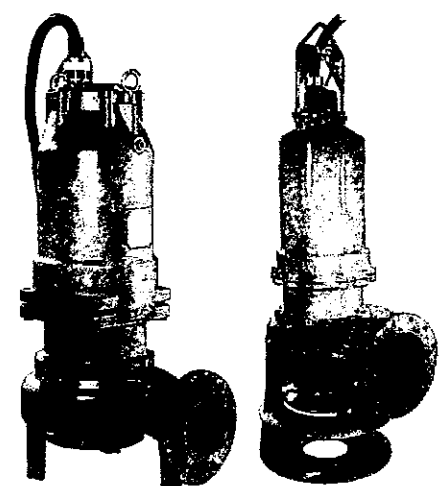
**Municipal After Market Pump Retrofits**  
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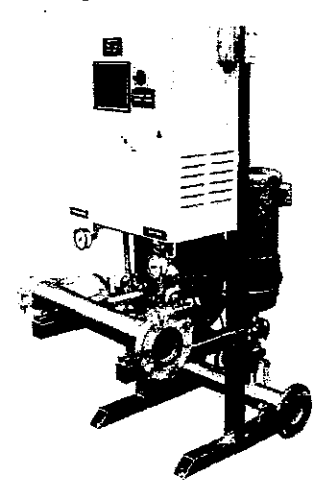
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## TOWN OF POESTENKILL

38 Davis Drive, P.O. 210  
Poestenkill, NY 12140

Office of the  
Building Inspector  
Code Enforcement Officer

### MEMORANDUM

To: Town Supervisor- Keith Hammond

Town Board Members- June butler, David Hass,

Eric Wohlleber (Deputy Town Supervisor)

Town Attorney- Jack Casey

From: Tracy Church, Code Enforcement Officer/ Building Inspector

Date: August 13, 2020

RE: Monthly activities (July-August)

### OVERVIEW:

The months of July and August have found the Building Dept. to be very busy, whether it is because of people being home more or just a busy time in general. We continue to keep up with the issuing of building permits which are followed by a series of inspections, meetings and required paperwork. Now that things are beginning to open, the MS4 required meetings and agendas will resume soon, followed by the necessary reports to the State agencies. The Code Enforcement side of things has remained very busy as well, following up on various complaints, inquiries and Code Enforcement in general. I have been working with the Planning Board on some questions regarding applications to the boards, as well as following up on various complaints in general within the Town of Poestenkill. #4 Clement Drive, #160 Lynn Road, #299 Rt. 355, #20 Tymeson Road, #1 Empire Drive to name a few. We have been able to resolve most of these complaints in a positive manner. I would also like to add that the management at the Waste Management transfer facility located within our town, has been very accommodating in helping to resolve a complaint regarding their facility and have gone to great lengths to eliminate the sources of the said issues, We have also met with the complainant at the town hall to mediate and ensure that the concerns were not falling on deaf ears. As of August 11<sup>th</sup>, I have successfully completed the 9B and 9C required Code Enforcement training classes. The next three classes are scheduled as follows. 9D August 24-28. 9E September 14-18, and the last class 9F October 5-9. The next 3 months look to be very busy.

Respectfully submitted  
Tracy Church

Calls for Various violation.questions - 8

I will send you my budget report as soon as i get to my desk.

Bob

----- Original message -----

From: Michelle Asquith <secpoest@nycap.rr.com>

Date: 8/12/20 2:33 PM (GMT-05:00)

To: 'Bob Guyer' <straydawg302@gmail.com>

Subject: report

Hello Bob,

I need your monthly report.

Also your budget request form.

Thank you.



Town of Poestenkill  
Office of the Highway Superintendent  
P.O. Box 210  
Poestenkill, NY 12140  
(518) 283-4144

To: Town supervisor- Keith Hammond  
Town Board Members Butler, Wohlleber, Hass, Van Slyke

From: Highway Superintendent- Toby Chadwick

Date: August 11, 2020

RE: Highway Activities  
July 13, 2020-August 11, 2020

1. Crew been out getting roads ready for paving
2. Crew been helping Town Sand Lake-Paving
3. Crew been helping Rensselaer County-Paving
4. Crew been helping Town of North Greenbush-Paving
5. Crew been out cutting Tree's out of roads from storms.
6. Crew started paving Daisy Lane, Sicho Road, and Dater Hill Road.
7. Crew been out fixing washout from heavy rain.