

TOWN BOARD MINUTES
TOWN OF POESTENKILL
TOWN BOARD MEETING
NOVEMBER 19, 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

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 Hass, seconded by Wohlleber and an oral vote of 5 ayes to accept the Town Clerk's minutes of October 15, 2020 as written. Motion by Hass, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of October 22, 2020. Motion by Wohlleber, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of October 27, 2020 as written.

Presentation – C. Herman, representing the New York Power Authority, provided information to the Town Board members regarding their proposal as part of the Gold Energy effort to modify and replace, where appropriate, the towns streetlights. The objective is to provide a more energy and cost efficiency system to the Town. There were many questions regarding flexibility in lighting key areas of the Town. Mr. Herman assured the Town that they would work with the Town's requests. Mr. Herman stated that the payback period for the town was 20 years. Supervisor Hammond thanked Mr. Herman for his presentation.

Public Comment Period – R. Crowley, Democratic Committee Chairman presented Toby Chadwick, Highway Superintendent with a Proclamation thanking him for his service and dedication to the Town of Poestenkill. Toby will be retiring in December 2020 having worked for the Town for over 30 years.

Liaison Reports:

Planning Board- Town Board members had copies of the Planning Board meeting of November 4th in their packet. T. Russell, Chairman of the Planning Board reported on the agenda items of November 4th. J. Casey, Town Attorney, questioned Mr. Russell on an ongoing issue in the Town regarding wood processing. Mr. Russell stated that neither Mr. Hitchcock nor his attorney showed up at the scheduled Planning Board meeting and therefore no action was taken by the Planning Board. After a lengthy discussion, J. Casey discussed the fact that Mr. Hitchcock is and has been in violation of the Town Laws for some time and that the Town cannot just let this continue without taking action. He confirmed this with Tracy Church, Code Enforcement Officer. He again, strongly made this point and the issue was left that the Planning Board would address it at the next Planning Board meeting. J. Casey stated that Mr. Russell should ensure that Mr. Hitchcock would be aware of the meeting and that the Planning Board should make a decision, whether Mr. Hitchcock was represented or not.

Zoning Board–Town Board members had copies of the ZBA meeting of October 13th, October 29th and November 10th in their packets. N. Heckelman, ZBA member, reported on the agenda items. N. Heckelman elaborated on the wood processing issue. She stated the findings of the ZBA were that Joseph Hitchcock’s firewood processing business does not qualify to apply for a SUP (Special Use Permit) as a “Retail” use. If Mr. Hitchcock would like to apply for a “Retail” SUP for the portion of his business which is limited to sales activity, such as receiving customers to engage in retain sales transactions of already processed firewood, he would be eligible to do so. Councilman Van Style stated Mr. Hitchcock requested a postponement regarding the voting on the SUP because his lawyer was not in attendance. He also stated, he thought it was unfair in as much as the month before he (Mr. Hitchcock) agreed to postpone the vote because one of the Planning Board members was not able to attend the meeting.

Fire Company – Town Board members had copies of the October 2020 Fire Co. report.

Library – M. McClellan reported on the current activities happening at the Library. She stated that the painting of the Library looks great and that the Friends of the Library are gearing up for the Holiday Lights fundraiser.

Youth Advisory Board- T. Buker, Youth Director reported on the Youth activities which included the Halloween parade which was held on October 31st. T. Buker stated the event was well organized, a great turn out, and the children had a wonderful and safe day.

CAC- There was no meeting in October.

Correspondence:

Charter Communications - Memos dated October 30th, November 7th and November 13, 2020 regarding upcoming changes.

Kennedy & Madonna, LLP-Impending New York State Maximum Contaminant Levels for PFOA & PFOS – The Town received a letter dated October 2, 2020 from the Kennedy & Madonna, LLP organization which discussed contaminant levels for PFOA and PFOS. It detailed the recent Department of Health’s Public Health and Health Planning Council July 30, 2020 approval of the proposed MCLs which were then published in the State Register and became effective on August 26, 2020. This is an ongoing issue and is being addressed by Robert Brunet.

Master-Independent Engineering Review – The Town received the Independent Review of the Quail Meadows Subdivision. The onsite review included the completed work and the areas currently being worked upon. The review was generally positive but also recommended that a meeting be convened between the Poestenkill Highway Superintendent, Mr. Kronau and Wayne Bonesteel, PE, Senior Project Manager to discuss recommendations.

Discussion Items:

Lot Line Adjustment – The subject of the Lot Line Adjustment, Local Law #2-2013, and section 195-2, of the current code was discussed with the consideration of the Planning Board’s concern of the present wording of “Minor” in the Law, being a restriction to the Planning Board’s deliberations. The consensus was positive, but no vote was taken. Subsequent follow-up review of the subject dictates that the Local Law #2-2013 and section 195-2 of the current code needs to be thoroughly reviewed before any change to the existing law is considered.

Green/Recreational Space – This subject was briefly discussed but no action was decided upon at this time.

Poestenkill Design Review – It was determined that Councilwoman Butler would attend the December Planning Board and Zoning Board meetings and would report her findings back to the Town Board.

New Bar Member – B. Pinho, Assessor explained to the Board that she received (2) resumes to fill a vacancy on the Board of Assessment Review. She stated that both candidates were very knowledgeable and would be an asset to the Town. This will be voted on during the Action Items portion of tonight's meeting.

Action Items:

RESOLUTION#19-2020 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, TO FILL A VACANCY ON THE BOARD OF ASSESSMENT REIVEW. Now Therefore Be It Resolved; Matthew Guilbault is hereby appointed to the Board of Assessment Review to complete the unexpired term of Dennis Bates ending September 30, 2023.

MOVED BY: Councilman Hass
SECONDED BY: Councilwoman Butler

VOTED UPON AS FOLLOWS:

Councilwoman Butler: Yes
 Councilman Has: Yes
 Councilman Van Slyke: Yes
 Councilman Wohleber: Yes
 Supervisor Hammond: Yes

RESOLUTION#20-2020 – TO PROVIDE FOR A TWO PERCENT INCREASE IN THE RESIDENT WATER FEE. Resolved, that the Town Board of the Town of Poestenkill authorizes an increase in fees imposed by the Water Department from \$4.90 to \$5.00 per 1,000 gallons beginning January 1, 2021.

MOVED BY: Councilman Wohleber
SECONDED BY: Councilman Van Slyke

VOTED UPON AS FOLLOWS:

Councilwoman Butler: Yes
 Councilman Hass: Yes
 Councilman Van Slyke: Yes
 Councilman Wohleber: Yes
 Supervisor Hammond: Yes

RESOLUTION #21-2020 – DECLARING THE WEEK OF JANUARY 24-30, 2021 SCHOOL CHOICE WEEK IN THE TOWN OF POESTENKILL. Resolved, that the Poestenkill Town Board hereby recognizes January 24-30, 2021 as "School Choice Week in the Town of Poestenkill," and calls this observance to the attention of all citizens.

MOVED BY: Councilwoman Butler
SECONDED BY: Supervisor Hammond

VOTED UPON AS FOLLOWS:

Councilwoman Butler: Yes

Councilman Hass: Yes
 Councilman Van Slyke: Yes
 Councilman Wohlleber: Yes
 Supervisor Hammond: Yes

RESOLUTION#22-2020 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, TO HONOR BOB BRUNET ON THE OCCASION OF HIS 80th BIRTHDAY. Resolved, that the Town Board of the Town of Poestenkil pause in its deliberations to officially recognize Bob on the occasion of his 80th Birthday, thanking him for loyal service to the residents of Poestenkil, and wishing him many more happy and healthy years.

MOVED BY: Councilwoman Butler

SECONDED BY: Supervisor Hammond

VOTED UPON AS FOLLOWS:

Councilwoman Butler: Yes
 Councilman Hass: Yes
 Councilman Van Slyke: Yes
 Councilman Wohlleber: Yes
 Supervisor Hammond: Yes

RESOLUTION#23-2020 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, CREATING THE POESTENKILL AMBULANCE DISTRICT PURSUANT TO TOWN LAW ARTICLE 12-A, SUBJECT TO A REFERENDUM.

Resolved, that the Town Board's resolution of September 17, 2020 creation of the Poestenkil Ambulance District in compliance with Town Law article 12-A, be affirmed and ratified; and be it further

Resolved, that because of the COVID19 pandemic the Special Election pursuant to Town Law 91 and 94 be postponed until further action of the Town Board.

MOVED BY: Councilman Wohlleber

SECONDED BY: Councilman Van Slyke

VOTED UPON AS FOLLOWS:

Councilwoman Butler: Yes
 Councilman Hass: No
 Councilman Van Slyke: Yes
 Councilman Wohlleber: Yes
 Supervisor Hammond: Yes

2021 Animal Shelter Agreement – Motion by Councilman Wohlleber, seconded by Councilman Hass and carried to authorize Supervisor Hammond to sign the 2021 Animal Shelter Agreement with Mohawk Hudson Humane Society.

Assign the Delegate for the Association of Towns – Motion by Councilman Wohlleber, seconded by Councilman Hass and carried to designate J. Casey, Town Attorney to attend the Annual Business Session of the Association of Towns of the State of New York, to be held during Presidents' week, February 2021, virtually, and to cast the vote of the aforesaid town, pursuant to the Constitution and Bylaws of said Association.

Reports:

Supervisor’s Report- Supervisor Hammond stated all is running smoothly in the Town. It has been a very busy month with the Adoption of the 2021 Budget.

Town Attorney’s Report – Mr. Casey reported on the matters that he worked on since the last Town Board meeting which included working with the Planning/ZBA on the wood processing issue. He stated he was very busy with calls to the State and Board of Elections regarding the Special Election for the Ambulance District and preparing several Resolutions for this evenings meeting.

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 October 2020. The total amount received in the Clerk’s office was \$23,555.73 and of that amount \$20,829.70 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, Water Manager/811 report, Highway Dept. report. There was no DCO report this month. T. Chadwick, Highway Superintendent informed the Board that one of his Highway workers had a heart attack during work last week. He further stated, that from the time 911 was called it took Mohawk Ambulance 11 minutes to arrive and in route to Albany Medical. He also stated that our 1st responders were there within minutes and did an excellent job. T. Chadwick wanted it noted for the record that Mohawk Ambulance and our 1st responders did an excellent job during this crucial time.

Budget Transfers – RESOLUTION #24-2020 – IN THE MATTER OF THE TRANSFER OF CERTAIN GENERAL BUDGET FUNDS. Resolved, that it is hereby authorized and directed as follows: That the sum of \$269.32 from General Fund budget line item 11990.4 (Contingent 4) be transferred to General Fund Budget line item 13620.4 (Code Enforcer 4) in a sum of \$269.32 and a sum of \$338.46 to be transferred from General Fund budget line item 11990.4 (Contingent 4) transferred to General Fund budget line item 15010.4 (Supt. of Highway) in the sum of \$338.46.

MOVED BY: Councilman Hass
SECONDED BY: Councilman Wohlleber

VOTED UPON AS FOLLOWS:

Councilwoman Butler: Yes
Councilman Hass: Yes
Councilman Van Slyke: Yes
Councilman Wohlleber: Yes
Supervisor Hammond: Yes

RESOLUTION #25-2020 – IN THE MATTER OF THE TRANSFER OF CERTAIN WATER BUDGET FUNDS 2020. Resolved, that it is hereby authorized and directed as follows:

That the sum of \$935.00 be transferred from Water Budget fund line item 8310.14 (811 dig safely) to Water Budget fund line item 8310.11 (Assistant Water Manager).

MOVED BY: Councilman Hass
SECONDED BY: Councilwoman Butler

VOTED UPON AS FOLLOWS:


Councilwoman Butler:	Yes
Councilman Hass:	Yes
Councilman Van Slyke:	Yes
Councilman Wohlleber:	Yes
Supervisor Hammond:	Yes

Payment of Bills:

Motion by Hass, seconded by Wohlleber and an oral vote of 5 ayes to pay Warrant #21-2020 in the amount of \$114,696.57. Motion by Hass, seconded by Wohlleber and an oral vote of 5 ayes to pay Warrant #22-2020 in the amount of \$201,489.55.

Motion by Councilman Wohlleber, seconded by Councilman Hass and carried to enter into Executive Session at 8:30 p.m. to discuss a pending Town issue with no votes being taken. Motion by Councilman Hass, seconded by Councilman Wohlleber and carried to exit Executive Session at 8:53 p.m. and to immediately adjourn this meeting.

Respectfully submitted,



Susan Horton Town Clerk



Kevin Egan
Director of Government Affairs

December 5, 2020

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

This letter will serve as notice that on or around January 5, 2021, Spectrum Northeast, LLC (“Spectrum”), will launch AccuWeather HD on channel 198 on the SPP Expanded Basic HD/Standard HD tier on the channel line-up serving your community.

For a complete channel lineup, visit 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.

Sincerely,

Kevin Egan
Director, Government Affairs
Charter Communications



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

December 1, 2020, 7:00 pm
Poestenkill Town Hall

7:00 Meeting Opens – Pledge of Allegiance

Applicant:

<u>Joseph Hitchcock</u>	<u>Special Use Permit</u>
137.-1-23.12	160 Lynn Rd.
<u>Harold Van Slyke</u>	<u>2 Lot Minor Subdivision</u>
125.-7-8.2	606 Snyders Corners Rd.

Minutes of the November 4, 2020 Meeting:

Public Comments:

Old Business:

Organization:

1. Lot Line Adjustment proposal (Town Board)
2. Wood Processing
3. Memo to Town Board - appointments

Other:

Steve Valente	to attend December meetings
Don Heckelman	to attend January meetings
Harvey Teal	to attend February meetings



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PLANNING BOARD
December 1, 2020 Minutes
@ Poestenkill Town Hall

Attendees:

Tom Russell, Chairman
Jeffrey Briggs
Harvey Teal
Don Heckelman
William Daniel
Robert Dore
Steve Valente

Non-Voting:

Robert Ryan, Esq.
Lynn E. Kane, Clerk

Chairman Russell called the meeting to order at 7:15 pm with the Pledge of Allegiance and introduced the Members of the Board.

Applicants:

Joseph Hitchcock
137.-1-23.12

Special Use Permit
160 Lynn Rd.

Mr. Hitchcock and attorney Linda Mandel-Clemente appeared before the Board. Chairman Russell explained that with the Zoning Board's decision being that Mr. Hitchcock is ineligible for a Special Use Permit under the "Retail" listing for his wood processing business at 160 Lynn Road, the Planning Board can't rule on the application. Mr. Hitchcock has the option to submit an application for a different reason but the Board can't consider this application. Attorney Robert Ryan stated that the Zoning Board determined "retail" is ineligible. Attorney Mandel-Clemente asked "Is the official action means this application is denied?" Attorney Ryan stated there was no official action taken by Planning Board. Member Valente stated it was inappropriate to have the Applicant and his attorney appear in front of the Board when a letter could have been sent. There was some discussion on this thought. Chairman Russell also stated that an invoice for reimbursable expenses would be sent to Mr. Hitchcock for payment.

Resolution: Application voided

Harold Van Slyke2 Lot Minor Subdivision

125.-7-8.2

606 Snyders Corners Rd.

Applicant, Harold van Slyke, discussed with the Board his proposal to subdivide a portion of his land to give approximately 8.20 acres to his daughter. There was much discussion.

Member Teal made a motion to classify this project as a 2 Lot Minor Subdivision. Member Dore seconded the motion and was approved with seven (7) ayes, zero (0) nays and zero (0) abstentions.

Member Heckelman made a motion to schedule a Public Hearing for Tuesday, January 5, 2021. Member Teal seconded the motion and was approved with seven (7) ayes, zero (0) nays and zero (0) abstentions.

Resolution: Public Hearing scheduled for January 5, 2021.

Minutes: Meeting minutes of November 4, 2020 were reviewed. Motion to accept the Minutes with corrections was made by Member Teal, seconded by Member Briggs and approved by a vote of seven (7) ayes; zero (0) nays and zero (0) abstentions.

Public Comment Period:

Chairman Russell opened the Public Comment Period for items not appearing on the Agenda. There was none. Chairman Russell stated "There being no comments from the public, the Public Comment Period is closed."

Organizational:

Lot Line Adjustment proposal – There was discussion between Planning Board and Town Board Members. Clerk Kane directed to contact Town Attorney, Jack Casey, to remove the words "minor" and "one acre" from the Resolution he is preparing, which would amend Local Law #2 of 2013.

Wood Processing Proposed Law – Much discussion between Planning Board Members and attending Town Board members. Member Heckelman stated he feels strongly that any commercial operation should not be allowed in any residential zone without the issuance of a Special Use Permit. Member Valente disagreed saying "...wood is wood...". Member Daniel disagreed with Member Valente and stated commercial wood operations are all the items listed (in proposal drafted by Town Board Member Butler) and that all commercial operations should be treated equally and consistently. Member Valente argued that the businesses in Town are not the size of Georgia Pacific or Amazon. Member Daniel recounted his experiences from his earlier employment. Member Heckelman asked the group "What would be the downside of a Special Use Permit (SUP) designation for all commercial operations, in order to get feedback from neighbors?" Member Valente continued to disagree. Member Briggs discussed the NYS DEC requirements of where wood can be moved to, i.e. how many miles. Member Valente wants a more narrow definition put in place, possibly a third definition. Member Butler stated NYS law permits Forestry/Silviculture management in every zone. Resident Jennifer Wing stated there should not be any Special Use Permits granted in any

residential zones. She feels the Town lacks the ability to oversee situations like Hitchcock and so it continues, without any recourse. She further stated that the Town's main responsibly is to protect the residents and that if a commercial operation is being considered then there should established conditions, i.e. regular hours of operation, days when not allowed, attention to created noise and traffic. Member Heckelman stated the items she listed would be included in the review of a SUP application. Mrs. Wing also said she and her husband had submitted a petition signed by many of the neighbors directly affected by the Hitchcock operation, with numerous reasons listed like the traffic, noise, etc. that they were against this operation's continuing and she strongly felt that some people in this meeting would vote for it to continue regardless of the damage it is causing to the residents. Member Daniel read the Planning Board's rights to set conditions. Members Briggs, Heckelman and Daniel are in favor of the SUP process in Residential zones. Chairman Russell thanked everyone for their different thoughts and opinions.

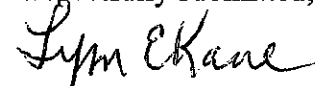
Organizational:

A motion to enter Executive Session at 8:45 pm to discuss a personnel matter was made by Member Daniel, was seconded by Member Briggs and was approved with seven (7) ayes, zero (0) nays and zero (0) abstentions. A motion to leave the Executive Session at 9:00 pm with no vote taken was made by Member Daniel, was seconded by Member Heckelman and was approved with seven (7) ayes, zero (0) nays and zero (0) abstentions.

Chairman Russell thanked Member Dore for his many years of commitment and support to the Planning Board and the Town's residents as Member Dore had completed his second term on the Planning Board. Many nice comments. Chairman Russell further stated there was a need for reappointments. He asked if anyone was interested in being named Chair, no comments. Motion by Member Briggs to name Tom Russell Chairman of the Planning Board. Motion was seconded by Member Daniel and was approved by a vote of six (6) ayes, zero (0) nays and one (1) abstention by Tom Russell. Clerk Kane directed to send memo to Town Board requesting this appointment. Motion made by Member Daniel to have Member Heckelman as Vice Chair of the Planning Board. Motion was seconded by Member Briggs and was approved by a vote of seven (7) ayes, zero (0) nays and zero (0) abstentions. Motion was made by Member Briggs to have Member Teal as Secretary of the Planning Board. Motion was seconded by Member Daniel and was approved by a vote of seven (7) ayes, zero (0) nays and zero (0) abstentions.

A motion to adjourn the meeting at 9:20 pm was made by Member Daniel, was seconded by Member Briggs and approved by a vote of seven (7) 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

MEMORANDUM

To: Poestenkill Town Board

From: Tom Russell, Chairmen
Planning Board

Re: 2021 Appointments

Date: December 10, 2020

The Planning Board requests that the Town Board appoint as follows:

1. Reappoint Tom Russell as Chairman of the Planning Board.

Lynn Kane

From: Lynn Kane <pzclerk@poestenkillny.com>
Sent: Thursday, December 10, 2020 12:13 PM
To: 'Jack Casey'
Cc: 'Tom Russell'; 'June Ross'
Subject: Lot Line Adjustment Resolution

Good afternoon Jack,

At last week's Planning Board meeting, the Board Member had a discussion with June Butler and Harold Van Slyke regarding the Resolution you are preparing to amend Local Law #2 of 2013 regarding Lot Line Adjustment. The Group requested you remove the word "minor" and the phrase "one acre" from the Resolution you are preparing.

Thank you and have a great day!

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

(518) 283-5100, ext. 112



Zoning Board of Appeals

TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210
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Zoning Board of Appeals December 8, 2020 @ 7 pm Town Hall

MEETING OPENS – PLEDGE OF ALLEGIANCE

Public Hearing:

Teresa Quell
136.-9-34.18

Area Variance
55 Chain Mountain Way

Approve Meeting Minutes of November 10, 2020.

Organizational:

Appointments

Other:

Susan Kalafut
Tim Hoffay
Paul Jamison

to attend December Meetings
to attend January Meetings
to attend February Meetings



TOWN OF POESTENKILL

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Zoning Board of Appeals

ZONING BOARD OF APPEALS December 8, 2020 Minutes Poestenkill Town Hall

Attendees:

Paul Jamison, Chairman
Kevin McGrath
Tim Hoffay
Nicole Heckelman
Susan Kalafut
Frank Burzesi, Alternate

Non-voting:

Lynn E. Kane, Secretary

Chairman Jamison called the meeting to order at 7:00 pm with the Pledge of Allegiance. Public Hearing for Teresa Quell on hold, waiting for her to arrive.

Meeting Minutes:

The Board reviewed the November 10, 2020 meeting minutes. Corrections as follows: 1st paragraph, 3rd line replace "...can..." with "...is..." and motion to adjourn was seconded by Member Kalafut. Motion to accept the minutes as revised made by Member Kalafut seconded by Member Heckelman and was approved with a vote of five (5) ayes, zero (0) nays and zero (0) abstentions.

Organizational:

Chairman Jamison stated it was time for re-appointments to the Board as follows:

Motion was made by Chairman Jamison to re-appoint Kevin McGrath to another five (5) year term as Board Member, from 1/1/2021 to 12/31/2025. Motion was seconded by Member Kalafut and was approved with a vote of five (5) ayes, zero (0) nays and zero (0) abstentions. Motion was made by Chairman Jamison to re-appoint Frank Burzesi to another one (1) year term as Alternate, from 1/1/2021 to 12/31/2021. Motion was seconded by Member Heckelman and was approved with a vote of five (5) ayes, zero (0) nays and zero (0) abstentions. Motion was made by Member Heckelman to re-appoint Paul Jamison to another one (1) year term as Chairman. Motion was seconded by Member McGrath and was approved with a vote of five (5) ayes, zero (0) nays and zero (0) abstentions. Clerk Kane was directed these requested re-appointments to the Town Board. Motion was made by Member McGrath to nominate Tim Hoffay as Vice Chairman. Motion was seconded by Member Heckelman was approved with a vote of five (5) ayes, zero (0) nays and zero (0) abstentions. Motion was made by Chairman Jamison to nominate Susan Kalafut as Secretary. Motion was seconded by Member McGrath was approved with a vote of five (5) ayes, zero (0) nays and zero (0) abstentions.

- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, Applicant wants garage next to house while it would enhance sale, not a necessity.

After considering all of the mandatory area variance factors, **Chairman Jamison** voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, a garage is compatible with the current neighborhood character and there is not anything built close by on the adjacent property.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No. A small reduction in the size of the Variance is perhaps possible but the request is reasonable.
- 3) *Whether the requested variance is substantial.* – Yes. 75% of the required distance is substantial.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No. There will be no change to the environment based on this Variance.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, this is a desired, not a required addition to the property.

After considering all of the mandatory area variance factors, **Member Heckelman** voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No. House is situated on clear lot surrounded by woods. No undesirable changes to landscape.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No. She would like as much space as possible for her garage and still be able to get behind the house and make it look presentable.
- 3) *Whether the requested variance is substantial.* – Yes. She would like the house to look presentable if she were to ever sell the property.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No. She lives in a wooded area, no other houses around her.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes. Purchased house from family, wants garage but does not need garage.

After considering all of the mandatory area variance factors, **Board Member Hoffay** voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, property is isolated well, variance is for residential garage.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No. Desired location is reasonable and most practical.
- 3) *Whether the requested variance is substantial.* – Yes, 5' where 20' is required.



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Zoning Board of Appeals

MEMORANDUM

To: Poestenkill Town Board

From: Paul Jamison, Chairman
Zoning Board of Appeals

Re: 2021 ZBA Appointments

Date: December 10, 2020

At the December 8th ZBA meeting, it was requested that the Town Board appoint:

1. Paul Jamison as Chairman of the Board;
2. Kevin McGrath to another five (5) year term 1/1/2021 to 12/31/25
3. Frank Burzesi as Alternate from 1/1/21 to 12/31/21.

1:04 PM
12/04/20
Accrual Basis

Poestenkill Fire Company
Custom Summary Report
November 2020

	<u>Nov 20</u>
Expense	
Bank Service	131.25
Building Fuel (heating)	
Main Station (Propanel)	575.78
Building Fuel (heating) - Other	361.04
Total Building Fuel (heating)	<u>936.82</u>
Building Maintance	
Main Station	1,389.82
Refuse	71.55
Total Building Maintance	<u>1,461.37</u>
Electric	
East Poestenkill	22.70
Main Station	21.02
Total Electric	<u>43.72</u>
Equipment	
New Equipment	1,911.57
Repair & Maintance	3,416.42
Total Equipment	<u>5,327.99</u>
Fire Trucks	
Fuel	222.09
Total Fire Trucks	<u>222.09</u>
Internet & Phone	113.01
Medical Supplies	31.66
Porfessional Services	1,000.00
Security Alarm	65.00
Solar	294.09
Telephone	
East Poestenkill	44.27
Main Station	58.28
Total Telephone	<u>102.55</u>
Total Expense	<u>9,729.55</u>
Net Income	<u><u>-9,729.55</u></u>

WOOD OPERATIONS PRIVATE

Conducted entirely on a parcel

Carried on by the owners thereof

Is clearly incidental and secondary to the use of the property for residential purposes

Does not change the character of the neighborhood

Does not have any evidence of such secondary use except for a single sign as allowed

Places materials no closer to the abutting parcels than allowed in the District Schedule of Area and Bulk Regulations for accessory structures

In the event the Planning Board is of the opinion that the primary purpose and intent of the activity on the parcel is to develop a commercial enterprise in circumvention of the otherwise applicable definitions, the application to treat such action as commercial wood processing requiring a special use permit is at the discretion of the Planning Board.

WOOD OPERATIONS COMMERCIAL

Uses a building or space in which is conducted the main or principal use of the lot on which said building is located.

The activity shall occupy no greater percentage of the parcel than that specified in the special use permit issued by the Planning Board

Any growth in size beyond that specified by the Planning Board in the special use permit will require a new application for the greater size

A single sign is allowed and must conform to the code

Except for articles produced on the premises, no stock-in-trade shall be displayed or sold on the premises

Materials and equipment are placed no closer to the abutting parcels than allowed in the District Schedule of Area and Bulk Regulations for primary structures

There shall be permitted no sharing, letting or subletting of space for use by others

Sufficient off- street parking shall be provided as required within 150-19 of this chapter

The Planning Board may also impose the following conditions on a wood operations as deemed necessary:

The character and appearance of the proposed use, building, structures and /or outdoor signs shall be in general harmony with the character and appearance of the surrounding neighborhood

Shall not be more objectional to nearby properties by reasons of noise, fumes, vibration or lights than would be the operations of any permitted principal use

Screening may be required

Set hours of operation

The location, nature and height of the buildings, walls and fences, and the nature and intensity of intended operations will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof

All proposed buildings, structures, equipment and /or material shall be readily accessible for fire and police protection

DEFINITIONS

The following could be added to the appropriate Land Use Regulations

Charcoaling: the process of converting logs or firewood into charcoal by controlled heating.

Forestry or Silviculture: management of forested lands and wood lots following a management plan, including logging, log yards, tree planting and coppicing. Includes regular harvesting of wood.

Private Wood Operations: includes mobile sawmills, shavings grinders, chainsaw carving, firewood processing and similar processing of logs into a finished product or commodity that is used by the owner or proprietor and may or may not be offered for sale.

Commercial Wood Operations: includes mobile sawmills, shavings grinders, chainsaw carving, firewood processing and similar processing of logs into a finished product or commodity and is offered for sale. The primary use of a parcel is for a commercial enterprise. It does not require the presence of a residence, and if a residence is present, that residence is an incidental and secondary use of the parcel. Additionally, any significant importation of raw materials constitutes a commercial operation.

The following text shall be added to the appropriate section of the Schedule of Fees

Permit Description	Type
Private Wood Operations	II
Commercial Wood Operations	III
Charcoaling	I

Existing Commercial Wood Operations

The Town of Poestenkill recognizes the tradition of wood operations and forestry in the Rensselaer Plateau section of the town, and also recognizes that several wood operations have been in operation in violation of the Land Use Regulations. Those in existence in the RRA and RR2 zones prior to the enactment of the Wood Operations Law are to be grandfathered in. Wood Operations that are created after said law, will require a special use permit. Fees will be waived in zones that require a special use permit for private and commercial operations that were in existence prior to the enactment of this law.

	R	RA	RR-1	RR-2	H	CLI	NP	PD
Forestry or Silviculture	P	P	P	P	P	P	P	P
Charcoaling		P		P				
Private Wood Operations	SP	P	P	P		P		
Commercial Wood Operations	SP*	SP*	SP*	SP*		SP*		

2020

Town of Poestenkill

Court Audit

Index

Overview of operations	1
Audit Program	2
Audit Exceptions	3
Accountability	4
Audit Recommendations	5

On December 2, 2020, I Michelle Asquith performed an audit of the Town's Justices accounts. The Justice Office maintains a duplicate system of records. One is maintained on computer and a hand system with a cash receipt book and hand prepared duplicate receipts. The court clerk, Felicia Dickinson provided us with all 2020 duplicate receipts, copies of monthly reports from the computer for both justices to the New York State Justice court system, and bank statements.

The audit consisted of tracing from the duplicate receipts to the manually maintained cash receipt book and then to the monthly report for Justice Slavin for the months of January, February, and October 2020 and for Justice Kronau the months of March, April and October 2020. We also traced from the computerized receipt report to the bank statements.

An accountability report for the month of March and April for Justice Kronau was developed that indicated Gregory Kronau had overage of \$400.00. An accountability report for the month of January and February for Justice Slavin was developed that indicated Thomas Slavin had no overage/Shortage.

I like to note that all bail monies have been cleared for Judge Gregory Kronau and Judge Thomas Slavin.

Submitted on December 17, 2020 by Michelle Asquith

Audit Program

During the Month of December 2020

Michelle Asquith performed the following audit procedures on the books of Felicia Dickson, the Town of Poestenkill Court Clerk.

1. Traced all duplicate receipts to the cash receipt book and monthly reports for the following months.
Justice Slavin January, February and October
Justice Kronau March, April and October
2. Footed monthly reports for the months and traced to the cash receipt book.
3. Traced from the cash receipt report to the bank statement.
4. Prepared accountability statements for both Justices.

Audit Exceptions

* Had two concerns and both were answered to my satisfaction.

1. Receipts that appeared to be missing were in the prior receipt book.
2. Over for the Judge Kronau monies will be sent to unclaimed funds in December.

Accountability for Judge Kronau

Cash Book Balance as of 03/31/2020

Total Due CFO or State Comptroller	2017.00
Bail for Pending Cases	0.00
Total Cash Book Balances*	2017.00

Bank Reconciliation at March 31,2020

Bank balance at end of month	2417.00
add-Cash on Hand Deposited	0
Adjusted Bank Balances*	2417.00

Cash Book Balance as of 04/30/20

Total due CFO or State Comptroller	0.00
Bail for Pending Cases	0.00
Total Cash Book Balance*	0.00

Bank Reconciliation at April

30,2020

Bank Beginning Balance	2417.00
Add Cash on hand deposit	
Credit card transactions posted on	
Subtotal	2417.00
Deduct-Outstanding checks	-2017.00
Check # 2021	
Total Outstanding checks	-2017.00
Adjusted Bank Balance*	400.00
Cash overage	400.00

*These amounts should agree

Accountability for Judge Slavin

Cash Book Balance as of 01/31/2020

Total Due CFO or State Comptroller	1243.00
Bail for Pending Cases	0.00
Total Cash Book Balances*	1243.00

Bank Reconciliation at January 31,2020

Bank balance at end of month	1243.00
add-Cash on Hand Deposited	0
Adjusted Bank Balances*	1243.00

Cash Book Balance as of 02/30/20

Total due CFO or State Comptroller	463.00
Bail for Pending Cases	0
Total Cash Book Balance*	463.00

Bank Reconciliation at February 30,2020

Bank Beginning Balance	1243.00
Add Cash on hand deposit02/24-02/25	388.00
Credit card transactions posted on 02/26	75.00
Subtotal	1706.00
Deduct-Outstanding checks	-1243.00
Check # 1020	
Total Outstanding checks	-1243.00
Adjusted Bank Balance*	463.00
Cash overage/shortage	0

*These amounts should agree

Audit Recommendations

1. Start new receipt book at the end of the year.

At a duly convened meeting of the Town Board of the Town of Poestenkill in the County of Rensselaer conducted at the Poestenkill Town Hall at 7:00 P.M. on December 17, 2020.

RESOLUTION NO. __ OF THE YEAR 2020:

IN THE MATTER OF THE TOWN BOARD OF THE TOWN OF POESTENKILL ACKNOWLEDGING THE CONDUCT AND COMPLETION OF AN AUDIT OF THE TOWN JUSTICE COURT FINANCIAL RECORDS FOR THE CALENDAR YEAR 2020 AND AUTHORIZING THE TRANSMITTAL THEREOF TO THE NEW YORK STATE OFFICE OF COURT ADMINISTRATION (OCA)

WHEREAS, New York State towns and villages are required to conduct an annual audit and review of the justice court records of the municipality as such records are presented by the local court justices in accordance with §2019-a of the Uniform Justice Court Act; and

WHEREAS, as evidenced by her written report dated and submitted to the Poestenkill Town Board on December 2, 2020, and submitted on December 17, 2020 Poestenkill bookkeeper Michelle Asquith on behalf of the Poestenkill Town Board conducted such an audit of the Poestenkill Town Justice Court financial records for the calendar year 2020; and

WHEREAS, said audit report has been received and the findings contained therein have been reviewed by the Poestenkill Town Board and, while certain minor discrepancies were noted in the report, no major issues have been found to exist;

NOW, LET IT THEREFORE BE RESOLVED, that the Town Board of the Town of Poestenkill hereby approves and adopts said audit report for the calendar year 2020; and it is further

RESOLVED, that a copy of said audit report for the calendar year 2020 be submitted to the New York State Office of Court Administration (OCA) for review by OCA's Office of Internal Affairs for recurring findings and other matters that might identify problems requiring further audit or remedial actions, with the results of such review to be integrated into the applicable risk assessment process.

MOVED BY: Councilman Hass

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

SECONDED BY: Councilman Wohlleber

VOTED UPON AS FOLLOWS:

Councilwoman June Butler: Yes ___ No ___

Councilman David Hass: Yes ___ No ___

Councilman Harold Van Slyke: Yes ___ No ___

Councilman Eric Wohlleber: Yes ___ No ___

Supervisor Keith Hammond: Yes ___ No ___

MEMO: Poestenkill Town Board

FROM: Jack Casey, Town Attorney

DATE: December 15, 2020

RE: Special election, referendum for Ambulance District

I attach a proposed resolution to schedule the Special Election for the referendum concerning the creation of an Ambulance District. You will recall that we tabled this at the last meeting, and apparently you wish to consider it Thursday night, and if in agreement, schedule the Special Election.

I have provided a few answers to questions you might have. As you can see, the resolution sets out the time, place and hours for the polling, as well as a statement of the issue to be voted on. Questions that have arisen concern qualifications of persons wishing to vote, and absentee/military ballots.

Town Law, §209-e (3) provides: The proposition submitted must be approved by the affirmative vote of a majority of the owners of taxable real property situate in the proposed district or proposed extended district as shown upon the latest completed assessment-roll of the town, voting on such proposition.

Town Law sect. 84 allows the Town Board to choose between two manners of qualifying voters. The easier is to use the assessment roll to assure voters do own realty in the proposed district. The other is to require personal registration, which is burdensome on the Town Clerk and the Town Attorney, the hiring of poll inspectors and a special day for prospective voters to register. This is option is not a requirement.

The Courts have ruled: "Personal registration is not mandated for town elections. Subdivision 2 of section 84 of Town Law provides that the town board may use personal registration of voters for a town election -- clearly permissive language. There is no requirement that a town elector be registered or enrolled to vote in a town election on a bond resolution." (23 Opns St Comp, 1967, p 608.) *Ecker v Town of W. Seneca*, 87 Misc 2d 322, 325 [Sup Ct 1976]

The absentee ballot procedure is immensely complicated and far beyond our capacity, I think, to run legally or effective. If we don't have personal registration, no absentee or military ballots are permitted. Absentee ballots shall be provided for

all special town elections for which personal registration is required. Town Law § 84-a (1), however the town board may not provide for absentee ballots unless personal registration has been required. (Op. Atty. Gen. (I) No. 83-6).

I would recommend we choose the simplest way to take the vote, comparing voters with the assessment roll in order to determine who can vote. A simple ballot with an AYE or NAY would be sufficient. The question is in the proposed resolution.

At a duly convened meeting of the Town Board of the
Town of Poestenkill in the County of Rensselaer
conducted at Town Hall at 7:00 P.M. on December
17, 2020

RESOLUTION NO. __ OF THE YEAR 2020:

**RESOLUTION OF THE TOWN BOARD OF
THE TOWN OF POESTENKILL, NEW YORK,
CALLING FOR A SPECIAL ELECTION TO
CONDUCT A REFERENDUM OF THE
PROPERTY OWNERS OF THE TOWN OF
POESTENKILL TO DETERMINE IF A
MAJORITY SUPPORTS THE
ESTABLISHMENT OF AN AMBULANCE
DISTRICT PURSUANT TO TOWN LAW
ARTICLE 12-A**

WHEREAS, on September 17, 2020 the Poestenkill Town Board, following a duly posted public hearing at which all members of the public were given an opportunity to be heard, passed a resolution to create the Poestenkill Ambulance District pursuant to Town Law article 12-A, subject to a referendum under Town Law 94; and

WHEREAS, the Town Clerk caused a certified copy thereof to be filed in the office of the state department of audit and control at Albany, New York pursuant to Town Law 209-g; and

WHEREAS, the requisite map, plan and report (MPR) was filed August 13, 2020 in the office of the Town Clerk, and was made available for public inspection at that location; and

WHEREAS, said map, plan and report proposes the establishment of a single town-wide ambulance district, including any preliminary costs and costs incidental to such establishment (collectively, the "Project"); and

WHEREAS, the proposed District boundaries are the same as the Town boundaries; and

WHEREAS, there are no construction costs associated with the project; and

WHEREAS, the costs of operating the District will be accounted on an annual basis, and the costs will be assessed on an *ad valorem* basis to all properties located within the District, except as otherwise provided by law; and

WHEREAS, operating costs will be paid by the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the

same time as other town charges, except as otherwise provided by law; and

WHEREAS, the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed District (which is a single family home with an assessed value of \$225,000) during the first year will be approximately \$85.18; and

WHEREAS, a special Town of Poestenkill election needs to be held pursuant to Town Law 209-e and Town Law 94 in order to fulfill the referendum requirement of the resolution; and

WHEREAS, at the November 19, 2020 Town Board meeting the Board determined that the COVID-19 pandemic's interference with gatherings of every kind and would increase the exposure of voters at the special election, and could suppress the vote of persons not willing to risk exposure; and

WHEREAS, the recent approvals of vaccines by the CDC and the FDA show hopeful signs that the COVID-19 pandemic may abate in the next few months; and

WHEREAS, Town Law 209-e (3) limits voting rights for a special district to those persons and corporation who own real property in the district; and

WHEREAS, the Town Board wishes to expedite the Special Electin to determine whether a majority of property owners approve of the Ambulance District;

NOW, THEREFORE, BE IT RESOLVED and the Board hereby determines:

1. That the notice of public hearing was duly published and posted as required by law and is otherwise sufficient.
2. That all properties and property owners benefited are included in the District.
3. That all properties and property owners included in the District are benefited thereby.
4. That it is in the public interest to establish the District.
5. That in the opinion of the Board, none of the properties included in the District will be unduly burdened by the creation of the District; and be it further

RESOLVED, that the Town Board's resolution of September 17, 2020 creation of the Poestenkill Ambulance District in compliance with Town Law article 12-A, which was affirmed, ratified and tabled on November 19, 2020; be it further

RESOLVED, that the resolution be removed from the table and is in now before the Town Board for purposes of scheduling a Special Election and identifying the question to be voted upon; and be it further

RESOLVED, that pursuant to Town Law 82, the Special Election shall be held Tuesday, March 30, 2021 from Noon-8pm at the Sullivan-Jones VFW at 25 Veterans St. Poestenkill, NY 12140; and be it further

RESOLVED, that the Town Clerk shall publish a notice of a special town election in the Troy Record with the first publication of such notice shall be at least ten days prior to the time of such special election; and be it further

RESOLVED, that the Town Clerk post a copy of such notice on the town clerk's signboard at least ten days prior to such election; and be it further resolved that the Form of the Proposition be as follows:

Form of Proposition

Shall the qualified electors of the Town of Poestenkill, in the County of Rensselaer approve the resolution adopted by the Town Board of such Town on the 17th day of September, 2020, which resolution establishes the Poestenkill Ambulance District in conformity with Town Law article 12-A; and be it further

RESOLVED, that the election be conducted according to Town Law 83 and upon the closing of the polls the election inspectors shall proceed to canvass the votes thereat and shall complete such canvass without adjournment. As soon as possible after completion the inspectors shall file with the town clerk a certificate setting forth the holding of the election, the total number of votes cast upon the proposition, and the number of votes cast for and against the proposition, together with the name and address of every person voting at such election upon such proposition.

DATED: December 17, 2020

MOVED BY: _____

SECONDED BY: _____

VOTED UPON AS FOLLOWS:

Councilwoman June Butler: Yes _____

Councilman David Hass: Yes _____

Councilman Harold Van Slyke: Yes _____

Councilman Eric Wohlleber: Yes _____

Supervisor Keith Hammond Yes _____

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

TOWN CLERK'S MONTHLY REPORT

Town of Poestenkill, New York

November 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:	\$ 50.52
	Marriage License @ \$ 7.50	\$
	Marriage Certificate @ \$10.00	\$
A1255	Total Town Clerk Fees	\$ 50.52
A-1090	Penalties/Interest	\$
A1289	Registrar	\$ 50.00
A2655	Minor Sales – Copies (certified copy) –	\$ 30.00
A2544	Local Fee for Dogs –	55.00
A2115	Planning Board Fees - \$ 330.28	ZBA Fees - \$
A2555	Building Permits	\$ 1103.92
A-	Junkyard License	\$
2110	Water Benefit Charge	\$
A2720	Water Meter Fee - \$1100.00	
A2240	Misc. Water Charges -	
A2710	Water Permit Fee - \$ 120.00	
1001	Water Billing - \$3369.24	
	TOTAL WATER CHARGES	\$4589.24
	REVENUE TO SUPERVISOR	\$6208.96
	Amount paid to State Comptroller for Games of Chance License	\$
	Amount paid to DEC for Conservation Licenses	\$865.48
	Amount paid to AG & Markets for fee for unsprayed/unneutered Dog program	\$ 13.00
	Amount paid to State Health Dept. for Marriage Licenses	\$
	TOTAL DISBURSED	\$ 878.48
	Keith Hammond, Town Supervisor	\$
	TOTAL AMOUNT RECEIVED BY CLERK	\$7,087.44
<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 September. Fees the application and payment of which are otherwise provided by law subscribed and sworn to before me this 7th day of November 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 November 2020

Exemption renewal applications for Aged-Senior Citizen, Disability, Agriculture, and Clergy were prepared and mailed to property owners. We are encouraging residents to return their forms and documentation by mail. However, we will meet with residents by appointment only if necessary.

The County requested that we research parcels containing residential percentages to ensure that the percentages on file are still accurate. Residential percentages impact residential parcels that have a multiple residence classification or that contain a business.

The Assessor's Office continues to receive new deeds from the County as well as split/merger documents for processing. All other functions including the processing of building permits, responding to resident inquiries, and updating the Real Property System, continue as normal.

The Board of Assessment Review vacancy was filled by Matthew Guilbault per the 11/19/2020 Town Board Meeting Resolution #19-2020.

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 / 811 Operations *RLB*

Date: DECEMBER 11, 2020

RE: Monthly Activities (November - December)

OVERVIEW:

In both the Water and the 811 disciplines all our requirements were met or exceeded during this period without any major problem. However, there are two potentially significant problems “on the horizon” which will affect the Town of Poestenkill in 2021. The status of these two problems “NEW PFOA and PFAS MCL REQUIREMENTS” and the “PROPOSED NEW LEAD RESPONSIBILITIES” ARE DISCUSSED BELOW.

PROBLEM #1- UPDATE ON IMPENDING NEW YORK STATE MAXIMUM CONTAMINANT LEVELS FOR PFOAs & PFASs:

The Department of Health's Public Health Planning Council approved the proposed MCLs (maximum contamination levels) which were then published in the State Register and became effective on August 26, 2020.

Governor Cuomo signed a statewide bill on 11/23/20 banning incineration of PFAS-laden firefighting foam. This was in response to the Norlite situation.

I attended the latest PFAS training session offered by the AWWA on December 3rd and this training confirmed details which I have presented to you in past reports.

These new standards are much more stringent than in the past, being only 1% of the older standard (10 parts per trillion versus 1,000 ppt). This level of MCLs is the lowest level in the USA and is significantly lower than the EPA standard of 72 ppt. As I have stated, I expect that our past test results will position us well to handle this issue and in my opinion we will not have any (or minimum) impact on our budget, but we must continue to pay close attention to the issue. I do not anticipate that we will violate the new standards, but I am concerned for the cost of NYSDOH imposed testing to verify our situation. This testing is very expensive and will negatively impact our 2021 budget. The training which I attended on 12/3 at Balston Spa sponsored by the Cornell Cooperative Extension training helped position us for minimal budgetary impact of this new MCL requirement. I have attached a copy of a brief summary on the subject in the current issue of "Talk Of The TOWNS & TOPICS".

Additionally, in the 12/4 edition of the Albany Times Union-Public Health Section, entitled **PFAS banned in food packaging**, it stated "---ban toxic PFAS compounds found from food packaging commonly found in items from pizza boxes to milk cartons and pastry bags, and used in wrappings for meat and fish received the governor's signature Thursday ---With the passage of the bill, New York joins Maine and Washington in banning PFAS from food containers".

Furthermore, in the 12/8 edition of the Albany Times Union-TOP OF THE NEWS, EMPIRE STATE section it stated ---"Phasing out PFAS ---National Defense Bill would curb the use of toxic pollutants like PFAS". This is a subject of daily media and government coverage and will not "go away". The next phase will be responsibility to clean up contaminated areas.

GOOD NEWS FOR POESTENKILL !!!!!!!! I talked to Rich Elder (RCDOH Director-Water) on December 4th regarding Poestenkill's forward-going PFAS and PFOS responsibilities and the financial burdens which could be imposed upon us, pending the RCDOH position on Poestenkill. Richie told me that based upon our past testing history and upon our daily operations, that Poestenkill **WILL NOT BE REQUIRED TO TEST FOR PFOAs, PFOSs, OR 1,4-dioxane at this time (likely for at least a year). This will save the Town a minimum of \$1250 per month of testing fees, beginning in January 2021.**

PROBLEM #2- UPDATE ON IMPENDING FEDERAL AND NEW YORK STATE MAXIMUM CONTAMINANT LEVELS FOR LEAD AND THE TOWN'S RESPONSIBILITY INTERNAL TO THE RESIDENTS' HOMES:

MY MOST SIGNIFICANT CONTAMINANT CONCERN FOR THE NEXT TWO YEARS IS THE NEW PENDING LEGISLATIVE REQUIREMENT FOR LEAD TESTING INSIDE RESIDENTS' HOMES AND THE TOWN'S RESPONSIBILITY TO REPLACE OLD PLUMBING, AT THE TOWN'S EXPENSE. IF THIS COMES TO PASS (AND I THINK THAT IT COULD) THE TOWN COULD BE TOLD TO REPLACE (AT THE TOWN'S EXPENSE) THE EXISTING PLUMBING INSIDE A RESIDENT'S HOME. THIS

IS ENTIRELY DIFFERENT THAN THE PAST REQUIREMENTS WHERE WE WERE ONLY RESPONSIBLE FOR OUR MUNICIPAL WATER SYSTEM UP TO THE CURBSTOP! THIS IS A VERY POLITICAL ISSUE AND THE TOWN SHOULD PAY CLOSE ATTENTION TO THE CHANGES BEING PROPOSED. I WILL BE ATTENDING A TRAINING SESSION ON MARCH 10, 2021 AND WILL KEEP YOU INFORMED.

WATER REPORT:

From an overall viewpoint everything is going quite well. Looking ahead I continue to stress that, in my opinion and other than maintaining the safe quality of our water, the single most difficult and necessary challenge we have in 2021 is finding and repairing the leaks in our system. Our system component design makeup is a deterrent to finding leaks, relying on equipment dependent upon acoustics or metallics. We have a mixture of DIP (ductile iron pipe), PVC or HDPE (plastics), and Copper in our system; this mixture of materials makes leak locating very challenging. As a matter of fact the NYLD (New York Leak Detection) company wrote comments confirming this situation when we discussed further leak locating efforts. We are also working with other industry experts and are exploring other cost effective alternatives to purchasing. **I calculate that if we can find and repair an estimated 4 to 6 leaks in our system we can conservatively save approximately \$ 33,000 annually of budget expenses. This is why we have been and continue to be so motivated on our leak detection efforts!**

TRAINING:

On Thursday, December 3rd I attended the AWWA sponsored Cornell Cooperative Extension training on Disinfection and the CT concept (the morning session) and PFAS, PFOS, and LEAD (the afternoon session). In addition to these two subjects being critical to our ongoing operations, I received CEU hours for both my **Grade C Water Operators License renewal and for my NYS Professional License renewal.**

On Tuesday, November 17th I attended the WWD sponsored training webinar **“Atmospheric Water”**. This presentation was extremely informative and they demonstrated a self contained unit which uses solar power to provide power to a truck mounted unit which provides drinking water in Africa. These units are in operation all over the world, even in very dry environments. I asked them, “on the average what is the cost to produce 1,000 gallons of water”. The answer was \$200 to \$300 per 1,000 gallons. This is compared to our charge of \$4.90 per 1,000 gallons!! It reminds us that sometimes we take our water availability for granted.

During this reporting period I also participated in other free on-line webinar training sessions as well (12/8 and 12/9, **DEC training in Managing Stormwater and Wastewater**, and **Confinement & Porous Pavement Systems**). I am also scheduled for the **EPA Lead Renovator Recertification training on 12/22**, sponsored by the **Cornell Cooperative Extension**. I also participated in the **12/10 free EPA Webinar**

(“HAZARD MITIGATION”) designed for “Water Utilities”. Again, I received CEU training hours for each of these programs for the renewal of my **Grade C Water Operators License, for my Code Enforcement license, my Lead Renovator Certification, and for my NYS Professional Engineering License.**

QUARTERLY RESIDENT METER READINGS:

On 12/9/20 we took the quarterly meter readings of the residents' water consumption and Sue Horton prepared and sent out the bills for payment. Since this is the first time we have taken these readings which included the new vintage of meters installed, I am delighted to report that the entire process went very well.

RESIDENT ISSUES AND REQUESTS THIS PERIOD:

We handled a number of customer “excessive water usage” problems and the associated billing issues; Most issues were positively resolved, and most of the residents paid their outstanding bills, with certain exceptions which we are “working” on.

I also want to mention that, as a result of our analysis of our quarterly billing report for each of our residents' quarterly water consumption we frequently identify excessive water usage on a resident line, thereby indicating a water leak at the resident's premises. Our detailed analysis capability has been very successful in alerting residents to toilet leaks and other leakages in their homes.

We have also been working with other Town organizations regarding other potential Town Code violations and other issues involving the EPA, FEMA, DEC, the Army Corp of Engineers, and the various Town Boards. Some specific items are the SWPPP (Stormwater Pollution Prevention Plan), the Stormwater Management Design Manual requirements and important related issues, Keyhole Lots – Setback requirements, Drainage District Law (111), Water district Law (220), Lot Line Adjustment issues, Subdivision issues, Local Law updating, and other special situations. Also worked with the FEMA representative from Washington on updating Poestenkill Flood Zone information. Importantly, we also keep in close contact with adjacent towns' water operations to stay on top of upcoming potential problems which could affect Poestenkill.

STATUS OF SPECIFIC ROUTINE WATER OPERATIONAL FUNCTIONS:

We are working with a number of contractors regarding new water service line installation requirements. These work functions include permit issuance, discussing our technical equipment requirements with the contractor, providing the necessary equipment to the owner, and performing the required inspections at each location to insure proper excavation depth, proper “rough” underground plumbing, the required 15 minute 100 psi

static water pressure test, 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.

We have also, during this period, performed the same functions (as stated above for contractors) for five of our residents who were planning to perform the water service line installations themselves (11 Weatherwax, 70 Weatherwax, 849 RT.351, 15 Pine bowl Road, and Blue Heron Way). Over time we have helped many residents who have performed their own installations, and this has saved them many dollars and we have not had any difficulty with the installations, the most recent completions being 11 Weatherwax Road and 70 Weatherwax Road.

We recently completed five new water installations to residents' homes this period and are currently working on seven others which are "in-progress".

We performed the periodic inspections of our water tank on Hinkle Road, both the tank and the exterior area; all is well.

We have mentioned pump station "cycling" in past reports. Due to recent non-standard cycling patterns, we spent considerable time and efforts this period working on this operation. Recently, we again completed our periodic "pump cycling tests" and routine maintenance work (pumps on and off, and also transferring operations from pump #1 to pump #2, etc.). I am pleased to report that our overall system is presently working well and that the proper "cycling" of our two main pumps is also performing very well, as is the Tigerflow computer control system. Unconnected with our earlier comments regarding the type of chemical pump used, this function is entirely controlled by the Tigerflow computer and is necessary with any type of pump used. This is an ongoing maintenance effort.

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

Performed daily (24/7 - both physically and remotely) overall inspections of the Pump Station to ensure operational performance. I periodically remotely (via phone) call the ACU at the pump station to monitor the station's performance. Our "**PREVENTIVE MAINTENANCE**" controls are much more desirable than having to repair the problem after it has caused a service interruption.

Documented the periodic high and low meter readings at the underground metering vault 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. This period we received, verified, and recommended payment of the current billing which we received.

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 the labs (with a copy automatically sent to the RCDOH) and all were satisfactory.

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 computer programs newly introduced in 2020. Until recently, we have been using our older inventory of meters. Now we are using the new meters and I should mention, FYI, that the new meters require a different “initial “set up” procedure by us prior to being placed in service. This includes “magnetizing” the antenna module, verifying the unit’s internal wiring (using the new hand held Mueller Mi. Net unit), and taking an initial reading.

As a preventive measure we periodically tested the LMI automatic 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 to insure proper system component operation. All tests were OK.

Performed required NYSDOH functions for our system; for example, take daily (7 days per week) water pumping volume data at the Pump Station, 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 7 days per week 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 Laboratory test results report.

We took the required NYSDOH and RCDOH monthly test samples for Coliform at Town for November and December. We also took the required quarterly THM (Trihalomethanes) and HAA5 (Haloacetic Acid) tests at Town Hall and at the Poestenkill Fire Company on December 2nd. We then completed the “chain of custody” paperwork, and then delivered the test samples, on ice, to the laboratory for testing. These quarterly tests are the most critical of the year because they are averaged with our other quarterly test results to provide the final yearly results for our **Annual Water Quality Report** which will be prepared and published in March 2021. **All test results were satisfactory.**

Cleaned various Valve Piping components at the Pump Station; this is an area requiring continuous routine maintenance and is critical to the proper chlorination process. The chlorination process, by its very nature, causes solidified calcium blockages in the lines and at discontinuity points in the system which must be periodically cleared, usually with CLR. There are many potential trouble spots in the system which, when partially clogged, will reduce the LMI pump output efficiency and will affect the daily Chlorine Residual test results taken by us and submitted monthly to the RCDOH and NYSDOH.

While the weather is still cooperative, we are continuing to locate, wire brush and

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

We picked up 20 gallons of 12.5% sodium hypochlorite from Agway for daily use at the pump station in the chlorination process.

Performed miscellaneous maintenance functions at Town Hall such as mounting the mail drop box, bulb replacements, switch and fixture repair, etc.

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 controls, 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 Tigerflow computer is extremely "sensitive" and requires continual attention—we monitor it daily (7 days per week) and periodically remotely access the computer to insure proper operation. I also want to inform you that if there is a problem at the pump station (low suction pressure alarms, power alarm, improper LMI system operation, loss of main pump efficiency, etc.) that we have programmed the Tigerflow computer to call me on my cell (24/7). Since I can be at the pump station from home in a matter of minutes this alarm system has helped us many times, particularly when Brunswick or Troy has a water main break (low suction incoming pressure alarm). As a matter of fact, in the last Brunswick water main break I was notified by the Tigerflow computer at 11:45 pm and immediately called Bill Bradley (Brunswick Water Superintendent) to notify him. He told me that he had just, moments before, gotten a call from his people notifying him of the problem. I immediately turned off our pumps thereby isolating us from the Brunswick water supply to protect our residents (we can operate for up to four days using water from our 410,000 gallon tank on Hinkle Road). This is one example of our operational procedures and how they can protect our residents' water supply. Our residents were not even aware of the Brunswick situation and the impact it could have had on us.

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 presently functioning well and are ready, should we need them. One item which we are considering is the modification of the 5KW generator from gas to propane. This conversation is inexpensive and may well provide operational improvements, particularly during winter months.

Prepared and submitted required NYSDOH Monthly 360 Report and Labs reports to the RCDOH. **All our Town tests and the Laboratory test results for the month were satisfactory.**

811 REPORT:

From an overall viewpoint everything continues to go quite well. All 811 Dig Safe daily requests (tickets) were received and responded to appropriately and in a timely fashion. Due to the seasonality aspects of construction I expect the work volume to decrease until the spring.

The 811 tickets are initially generated by homeowners, utility companies, and by individual contractors. On each of these tickets I receive, mostly “ROUTINE” and some “EMERGENCY”, I pull the respective Plats for the section of our water system. I next check our water records to determine if the location is connected to our system, and if so, what the routing of the service line is. I then call or meet with the Field Contact, discuss what they are planning to do. I visit the location and then I provide the details of our water system (and culvert pipe info) 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 by the 811 organization in Syracuse. I then follow up (visit the work location) when the job is progressing to ensure that no problems occur.

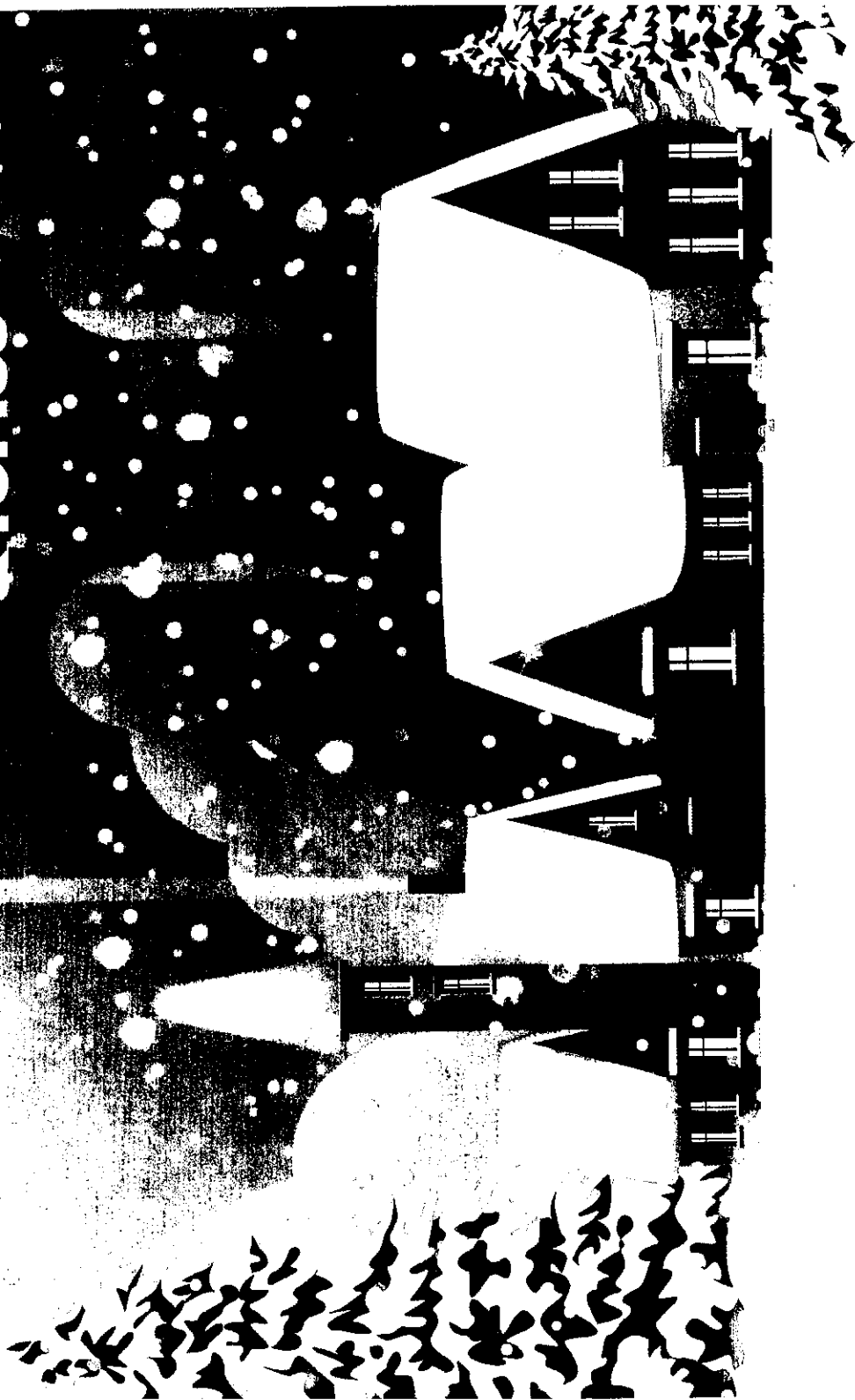
We receive and must respond to the daily “Dig Safely Audits” (seven days/week) and we have continually met all our obligations. We also receive daily NYS DIG SAFELY tickets and other reports, verify accuracy, and respond as required.

For your information, the following 811 Mark-out Requests exemplify the types of requests which we recently received: Gas Main repair, Swimming Pools, Burying Cables, a Foundation Wall, Replacing a Driveway, New Water Services , Install Utility Poles - routine, Emergency Pole Replacement Callouts, Water Collection / Grading, Installing Signs, Soil Borings, Installing Fences, Septic System Perc tests, landscaping, trench, Digging porch footings, Surveying work, Stump removal, Geothermal Boring, Burying Main Line Cable.

NOV/DEC 2020

WILMS

& TOPICS



*WISHING A SAFE, JOYOUS
HOLIDAY SEASON FOR ALL*





New Regulations in NYS

Monitoring Public Water Systems for Emerging Contaminants

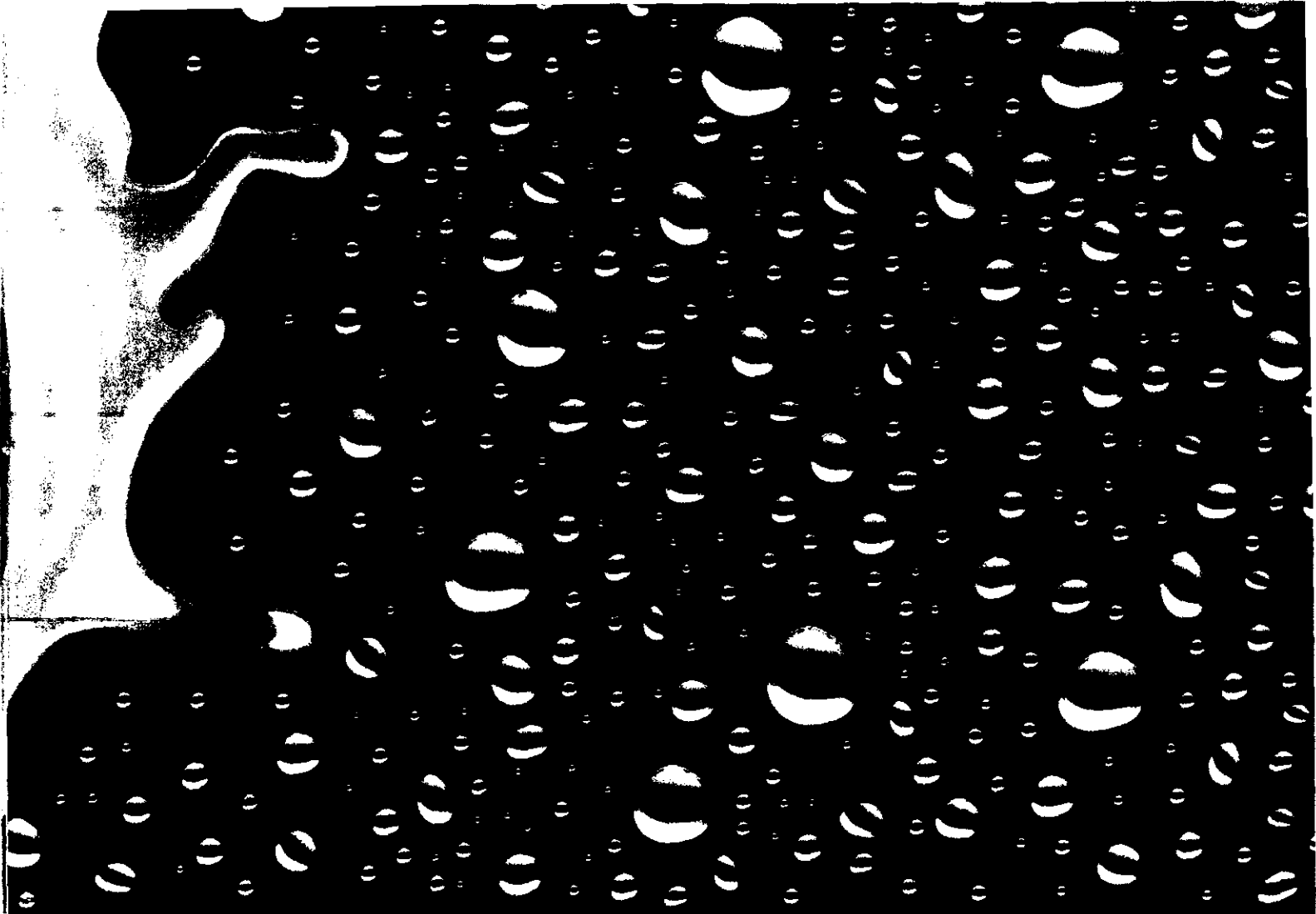
By Gabrielle Krawiec, Business Development Specialist,
LaBella Associates

Emerging contaminants in drinking water have become a hot topic nationwide with many being the subject of high-profile lawsuits. The most known contaminants include PFOA and PFOS, which belong to a family of chemicals known as per- and polyfluoroalkyl substances (PFAS), and can be found in consumer goods and firefighting foams. Another emerging contaminant is 1,4-dioxane, which is found in solvents used in chemical production.

These contaminants have been linked to various forms of cancers and other adverse health effects. Therefore, many states throughout the country have passed regulations with drinking water standards to limit the public's exposure to these compounds, the most protective being in New York State. In August 2020, New York State adopted maximum contaminant levels for 1,4-dioxane at 1 part per billion (ppb), and PFOA and PFOS at 10 parts per trillion (ppt). The new regulation follows other actions taken by New York State in limiting the public's exposure to PFOA, as well as investing millions of dollars into the State Superfund Program to install treatment systems to limit the spread of polluted groundwater to public water supplies.

The new regulation, which amends the New York State Public Health Law, requires public water systems (PWS) to initially monitor for PFOA, PFOS, and 1,4-dioxane. The date when initial testing must begin is dependent on the PWS's size as follows:

These contaminants have been linked to various forms of cancers and other adverse health effects. Therefore, many states throughout the country have passed regulations with drinking water standards to limit the public's exposure to these compounds, the most protective being in New York State.



- 10,000 customers and more: October 25, 2020
- Between 3,300-9,999 customers: November 25, 2020
- Fewer than 3,300 customers: February 25, 2021

Monitoring must be completed by a New York State Department of Health (NYSDOH) certified laboratory. A list can be found at <https://apps.health.ny.gov/pubdoh/applinks/wc/elappublicweb/>

The length of the initial monitoring period depends on the PWS's supply source for drinking water. If the supply is a groundwater source not under the direct influence of surface water, the municipality would show compliance by testing below the MCL for two consecutive quarters. If the supply source is either a surface water supply or groundwater under the direct influence of surface water, then the PWS must show compliance over four consecutive quarters. If no exceedances are recorded over these periods, then the PWS can proceed with standard monitoring and reporting, typically once per year or as specified by the local health department.

If a MCL exceedance is identified in any quarter, the PWS must report this finding to the NYSDOH within 48 hours and conduct follow-up sampling within 30 days of the initial test. If the MCL exceedance is confirmed, the PWS must select a corrective action procedure from the following options:

- Report a MCL violation (see below).
- Shut down the supply source (not usually feasible).
- Request deferral (up to 2 years, with a 1-year extension possible). This option pertains to PWS that proactively tested for PFOA, PFOS, and/or 1,4-dioxane prior to the adoption of the regulation and would otherwise be in violation if not sampling/notifying according to above schedule. The intent of the deferral is to recognize that the PWS is making a good faith effort to address the problem and provides them a chance to stay in compliance.

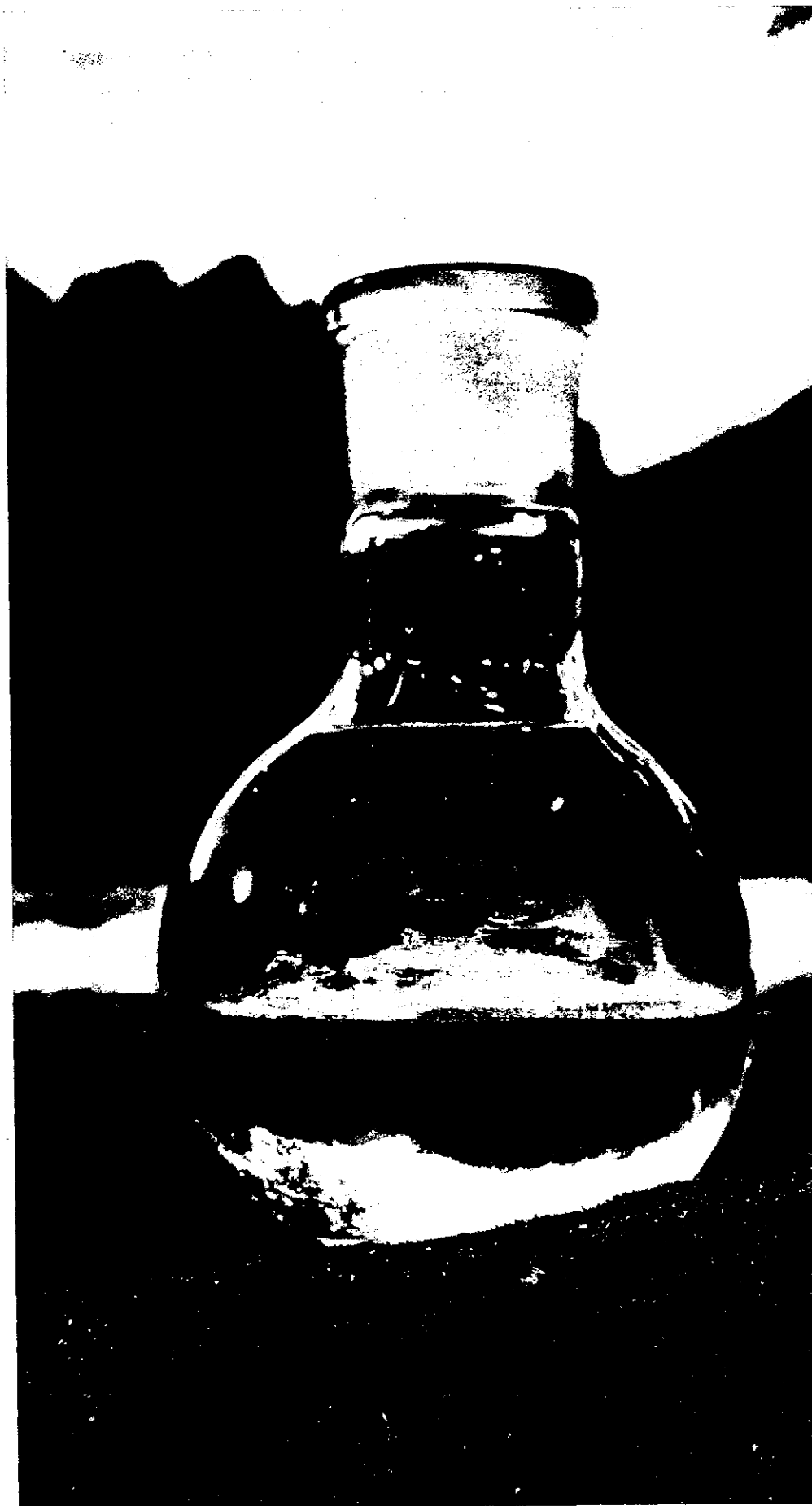
If a MCL violation is recorded, the PWS must present a plan and implementation schedule to the local health department and NYSDOH. This would typically involve engineering evaluation, design and construction of a treatment system.

NYSDOH has stated its preferred treatment technology for these contaminants. For PFOA and PFOS, granular activated carbon (GAC) is recommended for most implementations. GAC filters are effective at removing certain pollutants, including organic chemicals such as PFOA and PFOS, and have been long used in water treatment. GAC is used to adsorb chemicals to the carbon molecules while allowing treated water to pass through. Other types of treatment technologies for PFAS include

ion exchange and reverse osmosis. These are not yet commonly approved for treatment of PFOA and PFOS in New York State and need to be demonstrated (through the use of pilot studies) to the NYSDOH as effective site-specific solutions. When systemic MCL violations for PFOA and PFOS are recorded, NYSDOH will not approve proposed solutions involving point-of-use GAC treatment systems such as distribution of customer filters/pitchers (e.g. Brita, PUR).

For 1,4-dioxane, NYSDOH is currently recommending advanced oxidation process (AOP) treatment as the best available technology. This process was first used to treat 1,4-dioxane in the drinking water supply for the Suffolk County Water Authority in 2018. The treatment technology produces hydroxyl radicals to destroy 1,4-dioxane and other contaminants. The hydroxyl radicals can be generated by a number of methods, including the application of hydrogen peroxide, and modification by combining ozone or ultraviolet (UV) light. NYSDOH prefers combined solutions using UV to mitigate the creation of bromate, a carcinogenic byproduct, in ozone-based applications. Since 1,4-dioxane is miscible, barrier methods, such as filtration and adsorption are ineffective.

NYSDOH estimates the impact of the new regulations will lead to significant capital investment. For cash-strapped municipal PWS, this may seem daunting. Two potential funding sources administered by New York State include the Drinking Water State Revolving Fund (DWSRF) and the Water Infrastructure Improvements Act (WIIA). DWSRF typically provides loans with different interest rate levels depending on the community's income level. The WIIA program may fund up to a 60 percent of a project's cost by a grant (capped at \$3 million). Depending on the location of the PWS, other sources of funding for these important projects to address drinking water protection include the Community Development Block Grant (CDBG) and the US Department of Agriculture Rural Development funding programs. □



KENNEDY & MADONNA, LLP

Attorneys at Law



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KEVIN J. MADONNA

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(845) 230-3111 (fax)
kmadonna@kennedymadonna.com

October 2, 2020

Town Of Poestenkill
Poestenkill WD#1
38 Davis Road
PO Box 210
PO Estenkill, NY 12140-0210

RE: IMPENDING NEW YORK STATE MAXIMUM CONTAMINANT LEVELS
FOR PFOA AND PFOS

Dear Town Of Poestenkill:

I am writing regarding New York's recently established MCLs for PFOA and PFOS. As you are probably aware, in December 2018, New York's Drinking Water Quality Council recommended a maximum contaminant level of 10 parts per trillion ("ppt") for PFOA and PFOS. On July 30, 2020, the Department of Health's Public Health and Health Planning Council approved the proposed MCLs which were then published in the State Register and became effective on August 26, 2020.

Now that the MCLs have been formally adopted, systems serving 10,000 people or more will be required to begin testing within 60 days of August 26, 2020. Systems serving 3,300 to 9,999 people will be required to begin testing within 90 days and systems serving less than 3,300 people within six months.

It is estimated that approximately 21 percent of all systems in New York will have levels of PFOA and/or PFOS above 10 ppt with the following estimated treatment costs (although these estimates could be much greater depending on the number of wells that are contaminated and the unique characteristics of a supplier's distribution system:

<u>System Size</u>	<u>Capital Costs</u>	<u>Lifetime O&M</u>
Small systems serving less than 3,300 persons	\$400,000	\$1,250,000
Medium systems serving between 3,300 and 9,999 persons	\$2,400,000	\$6,250,000
Large systems serving 10,000 persons or more	\$15,000,000	\$36,250,000

Attorney Advertising – Prior Results do not Guarantee a Similar Outcome

ATTACHMENT



TOWN OF POESTENKILL

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

Office of the
Building Inspector
Code Enforcement Officer

MEMORANDEM

To: Town Supervisor – Keith Hammond

Town Board Members- June Butler, David Hass, Harold VanSlyke

Eric Wohlleber (deputy Town Supervisor)

Town attorney – Jack Casey

From: Tracy Church Code Enforcement/ Building Inspector

Date: December 9, 2020

RE: November/ December Report
OVERVIEW:

The Building/ Code Enforcement office continues to issue building permits as no definitive regulations regarding the COVID situation have been issued. Though various offices throughout New York State and Rensselaer county have been mandated to limit their activities we have been receptive to the needs of our community, keeping the social distancing/ mask recommendations in place during the issuing process as well as the required inspections that follow. There has been no new information received regarding the issues ongoing with the property located on Algonquin Beach Lane, that was halted due to wetland violations earlier last month. We continue to await the report from The Army Corps of Engineers recommending the process for proceeding with the access road to the property. We have been in contact with The Department of Environmental Conservation to keep the situation open and fresh. There is an ongoing issue RE: 20 Tymeson Road with past Code Enforcement Officials needing the assistance of the Sheriffs Dept. We have been successful in creating a pretty good dialog with these people and avoiding the confrontational interactions with these residents that had been ongoing in the past, that said on Monday December 7, 2020 I was asked to accompany The Animal Control Officer to the address to investigate reports of several unlicensed dogs on the premises some of which had been reported to be running loose at times. We were able to communicate and resolve the issues without conflict, The Animal Control Officers report should be following. The court system has informed us that the courts have been required to pause on any nonviolent non-essential court cases including Code Enforcement Issues until further notice from the Governor's office, We currently have one case pending in the court system (14 Dennis Road) which will resume when the restriction have been lifted. In regards to the 190 Lynn Road firewood processing operation, we have been able to keep an open dialog with both the operators of the firewood processing

plant and the neighbors bothered by the operation, the operator Mr. Joseph Hitchcock has agreed to abide by and obey the Cease and Desist order, as to follow the Laws of The town of Poestenkill. The Code Enforcement Office has been answering all complaints as required. Mr. Paul Plante (50 Liberty Lane) daily emails regarding a neighbor's light effecting his health via "Light Trespass"? #8 Abbott Drive Tenant/Landlord dispute regarding slow or blocked sewer. The code Enforcement Office met with both parties at the sight and were able to resolve the issues with provisions from both parties, the Landlord has agreed to address the ongoing problems with piping , the Tenants have agreed to discontinue using certain toilet tissues and flushing baby wipe into the system. We have intervned on behalf of a town resident who hired a manufactured home company (Showcase Homes) to provide and install a double wide manufactured home on a building lot 1109 Plank Road, During the final inspection it was observed that several safety and NYS Building Code requirements were not in place, the residents were not aware of these issues prior to the inspection by this office, we have reached out to a local PE. He agrees with our findings and we are now insisting on the contractor providing NYS Professional Engineer to approve with a license stamp before continuing or issuing a final certificate, these contractors will be closely monitored for any future business within The Town of Poestenkill. Unfortunately, we responded at the request of the Poestenkill Fire Department on December 1, 2020 for a 911 request #170 Hick Pond Road, Structure fire. No injuries, the damage was limited to a building housing a wood fired boiler attached to an exterior garage. We will continue to represent The Town of Poestenkill in a polite, efficient and professional manor.

Respectfully submitted

Tracy Church

Tracy Church

Building Inspector/ Code Enforcement Official

Michelle Asquith

From: Bob Guyer <straydawg302@gmail.com>
Sent: Thursday, December 10, 2020 1:37 PM
To: Michelle Asquith
Subject: RE: Monthly Report

Animal Control calls

Dogs running at large - 4

Lost pets - 3

Wildlife 1

Misc - 1 check on dogs conditions

Bob Guyer

Sent via the Samsung Galaxy S20 Ultra 5G, an AT&T 5G smartphone

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

From: Michelle Asquith <secpoest@nycap.rr.com>
Date: 12/10/20 12:55 PM (GMT-05:00)
To: 'Bob Guyer' <straydawg302@gmail.com>
Subject: Monthly Report

Hello Bob,

I need you monthly report for folders today please.

Thank you,

Michelle



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: December 10, 2020

RE: Highway Activities
November 11, 2020-December 10, 2020

1. Crew been working on equipment in shop.
2. Crew been out picking up bags of leaves and brush again
3. Crew been out cutting brush along roads
4. Crew been out cutting tree's out of the creek
5. Crew been out plowing and sanding roads
6. Crew been out picking up brush and bags again
7. My last highway report **Thank you for Everything.**

At a duly convened meeting of the Town Board of the Town of Poestenkill in the County of Rensselaer conducted at the Poestenkill Town Hall at 7:00 P.M. on the 17th day of December 2020.

RESOLUTION NO. 27 OF 2020

IN THE MATTER OF THE TRANSFER OF CERTAIN
GENERAL BUDGET FUNDS

WHEREAS, the Town bookkeeper has advised that it has become necessary to effect certain General Budget fund transfers to properly fund certain Town expenses;

NOW, LET IT THEREFORE BE

RESOLVED, that it is hereby authorized and directed as follows:

That the sum of \$233.45 be transferred from General Budget fund line item 119904 (Contingent) to General Budget fund line item 13620.4 (Code Enforcement); and

That the sum of \$308.47 be transferred from General Budget fund line item 119904 (Contingent) to General Budget fund line item 11110.1 (Justice).

That the sum of \$1113.90 be transferred from General Budget fund line item 1362011 (Code Enforcement Clerk) to General Budget fund line item 136201 (Code Enforcement).

MOVED BY: Van Slyke

Prepared and approved as to form by:
Michelle Asquith

SECONDED BY: Hass

VOTED UPON AS FOLLOWS:

Councilwoman June Butler: Yes
Councilman David Hass: Yes
Councilman Harold Van Slyke: Yes
Councilman Eric Wohlleber: Yes
Supervisor Keith Hammond: Yes

At a duly convened meeting of the Town Board of the Town of Poestenkill in the County of Rensselaer conducted at the Poestenkill Town Hall at 7:00 P.M. on the 17th day of December 2020.

RESOLUTION NO. 28 OF 2020

IN THE MATTER OF THE TRANSFER OF CERTAIN WATER BUDGET FUNDS 2020

WHEREAS, the Town bookkeeper has advised that it has become necessary to effect certain Water Budget fund transfers to properly fund certain Town expenses;

NOW, LET IT THEREFORE BE

RESOLVED, that it is hereby authorized and directed as follows:

That the sum of \$75.00 be transferred from Water Budget fund line item 8310.14 (811dig safely) to Water Budget fund line item 8310.11 (Assistant Water Manager);and

That the sum of \$1295.00 be transferred from Water Budget fund line item 8320.4 (System Repairs) to Water Budget fund line item 8310.11 (Assistant Water Manager).

MOVED BY: Vas Slyke
SECONDED BY: Wohlleber

Prepared and approved as to form by:
Michelle Asquith

VOTED UPON AS FOLLOWS:

Councilwoman June Butler:	Yes
Councilman David Hass:	Yes
Councilman Harold Van Slyke:	Yes
Councilman Eric Wohlleber:	Yes
Supervisor Keith Hammond:	Yes