

Poestenkill Fire Company
Custom Summary Report
 May 2012

	<u>May 12</u>
Income	
Reimbursements	
Pagers	97.00
Total Reimbursements	<u>97.00</u>
Total Income	97.00
Expense	
Alpha Pagers	100.00
Building Fuel (heating)	
East Poestenkill (propane)	<u>224.62</u>
Total Building Fuel (heating)	224.62
Building Maintenance	
Main Station	45.64
Refuse	<u>75.05</u>
Total Building Maintenance	120.69
Electric	
East Poestenkill	51.18
Main Station	<u>506.83</u>
Total Electric	558.01
Equipment	
Repair & Maintenance	<u>693.19</u>
Total Equipment	693.19
Fire Trucks	
Repair & Maintenance	<u>383.00</u>
Total Fire Trucks	383.00
Insurance	
Auto	2,311.00
Buildings	2,702.00
Umbrella	<u>585.00</u>
Total Insurance	5,598.00
Loan Payments Fire Truck	3,990.82
NY Fire Fee	14.74
Ny Motor Vehicle Fee	20.00
Office Supplies	
Postage	<u>90.00</u>
Total Office Supplies	90.00
Propane (cooking)	57.60
Security Alarm	65.00
Telephone	
Cell Phones	223.70
East Poestenkill	48.54
Main Station	141.48
Pay Phone	<u>33.89</u>
Total Telephone	447.61
Total Expense	<u>12,374.48</u>
Net Income	<u><u>-12,277.48</u></u>



Town of Poestenkill

Po Box 210

Poestenkill, NY 12140

Phone: (518) 283-5100 Fax: (518) 283-7550

Website: www.townofpoestenkillny.org

Office of the Supervisor

Dominic Jacangelo, Supervisor
Thomas Slavin Jr., Deputy Supervisor
Robin Bayly, Councilman
Gail Bentley, Councilwoman
Amanda Cropsey, Councilwoman

June 15, 2012

Mr. Mark Kennedy
Regional Traffic Engineer
NYS DOT
Region One Traffic Safety and Mobility, Suite 1s50
50 Wolf Road
Albany, NY 12232

Dear Mr. Kennedy:

The Town of Poestenkill has been reviewing its records for speed limits authorized for town roads by the NYS DOT. It appears our records are incomplete.


Is it possible that DOT has kept a complete list of those traffic safety studies which were completed and those speed limit certificates which have been issued by the Department. If so the Town would appreciate a copy.

I have found correspondence relative to School Street, Veterans Street, and Weather Wax Road. The Highway superintendent recalls a speed limit for Grandview, but I have not found the documentation. I also understand that a study is pending on Dater Hill Road.

I understand that this can be a difficult and time consuming task. However the Town wishes to be in a position where it can defend any challenge to a speeding violation which is based on a challenge to the validity of the posted speed limit.

Your cooperation and attention to this matter is most appreciated.

Sincerely,



Dominic J. Jacangelo
Supervisor

cc: Toby Chadwick
Poestenkill Highway Superz Intendent

Patrick J. Tomaselli

Attorney at Law

Tomaselli Law Offices

P.O. Box 97


Poestenkill, New York 12140-0097

Telephone and Facsimile (518) 689-228

MEMORANDUM – TOWN OF POESTENKILL

DATE: June 7, 2012

TO: Town Board

FROM: Patrick J. Tomaselli, Esq., Town Attorney 

RE: Procedure for Setting a School Speed Zone on School Road

By email of June 5, 2012 from Michelle, I was asked to advise the Town as to the process for setting a school speed zone on School Road.

The procedure in fact has already been addressed in my Memorandum of May 22, 2012, regarding "Authority of Town of Poestenkill to Establish Local Speed Limits." As stated therein, towns such as Poestenkill presently¹ have no authority to unilaterally establish speed limits on roads within their boundaries. The governing statute is Vehicle and Traffic Law §1622 which provides in pertinent part as follows:

§1622. Speed limits on county roads and town highways.

The department of transportation upon the request of the county superintendent of highways of a county and the town board of the town or towns affected with respect to county roads and town highways in such town or towns outside of cities or villages, may by order, rule or regulation:

1. Establish maximum speed limits at which vehicles may proceed on or along such highways higher or lower than the fifty-five miles per hour statutory speed limit. *No such limit shall be established at less than twenty-five miles per hour except that school speed limits may be established at not less than fifteen miles per hour for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway.*

[Emphasis added.]

Accordingly, the procedure for establishing school zone speed limits is exactly the same as for other speed limits (i.e., making a request – which may or may not be granted – to NYS DOT). The only difference is that in the defined maximum length ¼ mile school zone, the limit may be as low as 15 mph compared to the 25 mph lower limit which otherwise applies.

¹ As noted in my earlier Memorandum, a bill that would allow towns to set speed limits on their own roads without having to petition the state department of transportation has been approved by the Senate but as of this date no action has been taken thereon by the Assembly.

Patrick J. Tomaselli

Attorney at Law

Tomaselli Law Offices

P.O. Box 97


Poestenkill, New York 12146-0097

Telephone and Facsimile (518) 689-228

MEMORANDUM – TOWN OF POESTENKILL

DATE: May 22, 2012

TO: Town Board

FROM: Patrick J. Tomaselli, Esq., Town Attorney 

RE: Authority of Town of Poestenkill to Establish Local Speed Limits

At the May 17, 2012 Town Board meeting, I was requested by the Town Supervisor and the Town Board to investigate what authority, if any, the Town of Poestenkill had to establish local speed limits on roads within the Town.

While Vehicle and Traffic Law §1662-a grants to certain towns (to wit, suburban towns governed pursuant to Article 3 of the Town Law and towns having a population exceeding 50,000) qualified authority to establish speed limits on roads within their boundaries, no such authority exists for most other towns, including the Town of Poestenkill. For such latter towns, the governing statute is Vehicle and Traffic Law §1622 which provides as follows:

§1622. Speed limits on county roads and town highways.

The department of transportation upon the request of the county superintendent of highways of a county and the town board of the town or towns affected with respect to county roads and town highways in such town or towns outside of cities or villages, may by order, rule or regulation:

1. Establish maximum speed limits at which vehicles may proceed on or along such highways higher or lower than the fifty-five miles per hour statutory speed limit. No such limit shall be established at less than twenty-five miles per hour except that school speed limits may be established at not less than fifteen miles per hour for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway.
2. Establish maximum speed limits at which vehicles may proceed on or along all such highways lying within an area or areas as designated by a description of the boundaries of such area or areas submitted by the county superintendent of highways of a county and the town board of the town or towns affected lower than fifty-five miles per hour statutory maximum speed limit. No such limit shall be established at less than thirty miles per hour.

The foregoing is in fact the process we have followed in the past and which we must, at least for the present, continue to follow. However, the State Senate has approved a bill (sponsored by Sen. Betty Little, R-Queensbury) that would allow towns to set speed limits on their own roads, without having to petition the state department of transportation. While I have not seen the proposed legislation itself, it reportedly would require that towns seeking to set maximum speed limits meet "engineering specifications and other factors applicable to speed limits" and the proposed changes would have to be certified by a "licensed professional engineer specializing in traffic operations." It is noted that this latter requirement could be a deterrent for already cash-strapped towns.

I am in the process of attempting to get a copy of the bill itself and to ascertain its current status. When I do, I will further advise the Town Board.

Patrick J. Tomaselli

Attorney at Law

Tomaselli Law Offices

P.O. Box 97


Poestenkill, New York 12140-0097

Telephone and Facsimile (518) 689-228

MEMORANDUM – TOWN OF POESTENKILL

DATE: May 22, 2012

TO: Town Board

FROM: Patrick J. Tomaselli, Esq., Town Attorney 

RE: Authority of Town of Poestenkill to Regulate Parking within the Town

At the May 17, 2012 Town Board meeting, I was requested by the Town Supervisor and the Town Board to investigate what authority, if any, the Town of Poestenkill had to regulate the parking of motor vehicles on or adjacent to roads within the Town.

The general authority of a town to regulate traffic within its boundaries is set forth in Vehicle and Traffic Law §1660 which is a lengthy section providing as follows:

§ 1660. Traffic regulations in all towns

(a) The town board of any town with respect to highways outside of villages in any such town, but not including state highways maintained by the state except with respect to subdivisions six, eight, nine and ten, subject to the limitations imposed by section sixteen hundred eighty-four may by ordinance, order, rule or regulation:

1. Designate county roads and town highways as through highways and order stop signs, flashing signals or yield signs erected on county roads or town highways at specified entrances to such through highways or designate any intersection except those where one or more entering highways is a state highway maintained by the state as a stop intersection or a yield intersection and order like signs or signals at one or more entrances to such intersections.

2. Upon a roadway which is divided into three lanes, allocate the center lane exclusively for traffic moving in a specified direction.

3. Order signs erected directing slow-moving traffic, trucks, buses or specified types of vehicles to use a designated lane, or with signs, signals or markings designate those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway.
4. Determine those highways or portions of highways which shall be marked to indicate where overtaking and passing or driving to the left of or crossing such markings would be especially hazardous in accordance with the standards, minimum warrants and sign or marking specifications established by the department of transportation.
5. Regulate traffic by means of traffic-control signals.
6. (i) License, regulate or prohibit speed contests, races, exhibitions of speed, processions, assemblages, or parades. Whenever such a speed contest, race, exhibition of speed, procession, assemblage or parade authorized by a local authority will block the movement of traffic on a state highway maintained by the state, or on a highway which connects two state highways maintained by the state to make a through route, for a period in excess of ten minutes, such authority must, prior to such blocking, provide and designate with conspicuous signs a detour adequate to prevent unreasonable delay in the movement of traffic on said state highway maintained by the state.
- (ii) Prohibit vehicles engaged in retail sales of frozen desserts as that term is defined in subdivision thirty-seven of section three hundred seventy-five of this chapter directly to pedestrians from stopping for the purpose of such sales on any highway within such town or on all such highways. Nothing herein shall be construed to prohibit the operator of such vehicle from stopping such vehicle off of such highway, in a safe manner, for the sole purpose of delivering such retail product directly to the residence of a consumer or to the business address of a customer of such retailer.
7. Prohibit or regulate the operation and the stopping, standing or parking of vehicles in cemeteries and in public parks.
8. Provide for the removal and storage of vehicles parked or abandoned on highways during snowstorms, floods, fires or other public emergencies, or found unattended where they constitute an obstruction to traffic or any place where stopping, standing or parking is prohibited and for the payment of reasonable charges for such removal and storage by the owner or operator of any such vehicle.
9. Provide for the installation, operation, maintenance, policing and supervision of parking meters, establish parking time limits at such meters, designate hours of operation of such meters, and, except as provided in section twelve hundred three-h of this chapter, fix and require the payment of a fee applicable to parking where such meters are in operation. The town board of any town may exercise these powers on behalf and at the expense of a public parking district with respect to highways outside of villages but within such public parking district, in which event the fees from such parking meters shall belong to such district, and the cost of operation and maintenance thereof shall thereafter be borne by such public parking district.

10. Establish a system of truck routes upon which all trucks, tractors, and tractor-trailer combinations having a total gross weight in excess of ten thousand pounds are permitted to travel and operate and excluding such vehicles and combinations from all highways except those which constitute such truck route system. Such exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such vehicles and combinations are otherwise excluded. Any such system of truck routes shall provide suitable connection with all state routes entering or leaving such town.

11. Temporarily exclude from any portion of any town highway any vehicle with a gross weight of over four or more tons or any vehicle with a gross weight in excess of any designated weight on any wheel, axle, any number of axles, or per inch width of tire when in its opinion such highway would be materially injured by the operation of any such vehicle thereon. Such exclusion shall take effect upon the erection of signs on the section of highway from which such vehicles are excluded, and a notice that such vehicles are excluded shall be published in a newspaper in the county where the highway is situated. The exclusion shall remain in effect until the removal of the signs as directed by the town board. Upon written application by any operator of a vehicle subject to this section, the town board may issue a permit providing appropriate exemption to such vehicle, if it is deemed that said vehicle is performing essential local pickup or delivery service and that a failure to grant such permit would create hardship. Every such permit may designate the route to be traversed and contain other reasonable restrictions or conditions deemed necessary. Every such permit shall be carried on the vehicle to which it refers and shall be open to inspection of any peace officer, acting pursuant to his special duties, or police officer. Such permits shall be for the duration of the restriction imposed under this section.

12. Prohibit, restrict or regulate the operation of vehicles on any controlled-access highway or the use of any controlled-access highway by any vehicle, device moved by human power or pedestrian.

13. Prohibit or regulate the turning of vehicles or specified types of vehicles at intersections or other designated locations.

14. Regulate the crossing of any roadway by pedestrians.

15. Authorize angle parking on any roadway.

16. Designate any highway or any separate roadway thereof for one-way traffic.

17. Exclude trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, or tractor-trailer-semitrailer combinations from highways specified by such town board. Such exclusions shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such vehicles and combinations are otherwise excluded.

18. Prohibit, restrict or limit the stopping, standing or parking of vehicles.
 19. Designate safety zones.
 20. *Repealed.*
 21. Designate a portion of a slope as a path for the use of bicycles.
 22. Order signs or markings to identify the portion of the highway to be used for bicycle travel.
 23. Designate preferential use lanes for specified types or classes of vehicles.
 24. Prohibit, restrict or regulate the operation of limited use vehicles on any street or highway.
 25. Adopt such additional reasonable ordinances, orders, rules and regulations with respect to traffic as local conditions may require subject to the limitations contained in the various laws of this state.
 26. Make special provisions with relation to stopping, standing or parking of vehicles registered pursuant to section four hundred four-a of this chapter or those possessing a special vehicle identification parking permit issued in accordance with section one thousand two hundred three-a of this chapter.
 27. Declare a snow emergency and designate any highway or portion thereof as a snow emergency route.
 28. Exclude trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, or tractor-trailer-semitrailer combinations in excess of any designated weight, designated length, designated height, or eight feet in width, from highways or set limits on hours of operation of such vehicles on particular town highways or segments of such highways. Such exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such vehicles or combinations are otherwise excluded.
- (b) Each such town board shall cause to be determined, for all bridges and elevated structures under its jurisdiction, the capacity in tons of two thousand pounds which the bridge or structure will safely carry. Upon bridges or structures of insufficient strength to carry safely the legal loads permissible by section three hundred eighty-five of this chapter, the town board shall cause signs to be erected to inform persons of the safe capacity.

(c) Each such town board shall cause signs to be erected to inform persons of the legal overhead clearance for all bridges and elevated structures on highways under its jurisdiction. The legal clearance shall be one foot less than the measured clearance. The measured clearance shall be the minimum height to the bridge or structure measured vertically from the traveled portion of the roadway. On bridges or structures having fourteen feet or more of measured clearance, no such signs shall be required.

(d) Such a town board also may by ordinance, order, rule or regulation prohibit, restrict or limit the stopping, standing or parking of vehicles upon property owned or leased by such town.

(e) Any town with a population of seven hundred thousand or more may by local law or ordinance, provide for the removal and storage of vehicles parked on private property upon request of the owner of such private property, where such vehicles constitute an obstruction to the private property owner's right of ingress and egress, and for the payment of reasonable charges for such removal and storage by the owner or operator of any such vehicle. Such local law or ordinance shall be applicable only in the unincorporated areas of such town.

(f) No town shall enact any local law or ordinance to prohibit the use of sidewalks by persons with disabilities who use either a wheelchair or an electrically-driven mobility assistance device being operated or driven by such person.

It is noted that the provisions applicable to town regulation of stopping or parking are set forth in subdivisions 7, 8, 9, 15 and 18 of paragraph (a) and in paragraph (d), with the most significant being §1660(a)(18). While the therein stated authority of a town to "Prohibit, restrict or limit the stopping, standing or parking of vehicles" appears all-encompassing, it must be recalled that with respect to state highways this provision, like all those enumerated under paragraph (a), is subject to the limitations imposed by Vehicle and Traffic Law §1684, which latter section provides as follows:

§ 1684. State highways maintained by the state

No local authority shall place or maintain any traffic-control device on any state highway maintained by the state, or at any location so as to prohibit, restrict or limit the movement of traffic proceeding along, entering or crossing such highway, nor shall any ordinance, rule or regulation affecting traffic or stopping, standing or parking on state highways maintained by the state be effective unless or until approval in writing has been obtained from the department of transportation, and the department of transportation may at any time rescind or modify such approval.

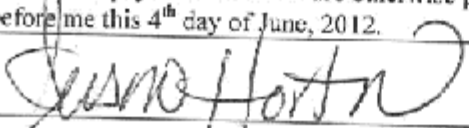
Finally, it is noted that while a town does not have specific authority under this statute to regulate parking on private property, except in enumerated circumstances, a town may enact an ordinance or local law pursuant to its general police powers prohibiting parking on private property without the permission of the property owner and providing for the removal of motor vehicles parked in violation of such an local legislation. [See 1980, Op.Atty.Gen.(Inf.) 176.]

**TOWN CLERK'S MONTHLY REPORT
TOWN OF POESTENKILL, NEW YORK**

June 2012

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 which is otherwise provided for by law:

Conservation Fees to the Town:	\$ 9.16
Marriage License No. 3 through No. @ \$ 7.50 each	\$ 7.50
Marriage Certificate 1 @ \$10.00 each	\$ 10.00
Marriage Transcript @ \$10.00 each	\$
A1255 Total Town Clerk Fees	\$ 26.66
A2530 Games of Chance Town's Share Peddlers Fee	\$
A1289 Registrar	\$ 20.00
Junkyard License	\$
A2544 Local Fee for 7 dogs	\$ 68.00
A2115 Planning Board Fees/ZBA fees	\$ 140.00
A2555 Building Permits	\$ 1120.42
A2655 Minor Sales -Certified copy	\$
A2268 Impoundment fees from Crookside Kennel	\$ 175.00
Water Meter Fee	\$ 450.00
Water Benefit Charge	1718.50
Water Permit Fee	\$ 40.00
Water billing	\$ 2756.46
REVENUE TO SUPERVISOR	\$ 6515.04
Amount paid to State Comptroller for Games Chance License	
Amount paid to DEC for Conservation Licenses	\$ 156.84
Amount paid to AG. And Markets for fee for unsprayed/unneutered Dog program	22.00
Amount paid to State Health Dept. for Marriage Licenses	\$ 22.50
TOTAL DISBURSED	\$ 201.34
June 4, 2012 Dominic Jacangelo, Supervisor	\$
TOTAL AMOUNT RECEIVED BY CLERK	\$ 6716.38
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 May being only such Fees the application and payment of which are otherwise provided by law subscribed and sworn to before me this 4 th day of June, 2012.	
	



Town of Poestenkill

38 Davis Drive | P.O. Box 210

Poestenkill, NY 12140

518.283.5100 (Phone)

518.283.7550 (Fax)

OFFICE OF THE
ASSESSOR

TO: POESTENKILL TOWN BOARD

FROM: JEFFRY A. JACKSON, ASSESSOR
ASSESSOR'S REPORT FOR MAY 2012

During the month of May, this office sits with the roll on several days, one evening and one Saturday morning as established by the Real Property Tax Law. Grievance Day was held on May 24th, 2012 and approximately four applicants brought in their grievance forms. There were also some additional corrections that the Board of Assessment Review made decisions on as well as the grievances. All paperwork was then forwarded to the County for processing for the final roll. Mr. William Weber was appointed chairman of the BAR.

This office continues to receive and review sales with those respective owners mailed STAR applications that they can file for the 2013 roll.

With receipt of the 2012 tentative roll effective May 1st; this office also received two sets of tax maps from the County.

Constituent relations are still considered good during the report period.

Respectfully submitted,

Jeffrey A. Jackson
Assessor
Town of Poestenkill

cc: Town Board
Susan Horton, Town Clerk



TOWN OF POESTENKILL

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

Office of the
Building Inspector/
Code Enforcement Officer/Water Manager

June 12, 2012

TO: DOMINIC JACANGELO - SUPERVISOR

FROM: ROBERT L. BRUNET, P.E. - BUILDING INSPECTOR/
CODE ENFORCEMENT OFFICER/WATER MANAGER *RLB*

RE: WORK ACTIVITIES FOR MAY 2012

New construction as well as repair permits have increased, as is seasonally expected. In this month's report the standard results are reviewed and a detailed summary of our status of connections to the Poestenkill municipal water supply are presented. Additionally, the results of our new responsibility for the DIG SAFELY N.Y. (811) Program are listed. Finally, your attention is drawn to my comments below regarding the THM problem.

A brief overview of our water hookup status is as follows: (6/12/2012)

- 1) Permits issued to hookup - 315
- 2) Final testing, water flushing, meter installation and plumbing connection inspections (fully hooked-up residences/businesses/schools to water)-292
- 3) Certificates of Compliance issued - 267
- 4) Physical site inspections for hookup - 534

As discussed at our last Town Board Meeting the Trihalomethanes (THM) letter (required by the state) was mailed on June 1, 2012; to date the questions and concerns have been minimal. We will have to issue another letter due to the RCDOH and NYSDOH standards associated with the running annual average quarterly test results, probably in 90 days. Unfortunately, in my opinion, the actions taken by both Troy and Brunswick are not fixing the problem and, as discussed last year, I anticipate that the problem will continue. We are working closely with the Rensselaer County Health Department and the NYSDOH to keep the emphasis on the need to receive water from Troy, pumped through Brunswick, which will allow Poestenkill to meet state standards. Once again, I do not expect a rapid fix to be implemented and foresee that this issue will continue to be a problem.

As a follow up to the recent automobile accident on Snyders Corner Road which destroyed our fire hydrant, last week the Town received the insurance check (\$ 5,000) which covered the cost of the hydrant replacement as well as the loaded costs of the town employees involved. We are also pleased to report that the young man involved is in fine health, with no apparent aftereffects.

The overview of our standard items reveals that new building work is increasing, inspections for MS4 issues, and for construction and property maintenance issues are continuing with corrective actions being taken where warranted. Office visits and telephone calls remain high due to resident, contractor, and government agency queries.

The following specific work was accomplished by the Building Inspector / Code Enforcement / Water Manager Office during the month of May 2012.

- I Work Permits: 10
- III Certificate of Occupancy Issued: 0
- IV Certificate of Compliance Issued (excluding water): 3
- V Assisted:
 - a) Phone Calls – over 300
 - b) Office Meetings - over 40
- VI Site Inspections: 64
- VII Complaints Received: 8
- VIII Fees collected for the month of May: \$ 1,610.42
- IX MS4 Construction / SWPPP Inspections: 10
- X DIG SAFELY N.Y. (811) - Daily Audits (7days/week). Situations handled: 6
- XI May hours worked - (excluding lunch, evening meetings, computer work done at home):

WEEK	5/1 - 5 /5	42.5 hours
WEEK	5/6 - 5/12	61.0 hours
WEEK	5/13 - 5/19	57.0 hours
WEEK	5/20 - 5/26	53.0 hours
WEEK	5/27 - 5/31	31.0 hours
TOTAL	5/1 - 5/31	244.5 hours

RECEIVED

MAY 06 2012

TOWN CLERK

Poestenkill Dog Control
May 2012

- 3rd Dead cat hit by car Took to highway dept
- 3rd Stray dog found. Took to kennel
- 13th Resident owns puppy want town to euthanize it
- 14th Stray dog found. Took to kennel
- 16th Neighbor dog loose and threatening
- 23rd Resident saw a loose dog
- 25th Resident lost a dog. Later found
- 27th Resident lost a dog. Came home