

TOWN BOARD MINUTES
TOWN OF POESTENKILL
TOWN BOARD MEETING

December 15, 2011

(Not approved at time of distribution)

ROLL CALL AS FOLLOWS

Councilman Bayly	Present
Councilwoman Bentley	Present
Councilwoman Cropsey	Present
Councilman Slavin	Present
Supervisor Jacangelo	Present

NON VOTING MEMBERS

Susan Horton, Town Clerk
Patrick Tomaselli, Town Attorney

The Town Board members met at 7:00 p.m. to review and audit the monthly bills. Motion by Bayly, seconded by Bentley and carried that the bills have been audited for payment.

The public hearing on proposed Local Law #3 of 2011 entitled "Amending the Land Use Regulations and and Use District Map of the Town of Poestenkill" was opened at 7:15 p.m. The affidavit of publication was available for review. This proposed local law would amend the land use regulations and the land use district map by changing from the present zoning or R to NP the parcel of land described in maps submitted with the rezoning application of Polaro Construction filed with the Town Clerk on or about July 13, 2011. No one spoke on this local law. The actual vote will take place during the business portion of the meeting.

Public Comment Period –

Laurie Owens, new property home owner attended a meeting earlier in the year regarding new property owner tax exemption (5 yr. exemption) for new property owners who meet the criteria. Ms. Owens stated that Rensselaer County adopted the law and each town would have to adopt the law individually. Supervisor Jacangelo stated that the board would have to direct the town attorney to move forward with the legislation. Councilman Bayly wanted to know if the town board had all the criteria and Mr. Tomaselli stated that the town board members had all of the information and it was given to them earlier in the year. Board members will review the information and discuss this further at their regular January meeting. D. Basle, Fire Chief thanked the board for purchasing the flags for the water hydrants. R. Brunet, water manager will be opening/flushing the hydrants over the next few weeks and he thanked the fire company for putting up the hydrant flags. T. Jacangelo reserved time to speak. When everyone was given the opportunity to speak, Supervisor Jacangelo closed the comment period.

Motion by Councilman Bayly seconded by Councilwoman Bentley and an oral vote of 5 ayes to accept the Town Clerk's minutes of the special meeting of November 10, 2011 as written. Motion by Slavin, seconded by Cropsey and carried accepts the Town Clerk's minutes of November 17th as written. Motion by Bentley, seconded by Bayly and carried to accept the Town Clerk's minutes of the special meeting of December 1st as written.

Liaison Reports:

Planning Board –Town Board members had copies of the Planning Board's minutes of December 7th in their packets.

Zoning Board – The Town Board members had copies of the ZBA's minutes of December 13th in their packets.

Fire Company – Supervisor Jacangelo reported that town board members had copies of the recent Fire Company’s financial report.

Library – Representative from the library thanked the board for their help during the storm and wished everyone a Merry Christmas and spoke on the upcoming activities including the holiday lights.

CAC-The CAC did not meet but a scheduled meeting has been set for December 22nd . .

ADHOC- Supervisor Jacangelo reported that the RFP’s for the planning firms for the open space and it will be discussed further during the Action Items part of the meeting.

Youth Board- The Youth Director was present and read her annual report of activities. Town Board members had copies of same in their packets. Supervisor Jacangelo thanked Tara for the great job that is being done.

Correspondence- Town Board Members had copies of the Capital District Data which reports the NYS Dept. of Taxation and Finance on Taxable Sales and Purchases by County and Industry. Town Board members had copies of the NYMIR’s proposed rate adjustments for 2012. Town Board members had copies of a letter dated December 13th from C.T. Male to Casale Excavating regarding the closeout payment of water district number 1 contract number 2 with a balance due of \$7,954.57. The Court Clerk has notified the town board that the court’s financial books would be available for review on December 15th. Supervisor Jacangelo reported that the town’s bookkeeper will do the audit after December 20th when all bank statements are available.

Action Items –

Review Proposal for RFP Park Planning-Supervisor Jacangelo reported that Town Board members had copies of the two proposals that have been received for park planning services. The Town board members had many questions pertaining to but not limited to “how would the property selected be policed and “what would the companies actually provide, etc. There being so many concerns/questions, the matter will be discussed further at the December 29th year-end meeting when Town board members have a chance to review the proposals.

Review Fire Department Contract-Town Board members had copies of the 2-year Fire Protection Contract that Mr. Tomaselli had drafted. This was given to Mr. Basle to bring back to the fire company board for their review prior to any formal adoption.

IN THE MATTER OF ADOPTING THE LOCAL LAW #3-2011 ENTITLED “AMENDING THE LAND USE REGULATIONS AND LAND USE DISTRICT MAP OF THE TOWN OF POESTENKILL

MOVED BY: Councilwoman Cropsey

SECONDED BY: Councilman Slavin

VOTED UPON AS FOLLOWS:

Councilman Bayly	Yes
Councilwoman Bentley	Yes
Councilwoman Cropsey	Yes
Councilman Slavin	Yes
Supervisor Jacangelo	Yes

RESOLUTION #35-2011- IN THE MATTER OF THE APPLICATION BY 43 MALL LTD. TO AMEND THE LAND USE DISTRICT MAP OF THE TOWN OF POESTENKILL SO AS TO REZONE FROM RESIDENTIAL AGRICULTURAL (“RA”) TO NATURAL PRODUCTS (“NP”) APPROXIMATELY 1.44 ACRES OF LAND OWNED BY 43 MALL LTD. LOCATED NORTHEASTERLY OF SPRING AVENUE EXTENSION – ADOPTION OF NEGATIVE DECLARATION, FORWARDING OF COMPLETED APPLICATION TO TOWN PLANNING BOARD PURSUANT TO TOWN CODE SECTION 102-81, AND SETTING OF PUBLIC HEARING ON PROPOSED REZONING

MOVED BY: Councilman Slavin
 SECONDED BY: Councilwoman Bentley

VOTED UPON AS FOLLOWS:

Councilman Bayly Yes
 Councilwoman Bentley Yes
 Councilwoman Cropsey Yes
 Councilman Slavin Yes
 Supervisor Jacangelo Yes

Public hearing is set for January 19, 2012 at 7:15 p.m. and Mr. Tomaselli will prepare the legal notice.

Reports –

Supervisor’s Report/Water updates - Supervisor Jacangelo gave some water updates regarding last payments of the contracts and the water loss in the system. He spoke about the wireless computer system in town hall and also about general maintenance that is needed in town hall.

Town Attorney’s Report – Mr. Tomaselli has worked on the Lochvue Negative Declaration, drafted the latest Fire Co. Fire Protection Contract, prepared the budget transfer resolutions, etc.

Town Clerk’s Report – Motion by Bentley, seconded by Bayly and an oral vote of 5 ayes to accept the Town Clerk’s report of November 2011. The total amount received in the clerk’s office was \$3,018.18 and of that amount \$1,571.01 was remitted to the Supervisor. The Building Inspector/Code Enforcement Officer gave an oral presentation and town board members had copies of his written report. Town board members had copies of the Assessor’s monthly report as well as the Highway report and dog control report. There was no report for creekside Kennel.

Budget Transfers –

RESOLUTION #36-2011 – IN THE MATTER OF THE TRANSFER OF CERTAIN WATER BUDGET FUNDS – resolved that it is hereby authorized and directed as follows that the sum of \$11,622.00 be transferred from Water Fund budget line item 9711.6 and the additional sum of \$736.00 be transferred from Water Fund budget line item 8320.4 to the following budget lines:

8310.4 (Administrative Contractual)	1,000.00
8310.41 (Administrative Reporting)	1,000.00
8310.43 (Administrative Maintenance)	1,500.00
8320.41 (Electricity)	300.00
9010.8 (Retirement)	7,225.00
9710.6 (Principal Bond Payment)	1,333.00

MOVED BY: Councilman Slavin
 SECONDED BY: Councilwoman Bayly

VOTED UPON AS FOLLOWS:

Councilman Bayly	Yes
Councilman Slavin	Yes
Councilwoman Bentley	Yes
Councilwoman Cropsey	Yes
Supervisor Jacangelo	Yes

RESOLUTION #37-2011 – IN THE MATTER OF THE TRANSFER OF CERTAIN HIGHWAY BUDGET FUNDS - When the initial vote was taken, Mr. Tomaselli realized that the actual transfers did not add up to the sum being transferred and the town board did another vote as follows: The resolution is as follows: RESOLVED, that it is hereby directed as follows: That the sum of \$84,219.00 to be transferred from Highway fund budget line item 24960 to the following budget line items:

251104 (General Repairs)	75,000.00
29018 (Retirement)	9,219.00

MOVED BY: Councilman Bayly
 SECONDED BY: Councilwoman Bentley

VOTED UPON AS FOLLOWS:

Councilman Bayly	Yes
Councilman Slavin	Yes
Councilwoman Bentley	Yes
Councilwoman Cropsey	Yes
Supervisor Jacangelo	Yes

RESOLUTION # 38 OF 2011-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 \$11,905.00 be transferred from General Fund budget line item 1816041 (Landfill Filter) to the following budget line items in the allocated amounts indicated:

113154 (Accounting)	1,500.00
173104 (Youth Programs Contractual)	6,200.00
190108 (Retirement)	705.00
190608 (Health Insurance)	3,500.00

MOVED BY: Councilwoman Bentley
 SECONDED BY: Councilwoman Cropsey

VOTED UPON AS FOLLOWS:

Councilman Bayly	Yes
Councilwoman Bentley	Yes
Councilwoman Cropsey	Yes
Councilman Slavin	Yes
Supervisor Jacangelo	Yes

Payment of Bills:

Motion by Slavin, seconded by Bayly and an oral vote of 5 ayes to pay Warrant #26-2011 in the amount of \$10,648.24.

Motion by Bayly, seconded Slavin and an oral vote of 5 ayes to pay Warrant #27-2011 in the amount of \$132,974.04.

Motion by Bayly, seconded by Slavin and carried to exit to Executive Session for potential litigation at 8:55 p.m. No action was taken in Executive Session. Motion by Slavin, seconded by Cropsey and carried to exit from Executive Session at 9:30 p.m. and immediately adjourn.

Motion by

Respectfully submitted,

Susan Horton
Town Clerk