

TOWN BOARD MINUTES  
TOWN OF POESTENKILL  
TOWN BOARD MEETING

January 19, 2012

(Not approved at time of distribution)

ROLL CALL AS FOLLOWS

Councilman Bayly	Present
Councilwoman Bentley	Absent (due to family illness)
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. On a motion by Councilman Bayly, seconded by Councilwoman Cropsey and carried the bills were accepted for payment. Supervisor Jacangelo opened the meeting with the Pledge of Allegiance.

Public Hearing on proposed Local Law #1-2012 entitled "AMENDING THE LAND USE REGULATIONS AND LAND USE DISTRICT MAP OF THE TOWN OF POESTENKILL" was opened at 7:15 p.m. This proposed local law is to amend the area of an active mine that was in operation in 2011 by 43 Mall LTD to rezone from residential agricultural ("RA") to natural products ("NP") approximately 1.44 acres of land. No one spoke and the public hearing was closed by Supervisor Jacangelo at 7:20 p.m.

Public Comment Period - L. Basle requested time to speak when the fire company contract was being discussed and D Reis, representing the Library wanted to reserve time when the library report was given.

Motion by Bayly, seconded by Cropsey and an oral vote of 4 ayes to accept the town clerk's minutes of December 15, 2011 as written. Motion by Slavin, seconded by Bayly and an oral vote of 4 ayes to accept the town clerk's minutes of the year end meeting of December 29, 2011 as written. Motion by Slavin, seconded by Bayly and an oral vote of 4 ayes to accept the town clerk's Organizational minutes of January 2, 2012 as written.

Liaison Reports

Planning Board – J. Briggs, Planning Board liaison reported on the Planning board meeting of January 3<sup>rd</sup> and Town Board members had copies of these minutes in their packets.

Zoning Board – Town Board members had copies of the ZBA's January 4<sup>th</sup> minutes in their packets.

Records Advisory-Nothing to report.

Fire Company – No report.

Library – L. Lundgren spoke on the great success of the Holiday Lights campaign and D. Reis spoke on the Penguin party that was being held at the Library this evening. She also spoke on the weekly visit of the service dog.

CAC - No report

ADHOC – did not meet

Youth Board – Supervisor Jacangelo spoke on the current activities of the youth group.

Water Board- They did meet and Town board members had copies of this report and action will be taken later on in the meeting.

#### Informational Items

None

#### Discussion Items

First Time Home buyers Exemption- There was a lengthy discussion among board members regarding this exemption. Mr. Tomaselli had prepared draft legislation to enact a proposed local law. After the board had reviewed the draft legislation, the board members decided to set a public hearing date. Motion by Slavin, seconded by Cropsey and an oral vote of 4 ayes to set the public hearing date for February 16<sup>th</sup> at 7:15 p.m. on “TOWN OF POESTENKILL REAL PROPERTY TOWN TAX EXEMPTION FOR FIRST-TIME HOMEBUYERS OF NEWLY CONSTRUCTED HOMES”. Mr. Tomaselli will prepare the legal notice for the newspaper.

#### Action Items

##### RESOLUTION NO. 1-2012

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 – APPROVAL OF REZONING APPLICATION

MOVED BY: Slavin

SECONDED BY; Bayly

Prior to the vote, A. Gilchrist had a question pertaining to the expiration of the 6 month temporary rezoning date. After this discussion, Councilman Slavin removed his original motion and a new motion was made. Councilman Slavin amended the resolution (Mr. Tomaselli had no problem with this amendment) to state that the date of issuance of the temporary rezoning period date shall be the later of the two dates of the DEC mining permit or SUP issued by the planning board. The vote is as follows:

##### VOTED UPON AS FOLLOWS:

Councilman Bayly	YES
Councilwoman Bentley	ABSENT
Councilwoman Cropsey	YES
Councilman Slavin	YES
Supervisor Jacangelo	YES

Local Law 1-2012 - Amending the Land Use Regulations and Land Use District Map of the Town of Poestenkill – Supervisor Jacangelo stated that this local law is amended as discussed during the vote of Resolution #1-2012 regarding the 6 month duration start up date of the temporary rezoning of the 1.44 acres owned by 43 Mall, LTD.

AMENDING THE LAND USE REGULATIONS AND LAND USE DISTRICT MAP OF THE TOWN OF POESTENKILL

MOVED BY: Bayly

SECONDED BY: Slavin

VOTED UPON AS FOLLOWS:

Councilman Bayly	YES
Councilwoman Bentley	ABSENT
Councilwoman Cropsey	YES
Councilman Slavin	YES
Supervisor Jacangelo	YES

2012 Water Rate – THE TOWN BOARD HEREBY SETS THE 2012 WATER RATE IN THE AMOUNT OF \$4.45/PER 1,000 GALLONS OF WATER

MOVED BY: Bayly

SECONDED BY: Slavin

VOTED UPON AS FOLLOWS:

Councilman Bayly	YES
Councilwoman Bentley	ABSENT
Councilwoman Cropsey	YES
Councilman Slavin	YES
Supervisor Jacangelo	YES

Association of Towns – Voting Delegates-Motion by Cropsey, seconded by Bayly and an oral vote of 4 ayes designating Supervisor Jacangelo as the voting delegate and Councilman Slavin as the alternate delegate at the Association of Towns meeting in NYC.

RESOLUTION #2-2012 – IN THE MATTER OF ADOPTION AND IMPLEMENTATION OF THE PROVISIONS OF THE HURRICANE IRENE AND TROPICAL STORM LEE ASSESSMENT RELIEF ACT.

MOVED BY: Bayly

SECONDED BY: Slavin

VOTED UPON AS FOLLOWS:

Councilman Bayly	YES
Councilwoman Bentley	ABSENT
Councilwoman Cropsey	YES
Councilman Slavin	YES
Supervisor Jacangelo	YES

Appointment of Jeffrey Briggs to the Poestenkill Planning Board Term to Expire 12/31/18 – Motion by Slavin, seconded by Cropsey and an oral vote of 4 ayes to appoint Jeffrey Briggs to the Poestenkill Planning Board with a term to expire 12/31/18 and also appointing Harvey Teal as the Planning Board Alternate.

A Town Clerk note, the following are the members of the Planning Board with their expiration dates:

Jeffrey Briggs	12-31-2018
June Ross	12-31-2017
William Daniel	12-31-2016
David Hass	12-31-2015
David Loucks	12-31-2014
Robert Dorr	12-31-2013
Dawn Neibuhr	12-31-2012
Harvey Teal (expiration 12/31/2012)	as Alternate

Fire Department Contract – L. Basle thanked the Town Board for the Fire Protection Agreement and everything is in the document as discussed. Motion by Bayly, seconded by Slavin and an oral vote of 4 ayes to authorize the Supervisor to sign the agreement.

Library Service Agreement – Motion by Slavin, seconded by Cropsey and an oral vote of 4 ayes authorizing the Supervisor to execute the 2012 Library Service Agreement.

Library Lease Agreement – Motion by Slavin, seconded by Bayly and an oral vote of 4 ayes authorizing the Supervisor to execute the 2012 Lease Agreement.

Veterans Agreement – Motion by Cropsey, seconded by Slavin and an oral vote of 4 ayes authorizing the Supervisor to execute the 2012 Veterans agreement.

Benefit Unit Review Board Meeting - The Benefit Review Board met on January 18<sup>th</sup> to review five requests to eliminate the benefit unit charge that is charged on a parcel of land. Out of the five requests two parcels were granted refunds. Motion by Slavin, seconded by Cropsey and an oral vote of 4 ayes authorizing the town supervisor to sign a check refunding the monies to property owner (Tax I.D. #125.-2-6) once property taxes are paid. Motion by Slavin, seconded by Bayly and an oral vote of 4 ayes authorizing the town supervisor to sign a check refunding the monies to property owner (Tax I.D. #125.-1-26) once property taxes are paid.

Park Planning – There was a lengthy discussion on the open space proposals and the board felt that both firms were reputable ones. The two firms are Saratoga Associates and Synthesis. However, Saratoga Associates is \$5,000 over budget. The board decided to leave the decision up to Supervisor Jacangelo. Motion by Slavin, seconded by Bayly and an oral vote of 4 ayes authorizing the Supervisor to choose at his discretion the firm as long as it stays within the budget allowed.

#### Reports

Supervisor's Report – Supervisor Jacangelo reported on the water review board going. He is also going to invoice Jersen for some water leaks. Close-out documents are needed for Jersen. It was noted that the water systems correct as built drawings have yet to be received. Councilman Bayly stated that the system is not running the way it should be for a new system. The board decided to have R. Brunet contact C.T. Male and in turn have C.T. Male contact Casale over the water leakage problem.

Motion by Slavin, seconded by Bayly and an oral vote of 4 ayes to continue the free water meter policy through January 31, 2012.

Town Attorney's Report – Mr. Tomaselli read his monthly report which included his activities since the last town board meeting. These activities included preparation of forms regarding the Lochvue rezoning application and other documents for tonight's meeting. Full report is on file in the Town Clerk's Office.

Town Clerk's Report – Motion by Slavin, seconded by Bayly and carried to accept the Town Clerk's 2011 Revenues and Disbursements report. Motion by Slavin, seconded by Bayly and an oral vote of 4 ayes to accept the Town Clerk's report for December 2011. The amount collected in the clerk's office was \$3,778.19 and of that amount \$3614.54 was remitted to the Supervisor. Town Board members had copies of the Building Inspector/Code Enforcement/Water Manager's report, as well as the dog control report, the assessor's report, and the highway report. Also, there was a report from Creekside Kennel Ltd. – dba Animal Annex of Rensselaer County – Shelter Report. A written report from the Town Historian was also part of the town board's packets.

Supervisor Jacangelo noted that a letter was sent to County Executive Jimino in regards the town's MS4.

Motion by Slavin and seconded by Bayly and an oral vote of 4 ayes to accept Warrant #01-2012 in the amount of \$34968.99. Motion by Bayly, seconded by Cropsey and an oral vote of 4 ayes to pay Warrant #02-2012 in the amount of \$23,280.89.

Motion by Slavin, seconded by Cropsey and carried to adjourn this meeting at 8:45pm.

Respectfully submitted,

Susan Horton, Town Clerk