

TOWN BOARD MINUTES  
TOWN OF POESTENKILL  
TOWN BOARD MEETING  
APRIL 17, 2013  
(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 Slavin, seconded by Bayly and an oral vote of 5 ayes that the bills have been audited for payment this evening.

Supervisor Jacangelo opened the meeting with the Pledge of Allegiance and opened the floor for any public comment. Prior to the public comment period, Supervisor Jacangelo stated that at the end of the meeting there would be an Executive Session to discuss a Real Property Acquisition by the town. T. Jacangelo wanted to reserve time to speak. Pete St. Germain asked about the idea of Natural Gas being brought to the town. Supervisor Jacangelo stated that he had called National Grid several times regarding this issue. Supervisor Jacangelo stated that he would like to have some discussions with State Officials over this issue. Mr. St. Germain reported that the Superintendent of the Averill Park School District, Dr. James Hoffman was present at the last Business Association meeting and stated the school district would be interested in Natural Gas coming to the area. There was a discussion stating that perhaps the town would start a petition to circulate to town residents as to whether they were interested in Natural Gas coming into the town. D. Hass, Planning Board Member questioned the procedure of appointing a new Planning Board member and he wanted to know when the town board made their decision to appoint Eric Wohlleber as the alternate, when the Planning Board had put forward another name. The town's current practice of putting forward a name to the Town Board is quite unusual in New York State; the decision for the appointment is up to the Town Board. D. Hass feels that Supervisor Jacangelo has reflected his own personal feelings in this situation. However, Supervisor Jacangelo stated that this is not the case. D. Hass' second concern was the issue of the Lot Line Adjustment Law that was just recently adopted by the Town Board. Town Attorney, Pat Tomaselli stated that the Town Board solicits input on local laws. D. Hass, Planning Board Member stated that the Planning Board never got a final draft of Local Law #2-2013 prior to the Town Board's vote. Mr. Tomaselli stated once again, that the final draft of this law was sent to the Planning Board's Attorney and the Planning Board's Chairman. D. Loucks, Planning Board Chairman stated that the issue was discussed at a Planning Board meeting but the actual draft had never been distributed to Planning Board members.

Motion by Bayly, seconded by Slavin with one abstention by Councilwoman Bentley and an oral vote of 4 ayes (Councilwoman Bentley was absent from the March 21<sup>st</sup> meeting) to accept the Town Clerk's minutes of March 21, 2013, as written.

Liaison Reports:

Planning Board – Town Board members had copies of the Planning Board minutes of April 2<sup>nd</sup> in their packets. D. Loucks elaborated on the meeting of April 2<sup>nd</sup>.

Zoning Board – The April 9<sup>th</sup> ZBA meeting was cancelled due to lack of Agenda items.

Fire Company – Town Board members were given copies of the Fire Company's current report for March.

Records Advisory- No report.

Library - E. Gresens , reported on the recent activities of the Library which included Market Day. Supervisor Jacangelo noted that the town will be doing work on the Library's leach field after Market Day.

Youth Advisory Board – G. Bentley reported on the recent events which included the upcoming Summer camp.

Correspondence:

Sullivan Jones Post – Memorial Day Parade - Memo dated April 6<sup>th</sup> extending an invitation to participate in the Memorial Day parade which will be held on May 27<sup>th</sup>. The Town Board gave permission to Supervisor Jacangelo to purchase a wreath to be placed at the monument.

New York State Department of Environmental Conservation – Dennis Rd. mine inspection – Letter dated March 29<sup>th</sup> from NYS DEC informing the Highway Superintendent that a mine inspection was performed at the old landfill site and that the mine was well run.

Memo dated April 9<sup>th</sup> from NYSDEC regarding the preventative maintenance paving that will be taking place on Rt. 355.

Discussion Items:

Donald Zee-Presentation of Planned Development District for Snake Hill Road-Retirement Community-Mr. Zee was present to get the Board's feelings on the proposal for a senior housing unit of Condo's/Apartments to be located on Snake Hill. The project was in the very early stages and Mr. Zee wanted to get the Town Board's input into such a project. Board members were supplied with demographic paperwork for their review. There was a lengthy discussion among Board members and Mr. Zee on exactly how many units, price ranges and other issues that come up with a large developments like this. Mr. Tomaselli had copies of the criteria/ procedures for establishing a planned development district (PDD) for the Town Board's review. This is a lengthy process and will be discussed at future meetings. It was the consensus of the Town Board members that they would be interested in this project. Motion by Bayly, seconded by Bentley and carried that it is the intention of this board to review this project in depth. The Town Board will wait until it is presented with the written application including SEQRA, for this project before a formal entertaining vote is taken.

Rensselaer County Board of Elections holding a campaign finance seminar- The seminar will be held on May 7<sup>th</sup> from 9:00 AM – 12:00 Noon at the Rensselaer County Office Building.

RESOLUTION#9-2013 – IN THE MATTER OF SCHEDULING A PUBLIC HEARING CONCERNING THE ADOPTION OF A LOCAL LAW PROVIDING FOR THE CODIFICATION OF LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF POESTENKILL. Resolved, that a public hearing be held by the Town Board at the Poestenkill Town Hall on May 2, 2013 commencing at 7:00 PM regarding the adoption of proposed Local Law #3-2013 – Providing for the codification of our town code.

MOVED BY: Councilwoman Bentley  
 SECONDED BY: Councilman Slavin

VOTED UPON AS FOLLOWS:

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

Water – Discussion of letter from bond counsel regarding additional cost – Town Board members authorized Supervisor Jacangelo to prepare a check for May 9<sup>th</sup> in the approximate amount of \$4,400 to pay off the interest on the water district bonds.

Action Items:

Re-Appointment of Donna Young to the Board of Assessment Review term October 1, 2013 – September 30, 2018 – Motion by Slavin, seconded by Bayly and carried to re-appoint Donna Young to the BAR for a five year term beginning October 1, 2013 to September 30, 2018.

RESOLUTION #10-2013 – IN THE MATTER OF EXPRESSING SUPPORT FOR THE RIGHTS ACCORDED TO THE CITIZENS OF THIS COUNTRY BY THE SECOND AMENDMENT OF THE UNITED STATES CONSTITUTION AND OPPOSING ATTEMPTS BY THE STATE OF NEW YORK TO IMPROPERLY INFRINGE UPON THOSE RIGHTS. Resolved, that this Town Board affirms its support for the Second Amendment to the United States constitution and expresses its opposition to the legislation (NY SAFE Act) adopted by the State Legislature unduly restricting the rights of gun owners, and similarly opposes attempts on the Federal level to implement any new unreasonable restrictions on such rights.

MOVED BY: Councilwoman Cropsey  
 SECONDED BY: Councilman Bayly

VOTED UPON AS FOLLOWS:

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

Approval to Execute a Settlement Agreement between Town and Department of Justice regarding ADA concerns at Town Hall and the Library - Motion by Bentley, seconded by Slavin and carried authorizing the Supervisor to execute the settlement agreement between the

Town and the Department of Justice regarding ADA concerns at the Town Hall and the Library. Supervisor Jacangelo further stated that he was going to try to create an ADA registry.

Appointment of Dana Martin to the Poestenkill Youth Board – Motion by Bentley, seconded by Bayly and carried to appoint Dana Martin to the Poestenkill Youth Board with term to expire on December 31, 2013.

Appointment of Richard Scott – Assistant to Water Manager – Motion by Slavin, seconded by Bayly and carried to appoint Richard Scott as Assistant to the Water Manager. This is a yearly appointment.

Appointment of Eric J. Wohlleber as Alternate to the Town Planning Board with a term to expire 12/31/2013.

MOVED BY: Councilman Slavin  
 SECONDED BY: Councilman Bayly

VOTED UPON AS FOLLOWS:

Councilman Bayly: YES  
 Councilwoman Bentley: NO  
 Councilwoman Cropsey: YES  
 Councilman Slavin: YES  
 Supervisor Jacangelo: YES

Mr. Wohlleber is the new Planning Board Alternate.

Reports –

Supervisor's Report – Supervisor Jacangelo reported that there is still a number of outstanding improvements which need to be addressed at Town Hall. One of which is replacing the windows and more bids are needed. Supervisor Jacangelo is looking to finalize the acquisition of the Twin Town Little League property.

Town Attorney's Report – Mr. Tomaselli gave his monthly updates which included working on drafting terms of use agreement with Twin Town Little League. Communicating with NYS EFC, Town's bond counsel regarding closing on the long term financing of the water district. Reviewed the latest version of the code from General Code publishers, etc. The complete report is on file at the Town Clerk's Office.

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 March 2013. The total amount received in the Clerk's office was \$2,048.52 and of that amount \$1,939.72 was remitted to the Supervisor. Town Board members had copies of the Building Inspector/Code Enforcement Officer's written report. They also had copies of the Assessor's monthly report, and the highway report. R. Brunet, Code Enforcer provided Town Board members with his Drinking Water Quality Report for 2012. He also supplied with an overview of the MS4 activities for the period of March 2012 thru March 2013.

Payment of Bills:

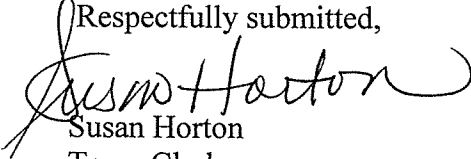
C. Roberts, Town's Accountant supplied Board Members with the 1<sup>st</sup> Quarter Subsidiary Report.

Motion by Slavin, seconded by Bayly and an oral vote of 5 ayes to pay Warrant #9-2013 in the amount of \$70,475.58. Motion by Slavin, seconded by Bayly and an oral vote of 5 ayes to pay Warrant #10-2013 in the amount of \$373.05 .

Motion by Bayly, seconded by Bentley and carried to exit into Executive Session at 8:55 p.m. to discuss the potential acquisition of property. Motion by Bentley, seconded by Slavin and carried to exit Executive Session at 9:08 p.m. with no votes taken in Executive Session.

Motion by Cropsey seconded by Slavin and carried to adjourn this meeting at 9:08 p.m.

Respectfully submitted,



Susan Horton  
Town Clerk