

TOWN BOARD MINUTES  
TOWN OF POESTENKILL  
TOWN BOARD MEETING  
NOVEMBER 21, 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 Bentley and an oral vote of 5 ayes that the bills have been audited for payment this evening.

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Supervisor Jacangelo opened the meeting with the Pledge of Allegiance and started the agenda items by opening the floor for Public Comment. L. Basle requested to reserve time when the Town Board talked about the Fire Co.

Motion by Bayly, seconded by Slavin and an oral vote of 5 ayes to accept the Town Clerk's minutes of the October 17, 2013 meeting as written. Motion by Slavin, seconded by Cropsey and an oral vote of 5 ayes to accept the Town Clerk's minutes of the Special Meeting of November 7, 2013, as written.

Liaison Reports:

Planning Board – Town Board members had copies of the Planning Board minutes of November 6th in their packets. D. Loucks, Chairman of Planning Board stated that as of January 1<sup>st</sup>, the Planning Board will be down two members due to the November elections.

Zoning Board – Town Board members had copies of the ZBA minutes of November 12th in their packets. There was no liaison present.

CAC – No meeting

Fire Company – L. Basle, representing the Fire Co. reported that the Annual Fire Co. Audit for 2013 has been completed. A copy of such was given to the Supervisor.

Library – E. Gresens reported on the current activities at the Library

Youth Advisory Board – Councilwoman Bentley reported on the upcoming youth activities which include the ski club and Ice skating events.

Correspondence:

Time Warner letters – A letter dated November 6<sup>th</sup> from Time Warner showing that some services will soon expire.

Thank you letter – E-mail dated October 19<sup>th</sup> from a resident expressing appreciation to the Highway Superintendent and his crew for addressing a driveway apron issue.

New York Dept. of Public Service - A letter dated November, 2013 from New York State Dept. of Public Service, enclosing a listing of available publications relating to the upcoming winter season for energy efficiency and financial assistance information for residents.

Speed limit request – A letter dated November 7<sup>th</sup> from NYSDOT, addressing the speed limit request for Dater Hill Rd. has been determined and that a reduction in speed limit has been warranted for 40 mph.

Informational Items –

Resignation of Richard Scott – The resignation of Richard Scott (Assistant to the Water Manager) has been received by the Town Clerk and is effective immediately. R. Brunet, Water Manager stated for the record that Mr. Scott did an excellent job as well as L. Reiter had done before him.

Resignation of Meaghan Henry – The resignation of Meaghan Henry, ZBA member has been received by the Town Clerk and will become effective December 31, 2013.

Discussion Items –

Water Meter price increase – Motion by Bentley, seconded by Slavin and an oral vote of 5 ayes to increase the Water Meter price from \$175 to \$225 effective immediately.

Lochvue/Quail Meadow Subdivision –

Supervisor Jacangelo reported that he as well as Attorney Tomaselli, R. Brunet, T. Field, D. Loucks and the principals of the Lochvue development met to discuss the updates at the Lochvue development. The drainage district has been set up and all the initial fees have been paid. The total drainage fee per lot is \$1,000. There is an initial per lot fee of \$500 and when individual building lots are applied for a second fee of \$500 is due. The SWPPP has been filed with DEC.

The water pipe will be inspected by R. Brunet as already agreed to by Lochvue principals. The town will be paid a \$5,000 inspection fee from the developer. In principle, Attorney Tomaselli stated that he was agreeable to an irrevocable letter of credit and he will draft a letter that will meet the town's needs and forward it to the Lochvue owners for their review. Supervisor Jacangelo stated that he needed a sense of the town board to see if they are agreeable to an irrevocable letter of credit as opposed to a subdivision bond. Mr. Tomaselli stated that it was advantageous to the town to accept a letter of credit. He further stated that the letter of credit can also be combined with the performance/construction of the subdivision and the one year road maintenance after work is completed. This will be formally voted on at a later meeting. The Quail meadows subdivision was also discussed at the November 1<sup>st</sup> meeting with the same town employees present along with C. Kronau. The project is still going forward. The first step is to have a drainage district established and other issues were discussed in depth with the participants at the meeting.

Discussion of Capital Reserve Fund General & Highway –

Supervisor Jacangelo stated that the money reserve is quite healthy at this point in time. P. Tomaselli spoke on the types of reserve funds which includes a specific improvement, Capital

Reserve fund or a Type Capital reserve fund. The difference being when establishing the specific reserve fund it is subject to a permissive referendum but the expenditures are not. Just the opposite when setting up the Type Capital Reserve fund. It was the consensus of the board to go with the Type

Reserve fund because it would allow the town more flexibility. This will be formally voted on at the December 19<sup>th</sup> meeting when Mr. Tomaselli has drafted the resolution(s).

Highway Yard Security Cameras – Held over until December 19<sup>th</sup> meeting.

Gold Star Parent memo – Assessor Office - This will be discussed further at the December 19<sup>th</sup> meeting when board members have to chance to review the matter.

Action Items –

Bid for hydraulic excavator for the Town highway department –

Supervisor Jacangelo reported that all bids received had various issues, all of them were not complete. He recommended to formally reject all the bids that were received as a result of the Town bid advertisement. RESOLUTION #35-2013 – IN THE MATTER OF THE TOWN BOARD OF THE TOWN OF POESTENKILL REJECTING ALL BIDS FOR THE FURNISHING AND DELIVERY OF A NEW HYDRAULIC EXCAVATOR FOR THE TOWN HIGHWAY DEPARTMENT – Resolved, that the Town Board, acting within its discretion and as authorized by General Municipal Law §103, has determined to and hereby does reject all such bids; and it is further Resolved, that the bid deposits of all such bidders be promptly returned to them together with a copy of this Resolution advising of the Town's rejection of all bid submittals.

MOVED BY: Slavin  
SECONDED BY: Bayly

VOTED UPON AS FOLLOWS:

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

RESOLUTION #36-2013 – IN THE MATTER OF THE TOWN BOARD OF THE TOWN OF POESTENKILL AWARDING A CONTRACT FOR THE FURNISHING AND DELIVERY OF A NEW HYDRAULIC EXCAVATOR TO SOUTHWORTH MILTON PURSUANT TO THE PROVISIONS OF §103(16) OF THE GENERAL MUNICIPAL LAW

MOVED BY: Bentley  
SECONDED BY: Slavin

There was a discussion among Town Board members pertaining to the difference in price from the previous amount. There was some confusion as to the actual bid for the excavator as stated in this resolution. In short, the town decided to “piggy-back” onto the Stillwater contract pursuant to General Municipal Law §103(16). The amount that Poestenkill will be paying for the excavator is \$94,135.00. This price reflects a lesser amount due to the fact that the town will not be receiving the additional add ons that the town of Stillwater receives. Resolved, that, subject

to coordination with Southworth Milton and said contractor's agreement to extend the prices, terms and conditions of its contract with the Town of Stillwater to the Town of Poestenkill, the

Town Supervisor is hereby authorized to enter into an agreement with Southworth Milton for the excavator at a cost not to exceed \$97,254.00.

VOTED UPON AS FOLLOWS:

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

RESOLUTION #37-2013- IN THE MATTER OF APPROVING AND AUTHORIZING THE TOWN CLERK TO EXECUTE THE NYSDEC LICENSE ISSUING AGENT AGREEMENT AND TO EXECUTE AND SUBMIT THE ACCOMPANYING LICENSE ISSUING AGENT APPLICATION – Resolved, that the Town Board hereby approves the proposed new Agent Agreement provided by DEC and hereby authorizes the Town Clerk to complete and execute same and the attachments thereto and to submit the completed and executed documents to DEC on or before December 15, 2013.

MOVED BY:	Councilman Bayly
SECONDED BY:	Councilwoman Cropsey

VOTED UPON AS FOLLOWS:

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

Reports –

Supervisor's Report – Supervisor Jacangelo reported that the Bell Tower has been completed on the Town Hall. He also met with Lochvue/Quail Meadows representatives. He had discussions with newly elected board member D. Hass regarding improved banking services but no formal decisions will be made until after the first of the year. Supervisor Jacangelo went on to say that he had received a letter of interest from B. Jackson regarding the Assessor's position and that he and Councilwoman Bentley will be doing the interviewing. The town has finally received the executed contract of the Twin Town Little League field. Supervisor Jacangelo updated board members on what will be happening with the town's insurance program and what the changes are going to be.

Town Attorney's Report – Mr. Tomaselli gave his monthly updates which included preparing to attend the November 12<sup>th</sup> ZBA meeting, reviewing the format of a proposed letter of credit and researching desirable terms for this letter. Preparing resolutions for tonight's meeting, recording twin town little league deed and addressing threatening litigation against the town.

P. Tomaselli's full report is on file at the town clerk's office.

Town Clerk's Report – Motion by Bayly, seconded by Cropsey and an oral vote of 5 ayes to accept the Town Clerk's report of October 2013. The total amount received in the Clerk's office was \$15,567.52 and of that amount \$13,458.68 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 as well as the DCO report. There was no Creekside Shelter report.

Budget Transfers –

RESOLUTION #38-2013

IN THE MATTER OF THE TRANSFER OF CERTAIN GENERAL BUDGET FUNDS

RESOLVED-that it is hereby authorized and directed that the sum of \$700 be transferred from General Fund budget line item 119904 (Contingency) to General Fund budget line item 113554 (Assessor Contractual and that the sum of \$371 be transferred from General Fund budget line item 175102 (Historian Equip.) to General Fund budget line item 175104 (Historian Contractual) and that the sum of \$500 be transferred from General Fund budget line item 119904 (Contingency) to General Fund budget line item 136204 (Code Enforcement Contractual).

MOVED BY: Councilman Slavin

SECONDED BY: Councilman Bayly

VOTED UPON AS FOLLOWS:

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

RESOLUTION #39-2013-IN THE MATTER OF THE TRANSFER OF CERTAIN WATER BUDGET FUNDS-RESOLVED- that it is hereby authorized and directed as follows that the sum \$133.65 be transferred from Water Fund budget line item 8310.43 (Administration-Maintenance) to Water Fund budget line item 9010.8 (Retirement).

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

RESOLUTION #40-2013 – IN THE MATTER OF THE TRANSFER OF CERTAIN HIGHWAY BUDGET FUNDS – Resolved, that it is hereby authorized and directed as follows:

That the sum of \$15,000.00 be transferred from Highway Fund budget line item 251204 (Bridges) to Highway Fund budget line item 251304 (Machinery Contractual); and that the sum of \$5,238.00 be transferred from Highway Fund budget line item 251204 (Bridges) to Highway Fund budget line item 290108 (State Retirement).

MOVED BY: Councilwoman Bentley

SECONDED BY: Councilwoman Cropsey

VOTED UPON AS FOLLOWS:

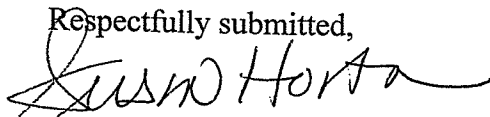
Councilman Bayly: YES  
Councilwoman Bentley: YES  
Councilwoman Cropsey: YES  
Councilman Slavin: YES  
Supervisor Jacangelo: YES

Payment of Bills:

Motion by Slavin, seconded by Bayly and an oral vote of 5 ayes to pay Warrant #23 -2013 in the amount of \$162,267.13. Motion by Slavin, seconded by Bayly and an oral vote of 5 ayes to pay Warrant #24-2013 in the amount of \$149,266.13.

Motion by Slavin, seconded by Bentley and carried to adjourn this meeting at 8:40 p.m.

Respectfully submitted,



Susan Horton  
Town Clerk