

TOWN BOARD MINUTES  
TOWN OF POESTENKILL  
TOWN BOARD MEETING  
JULY 17, 2014  
(Not approved at time of distribution)

ROLL CALL AS FOLLOWS

Councilwoman Bentley	Present
Councilman Hass	Present
Councilwoman Ross	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 Hass 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 stated that there were three public hearings on the agenda for this evening.

The first public hearing opened at 7 p.m. and was regarding the proposal to establish the Quail Meadows Subdivision Drainage District. The affidavit of publication was available for review. L. Basle questioned some of the fees pertaining to this 27- lot subdivision and did not feel that the fees should be paid in phases and thinks that the town will be setting a precedent by allowing this. Councilman Hass questioned the fees in local law #1-2013 and who would be responsible for the costs of continued operation and maintenance of the proposed district. A formal vote will be taken during the Action Items section of the meeting. The public hearing was closed at 7:15 p.m.

The next public hearing was opened at 7:15 p.m. and was entitled Amending the Land Use Regulations of the Town of Poestenkill. The affidavit of publication was available for review. K. Hammond, former town board member and legislator was in favor of this proposed local law as long as the requirements for keyhole lots are not changing. J. Grattan, Planning board member feels that this proposed local law spells out clearly provisions relating to setbacks and minimum lot requirements. This will be formally voted on during the Action Items portion of the meeting. The public hearing was closed at 7:20 p.m.

The third public hearing was opened at 7:30 p.m. and was regarding the proposed purchase of Real Property adjacent to town hall. The affidavit of publication was available for review. The intended purpose for this proposed purchase is for use by the Historical Society. M. Hoffman is in favor of the purchase of the property. This particular parcel is in the center of town. She feels if the historical society can maintain the building, then its better then having the building demolished and furthermore, it's adjacent to the library and the town hall. S. Valente feels that the building is sellable and is a taxable producing parcel. Supervisor Jacangelo stated that the property was assessed at \$48,000 as it now stands and the current owner has agreed to \$45,000. He commended the historical society for raising over \$10,000 in pledges and donations for the maintenance and upkeep of the building.

R. Bayly, County Legislator and former town board member stated the town purchased the current library sight at a reasonable cost but the renovation costs were astronomical. Councilwoman Bentley stated that the renovation costs for the building would be the responsibility of the Historical Society and not the town. A. Valente wanted to know if the \$10,000 (+) raised by the Historical Society would be used towards the purchase price of the building or would that just be for the upkeep and maintenance? Supervisor Jacangelo replied that the money would be used for the upkeep and maintenance. R. Bubie feels that this particular piece of property is too small for the purpose in which it is intended and that perhaps, the Historical Society should think about renting space from the church. Councilwoman Bentley stated that in the Historical Society's members' eyes it is a beginning. M. Hopple feels that the Historical Society is a great institution in town but not sure now after tonight's comments if this is the proper site. Audience members that spoke concluded that there was a need but they just weren't sure of this particular site. E. Eisenhandler supports the Historical Society but he feels this is a want situation and not a need. There are other things the town should be investing in and he feels that this purchase would be a continual drain on the town's budget. T. Russell and F. Burzesi also oppose this purchase. Councilman Hass stated that he was confused over the original letter that was sent out to residents. Supervisor Jacangelo stated that the Historical Society sent the letter not the town. Councilman Hass wanted to know if there were any legal repercussions that the town board could face regarding this acquisition. Councilwoman Bentley stated that any questions that arose from residents were referred to the Historian. Councilman Hass feels that this is dangerous grounds for the town to be involved in and furthermore he thinks it would be an insult to the town to have artifacts shown/stored in this building; no parking, no septic, etc. He feels that it is the town board's job to be fiscally responsible in any of their financial undertakings. He feels the town should take their time to find the appropriate property to house the artifacts and this was not the site. Supervisor Jacangelo stated that it would be town property so the parking was a non-issue and as for the septic there were ways to solve that issue. Councilwoman Bentley stated that the annual cost for the maintenance of this proposed site would be approximately \$1,000 a year and in the meantime, the Historical Society is having fundraisers. Mr. Eisenhandler felt that Councilwoman Bentley should recuse herself from voting because she is a driving force in the Historical Society. Councilwoman Bentley refuted this statement by saying that she has no direct financial interest in this issue. E. Eisenhandler feels that the whole purpose of a public hearing is for people to express their opinions on a particular issue and for the town board members to listen to these opinions with open minds. D. Basle stated that every board member except for Councilwoman Ross and Councilman Slavin had stated a position and he would like to hear their opinions. Councilwoman Ross stated in her business background a plan is needed. She feels that a little more exploration should be done. However, she does want to see the Historical Society in a building, she's just not sure this is the right site. Councilman Slavin feels that this is long overdue and it's a step in the right direction and it would benefit the town. He feels it's a good acquisition. P. Jamison, ZBA member and town resident stated that if you do buy the property you could always sell it. Supervisor Jacangelo stated that the town can afford to buy it but not maintain it. He further stated that this would be a great asset to the town and he supports it. This public hearing was closed at 8:50 p.m.

Supervisor Jacangelo invited the audience to make brief comments and/or request time to speak when a certain item was being discussed. L. Basle, requested time to speak during the Action Items portion of the meeting. T. Chadwick, Highway Superintendent thanked Councilmember's Bentley, Hass and Ross for their support during last months meeting when he was not present.

Several board members stated that he was “dragging his feet” in doing the septic system job at the library that he agreed to do. Mr. Chadwick defended his actions by stating that he had paving jobs already scheduled during the time period when this system was to be installed. He stated that he felt the town roads were more important than the septic system at the library. Mr. Chadwick also stated that Councilman Slavin’s comments regarding Sand Lake’s DPW were not true. Councilman Slavin concurred with Mr. Chadwick. Supervisor Jacangelo stated that he had Mr. Chadwick and Scott Gallerie (Rensselaer County Highway) in his office four years ago discussing Section 284. At that time, Mr. Chadwick told Supervisor Jacangelo that he and Mr. Bayly (who was highway liaison at the time) and himself put a list together on what roads would get done in that particular year. Supervisor Jacangelo thanked Mr. Chadwick and his crew for doing an excellent job on the septic system at the library and yes he was upset with Mr. Chadwick that no actual date had been set to do this project at the library and that prompted his comments at the last meeting. State law states you need an agreement on roads to be done this year and to my knowledge that has not been done. Councilwoman Ross stated that the five year plan and Section 284 are two different issues.

Road Damage – Mr. Chadwick stated that there has been logging going on at Reichard’s Farm Rd. with substantial damage done to our road to the cost of about approximately \$120,000 to replace. Mr. Tomaselli stated that there is a whole sub-section that is put out by NYS on road protection and this could be accomplished in different ways. He stated he would prepare a document for the town boards’ consideration and can be discussed/adopted at the next town board meeting. Supervisor Jacangelo asked Mr. Tomaselli if damages could be received and he said he was investigating.

Motion by Bentley, seconded by Hass and an oral vote of 5 ayes to accept the Town Clerk’s minutes of the June 19, 2014 meeting as written.

#### Liaison Reports:

Planning Board – Town Board members had copies of the Planning Board meeting of July 1<sup>st</sup> in their packets. H. Teal, Planning Board liaison spoke on the recent meeting.

Zoning Board – Town Board members had copies of the ZBA meeting of July 8<sup>th</sup> in their packets. F. Burzesi, ZBA liaison spoke on the recent ZBA meeting.

CAC-No meeting.

Fire Company – B. Teal reported that as of July 15<sup>th</sup> the ambulance has been out of service. Town board members had copies of their financial report from January – June. L. Basle brought up once again about the need for additional Stortz’s connections and the Supervisor is going to look into that request.

Library – C. Wohlleber reported on the current activities at the Library.

Youth Advisory Board – Councilwoman Bentley, reported that the summer camp is underway and parents are very pleased with the program. She stated that the VFW had sponsored and paid for two weeks for a needy child to attend the camp.

## Correspondence:

Memo from Time Warner dated July 16<sup>th</sup> regarding agreements that are going to be expiring soon.

Memo from Capital District Triathlon Club stating that this race will take place on August 16<sup>th</sup> commencing at Crystal Cove.

A letter dated July 14<sup>th</sup> from Catherine Crawmer, Dog Control Officer, regarding her activities with animals other than dogs. The Board authorized Town Attorney, P. Tomaselli to investigate legally how to change her civil service title from Dog Control Officer to Animal Control Officer. Mr. Tomaselli will report back to the board.

## Discussion Items –

Accountant Quarterly Report – Supervisor Jacangelo reported that mortgage tax receipts are down and sales tax receipts are up. Councilman Hass questioned several items on the accountants' quarterly report. Supervisor Jacangelo suggested anyone with questions should e-mail Chet directly with cc to Supervisor Jacangelo or just e-mail him directly. Chet will attend the August meeting and answer any questions.

Eagle Scout Project - A storage shed is being built at the VFW as an Eagle Scout project. Permits and a variance are needed for the project. Motion by Hass, seconded by Ross and an oral vote of 5 ayes to waive all town fees and that the town has no objection to the building for the purpose of the variance. The property adjoins the Little League field which is now town owned.

## Action Items –

Proposed Adoption of Local Law #2-2014-RESOLUTION #16-2014 – IN THE MATTER OF THE ADOPTION OF LOCAL LAW#2-2014 OF THE TOWN OF POESTENKILL ENTITLED AMENDING THE LAND USE REGULATIONS OF THE TOWN OF POESTENKILL, resolved that this local law is to eliminate or at least minimize confusion by amending definitions and references to reflect the intent of the code with respect to the siting of homes and other structures on residential lots by changing the definition of setback, lot width, and lot depth.

MOVED BY: Slavin  
 SECONDED BY: Bentley  
 VOTED UPON AS FOLLOWS:  
 Councilwoman Bentley: YES  
 Councilman Hass: YES  
 Councilwoman Ross: YES  
 Councilman Slavin: YES  
 Supervisor Jacangelo: YES

RESOLUTION #17-2014 – IN THE MATTER OF APPROVING THE SECURITY FORM AND AMOUNT FOR QUAIL MEADOWS PHASE 1 resolved, that an irrevocable letter of credit or bond be established and approved by the Town Attorney to form in the amount of \$400,000 for Phase 1 of the project.

MOVED BY: Bentley  
 SECONDED BY: Ross

## VOTED UPON AS FOLLOWS:

Councilwoman Bentley: YES  
 Councilman Hass: YES  
 Councilwoman Ross: YES  
 Councilman Slavin: YES  
 Supervisor Jacangelo: YES

RESOLUTION #18-2014 – IN THE MATTER OF SETTING THE APPROPRIATE FEES TO COVER THE TOWNS LEGAL AND ADMINISTRATIVE FEES (\$3,000) AND TO SET THE AMOUNT PER LOT (\$500 x 8 lots = \$4,000) FOR PHASE 1 OF THE QUAIL MEADOWS SUBDIVISION

MOVED BY: Slavin

SECONDED: Ross

- L. Basle had reserved time to speak at this point of the meeting and he feels that the town is setting a precedent by allowing this applicant to pay half of the per lot fee up front and the remainder to be paid when applying for a building permit.

## VOTED UPON AS FOLLOWS:

Councilwoman Bentley: YES  
 Councilman Hass: YES  
 Councilwoman Ross: YES  
 Councilman Slavin: YES  
 Supervisor Jacangelo: YES

Proposed Adoption of Resolution in the Manner of Establishing the Quail Meadow Drainage District- After discussion with the town attorney, and the applicant it was decided because of time constraints that this matter would be laid aside until further notice.

Consideration of Action Regarding the Acquisition of Real Property- Motion by Bentley, seconded by Slavin to proceed with the acquisition of the Real Property contingent on the SEQR review. Motion by Hass, seconded by Ross to table this acquisition until the Historical Society has time to review other options other than this property.

## VOTED UPON AS FOLLOWS:

Councilwoman Bentley: NO  
 Councilman Hass: YES  
 Councilwoman Ross: YES  
 Councilman Slavin: YES  
 Supervisor Jacangelo: NO

- The proposed acquisition of said property is on hold for the time being.

Motion by Supervisor Jacangelo, seconded by Bentley and carried to instruct the town attorney to prepare a short EAF form for the property in question for the next town board meeting. Motion by Supervisor Jacangelo, seconded by Hass and carried to direct the town historian to work with the Historical Society to prepare a use plan for the property in question as well as any other property they have an interest in that would describe their program staffing as well as their volunteer efforts throughout the year for a presentation at the next town board meeting.

Reports:

Supervisor's Report-Supervisor Jacangelo reported on his recent activities which included recovering damages to the water system as well as receiving checks from NYMIR for about \$1,000. He thanked the highway superintendent once again for his work on the library's septic system, etc. A public meeting will be held at the firehouse on Aug 20<sup>th</sup> to discuss the natural gas matter.

Town Attorney's Report – Mr. Tomaselli gave his monthly updates which included working on drafting notices for the public hearings this evening, met with K. Kronau on the town's paperwork for his subdivision, met with the highway superintendent and did some legal research on a road issue.

Town Clerk's Report – Motion by Bentley, seconded by Slavin and an oral vote of 5 ayes to accept the Town Clerk's report of June 2014. The total amount received in the Clerk's office was \$9,432.97 and of that amount \$9,235.15 was remitted to the Supervisor. Town Board members had copies of the Building Inspector/Code Enforcement Officer's written report. R. Brunet spoke about the Septic System at the Library being approved by Rensselaer Count DOH. He also wanted to thank Dennis, Brian, Dave and Billy from the Highway Dept. for doing such a great job. R. Brunet explained to the board that revenues brought in from his office exceeded \$10,000 for the month. They also had copies of the Assessors monthly report, DCO report and Creekside Kennel report.

Payment of Bills:

RESOLUTION #19-2014-in the matter of the transfer of certain general budget funds resolved, that it is hereby authorized and directed that the sum of \$1,500 be transferred from General Fund budget line item 114204 (Town Attorney Contractual) to General Fund budget line item 136204 (Code Enforcement Contractual)

MOVED BY: Councilman Slavin

SECONDED BY: Councilwoman Bentley

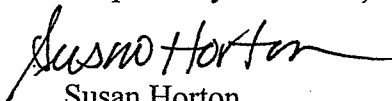
VOTED UPON AS FOLLOWS:

Councilwoman Bentley	YES
Councilman Hass	YES
Councilwoman Ross	YES
Councilman Slavin	YES
Supervisor Jacangelo	YES

Motion by Slavin, seconded by Bentley and an oral vote of 5 ayes to pay Warrant #13 -2014 in the amount of \$\$59,512.52. Motion by Slavin, seconded by Hass and an oral vote of 5 ayes to pay Warrant #14 -2014 in the amount of \$46,227.92.

Motion by Supervisor Jacangelo , seconded by Bentley and carried to adjourn this meeting at 10:10 p.m.

Respectfully submitted,



Susan Horton  
Town Clerk