

TOWN BOARD MINUTES
TOWN OF POESTENKILL
TOWN BOARD MEETING
May 21, 2015
(Not approved at time of distribution)

ROLL CALL AS FOLLOWS

Councilwoman Bentley	Absent
Councilman Hass	Present
Councilwoman Ross	Present
Councilwoman Wait	Present
Supervisor Jacangelo	Present

NON VOTING MEMBERS

Susan Horton, Town Clerk
Patrick Tomaselli, Attorney

Motion by Hass, seconded by Ross and carried that the monthly bills had been audited for payment. Supervisor Jacangelo opened the meeting with the Pledge of Allegiance and then continued with the opening of the first public hearing for the night.

Public Hearing entitled "Town of Poestenkill Road Preservation Law" – This hearing opened at 7:00 pm and this proposed local law would protect town roads and town infrastructure by giving the highway superintendent powers to temporarily prevent high frequency or high impact use of such town property when, in his discretion, conditions are such that town roads and/or infrastructure are likely to be or are actually being damaged by such use. Supervisor Jacangelo opened the floor for comments on this proposed law. Resident, T. Anastasio thought that the law was passed to stop vehicles on roads that they do not belong on. He further stated on one particular road (Pine Bowl) again (Town Road) that the highway superintendent did not stop the vehicles but actually repaired the road so that the trucks could travel on it. At this point, Councilwoman Ross clarified one of Mr. Anastasio statements by stating that this proposed law had not yet been adopted by the town board. Supervisor Jacangelo stated that the Highway Superintendent is in charge of our town roads and entrusted to care for them to keep them safe for vehicles to travel on. Mr. Anastasio wanted to know why the town would repair a road so the truck traffic could continue to destroy the road. Supervisor Jacangelo reported that he was not happy with the logging operation at the Pine Bowl site or their behavior. However, there are no weight limits on the town's roads except for the several roads that have bridges and Supervisor Jacangelo felt that it was time for the County to step up and take some action on their roads. Mr. Tomaselli stated that the whole purpose of this proposed law was to protect the town roads. S. Valente reported that the road had been in disrepair for years and he felt that the Highway Superintendent had done the right thing by repairing the road to prevent a dangerous situation. C. Kronau felt that the town and the logger needed to be held responsible. The public hearing was closed at 7:15 p.m.

Public Hearing on 116 Plank Rd. - was opened at 7:15 p.m. Supervisor Jacangelo stated that notices have been sent to the property owner and notices have been posted at the property sight. This hearing is pursuant to Chapter 100 of the Town Code and in particular Section 100-6 and that an investigation has been conducted by the CEO and a report has been submitted to the Town Board which has considered same and determined that the building located at 116 Plank Rd. is dangerous and unsafe to the public and the Town Board has by resolution ordered the repair of the structure if it can be safely repaired and if not the demolition and removal. The CEO prepared an Order to Remedy Violation dated April 6, 2015 which required the demolition and

removal of the building no later than May 6, 2015, and further provided, pursuant to Code that in the event the owner or other person having an interest in the premises failed to contest such order or failed to comply, the Town Board would order the repair or removal of such building. Supervisor Jacangelo asked if there were any comments. D. Cuatt, neighbor stated that he felt bad for the family but this residence has been in disrepair for a long period of time. Supervisor Jacangelo stated that the town has not been able to get in touch with the owner and all mailings have been returned to the town. R. Brunet stated that he has been working on this matter for a long time and he is of the understanding that the insurance did pay for the fire but that taxes have not been paid on the property. Mr. Tomaselli stated to satisfy due process, that an order of Service By Publication will be applied for and if there is no response it is deemed that the owners got the notice and the town can proceed. The public hearing was closed after everyone was given the opportunity to speak.

Public Hearing on proposed local law entitled "2015 Amendment of the Water Use Law of the Town of Poestenkill"- was opened at 7:30 p.m. this proposed local law would eliminate and/or ease the requirements on connection to the Municipal Water supply for individual homes and for certain subdivisions outside an existing water district. L. Hammond agrees with the proposed law as now written. However, Councilwoman Ross wanted to talk about Section 3 (b) and she feels that this wording should be changed and that it is just one more "hoop" for people to go through. Supervisor Jacangelo reported that no contractor had ever spoke against this particular section of the law. The discussion continued regarding this section that it should be changed but Mr. Tomaselli interjected that this discussion was out of the scope of the public hearing now being addressed. Supervisor Jacangelo stated that this would be discussed later on in the meeting. The public hearing was closed after everyone was given the opportunity to speak.

Public Comment Period – T. Anastasio stated Snyders Corner Road is a County Road and he has notified them of the issues and tonight once again, he is notifying the Town of his concern over Pine Bowl road. Supervisor Jacangelo stated he would follow up on Mr. Anastasio concern.

Motion by Hass, seconded by Wait and an oral vote of 4 ayes to accept the Town Clerk's minutes of the April 16, 2015 with one change under correspondence pertaining to what New York designated to broadband coverage which should be \$550 million not \$550,000.

Liaison Reports:

Planning Board – Town Board members had copies of the Planning Board's meeting of May 5th in their packets. J. Grattan, PB Chairperson spoke on their recent meeting. Motion by Hass, seconded by Wait and an oral vote of 4 ayes to appoint Tom Russell to the PB as a regular member with an expiration date of 12/31/2021 to replace D. Loucks who resigned effective April 30, 2015.

Zoning Board – Town Board members had copies of the ZBA of April 28th in their packets. Chairman Van Slyke elaborated on the minutes.

Fire Company – Town Board members had copies of the Fire Co. April report.

Library –Market Day was held on May 2nd and was a great success.

Youth Advisory Board –no report

Correspondence:

Time Warner - Memo dated April 29th from Time Warner - Comcast has terminated their agreement with Time Warner.

Resignation Letter – The Town Clerk on April 30, 2015 received David Louck's resignation from the Planning Board effective immediately.

Catherine Cawmer – Board members agreed to the purchase of this high tech capturing device to be used by our DCO and it is part of the bills this evening. The total cost for this device is \$1,713 and is being split between Brunswick, Sand Lake and Poestenkill and our cost for our share is \$571.

Pine Bowl Road- Letter from R. Brunet dated May 12th regarding several complaints about Pine Bowl Rd. and the condition it is in due to the logging operation going on in that area.

Discussion Items –

Town of Poestenkill Road Preservation Law – Supervisor Jacangelo asked the board if there was anything else they wanted to discuss regarding this issue at this time, the board had no questions. This will be voted on during the Action portion of the meeting.

Property Maintenance proposed Local Law- Supervisor Jacangelo stated that Town Board members have had several drafts of this particular proposed law. The current property maintenance law that is in affect and part of the town code has everything that is needed except the ability to recover cost(s) after action is taken. Supervisor Jacangelo would like Mr. Tomaselli to draft into Chapter 92 of the Town Code emulating the procedure that is in Chapter 100 "Unsafe Buildings" and then have Town Board members review that draft. Mr. Tomaselli had some questions pertaining to tax issues regarding certain liens. Supervisor Jacangelo stated that this could possibly take two months before the town board could actually have a public hearing and vote on this issue of Property Maintenance.

MS4 Annual Report - Supervisor Jacangelo stated we have filed our MS4 report and will be posted on the town's website. The town will have an MS4 audit in June.

Fence Height Restriction - Councilwoman Ross stated that this was her agenda item and she felt that there is some grey areas in this particular part of the code. Several members of the Zoning board were present and stated they were concerned over certain wording and height restrictions. This lengthy discussion continued and in the end it was the consensus of the town board to leave this section of the code state quo.

Conservation Advisory Council – will be voted on during the Action Items portion of the meeting.

Supervisor Jacangelo wanted to thank M. Hoyt for the purchase of a new flag for town hall. He will send Mr. Hoyt a thank you letter.

Action Items –

Motion by Wait, seconded by Ross and carried to have Councilman Hass attend a Sand Lake Town Board meeting to speak on our ambulance situation.

Supervisor Jacangelo stated as the code now reads a Type II home occupation is not allowed in the R zone. He further stated, that this is a business that the state is trying to encourage and he

feels that it is appropriate to amend the Schedule of Uses and to allow an SUP in the R zone. Mr. Tomaselli was instructed to prepare the appropriate local law and to do the legal notice for a public hearing scheduled for 7:00 p.m. at the June 18th meeting on the code amendment.

Creekside Kennel Lease Agreement – Motion by Hass, seconded by Ross and carried authorizing Supervisor Jacangelo to sign the Creekside kennel lease agreement and it is effected through December 31, 2016.

Local Law – Town of Poestenkill Road Preservation Law – Motion by Ross, seconded by Wait to adopt Local Law #1-2015 entitled “Town of Poestenkill Road Preservation Law” with the correction of one typo in section 9 number 3

MOVED BY: Councilwoman Ross

SECONDED BY: Councilwoman Wait

VOTED UPON AS FOLLOWS:

Councilwoman Bentley: ABSENT

Councilman Hass: YES

Councilwoman Ross: YES

Councilwoman Wait: YES

Supervisor Jacangelo: YES

Local Law – Amending The Municipal Water Use Law of The Town of Poestenkill – Local Law #2-2015 – Motion by Hass, seconded by Wait to adopt this local law. Motion by Wait, seconded by Ross to change the wording in section 3 part (b) to substitute Planning Board instead of Town Engineer in two places in that section.

MOVED BY: Councilwoman Wait

SECONDED BY: Councilwoman Ross

VOTED UPON AS FOLLOWS:

Councilwoman Bentley: ABSENT

Councilman Hass: YES

Councilwoman Ross: YES

Councilwoman Wait: YES

Supervisor Jacangelo: YES

Property Maintenance – Motion by Hass, seconded by Wait directing the Town Attorney to allow the Service by Publication on the property located at 116 Plank Rd.

MOVED BY: Councilman Hass

SECONDED BY: Councilwoman Wait

VOTED UPON AS FOLLOWS:

Councilwoman Bentley: ABSENT

Councilman Hass: YES

Councilwoman Ross: YES

Councilwoman Wait: YES

Supervisor Jacangelo: YES

Motion by Hass, seconded by Wait to move forward with the demolition. There was discussion among board members and the code enforcement officer as to whether the house could be prepared and R. Brunet stated that he felt it should be demolished.

MOVED BY: Councilman Hass

SECONDED BY: Councilwoman Wait

VOTED UPON AS FOLLOWS:

Councilwoman Bentley:	ABSENT
Councilman Hass:	YES
Councilwoman Ross:	YES
Councilwoman Wait:	YES
Supervisor Jacangelo:	YES

Motion by Ross, seconded by Wait and an oral vote of 4 ayes to prepare the bids for the demolition of the structure on 116 Plank Rd. Mr. Tomaselli will prepare the specs.

CAC – Motion by Jacangelo, seconded by Ross to appoint Howard Cushing, James de Waal Malefyt, Marcia Hopple and Walter Kersch for the term to expire 12/31/2016, leaving two positions open.

Motion by Ross, seconded by Wait and carried to approve the summer camp staff for the 2015 year as prepared by the Youth Director and dated May 20, 2015.

Reports:

Supervisor's Report- Supervisor Jacangelo reported on the passing of C. Roberts and what he did for the town. He prepared a cost efficiency plan which was sent on to the County. He stated that an audit of the MS4 program will be done in June. Supervisor Jacangelo thanked the boy scouts that attended the meeting. Our current custodian will now be doing some inside painting and the Memorial Day parade will start 11:00 a.m.

Town Attorney's Report – Mr. Tomaselli had prepared a written monthly report which included redrafting of the Road Preservation Law, preparing public hearing notices, reviewed material furnished by the CEO regarding the unsafe building, etc. The full report is on file at the Town Clerks office.

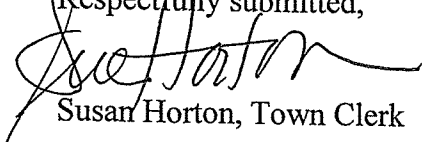
Town Clerk's Report – Motion by Ross, seconded by Hass and an oral vote of 5 ayes to accept the Town Clerk's report of April 2015. The total amount received in the Clerk's office was \$17,231.67 and of that amount \$17,061.57 was remitted to the Supervisor. Town Board members had copies of the Building Inspector/Code Enforcement Officer's written report. R. Brunet discussed the MS4 Report and the upcoming audit on June 23rd. They also had copies of the Assessors monthly report, DCO report, and the Highway report.

Payment of Bills:

Motion by Ross, seconded by Wait and an oral vote of 4 ayes to pay Warrant #7-2015 in the amount of \$37,994.53. Motion by Ross, seconded by Wait and an oral vote of 4 ayes to pay Warrant # 8-2015 in the amount of \$974.91.

Motion by Supervisor Jacangelo and seconded by Ross and an oral vote of 4 ayes to enter into Executive Session at 9:30 pm to discuss a personnel matter and a property matter with no votes being taken. Motion by Hass, seconded by Wait and an oral vote of 4 ayes to exit from Executive Session at 10:30 p.m. and immediately adjourn this meeting in memory of our dear friend and colleague Chet Roberts.

Respectfully submitted,



Susan Horton, Town Clerk