

TOWN BOARD MINUTES
TOWN OF POESTENKILL
TOWN BOARD MEETING
JULY 21, 2016
(Not approved at time of distribution)

ROLL CALL AS FOLLOWS

Councilwoman Butler	Present
Councilman Hass	Present
Councilman Van Slyke	Present
Councilman Wohlleber	Present
Supervisor Jacangelo	Present

NON VOTING MEMBERS

Susan Horton, Town Clerk
Patrick Tomaselli, Attorney

Motion by Hass, seconded by Wohlleber and carried that the monthly bills had been audited for payment.

Supervisor Jacangelo opened the meeting with the Pledge of Allegiance and stated that the first item on the agenda was the public hearing on proposed Local Law #3-2016 entitled "2016 Zoning Amendment Law of the Town of Poestenkill." The affidavit of publication was available for review. This proposed law would amend the Land Use Regulations of the Town and the Land Use District Map by changing from the previous zoning classification of Residential to Natural Products of a parcel of land approximately 9.98 acres in size and located northwesterly on Snyder Corners Road. A short presentation was presented by Attorney B. Doyle attorney for Perry Brothers, actual owner of the property who explained where the property was located and what exactly was going to be done at the Snyder Corners site pertaining to their application. He did emphasize that there would not be any extra traffic from this site because the trucks would exit through their current road within the site. The SEQRA has already been processed through the Town Board also. Four elements were of concern and discussed at the last Town Board meeting which include no mining to be done in the water table, no excavation within 500 feet of an existing resident, mining to sunset within 3 years of the SUP or DEC permit whichever is later and then the land reverts back to Residential, and the applicant shall bear the cost of connecting said owner to the municipal water supply if a residential well within 500 feet of the rezoned parcel fails. Fane representative addressed these issues; That being that the buffer will be left in place; Their lowest spot of excavation will be 5 feet above the existing water table; a tax map will be presented that identifies the homes within that 500 feet to hook up residents of the rezoned parcel if it is proven that the loss of their wells is from the effect of their operation (take a flow) prior to excavation. He also questions the sunset clause and it is not realistic to be done in that period of time and suggest that the time be 6 years. Supervisor Jacangelo thanked the representatives for their presentation. Supervisor Jacangelo then reviewed the rezoning process and opened the floor up to comments. Residents in the Snyder Corners road area shared their views some pro some con. Supervisor Jacangelo did state he did not think that there would be any well issues in the area. He wants to be confident that what is put into this local law is upheld. There was also concerns over the noise issue and the length of time of the excavating. Supervisor Jacangelo stated that he is keeping the Public Hearing open so comments can be written if so desired and he feels the discussion tonight are significant changes as to what was proposed at the last meeting. The legislation on this issue will discussed later on in the meeting. The audio tape is available in the Town Clerk's Office.

RESOLUTION #17-2016-IN THE MATTER OF THE APPLICATION BY WARREN W. FANE TRUCKING P.C. TO AMEND THE LAND USE DISTRICT MAP OF THE TOWN OF POESTENKILL SO AS TO REZONE FROM RESIDENTIAL TO NATURAL PRODUCTS CERTAIN LANDS OWNED BY PERRY BROTHERS SAND AND GRAVEL INC. LOCATED NORTHWEST OF SNYDERS CORNERS ROAD ACKNOWLEDGING ADOPTION OF NEATIVE DECLARATION AND RECEIPT OF REPORT FROM TOWN PLANNING BOARD PURSUANT TO TOWN CODE SECTION 102-81 AND SETTING OF PUBLIC HEARING ON PROPOSED REZONING was adopted by a motion at the June 16, 2016 meeting and the formal resolution was included in the town board packets for this meeting.

Public Comment-T. Anastasia thinks that the Town Board should consider hiring an assistant to the Building Inspector's office because of all of the "hats" he wears. Councilman Wohlleber stated that the Town of Sand Lake voted unanimously in agreement with Sand Lake Ambulance that they will back up any of our main ambulance service issues to any of the schools in Poestenkill until the end of the year. Councilman Van Slyke and Wohlleber have started negotiating talks with some of the surrounding services and will be meeting with the Poestenkill Fire Co. and then there will be a final recommendation to the Town Board. Legislator Bayly stated that the County has contacted Mohawk to get a quote on a second ambulance for this area but has not heard back yet from Mohawk. Supervisor Jacangelo stated that his understanding was that the County has put out an RFP for response for several towns? Bayly said that he had not seen that paperwork. T. Russell reported that the Food Pantry is serving several families now. T. Klobus wanted to file a complaint about the noise from County Waste at 4:30 a.m every Wednesday morning and he decided he would speak with the Town Board before he proceeds with the issue. Supervisor Jacangelo stated that he has another issue that he has to speak with the company about so he will also tell them about this issue.

Motion by Wohlleber, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of the June 16, 2016 Town Board meeting as written.

Liaison Reports:

Planning Board –Town Board members had copies of the Planning Board's meeting of June 7th and July 5th in their packets. H. Teal, liaison from the Planning Board elaborated on these meetings. There was some discussion over dimensions of signs in the town.

Zoning Board –Town Board members had copies of the June 12th ZBA meeting in their packets and T. Lantry elaborated on the meeting.

Fire Company – Town Board members had copies of the Fire Co. June report and D. Basle reported on the devastating fire on Vosburg Rd. and he thanked the highway superintendent for his help on that day.

Library – M. Wait reported on the events happening at the library.

Youth Advisory Board-Councilman Wohlleber reported on summer camp.

CAC-No Report.

Correspondence:

Multiple emails pertaining to the merger of Time Warner Cable with Charter Communications and that the town's franchise is now under the control of Charter Communications, Inc.

Discussion Items:

Fee Schedule regarding the Planning Board Memo dated 4/21/16-Supervisor Jacangelo had some issues on the process dealing with the fees. He feels that the Planning Board could do this change at the PB level as to when they are going to collect fees. Chairman Grattan was present and said that this will be done at the next Planning Board meeting.

Action Items:

Fee Schedule-This was already discussed.

Local Law amending the Land Use Regulations and Land Use District Map-Councilman Van Slyke would like the 3-year clause removed and 6 years put into the sunset clause in the proposed local law as Mr. Doyle had explained and Councilman Hass would like the 3 years removed from the sunset clause also. Supervisor Jacangelo suggests that the sunset clause go to 5 years allowing for a 2-year extension if requested 6 months prior to the 5 years being up. The presumption is that the extension shall be granted unless there is a history of violations. Mr. Tomaselli will draft the new proposed local law for the August meeting. Motion by Supervisor Jacangelo, seconded by Butler and an oral vote of 4 ayes with 1 nay by Councilman Wohlleber to amend sub paragraph 9 (a) in the proposed local law to change the sunset clause to 5 years allowing for a 2-year extension. A. Shultz, representing Fane stated that felt this was a fair proposal and he was confident that Mr. Tomaselli would have the correct wording in the proposed law and he and Mr. Shultz will correspond together on the issue. Motion by Van Slyke, seconded by Butler to amend sub paragraph © under the rezoning conditions in the draft local law to change that there will be no excavation within 150 feet of any existing residential structure and carried with 3 ayes and 2 nays by Supervisor Jacangelo and Councilman Wohlleber. When the changes are done to the draft, Mr. Tomaselli will distribute the new draft to Town Board members. The changes will be posted to the Town website and something will be written for the Advertiser. This will be discussed at the next Town Board meeting.

Resolution to honor Maxwell Everett-RESOLUTION #18-2016-IN THE MATTER OF THE TOWN BOARD OF THE TOWN OF POESTENKILL FORMALLY RECOGNIZING THE ACHIEVEMENTS OF LOCAL RESIDENT AND EAGLE SCOUT MAXWELL EVERETT Resolved that the Town Board on behalf of the Town and its residents hereby unanimously recognizes and applauds the extraordinary achievements of Maxwell Everett and congratulate him on the attainment of rank of Eagle Scout and to that end hereby requests that a certified copy of this Resolution be presented to Maxwell at his upcoming Eagle Scout Court of Honor Ceremony.

MOVED BY: Councilman Wohlleber

SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS

Councilwoman Butler	YES
Councilman Hass	YES
Councilman Van Slyke	YES
Councilman Wohlleber	YES
Supervisor Jacangelo	YES

Appointment of Paul Barringer-Motion by Hass, seconded by Butler and an oral vote of 5 ayes authorizing the appointment of Paul Barringer to the position of Code Enforcement Officer in the absence of Robert Brunet.

Motion by Butler, seconded by Hass and an oral vote of 5 ayes authorizing the appointment of Leonard Clapp as Water Manager in the absence of Robert Brunet.

RESOLUTION#21-2016 - IN THE MATTER OF AUTHORIZING AND DIRECTING THE SUPERVISOR OF THE TOWN OF POESTENKILL TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION. Resolved, that a certified copy of this Resolution be transmitted to the New York State Office of Parks, Recreation and Historic Preservation.

MOVED BY: Councilwoman Butler
 SECONDED BY: Councilman Van Slyke

VOTED UPON AS FOLLOWS:

Councilwoman Butler: YES
 Councilman Hass: NO
 Councilman Van Slyke: YES
 Councilman Wohlleber: YES
 Supervisor Jacangelo: YES

*(please note that Resolution #21 is out of order)

Tim Sluus-various insurance coverage -It was formally voted on at a previous Town Board meeting that the town would pay up to \$400 a month for his health insurance as an incentive for early retirement. His insurance worked out to be \$40 a month and now he has asked for dental insurance. Supervisor Jacangelo approved it on the voucher level but wanted the Town Board to be aware of the issue and it is still well under the \$400 that had previously been approved.

Reports:

Supervisor's Report- Supervisor Jacangelo thanked the Sullivan Jones Post and the PBA for the significant amount of money that was donated to the summer camp so some kids that were unable to attend were able to attend because of their donations. He visited with R. Brunet and he is doing well and he feels Mr. Barringer is fitting in nicely. Supervisor Jacangelo made it clear that the appointments that were made tonight filling Mr. Brunet's positions are temporary. Supervisor Jacangelo had an issue with the Historical Society budget and basically what was budgeted for 2016 is gone.

Town Attorney's Report – Mr. Tomaselli reported that he had drafted the resolutions for tonight's meeting, spent a lot of time on the Fane documents and he had normal day to day conversations with the Town staff.

Town Clerk's Report – Motion by Hass, seconded by Van Slyke and an oral vote of 5 ayes to accept the Town Clerk's report of June 2016. The total amount received in the Clerk's office was \$9,708.87 and of that amount \$8,849.15 was remitted to the Supervisor. Town Board members had copies of the Building Inspector/Code Enforcement Officer's written report. There were also reports from the Assessor, DCO, and the Highway Dept. Supervisor Jacangelo stated that it was decided months ago that the town was going to pave the turnaround at the end of Vosburg and at this point he would cease the opportunity to pave that turnaround on Vosburg and Mr. Brunet did send Malcom's an offer for the property that he had worked out with the Assessor. Very small piece of property but the fire there brings up the point that the turnaround would be a good thing.

Budget Transfers:

RESOLUTION #19-2016-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 \$6,839.71 be transferred from Highway Budget fund line item 2513.04 (Machinery-Contractual) to Highway Budget fund line item 2513.02 (Machinery-Equipment).

MOVED BY: Councilman Hass
 SECONDED BY: Councilman Wohlleber

VOTED UPON AS FOLLOWS:

Councilwoman Butler	YES
Councilman Hass	YES
Councilman Van Slyke	YES
Councilman Wohlleber	YES
Supervisor Jacangelo	YES

RESOLUTION #20-2016-IN THE MATTER OF THE TRANSFER OF CERTAIN GENERAL BUDGET FUNDS RESOLVED that it is hereby authorized and directed as follows: That the sum of \$247.60 be transferred from General Budget fund line item 1199.04 (Contingency) to General Budget fund line item 1191.04 (Insurance) and that the sum of \$403.51 be transferred from General Budget fund line item 1199.04 (Contingency) to General Budget fund line item 1751.04 (Historian-Contractual) and that the sum of \$515.00 be transferred from General Budget fund line item 1199.04 (Contingency) to General Budget fund line item 1851.04 (Beautification).

MOVED BY: Councilman Wohlleber
 SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS:

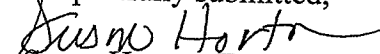
Councilwoman Butler	YES
Councilman Hass	YES
Councilman Van Slyke	YES
Councilman Wohlleber	YES
Supervisor Jacangelo	YES

Payment of Bills:

Motion by Hass, seconded by Van Slyke and an oral vote of 5 ayes to pay Warrant #13 -2016 in the amount of \$132,628.78. Motion by Hass, seconded by Butler and an oral vote of 5 ayes to pay Warrant #14-2016 in the amount of \$11,483.20.

Motion by Jacangelo, seconded by Butler and carried to exit to Executive Session at 9:10 p.m. to discuss a personnel issue and the Highway Superintendent was asked to stay with no votes being taken in Executive Session. Motion by Van Slyke, seconded by Hass and carried to exit from Executive Session and immediately adjourn this meeting at 9:45 p.m.

Respectfully submitted,


 Susan Horton, Town Clerk