

TOWN BOARD MINUTES
TOWN OF POESTENKILL
TOWN BOARD MEETING

November 17, 2016

(Not approved at time of distribution)

ROLL CALL AS FOLLOWS

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

NON VOTING MEMBERS

Susan Horton, Town Clerk
Patrick Tomaselli, Attorney

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

Supervisor Jacangelo opened the meeting with the Pledge of Allegiance and asked if anyone would like to address the Town Board. T. Jacangelo requested time to speak later in the meeting. Supervisor Jacangelo opened the Public Hearing at 7 p.m. on proposed Local Law #4-2016 entitled "TOWN OF POESTENKILL SALARY INCREASES FOR 2017 LOCAL LAW." This proposed law would fix the salaries of the elected Town Clerk and the elected Superintendent of Highways at \$40,787 and \$60,711 respectively, said amounts being the same as those set forth in the notice of Public Hearing on the Preliminary Budget for the fiscal year 2017. Because the increases occurred in the middle of said officials' two-year terms of office, a local law is required to implement same, which is subject to a permissive referendum if the Town Board adopts the proposed law. The Affidavit of Publication was available for review. There were no comments from the audience. This will be voted on this evening later in the meeting.

Motion by Butler, seconded by Hass and an oral vote of 5 ayes to accept the Town Clerk's minutes of the October 20, 2016 as written. Motion by Hass, seconded by Van Slyke and an oral vote of 5 ayes to accept the Town Clerk's minutes of October 31, 2016.

Liaison Reports:

Planning Board –Town Board members had copies of the Planning Board's minutes of November 1st in their packet. D. Heckelman, liaison from the Planning Board reported on the meeting. Supervisor Jacangelo is going to set up a workshop in the near future to discuss solar farm issues and all Boards will be included in the discussion.

Zoning Board – Town Board members had copies of the November 9th ZBA minutes in their packets and P. Jamison elaborated on the meeting.

Fire Company – Town Board members had copies of the Fire Co. October report. T. Jacangelo thanked the Fire Company for the use of their facility on Election Day.

Library – D. Reis reported on the activities at the library

Youth Advisory Board – Councilman Wohlleber reported on the Halloween Party and parade.

CAC-No meeting.

Correspondence:

Memo dated November 10th from Charter Communications reporting on the upcoming changes.

Sole Appointed Assessor-Letter dated November 15th from the NYS Department of Taxation and Finance stating that Brian Jackson has completed the requirements of the basic course of training for the designation of NYS Certified Assessor pursuant to the Real Property Tax Law and now meets all the qualifications as a Sole Appointed Assessor.

Discussion Items:

Court Audit-Supervisor Jacangelo reported that the Town Bookkeeper did the Court 2015 Audit and Board members had the copy of her report in their packets. There were a couple of discrepancies and the two Judges are addressing these issues and the Bookkeeper had a few suggestions that she felt should be put into place.

Action Items:

RESOLUTION #28-2016-IN THE MATTER OF THE TOWN BOARD OF THE TOWN OF POESTENKILL ADOPTING THE PRELIMINARY BUDGET FOR THE YEAR 2017 AS CHANGED, ALTERED AND REVISED AS THE ANNUAL BUDGET FOR 2017. This was formally adopted at the October 31, 2016 meeting but the resolution itself was in Board members packets this evening.

RESOLUTION # 29-2016-IN THE MATTER OF INCREASING FOR THE FISCAL YEAR 2017 THE SALARIES OF THE ELECTED TOWN CLERK AND THE ELECTED TOWN SUPERINTENDENT OF HIGHWAYS IN EXCESS OF THE AMOUNTS INDICATED IN THE NOTICE OF HEARING ON THE PRELIMINARY BUDGET PUBLISHED IN 2015 AND IMMEDIATELY PRIOR TO THE COMMENCEMENT OF THEIR RESPECTIVE TERMS OF OFFICE AND AN OPPORTUNITY WAS GIVEN FOR PUBLIC COMMENTS TO BE RECEIVED AND CONSIDERED BUT NONE WERE RECEIVED.

MOVED BY: Councilman Wohlleber

SECONDED BY: Councilman Van Slyke

VOTED UPON AS FOLLOWS:

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

RESOLUTION #30-2016 -IN THE MATTER OF LIMITING HEALTH CARE INSURANCE BENEFITS AND PREMIUMS SUBSIDIZED BY THE TOWN OF POESTENKILL TO INDIVIDUAL COVERAGE FOR ALL NEW TOWN HIRES.

MOVED BY: Councilwoman Butler

SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS:

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

RESOLUTION #31-2016- IN THE MATTER OF THE TOWN BOARD OF THE TOWN OF POESTENKILL ACKNOWLEDGING THE CONDUCT AND COMPLETION OF AN AUDIT OF THE TOWN JUSTICE COURT FINANCIAL RECORDS FOR THE CALENDAR YEAR 2015 AND AUTHORIZING THE TRANSMITTAL THEREOF TO THE NEW YORK STATE OFFICE OF COURT ADMINISTRATION (OCA).

MOVED BY: Councilman Wohlleber

SECONDED BY: Councilman Butler

VOTED UPON AS FOLLOWS:

Councilwoman Butler: YES

Councilman Hass: YES

Councilman Van Slyke: YES

Councilman Wohlleber: YES

Supervisor Jacangelo: YES

RESOLUTION #32-2016- IN THE MATTER OF THE TOWN BOARD OF THE TOWN OF POESTENKILL AUTHORIZING PAYMENT IN LIEU OF HEALTH CARE COVERAGE INDIVIDUALS ELECTING TO DO SO. Resolved, that the amount of such buyout shall be \$2,500 for Single coverage, \$3,500 for plus1 coverage and \$5,000 for Family coverage with said amounts to be reconsidered annually by the Town Board.

MOVED BY: Councilman Wohlleber

SECONDED BY: Councilman Butler

VOTED UPON AS FOLLOWS:

Councilwoman Butler: YES

Councilman Hass: YES

Councilman Van Slyke: YES

Councilman Wohlleber: YES

Supervisor Jacangelo: YES

RESOLUTION #33-2016 – IN THE MATTER OF THE TOWN BOARD AUTHORIZING THE TOWN COURT TO PREPARE A GRANT FOR THE INSTALLATION OF SECURITY EQUIPMENT FOR THE TOWN HALL INCLUDING A MONITOR IN THE TOWN CLERK’S OFFICE AT A COST OF \$7,760 WITH SAID MONEY TO BE TAKEN OUT OF BUILDINGS (1620.4) WHICH WILL BE REIMBURSED WITH THE COURT GRANT.

MOVED BY: Councilwoman Butler

SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS:

Councilwoman Butler: YES

Councilman Hass: YES

Councilman Van Slyke: YES

Councilman Wohlleber: YES

Supervisor Jacangelo: YES

Board of Assessment Review Appointment- Motion by Hass, seconded by Wohlleber and carried to reappoint W. Weber to the Board of Assessment Review (BAR) for a new 5-year term from October 1, 2016 through September 31, 2021.

Local Law #4-2016-IN THE MATTER OF INCREASING FOR THE FISCAL YEAR 2017 THE SALARIES OF THE ELECTED TOWN CLERK AND THE ELECTED TOWN SUPERINTENDENT OF HIGHWAYS IN EXCESS OF THE AMOUNTS INDICATED IN THE NOTICE OF HEARING ON THE PRELIMINARY BUDGET PUBLISHED IN 2015 AND IMMEDIATELY PRIOR TO THE COMMENCEMENT OF THEIR RESPECTIVE TERMS OF OFFICE

MOVED BY: Councilman Wohlleber

SECONDED BY: Councilman Van Slyke

This will now become part of the budget process.

VOTED UPON AS FOLLOWS:

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

Reports:

Supervisor's Report- Supervisor Jacangelo reported on the success of the Halloween parade and thanked the Fire Company for their assistance. There will be a HEAP workshop on December 7th from 9 am – Noon at the Town Hall. He had follow up conversations pertaining to the Ambulance issue. He posted job listings for the Code Enforcement Department and Water Department and Councilwoman Butler will assist with the interviews. Deadline for applying is December 15th. Previously, Town Board members had received a copy of a specific piece of equipment that the Highway Superintendent would like to purchase. The discussion turned to whether it was viable to purchase this machinery at this time. Supervisor Jacangelo would like to see an inventory done for the Highway Department and he was willing to assist. He would like the Highway Superintendent to layout a 5-year plan.

Town Attorney's Report – Mr. Tomaselli reported that he drafted the resolutions for tonight's meeting, ongoing monitoring with issues at Lochvue, drafted the local law and provided incidental advice and counsel to various town officers, etc. Full report on file at the Town Clerk's office.

Town Clerk's Report – Motion by Butler, seconded by Wohlleber and an oral vote of 5 ayes to accept the Town Clerk's report of October 2016. The total amount received in the Clerk's office was \$15,712.63 and of that amount \$14,249.22 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, Water Manager, 811, DCO, and the Highway Dept.

Budget Transfer:

RESOLUTION #34-2016- 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 \$1,919.29 be transferred from General Budget fund line item 1199.4 (Contingency) to General Budget fund line item 17310.4 (Youth-Contractual).

MOVED BY: Councilman Wohlleber

SECONDED BY: Councilwoman Butler

VOTED UPON AS FOLLOWS:

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

RESOLUTION #35-2016-IN THE MATTER OF THE TRANSFER OF CERTAIN WATER DISTRICT BUDGET FUNDS-Resolved, that it is hereby authorized and directed as follow that the sum of \$1,048.40 be transferred from Water District Budget fund line item 8310.1 (Water Manager) to Water District Budget fund line item 8310.11 (Water Assistant).

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:

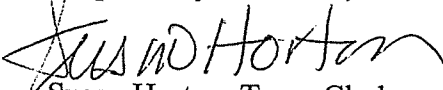
Motion by Hass, seconded by Wohlleber and an oral vote of 5 ayes to pay Warrant #21 -2016 in the amount of \$1,602.23. Motion by Hass, seconded by Van Slyke and an oral vote of 5 ayes to pay Warrant #22-2016 in the amount of \$98,095.13.

Supervisor Jacangelo noted that the year-end meeting will be held on December 29, 2016 at 6 p.m.

Mrs. Jacangelo wished everyone a Happy Thanksgiving.

Motion by Wohlleber, seconded by Butler and an oral vote of 5 ayes to adjourn this meeting at 8:25 p.m.

Respectfully submitted,


Susan Horton, Town Clerk

the basics

memory loss, dementia and alzheimer's disease



an education program by the alzheimer's association

Alzheimer's disease is not a normal part of aging.

If you or someone you know is affected by Alzheimer's disease or dementia, it's time to learn the facts. This program provides information on detection, causes and risk factors, stages of the disease, treatment, and much more.

~~DATE: Thursday, October 27th, 2016~~ December 15, 2016

~~TIME: 7:00-8:00pm~~

Molly McCann

~~LOCATION: Algonquin Middle School, 333 NY 351, Averill Park, NY~~

Poesten Kill Town Hall

~~For more information contact: Tonya at 518.867.4999 ext. 200 or by email at tgarmley@alz.org.~~

Charter

COMMUNICATIONS

December 7, 2016

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

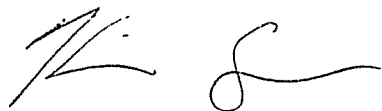
I am providing you with this notice as part of our ongoing efforts to keep you apprised of developments affecting Charter Communications (formerly Time Warner Cable) subscribers in the Albany area.

From time to time we make certain changes in the services we offer in order to better serve our customers. The following changes are scheduled to take place:

On or about January 11, 2017, Charter will be making technical changes to our cable system that may disrupt your ability to view the following unencrypted (“in the clear”) channels on a digital television or other device that includes a QAM tuner (“a ClearQAM device”): Educational Access, Government Access, Public Access, WCWN SD&HD, WCWN DT2, WETK SD&HD, WCFE SD&HD, WFNY, WNYT SD&HD, WSHM SD&HD, WTEN SD&HD, WWLP SD&HD, WBZ SD&HD, WCVB SD&HD, NYS Legislative. If this occurs, you will need to go into the settings menu on your ClearQAM device and perform a new channel scan in order to resume viewing this channel. Customers using digital cable set-top boxes will not notice any change. We apologize for any inconvenience.

We remain committed to providing an excellent experience for our customers in your community and in each of the communities we serve. If you have any questions or concerns, please feel free to contact me at 518-640-8575 or via email at kevin.egan@charter.com.

Sincerely,



Kevin Egan
Director, Government Affairs
Charter Communications

20 Century Hill Drive
Latham, NY 12110

From: Terry Houser <thouser@nycourts.gov>
Sent: Wednesday, December 07, 2016 6:21 PM
To: tcpoest@nycap.rr.com; secpoest@nycap.rr.com; suppoest@nycap.rr.com
Subject: Court Books

The books will be available for the town board to view on 12/14/2016 from 5:30p to 6:30p. Sue, can you make sure this appears in the minutes? Thank you.



Planning Board

TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210
Poestenkill, NY 12140
(518) 283-5100 Phone
(518) 283-7550 Fax

PLANNING BOARD AGENDA

December 6, 2016

7:30 Meeting Opens – Pledge of Allegiance

Minutes of the November Meeting

Public Comment Period

Advisory Opinion: Van Vleck Area Variance
28 Furry Road

Discussion Item: Solar Farms

Organizational:

- Member Daniel reappointment
- Alternate reappointment
- Selection of New Chair

Other:

Judith Grattan to attend January Meetings
Bill Daniel to attend February Meetings
Tom Russell to attend March Meetings



TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210

Poestenkill, NY 12140

(518) 283-5100 Phone

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Planning Board

PLANNING BOARD

December 6, 2016 Minutes

(Distributed before approval)

Attendees:

Judy Grattan, Chairwoman

Robert Dore

William Daniel

Harvey Teal

Jeffrey Briggs

Don Heckelman

Tom Russell

Steve Valente, Alternate

Robert Ryan, Attorney

Chairwoman Grattan called the meeting to order at 7:30 pm with the Pledge of Allegiance.

Minutes

The minutes of the Board meeting on November 1, 2016 were reviewed, motion by Member Briggs to accept as written, seconded by Member Daniel, 7 ayes, 0 nays, 0 abstentions.

Public Comment Period

There being no comments from the public, the public comment period was closed.

Advisory Opinion: Van Vleck Area Variance, 28 Furry Road

Chairwoman Grattan reviewed the project – request by Owner to allow construction of a storage shed in a Residential Zone with a front setback of twenty-seven (27) feet, where fifty (50) feet is minimum setback required and a side setback of five (5) feet, where the minimum side setback is twenty-five (25) feet. Discussion among Members included, but was not limited to, use for shed large size, reminder that adjacent parcel can not be built on, etc. Confirming there are no Planning Board issues, Chairwoman Grattan directed a memo be sent to the Zoning Board of Appeals stating that the Planning Board had reviewed application and finds no Planning Board issues.

Old Business – Solar Farms:

Chairwoman Grattan advised the Members that Town Supervisor, Dominic Jacangelo, has requested an informal meeting with the Chairs of the Planning Board and Zoning Board of Appeals to discuss this issue. Member Daniel feels such discussions will only delay the actual work of developing definitions, establishing requirements, etc. Member Daniel further

advised the Board that other neighboring municipalities are currently addressing the issue and suggested having definitions, etc. in place prior to the aforementioned meeting. Attorney Robert Ryan advised Board that there is a new NYS Law governing “electric generating facilities” at a capacity of 25 megawatts or greater. Member Briggs brought forth a series of definitions of size dimensions for consideration:

1. Small scale – 12kw or less, for residential use, requiring only building permit;
2. Medium scale – 10kw to 200 kw, commercial/agriculture/residential, used on-site and sold off-site as 2nd income stream;
3. Large scale – greater than 200kw, Special Use Permit, off-site customers/grid, decommissioning of concern.

After further discussion of what types of issue should be addressed, Chairwoman Grattan suggested Members continue their work in assembling their thoughts, questions and concerns in preparation for the upcoming meeting with Supervisor Jacangelo.

Organizational Items:

Chairwoman Grattan distributed the 2016 Planning Board training worksheet, explaining what hours would be carried over to 2017 and reminded the Members of the Annual Mandatory Training.

Having consulted with Member Daniel and Alternate Valente regarding their expiring terms on the Planning Board, Chairwoman Grattan made a motion to recommend to the Town Board to 1) appoint William Daniel as a Member of the Planning Board with a term of January 1, 2017 to December 31, 2023 and 2) appoint Steve Valente as Alternate of the Planning Board with a term of January 1, 2017 to December 31, 2017. Motion was seconded by Member Teal, motion passed with seven (7) ayes, zero (0) nays and zero (0) abstentions. Further, Chairwoman polled the Board for Member to assume Chair position for January 1, 2017, and finding none, directed a memo be sent to the Town Board saying such.

There being no further business, a motion to adjourn was made by Member Briggs, seconded by Chairwoman Grattan, and approved by all members. The meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Lynn E. Kane
Planning Board Clerk



Zoning Board of Appeals

TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210

Poestenkill, NY 12140

(518) 283-5100 Phone

(518) 283-7550 Fax

AGENDA

Zoning Board of Appeals

December 13, 2016

7:30 pm

MEETING OPENS – PLEDGE OF ALLEGIANCE

- **Minutes of November 2016 Meeting**
- **PUBLIC HEARING cont'd**

<u>Douglas Van Vleck</u>	<u>Area Variance</u>
134-4-13	28 Furry Road

- **Organizational Items**
 1. Member Vacancy
 2. Mandatory Training requirements

Representatives to Planning and Town Board meetings:

December	Terry Lantry
January	Paul Jamison
February	Cheryl Sarjeant

Poestenkill Fire Company
Custom Summary Report
November 2016

	<u>Nov 16</u>
Expense	
Building Fuel (heating)	
East Poestenkill (propane)	220.33
Main Station (Propanel)	380.46
Total Building Fuel (heating)	<u>600.79</u>
Building Maintenance	
Main Station	75.00
Refuse	124.03
Total Building Maintenance	<u>199.03</u>
Code 100	60.59
Electric	
East Poestenkill	66.67
Main Station	21.02
Total Electric	<u>87.69</u>
Equipment	
New Equipment	1,600.00
Repair & Maintenance	1,576.62
Total Equipment	<u>3,176.62</u>
Fire Prevention	1,194.34
Insurance	
Auto	493.00
Buildings	1,150.00
Total Insurance	<u>1,643.00</u>
Medical Supplies	19.53
Membership Dues	100.00
Memorial Donation	10.00
Office Supplies	
Safety Deposit Box	131.25
Office Supplies - Other	49.98
Total Office Supplies	<u>181.23</u>
Physicals	120.00
Security Alarm	65.00
Solar	255.28
Telephone	
Cell Phones	107.34
East Poestenkill	59.71
Main Station	197.42
Total Telephone	<u>364.47</u>
Training	100.00
Total Expense	<u>8,177.57</u>
Net Income	<u><u>-8,177.57</u></u>



12 December 2016

Dominic Jacangelo, Supervisor
Town of Poestenkill
P.O. Box 210
Poestenkill, NY 12140

Re: 2017 Proposal for Engineering Services related to the Landfill Consent Order

Dear Mr. Jacangelo:

We are pleased to submit this proposal for civil engineering services in regard to the March 1994 Consent Order with New York State Department of Environmental Conservation (NYSDEC). This Consent Order requires groundwater sampling and analysis of monitoring wells and residential wells in the vicinity of the Poestenkill Landfill.

Groundwater sampling and analysis will be performed by Adirondack Environmental Services, Inc. (AES) under a separate contract with the Town.

Ryan Biggs | Clark Davis Engineering & Surveying, P.C. will review and coordinate this work, and provide the required reporting to NYSDEC as detailed in the Consent Order.

Scope of Services

Ryan Biggs | Clark Davis Engineering & Surveying, P.C. will perform the following services:

1. Coordinate contracts between the Town of Poestenkill and Adirondack Environmental Services (AES).
2. Review laboratory reports from AES for each round of sampling, prepare a summary report of the results and transmit to the Town, NYSDEC, NYSDOH and affected homeowners. Records of all reports will be kept on file by Ryan Biggs | Clark Davis Engineering & Surveying, P.C.
3. Provide other related assistance, as needed, including answering questions or responding to requests by the Town, NYSDEC or NYSDOH.

Fees for Services

Our fees for the above scope of services are as follows:

Adirondack Review & Professional Services	\$1,500.00
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We will invoice for reimbursables at cost, including mileage, postage, printing and copying of documents as required.

We hope that you will look favorably on our proposal, and if so, please sign below and return a copy to our office.

If you have any questions, please feel free to contact us.

Sincerely,



Sarah M. Killeen
Ryan Biggs | Clark Davis Engineering & Surveying, P.C.

TERMS AND CONDITIONS

1. Billing and Payment

- a. Invoice will be sent monthly.
- b. Payment shall be mailed to:
Ryan Biggs | Clark Davis Engineering & Surveying, P.C.,
257 Ushers Road
Clifton Park, New York 12065.
- c. Payment is due upon receipt.
- d. If the Client fails to make payments to Ryan Biggs | Clark Davis Engineering & Surveying, P.C. in accordance with this agreement, such failure shall be considered substantial nonperformance and cause for termination, or at Ryan Biggs | Clark Davis' option, cause for suspension of performance of services under this agreement. If services are suspended, Ryan Biggs | Clark Davis shall have no liability to the Client for delay or damage caused the Client because of such suspension of services. Before resuming services, Ryan Biggs Clark Davis shall be paid all sums due prior to suspension and any expenses incurred in the interruption and resumption of Ryan Biggs | Clark Davis' services. Ryan Biggs | Clark Davis' fees for the remaining services and the time schedules shall be equitably adjusted.

2. Standard Hourly Rates

- a. Ryan Biggs | Clark Davis' current rates are as follows:

<u>Personnel</u>	<u>Hourly Rates</u>
Principal/Principal Consultant	\$225
Principal Associate	200
Senior Associate	175
Associate	160
Senior Engineer	140
Chief Surveyor	130
Professional Engineer	120
Design Engineer/Technician	100
Senior CADD	90
CADD	80
Non-Technical	55

- b. After 6 months, the hourly rates may increase at the discretion of Ryan Biggs | Clark Davis and may increase annually thereafter.

3. Additional Services

- a. Services not indicated or which are subsequently requested, either verbally or in writing, will be considered additional services. The fee will be based upon either a mutually agreed fixed fee or an hourly basis at rates in effect at the time the services are performed, plus reimbursable expenses as previously defined.

4. Client's Responsibilities

Client shall make available to Ryan Biggs | Clark Davis all records and data pertinent to the project and will give all reasonable assistance to Ryan Biggs | Clark Davis in obtaining such additional information as may be required. Client shall provide access to and make all provisions for Ryan Biggs | Clark Davis to enter upon public and private lands as required by Ryan Biggs | Clark Davis to perform such work as surveys and observations in the development of the project.

5. Documents

- a. All documents produced by Ryan Biggs | Clark Davis under this agreement are instruments of professional service. Upon completion and payment for services, the documents become the property of Client. The documents may not be modified by this Client for any other endeavor without the written consent of Ryan Biggs | Clark Davis.

6. Allocation of Risk

Professional Standards

The only obligation of Ryan Biggs | Clark Davis and its employees is to meet normal professional standards in performing its obligations under this agreement. Apart from such obligation there is no representation, warranty, guarantee, or other obligation of Ryan Biggs | Clark Davis or its employees arising out of this proposal, its acceptance, the provisions of services, or the relationship between the parties in respect to any of them. The cumulative liability of Ryan Biggs | Clark Davis and its employees for all types of damages incurred or suffered as a result of any breach of such obligation, howsoever arising, (including negligence) shall be limited in the aggregate to \$50,000.

If a required item or component of the project is omitted from Ryan Biggs | Clark Davis' Contract Documents by Ryan Biggs | Clark Davis error, Ryan Biggs | Clark Davis shall not be responsible for paying the cost to add such item or component to the extent that such item or component would have been otherwise necessary to the project or otherwise adds value or betterment to the project. In no event will Ryan Biggs | Clark Davis be responsible for any cost or expense that provides betterment, upgrade, or enhancement of the project.

Indemnification

- a. The Client shall indemnify and hold harmless Ryan Biggs | Clark Davis and its employees from and against any and all claims, damages, losses, and expenses (including reasonable attorneys' fees) arising out of or resulting from the performance of the services, provided and to the extent that all such claims, damage, loss, or expense are caused by the negligent act or omission of the Client.
- b. Ryan Biggs | Clark Davis agrees to save, indemnify, and hold Client harmless against all liabilities, claims, and demands or judgment for damages arising from injury, death, damage or loss to persons or tangible property to the extent caused by the negligence or fault of Ryan Biggs | Clark Davis, their agents, or employees and will pay judgment rendered in such suits to the limit stated above and will

reimburse or indemnify Client for all expenditures or expenses, including court costs and counsel fees, made or incurred by Client and Owner by reason of such injury, death, damage, or loss.

- c. The Client acknowledges the risks to Ryan Biggs | Clark Davis inherent in projects such as this and the disparity between Ryan Biggs | Clark Davis' fee and Ryan Biggs | Clark Davis' potential liability for problems or alleged problems with such projects. Therefore, the Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless Ryan Biggs | Clark Davis and its employees from and against any and all claims, damages, losses, and expenses (including reasonable attorneys' fees) arising out of or in any way connected with the services performed under this agreement except for the Consultant's sole negligence or willful misconduct.
- e. In consideration of the substantial risks to the Consultant in rendering professional services in connection with this Project, the Client agrees to make no claim and hereby waives, to the fullest extent permitted by law, any claim or cause of action of any nature against Ryan Biggs | Clark Davis and its employees which may arise out of or in connection with this Project or the performance, by any of the parties above named, of the services under this agreement.

15. Taxes

All taxes or fees on services applicable to this contract enacted by local, state, or federal government subsequent to the date of this contract and based on gross receipts or revenues will be added to amounts due under this contract, in accordance with any such fees or taxes.

16. Termination of Services

- a. This agreement can be terminated by either party upon receipt of a 30-day written notice. Ryan Biggs | Clark Davis will be paid in full for all services and reimbursements provided up to the date of termination.

18. Agreement Form and Period

- a. The scope and fee indicated are predicated upon execution of this proposal in this form including all terms and conditions. Alternative forms of contract or revision proposed by the Client will require reevaluation of the scope and fee by Ryan Biggs | Clark Davis.
- b. This proposal is valid for a period of 60 days from the date on the first page.

19. Contract Disputes

If a dispute arises out of or related to this contract or breach thereof, and if the said dispute cannot be settled through direct discussions, the parties agree to first endeavor to settle the dispute in an amicable manner by mediation using the Mediation Rules of the American Arbitration Association before seeking settlement in a judicial forum.

20. Third-Party Exclusion

This agreement does not create any right or benefits for parties other than Ryan Biggs | Clark Davis and the Client.

Thank you for considering us for this project. We look forward to working with you.

Your signature in the space provided indicates your understanding and acceptance of the provisions set forth herein. Please return (1) one signed copy of this proposal to: Ryan-Biggs Associates, P.C., 257 Ushers Road, Clifton Park, New York 12065 by mail or dmatthews@ryanbiggs.com by e-mail.

Agreed to by:
Ryan Biggs | Clark Davis
Engineering & Surveying, P.C.

Town of Poestenkill



Authorized Signature

Ann L. Clark, P.E., VP

Print Name & Title

December 12, 2016

Date

Authorized Signature

Print Name & Title

Date

Client Project No. 10603-4

TOWN CLERK'S MONTHLY REPORT

Town of Poestenkill, New York

November 2016

TO THE SUPERVISOR: Pursuant to Section 27, Subd. 1, of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the payment of which is otherwise provided for by law:

Conservation Fees to the Town:	\$ 71.75
Marriage License @ \$ 7.50 each	\$
Marriage Certificate @ \$10.00 each	\$
Marriage Transcript @ \$10.00 each	\$
A1255 Total Town Clerk Fees	\$ 71.75
Peddler's Permit	
A1289 Registrar	
A2655 Minor Sales - Copies	\$
	\$
A2544 Local Fee for 4 dogs	\$ 28.00
A2115 Planning Board Fees/ZBA fees	\$ 98.28
A2555 Building Permits	\$ 571.39
A2501 Junkyard License	
A2268 Impoundment fees from Creekside Kennel	\$
A2720 Water Meter Fee \$450 - 1001 Water Benefit Charge -	
A2240 Misc. Water Charges -	\$
A2710 Water Permit Fee \$ 80.00	
1001 Water billing \$3,002.37	\$
Total Water Charges	\$ 3,532.37
REVENUE TO SUPERVISOR	\$ 4,301.79
Amount paid to State Comptroller for Games Chance License	
Amount paid to DEC for Conservation Licenses	\$ 1,230.25
Amount paid to AG. And Markets for fee for unsprayed/unneutered Dog program	\$ 7.00
Amount paid to State Health Dept. for Marriage Licenses	\$
TOTAL DISBURSED	\$ 1,237.25
December 5, 2016 Dominic Jacangelo, Supervisor	
TOTAL AMOUNT RECEIVED BY CLERK	\$ 5,539.04
State of New York, County of Rensselaer, Town of Poestenkill, Susan Horton, being duly sworn says that she is the Clerk of the Town of Poestenkill the foregoing is a full and true statement of all Fees and Moneys received by her during November only such Fees the application and payment of which are otherwise provided by law subscribed and sworn to before me this 5th day of December 2016.	

Susan Horton



Office of the
Water Manager

TOWN OF POESTENKILL
38 Davis Drive, P.O. 210
Poestenkill, NY 12140

Activity Report for the month of November 2016

Water

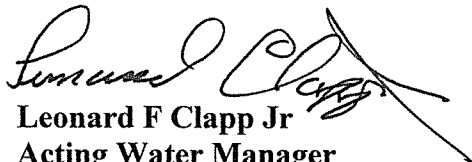
Had one water installations this month, had a request for info on 1635 if it was in the Water District.

We treated 14,593 gallons of water

We also had a meeting at Lochvue in reference the water line ground cover.

811

Had Four mark outs this month most of these are Utilities


Leonard F Clapp Jr
Acting Water Manager



TOWN OF POESTENKILL
38 Davis Drive, P.O. 210
Poestenkill, NY 12140

December 8, 2016

To: Dominic Jacangelo

From: Paul Barringer – Acting Code Enforcement Officer

Re: November 2016 work activities

My work hours for the month totaled 36 hours and one training class(6 hours) for the required professional development continuing education. Fees collected through this office totaled \$910.54 for work permits, building permits (new and renewals), and Certificate of Occupancy inspections.

Activities included:

- Inspecting one new home completed and issuing a Temporary Certificate of Occupancy with a punchlist of items to be completed within 30 days for a Certificate of Occupancy(inspected last month). Previously issued TCO was replaced with permanent Certificate of Occupancy.
- Performed footing and basement wall inspection for addition attached to existing home as required by code
- Inspected excavation, footing and wall construction for new home
- Issued 1 permit for new roof and siding
- Issued 2 building permits for alt
- Inspected a number of completed projects for issuing Certificates of Completion including one new solar panel installation, an inground pool installation(CO issued due to the lack of code required pool alarm with a follow up to come), new roof installations
- Issued 2 Building Permits for roof solar panel installations
- Fielded numerous complaints concerning non-conforming property issues with various degrees of resolution
- Reviewing existing files on ongoing building permits with the long term intent of closing out files
- Issued three building permit renewals for alterations as required by 2015 NYS Existing Building Code

Submitted by

Paul F. Barringer

Poestenkill Dog Control

November 2016

3rd Driver saw loose dog

3rd Resident found two loose dogs. Owner located

11th Family has concerns about dogs left on property

11th Lost dog



Town of Poestenkill

38 Davis Drive | P.O. Box 210
Poestenkill, NY 12140
518.283.5100 (Phone)
518.283.7550 (Fax)

OFFICE OF THE
ASSESSOR

TO: POESTENKILL TOWN BOARD

FROM: BRIAN M. JACKSON/ ASSESSOR
ASSESSOR'S REPORT FOR NOVEMBER 2016

The renewal applications are currently all ready to be mailed at the end of December. These are Enhanced STAR, Aged, Disability, Clergy and Agriculture. We do not receive any Basic STAR applications anymore. The new owners contact New York State directly. We do, however, send a letter to the new owners informing them where and how to contact the State in order to apply. If someone is currently receiving the Basic STAR and applies for the Enhanced, we will take that application. We have a few Veteran's exemption applications already and they are due the same time as the renewals on taxable status date.

New deeds continue to be received as an ongoing item sent from our county office. They are processed and checked and then the letters are sent for the STAR information.

We continue to receive completed files from the Building Department and that data will be entered and valued for the 2017 tentative roll. All of this information along with the exemption information is collected by March 1st, then processed and valued for the tentative roll due May 1st.

Constituent relations are considered good during the report period.

Respectfully submitted,

Brian M. Jackson
Assessor
Town of Poestenkill

cc: Town Board
Susan Horton, Town Clerk



Town of Poestenkill
Office of the Highway Superintendent
P.O. Box 210
Poestenkill, NY 12140
(518) 283-4144

To: Town supervisor- Dominic Jacangelo
Town Board Members Butler, Wohlleber, Hass, Van Slyke

From: Highway Superintendent- Toby Chadwick

Date: December 8, 2016

RE: Highway Activities
November 16, 2016-December 8, 2016

1. Crew been picking up brush & leaves
2. Crew been patching dirt roads
3. Crew been out plowing snow and sanding
4. Crew been welding on trucks and plow wings
5. Crew been working in shop on repairs
6. Crew been cutting brush from snow storm

At a duly convened meeting of the Town Board of the Town of Poestenkill in the County of Rensselaer conducted at the Poestenkill Town Hall at 7:00 P.M. on the 15th day of December, 2016.

RESOLUTION NO. _____ OF 2016

**IN THE MATTER OF THE TRANSFER OF CERTAIN
GENERAL BUDGET FUNDS**

WHEREAS, the Town bookkeeper has advised that it has become necessary to effect certain General Budget fund transfers in order to properly fund certain Town expenses;

NOW, LET IT THEREFORE BE

RESOLVED, that it is hereby authorized and directed as follows:

That the sum of \$1,619.02 be transferred from General Budget fund line item 11990.4 (Contingent) to General Budget fund line item 13620.1 (Code Enforcement Clerk); and

That the sum of \$106.72 be transferred from General Budget fund line item 17310.2 (Youth Program Equipment) to General Budget fund line item 17310.4 (Youth Program).

MOVED BY: _____

Prepared and approved as to form by:
Patrick J. Tomaselli, Esq., Town Attorney

SECONDED BY: _____

VOTED UPON AS FOLLOWS:

Councilwoman June Butler: _____

Councilman David Hass: _____

Councilman Harold Van Slyke: _____

Councilman Eric Wohlleber: _____

Supervisor Dominic Jacangelo: _____

At a duly convened meeting of the Town Board of the Town of Poestenkill in the County of Rensselaer conducted at the Poestenkill Town Hall at 7:00 P.M. on the 15th day of December, 2016.

RESOLUTION NO. _____ OF 2016

**IN THE MATTER OF THE TRANSFER OF CERTAIN
HIGHWAY BUDGET FUNDS**

WHEREAS, the Town bookkeeper has advised that it has become necessary to effect certain Highway Budget fund transfers in order to properly fund certain Town expenses;

NOW, LET IT THEREFORE BE

RESOLVED, that it is hereby authorized and directed as follows:

That the sum of \$6,409.86 be transferred from Highway Budget fund line item 25110.4 (General Repairs) to Highway Budget fund line item 25130.4 (Machinery).

MOVED BY: _____

Prepared and approved as to form by:
Patrick J. Tomaselli, Esq., Town Attorney

SECONDED BY: _____

VOTED UPON AS FOLLOWS:

Councilwoman June Butler: _____

Councilman David Hass: _____

Councilman Harold Van Slyke: _____

Councilman Eric Wohlleber: _____

Supervisor Dominic Jacangelo: _____

At a duly convened meeting of the Town Board of the Town of Poestenkill in the County of Rensselaer conducted at the Poestenkill Town Hall at 7:00 P.M. on the 15th day of December, 2016.

RESOLUTION NO. _____ OF 2016

IN THE MATTER OF THE TRANSFER OF CERTAIN WATER BUDGET FUNDS

WHEREAS, the Town bookkeeper has advised that it has become necessary to effect certain Water Budget fund transfers in order to properly fund certain Town expenses;

NOW, LET IT THEREFORE BE

RESOLVED, that it is hereby authorized and directed as follows:

That the sum of \$1,353.60 be transferred from Water Budget fund line item 8310.1 (Water Manager) to Water Budget fund line item 8310.11 (Water Assistant Manager); and

That the sum of \$4,287.72 be transferred from Water Budget fund line item 8310.4 (Administration Contractual) to Water Budget fund line item 8320.43 (Purchase of Water.

MOVED BY: _____

Prepared and approved as to form by:
Patrick J. Tomaselli, Esq., Town Attorney

SECONDED BY: _____

VOTED UPON AS FOLLOWS:

Councilwoman June Butler: _____

Councilman David Hass: _____

Councilman Harold Van Slyke: _____

Councilman Eric Wohlleber: _____

Supervisor Dominic Jacangelo: _____