

Patrick J. Tomaselli
Attorney at Law
Tomaselli Law Offices
P.O. Box 97
Poestenkill, New York 12140-0097
Telephone and Facsimile (518) 689-2280

April 21, 2017

TRANSMITTED VIA EMAIL TO legals@troyrecord.com

The Record
Fifth and Broadway
Troy, New York 12180

RE: Notice of Public Hearing for the Town of Poestenkill
Proposed Local Law entitled
TOWN OF POESTENKILL SOLAR ENERGY ZONING LAW

To whom it may concern:

As Poestenkill Town Attorney, I am transmitting herewith a Notice of Public Hearing to be published in the legal notices section of The Record one (1) time on or before May 7, 2017.

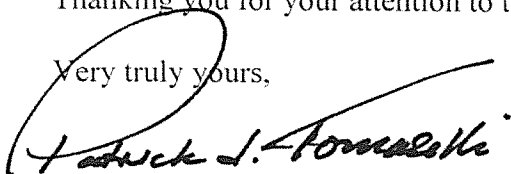
Please send the billing and the affidavit of publication for said legal notice to:

Susan Horton, Town Clerk
Poestenkill Town Hall
P.O. Box 210
Poestenkill, New York 12140

It is not necessary to send the billing and the affidavit of publication to me.

Thanking you for your attention to this matter, I am

Very truly yours,



PATRICK J. TOMASELLI, ESQ.
Poestenkill Town Attorney
Enclosure

cc: Poestenkill Town Board
Susan Horton, Town Clerk

**NOTICE OF PUBLIC HEARING
TOWN OF POESTENKILL**

Notice is hereby given that the Town Board of the Town of Poestenkill will conduct a public hearing at the Poestenkill Town Hall at 38 Davis Drive in the Town of Poestenkill, County of Rensselaer, New York at 7:00 P.M. on May 18, 2017 to consider the adoption of a proposed local law entitled "**TOWN OF POESTENKILL SOLAR ENERGY ZONING LAW**" which would address, among other things, the siting, construction and operation of solar energy systems within the Town of Poestenkill; define such terms as "Ground-Mounted Solar Energy System," "Roof-Mounted-Solar Energy System" and "Large-Scale Solar Energy System" and indicate the zoning districts wherein each type of solar energy system may be located; provide approval standards for Planned Development Districts within which Large-Scale Solar Energy Systems may be established; address the abandonment and decommissioning of such systems; implement the maximum property tax exemption allowed by Real Property Tax Law Section 487; and provide for and quantifying the payment in lieu of taxes (PILOT) to be paid to the Town of Poestenkill during the tax exempt period

At the aforesaid time and place of hearing, all interested persons will be given the opportunity to be heard concerning the proposed legislation.

Dated: April 21, 2017

By Order of the Town Board
of the Town of Poestenkill
Susan Horton, Town Clerk

Approved as to form by
Patrick J. Tomaselli, Esq., Town Attorney

TOWN BOARD MINUTES
TOWN OF POESTENKILL
TOWN BOARD MEETING

April 20, 2017

(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, Town Attorney

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

Supervisor Jacangelo opened the meeting at 7:00 p.m. with the Pledge of Allegiance and opened the floor for any comments. L. Rieter, Town resident was looking for an update on the ongoing issue on Blue Factory Road. Supervisor Jacangelo stated that he had a conversation with our Code Enforcement Officer and he will be discussing the issue with our Town Attorney.

Supervisor Jacangelo wanted it noted that we have lost one of our previous Assessor's this month and we send our deepest sympathy to the family of Jeff Jackson.

Motion by Wohlleber, seconded by Van Slyke and an oral vote of 5 ayes to accept the Town Clerk's minutes of March 9, 2017 Workshop, as written. Motion by Hass, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of March 16, 2017 as written.

Liaison Reports:

Planning Board –Town Board members had copies of the Planning Board's meeting of April 4th in their packets. T. Russell elaborated on the meeting and Supervisor Jacangelo spoke on the importance when approving subdivisions that emergency vehicles have enough area to get up the driveways. B. Teal, Poestenkill Fire Chief also wants more clarification on street addresses and wanted to remind residents that a no burn is still in effect until May 14th.

Zoning Board – Town Board members had copies of the ZBA minutes of March 14th in their packets. T. Hoffay elaborated on the meeting.

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

Library –E. Gresens reported on the activities at the Library which included the May 6th Market Day and that applications were being accepted for the Clement Scholarship.

Youth Advisory Board-Councilman Wohlleber updated the Board on the activities that were happening with the Youth Board which included Summer Camp applications are out and the camp will be held at the Poestenkill Elementary School this year with an early drop off for an additional fee.

CAC- No Meeting

Historical Society - G. Bentley spoke on the current display at the Heritage House.

Food Pantry – T. Russell reported that the Food Pantry will now be open on Saturday's from 10 am – 12 Noon.

Correspondence:

Charter Communications – Memo dated March 24th stating that certain changes will go into effect on or after April 25, 2017.

Lochvue Estates Subdivision - Letter for A. Gilchrist, Attorney for Lochvue Estates dated March 31st asking for dedication of a portion of McKinley Way and the entire length of Lochvue Drive. Supervisor Jacangelo stated that there are many issues that must be resolved prior to formal dedication, which include the National Grid lines must be moved, drainage issues and the pavement is crumbling. Mr. Tomaselli stated that he will send a letter to A. Gilchrist and explain these issues and states that the Town will not accept the road for formal dedication until all the issues are resolved.

Discussion Items:

Solar Energy Law Draft – The Town Board has been working on this law for several months and they now have copies of the latest draft in their packet. There was a lengthy discussion and it was the consensus of the Board to move forward with the process after discussing several changes that will be incorporated into the new draft. Mr. Tomaselli will do the legal notice. Motion by Wohlleber, seconded by Butler and carried to approve the Solar Energy Law Draft with the amendments that were included in the discussion this evening and set a public hearing for May 18th at 7 p.m.

Work Place Violence Policy - this draft document was set aside until next month's meeting.

RFP Ambulance Service -The Town Clerk opened the RFP's for the ambulance service on April 6, 2017 at 4:30 p.m. with several people witnessing the opening. There were four proposals two of which included shared/dedicated services. The proposals for the Ambulance Services were extensively discussed and it was determined at least two of the proposals were potentially feasible for the Town with respect to cost/response time. There are still many questions, and this will be discussed further at the May 18th meeting. T. Jacangelo, Town resident suggested that perhaps the Town should consider the possibility of having some CPR Classes held for anyone that would be interested. Supervisor Jacangelo stated that Councilman Hass and himself have already had this discussion.

Highway Truck Financing-The Town Attorney stated that he had canvassed all the banks that were available according to the 2017 Organizational Meeting minutes. Mr. Tomaselli stated that the only helpful response came from M & T Bank. The representative that he spoke with from M & T Bank suggested a Lease Purchase "it's easier, cheaper and it doesn't count towards Municipal indebtedness which enables the Town to free up money." He said he would put together a proposal and send it to Mr. Tomaselli for his review and Mr. Tomaselli stated that he would recommend this course of action. However, a Bond Note is a viable alternative. Mr. Tomaselli will keep the Board updated on the financing of the Highway truck. The Highway surplus equipment that was auctioned off totaled a little over \$55,000.

Water Meter Fee – Motion by Wohlleber, seconded by Hass and carried to approve the increase of the Water Meter fee to \$235.00 effective immediately.

Planning Board Resolution of June 2011 - The Planning Board established a Green Space set aside in a major subdivision and then they established a policy which reads *It is recommended for adoption by the Town Board that in the event that the Planning Board determines that reservation of land of adequate size or suitable purpose cannot be practically located in a proposed major residential subdivision or that said reservation would not appropriately serve the Town's land use plan, the Planning Board shall condition its approval of a subdivision upon payment to the Town of Seven Hundred Fifty (\$750.00) dollars.*

Supervisor Jacangelo feels that this is ridiculously low. Supervisor Jacangelo recommends that if cash is taken, then the cash should be equivalent to the value of the land (market value) that you would have set aside. Mr. Tomaselli feels the best way to handle this issue is to amend the Code and do it by local law.

Barberville Falls-An Informational Meeting is going to be tentatively held at the town hall on May 4th at 7 p.m. to offer information on the land transfer from the Nature Conservancy to the Town. If the elevator is not completed it could be held at the Fire House.

Action Items:

Approval of Solar Energy Law Draft-This was already voted on earlier in the meeting.

Adopt Workplace Violence Policy and Resolution-This is being set aside until the next meeting and Mr. Tomaselli will distribute the draft to Board members prior to the next meeting.

RESOLUTION#5-2017-IN THE MATTER OF THE POESTENKILL TOWN BOARD RECOGNIZING THE ACHIEVEMENTS OF LOCAL RESIDENT AND EAGLE SCOUT DANIEL WRENN

MOVED BY: Councilman Hass

SECONDED BY: Councilwoman Butler

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 that the elevator is ready to receive the new lift. Met with ESF representatives regarding flood issues at no cost to the Town, had several conversations with Spectrum representatives and there is nothing new on the table and Councilman Hass and himself just learned that the gas franchise does not cover the entire Town and National Grid is revising their franchise to cover the entire Town.

Town Attorney's Report – Mr. Tomaselli reported on the matters that he worked on since the last Town Board meeting which included incorporating feedback into the proposed Workplace Violence Policy, review of the responses of the RFP's, transmittal of lengthily letter to the PSC regarding problems with National Grid utility locations in the Lochvue subdivisions, continued

monitoring dialogue between Town Engineer, Tom Field, Lochvue subdivision developer and National Grid regarding relocation of National Grid junction box and power lines, etc. Full report is on file in the Town Clerk's office. Supervisor Jacangelo also stated that his understanding is that the Water Superintendent, Lenny Clapp will be retiring as of December 2017.

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 March 2017. The total amount received in the Clerk's office was \$15,632.99 and of that amount \$15,555.99 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, 811 report, water report and the Highway Dept. report. Highway Superintendent, Toby Chadwick wanted to thank the Fire Department for the use of the building to host a safety course on Mining. He also stated, there was some vandalism done at the old landfill site where some Highway equipment is stored. Troopers have been informed of the damage.

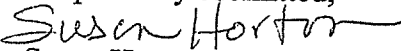
Michelle Asquith, Administrative Assistant/Bookkeeper – Reported that the 1st Quarter of 2017 is right on budget. She further stated a sales tax check was received in the amount of \$142,000 and the Court Grant monies of \$13,000 was received.

Payment of Bills:

Motion by Hass, seconded by Wohlleber and an oral vote of 5 ayes to pay Warrant #6-2017 in the amount of \$50,504.30. Motion by Butler, seconded by Hass and an oral vote of 5 ayes to pay Warrant #7-2017 in the amount of \$2,353.29.

Motion by Wohlleber, seconded by Hass and carried to adjourn this meeting at 9:50 p.m.

Respectfully submitted,


Susan Horton, Town Clerk

INFORMATIONAL MEETING
TOWN OF POESTENKILL
BARBERVILLE FALLS
May 4, 2017
(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

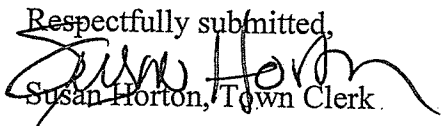
NON-VOTING MEMBERS

Susan Horton, Town Clerk

Supervisor Jacangelo opened the informational meeting at 7:00 pm with the Pledge of Allegiance and thanked the audience for attending tonight's meeting. Supervisor Jacangelo stated what he wanted to do this evening was to give a brief presentation of what the general proposal (Barberville Falls) is and take comments from residents. He also stated that this will not be the only public comment opportunity. If the Town decides to move forward, there will be a formal Resolution presented to the Town Board for consideration. At that time, the public will be more than welcome to make further comments regarding the resolution and if the Town Board moves forward a Local Law will be adopted which will control use of the property. With any Local Law, there is an opportunity for a public hearing where once again comments will be heard. Supervisor Jacangelo reiterated that this is a process, not just a single meeting to get to the specific outcome. He stated that the proposal entails the Nature Conservancy to give the Town the 138 acres which we all know as the Barberville Falls property. This property is located at the intersection of Plank Road and Blue Factory Road. The property backs up against Commons Farms and other private properties and half the falls is owned privately and will remain private.

There were approximately 40 people in attendance and there were comments for and against this proposal. The full tape is available in the Town Clerk's office.

Respectfully submitted,


Susan Horton, Town Clerk



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

May 2, 2017 @ 7:30 pm

7:30 Meeting Opens – Pledge of Allegiance

Public Hearing:

Lynn Raymond
124-11-18

Minor Subdivision
9414 Rt. 66

Clare Ryan
135.-7-15

Special Use Permit
541 West Sand Lake Rd.

Minutes of the April Meeting

Public Comment Period

Organizational Items:

Other:

Don Heckelman to attend May Meetings
Bill Daniel to attend June Meetings
Harvey Teal to attend July Meetings



TOWN OF POESTENKILL

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(518) 283-5100 Phone
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Planning Board

PLANNING BOARD May 2, 2017 Minutes (Distributed before approval)

Attendees:

Tom Russell, Chairman
Harvey Teal
Robert Dore
William Daniel
Jeffrey Briggs
Steve Valente, Alternate
Robert Ryan, Attorney
Lynn E. Kane, Clerk

Absent:

Judy Grattan

Chairman Russell called the meeting to order at 7:35 pm with the Pledge of Allegiance.

Public Hearings:

Lynn Raymond
124-11-18

Minor Subdivision Classification
9414 Rt. 66

Planning Board Clerk Lynn Kane read the Public Hearing Notice. Chairman Russell asked for comments in favor or in opposition of the application. There being no comments, the public comment period is closed.

SEQRA Hearing: The SEQRA portion of the public hearing began with Chairman Russell reading the Environmental Assessment Form (EAF) into record and the Board responded to all questions. Chairman Russell asked for comments in favor or in opposition of this portion of the application, none given. A motion was made by Member Teal that the proposed action will have no significant environmental impact and therefore a negative declaration should be issued. Member Briggs seconded the motion and it was approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions. Chairman Russell states the proposed action will not result in any significant adverse environmental impacts and closes this Hearing.

Minor Subdivision Hearing: Given the negative declaration, the final public hearing on the approval portion of the application was conducted after the SEQRA hearing. Chairman Russell asked for comments in favor or in opposition of the final portion of the application, none given. Chair closes the public hearing with "There being no further comments, the public hearing is closed." Member Valente makes "motion that the proposed 2 lot minor subdivision for the property at 9414 Route 66, Poestenkill, NY be approved,

seconded by Chairman Russell and it was approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions.

Clare Ryan

135.-7-15

Special Use Permit

541 West Sand Lake Road

Planning Board Clerk Lynn Kane read the Public Hearing Notice. Planning Board Clerk Lynn Kane read "Notification of Zoning Review Action" from the Rensselaer County Economic Development & Planning dated April 21, 2017, said notice states the County leaves the decision with the local municipality with following note: "To keep the nutrients and bacteria from manure out of the Wynants Kill, the grazing area should be fenced off from the Wynants Kill and manure storage kept at least fifty (50) feet from the creek as well." Chairman Russell asked for comments in favor or in opposition of the application. There being no comments, the public comment is closed.

SEQRA Hearing: The SEQRA portion of the public hearing began with Chairman Russell reading the Environmental Assessment Form (EAF) into record and the Board responded to all questions. Chairman Russell asked for comments in favor or in opposition of this portion of the application, none given. A motion was made by Member Teal that the proposed action will have no significant environmental impact and therefore a negative declaration should be issued. Chairman Russell seconded the motion and it was approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions. Chairman Russell states the proposed action will not result in any significant adverse environmental impacts and closes this Hearing.

Special Use Permit Hearing: Given the negative declaration, the final public hearing on the approval portion of the application was conducted after the SEQRA hearing. Chairman Russell asked for comments in favor or in opposition of the final portion of the application. With no additional comments from the public, the public comment period was closed. Member Teal makes a "motion that the proposed request for a special use permit to keep horses on a non-farm parcel at 541 West Sand Lake Road in the Town of Poestenkill, NY be approved." Motion seconded by Member Valente and approved by a vote of seven (7) ayes, zero (0) nays and zero (0) abstentions.

Minutes: The minutes of the Board meeting on April 4, 2017 reviewed, Member Heckelman requests minutes be corrected to show he arrived at approximately 8:10 pm at the April 4, 2017 meeting. Motion by Member Daniel to accept as corrected, seconded by Member Dore, approved by a vote of six (6) ayes, zero (0) nays, and one (1) abstentions by Member Heckelman.

Public Comment Period

No comments from the Public, Chairman Russell closes the Public Comment Period.

Discussion:

Member Briggs informed the Board there will be an information meeting on Barbersville Falls, open to all, on Thursday, May 4, 2017 at 7 pm at Town Hall. There being no further business, a motion to adjourn was made by Member Valente, seconded by Chairman Russell, and approved by all members. The meeting was adjourned at 8:10 pm.

Respectfully submitted,

Lynn E. Kane
Planning Board Clerk



TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210

Poestenkill, NY 12140

(518) 283-5100 Phone

(518) 283-7550 Fax

Zoning Board of Appeals

AGENDA

Zoning Board of Appeals

May 9, 2017 @ 7:30 pm

MEETING OPENS – PLEDGE OF ALLEGIANCE

Minutes of April Meeting

New Applicant:

Diane Wagner

125.-1-2.11

Interpretation

12 Grandview Drive

Organizational Items

- 1) ZBA Alternate position

Other:

Terry Lantry to attend May Meeting
Paul Jamison to attend June Meetings
Kevin McGrath to attend July Meetings



TOWN OF POESTENKILL

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(518) 283-5100 Phone
(518) 283-7550 Fax

Zoning Board of Appeals

ZONING BOARD OF APPEALS

April 11, 2017 Minutes

(Distributed before Approval)

Attendees:

Terry Lantry
Kevin McGrath
Tim Hoffay

Absent:

Paul Jamison, Chairman
Cheryl Sargeant

Secretary Lantry opened the meeting at 7:30 pm with the Pledge of Allegiance and moves to the Public Hearings.

Public Hearings:

Cliff Diehl

125.-1-21

Area Variance

287 Rt. 355

ZBA Clerk, Lynn E. Kane, read the Public Hearing Notice into the record. Secretary Lantry reviews the project to allow construction of a back porch with a side setback of seventeen (17) feet. Secretary Lantry asked the audience if there were any public comments. There are none. Applicant Diehl produces hand written letters from neighbors Jeff Rano and Mark Burton not opposing to Applicant's plan.

Motion by Member McGrath to close the Public Hearing, seconded by Member Lantry, three (3) ayes, zero (0) nays and zero (0) abstentions. Secretary Lantry polled the Board and Members decided to vote on the application of this meeting. Member McGrath makes a motion to approve a variance for construction of a back porch with a side setback of seventeen (17) feet. Member Lantry seconded. The Members were polled for their vote and the reasons for that vote.

After considering all of the mandatory area variance factors, Board Member Lantry voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No. Applicant's proposed deck would not be visible from the street. It would be visible to neighbors who do not object.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No. Options are limited.
- 3) *Whether the requested variance is substantial.* – Yes. House built in 1955, conforms to others in neighborhood.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No. None known.

- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – No. Based on age of house and similar structures in the neighborhood.

After considering all of the mandatory area variance factors, Board Member McGrath voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No. Houses built before current code, it is similar to other house setbacks.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No. Building direction back from existing house, septic system on other side of house.
- 3) *Whether the requested variance is substantial.* – Yes. 25” side required, 8’ requested, 17’ variance.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No. Adjoining owners signed notes not objecting to construction.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes. Addition is not a necessity.

After considering all of the mandatory area variance factors, Board Member Hoffay voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No. No undesirable change, no neighbor issues.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No. Addition shares house line, home on variance side.
- 3) *Whether the requested variance is substantial.* – Yes. 8’ as opposed to 25’, grandfathered in..
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No. No adverse impact.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – No.

After considering all of the mandatory area variance factors, Chairman Jamison voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No. There will be no noticeable change from the front of the property and a back porch is consistent with the neighborhood character.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No. Any structure would require a variance.
- 3) *Whether the requested variance is substantial.* – Yes. It is a large fraction of the requirement.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No. No physical or environmental impact.

- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes. The deck is a desired, not a required addition/improvement.

Resolution: Variance granted, Applicant has sixty (60) days to obtain a building permit.

Allen Yetto
125.05-4-20

Area Variance
17 Circle Drive

ZBA Clerk, Lynn E. Kane, read the Public Hearing Notice into the record. Applicant Yetto explains he wants 1) to keep the garage farther from the rear property line, in effort to not to disturb abutting neighbors; 2) by moving closer to road, the garage will line up and/or match the other structures on the road; 3) wants a thirty-five (35') foot setback instead of fifty (50) feet and whole parcel has one (1) tax map number. Neighbor Dave Anderson from #10 Weatherwax Road had following comments 1) what will prevent others from doing same thing as Applicant? 2) he drove around the Town, looking at similar neighbors and this proposal doesn't fit character and 3) if the Board is going to approve this application, he would agree to the area variance "to accept as request", smaller footprint would work better. Neighbor Kevin Danish of #19 Circle Drive stated no objects to request and stated it would be better to have garage closer to road than rear of property.

Motion by Secretary Lantry to close the Public Hearing, seconded by Member McGrath, three (3) ayes, zero (0) nays and zero (0) abstentions. Secretary Lantry polled the Board and Members decided to vote on the application of this meeting. Member Hoffay makes a motion to approve a variance to allow a garage to be positioned with a front setback of thirty-five (35) feet. Secretary Lantry seconded. The Members were polled for their vote and the reasons for that vote.

After considering all of the mandatory area variance factors, Board Member Lantry voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No. Neighborhood will lose open space for neighbors who have no established or legal rights to the property, Owner wishes to use his property.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – Yes. Applicant could move property back where a variance would then be required for rear setback.
- 3) *Whether the requested variance is substantial.* – No. Based on other existing properties.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No. None known.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes. By Applicant's desire for a specific size garage.

After considering all of the mandatory area variance factors, Board Member McGrath voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – Yes. No other dwellings have garages on other side of Town road. Planning Board did not impose restrictions on revised lot. Planning Board had no planning concerns with garage.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No. No room on existing property before Lot Line Adjustment to build large garage.
- 3) *Whether the requested variance is substantial.* – Yes. 50' setback required, 35' requested, 15' difference.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes. Garage does not need to be built.

After considering all of the mandatory area variance factors, Board Member Hoffay voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No. Structure would align with existing Circle Drive home setbacks.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No. Variance needed for desired depth of structure.
- 3) *Whether the requested variance is substantial.* – Yes. 8' as opposed to 25', grandfathered in..
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No. Outdoor structure with no impact.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – No. Depth of lot was issue.

After considering all of the mandatory area variance factors, Chairman Jamison voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No. While it is slightly unusual to have a stand-alone garage across from house, garages are not undesirable and the Applicant has made the effort to blend in with the neighborhood.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – Yes. It is possible to build a garage that meets the setback requirements but it would have a more negative impact to the character of the neighborhood.
- 3) *Whether the requested variance is substantial.* – Yes. A thirty (30) percent setback variance is substantial, but it puts the structure in line with other buildings on the street.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No. No physical or environmental impact.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes. This is a desired, not a required improvement.

Resolution: Variance granted, Applicant has sixty (60) days to obtain a building permit.

Minutes

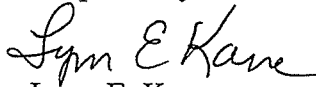
The minutes of the Board meeting on March 14, 2017 were reviewed. A motion to accept the minutes as written was made by Secretary Lantry, seconded by Member McGrath approved by a vote of three (3) ayes, zero (0) nays, and zero (0) abstentions.

Organizational Item:

Motion made by Secretary Lantry to enter Executive Session, seconded by Member McGrath at 8:25 pm. Motion to exit Executive Session by Member McGrath, seconded by Secretary Lantry at 8:40 pm.

There being no further business, a motion to adjourn was made by Secretary Lantry and seconded by Member Hoffay and approved by three (3) ayes, zero (0) nays and zero (0) abstentions. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,



Lynn E. Kane
Clerk to ZBA

Poestenkill Fire Company
Custom Summary Report
April 2017

	<u>Apr 17</u>
Income	
Insurance Rebate	213.00
Total Income	<u>213.00</u>
Gross Profit	213.00
Expense	
Building Fuel (heating)	
Main Station (Propanel)	1,502.27
Total Building Fuel (heating)	1,502.27
Building Maintance	
East Poestenkill	120.00
Refuse	124.03
Total Building Maintance	244.03
Electric	
East Poestenkill	101.33
Main Station	21.02
Total Electric	122.35
Equipment	
New Equipment	120.66
Repair & Maintance	165.25
Total Equipment	285.91
Insurance	
Accident & Sickness	46.00
Total Insurance	46.00
Internet and Phone	103.70
Medical Supplies	26.04
Security Alarm	65.00
Solar	309.72
Telephone	
Cell Phones	53.64
East Poestenkill	59.39
Total Telephone	113.03
Training	90.00
Uniforms	423.67
Total Expense	<u>3,331.72</u>
Net Income	<u><u>-3,118.72</u></u>

Section 1. Authority

This Solar Energy Zoning Law is adopted pursuant to Sections 261 through 263 of the Town Law of the State of New York, which authorize the Town of Poestenkill to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and "to make provision for, so far as conditions may permit, the accommodation of Solar Energy Systems and equipment and access to sunlight necessary therefor."

Section 2. Statement of Purpose

This Solar Energy Zoning Law is adopted to advance and protect the public health, safety, and welfare of the Town of Poestenkill ("the Town") in many ways, including the following:

- (a) Taking advantage of a safe, abundant, renewable, and non-polluting energy resource;
- (b) Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses;
- (c) Increasing employment and business development in the region by furthering the installation of solar energy systems.
- (d) Decreasing the use of fossil fuels, thereby reducing the carbon footprint of the Town of Poestenkill;
- (e) Investing in a locally-generated source of energy and increasing local economic value, thereby reducing local dependence upon the importation and purposing of non-local fossil fuels;
- (f) Aligning the laws and regulation of the community with several policies of the State of New York, particularly those that encourage distributed energy systems;
- (g) Becoming more competitive for a number of state and federal grants and tax benefits;
- (h) Making the community more resilient during storm events;
- (i) Aiding the energy independence of the country;
- (j) Diversifying energy resources to decrease dependence on the grid;
- (k) Improving air quality and public health;
- (l) Encouraging a sense of pride in the community;
- (m) Encouraging investment in public infrastructure supportive of solar, such as generation facilities, grid-scale transmission infrastructure, and energy storage sites;
- (n) Creating synergy between solar actions of the community and the sustainability provisions of the Town's Comprehensive Plan; and
- (o) Creating synergy between solar and other stated goals of the Town pursuant to its Comprehensive Plan, such as revitalization of the Hamlet district, vacant land management, and creating a healthier community environment.

Section 3. Definitions

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades, including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure, for the primary purpose of producing electricity for onsite or offsite consumption. A Ground-Mounted Solar Energy System will usually be a Large-Scale Solar Energy System but the ultimate determinant of said latter classification shall be that the System produces energy primarily for the purpose of offsite sale or consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that produces energy primarily for the purpose of offsite sale or consumption.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Panel System located on the roof of any legally permitted building or structure for the primary purpose of producing electricity for onsite or offsite consumption. A Roof-Mounted Solar Energy System will usually not be a Large-Scale Solar Energy System but the ultimate determinant of said latter classification shall be whether or not the System produces energy primarily for the purpose of offsite sale or consumption.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy

SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

Section 4. Applicability

The requirements of this law shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair and Building-Integrated Photovoltaic Systems.

Section 5. Solar Energy System as an Accessory Use/Structure

A. Roof-Mounted Solar Energy Systems.

- (1) Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
- (2) Height. Solar Energy Systems shall not exceed maximum height restrictions within the zoning district it is located in and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
- (3) Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements: panels facing the front yard must be mounted with a maximum distance of 18 inches between the roof and highest edge of the system

B. Ground-Mounted Solar Energy Systems.

- (1) Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures in all zoning districts.
- (2) Height and Setback. Ground-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district provided additionally that no Ground-Mounted System shall be installed any closer to any property line than the height of the System.
- (3) Lot Coverage. The surface area covered by Ground-Mounted Solar Panels shall be included in the total lot coverage.
- (4) All such Systems in the Hamlet (H), Residential (R) and Rural Residential 1 (RR-1)) zoning districts shall be installed in the side or rear yards. In a Rural Residential 2 (RR-2) zoning district, any siting of such a System in the front yard shall require the issuance of a Special Use Permit.
- (5) Ground-Mounted Solar Energy Systems that use the electricity primarily onsite shall be exempt from site plan review under the local zoning code or other land use regulations.

Section 6. Approval Standards for Large-Scale Solar Systems

A. Large-Scale Solar Energy Systems are permitted through the establishment of a Planned Development District (PDD) by the Town Board with input from the Town Planning Board in accordance with the terms and procedures set forth in ARTICLES IX, XV and VIII of the Code of the Town of Poestenkill ("the Code"), to the extent not inconsistent with the requirements set forth in this Section.

B. Waiver: The Town Board may, in its discretion, waive any or all of the requirements of this section for a Large-Scale Solar System that it believes is harmonious with land uses in the area where it is proposed to be built and where, because of its size or other considerations, the Planning Board, after reviewing the application for a PDD, has expressed its opinion that the proposed Large-Scale Solar System does not need to be subjected to conditions otherwise imposed by this section and/or by ARTICLE IX. This waiver may be a partial waiver, allowing the Town Board to require a Large-Scale Solar System to comply with individual requirements found in this section and/or in ARTICLE IX.

C. Planned Development District (PDD) Application Requirements. For a PDD application, the standard application procedure set forth in ARTICLE IX is to be used as supplemented by the following provisions.

- (1) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- (2) Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect.
- (3) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed. Without in any way limiting the generality of the foregoing, the equipment specification sheets shall be documented to include details regarding the decibel level of any noise produced by inverters, transformers and any other source

of audible magnetic, electrostatic or other noise at the property boundary, as well as the potential existence and containment of chemical emissions from any equipment, including batteries.

- (4) System and Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, and shall include a vegetation control plan covering such items as mowing, trimming, removal of dead leaves, brush, branches, tree limbs and the like..
- (5) Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this Plan shall be made a condition of the continued existence of the PDD established or any special use permit issued under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used [and/or is abandoned], it shall be removed by the applicant or any subsequent owner. The Plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The Plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared and submitted to the Town by a Professional Engineer or licensed and experienced Contractor. Any such cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality. It is the purpose and intent of this paragraph that the responsibility for compliance with the Plan and any cost obligation associated therewith and/or with the removal of non-operational or abandoned equipment and structures of the Large-Scale Solar Energy System shall lie solely with the owner of the property. In furtherance of this end, it is hereby required that any deed of conveyance of the real property upon which said Large-Scale Solar Energy System is sited shall contain an express covenant that such responsibility and obligation runs with the land and that the grantee assumes full responsibility for compliance with this paragraph.
- (6) Emergency Plan. The application for a PDD for a Solar Energy System shall include an emergency plan setting forth in detail the procedures to be followed by firefighters, law enforcement personnel and other first responders so as to allow them to safely and efficiently carry out their work. Said plan shall specifically include any reasonable warnings of dangers posed by the Solar Energy System and, to the extent necessary, instructions for shutting off the flow of electricity to the site and whether and to what extent any fire on the premises may be safely extinguished through the normal use of water.

D. Special PDD Standards for Large-Scale Solar Energy Systems.

- (1) Height and Setback. Large-Scale Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district, subject to the additional constraints set forth in Section 7(D)(1) of this local law.
- (2) Lot Size. Large-Scale Energy Systems shall be located on lots with the minimum lot size required for a Planned Development District. As set forth in §150-61 of the Code, the minimum lot size shall be ten (10) contiguous acres.

- (3) Lot Coverage. A Large-Scale Solar Energy System that is ground-mounted shall not exceed 85% of the lot on which it is installed. The surface area covered by Solar Panels shall be included in total lot coverage.
- (4) Site Security. It is the responsibility of the property owner to ensure that the site is secure from trespass and that adequate warnings are posted along the perimeter of the lot. If circumstances require, the Town Board, upon the recommendation of the Planning Board, may require the site to be enclosed by fencing. Such fencing shall at all times be properly maintained by the property owner.
- (5) Any application under this Section shall meet any substantive provisions contained in local site plan requirements in the Land Use Code that, in the judgment of the Planning Board, are applicable to the system being proposed. If none of the site plan requirements are deemed applicable, the Town Board may waive the requirement for site plan review.
- (6) The Town Board may impose conditions on its approval of any Planned Development Unit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations, if any, under the State Environmental Quality Review Act (SEQRA).
- (7) All site plan approvals for Solar Energy Systems shall be the responsibility of the Planning Board in order to avoid delays in the review of Solar Energy System applications.

Section 7. Abandonment and Decommissioning

Solar Energy Systems shall be considered abandoned after six (6) months without electrical energy generation and must be expeditiously removed from the property in accordance with the submitted Decommissioning Plan. Applications for extensions shall be reviewed by the Planning Board and may be granted for a period of six (6) months at a time.

Section 8. Fees and Payments in Lieu of Taxes (PILOTs)

A. Pursuant to Real Property Tax Law Section 487, and provided the property owner fully complies with the statutory requirements set forth therein, the real property which includes the Solar Energy System shall be exempt from taxation to the extent of any increase in the value thereof by reason of the inclusion of the Solar Energy System for a period of fifteen (15) years, as set forth in subdivision (2) of Real Property Tax Law Section 487.

B. As authorized by subdivision (9) of Real Property Tax Law Section 487, the Town shall require the owner of the real property which includes the Solar Energy System to enter into a contract with the Town for payments in lieu of taxes (PILOTs), which contract will require annual payments to be made from the property owner to the Town for the full fifteen (15) year exemption period in an amount to be based upon a unit cost per kilowatt of electricity produced, said contractual unit cost to be negotiated between the property owner and the Town, but to result in annual payments to the Town of not less than \$100,000.00 and not more than the amounts which would otherwise be payable but for the exemption granted by Real Property Tax Law Section 487.

C. The Town shall notify the owner or the developer of the Solar Energy System of the Town's intent to require said owner or developer to enter into a contract for payments in lieu of taxes within sixty (60) days of receipt of written notification from the owner or developer of the latter's intent to construct a Solar Energy System. For Large-Scale Solar Energy Systems, said written notification shall be measured from the Town's receipt of the application for the requisite Planned Development District (PDD).

D. The payments in lieu of taxes hereby authorized shall be in addition to any building permit or other administrative fees payable by the owner and/or developer.

Section 9. Enforcement

Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in the zoning regulations of the Town of Poestenkill for violations of the Town Zoning regulations and/or the Town Land Use Code. In addition, the Town may seek to recover the costs of any costs incurred in enforcement and discharge of the owner's responsibilities and obligations under the Decommissioning Plan and elsewhere in this local law. Enforcement may be made by levy of said costs against the property and or by institution of a civil action in any court of competent jurisdiction in Rensselaer County.

Section 10. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

At a duly convened meeting of the
Town Board of the Town of
Poestenkill conducted at 7:00 P.M.
on the 18th day of May, 2017, at the
Poestenkill Town Hall

RESOLUTION NO. 6 OF THE YEAR 2017

**IN THE MATTER OF THE TOWN BOARD OF THE
TOWN OF POESTENKILL ADOPTING A WRITTEN
WORKPLACE VIOLENCE PREVENTION POLICY AND
PROVIDING FOR POSTING A STATEMENT THEREOF**

WHEREAS, effective April 29, 2009, the State of New York adopted 12 NYCRR Part 800.6, entitled "Public Employer Workplace Violence Prevention Programs" relating to requirements of public employers to develop and implement programs to prevent and minimize the hazards of workplace violence to public employees, the purpose and intent of which is to ensure that the risk of workplace assaults and homicides is evaluated by affected public employers and their employees and that such public employers design and implement protection programs to minimize the hazard of workplace violence to employees; and

WHEREAS, section (k) of Part 800.6 established dates for compliance by public employers with various sections of said Part and expressly provided that employers shall be in compliance with the entire Part within 120 days of the effective date thereof, i.e., no later than August 28, 2009; and

WHEREAS, in compliance therewith, and pursuant to section (e) of said Part, the Town of Poestenkill as a public employer has developed a written policy on its workplace violence prevention program goals and objectives, as well as a brief statement of said policy (hereinafter referred to as the Workplace Violence Prevention Policy and the Workplace Violence Policy Statement, respectively), copies of which are annexed hereto and made a part hereof;

NOW, LET IT THEREFORE BE

RESOLVED, that the Town Board hereby adopts the annexed Workplace Violence Prevention Policy as the official Workplace Violence Prevention Policy of the Town of Poestenkill, effective immediately, and it is further

RESOLVED, that a copy of the annexed Workplace Violence Policy Statement be prominently posted where notices to employees are normally posted and that a copy of the Workplace Violence Prevention Policy itself shall be made available to all Town employees by contacting the Town Supervisor's Office.

MOVED BY: Butler

SECONDED BY: Hass

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

VOTED UPON AS FOLLOWS:

Councilwoman June Butler: YES
Councilman David Hass: YES
Councilman Harold Van Slyke: YES
Councilman Eric Wohlleber: YES
Supervisor Dominic Jacangelo: YES

TOWN OF POESTENKILL WORKPLACE VIOLENCE PREVENTION POLICY

The Town of Poestenkill (Town) is the provider of municipal and related community services. The Town strives to provide a safe work environment to all of its employees and to those that it serves.

The Town is committed to providing a safe work environment for all employees. The Town will respond promptly to threats, acts of violence, and acts of aggression by employees or against employees by coworkers, members of the public or others.

The term “workplace violence” is defined as any physical assault, threatening behavior or verbal abuse occurring in the work setting. The Town of Poestenkill prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace. Complaints of workplace violence will be given serious attention. Security and safety in the workplace requires the cooperation of every employee.

This policy sets forth standards for employee conduct and guidelines for reasonable precautions. The accompanying procedures outline response to threats or violence should they occur in the workplace whether in a Town facility or while performing duties in the Town.

The term “workplace” is defined as any location away from an employee’s domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment.

The term “employee” is defined as a public employee working for an employer.

The Town response may also include removal of third party vendors/contractors from buildings or termination of contracts with such vendors/contractors.

PART I

Prohibited Conduct, Policy Implementation, Training and Retaliation

SECTION 1: Prohibited Conduct

- A. The Town will not tolerate any act or threat of violence made in the workplace, on Town property, or while in work status for the Town.
- B. No person may engage in violent conduct or make threats of violence, implied or direct, on Town property or in connection with Town business. This includes but is not limited to:
 - 1. The use of force with the intent to cause harm, e.g. physical attacks, any unwanted contact such as hitting, fighting, pushing, or throwing objects;
 - 2. Acts or threats which are intended to intimidate, threaten, coerce, or cause fear of harm whether directly or indirectly;
 - 3. Acts or threats made directly or indirectly by oral or written words, gestures or symbols that communicate a direct or indirect threat of physical or mental harm.
 - 4. No person, without legal authority, may carry, possess or use any dangerous weapon on Town property or in Town buildings or facilities. Moreover, any person having a valid permit, restricted or unrestricted, to carry a handgun shall nonetheless refrain from carrying same into any Town building or facility, unless such person has received from the Town Board prior written authorization to do so.

SECTION 6: Retaliation

Retaliatory action against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.

1. For what constitutes Workplace Violence see the National Institute for Occupational Safety and Health's (NIOSH) definition in NYS Department of Labor Division of Safety and Health's Workplace Violence Prevention Requirements for NYS Public Employers at <http://www.labor.ny.gov/home>
2. For a description of a risk evaluation see the NYS Department of Labor Division of Safety and Health's, Workplace Violence Prevention Requirements for NYS Public Employers at <http://www.labor.ny.gov/home>
3. For recordkeeping requirements see NYS Labor Law 27-a. Safety and health standards for public employees.

PART II Workplace Violence Prevention Procedures

SECTION 7: Process

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any employee of the Town. Workplace violence should promptly be reported to the appropriate Town official (see below). Additionally, all members of the community are encouraged to report behavior they reasonably believe poses a potential for workplace violence in order to maintain a safe working environment.

SECTION 8: Definitions

For the purposes of this part:

- A. "Employer" means: (1) The Town of Poestenkill; (2) any political or administrative subdivision of the Town of Poestenkill; and (3) any special or improvement district of the Town of Poestenkill.
- B. "Employee" means a public employee working for the employer.
- C. "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment by an employer.
- D. "Supervisor" means any person within an employer's organization who has the authority to direct and control the work performance of an employee, or who has the authority to take corrective action regarding the violation of a law, rule or regulation to which an employee submits written notice.
- E. "Town Supervisor" means the duly elected Supervisor of the Town and in some cases the "Town Supervisor" might also be a "Supervisor" as hereinabove defined.
- F. "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or any other adverse employment action taken against an employee in the terms and conditions of employment.

- Statements showing fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides;
 - Statements indicating desperation (over family, financial, and other personal problems) to the point of contemplating suicide;
 - Drug/alcohol abuse; and
 - Extreme changes in behavior.
- B. Orders of Protection: Employees are expected to notify the local law enforcement authorities whenever a protective restraining order is granted which mentions Town property, or involves a Town employee, or a person working at or attending the Town, and provide a copy of the order. Appropriate efforts will be made to protect the privacy and sensitivity of the information provided. Employees should also notify their supervisor as well as the Town Supervisor.
- C. Domestic Violence: Victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their supervisor as well as the Town Supervisor and local law enforcement authorities. Confidentiality will be maintained to the extent possible.
- D. All employees have an obligation to report any incidents of violence and/or inappropriate conduct or behavior to their supervisor, the Town Supervisor or local law enforcement authorities immediately.
- E. Any employee or representative of employees who believes that a serious violation of a workplace violence prevention program exists or that an imminent danger exists shall bring such matter to the attention of his/her supervisor in the form of a written notice. If following written notice, the matter has not been resolved and the employee or representative believes that the violation still exists or that an imminent danger still exists, the employee or representative should contact local law enforcement authorities
- F. Individuals found to be in violation of this policy may be removed from the Town property. Employees may be subject to disciplinary action up to and including dismissal, pursuant to applicable Personnel Policies or Collective Bargaining Agreements. Further, all individuals who violate criminal law may be subject to criminal prosecution.
- G. No employee shall be subjected to criticism, reprisal, retaliation or disciplinary action from the Town for good faith reporting pursuant to this policy. Employees who engage in violent conduct should be reported to local law enforcement authorities or 911.
- H. Individuals who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous, are made in good faith, may be subject to disciplinary action and/or referral to appropriate authorities for criminal and/or civil action as appropriate.

SECTION 11: Supervisors

- A. Each department head, executive officer, administrator, or other person with supervisory responsibility (hereinafter "supervisor") is primarily responsible within his/her area of jurisdiction for the implementation of this policy.

Attention: All Employees, Contractors, Visitors
TOWN OF POESTENKILL
Workplace Violence Policy Statement

The Town of POESTENKILL is committed to providing a safe work environment and to fostering the health and well-being of its employees. This commitment is jeopardized when any Town employee commits any act of violence in the workplace. Violence can include any behavior that threatens the safety of employees, co-workers, or any other individuals involved with Town of POESTENKILL business. Workplace violence can be, but is not limited to homicide, physical attacks, emotional abuse, verbal abuse, harassment, sexual assaults, property damage, sabotage or theft.

Therefore, the Town of POESTENKILL has established the following policy:

The Town of POESTENKILL will not tolerate (zero tolerance) or condone violence, including homicide, physical attacks, emotional abuse, verbal abuse, harassment, sexual assaults, property damage, sabotage, or theft by employees. It is the policy of the Town of POESTENKILL to maintain a workplace free of violence.

It is the policy of the Town of POESTENKILL that employees who engage in violence in the workplace will be subject to disciplinary action up to and including termination.

It is the policy of the Town of POESTENKILL to commit the resources necessary to achieve and maintain a violence-free environment. The Town of POESTENKILL expects the full support of this policy by all employees and all persons doing business with the Town.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on Town property will be removed from premises as quickly as safety permits and shall remain off Town premises pending the outcome of an investigation. The Town of POESTENKILL's response to incidents of violence may include suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and criminal prosecution of those involved.

All Town personnel are responsible for notifying the contact person designated below of any threats they have witnessed, received, or have been told that another person has witnessed or received. Personnel should also report behavior they regard as threatening or violent if that behavior is job-related or might be carried out on a Town-controlled site.

An employee who applies for or obtains a protective or restraining order that lists Town of POESTENKILL locations as protected areas must provide a copy of the petition and declarations used to seek the order and a copy of any temporary or permanent protective or restraining order that was granted. The Town of POESTENKILL has confidentiality procedures that recognize and respect the privacy of the reporting employee(s)

Designated Contact Persons:

Dominic Jacangelo, Poestenkill Town Supervisor
Susan Horton, Poestenkill Town Clerk
Poestenkill Town Hall
38 Davis Drive - P.O. Box 210
Poestenkill, New York 12140

Phone: 518-283-5101

Post Conspicuously

4. Where in the building or worksite would a violence related incident most likely to occur? (Check all that apply)

- Employee lounge or cafeteria
- Exits
- Deliveries
- Private offices
- Parking lot
- Bathroom
- Entrance
- Other Specify _____

Have you ever noticed a situation that could lead to a violent incident? If yes, please describe: _____

5. Have you missed work because of a potential violent act(s) committed during your course of employment?
6. Do you receive workplace violence related training or assistance of any kind?
7. Has anything happened recently at your worksite that could have lead to violence? If so, can you comment about the situation?
8. Has the number of violent clients increased?

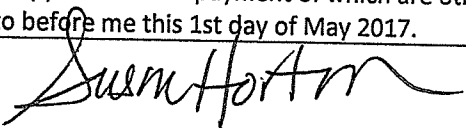
If you answered yes to any of the above, please describe: _____

ADD ANY ADDITIONAL CONCERNS OR COMMENTS BELOW AND/OR ON A SEPARATE SHEET

TOWN CLERK'S MONTHLY REPORT
Town of Poestenkill, New York
April 2017

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:		\$ 6.90
Marriage License	2 @ \$ 7.50 each	\$ 15.00
Marriage Certificate	2 @ \$10.00 each	\$ 20.00
Marriage Transcript	@ \$10.00 each	\$
A1255 Total Town Clerk Fees		\$ 41.90
Peddler's Permit		
A1289 Registrar		\$
A2655 Minor Sales - Copies		\$
A2530 Games of Chance (Bell Jar)		\$
A2544 Local Fee for 23 dogs		\$ 248.00
A2115 Planning Board Fees/ZBA fees		\$ 307.22
A2555 Building Permits		\$1730.00
A2501 Junkyard License		
A2268 Impoundment fees from Creekside Kennel		\$
A2720 Water Meter Fee - 1001 Water Benefit Charge -		
A2240 Misc. Water Charges -		\$
A2710 Water Permit Fee		\$
1001 Water billing	\$5224.64	
Total Water Charges		\$5224.64
REVENUE TO SUPERVISOR		\$7551.76
Amount paid to State Comptroller for Games Chance License		
Amount paid to DEC for Conservation Licenses		\$ 118.10
Amount paid to AG. And Markets for fee for unsprayed/unneutered Dog program		\$ 58.00
Amount paid to State Health Dept. for Marriage Licenses		\$ 45.00
TOTAL DISBURSED		\$ 221.10
May 1, 2017 Dominic Jacangelo, Supervisor		
TOTAL AMOUNT RECEIVED BY CLERK		\$7772.86
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 April only such Fees the application and payment of which are otherwise provided by law subscribed and sworn to before me this 1st day of May 2017.		



RENSSELAER COUNTY BUREAU OF FINANCE
2017 TAX WARRANT SETTLEMENT
TOWN OF POESTENKILL

Warrant amount from Bureau of Tax Services

Original warrant amount	\$ 4,105,791.86
Less: Total adjustments (from pg 2).....	<u> —</u>
Revised Warrant amount	<u>4,105,791.86</u>

Less:

Taxes collected by Town Tax collector

Paid to Town Supervisor	<u>1,517,462.96</u>
Paid to County Bureau of Finance.....	<u>1,500,000.00</u>
Final Payment to County with Roll Books.	<u>601,717.05</u>
Total collected by Town	<u>\$ 3,619,180.01</u>

Taxes collected by Bureau of Finance:

Corporate Taxes ~ State Lands (excl Time Warner).....	<u>55,502.18</u>
Time Warner (excl franchise fees).....	<u>3,466.42</u>
*** Time Warner Town Franchise fees	<u>60.93</u>
Total collected by County.....	<u>\$ 59,029.53</u>

Total Uncollected Tax Amount turned in with books	\$427,582.32
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*** Per your cable agreement with Time Warner, they are permitted to reduce their annual property tax bill (which is paid to the County BOF) by the exact amount paid to the Town in Franchise Fees. Therefore, in order to properly reflect their taxes paid in full, the Town must pay the County an amount equal to the franchise fees they received from Time Warner.

Tax collector or receiver signature: Susan Hutton Date: April 8, 2017



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 APRIL 2017

This office is now processing all the renewal applications and applying them to the 2017 tentative roll (any new ones, changes or deletions, etc.) as well as all the new construction data to be applied. All of this needs to be done by April 14th for the county to print the rolls and the change notices. The roll is filed May 1st (with a legal notice in the paper noting such) and then the change notices are sent right after that. The dates for the assessor to sit with the roll (during May) are printed on these notices so that anyone who would like to review can come into the office at those times prior to the Board of Assessment Review meeting on May 25th. Once the roll is printed it is also made available for anyone to review on the Town website.

We continue to receive deeds to process. The STAR application for all new owners is still regulated by New York State Tax and Finance. We do process any veteran's applications when they come in. We can also take Enhanced STAR applications for anyone turning 65 if they currently have the Basic STAR. Once the tentative roll is printed, however, these exemptions will be applied to the 2018 roll

Constituent relations are good for this period.

Respectfully submitted,

Brian M. Jackson
Assessor
Town of Poestenkill

cc: Town Board
Susan Horton, Town Clerk



TOWN OF POESTENKILL

38 Davis Drive, P.O. 210
Poestenkill, NY 12140

Office of the
Water Superintendent

Monthly water and 811 Reports

Water

Had four final water reads.

Sent out the second water notice for payment

We have two (Out of District) lots that a second notice was sent out.

Started working on a project for Lead/Copper testing. This requirement for testing is the US EPA requirement and have been auditing many of our water systems to ensure compliance with the Lead/Copper Rule.

The first step was to ID the age of buildings, Type of building i.e. Single Family, Duplex and Business etc... We have 343-meter connections at this time. Then assigned which homes was built between 1983 thru 1988 (this is Tier 1 and the other homes are either Tier 3 or 4. The Supervisor and I had a meeting with the State Health and Rensselaer County Health Dept's. In addition, they gave us some info in how to complete this project. We sent letters to 14 homes dated April 25. As of this report, only 2 have responded.

Had to locate a couple of shut offs for property owners.

Went to the American Water Works Assoc. water training classes at Saratoga.

Lockvue project: Been informed by the Town Supervisor that the power company will relocate the power lines from above the water line to the assigned area. This past winter two of the street valves at the intersection of Lockvue and Mckinley way the snow plow broke the tops (needs to be replaced by Property owner since the road hasn't been given to the Town).

811

I had twelve mark outs to do this month



TOWN OF POESTENKILL

38 Davis Drive, P.O. 210
Poestenkill, NY 12140

May 11, 2017

To: Dominic Jacangelo

From: Paul Barringer – Acting Code Enforcement Officer

Re: April 2017 work activities

My work hours for the month totaled 45 1/2 hours. Three hours were related to my responsibilities for MS4 compliance whereas I attended NYS DEC MS4 compliance training at Schodack town hall. Fees collected through this office totaled \$1770.

Activities included:

- Fielded a number of complaints concerning non-conforming property issues with various degrees of resolution. One complainant repeatedly files a complaint about the neighbor.
- Reviewing existing files on ongoing building permits with the long term intent of closing out files
- Building permits were issued for 2 new homes to be built by Pigliavento Builders in the Lochvue subdivision, 2 inground and 1 above ground swimming pool, 1 free standing sign permit approved by the Planning board, 5 alteration and repairs permits, and 1 new garage permit
- Performed two inspections for a concrete walls for basements in new homes under construction(2)
- Update: Performed one Certificate of Occupancy inspection for a single family residence constructed in 2014. C.O. not issued due to lack of electrical inspection certificate and water quality inspection report from Rens. Co. Received electrical inspection report but have not received Rens. Co. report for septic and water quality. Status is the same. Required information has yet to be submitted. No change in status since last report.
- Several C.O./ C.C. inspections were done for a woodstove installation for compliance to state requirement in a home based day care operation, new furnace install in a foreclosed property, and completed addition. The addition was not issued a C.O. due to the lack of a third party electrical inspection certificate. Update: C.O. was issued for the addition after receipt of the UL electrical inspection certificate.
- Responded to an open burn violation at the request of Poestenkill Fire Dept. on Lynn Rd. Resident with history of open burn violations was cited by NYS Dept. of Environmental Conservation for the violations with court appearance tickets.

- Mail requests by title companies seeking information was responded to with the appropriate information.
- Met with Linda VonDerHeide, Regional Planner for Rensselaer County, for MS4 information to be provided for completion of the annual report. Annual report will accompany this report.

Submitted by

A handwritten signature in black ink, appearing to read "Paul F. Barringer", with a large, sweeping flourish extending to the right.

Paul F. Barringer

Poestenkill Dog Control

April 2017

11th Complaints about neighbor dogs barking

13th Lost dog

16th Stray dog found Took to kennel

16th Dead raccoon

23rd Stray cat found



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: May 11,2017

RE: Highway Activities
April 20, 2017- May 11,2017

1. Crew been out picking up brush from storm and spring cleanup.
2. Crew been working on equipment for inspections.
3. Crew been out sweeping roads.
4. Working on SEMA & FEMA paperwork for snow storm.

BARBERVILLE FALLS PARK (Proposed Local Law)

Section 1. Authority and Purpose.

Barberville Falls and the surrounding area (collectively referred to hereinafter as "the Barberville Fall Park" or "the Park") is a unique natural landmark situate within the heart of the Town of Poestenkill ("the Town") and is a part of the Town's heritage and was duly acquired by the Town from the Nature Conservancy. The Barberville Falls is approximately 90 feet in height carrying the waters of the Poesten Kill from the upper escarpment of the Rensselaer Plateau to the Poestenkill Hamlet. The Poesten Kill drains approximately 35 square miles of the Plateau and not only provides important water resources but also a habitat for fish and other aquatic life. The Park includes discreet ecological communities while also offering to the public a variety of recreational opportunities including hiking, bird watching, nature walks, fishing, hunting and photography. It is the purpose and intent of this local law that the Town provide for responsible stewardship of this unique natural resource while also allowing its vistas and recreational opportunities to be accessed and enjoyed by the public. As part of such purpose, the Town also hereby establishes rules, restrictions and conditions for public access to and use of the Park to the end of facilitating, to the extent possible and practicable, a safe and enjoyable experience for all visitors to the Park and the preservation of its resources in their natural pristine condition.

Section 2. Public Notice.

Whereas the Park is a natural and potentially dangerous open space area, this local law and the signage hereby authorized shall serve as a warning to the visiting public that the property contains steep slopes, slippery surfaces and dangerous cliffs. Children shall be under the supervision and guardianship of an adult while on the property. All persons enter the property at their own risk.

Section 3. Permitted Uses.

1. From the day after Labor Day through the day before Memorial Day the public is invited to visit the Barberville Falls Park for the purposes of bird watching, hiking, fishing, geocaching, snowshoeing, and photography from one half hours after sunrise until one half hour before sunset.
2. Hunting is permitted during the winter big game season and those times when the public is permitted on the property and hunting is undertaken consistent with state law. A town permit from the Town Clerk is required for hunter access. The town will limit hunting permits to ten per year.

Section 3. Access and Use Restrictions and Prohibitions.

1. No person shall enter the Park from Labor Day through Labor Day without first obtaining a permit from the Town Clerk which shall specify the purpose for the entry. Permits will be issued for the purpose of scientific research, park cleanups, and special 24- hour events sponsored by a charitable or community service organization such as the Boy Scouts or Girl

Scouts. The permit shall include information on the person responsible for the permit and how many people are included in the permit and their names. The permit shall identify any vehicles to be parked in the Park parking areas for the event.

2. Alcohol: No person shall possess any alcoholic drink while on Park property.
3. Glass: No person shall possess any glass container while on Park Property.
4. Swimming: No person shall swim or wade in the Poesten Kill at any time.
5. Camp Fires: No person shall start a campfire or other fire within the property for any purpose at any time.
6. Time of Permissible Occupancy: No person shall remain on the property after one half hour before sunset or before one half hour before sunrise.
7. Noise: No person shall create unnecessary noise while on the property except to call emergency personnel or to find a missing person.
8. No person shall enter private property from the park at any time.
9. Parking: No person shall park any vehicle on Park property other than in designated parking areas.

Section 4. Violations and Penalties.

1. Any person who violates the provisions of this local law is guilty of a violation punishable by a fine of up to \$250.
2. Any unauthorized or prohibited access, occupancy or use of the Park or its resources shall constitute both civil and criminal trespass and may be prosecuted as either or both.

Section 5. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.