

TOWN BOARD MINUTES  
TOWN OF POESTENKILL  
TOWN BOARD MEETING  
May 18, 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 Van Slyke and carried that the monthly bills had been audited for payment.

Supervisor Jacangelo started the meeting with the Pledge of Allegiance and opened the public hearing at 7 p.m. on the proposed Local Law entitled "TOWN OF POESTENKILL SOLAR ENERGY ZONING LAW" which would address the siting, construction, and operation of solar energy systems within the Town and indicate the zoning districts each type of solar energy system may be located. Supervisor Jacangelo opened the hearing up for any comments for or against the proposed local law. There were no comments on the issue from the audience so Supervisor Jacangelo spoke about the proposed local law and specially on the pilot programs and how the PILOTS were assessed. Board members spoke among themselves regarding the tax issue and the PILOT program and Town Attorney Tomaselli gave his comments. Supervisor Jacangelo polled the Board members and it was decided that they felt that the contract with the Town for payments in lieu of taxes (PILOTS) should require annual payments to be made from the property owner to the Town for the full 15-year exemption period in an amount to be based upon a unit cost of \$5-\$8 per kilowatts of design output. Mr. Tomaselli will make the changes based on what was discussed this evening. The hearing was closed at 7:25 p.m. The formal vote will take place later in the meeting.

Public Comments on Service Responses to the RFP's for Ambulance Service- Supervisor Jacangelo reported that the RFP's that were received were on the Town's website. There were four proposals two of which included shared/dedicated services. Two of the proposals (North Greenbush and Mohawk) are potentially feasible for the Town with respect to cost/response time. Several residents spoke on this issue and there are still many questions that must be answered and Supervisor Jacangelo stated that this will be discussed this evening and in several future meetings as information only. Official comments will be taken when this matter gets to a Public Hearing/Local Law in the establishment of an **Ambulance District** by way of a **Public Referendum**. There is a time schedule as to when the material must go to the Board of Elections prior to being put on the ballot. Councilman Van Slyke and Wohlleber have circulated questions to Mohawk and to North Greenbush as to how the cost is calculated. Councilman Van Slyke stated that he and Councilman Wohlleber had a very productive meeting with Sand Lake last week and had several meetings with North Greenbush. Mohawk's figure is \$207,000 and North Greenbush is \$256,000. The Board must work through many questions and determine what the companies will provide in detail.

Supervisor Jacangelo opened the floor for any other comments from the public and there being none the comment period was closed.

Motion by Wohlleber, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of April 20, 2017 as written.

Correspondence: No correspondence

Liaison Reports:

Planning Board –Town Board members had copies of the Planning Board's meeting of May 2<sup>nd</sup> in their packets. D. Heckelman, Planning Board member elaborated on their meeting.

Zoning Board – Town Board members had copies of the April 11<sup>th</sup> ZBA meeting in their packets. P. Jamison, Chairman of the ZBA reported on the May 9<sup>th</sup> meeting.

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

Library – Councilman Van Slyke reported that there was no library news.

Youth Advisory Board- The summer camp is being held at PES this year.

CAC- No Meeting

Discussion Items:

Solar Energy Law Draft-This was discussed at length during the Public Hearing.

Work Place Violence Policy-A new draft was written by Mr. Tomaselli from the discussion held at last month's meeting and there were more changes made to the draft this evening which will be incorporated into the Resolution.

RFP's for Ambulance Services- This was already discussed.

Action Items:

Workplace Violence-RESOLUTION #6-2017-IN THE MATTER OF THE TOWN BOARD OF THE TOWN ADOPTING A WRITTEN WORKPLACE VIOLENCE PREVENTION POLICY AND PROVIDING FOR POSTING-Motion by Butler, seconded by Hass and carried to adopt the Workplace Violence Policy and Resolution with changes discussed this evening.

Town of Poestenkill Solar Energy Zoning Law-RESOLUTION #7-2017-IN THE MATTER OF THE ADOPTION OF THE TOWN OF POESTENKILL SOLAR ENERGY ZONING LAW with minor changes as discussed, this evening and Mr. Tomaselli will prepare the formal resolution. This motion was made by Councilman Wohlleber, seconded by Butler and carried.

Local Law #2-2107-IN THE MATTER OF ADOPTION OF LOCAL LAW #2-2017 ENTITLED "TOWN OF POESTENKILL SOLAR ENERGY LAW"

MOVED BY: Councilman Wohlleber

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 he had a conference call with National Grid, the Water Manager, and the Highway Superintendent regarding the problems at the Lochvue site. National Grid has agreed to move their utilities by Sept. 1<sup>st</sup>. The Memorial Day parade will be held on May 29<sup>th</sup>, Councilwoman Butler will present the wreath at the monument. Supervisor Jacangelo has been working with the Nature Conservancy about clearing up an encroachment issue and once that is done the property itself will be ready for the Town's acquisition. He would like to direct the Town Attorney to start having conversations with the Nature Conservancy on what the contract of acquisition will look like. The Supervisor would like Mr. Tomaselli to prepare the Baberville Falls draft that Town Board members have in their packets tonight, in the proper Local Law form so the Town can hold a Public Hearing in July. Mr. Tomaselli reported that the Town cannot enact the Local Law on the Town's part until it becomes the Town's property. Supervisor Jacangelo stated that he felt the Local Law could be prepared have a public hearing on the Local Law and reserve action on the Local Law until the Town signs the official contract and the deed is filed. Supervisor Jacangelo wants everything taken care of and in place prior to day one of ownership. The handicap elevator area is almost completed and the lift has been installed. Supervisor Jacangelo stated that Spectrum has been up on the mountain and his hope is that they will be making a grant application for this area. Councilman Hass stated that he has asked for a written proposal from National Grid on the gas issue and was told he will receive this within 4-6 wks.

Town Attorney's Report – Mr. Tomaselli reported on the matters that he worked on since the last Town Board meeting which included working on the revisions to the Solar Law and the Work Place Violence Resolution. He has spoken with M & T Bank about financing for the payloader.

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 April 2017. The total amount received in the Clerk's office was \$7,772.86 and of that amount \$7,551.76 was remitted to the Supervisor. Town Board members had copies of the 2017 Tax Warrant Settlement Report. 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.

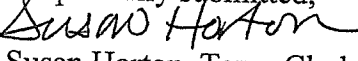
Supervisor Jacangelo clarified some budget issues pertaining to the Planning/Zoning appropriations/expenditures that the Secretary to the PB/ZBA had and he stated that the simple answer to this question is if it gets to a point where there is no money left in a particular line of the department then a budget transfer can be made.

Payment of Bills:

Motion by Hass, seconded by Wohlleber and an oral vote of 5 ayes to pay Warrant #8 -2017 in the amount of \$46,859.39. Motion by Hass, seconded by Wohlleber and an oral vote of 5 ayes to pay Warrant #9-2017 in the amount of \$29.16.

Motion by Supervisor Jacangelo, seconded by Butler and carried to exit to Executive Session at 9:15 to discuss a personnel issue with no votes being taken. Motion by Wohlleber, seconded by Butler and carried to exit from Executive Session and immediately adjourn this meeting at 9:45 p.m.

Respectfully submitted,

  
Susan Horton, Town Clerk

# FREE CANCER SCREENING SERIES



PLUS you may be eligible for a Stewart's gift card after completing all offered screenings!

## No Health Insurance?

No-cost mammograms and more are available.  
FREE tests for eligible, uninsured women age 40+.

Mammograms | Clinical breast exams | Pap tests | FIT kits

Capital Imaging Associates  
1001 New Loudon Rd., Cohoes

February 6

St. Peter's Hospital Breast Center  
317 S. Manning Blvd., Ste. 305, Albany

March 9  
May 11

August 10  
October 12

The Massry Center  
147 Hoosick St., Troy

January 18	June 21
February 15	September 20
March 15	October 18
April 19	November 15
May 17	December 20

Screenings take place 4 pm - 6 pm. For more information and to make an appointment, please call **(518) 525-8680**.

Albany and Rensselaer

**Cancer Services Program**

Your partner for cancer screening, support and information

Funded by the New York State Department of Health



ST PETER'S HEALTH  
PARTNERS

Cancer Care

**Need Transportation? Contact us.**

**Cancer Screening Saves Lives!**

Get Connected to the

# Cancer Services Program

Your partner for cancer screening,  
support and information

**1-866-442-CANCER (2262)**

Cancer  
Screenings  
at NO COST  
to You

## What is the Cancer Services Program (CSP)?

The CSP provides breast, cervical and colorectal cancer screenings at no cost to men and women who:

- Do not have health insurance *or* have health insurance that does not cover the cost of these screenings
- Cannot pay for these services
- Meet income eligibility requirements
- Meet age requirements
- Live in New York State

## What cancer screening services are available?

### Breast Cancer Screening

*Mammogram and Clinical Breast Exam*

- Women ages 40 and older
- Women under age 40 at high risk for breast cancer\*

### Cervical Cancer Screening

*Pap Test and Pelvic Exam*

- Women ages 40 and older

### Colorectal Cancer Screening

*Fecal Occult Blood Test/Fecal Immunochemical Test Kit*

- Men and women ages 50 and older at average risk for colorectal cancer

*Colonoscopy*

- Men and women at increased or high risk for colorectal cancer\*

*\*Only a New York State-licensed health care provider can determine risk.*

New York State Department of Health

# Cancer Services Program

Your partner for cancer screening, support and information



**Who do I call for a FREE cancer screening or to be connected to other CSP services?**

Call **1-866-442-CANCER (2262)** to talk to someone 24 hours a day, 7 days a week who will connect you to a Cancer Services Program near you. The call is free.

**Where are these screening services provided?**

Services are provided in local clinics, health centers, doctors' offices, and hospitals in every county and borough in New York State by health care providers participating in the CSP.

**What if they find something or I need treatment after the screening?**

- If screening tests find something abnormal, diagnostic (testing) services are available through the CSP for eligible men and women at no cost.
- If breast, cervical or colorectal cancer is found, eligible men and women may be able to enroll in the NYS Medicaid Cancer Treatment Program to receive full Medicaid coverage for the entire time they are being treated for cancer.
- Men diagnosed with prostate cancer by a doctor in this program may be able to enroll in the NYS Medicaid Cancer Treatment Program (the CSP does not pay for prostate cancer screening or diagnostic services).

**Where can I find more information about cancer?**

**New York State Department of Health  
Cancer Services Program**

[www.health.ny.gov/nysdoh/cancer/center/partnerships/](http://www.health.ny.gov/nysdoh/cancer/center/partnerships/)

**American Cancer Society (ACS)**

[www.cancer.org](http://www.cancer.org)

**National Cancer Institute**

[www.nci.nih.gov](http://www.nci.nih.gov)

**Centers for Disease Control and Prevention**

[www.cdc.gov/cancer/](http://www.cdc.gov/cancer/)

**Colorectal cancer can be prevented.  
Age 50 or older? Get screened!**



State of New York  
Department of Health

# NO HEALTH INSURANCE?

You may be eligible for NO COST:

- Easy, take-home colon cancer screening
- Mammogram
- Clinical breast exam
- Pap test

\* Breast and cervical cancer screening for women ages 40-64

\*Colon cancer screening for men and women ages 50-64

**(518) 525-8680**

\* SCREENING AVAILABLE FOR THOSE AT INCREASED RISK.

TALK TO YOUR DOCTOR OR CALL US.



ST PETER'S HEALTH PARTNERS

[sphp.com](http://sphp.com)

Albany and Rensselaer Counties

**Cancer Services Program**

Your partner for cancer screening, support and information



[cspofalbandren.com](http://cspofalbandren.com)

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# Charter

COMMUNICATIONS

May 12, 2017

**Re: Charter Communications – Upcoming Changes**

Dear Municipal Official:

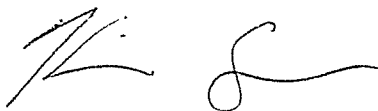
I am providing you with this notice as part of our ongoing efforts to keep you apprised of developments affecting Charter subscribers in the Albany area.

This will give notice that on or about June 14, 2017:

- Charter will cease carriage of Spectrum Sports currently carried on channels 50 and 323.
- Charter will cease carriage of Spectrum Sports2 currently carried on channel 324.

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](mailto:kevin.egan@charter.com).

Sincerely,



Kevin Egan  
Director, Government Affairs  
Charter Communications

20 Century Hill Drive  
Latham, NY 12110



**Patrick J. Tomaselli**  
Attorney at Law  
Tomaselli Law Offices  
P.O. Box 97  
Poestenkill, New York 12140-0097  
Telephone and Facsimile (518) 689-228

**MEMORANDUM – TOWN OF POESTENKILL**

**DATE:** June 14, 2017  
**TO:** Poestenkill Town Board  
**FROM:** Patrick J. Tomaselli, Esq., Town Attorney  
**RE:** Establishment of Ambulance District

It is the purpose of this Memorandum to summarize the procedure and steps to be followed for the establishment of an ambulance district for the Town of Poestenkill.

Assuming the Town wishes to initiate the process and not await such initiation being made by public petition as provided in ARTICLE 12 of the Town Law, the process is principally governed by the provisions of ARTICLE 12-A of the Town Law [sections 209 through 209-i] entitled ESTABLISHMENT OR EXTENSION OF IMPROVEMENT DISTRICTS - ALTERNATE PROCEDURE.

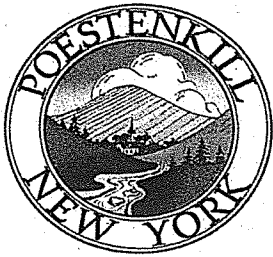
Insofar as is applicable to the proposed ambulance district, the significant provisions and procedural steps are as follows:

- (1) Town Law §209 provides that a town board may establish certain improvement districts and §209-a(1) expressly clarifies that one such district is an ambulance district. The cost of establishing the proposed district shall be wholly at the expense of said district.
- (2) Per §209-b, the town board may adopt a resolution subject to a permissive referendum as provided in Town Law ARTICLE 7 appropriating a specific amount to pay the cost of preparing a general map, plan and report (MPR) for providing the facilities, improvements or services in any portion (or in this case, the entirety) of the town. Any such MPR shall be prepared in such manner and in such detail as may be determined by the town board and shall be filed with the town clerk [§209-c]. The town board may authorize the MPR to be prepared by or under the supervision of town officers or employees designated by the town board or by persons employed for said purpose or by contract, all subject to the limitation of the amount appropriated. Except as hereinafter provided, the expense of preparation of the MPR shall be a town charge and shall be assessed, levied and collected in the same manner as other town charges. If the proposed ambulance district shall thereafter be actually established and the town contracts for the provision of such services, the cost of preparation of the MPR shall be deemed part of the cost of rendering such services and the town shall be reimbursed for the amount paid.

- (3) Subsequent to the date of filing of the MPR with the town clerk, the town board may adopt an order reciting a description of the boundaries of the proposed district, the improvements and/or services proposed to be provided and the maximum amount to be expended therefor, the estimated cost of hook-up fees (if any), and the cost of the district to the typical property and, if different, the typical one or two family home [as said terms are defined in §209-a]. The order should also indicate that the proposed method of financing, the fact the MPR is on file in the town clerk's office for public inspection and the maximum amount to be expended annually for ambulance services. Finally, it should indicate the date and time of the public hearing concerning the proposed district.
- (4) The town board shall cause a copy of such order to be published at least once in an official newspaper of the town not less than ten (10) days nor more than twenty (20) days before the hearing date.
- (5) Depending upon whether or not the approval of the state comptroller is required per §209-f [which relates to how the town will be financing the district and the average cost to the typical property or one or two family home compared to the average annual cost of similar districts (i.e., the "threshold" cost) as estimated by the state comptroller], permission of the state comptroller to establish the district may or may not be required.
- (6) If permission of the state comptroller is not required, a certified copy of the order shall also be filed with the state comptroller on or about the date of publication of the order. Whether or not permission is required, the state comptroller may nonetheless require the town to submit additional information or data.
- (7) Following the public hearing, the town board shall by resolution make the determinations as to validity and necessity as prescribed in §209-e(1). If and when the town board shall make affirmative determinations on all of the items listed in §209-e(1), the town board may adopt a resolution (which could be the same resolution as referenced in the previous sentence) approving the establishment of the district as the boundaries thereof are finally determined and the providing of ambulance services subject to a permissive referendum [Yes - *another* permissive referendum]. Within ten (10) days of the adoption of said resolution by the town board, the town clerk shall post and publish a notice which shall state the date of adoption of said resolution by the town board, an abstract of same concisely stating the purpose and effect thereof, and an indication that same was adopted subject to a permissive referendum [see ARTICLE 7 of the Town Law, §90].
- (8) The resolution shall not take effect until thirty (30) days after its adoption nor until approved by the affirmative vote of a majority of the owners of taxable real property situate within the proposed district as shown on the latest completed assessment roll of the town, voting on said proposition, if within said 30 day period, a petition requesting such referendum is filed.
- (9) A petition requesting such referendum must be signed and acknowledged by the owners of taxable real property situate within the proposed district as shown on the latest completed assessment roll of the town in number equal to at least 5% of the total number of such owners or 100 such voters, whichever is less. The town clerk shall cause to be prepared and available for distribution proper forms for the petition and shall distribute a supply to any person requesting same.

- (10) If such petition is filed between 75 and 60 days before a biennial town election, a proposition for the approval of the resolution shall be placed on the ballot of said election. If the petition is filed at any other time, it must be voted upon at a special election held between 60 and 75 days from the filing of the petition [see §91 for details].
- (11) Alternatively, the town board upon its own motion may cause to be submitted to the electors this (or any) resolution for which a petition could be filed. [See §94. This is how the town proceeded with creation of the water district.]
- (12) If no petition is filed with the town clerk within the thirty (30) day period for doing so, the town clerk shall file a certificate stating such fact with the Rensselaer County Clerk and, where the permission of the state comptroller is required for establishment of the ambulance district, with the NYS Department of Audit and Control in Albany [see §209-e(4)(a)].
- (13) If a petition was timely filed, after the referendum the town clerk shall prepare and file a certificate stating that a petition was filed and a referendum held and certifying the result of the vote on the proposition submitted at such referendum in the Office of the Rensselaer County Clerk and, where the permission of the state comptroller is required for establishment of the ambulance district, with the NYS Department of Audit and Control in Albany [see §209-e(4)(b)].
- (14) While this, like any action by a municipality, must comply with SEQRA, it seems clear that this is an Unlisted Action having no significant adverse impact upon the environment and thereby requiring only the completion and filing of a SEQRA Short Form EAF as a SEQRA Negative Declaration - Notice of Determination of Non-Significance.

I trust the foregoing summary provides all Board members with an adequate understanding of the processes, requirements and time frame for establishment of the proposed ambulance district.



# Town of Poestenkill

Po Box 210  
Poestenkill, NY 12140  
Phone: (518) 283-5100 Fax: (518) 283-7550  
Website: [www.poestenkillny.com](http://www.poestenkillny.com)  
Office of the Supervisor

Dominic Jacangelo, Supervisor  
June Butler, Deputy Supervisor  
David Hass, Councilman  
Eric Wohlleber, Councilman  
Harold Van Slyke, Councilman

Chief Brian Teal  
Poestenkill Fire Company  
PO Box 14  
Poestenkill, New York 12140

June 14, 2017

Dear Chief Teal:

The work of the Poestenkill Fire Company is truly outstanding. Every resident of the Town should be proud that their community's volunteers and tax dollars support a Fire Company that is frugal and efficient in the performance of their service to their neighbors and friends. The Company's efforts to establish a "First Responder" corps is applauded by many within, the Poestenkill Community. The service that you provide is without question first rate.

As you know the Town circulated a RFP for Ambulance Services for which four responses were received. Many have been asked for their opinion on these responses but it strikes me that no one has formally asked the Fire company for their insights and official opinion. Yet, it is the Fire Company which could be most impacted both directly and indirectly, by our contracting for ambulance services,

The responses to the RFP can be found on the website at [www.poestenkillny.com](http://www.poestenkillny.com). The two RFP's which have generated the most interest are the ones by North Greenbush and Mohawk.

I very much value the work and opinion of the Poestenkill Fire Company. I would most appreciate your Company's official comments on what has been submitted. I would not want to do anything that jeopardizes the morale and performance of the Fire Company and the First Responders.

Thank you for your consideration of this request,

Sincerely,

Dominic J. Jacangelo  
Supervisor

CC: Joel Uline, Chairman of the Board, PF  
Poestenkill Town Board



## 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

38 Davis Drive / P.O. Box 210

Poestenkill, NY 12140

(518) 283-5100 Phone

(518) 283-7550 Fax

### Zoning Board of Appeals

### ZONING BOARD OF APPEALS

May 9, 2017 Minutes

(Distributed before Approval)

Attendees:

Paul Jamison, Chairman

Terry Lantry

Kevin McGrath

Tim Hoffay

Absent:

Cheryl Sargeant

Chairman Jamison opened the meeting at 7:30 pm with the Pledge of Allegiance and moves to the New Applicant.

New Applicant:

Diane Wagner

125.-1-2.11

Interpretation

12 Grandview Drive

Chairman Jamison explains the process for this request – that there will be an informal discussion – to establish exactly what the issue is and that a Public Hearing will then be scheduled for next month, at the earliest. Applicants Mark & Diane Wagner explain their dilemma with a ruling by Town of Poestenkill CEO Paul Barringer. Mrs. Wagner states she wants the Board to determine what is her front lot line. Their neighbor has erected a fence, on his property, but in front of their home on Grandview Drive. She feels code does not allow this to happen as it is on her front line. CEO Barringer states the neighbor has erected the fence in accordance with laws and regulation and that the Wagners do not have standing in this matter. Mr. Wagner states the fence is of poor quality, appears to possibly encroaching on his property and is concerned about ongoing maintenance of said fences, etc. Member McGrath states for discussion purposes this evening, he will participate but as he has worked for previous owner and the Wagners, he will recuse himself from voting. Board reviews and discusses situation at length. Motion made by Member Lantry to schedule a Public Hearing on June 13, 2017, seconded by Member McGrath, vote of four (4) ayes, zero (0) nays and zero (0) abstentions. Chairman Jamison directs Clerk to schedule and process.

***Resolution: Schedule Public Hearing for June 13, 2017.***

**Minutes**

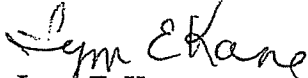
The minutes of the Board meeting on April 11, 2017 were reviewed. Chair requested change to show him as "present" at April meeting and Member Hoffay request answer to #5 under Yetto Public Hearing, to be corrected. A motion to accept the minutes as corrected was made by Member Lantry, seconded by Member McGrath approved by a vote of four (4) ayes, zero (0) nays, and zero (0) abstentions.

**Organizational Item:**

Motion made by Chairman Jamison to enter Executive Session, seconded by Member McGrath at 8:45 pm. Motion to exit Executive Session by Chairman Jamison, seconded by Member Lantry at 9:02 pm.

There being no further business, a motion to adjourn was made by Chairman Jamison and seconded by Member Lantry and approved by four (4) ayes, zero (0) nays and zero (0) abstentions. The meeting was adjourned at 9:05 p.m.

Respectfully submitted,



Lynn E. Kane  
Clerk to ZBA



## 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

### MEMORANDUM

To: Poestenkill Town Board

From: Paul Jamison, Chairman  
Zoning Board of Appeals

Re: Cheryl Sargeant

Date: June 14, 2017

In accordance to Town Code #150.83, C, this memo shall notify you that ZBA Member Cheryl Sargeant has missed all four ZBA meetings held in 2017. Attempts to contact Cheryl by telephone or email have been unsuccessful to date and a letter has been sent to her to request a status update. Also, she missed 4 meetings of the 11 meetings held in 2016.





## TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210  
Poestenkill, NY 12140  
(518) 283-5100 Phone  
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### Zoning Board of Appeals

### ZONING BOARD OF APPEALS

June 13, 2017 Minutes

(Distributed before Approval)

Attendees:

Paul Jamison, Chairman  
Terry Lantry  
Kevin McGrath  
Tim Hoffay

Absent:

Cheryl Sargeant

Chairman Jamison opened the meeting at 7:30 pm with the Pledge of Allegiance and moves to the New Applicant.

Applicant:

Diane Wagner  
125.-1-2.11

Interpretation  
12 Grandview Drive

Chairman Jamison advised the Board that shortly after the May meeting, Mrs. Wagner had requested the Public Hearing scheduled for this evening be cancelled. Today, ZBA Clerk Kane received an email from Mrs. Wagner to move forward with the Public Hearing. Chairman Jamison made a motion to hold said hearing on Tuesday, July 11, 2017 at 7:30 pm. Motion was seconded by Member McGrath and approved by four (4) ayes, zero (0) nays and zero (0) abstentions. Member Lantry requested Clerk Kane obtain and distribute a copy of the building permit issued to the Wagner's neighbor for the installation of the fence prior to the Public Hearing.

***Resolution: Schedule Public Hearing for July 11, 2017.***

Minutes

The minutes of the Board meeting on May 9, 2017 were reviewed. A motion to accept the minutes as corrected was made by Chairman Jamison, seconded by Member McGrath approved by a vote of four (4) ayes, zero (0) nays, and zero (0) abstentions.

**Miscellaneous Items per Chairman Jamison:**

611 Snake Hill Rd.: Resident had inquired of CEO if building permit needed for a 10' x 14' prefabricated shed and was told no as shed are under the 144 sf as listed in Town Code #1 and was referred to ZBA office to address structure placement with regards to placement setbacks. Chairman Jamison deemed no action needed by ZBA as no building permit issued.

35 Main St.: Chairman Jamison called upon PB Chairman Russell, in attendance at meeting, regarding the business sign placement at this address. Mr. Russell has been to the site and reports he will follow up with the resident.

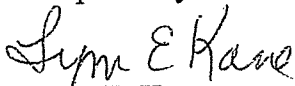
**Organizational Items:**

Motion made by Chairman Jamison to enter Executive Session, seconded by Member Hoffay at 7:40 pm. Motion to exit Executive Session by Chairman Jamison, seconded by Member Lantry at 8:25 pm.

Chairman Jamison reviewed that Member Sargeant continues to be absent from ZBA meetings. Several attempts to contact her by telephone and email have been unsuccessful. Chairman Jamison directs ZBA Clerk Kane to 1) send letter to Member Sargeant requesting status update and 2) draft a memo to the Town Board notifying them as per Town Code #150-83 of the above noted absences.

There being no further business, a motion to adjourn was made by member Lantry, seconded by Member Hoffay and approved by four (4) ayes, zero (0) nays and zero (0) abstentions. The meeting was adjourned at 8:37 p.m.

Respectfully submitted,



Lynn E. Kane  
Clerk to ZBA

**Poestenkill Fire Company  
 Custom Summary Report  
 May 2017**

	May 17
<b>Expense</b>	
<b>Building Fuel (heating)</b>	
East Poestenkill (propane)	365.75
Main Station (Propanel)	516.50
<b>Total Building Fuel (heating)</b>	882.25
<b>Building Maintance</b>	
Main Station	292.80
Refuse	124.03
<b>Total Building Maintance</b>	416.83
<b>Electric</b>	
East Poestenkill	93.14
Main Station	21.02
<b>Total Electric</b>	114.16
<b>Equipment</b>	
New Equipment	5,500.00
Repair & Maintance	468.25
<b>Total Equipment</b>	5,968.25
<b>Fire Trucks</b>	
Fuel	426.50
Repair & Maintance	74.23
<b>Total Fire Trucks</b>	500.73
<b>Hospital Stay</b>	65.00
<b>Insurance</b>	
Auto	6,585.00
Workman's Compensation	14,438.06
<b>Total Insurance</b>	21,023.06
<b>Internet and Phone</b>	103.82
<b>Medical Supplies</b>	324.91
<b>Office Supplies</b>	694.70
<b>Porfessional Services</b>	3,000.00
<b>Security Alarm</b>	65.00
<b>Solar</b>	504.65
<b>Telephone</b>	
Cell Phones	53.69
East Poestenkill	29.43
Main Station	35.07
<b>Total Telephone</b>	118.19
<b>Training</b>	76.96
<b>Uniforms</b>	688.01
<b>Total Expense</b>	34,546.52
<b>Net Income</b>	-34,546.52

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City of **POESTENKILL**  
Town  
Village

**Local Law No. 3** of the year **2017**

A local law **REGULATING ACCESS TO AND USE OF THE BARBERVILLE FALLS NATURAL RESOURCE AREA WITHIN THE TOWN OF POESTENKILL**  
(Insert Title)

Be it enacted by the **Town Board** of the  
(Name of Legislative Body)

County  
City  
Town of **POESTENKILL** as follows:  
Village

**Section 1. Name of Local Law**

This law shall be known as "Barberville Falls Natural Resource Area Law."

**Section 2. Authority and Purpose.**

Barberville Falls and the surrounding area (collectively referred to hereinafter as "the Barberville Falls Natural Resource Area" 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 Barberville Falls Natural Resource Area includes discrete 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 Barberville Falls Natural Resource Area to the end of facilitating, to the extent possible and practicable, a safe and enjoyable experience for all visitors to the Barberville Falls Natural Resource Area and the preservation of its resources in their natural pristine condition.

### **Section 3. Public Notice.**

Whereas the Barberville Falls Natural Resource Area 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 at all times be under the supervision and guardianship of an adult while on the property. All persons enter the property at their own risk.

### **Section 4. Permitted Uses.**

1. From the day after Labor Day through two (2) days before Memorial Day residents of the Town of Poestenkill as well as owners of real property within the Town of Poestenkill are invited to visit the Barberville Falls Natural Resource Area for the purposes of bird watching, hiking, fishing, geocaching, snowshoeing, and photography from one half hour after sunrise until one half hour before sunset. No person who is not a Poestenkill resident or real property owner shall be allowed access to or entry upon the Barberville Falls Natural Resource Area except for the limited purposes set forth in subdivision 1 of Section 5 of this local law.
2. Bow hunting is permitted during the winter big game season and those times when the public is permitted on the property and bow hunting is undertaken consistent with State law. A town permit from the Town Clerk is required for hunting access and use, application for which shall be accompanied by proof of Poestenkill residency or real property ownership. The number of hunting permits hereby issued by the Town shall be limited to ten (10) per year.
3. In addition to the uses expressly permitted by this local law, the Town Board may, by Resolution, authorize any additional use or uses not inconsistent with the purpose and intent of this local law.

### **Section 5. Access and Use Restrictions and Prohibitions.**

1. No person shall enter the Barberville Falls Natural Resource Area from the day before Memorial 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 limited purposes of scientific research and park cleanups. The permit application shall include the identity, address and contact information for the person responsible for the permit and how many people are proposed to be included in the permit and identities, addresses and contact information. The permit shall also identify any vehicles to be parked in the Barberville Falls Natural Resource Area parking areas for the event.
2. Alcohol: No person shall possess any alcoholic drink while on Barberville Falls Natural Resource Area property.
3. Glass: No person shall possess any glass container or drinking glass while on Barberville Falls Natural Resource Area property.

4. **Swimming:** No person shall at any time swim or wade in that portion of the Poesten Kill which passes through the Barberville Falls Natural Resource Area.
5. **Camp Fires:** No person shall start a campfire or other fire within the Barberville Falls Natural Resource Area for any purpose at any time.
6. **Time of Permissible Occupancy:** No person shall remain on the Barberville Falls Natural Resource Area property later than one half hour before sunset or earlier than one half hour before sunrise.
7. **Noise:** No person shall create unnecessary noise while on the Barberville Falls Natural Resource Area except to call emergency personnel or to find a missing person.
8. No person shall enter private property from the Barberville Falls Natural Resource Area at any time.
9. **Parking:** No person shall park any vehicle on Barberville Falls Natural Resource Area property other than in designated parking areas. In addition, there shall at no time of the year and for whatever purpose be any parking of vehicles upon the premises of the Barberville Falls Natural Resource Area without first obtaining a parking permit from the Town Clerk, which permit shall be prominently displayed on the dashboard of any such parked vehicle.
10. No pets or animals of any kind shall be brought or let loose upon the premises of the Barberville Falls Natural Resource Area.

#### **Section 6. 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 Two Hundred Fifty Dollars (\$250.00).
2. Any unauthorized or prohibited access, occupancy or use of the Barberville Falls Natural Resource Area or its resources shall constitute both civil and criminal trespass and may be prosecuted as either or both.

#### **Section 7. 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.

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City  
Town  
Village

of POESTENKILL

Local Law No. 4

of the year 2017

A local law **OVERRIDING THE NEW YORK STATE TAX CAP AS ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c**  
(Insert Title)

Be it enacted by the

**Town Board**  
(Name of Legislative Body)

of the

County  
City  
Town  
Village

of POESTENKILL

as follows:

## Section 1. Name of Local Law

This law shall be known and may be referred to as "New York State Tax Cap Override Law for the Fiscal Year 2018."

## Section 2. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Poestenkill pursuant to General Municipal Law § 3-c, and to allow the Town of Poestenkill to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c. The primary reason for this tax cap override is the proposed establishment of a Town-wide ambulance district and the estimated costs associated with the establishment of said improvement district and the providing of services thereunder.

## Section 3. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes a town board to override the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

#### **Section 4. Tax Levy Limit Override**

The Town Board of the Town of Poestenkill, County of Rensselaer, is hereby authorized to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the amount otherwise allowed in General Municipal Law §3-c.

#### **Section 5. Severability**

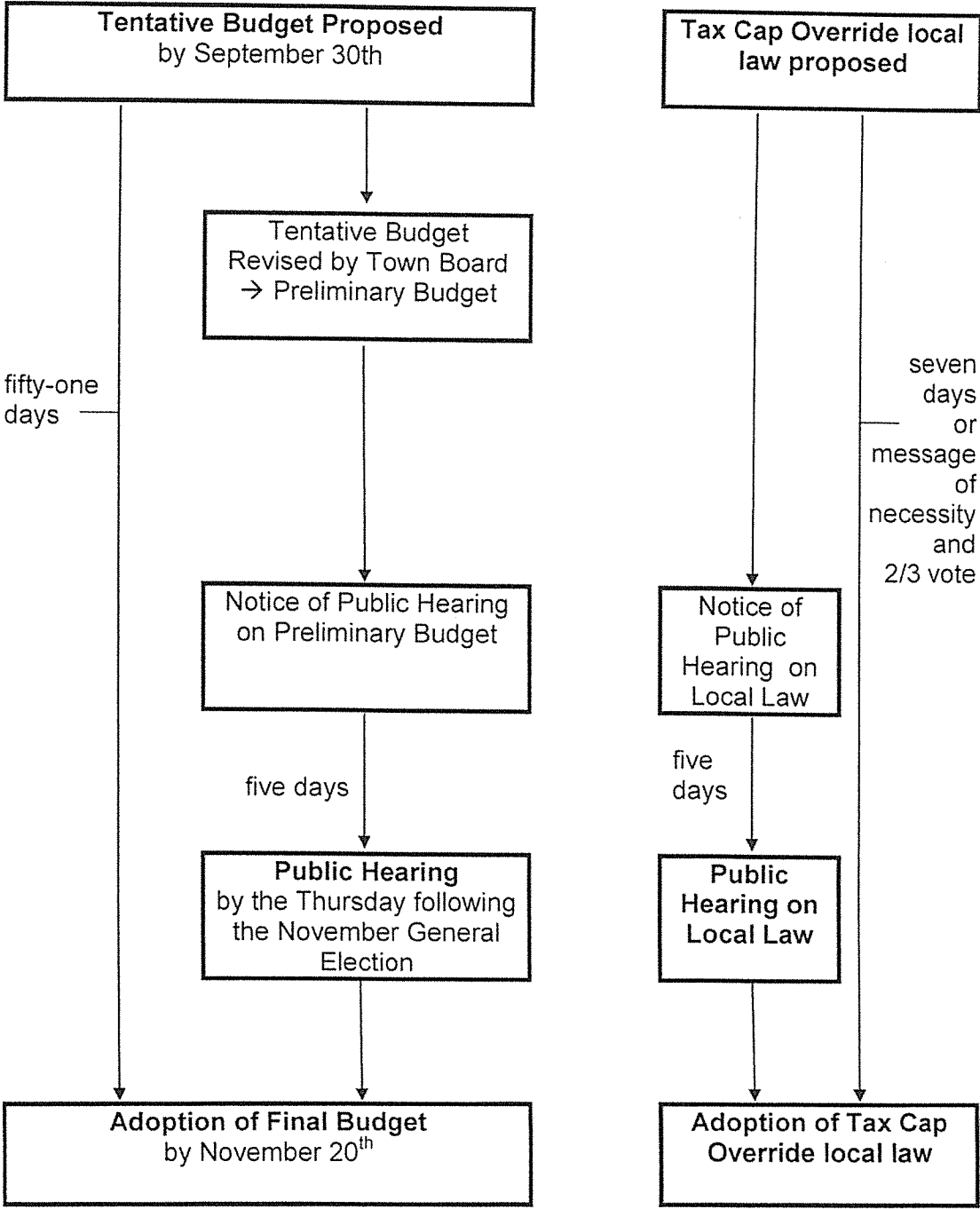
If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation or circumstance, shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### **Section 6. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.



**Appendix C**  
**Timeline for Tentative Town Budget that requires Tax Cap Override\***



\* The budget calendars are different for towns in Monroe and Westchester Counties

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 18th day of May, 2017.

**RESOLUTION NO. 7 OF THE YEAR 2017**

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**IN THE MATTER OF ADOPTION OF LOCAL LAW NO. 2 OF THE YEAR 2017 OF THE TOWN OF POESTENKILL ENTITLED "TOWN OF POESTENKILL SOLAR ENERGY LAW"**

---

*WHEREAS*, there has heretofore been duly presented to and considered by the Town Board of the Town of Poestenkill proposed Local Law No. 2 of the Year 2017 entitled "**TOWN OF POESTENKILL SOLAR ENERGY LAW**" providing for the accommodation and regulation of the establishment of solar energy systems within the Town of Poestenkill; and

*WHEREAS*, following the prescribed publication of notice of a public hearing on the adoption of said local legislation, said hearing was in fact conducted as scheduled, at which time public comment concerning said proposed local legislation was received and considered;

***NOW, LET IT THEREFORE BE***

***RESOLVED***, that the Poestenkill Town Board, for the purpose and intent set forth in Sections 2 and 3 of said proposed legislation, hereby adopts said proposed Local Law No. 2 of the Year 2017 of the Town of Poestenkill and directs that same be duly filed by the Town Clerk with the Department of State of the State of New York.

MOVED BY:           Wohlleber

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

SECONDED BY:      Butler

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

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

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~~County~~  
~~City~~  
~~Town~~  
~~Village~~

of **POESTENKILL**

**Local Law No. 2**

of the year **2017**

A local law **ACCOMMODATING AND REGULATING THE ESTABLISHMENT OF SOLAR ENERGY SYSTEMS WITHIN THE TOWN OF POESTENKILL**  
(Insert Title)

Be it enacted by the

**Town Board**  
(Name of Legislative Body)

of the

~~County~~  
~~City~~  
~~Town~~  
~~Village~~

of **POESTENKILL**

as follows:

## **Section 1. Name of local law**

This law shall be known as "Town of Poestenkill Solar Energy Law."

## **Section 2. Authority**

This Solar Energy 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." It is also authorized by and subject to the terms, provisions and restrictions set forth in Section 487 of the Real Property Tax Law of the State of New York (RPTL) as more specifically referenced hereinafter,

## **Section 3. Statement of Purpose**

This Solar Energy 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 Land Use Code and 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 4. 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 5. Applicability**

The requirements of this local 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 6. 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 applicable to the zoning district within which they are located and shall be allowed 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 requirement: 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 within which they are located 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 7. 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 VIII, IX and XV 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 shall be provided.
- (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 expeditiously 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 obligations 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 Sections 5(A)(2) and 5(B)(2) 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 8. 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 9. 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 negotiated unit cost of \$5.00 to \$8.00 per kilowatt of design output capacity, provided that same shall not result in annual payments to the Town of totaling more than the amounts which would otherwise be payable but for the exemption granted by Real Property Tax Law Section 487.

C. Any owner or developer of a Solar Energy System within the Town of Poestenkill that meets the requirements set forth in RPTL Section 487 subdivision 4 must notify the Town Supervisor via certified mail of its intent to construct a solar energy system. 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 from the Town shall be measured from the Town's receipt of said letter of intent or its receipt of the application for the requisite Planned Development District (PDD), whichever shall first occur.

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 10. 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 11. 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 in the County of Rensselaer conducted at the Town Hall on June 15, 2017.

RESOLUTION NO. \_\_\_\_ OF THE YEAR 2017

---

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, RECOGNIZING THE SERVICES OF BRUCE MOODY ON THE OCASION OF HIS RETIREMENT FROM THE POESTENKILL TOWN HIGHWAY DEPARTMENT

---

*WHEREAS*, Bruce Moody was hired by the Poestenkill Town Highway Department on April 2, 2002, and has faithfully and dutifully served the Town of Poestenkill for more than fifteen (15) years since; and

*WHEREAS*, during the tem of his employment, served the interests and needs of the Town and its residents, and attained the work status of Mechanical Equipment Operator Light (MEOL); and

*WHEREAS*, Bruce recently announced his intention to retire from the Highway Department effective June 5, 2017, thereby ending his tenure with the Poestenkill Town Highway Department and his record of municipal; and

*WHEREAS*, it is altogether fitting and appropriate for the Town of Poestenkill to commemorate Bruce Moody's many years of service to the Town and its residents and to wish him well in his retirement;

*NOW, THEREFORE*, it is hereby

*RESOLVED*, that the Town Board of the Town of Poestenkill, on behalf of the Town Highway Department. the Town itself and the Town's residents, hereby formally recognizes and expresses its sincere appreciation to Bruce Moody for the many years of service he rendered to this Town; and it is further

*RESOLVED*, that, as a memento of the Town's appreciation of the many years of public service by Bruce Moody, a certified copy of this Resolution be delivered to him with our heartfelt thanks.

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 Town Hall on June 15, 2017.

RESOLUTION NO. \_\_\_\_ OF THE YEAR 2017

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, RECOGNIZING THE SERVICES OF DENNIS KNAUER ON THE OCASION OF HIS RETIREMENT FROM THE POESTENKILL TOWN HIGHWAY DEPARTMENT

*WHEREAS*, Dennis Knauer was hired by the Poestenkill Town Highway Department on December 3, 1984, and has faithfully and dutifully served the Town of Poestenkill for more than thirty (30) years; and

*WHEREAS*, through hard work and perseverance, Dennis worked his way up the ranks of the Highway Department, attaining the status of working supervisor; and

*WHEREAS*, Dennis recently announced his intention to retire from the Highway Department and his record of service and hard work will be sorely missed by the Town and by the Town residents whose interests and needs he served so well and so long; and

*WHEREAS*, it is altogether fitting and appropriate for the Town of Poestenkill to commemorate Dennis Knauer's many years of service to the Town and its residents and to wish him well in his retirement;

*NOW, THEREFORE*, it is hereby

*RESOLVED*, that the Town Board of the Town of Poestenkill, on behalf of the Town Highway Department. the Town itself and the Town's residents, hereby formally recognizes and expresses its sincere appreciation to Dennis Knauer for the many years of dedicated service he rendered to this Town; and it is further

*RESOLVED*, that, as a memento of the Town's appreciation of the many years of public service by Dennis Knauer, a certified copy of this Resolution be delivered to him with our heartfelt thanks.

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: \_\_\_\_\_

**TOWN CLERK'S MONTHLY REPORT**  
**Town of Poestenkill, New York**  
**May 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:		\$ 9.12
2	Marriage License 2 @ \$ 7.50 each	\$ 15.00
2	Marriage Certificate 2 @ \$10.00 each	\$ 20.00
	Marriage Transcript @ \$10.00 each	\$
A1255	Total Town Clerk Fees	\$ 44.12
A245	2 Peddler's Permit 2@ \$50.00	\$ 100.00
A1289	Registrar	\$
A2655	Minor Sales - Copies	\$
A2530	Games of Chance (Bell Jar)	\$
A2544	Local Fee for 28 dogs	\$ 286.00
A2115	Planning Board Fees/ZBA fees	\$ 269.48
A2555	Building Permits (\$500.00 Gull Meadows)	\$2,720.75
A2501	Junkyard License	150.00
A2268	Impoundment fees from Creekside Kennel	\$
A2720	Water Meter Fee - 1001 Water Benefit Charge - \$351.81	\$
A2240	Misc. Water Charges -	\$
A2710	Water Permit Fee	\$
1001	Water billing \$1,275.83	\$
	Total Water Charges	\$1,627.64
<b>REVENUE TO SUPERVISOR</b>		<b>\$5,197.99</b>
Amount paid to State Comptroller for Games Chance License		
Amount paid to DEC for Conservation Licenses		\$ 155.88
Amount paid to AG. And Markets for fee for unsprayed/unneutered Dog program		\$ 60.00
Amount paid to State Health Dept. for Marriage Licenses		\$ 45.00
<b>TOTAL DISBURSED</b>		<b>\$ 260.88</b>
<b>June 3, 2017</b>		
Dominic Jacangelo, Supervisor		
<b>TOTAL AMOUNT RECEIVED BY CLERK</b>		<b>\$5,458.87</b>
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 May only such Fees the application and payment of which are otherwise provided by law subscribed and sworn to before me this 3rd day of June 2017.		

*Susan Horton*



OFFICE OF THE  
ASSESSOR

# Town of Poestenkill

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

TO: POESTENKILL TOWN BOARD

FROM: BRIAN M. JACKSON/ ASSESSOR  
ASSESSOR'S REPORT FOR MAY 2017

During the month of May, the Assessor's Office is open to the public at set times for Grievance. Those residents who have received a change notice (or anyone else) can meet with the assessor to discuss that change. If no agreement is made, they can then go to the Board of Assessment Review to have them decide. Any changes/corrections done by the board are then transmitted to our county office for processing and that correction is reflected in the final assessment roll which is filed July first. We had a few people who did meet and discuss their respective values with the assessor and changes were agreed by both; we had two grievances and one other correction. These changes have been sent to the county and copies of these changes sent to the property owners so that they have the result of the grievance board as well.

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/811 Report for May 2017

#### Water

No new water installations (but a couple (4) requests for information ( Snyders Corner, Fiddlers, Abbott and Grandview) Inspected 4 new water service lines in Lochuve for Poglimento builders. Had a problem on Lochuve, met with Tom Fields and Dave Ingalls, 43 mall started putting in ditches and both sides of the road and the water line and services did not have enough cover on top of the pipes (note for next time: The site work should be completed (rough grading) before installations for water pipes.

We have a couple of accounts that are past due.

(Out of District) Houser of NY Rte 351, We have sent him a second notice and one June 3, I gave them them a copy of the past due letter (she told me her husband pays the bills). The second is Mr. Eric Bourdages at 67 Sicho, On the December 2016 meter read we notice a large useage, so I tried calling Eric but this mailbox was full so I posted a letter informing him of a problem. I tried again and tied the phone and no response finally in the last week in Jan 2017 (on a Saturday morning I went to the resident and knock on the door and a female let me in to inspect the meter I inform her that a water leak was inside of the resident (she called Eric up and within 5 mins Eric arrived and I told him of the problem was under the basement floor in a 1" plastic pipe. Since this time we have sent out notices on top of notices I think he game in during tax time and paid 1,000 he still owes \$1,730.97 plus.

We have 7 Accounts that have past due monies of \$100.00 plus one of these accounts paid in full, and two other accounts said they will come in and pay.

Planning to read the meters on or about 7 June (this will be the second time without outside help)

#### 811

We had twenty-six requests for mark outs Two where for Lochuve and the balance as for the power company (pole replacement and for fences, and tree planting.

Submitted by:

  
Leonard F Clapp Jr



## TOWN OF POESTENKILL

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

June 8, 2017

To: Dominic Jacangelo

From: Paul Barringer – Code Enforcement Officer/MS 4 Official

Re: May 2017 work activities

My work hours for the month totaled 55 3/4 hours. Two hours were related to my responsibilities for MS4 compliance whereas I completed the required annual MS4 report to be submitted to NYS DEC. Ten hours of continuing education training was received during the month. Fees collected through this office totaled \$2365.75.

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. Conducting field inspections if necessary
- Building permits were issued for 3 new homes to be built. Two permits were issued to Pigliavento Builders in the Lochvue subdivision, one permit for the Quail Meadows subdivision to an contractor hired by the owner who purchased the parcel from the developer, 2 inground and 4 above ground swimming pools, 2 alteration and repairs permits, 1 roof mounted PV solar array, 1 addition, and 2 new garage/carport permits
- Performed two inspections for foundations in new homes under construction(2)
- Update: Performed one Certificate of Occupancy inspection for a single family residence constructed in 2014. C.O. issued.
- Annual junkyard inspections were completed(5) and all passed. Information was forwarded to the town clerk for licensing
- Mail requests by title companies seeking information was responded to with the appropriate information.

Submitted by

Paul F. Barringer

## Poestenkill Dog Control

May 2017

- 1<sup>st</sup> Lost dog
- 2<sup>nd</sup> Stray dog found Owner located
- 10<sup>th</sup> Stray dog found. Taken to kennel
- 17<sup>th</sup> Neighbor dog killed chickens
- 20<sup>th</sup> Stray dog found. Taken to kennel
- 20<sup>th</sup> Owner of dog taken to kennel looking for it
- 20<sup>th</sup> Man looking to get rid of his own dog
- 20<sup>th</sup> Animal shelter regarding man wanting to give them his dog
- 22<sup>nd</sup> Lost dog





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: June 14, 2017

RE: Highway Activities  
May 12, 2017- June 14, 2017

1. Crew been out picking out chipping brush and bagging leaves
2. Crew been working on equipment.
3. Crew been out patching holes
4. Crew been out mowing side of roads and all the lawns