

TOWN BOARD MINUTES
TOWN OF POESTENKILL
TOWN BOARD MEETING
MAY 16, 2019

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
Jack Casey, Town Attorney

Supervisor Jacangelo opened the meeting at 7 p.m. with the Pledge of Allegiance and proceeded with the Audit Committee. Motion by Hass, seconded by Wohlleber and carried that the monthly bills had been audited for payment at tonight's meeting.

Supervisor Jacangelo opened the Public Comment period to the public for them to make brief comments and/or request information regarding matters of concern to the Town and its residents. S. Bidwell, Deer Creek resident, has issues with a local developer and his activities that has caused issues with his septic system and how it is operating. Due to the removal of numerous trees and vegetation and the change in the slope of the hill, all excess water from snow melt and rainstorms is collecting in his yard. He stated that he reached out to P. Barringer, Code Enforcement Officer, back when this originally took place in 2017 and he said he was the landowner and there was nothing he (Mr. Bidwell) could do. He wants the Town Board to do something about this matter as soon as possible and he would like a deadline as to when this will take place. He is now worried about well contamination. B. Anslow, Engineer for Mr. Bidwell stated a letter was received from Frederick M. Howard, Rensselaer County Health Department, P.E. Mr. Howard stated that K. Kronau is to keep his runoff within the mine boundaries and not discharge on to adjacent properties. Supervisor Jacangelo stated that the Code Enforcement Officer has reviewed the situation. We are an MS4 Community and the Town Code Enforcement Officer has the right to control run off on properties and that he has spoken to Mr. Kronau about the situation. Supervisor Jacangelo will follow-up within the next couple of weeks and will coordinate with the Health Dept. Agencies. Mr. Bidwell just wants his land back to what it was before all of these issues started and that he is willing to work with anyone to get it back to that point. There was a lengthy discussion as to where DEC comes in to play pertaining to the Life of Mine Plan, etc, Councilman Hass wanted to know what the "fix" is for the run-off and was told it was fairly extensive. Councilman Wohlleber wanted to know why the Code Enforcement Officer was not involved if Mr. Kronau was moving dirt around and shouldn't the town have been informed? This all comes back to the Life of Mine Map. Councilman Wohlleber stated that Mr. Bidwell wrote the letter in April and here it is now May 16th and he wants to know what the Town is actually doing about this matter. Councilman Hass wanted to know if there was any emergency remedy that could be put into place where it would take care of the situation temporarily, so the septic system is not ruined. Supervisor Jacangelo stated that the Town really doesn't know what Mr. Kronau is doing. And to get back to the question as to what immediately could be done is the Best Management Practices which Supervisor Jacangelo stated that the Code Enforcement Officer was supposed to talk with Mr. Kronau about and they were supposed to be implemented. After the Code Enforcement Officer meets with DEC and DEC visits the site, he

will report back to the Town. Councilman Van Slyke told Mr. Bidwell that he would definitely get his well-tested as soon as possible.

L. Basle wanted to speak on his issues once again about the business on Abbott Dr. Supervisor Jacangelo stated that there was a meeting held last Thursday with Chip/Attorney and Supervisor Jacangelo and Mr. Barringer and the attorney presented the matter as a continuing non-conforming use. The discussion continued regarding the issues and Supervisor Jacangelo stated that all the paperwork was sent on to the Town's attorney for review. The discussion continued at length and the Town's attorney will look at the report and talk to Mr. Barringer about the issues. Mr. Casey, Town Attorney, stated Mr. Basle has the Burden of Proof. Councilman Van Slyke stated that he thinks that the attorneys that the Town has had over the years (Tomaselli/Taylor) that Mr. Kronau is correct in what he is saying because these attorneys were very thorough.

P. Laronzio wanted to speak on the ambulance response time. Supervisor Jacangelo stated that he has had another conversation with the Town of Sand Lake regarding the ambulance issue and the Town is trying to come up with a solution that is cost effective but he doesn't think that is possible at this time but no matter what is done it will not be a three minute response time. Councilman Van Slyke stated that he had the most recent statistics that he had requested and over all the response time is slightly over 17 minutes from the time the dispatch of the ambulance goes in. However, D. Basle responded that the first responders were there in minutes, but Councilman Van Slyke asked if it was the right care needed. Councilman Van Slyke wants to know why the Poestenkill Fire Co. doesn't applaud having an additional help of having an ambulance on hand. There is much that a paramedic can do that a first responder cannot do. And he further stated that he is not really trusting the information that he has received from his FOIL request. Councilman Hass stated that when he was reviewing the statistics he found out that it takes a while for 911 to get on the radio especially if it is a heart patient and Councilman Van Slyke stated that he was given an answer but he was not satisfied with it. Councilman Wohlleber stated that in July 2017 this Town Board had RFP's on the table to move forward but here we still are. His personal opinion is that the lack of an ambulance service should be fixed now rather than later.

Motion by Van Slyke, seconded by Butler and an oral vote of 4 ayes to accept the Town Clerk's minutes of the April 18, 2019 meeting, as written. It was noted that there was a misspelling of Steve Keller's name on the minutes of March 21st and it was corrected.

Liaison Reports:

Planning Board –The Planning Board meeting of May 7, 2019 was cancelled due to lack of agenda items.

Zoning Board – Town Board members had copies of the ZBA minutes of their May 14, 2019 meeting and P. Jamison elaborated.

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

Library – D. Reis reported on the activities at the Library. She reported that the Market Day was a great success. Councilman Van Slyke reported that the library porch project will start in a few weeks.

Youth Advisory Board- T. Buker, Youth Director, reported that the numbers for the camp registration are very good. Supervisor Jacangelo stated that he appreciates the work that Tiffany is doing and that she attends all Town Board meetings to keep abreast of all of the happenings.

CAC-They continue to work on the project of their Natural Resource Inventory, and it will be on the Town website as well as other activities that they are/will be working on.

Correspondence:

Memo dated April 24th from Charter Communications regarding upcoming changes.

Water Meter memo dated May 2nd-The memo from Water Manager R. Brunet recommends that the Town Board gives their commitment to purchase the Water Meter Pkg. proposed by the Town's meter supplier, EJP Solutions, AMR Systems. EJP is the computerized billing system. The meters and the existing Hot Rod radios will only be available until 12/31/2019. The new metering system will not be able to read by our existing equipment and in order to take advantage of this offer the order must be ordered by 6/15/2019.

Memo from R. Brunet dated May 6th-Regarding a situation at 1611 Spring Ave. pertaining to the "corporation (shut off valve required on every water line which runs from the main pipe to the curb stop. The problem was solved, and the homeowner proceeded with his work.

Letter from S. Bidwell-This was already discussed at length during the Public Comment period at the beginning of the actual meeting.

Memo dated May 8th from NYS Ag. And Markets-This memo was in regard to the DCO Inspection report that was completed on May 7th and it was satisfactory.

Memo dated April 26th from NYS of Opportunity Ag and Markets-Wagner Moody property-It informs the Town that the Dept of Ag. And Markets through the Department's Dairy Transitions Farmland Protection Initiative has awarded the Agricultural Stewardship Assoc. the sum of \$200,142.

Follow-up memo dated May 7th from the Rensselaer County agricultural and Horticultural Society-200th Anniversary-A follow up letter from the original letter sent out at the end of 2018 inviting the Town to participate in the parade at the Schaghticoke Fair to celebrate the 200th anniversary and that perhaps the PBA would like to enter a float. .

Memo dated May 15th from the Town Justices noting the fact that the current Court Clerk Terry Houser is stepping down from her position as of June 3, 2019. She will be replaced by Felicia Dickerson who is presently the Court Clerk in the Town of North Greenbush. T. Houser will remain as her alternate for the time being.

Discussion Items:

Phone System-Supervisor Jacangelo stated that a second proposal on a new system has been submitted from Verizon. This proposal will cost about \$100 more a-month. This will be discussed further at future Town Board meetings. Councilwoman Butler reported about her discussions with Spectrum and the lack of internet service at her home and how much it was going to cost her. When in reality she found out that she has had a line to her house for over a year and was never told about it. Now she has internet service.

Tax Cap Relief-Ambulance Services- Councilman Van Slyke asked for this agenda item and the previous attorney P. Tomaselli had drawn up paperwork back in 2017, and he wanted to know if that format could be used now. Current Town Attorney J. Casey said that he opened an email this evening at 6:25 p.m. regarding this issue and prior to the meeting he cut and pasted a proposed local law based on what Mr. Tomaselli prepared in 2017 and he distributed it to Town Board members. It is an override that would be enacted as a local law to override the tax cap. Supervisor Jacangelo stated that he would prefer to perfect the draft and reserve acting until the Town knows exactly what they are going to do. Councilman Hass asked if Councilman Van Slyke wanted to raise taxes? And his reply was for the Ambulance Services only. This would be a separate line on the tax bill just like the library has now. Supervisor Jacangelo feels that the Town should hold off on any formal action until the draft is perfected and an ambulance proposal is worked out. Councilman Van Slyke stated that he is not looking forward to raising taxes. Attorney Casey will work on the draft and bring it back to the Town Board and it will become a Special District.

Action Items:

Camp Rotary is looking to put up a Pole Barn-Motion by Hass, seconded by Van Slyke and an oral vote to waive the building permit fee.

VFW Memorial Day Fireworks- Motion by Hass, seconded by Butler and an oral vote of 5 ayes to waive the permit fee. Motion by Hass, seconded by Van Slyke and carried to place a Memorial Day Wreath at the monument.

Reports:

Supervisor's Report- Supervisor Jacangelo reported that he has been working on the updated Mitigation Plan for the County and wants the Town Board to be aware of this so that next year the transition goes smoothly, and everyone is aware of the issues. He also wanted to remind the Board members that the bond is coming up for the highway trucks. He has also received a complaint from a Town resident about the potential of some trees falling on the resident's garage. And he stated he has not called her back because it is on County property. Councilman Hass will speak with the highway superintendent to see if perhaps he could do like a training session into the cutting down of the trees. Deputy Supervisor Butler attended a meeting of the RPA and they shared what they are doing. They talked about the back-pack program and the fact that the Organization is acquiring acres of land. They discussed new signs when you are entering the town and this information was forwarded to the Highway Superintendent for his input. She said the meeting was very informative.

Town Attorney's Report – Mr. Casey reported on the matters that he worked on since the last Town Board meeting which included the follow up on the FOIL request from Councilman Van Slyke, he is working on a litigation issue and he will be present in Town Court on Monday night for a violation.

Town Clerk's Report – Motion by Butler, seconded by Van Slyke and an oral vote of 5 ayes to accept the Town Clerk's report of April 2019. The total amount received in the Clerk's office was \$17,963.73 and of that amount \$17,716.77 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. It was the decision of the Town Board to commit to the purchase of the Water Meter Package (approximately \$15,000 to be billed in Jan. 2020) proposed in R. Brunet's letter that was discussed under correspondence. Supervisor Jacangelo stated that there was no need to take

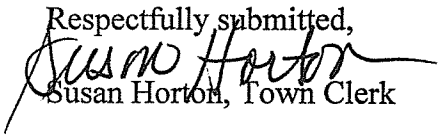
a vote on the issue at this time. There was also a discussion on the curb stop issues that R. Brunet brought forward in his memo.

Payment of Bills:

Motion by Butler, seconded by Van Slyke and an oral vote of 5 ayes to pay Warrant #9-2019 in the amount of \$4,625.57. Motion by Hass, seconded by Butler and an oral vote of 5 ayes to pay Warrant #10-2019 in the amount of \$21,384.26.

Motion by Supervisor Jacangelo, seconded by Butler and an oral vote of 5 ayes to enter into Executive Session at 9:10 to discuss a personnel matter and a legal issue with no votes being taken in this Session. Motion by Hass seconded by Butler and carried to exit Executive Session at 10 p.m. and to immediately adjourn this meeting at 10 p.m.

Respectfully submitted,


Susan Horton, Town Clerk