

TOWN BOARD MINUTES  
TOWN OF POESTENKILL  
TOWN BOARD MEETING  
AUGUST 22, 2019

Not approved at time of distribution)

ROLL CALL AS FOLLOWS

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

NON-VOTING MEMBERS

Susan Horton, Town Clerk  
Jack Casey, Town Attorney

It was noted that the monthly bills had been audited for payment.

Supervisor Jacangelo opened the meeting with the Pledge of Allegiance and opened the Public Hearing that was continued from the July 18, 2019 Town Board meeting to consider proposed Local Law #3-2019, which would add a new subdivision E to section 150-19, "Parking" of the Town Code to prohibit on-street parking on Tymeson Road which interferes with the Town's right-of-way and it also would enact a penalty. There were no additional comments on the proposed Local Law, so the Public Hearing was closed at 7:10 p.m. Councilman Hass asked that the actual vote on proposed Local Law #3-2019 to be postponed until next month when Councilwoman Butler was in attendance. Supervisor Jacangelo granted that request and there was no objection from Board members. Supervisor Jacangelo also stated that this Public Hearing will be closed August 29<sup>th</sup> at 5:00 p.m. Therefore, if you have anything you want to submit, it needs to be in writing no later than 5:00 p.m. on August 29<sup>th</sup>.

Supervisor Jacangelo opened the Public Comment period at 7:10 p.m. and asked if anybody desired to speak. L. Basle wanted to reserve time when reports were being discussed. T. Russell, Planning Board Chairman asked the Supervisor if he received any feed back from DOT on the speed limit study for some of the Town and County roads. Supervisor Jacangelo further reported that he had spoken to a DOT representative and the study is not yet completed. T. Russell also asked if our Town Board could request that the Legislators and the County Executive form a "Plan of Action" dealing with the ambulance service crisis. Supervisor Jacangelo stated that a county wide solution would be much better, but it is a very complicated situation. Councilman Van Slyke asked that Peter Kehoe be contacted, and Attorney Casey stated that he would contact him. Supervisor Jacangelo will draft a letter to our County Legislators asking for some support in creating a County wide ambulance service.

Motion by Wohlleber, seconded by Van Slyke and an oral vote of 4 ayes to accept the Town Clerk's minutes of the July 18, 2019, as written. Councilwoman Butler was absent. Motion by Hass, seconded by Van Slyke and an oral vote of 4 ayes to accept the Town Clerk's minutes of August 7, 2019 and Councilwoman Butler was absent.

Presentations:

John and Sandy Shuhart, town residents along with S. Hart, Hart Engineering Services were present to propose their 3 Story Senior Apt. Building project which would include 52 units. Their parcel is approximately a 56-acre plot of land on Rt. 355. They wanted to introduce the proposal to the Town Board and public and this is one of the first steps of the proposed project. Pictures of

the project where distributed among Board members for their review. A meeting was held last week with the Fire Company to discuss this proposal. Councilman Van Slyke questioned whether the Fire Company was capable to handle this three-story structure. One of the fire company's members was present this evening with concerns over the structure being three stories, because the present fire equipment will not handle this height. Supervisor Jacangelo stated that this is just the initial step to consider the project and there will be many more steps if the project goes forward. Councilman Hass feels that this proposal is a major departure from the single-family homes to high density living facilities. Councilman Van Slyke also has an issue with the magnitude of this project, and that it will change our small community. Because of the absence of Councilwoman Butler and because this is such a huge endeavor, Supervisor Jacangelo would like to hold off any formal vote tonight on the project moving forward until next month's meeting. Councilman Wohlleber feels that this project should move forward because every Town has to grow. This will be on next month's agenda.

#### Liaison Reports:

Planning Board –Town Board members had copies of the Planning Board's meeting of August 6, 2019

and Planning Board Chairman Russell elaborated on that meeting.

Zoning Board – Town Board members had copies of the ZBA's meeting of August 13, 2019 and ZBA member Colello elaborated on that meeting.

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

Library – Councilman Van Slyke reported that the contractor for the Library porch will start next week. The upcoming Market Day will be held on September 21<sup>st</sup>.

Youth Advisory Board- Youth Director T. Bucker updated the Board on the activities that were happening with the Youth Board and the summer camp activities. K. Hammond, town resident commended the activities that were held at the camp this year and how it was structured. It was filled to capacity this year.

CAC-No meeting this month.

#### Correspondence:

Memo dated July 15<sup>th</sup> and August 14<sup>th</sup> from Charter Communications about their upcoming changes.

Time Warner Franchise Renewal-Supervisor Jacangelo reported that the Franchise agreement has been renewed.

#### Discussion Items:

Acknowledge - Donald Heckelman re-appointment to Planning Board- Motion by Hass, seconded by Wohlleber and an oral vote of 3 ayes with 1 abstention by Councilman Van Slyke to re-appoint Donald Heckelman to the Planning Board. Councilwoman Butler was absent.

Re-appointment of Brian Jackson-Motion by Van Slyke, seconded by Wohlleber and an oral vote of 3 ayes with 1 abstention by Councilman Hass to re-appoint Brian Jackson as Town Assessor for a full 6-year term beginning October 1, 2019 to September 30, 2025. Councilwoman Butler was absent. Supervisor Jacangelo reported that he has spoken with Mr. Jackson and he probably

will not fill out the entire term; However, the newly appointed assessor's clerk is interested in the position and will be taking some training courses for the position of the Assessor.

**Action Items:**

Adoption of proposed Local Law #3-2019-This will be voted on at a Special Meeting to be held on August 29<sup>th</sup> at 5 p.m.

Highway Purchase -Motion by Van Slyke, seconded by Hass and an oral vote of 4 ayes (Councilwoman Butler was absent) to authorize an amount up to \$35,000 for the purchase of a 4-ton K&M Hot Patcher, Dump Box, Storage Compartment and hydraulic Surge Brakes from Trius Inc.

**Reports:**

Supervisor's Report- Supervisor Jacangelo reported that the Secretary/Bookkeeper has distributed 2020 budget request forms to all department heads. As previously mentioned, the Public Service Commission Franchise has been approved for Charter Communications. He has been working on complaints regarding the transfer facility. He also reported that he and Councilman Van Slyke have had conversations regarding air conditioning in the meeting room and Supervisor Jacangelo stated that perhaps a heat pump should be looked into at some point. Supervisor Jacangelo passed out a draft pertaining to Section 150-79A and asked Town Board members to review this issue. He also asked the Highway Superintendent to reach out to the County regarding the ditching being done on Cathlie Drive.

Town Attorney's Report – Mr. Casey reported on the matters that he worked on since the last Town Board meeting which included preparing Local Law #3 and he and the Code Enforcement Officer have been working on a FOIL request.

Town Clerk's Report – Motion by Hass, seconded by Van Slyke and an oral vote of 4 ayes to accept the Town Clerk's report of July 2019. The total amount received in the Clerk's office was \$20,665.97 and of that amount \$20,423.06 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. L. Basle had questions with respect to the decision that was made regarding 14 Abbott Dr. Supervisor Jacangelo stated based on the evidence submitted the decision was that the structure was a pre-existing non-conforming use.

Councilman Van Slyke wanted it noted that during one of the recent storms while he was traveling over Snyder Corners road he came up upon some downed wires and was stuck in his car for over an hour. He feels that there should be some sort of notification process when things like this happen. Supervisor Jacangelo stated that he would follow up with the Fire Department.

**Budget Transfers:**

RESOLUTION #6-2019-IN THE MATTER OF THE TRANSFER OF CERTAIN GENERAL BUDGET FUNDS resolved that it is hereby authorized and directed that the sum of \$81.16 be transferred from General Budget Fund Line Item 119904 (Contingent) to General Budget Fund Line Item 11320.4 (Bank Service Charge); and that the sum of \$2691.53 transferred from General Budget fund line item 119904 (Contingent) to General Budget fund line item 173101.1 (Youth-Summer Help).

MOVED BY: Wohlleber  
SECONDED BY: Van Slyke

VOTED UPON AS FOLLOWS:

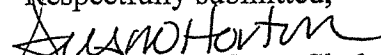
Councilwoman June Butler: Absent  
Councilman David Hass: YES  
Councilman Harold Van Slyke: YES  
Councilman Eric Wohlleber: YES  
Supervisor Dominic Jacangelo: YES

Payment of Bills:

Motion by Hass, seconded by Wohlleber and an oral vote of 4 ayes to pay Warrant #15-2019 in the amount of \$1,485.26. Motion by Hass seconded by Wohlleber and an oral vote of 4 ayes to pay Warrant #16 -2019 in the amount of \$ 37,556.54.

Motion by Hass, seconded by Wohlleber and carried to adjourn this meeting at 8:55 p.m.

Respectfully submitted,

  
Susan Horton, Town Clerk

September 10, 2019

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

RE: Wind Drift Meadows Senior Housing PDD Application

Dear Supervisor Jacangelo:

Please allow the enclosed document to serve as the formal application for the submission of Wind Drift Meadows Senior Housing PDD.

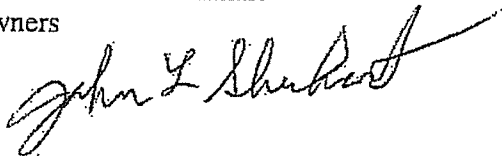
Enclosed you will find a detailed description of the proposed Planned Development District. The goal of the proposed development is to create a Senior Housing project that will provide needed apartments where local residents looking to down-size can do so and remain in their community. The project will include a mix of one and two bedroom apartments with both indoor and outdoor recreation and gathering spaces.

The proposed Wind Drift Meadows Senior Housing project will act as a catalyst in keeping the aging population, and those looking to down size, in the wonderful, rural Town of Poestenkill. We appreciate your review and consideration of this application and look forward to the Town's feedback.

Regards,



John and Sandra Shuhart  
Owners



### **Project Overview:**

The Wind Drift Meadows Senior Housing PDD project includes a maximum of fifty-two (52) senior housing apartment units. The project would consist of a three-story apartment building which would include both enclosed and surface parking. It is anticipated that the units will be a 70/30 percent mix between 2 BR and 1 BR units, respectively. The units will range in size between 800 SF and 1300 SF. The project would provide maintenance free living for those 55 years of age and older. The building would be equipped with a common elevator and stairwells on both ends of the building. Community open space would be located on the first floor and recreation areas consisting of walking trails and other amenities would be located on the project grounds.

The owner/applicants, John and Sandy Shuhart, own the parcel of land which is 56 +/- acres in size. Twenty-six (26) acres will be set aside for the project. The parcel of land is situated on the north side of Route 355 and is identified as Tax map # 125.-1-2.211. Related site improvements will consist of the access drive, parking lot, stormwater management systems, on-site sanitary disposal system and fire and potable water service provided by a connection to the Town's 12" water main located on the highway.

The Wind Drift Meadows project will provide local residents the ability to remain in their local community when they are looking to move into a quality, maintenance free living apartment project.

### **Application Material:**

1. Existing Conditions & Land uses
  - Exhibit A: Existing Conditions
  - Project area currently zoned RA: The surrounding land area is currently utilized for various purposes, ranging from (primarily) residential, agricultural, vacant, & commercial. Surrounding zones are R,RA, & CLI.
2. Aerial Plan:
  - Exhibit B: Aerial Plan
    - Aerial Photographs
3. Boundaries of the proposed development:
  - Exhibit C: Overall Site Plan-Site Boundaries
4. Proposed Land Use Plan
  - Exhibit D: Site Plan
5. Existing zoning of the proposed PD District
  - RA - Zoning Map– Exhibit E
6. Topography and Subsoil Conditions
  - The proposed development area within the PDD is primarily made up of gravel silt loam and clay soils suitable for construction.
  - Soils Map – Exhibit F

- 7. Wetland and Watercourses
  - A formal wetland delineation has been completed and has been shown on the Sketch Plan. (Exhibit A,C &D)
  - NWI (National Wetland Inventory) Map - Exhibit G
- 8. Project Narrative Addressing the following:
  - Traffic:
    - Traffic on the site will access NYS Route 355 which has adequate capacity to handle the added vehicular trips from this site. Location of the access drive will be situated on Route 355 to maximize site distances. Permitting for this driveway access and connection to the Town's water line will be properly permitted through the NYSDOT.
  - Economic Feasibility and General Need:
    - The developer will complete a market feasibility study to determine the financial viability of the project. Based on current discussions that the applicant has had with the local residents, the demand appears to exist.

9. Development Design Standards

	Current RA	PDD RA Area
Permitted Uses	Residential	Multi-Family Residential
Maximum Development Residential Uses	1 Unit per Acre	2 Units per Acre
Building Lot Coverage	10%	10%
Maximum Building Height	35 Feet	50 Feet
Building Setback to Public Road	50	50
Building Setback to interior ways & parking		5 Ft Minimum

\*PDD shall provide enhanced landscaping along the south-westerly line to minimize visual impacts to lands of Bryan.

- 10. Minimum Lot size:
  - 5.0 Acres required for a PDD. Twenty-six acres are required for overall unit count of 2 units per acre to allow for 52 units.
- 11. Parking Requirements:
  - Parking will be provided at a minimum of 1.5 parking spaces per apartment. This ratio shall include garage parking. Garage spaces shall only be utilized for parking. Garages may be attached or detached.

12. Minimum Lot Frontages:
  - 200 feet as per existing zoning
13. Preservation of Open Space and Natural areas
  - The PDD will maintain various open space areas as indicated on the conceptual site plan. Approximately 80% of the site will remain as open space.
14. Design Standards and Guidelines
  - Architectural: The final building architecture has not yet been determined but typical photographs and samples will be provided. The intent is that it will be an attractive building that will be in harmony with the surroundings. The building will be similar to Senior Housing buildings constructed in the Capital Region in more suburban type towns.
  - Landscaping: The site will be landscaped to include perimeter buffer screening consisting of a mix of deciduous and evergreen trees along the southerly and westerly property lines. The interior of the site will be landscaped with smaller ornamental trees, shrubberies, mulched landscaped beds and lawn area.
  - Signage: Typical signage to identify the apartments will be provided near the street frontage. Typical columns, landscaping and up lighting is anticipated. The sign will be properly placed such that it will not impact the site distance along the highway.
15. Short Environmental Assessment Form ( EAF) - Appendix A
16. Letters of Support
  - Elizabeth Gilbert-Appendix B
  - Peter Strong- Appendix C
17. Signatures in Support of Project
  - Letters with signatures of support to Poestenkill Town Board-Appendix D



**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:** March 27, 2013  
**TO:** Dominic J. Jacangelo, Town Supervisor  
**FROM:** Patrick J. Tomaselli, Esq., Town Attorney  
**RE:** Planned Development District

Per your inquiry, the criteria and procedures for establishing a planned development district (PDD) are set forth in ARTICLE IX of the Town Code, Sections 150-50 through 150-64 [references are to the Draft Code which is currently awaiting adoption].

The minimum development area to qualify for a PDD is 5 contiguous acres for residential or general uses and 10 contiguous acres for commercial or light industrial uses.

The PDD application procedure is set forth in §150-62 and is generally as follows:

- (1) Written application is made to the Town Board accompanied by the specified fee.
- (2) Within 30 days, the Town Board refers the application to the Planning Board for its review and recommendation. The required submittals and applicable considerations are set forth in §150-62(A) and §150-62(B)(1).
- (3) Within 60 days following the referral, the Planning Board shall recommend to the Town Board approval, approval with modifications or disapproval and shall report its findings to the Town Board.
- (4) Upon receipt of the Planning Board's recommendation, the Town Board may consider establishment of the PDD through amendment of the Land Use District Map, following the procedure set forth in ARTICLE XV.
- (5) The Town Board as lead agency shall make a determination as to the type of action and environmental significance of the proposed re-zoning.
- (6) The Town Board by resolution shall set a public hearing on 10 days notice by publication. Notice shall also be mailed to the clerk of any town within 500 feet.
- (7) If the referral requirements of §239-1 and §239-m of the General Municipal Law apply, notice shall also be given to Rensselaer County Planning for its review and recommendation which shall be given within 30 days.

- (8) Following receipt of the Planning Board recommendation, the Town Board may consider the amendment of the Land Use District Map. It should be noted that any application for creation of a PDD for commercial or light industrial uses shall be a Type 1 action under SEQR. The Town Board may attach conditions, including time limits, for either the commencement or completion of improvements to the PDD.
- (9) Within 62 days of approval of the PDD by the Town Board, application must be made for approval of all or part of the intended development per the Town's subdivision regulations.
- (10) All conditions imposed by the Town Board shall run with the land and shall survive any change in ownership or tenancy.

# Charter

COMMUNICATIONS

September 6, 2019

Re: Charter Communications- upcoming changes

Dear Municipal Official:

At Charter, locally known as Spectrum, we continue to enhance our services in order to offer more entertainment and communication choices, and to deliver the best value to our customers. We are committed to offering our customers with products and services we are sure they will enjoy.

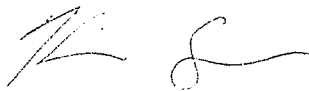
Programming fees charged by TV networks we carry are the greatest single factor in higher cable prices, and continue to rise. Despite our best efforts to control these costs, this has resulted in a change in the rates we charge our customers.

Effective on or after September 6, 2019, customers are being noticed via bill message of the following monthly pricing changes, which will take effect on or after October 6, 2019. Customer promotional rates will not change until the end of the promotion period.

Services/Products/Equipment	Pricing Adjustment
Broadcast TV Surcharge	Will increase by \$1.51. This reflects the costs incurred from local Broadcast TV Stations.
Spectrum Receiver	Will increase by \$0.49 per receiver.
Digital Adapter	Will increase by \$2.00 per adapter.
Spectrum TV Select	Will increase by \$7.50.
Spectrum TV Silver	Will increase by \$7.50.
Spectrum TV Gold	Will increase by \$7.50

If you have any questions about this matter, 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



**Planning Board**

**TOWN OF POESTENKILL**

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

**TO:** Town Board

**FROM:** Lynn Kane, Clerk PB/ZBA

**DATE:** September 10, 2019

**RE:** Scott Hamlin SUP – 641 Snake Hill Road

Please be advised that at the September 3, 2019 Planning Board meeting, the Board review Scott Hamlin's Special Use Application. After much discussion and review of the Town Code, the Board suggests the Applicant would be better served by obtaining a Building permit to be issued by the Code Enforcement Officer and sent an Advisory to Paul Barringer stating same.

Mr. Hamlin paid \$150 fee to Planning Board for Special Use Permit. The Planning Board directed me to request the reimbursement of the \$150 fee to Mr. Hamlin. Said fees were paid to the Town Clerk, in the amount of \$150.00, dated July 25, 2019.

**VOUCHER**  
**TOWN OF POESTENKILL**  
 PO Box 210 / 38 Davis Drive  
 Poestenkill, NY 12140  
 Phone: 283-5100  
 Fax: 283-7550

Purchase Order No. \_\_\_\_\_

**DO NOT WRITE IN THIS BOX**

Tax Exempt \_\_\_\_\_

DEPARTMENT Town

CLAIMANT'S NAME AND ADDRESS

Scott Hamlin  
 641 Snake Hill Rd  
 Poestenkill, NY 12140

TERMS \_\_\_\_\_

Date Voucher Received _____			VOUCHER NO.
FUND - APPROPRIATION	AMOUNT		
<del>145020-44</del>	150	00	
1-2115			
TOTAL	150	00	
Abstract No. _____			

Vendor's inv. Ref. No. \_\_\_\_\_ Inv. \_\_\_\_\_

DATES	QUANTITY	DESCRIPTION OF MATERIALS OR SERVICES	UNIT PRICE	AMOUNT
9/10/19		Refund of SUP Application Fee Per Planning Board		150 -
			TOTAL	150 -

**CLAIMANT'S CERTIFICATION**

I, Self certify that the above account in the amount of \$ 150- is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

9/10/19  
DATE

Lynn Ekane  
SIGNATURE

PB Clerk  
TITLE

(Space Below for Municipal Use Only)

**DEPARTMENT APPROVAL**

The above services of materials were rendered or furnished to the municipality on the dates stated and the charges are corrected.

Lynn Ekane 9/10/19

**APPROVAL FOR PAYMENT**

This claim is approved and ordered paid from the appropriations indicated above.

ag

Town Of Poestenkill  
P.o Box 210  
Poestenkill, NY 12140  
(518) 283-5100

# RECEIPT #1

07/25/2019

Hamlin, Scott Alan  
641 Snake Hill Road  
Poestenkill, NY 12140

Received \$ 150.00 for Planning/Zoning, on 07/25/2019. Thank you for stopping by the Treasurer's Office.

As always, it is our pleasure to serve you.

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

September 3, 2019

7:30 Meeting Opens – Pledge of Allegiance

#### Public Hearings – SEQRA only: POSTPONED

Victor Gush

124.-10-5

Major Subdivision-8 lots

Cooper Hill Rd/Rt. 355

#### New Applicant:

Scott Hamlin

126.-1-24.113

Special Use Permit - Garage

641 Snake Hill Road

Minutes of the August 6, 2019 Meeting

Public Comments:

Old Business:

Organization:

#### Other:

Jeff Briggs

to attend September meeting

Judy Grattan

to attend October meetings

Bob Dore

to attend November meetings



**Planning Board**

**TOWN OF POESTENKILL**

38 Davis Drive / P.O. Box 210

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(518) 283-5100 Phone

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**PLANNING BOARD  
September 3, 2019 Minutes**

**Attendees:**

Tom Russell, Chairman  
Jeffrey Briggs  
William Daniel  
Harvey Teal  
Judy Grattan  
Steve Valente  
Robert Dore

**Non-Voting:**

Robert Ryan, Esq.  
Lynn E. Kane, Clerk

**Absent:**

Don Heckelman

Chairman Russell called the meeting to order at 7:30 pm with the Pledge of Allegiance and introduces the Members of the Board.

**Public Hearings – SEQRA only: POSTPONED**

Victor Gush  
124.-10-5

Major Subdivision-8 lots  
Cooper Hill Rd/Rt. 355

Due to other activity on the parcel, the Applicant is revising his proposal and hopes to submit revisions in time for an Informal Conference at the October 1, 2019 Planning Board Meeting. Some residents in audience asked couple of questions and Chairman Russell answered them.

**New Applicant:**

Scott Hamlin  
126.-1-24.113

Special Use Permit - Garage  
641 Snake Hill Road

Mr. Hamlin explained his proposal to the Board. He needs a garage sufficient to house his three (3) Snap-On trucks – as they must be kept from freezing in the winter months. He stated there is no sale of products at this site (against the franchise agreement) and he does not perform any maintenance work on the vehicle on-site. This structure is strictly for storage of vehicle and some miscellaneous inventory, perhaps a family vehicle. Much discussion among Board members. Member Grattan stated that Applicant meets all three (3) conditions listed in Code under “private garages” and as the proposed structure meets all setbacks and height restrictions, he is not in need of a Special Use Permit. Motion made by



Member Grattan that no special use permit is needed for this project. Motion was seconded by Member Daniel and approved by a vote of seven (7) ayes, zero (0) nays and zero (0) abstentions. Member Grattan made a motion to request Town Board refund Applicant the filing fee of \$150.00. Motion is seconded by Chairman Russell and approved by a vote of seven (7) ayes, zero (0) nays and zero (0) abstentions.

**Minutes:** Meeting minutes of August 6, 2019 were reviewed. Member Valente requests that the “neighbor” Valente who spoke during the Hohman Public Hearing of last month please be identified as Steven A. Valente. Motion to accept the Minutes as revised was made by Board Member Teal, seconded by Board Member Daniel and approved by a vote of six (6) ayes; zero (0) nays and one (1) abstention by Judy Grattan.

**Public Comment Period:**

Chairman Russell asked those in attendance if anyone has any comments they wish to share. There were a few questions on the 641 Cooper Hill Subdivision which Chairman Russell answered. There being no further comments from the public, the public comment period was closed.

**Old Business:** Summary from Chairman Russell

641 Cooper Hill Subdivision – Changes made by others have caused Mr. Gush to reduce the number of buildable lots, exact number unknown at this time.

**New Business:**

Chairman Russell brought forth a request asking Attorney Robert Ryan to produce a memo to the Town Board addressing the idea that use of “Band Saws” be allowed in zones of Residential Agriculture (RA), Rural Residential 1 (RR1) and Rural Residential 2 (RR2). Significant discussion for and against the idea amongst the Board Members. Attorney Ryan explains the potential clarifications. the No decision was rendered during this discussion.

**Organizational:**

Chairman Russell states that Don Heckelman has been reappointed to the Planning Board.

Member Valente requests that CEO Paul Barringer indicate exact section of Code when he issues a denial letter to prospective applicant, will make it easier for Board to understand his thoughts.

Clerk Kane reviewed the email sent to “save the date” of the HVCC Fall training on October 23, 2019. She will forward session information when available.

A motion to adjourn the meeting at 8:50 pm was made by Member Grattan, seconded by Chairman Russell and approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions.

Respectfully submitted,

Lynn E. Kane, Planning Board Clerk



**Zoning Board of Appeals**

## **TOWN OF POESTENKILL**

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

### **AGENDA**

**Zoning Board of Appeals**  
**September 10, 2019 @ 7:30 pm**

**MEETING OPENS – PLEDGE OF ALLEGIANCE**

**CANCELLED**

Approve Meeting Minutes of August 13, 2019

**Organizational:**

**Other:**

**Susan Kalafut**  
**Tim Hoffay**  
**Paul Jamison**

**to attend September Meetings**  
**to attend October Meetings**  
**to attend November Meetings**

# Poestenkill Fire Company Custom Summary Report August 2019

	<u>Aug 19</u>
<b>Expense</b>	
<b>Building Maintance</b>	
Main Station	2,540.00
Refuse	169.73
<b>Total Building Maintance</b>	<u>2,709.73</u>
<b>Electric</b>	
East Poestenkill	22.70
Main Station	21.02
<b>Total Electric</b>	<u>43.72</u>
<b>Equipment</b>	
New Equipment	8,303.21
Repair & Maintance	491.51
<b>Total Equipment</b>	<u>8,794.72</u>
<b>Fire Trucks</b>	
Fuel	426.19
Repair & Maintance	695.24
<b>Total Fire Trucks</b>	<u>1,121.43</u>
Internet & Phone	112.32
Medical Supplies	263.77
Memorial Donation	95.00
Office Supplies	232.98
Physicals	120.00
Security Alarm	65.00
Telephone	
East Poestenkill	42.83
Main Station	51.65
<b>Total Telephone</b>	<u>94.48</u>
<b>Total Expense</b>	<u>13,653.15</u>
<b>Net Income</b>	<u><u>-13,653.15</u></u>

## Purpose and Legislative Intent

The Town of Poestenkill has many commercial sites which have operated for many years in a manner nonconforming to current land use regulations. A special use or nonconforming use is difficult to transfer to a new use which is nonconforming to the current land use regulations. This difficulty may lead to the abandonment of structures when the current use is no longer commercially viable or when a new owner has a vision for a new and better use of a structure. The purpose of this section is to avoid the abandonment of structures and the preservation and growth of the towns tax base without sacrificing the quality of life in the neighborhoods.

## Section 150-79A

Notwithstanding the provisions of Sections 150-75 through 150-79 a property which contains a nonconforming use whether or not legal may convert the use to a legal nonconforming use or to another nonconforming use or in the case that a special use has been allowed by either the planning board or through variance by the Zoning Board of Appeals by making application to the Planning Board for a special use permit.

Such application may be granted if after public hearing the Planning Board determines that granting the application would not have an adverse impact to neighboring properties in relation to increased noise or odors, that there is a reasonable expectation that the new use will not adversely impact the value of adjacent property, that no significant opposition is voiced by neighbors to the property to the new use, that the new use will ensure that property is improved and maintained pursuant to the property maintenance code

**Town of Poestenkill**  
**POLICY AGAINST DISCRIMINATION AND HARASSMENT**

SECTION 1: PURPOSE

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- B. Policy Objectives

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## SECTION 1: PURPOSE

Town of Poestenkill believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, the Town of Poestenkill, (hereinafter "Municipality"), is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without being subject to harassment or discrimination in the workplace. It is our Municipality's policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation), citizenship, domestic violence victim status or any other characteristic protected by applicable federal, state or local law.

- A. **Scope of Policy** This Policy applies to all Municipality employees and all personnel in a contractual or other business relationship with the Municipality including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), independent contractors, vendors, consultants, volunteers or visitors. In the remainder of this Policy, the term "employees" refers to this collective group. This Policy applies with equal force on Municipality property as well as Municipality-sponsored events, programs, and activities that take place off Municipality premises.
- B. **Policy Objectives** By adopting and publishing this Policy, it is the intention of the Municipality's governing body to:
- (1) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;
  - (2) Inform employees about the complaint procedures established by the Municipality that enable any employee who believes they are the victim of harassment or discrimination to submit a complaint which will be investigated by the Municipality;
  - (3) Clearly advise all supervisory staff, managers, and employees that harassment and discrimination is strictly prohibited; and
  - (4) Notify all employees that the Municipality has appointed Compliance Officers who are specifically designated to receive complaints and ensure compliance with this Policy.

NOTE: The names and office location of each Compliance Officer designated to receive and investigate complaints are listed below in Section 11 of this Policy. Any change in the designated Compliance Officers shall be distributed in writing to all current employees and shall be posted.

## SECTION 2: DEFINITIONS

### **“Prohibited Discrimination of Employees”**

Prohibited discrimination of employees can take the form of any adverse employment action against an employee, by either a Municipality employee or official or a third party engaged in activities sponsored by the Municipality which is based upon the employee’s protected characteristic. Prohibited discrimination of employees also includes harassment based on a protected characteristic even where there is no tangible impact upon the employee’s employment opportunities and/or employment benefits. The phrase “prohibited discrimination” as used in this Policy includes all forms of prohibited discrimination and harassment based on a protected characteristic, including “Sexual Harassment” as defined below.

### **“Harassment”**

Harassment is strictly prohibited and includes, but is not limited to, conduct that is unwelcome and has the purpose or effect of unreasonably interfering with a person’s work performance, or creating an intimidating, hostile or offensive working environment. Such harassment of employees is prohibited by this Policy if it is based on a protected characteristic or directed at an individual because of a protected characteristic. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

### **“Sexual Harassment”**

Sexual harassment is strictly prohibited. It is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- (2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or
- (3) Such gender-based conduct has the purpose or effect of unreasonably interfering with an individual’s work performance, or of creating an intimidating, hostile or offensive working environment, even if the reporting individual is not the intended target of the sexual harassment.

The foregoing includes offensive comments, jokes, innuendoes or other statements of a sexual or gender-based nature as well as favoritism between a supervisor and subordinate based on an intimate/sexual relationship or desire for the same.

### **Who can be the target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment even if they occur away from the workplace premises, on personal devices or during non-work hours.

### **“Prohibited Behavior and Examples of Harassment, including Sexual Harassment”**

Specific forms of behavior the Municipality considers harassment or sexual harassment are set forth below. Every conceivable example cannot be delineated herein, and thus the descriptions below should not be interpreted in any way as being all-inclusive.

- **Verbal:** Abusive verbal language including jokes, comments, teasing or threats related to an employee’s protected characteristic, sexual activity and/or body parts whether or not said in that person’s presence including, but not limited to: sexual innuendos; slurs; suggestive, derogatory, or insulting comments or sounds; whistling; jokes; propositions; threats; comments on a person’s appearance that make the person feel uncomfortable because of his or her protected characteristic; sex stereotyping, continuing to ask someone for dates or to meet after work after the person has made it clear that he or she does not want to go; comments about an employee’s anatomy or protected characteristic that are unwelcome, unreasonably interfere with an employee’s work performance, or create an intimidating, hostile or offensive work environment; or unwelcome advances or demands based on someone’s protected characteristic.
- **Nonverbal:** Abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures; staring at a person’s body in a sexually suggestive manner; gestures or motions based on a protected characteristic; sending material through the Municipality e-mail system or other electronic communication devices (e.g. voice mail) or using the Municipality’s mail, computers or cell phones to view material that is demeaning or derogatory based on one’s protected characteristic.
- **Physical:** Unwelcome physical conduct, including but not limited to hitting, pushing, shoving, slapping, petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, rape or assault or



attempts to commit these assaults, persistent brushing up against a person's body, unnecessary touching and flashing or other unwelcome physical conduct.

- **Other:** Hostile actions taken against an individual because of an individual's sex, sexual orientation, gender identity and the status of being transgender or because of any other protected characteristic, such as: interfering with, destroying or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job; sabotaging an individual's work; bullying; yelling; or name-calling.

Any employee who feels discriminated against or harassed should report that conduct so that any violation of this Policy can be corrected promptly. Any harassing conduct, even if a single incident, can be addressed under this Policy.

### SECTION 3: POLICY

The Municipality prohibits harassment and discrimination based on any characteristic protected by applicable law and will not tolerate any form of unlawful discrimination or harassment. The Municipality will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment, including sexual harassment, in the workplace.

All employees, including but not limited to, Municipality officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to a supervisor, manager, or one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy. Officials, managers and supervisors must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination come to their attention to assure compliance with this Policy as well as report the suspected misconduct to the Municipality's designated Compliance Officers. Furthermore, if any employee believes that any member of management has violated this policy or has not properly responded to and/or handled a report or concerns about discrimination or harassment, the employee should immediately contact one of the Municipality's designated Compliance Officers.

Each employee is assured pursuant to *Section 6* of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making a good faith complaint of harassment or discrimination, or for opposing in good faith any practices forbidden by applicable anti-discrimination laws or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws, shall be subject to discipline, up to and including termination of employment. Any employee who believes he/she has been retaliated against in violation of this policy should report violations to one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy.

Any questions regarding the scope or application of this Policy should be directed to one of the Compliance Officers listed in *Section 11* of this Policy.

#### SECTION 4: POLICY ENFORCEMENT

##### A. Complaint Procedure for Employees

###### 1. Notification Procedure

Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged and essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact his or her supervisor or a Compliance Officer listed in *Section 11* of this Policy, or another administrator. Likewise, anyone who witnesses or becomes aware of instances of harassment or discrimination should report such behavior to his or her supervisor or a Compliance Officer listed in *Section 11* of this Policy, or another administrator.

###### 2. Making a Complaint

Complaints are accepted orally and in writing. All employees are encouraged to use the Municipality's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Additional complaint forms can be obtained from a Compliance Officer, with no questions asked, or from the Municipality's website. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination or harassment, the Municipality encourages employees to place complaints in writing, even if originally made orally. If an employee has any questions or difficulty filling out the complaint form, she/he can obtain assistance from any one of the Compliance Officers or the supervisor to which he/she complained. All complaints should include: the name of the complaining party, the name of the alleged offender(s), date(s) of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

Once the complaining party has completed and dated a complaint, with or without the assistance of one of the Municipality's Compliance Officers or a supervisor, the written complaint, or oral complaint as the case may be, should be promptly forwarded to one of the Municipality's Compliance Officers.

Complainants are expected to cooperate with the Municipality's investigation procedures by providing all relevant information relating to

the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

3. **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected harassment or discrimination, observe what may be harassing behavior, or have any reason to suspect that harassment is occurring, are required to report such suspected harassment or discrimination to one of the Municipality's Compliance Officers.

In addition to being subject to discipline if they engaged in harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected harassment or otherwise knowingly allowing harassment to continue.

Supervisors and managers will also be subjected to discipline for engaging in any retaliation.

**B. Time for Reporting a Complaint**

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of complaints and effective remedial action oftentimes is possible only when complaints are promptly filed.

**C. Confidentiality and Privacy**

The Municipality shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees. To the extent complaints made under this Policy implicate criminal conduct, the Municipality may be required by law to contact and cooperate with the appropriate law enforcement authorities.

**D. Acknowledgement of Complaint**

Upon receipt of an oral or written complaint, the Compliance Officer should endeavor to contact promptly the complainant to confirm that the complaint has been received. If the complainant does not receive such confirmation promptly, she/he is encouraged to contact a Compliance Officer or his/her supervisor or the supervisor to whom the complaint was made to ensure its receipt. The purpose of this acknowledgment procedure is to ensure that all complaints are received by authorized individuals, carefully processed and promptly investigated.

## SECTION 5: INVESTIGATION PROCEDURES

### A. Timing of Investigations

The Municipality will promptly investigate all allegations of discrimination and harassment prohibited by this Policy. The Municipality will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and circumstances of each complaint. The investigative body shall be the Town of Poestenkill ethic board. All investigation shall be kept confidential

### B. Method of Investigation

Investigations will provide all parties due process, and reach reasonable conclusions based on the evidence collected. Investigations will be conducted by Municipality Compliance Officers, Municipality's legal counsel, and/or other impartial persons designated by the Municipality. The primary purposes of all investigations under this Policy will be to determine:

- Did the conduct complained of occur;
- Did the conduct complained of violate this Policy; and
- What remedial measures or preventative steps, if any, shall be taken.

Investigations will necessarily vary from case to case and may typically include the following: fact-finding interviews, including of the accuser and the accused; document request, review and preservation; depositions; and observations or other reasonable methods. Municipality investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by Municipality employee or agent conducting an investigation under this Policy shall be deemed confidential and privileged to the extent allowed by law.

Investigators will typically create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- A list of all documents reviewed, along with a detailed summary of relevant documents;
- A list of names of those interviewed, along with a detailed summary of their statements;
- A timeline of events;
- A summary of prior relevant incidents, reported or unreported; and
- The basis for the decision and final resolution of the complaint, together with any remedial actions.

### C. Notification to Complainant Party and the Accused Party

The results of the investigation shall be communicated in writing to both the person filing the complaint and the accused party.

**D. Remedial Measures**

This Policy is intended to prevent all forms of unlawful discrimination and harassment and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination or harassment. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or harassment or conduct which may be prohibited by this Policy may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Disciplinary action may include warnings, suspension, or discharge from employment or such disciplinary action as may be permitted by applicable collective bargaining agreements and law. Any third party found to have engaged in discrimination or harassment of an employee may be barred from Municipality property.

**SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY**

Unlawful retaliation can be any action that could discourage an employee from coming forward to make a complaint or support a discrimination or harassment claim. Adverse action need not be job-related or occur in the workplace to constitute retaliation (e.g., threats of physical violence outside of work hours).

Retaliation against anyone for making a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws is strictly prohibited by this Policy and by law.

Even if the alleged harassment or discrimination does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment or discrimination.

Complaints of retaliation should be brought directly to a Compliance Officer. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

**SECTION 7: APPEALS [OPTIONAL]**

Any complainant or accused party who wishes to appeal the conclusion which the Municipality reached in investigating a complaint filed under this Policy, may do so within ten (10) calendar days of receipt of the appealing party's notification of the investigation outcome. Untimely submissions shall not receive consideration. Such appeal must be made in writing to the Municipality's governing body. The appealing party shall be entitled to present evidence in writing as to why the conclusion was flawed, improper, or otherwise not supported by the evidence. The Municipality's consideration and review of any such appeal shall be conducted confidentially in executive session. Following a review of that evidence, as well as the information obtained in the investigation process and conclusions derived therefrom, the Municipality's governing body, or its designee, shall render a decision. That decision shall be final. The appealing party shall be notified of the decision in writing.

Nothing set forth in the Appeal Process above shall be construed to, in any way, confer upon either the complainant(s) or the person(s) accused of violating this Policy any right to appeal the Municipality's determination as to appropriate disciplinary and/or corrective action to be taken on meritorious complaints. In this regard, the Municipality at all times retains sole discretion to determine the appropriate disciplinary and/or corrective action to be taken with regard to a meritorious complaint.

#### **SECTION 8: RECORD KEEPING**

The Municipality shall maintain a written record of all complaints of discrimination and/or harassment for a period of at least three years. The Municipality shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The Municipality shall also maintain these documents for, at a minimum, three years.

The Municipality's records regarding alleged discrimination and harassment shall be maintained separate and apart from personnel records in a secure and confidential location.

#### **SECTION 9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Discrimination and harassment based on protected characteristics, including sexual harassment, are not only prohibited by the Municipality but are also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Municipality, employees may also choose to pursue legal remedies with the governmental entities referenced in the following laws. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

#### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment and harassment based on other protected characteristics set forth in this Policy, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged harassment, including sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Municipality does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual or other illegal harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual or other illegal harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees (in sex discrimination and sexual harassment cases only) and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the discrimination or harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact your local police department.

### **SECTION 10: QUESTIONS**

Any questions by employees of the Municipality about this Policy or potential harassment or discrimination should be brought to the attention of one of the Municipality's Compliance Officers. The names, addresses, and telephone numbers of the Municipality's Compliance Officers are listed in *Section 11* of this Policy.

### **SECTION 11: COMPLIANCE OFFICERS**

The compliance officers for the Town shall be the person responsible for Human Resources duties and /or The Town supervisor.



Michelle Asquith

Town Hall Supervisor Office

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Name

Office Location

518 283-5100 ext. 100

Town Hall

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Telephone Number

Mailbox Location

Dominic Jacangelo

Town Hall Supervisor Office

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Name

Office Location

518 283-5100 ext. 104

Town Hall

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Telephone Number

Mailbox Location

## **SECTION 12: EFFECTIVE DATE AND POLICY DISSEMINATION**

The effective date of this Policy shall be September 20, 2019. The Town of Poestenkill Town Supervisor shall ensure that this Policy is adequately disseminated and made available to all employees of the Municipality. This Policy shall be distributed at the beginning of each year with or as part of the annual mandatory training. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Compliance Officer as well as the Municipality's Policy Book that is available at the Town Supervisor office.

Upon the effective date of this Policy, the provisions of this Policy shall supersede and replace the following prior Municipality policies and regulations regarding employee discrimination and harassment: Town of Poestenkill Sexual Harassment Policy.

**ACKNOWLEDGEMENT OF RECEIPT OF MUNICIPALITY'S POLICY AGAINST  
DISCRIMINATION AND HARASSMENT**

From: Supervisor Office  
To: Town Employee  
Subject: Discrimination and Harassment Policy

The Municipality is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without being subjected to harassment or discrimination in the workplace. It is the Municipality's policy to provide a workplace environment free from harassment and discriminatory practices.

The Municipality has adopted and disseminated a revised Policy Against Discrimination and Harassment. Please sign the attached acknowledgement that you have received a copy of the revised Policy, have reviewed it, and have been afforded an opportunity to ask a Municipality Compliance Officer any questions you may have regarding the Policy. Return the signed acknowledgement to Michelle Asquith at Town Hall.

Thank you for your assistance in this matter. If you have any further questions regarding this Policy feel free to contact Michelle Asquith.

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**ACKNOWLEDGEMENT OF RECEIPT OF MUNICIPALITY'S POLICY AGAINST  
DISCRIMINATION AND HARASSMENT**

**I, \_\_\_\_\_, have received the Municipality's Policy Against  
Discrimination and Harassment. I have reviewed this Policy, and I have had the  
opportunity to ask questions regarding the Policy.**

\_\_\_\_\_  
**Signature of Employee**

\_\_\_\_\_  
**Date**

**Town of Poestenkill**  
**COMPLAINT FORM**

*In order to assist **Town of Poestenkill** in investigating your allegations of harassment, discrimination or retaliation in a prompt and thorough fashion, please complete this form to the best of your abilities and with as much detail as you are able. Once completed, please submit this form to a Municipal Compliance Officer identified in Section 11 of the Municipal Policy Against Discrimination and Harassment. If additional space is needed in order to respond to any question below, please attach additional pages as necessary and identify which question corresponds to the information set forth in the additional pages. Any questions regarding this form may be directed to a Municipal Compliance Officer. No individual will be retaliated against for filing a complaint.*

Name of Complainant: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Job Title: \_\_\_\_\_

Address: \_\_\_\_\_

Home phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Work: \_\_\_\_\_  
(Please circle the number you'd prefer us to call)

Email: \_\_\_\_\_

Name of Victim (if different than Complainant): \_\_\_\_\_

Basis of this complaint (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Race/color        | <input type="checkbox"/> Gender expression               |
| <input type="checkbox"/> Age               | <input type="checkbox"/> Gender identity                 |
| <input type="checkbox"/> National Origin   | <input type="checkbox"/> Transgender status              |
| <input type="checkbox"/> Disability        | <input type="checkbox"/> Genetic predisposition          |
| <input type="checkbox"/> Sex/gender        | <input type="checkbox"/> Military/veteran status         |
| <input type="checkbox"/> Sexual harassment | <input type="checkbox"/> Citizenship                     |
| <input type="checkbox"/> Pregnancy         | <input type="checkbox"/> Religion/Religious creed        |
| <input type="checkbox"/> Marital Status    | <input type="checkbox"/> Domestic violence victim status |

\_\_\_\_\_ Familial Status  
\_\_\_\_\_ Sexual orientation

\_\_\_\_\_ Retaliation  
\_\_\_\_\_ Other/Not Sure

If checked "Other/Not Sure," please briefly explain:

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Time(s) and date(s) the incident(s) took place:

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Name(s) and office address of the individual who allegedly engaged in the harassment, discrimination or retaliation. If more than one, list all.

Name: \_\_\_\_\_

Location: \_\_\_\_\_

Describe the incident(s) which occurred with as much detail as you are able, including why you believe the incident(s) constitutes harassment, discrimination or retaliation (please attach any documentation or evidence you believe is relevant to the incident):

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Describe briefly what you would consider to be appropriate resolution of the conduct described above: (Please note that **Town of Poestenkill** retains the sole discretion and authority to determine the appropriate disciplinary and/or corrective action to be taken with regard to meritorious complaints. This question should not be construed in any way to constitute a forfeiture of that discretion or authority.)

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Identify all persons who witnessed the incident(s) described above:

_____	_____
_____	_____
_____	_____

Please identify any other persons you believe have knowledge important to the incident(s) in question, including his/her contact information and a brief description of the knowledge held by each person:

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Have you filed a complaint or charge with a Federal, State, or Local Government agency related to the incident(s) identified above?

Yes \_\_\_\_\_ No \_\_\_\_\_

Has this incident or occurrence been previously reported to **Town of Poestenkill**?  
[ ] Y [ ] N. If yes, when and to whom?

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If the incident or occurrence has been previously reported, please describe the remedy, outcome or resolution:

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**I swear or affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief.**

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

Received by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Print Name:

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**For Employer Use Only – To be Completed Upon Receipt**

Recipient of Complaint (print): \_\_\_\_\_

Date, Time and Manner (e.g. personal delivery, mailbox, etc.) of Receipt: \_\_\_\_\_

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Notes: \_\_\_\_\_

\_\_\_\_\_

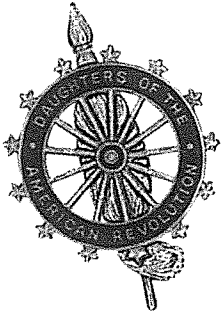
To: The Town Board						
From: Michelle Asquith						
Subject: A comparison between the 2019 and 2020 Budget						
Schedule "A" In Total By Fund						
	2019	2020	Increase (Decrease)	% Increase		
<b>Total Appropriations:</b>						
General Fund	758,047	818,499	60,452	7.97%		
Highway Fund	1,218,350	1,114,350	-104,000	-8.54%		
Fire District	320,407	326,815	6,408	2.00%		
Library Referendum	71,290	71,290	0	0.00%		
<b>Estimated Revenues</b>						
General Fund	644,481	685,331	40,850	6.34%		
Highway Fund	302,500	107,250	-195,250	-64.55%		
<b>Appropriated Fund balance</b>						
General Fund	37,000	50,000	13,000	35.14%		
Highway Fund	106,000	106,000	0	0.00%		
<b>Tax Levy</b>						
General Fund	42,491	83,168	40,677	95.73%		
Highway Fund	797,500	901,100	103,600	12.99%		
Fire District	320,407	326,815	6,408	2.00%		
Library Referendum	71,290	71,290	0	0.00%		
<b>Taxable Assessed Valuation</b>						
General Fund	85,993,682	86,846,486	852,804	0.99%		
Highway Fund	85,993,682	86,846,486	852,804	0.99%		
Fire District	88,938,862	89,585,257	646,395	0.73%		
Library Referendum	85,993,682	86,846,486	852,804	0.99%		



		A				
	2019	2020	Increase		% Increase	
<b>Tax Rate</b>						
General Fund	0.499404	0.957639	0.458235		91.76%	
Highway Fund	9.373069	10.375780	1.002711		10.70%	
Fire District	3.533039	3.576559	0.043520		1.23%	
Library Referendum	0.837758	0.820874	-0.016884		-2.02%	
<b>Combined</b>	<b>14.243270</b>	<b>15.730852</b>	<b>\$1.487582</b>		<b>10.44%</b>	
<b>Schedule "B" By Major Category</b>						
	<b>2019</b>	<b>2020</b>	<b>Increase (Decrease)</b>		<b>% Increase</b>	
Town Board	17,480	17,480	0		0.00%	
Justice	25,791	25,991	200		0.78%	
Supervisor	19,000	19,000	0		0.00%	
Secretarial	28,230	29,017	787		2.79%	
Accounting	17,712	18,033	321		1.81%	
Bank Service Charge	2,000	3,000	1,000		50.00%	
Assessors	30,570	33,539	2,969		9.71%	
Town Clerk	54,207	55,171	964		1.78%	
Law	50,976	50,976	0		0.00%	
Engineer	1,500	1,500	0		0.00%	
Buildings	62,500	55,110	-7,390		-11.82%	
Data Processing	3,000	3,000	0		0.00%	
Unallocated Insurance	34,000	38,000	4,000		11.76%	
Web Site	1,500	1,500	0		0.00%	
Municipal Association Dues	1,000	1,000	0		0.00%	
Contingency	19,000	19,000	0		0.00%	
<b>Total General Government</b>	<b>368,466</b>	<b>371,317</b>	<b>2,851</b>		<b>0.77%</b>	
Street Signs	1,500	1,500	0		0.00%	
Control of Dogs	9,809	9,809	0		0.00%	
Safety Inspection	31,340	44,500	13,160		41.99%	
<b>Total Public Safety</b>	<b>42,649</b>	<b>55,809</b>	<b>13,160</b>		<b>30.86%</b>	

	2019	2020	Increase (Decrease)	% Increase
		B		
Register of Vital Statistics	2,679	2,733	54	2.00%
Sup. Of Highways	64,319	66,719	2,400	3.73%
Town Garage	15,000	30,000	15,000	100.00%
Street Lighting	13,000	14,000	1,000	7.69%
Total Transportation	92,319	110,719	18,400	19.93%
Veterans Services	3,500	3,750	250	7.14%
Park Land Capital	1,000	1,000	0	0.00%
Youth Programs	59,969	96,606	36,637	61.09%
Library	0	0	0	0.00%
Historian	9,346	9,433	87	0.93%
Senior Citizens	3,500	3,750	250	7.14%
Total Culture and Recreation	73,815	110,789	36,974	50.09%
Zoning	9,824	9,824	0	0.00%
Planning	19,395	21,158	1,763	9.09%
Town-Wide Planning	0	0	0	0.00%
Refuse and Garbage	6,200	6,200	0	0.00%
Water - MS4	2,000	2,000	0	0.00%
Community Beautification	1,500	2,000	500	33.33%
Well Conversion	0	0	0	
Total Home and Community	38,919	41,182	2,263	5.82%
Employee Benefits	109,700	109,700	0	0.00%
Transfer to Highway	0	0	0	
Total General Fund	732,047	805,999	73,952	10.10%

Schedule "C" Highway Fund		C				
	2019	2020	Increase (Decrease)	% Increase		
Street Maintenance	187,500	190,600.00	3,100	1.65%		
Permanent Improvements	211,000	211,000.00	0	0.00%		
Bridge Maintenance	10,000	10,000.00	0	0.00%		
Machinery	395,500	284,000	-111,500	-28.19%		
Snow Removal	256,000	260,400.00	4,400	1.72%		
Total Transportation	1,060,000	956,000	-104,000	-9.81%		
Employee Benefits	158,350	158,350	0	0.00%		
Debt Service	0	0	0			
Total Highway	1,218,350	1,114,350	-104,000	-8.54%		



Fort Crailo Chapter DAR  
Stephanie Ryan  
8 Rudder Lane  
Latham, NY 12110

August 26, 2019

Dear City/Town/Village official,

The Fort Crailo Chapter DAR of the National Society Daughters of the American Revolution is trying to educate the youth and public on matters that focus on historical preservation and patriotism. As part of this effort, we are hoping you would be able to support us in our efforts by signing the enclosed proclamations.

If you would like, you may return the signed proclamations to me at the above address.

If you have any questions, please feel free to contact me at (518) 421-9526 or [stephaniekr8@gmail.com](mailto:stephaniekr8@gmail.com).

Again thank you for your continued support of the NSDAR motto: God, home and country.

Sincerely,

*Stephanie Ryan*  
Stephanie Ryan  
Proclamations Chairman  
Fort Crailo Chapter DAR

Fort Crailo Chapter - New York  
National Society Daughters of the  
American Revolution

The Fort Crailo Chapter of the NSDAR is asking that you sign the following proclamation to acknowledge September 17-23, 2019 as Constitution Week.

National Constitution Week: A Proclamation

Whereas: It is the privilege and duty of the American people to commemorate the anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

Whereas: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17-23 as "Constitution Week".

Now, therefore,

I \_\_\_\_\_ as \_\_\_\_\_  
of \_\_\_\_\_ do hereby proclaim the week of  
September 17-23 as "Constitution Week" and urge all citizens to study the  
constitution and reflect on the privilege of being an American with all the rights  
and responsibilities which that privilege involves.

In Witness whereof, I have set my hand and caused the seal of the community to  
be affixed this \_\_\_\_\_ of the year of our  
Lord two thousand and nineteen.

Signed \_\_\_\_\_ Title \_\_\_\_\_



Fort Crailo Chapter - New York  
National Society

Daughters of the American Revolution

The Fort Crailo Chapter of the NSDAR is asking that you sign the following proclamation to acknowledge November as American Indian Heritage Month

National American Indian Heritage Month: A Proclamation

Whereas, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

Whereas, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and

Whereas, Native American Awareness week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

Whereas, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational, and historical activities have been planned,

Now, therefore, I \_\_\_\_\_ by virtue of my authority as (title) \_\_\_\_\_ of the (city, town, village) of \_\_\_\_\_ do hereby proclaim November 2019 as National American Indian Heritage Month, in this city and urge all our citizens to observe this month with appropriate programs, ceremonies, or activities.

In witness whereof, I have hereto set my hand and caused the seal of the (city, town, village) to be affixed this \_\_\_\_\_ day of \_\_\_\_\_ the year of our Lord, two thousand and nineteen.

Signature \_\_\_\_\_

At a duly convened meeting of the Town Board of the Town of Poestenkill conducted at the Poestenkill Town Hall at 7:00 PM on the 19<sup>th</sup> day of September, 2019.

**RESOLUTION NO. \_\_\_ OF THE YEAR 2019**

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**ACKNOWLEDGING SEPTEMBER 16 THROUGH 21 AS NATIONAL CONSTITUTION WEEK**

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*WHEREAS*, Constitution Day, September 17, the day on which the Constitution of the United States of America was signed in 1787, falls during the week of September 16-21, which has been designated nationally as Constitution Week for 2019; and

*WHEREAS*, it is the privilege and duty of the American people to commemorate the 232<sup>nd</sup> anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

*WHEREAS*, Public Law 915 guarantees the issuing of a proclamation this year by the President of the United States of America designating September 16-21 as "Constitution Week";

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

*RESOLVED*, that we, the members of the Town Board of the Town of Poestenkill, do hereby proclaim the week of September 16-21, 2019 as "Constitution Week" and urge all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves; and it is further

*RESOLVED*, that the Town of Poestenkill urges its residents to join in any national, state or local celebration of such anniversary during Constitution Week, 2019.

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

Prepared and approved as to form by:

John T. Casey, Esq.,  
Poestenkill Town Attorney

**VOTED UPON AS FOLLOWS:**

Councilwoman June Butler: \_\_\_\_\_

Councilman David Hass: \_\_\_\_\_

Councilman Harold Van Slyke: \_\_\_\_\_

Councilman Eric Wohlleber: \_\_\_\_\_

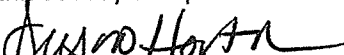
Supervisor Dominic Jacangelo: \_\_\_\_\_

**TOWN CLERK'S MONTHLY REPORT**

Town of Poestenkill, New York

August 2019

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

Conservation Fees to the Town:		\$ 119.83
Marriage License	4 @ \$ 7.50	\$ 30.00
Marriage Certificate	4 @ \$ 10.00	\$ 40.00
A1255	Total Town Clerk Fees	\$ 189.83
	Peddler's Permit	\$
A1289	Registrar	\$ 60.00
A2655	Minor Sales – Copies (certified copy) –	\$ 10.00
A2544	Local Fee for Dogs	\$ 130.00
A2115	Planning Board Fees - \$284.22                      ZBA Fees - \$	\$ 284.22
A2555	Building Permits	\$ 940.00
A2501	Junkyard License	\$ 100.00
A2268	Impoundment fees	\$
A2720	Water Meter Fee - \$1175.00    Water Benefit Charge - \$2576.01	
A2240	Misc. Water Charges -	\$
A2706	Summer Camp (CREDIT CARD)	\$ 885.00
A2710	Water Permit Fee - \$ 160.00	\$
1001	Water Billing - \$2,632.56	\$
TOTAL WATER CHARGES		\$ 6,543.57
<b>REVENUE TO SUPERVISOR</b>		<b>\$ 9,142.62</b>
Amount paid to State Comptroller for Games of Chance License		\$
Amount paid to DEC for Conservation Licenses		\$ 2,717.17
Amount paid to AG & Markets for fee for unsprayed/unneutered Dog program		\$ 28.00
Amount paid to State Health Dept. for Marriage Licenses		\$ 90.00
<b>TOTAL DISBURSED</b>		<b>\$ 2,817.17</b>
September 5, 2019		\$
Dominic Jacangelo, Town Supervisor		
<b>TOTAL AMOUNT RECEIVED BY CLERK</b>		<b>\$11,977.79</b>
<p>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 August.                      Fees the application and payment of which are otherwise provided by law subscribed and sworn to before me this 5th day of September 2019.</p> <p align="center"></p>		





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  
RE: ASSESSOR'S REPORT FOR AUGUST 2019

During this time of year, we do, among other things, filing and updating in order to purge the exemption renewal applications. We continue to receive closed building permits. We have been able to update the property record cards and enter the data so that they can be valued for year 2020. We also receive and process the deed changes from the County and any other split/merge parcel updates. We also respond to requests for estimates for values of new construction so the property owner has an idea of what their respective taxes would be and what the banks are arranging for them. These amounts are only estimates based on given information and can change once the final structure is completed since there may be a difference in projected versus built construction.

Constituent relations are considered good during this report period.

Respectfully submitted,

Brian M. Jackson  
Assessor  
Town of Poestenkill

cc: Susan Horton, Town Clerk

Town of Poestenkill  
Office of the Water Department  
P.O. Box 210  
Poestenkill, NY 12140

Memorandum

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

From: Robert Brunet, P.E. / Water Manager *RYB*

Date: September 12, 2019

RE: Monthly Activities (August-September)

**811 Report:**

All 811 Dig Safe daily requests were received and responded to appropriately and in a timely fashion. The volume of requests is approximately 6 to 7 locate and markout requests per week. On each of these tickets I receive, I pull the respective Plats for the section of our water system, and I then call the Field Contact, discuss what he is planning to do. I provide the details of our system, mark out the pipe locations when appropriate, and exchange telephone numbers with him and ask to be kept informed if he changes the schedule. I then follow up (visit the work location) when the job is progressing to insure that no problems occur.

**Water Report:**

From an overall viewpoint--- everything is going well, except unaccounted for water, which I believe will continue to be a long term problem.

Normal maintenance is being performed as required. Additionally, we have been investing a significant effort on updating and maintaining our water facilities. We have continued our efforts at leak locating, beginning with fire hydrant leakage. Our next step is to focus on possible "trouble sectorization" and on our curbstops, with the belief that the prime leakages are on the residents' side of the curbstops, between the curbstops and the meters, an area of the system which is not monitored. If the leakages are found there, the repair is the responsibility of the homeowner, but it is up to us to identify the

leaking facility. Incidentally, we have not ruled out possible water theft as contributing to our lost water.

As discussed in prior reports, I have contacted the NYRWA (New York Water Association) to enlist their aid in this lost water problem. At our request, Mr. Rich Winters, one of the NYRWA "Circuit Riders", once again came to Poestenkill on 7/15/2019, on 8/14/2019 and also on 8/28/2019 help perform leak detection testing (at no cost to the Town). Rich and I spent the better part of three days using a "home developed" leak detection method, based upon elevation and pressure calculations to find leaks. This methodology first determines the geographical area of the leakage and we then test individual curbstops (within the identified leakage area) to verify and determine the specific leak location. The result was that we found one large leak at 12 Furry Road, estimated to be leaking over 5,000 GPD (gallons per day); this leak was determined to be on the customers side of the curbstop and was therefore the customers responsibility to repair. I contacted the owner and gave him one week (per our Town Water Code) to repair the leak at his expense before we turned his water off. His contractor dug up the defective service line and repaired the line the very next day, under our inspection. This is the second service line leak which we have recently identified. Both of these defective service lines have been repaired, under our inspection, at the owners expense. Collectively, these two leaks were estimated to be leaking over 10,000 gpd. Additionally, while testing the curbstops on Furry Road and on Walsh Lane, we encountered three defective curbstops which we repaired.

We spent a very busy few days and have eliminated 32 sectors in our water system (virtually our entire system) as potential curb stop leakers; other than those curbstops which we found and fixed, the remainder were fine. Rich has agreed to return to Poestenkill to continue working with us on this "unaccounted for" water problem, at no cost to the Town.. It is noteworthy that as a result of our leak locating work we have uncovered numerous problems with the curbstops and we have fixed those problems as we encountered them. Our next approach will be to isolate the various sectors of our system based upon volume flows at the pump station, when various sectors are isolated. This is a much more sophisticated and tedious approach; I will keep you informed of our progress.

We will periodically discuss results as we progress in our leak detection efforts.. This leak detection effort is our prime focus of attention in the Water Department and I fear will take considerable time and dedication to locate and fix the problems.

We repaired a defective street valve box at Lochvue, saving the Town approximately \$800. We then placed macadam around the repaired street valve to protect it from plows during the winter.

We repaired a bent curbstop pipe on a vacant lot on Furry Road which was probably hit by a snow plow and replaced the cap. This problem was identified while we were testing curbstops in connection with leak locating.

Placed macadam at street valve in front of hydrant on Hinkle Road to protect against being damaged in winter by snow plows.

Worked on the hydrant flushing program. Our flushing activities will wind down over the next two months because of seasonality effects, freezing conditions; we will then only flush for specific problems during the winter and will resume our normal flushing activities next May.

Replaced cracked injector pipe at pump station in the high pressure line in the chlorine injection system at the pump house.

On Saturday, August 31<sup>st</sup> filled 20,000 gallon in ground pool on Cathlie Drive (pool damaged by recent storm). The bill to the resident was \$ 400 ( a profit of \$ 300 for the Town and a savings to the homeowner of over \$500 vs. having it commercially filled). Our pool filling work is a "win-win" for both the Town and the resident.

Completed repair of heating unit for the large emergency generator unit at pump station.

Replaced old receptacle outlet with a new modified outlet at the pump station, used for the emergency generator (photo attached FYI).

Continued testing curbstops for leakage.

Worked with several residents to help them determine the feasibility of connection to the Municipal Water System.

On Saturday, August 17<sup>th</sup> received three Emergency 811 markout requests for three electric poles damaged on Snyders Corner Road as a result of the storm, needing replacement.

Performed required NYSDOH functions for our system; for example, take daily (7 days per week) water data at pump house, add chlorine as required, and test water sample at Town Hall. This information is then entered into the NYSDOH 360 REPORT on a daily basis.

Received the 3<sup>RD</sup> quarter THM and Haloacetic Acid test results from Bender Labs which calculated to be 60.0 PPM for THMs, an excellent result; The Haloacetic Acid results are also excellent. The bottom line for these two significant NYSDOH required tests is that the year end average will be well under the required standard of 80 PPM for THMs. As you know, the THMs have been problematic in the past, and I believe that they will not be a problem in the future.

Worked with two prospective home buyers to determine feasibility of "out of district" water service connections, one on Pleasant Hill Drive, just off Hinkle Road. And the other on Williams Street, at the end of Snyders Corner Ext..

Worked with three residents who are selling their homes and were required to pay the incremental water usage charges from 6/30/2019 up to their closing dates. Our procedure saves the old owner and the new owner "final read" charges and also "turn off and turn on" water charges; it also allows for readily updating our computer system for future billings.

Repaired "blocked" Injector Valve Piping at the pump station; this is an area of routine maintenance which is critical to the chlorination process. There are many potential trouble spots in the system which, when clogged, will reduce the LMI pump output and will affect our daily Chlorine Residual test results submitted monthly to the RCDOH and NYSDOH. FYI, I have attached a photo of the particular partial blockage which we found and fixed on Saturday, August 10<sup>th</sup>. (photo attached FYI). This situation is a common occurrence and requires constant vigilance.

Sunday, August 25<sup>th</sup>, worked at damaged curbstop at end of Walsh Lane, to find potential leak based upon lower than expected pressure reading at adjacent hydrant; the curbstop was damaged at some point in the past by someone "pounding" on its top with a very large, perhaps a ten pound sledgehammer; the regular cap was not present. Also, the curbstop was not even physically close to what the engineering prints showed. There was not a leak here, just a damaged curbstop / incorrect records. These problems have been fixed.

Sunday, September 1<sup>st</sup> and Monday September 2<sup>nd</sup> performed carpentry, plastering and painting work in the Assessor Office to remove shelves and cabinetry and repair wall to allow for space to be used for tables for resident conferences.

We are continuing to wire brush and paint some of our facilities to keep them in good condition.

We designed and manufactured (at no cost to the Town), a number of specialty tools to be used in maintenance operations in the water district; of particular interest and usefulness are three special tools which we designed to fit into street valve boxes and into curbstops so that dirt clogged facilities may be "shop-vacuumed" out in the field using our portable generator.

On Saturdays, August 10<sup>th</sup>, and August 24<sup>th</sup>, we picked up 20 gallons each day, of 12.5% sodium hypochlorite from Agway for daily use at pump station. We then transfer the chlorine to one gallon jugs to be used on a daily basis. By buying the five gallon jugs and then transferring the chlorine to one gallon jugs ourselves we save the Town money since the one gallon jugs are about 25% more per gallon than in the five gallon jugs. This saves the Town approximately \$300 per year.

On September 3<sup>rd</sup> took water samples at Town Hall and delivered to Bender Labs for coliform testing as required by the RCDOH and NYSDOH. Our lab test results every month this year have been "satisfactory".

Performed work on our "Street Valve Exercise Program" to prioritize and exercise the critical street valves in our system.

Performed work on our "Hydrant Maintenance Program" (exercising, lubricating, flushing, etc.).

On Saturday, August 17<sup>th</sup> , cleaned and removed brush and small trees and sprayed around the tank on Hinkle Road.

Began developing a "Water District" map for Poestenkill, to be used for maintenance and other leak locating planning operations. These maps and the written plan to locate specific street valves (which we are presently developing) are essential to our leak locating process. **Our next approach will be to isolate the various sectors of our system based upon volume flows at the pump station, when various sectors are isolated.**

We performed the monthly maintenance functions on the large emergency generator located at the pump station; some of these functions involved running the generator for a period of time and checking the output voltages for accuracy. Also performed the monthly operational test on the portable 5 KW generator used for field emergency issues. As a result of this preventative maintenance effort, we uncovered a unit in need of repair, the crankcase heater unit for the large generator. This unit is needed in order to properly operate the generator. We have completed the necessary repairs and are ready should an emergency occur requiring these generators.

Ongoing work on the Quail Meadows and the Lochvue subdivision issues, mostly involving water service connection to new residences. The Quail Meadows Phase 2 Subdivision water installation will be discussed later in this report.

Prepared and Submitted required NYSDOH Monthly 360 Report and Bender Labs reports to the RCDOH. All Bender Lab results for the month were satisfactory.

Inspected 4 new water system installations at several times during the installation process and performed the final inspection when the water meters were installed. It is of interest that one of these new installations was at 1617 Spring Avenue Ext. and was 500 feet from the curbstop to the home (rear entrance); this is the longest run in the water district and was installed using 1" PEX and the associated larger than normal size kits used for the normal 3/4" systems (these requirements are specified in the Towns Water Code).

Issued 4 new permits for connection to the Municipal Water System.

Handled appropriate customer billing issues; all were positively resolved, and the residents paid their outstanding bills.

Worked on various Town Undertakings and problems (ie: various subdivision issues, for example) and special situations such as the home at 63 Snyders Corner Road which had a tree fall on its dormer.

Worked with other groups on special studies such as **Subdivision Issues-Water District requirements and Drainage District establishment requirements (Town Laws 111-DRAINAGE DISTRICTS, 195-SUBDIVISION OF LAND and 220-WATER),** **These Town Laws are very important and should be adhered to!**

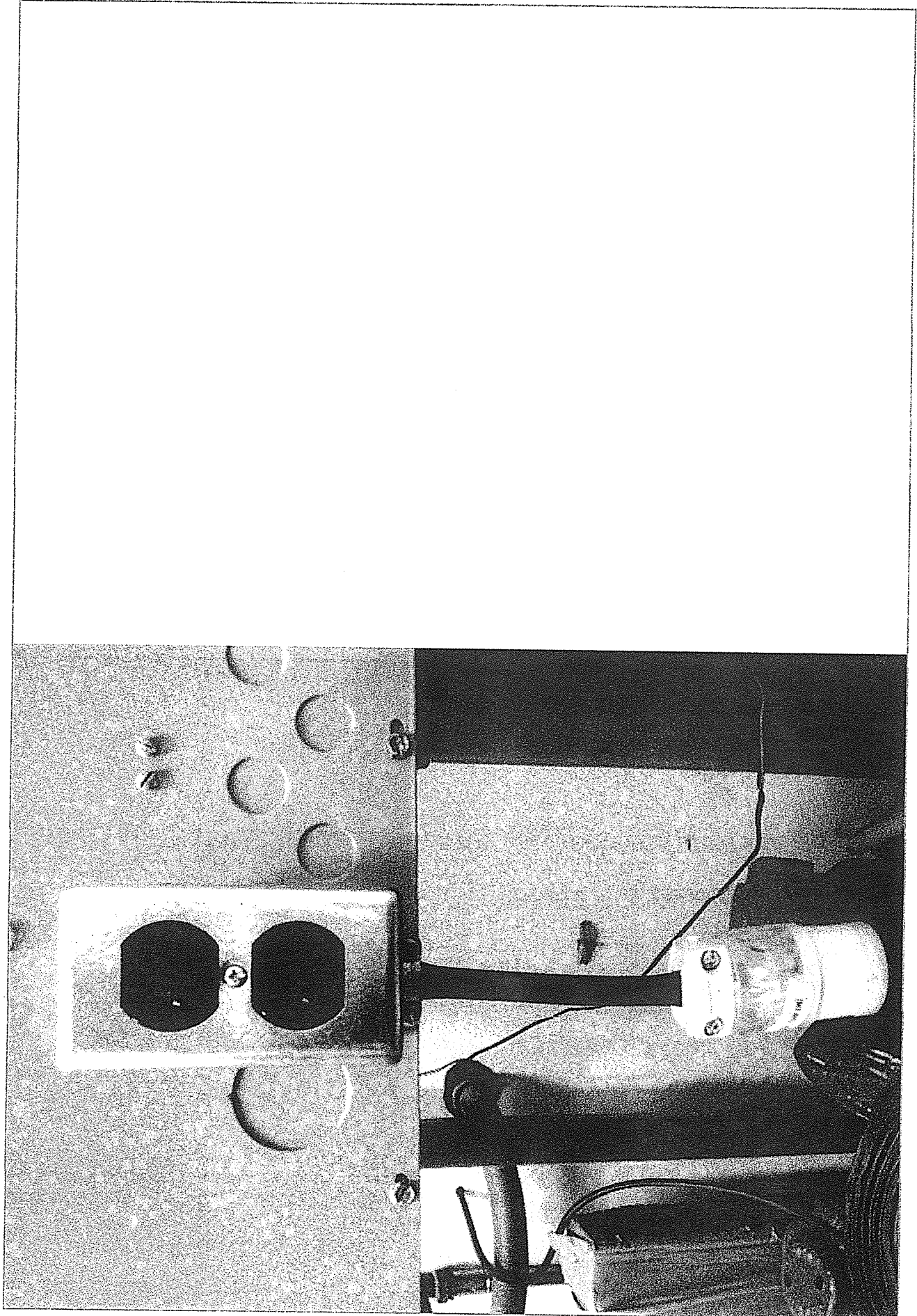
**QUAIL MEADOW SUBDIVISION-PHASE 2:** We are working with Kronau Construction on the design, installation, and acceptance testing and inspections of the water system for Phase 2. Held meetings with Ron Brock (Kronau Construction) to review and discuss specific installation and testing standards required for the Phase 2 water installation at Quail Meadows, both the water mains and the curbstop installations to individual homes, as well as the hydrant installations. The Town has already received the final payment of \$2,000 from Kronau for the services which we provide on Phase 2. This work will last approximately 6 months. The process involves first constructing the main pipe, pressure testing it, perform chlorination for disinfecting it, having Bender Labs test the pipe (twice) for safety purposes, and then installing the line from the main pipe to the curbstops for individual homes. The present status is that the main pipe has been fully tested and inspected for pressure, has been chlorinated, and has also passed the Bender Labs testing; the service lines are presently being installed and four are now completed. I will keep you informed of progress.

**CISBEC.NET**

File name photo.JPG [[Download](#)]

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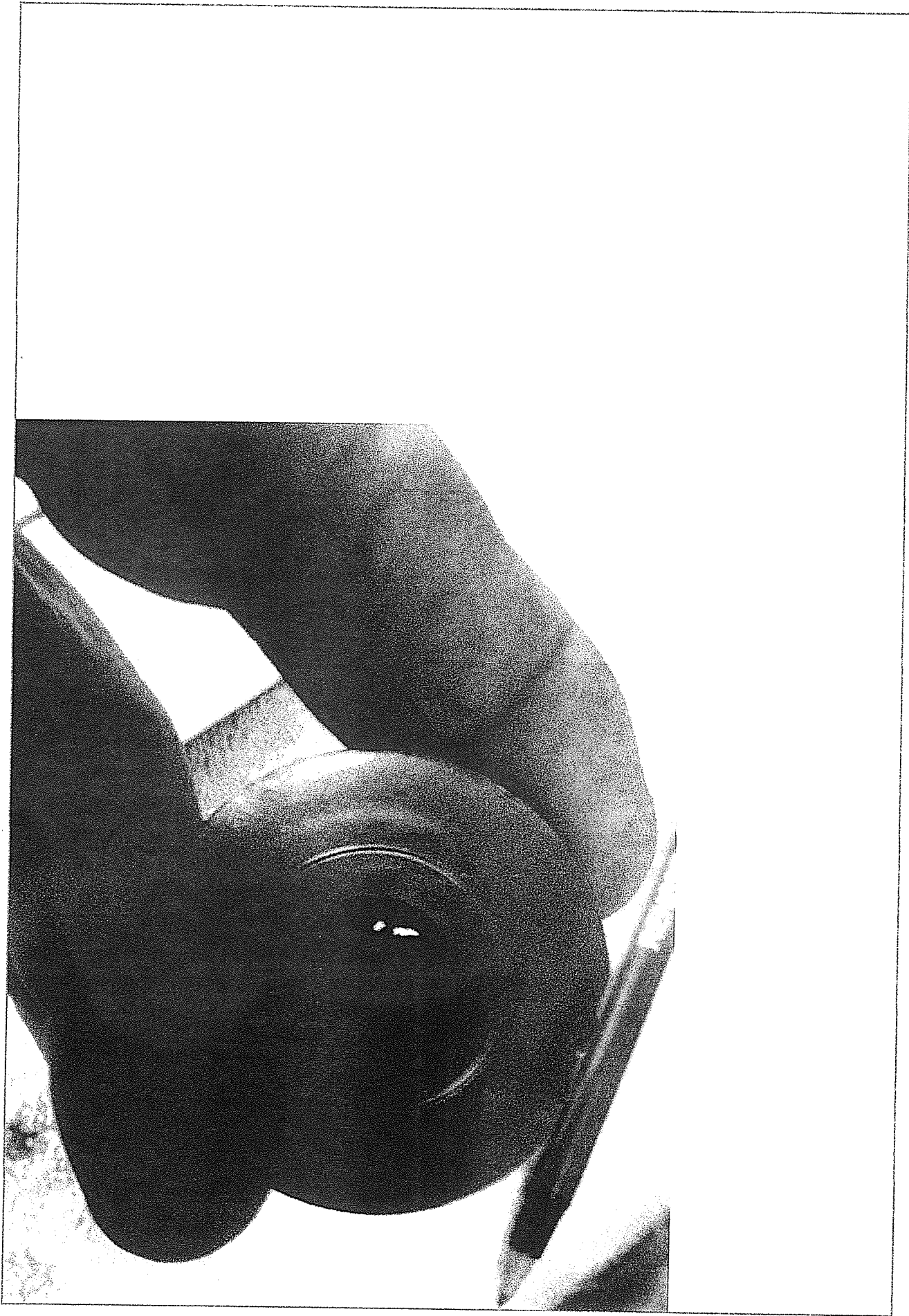


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## TOWN OF POESTENKILL

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

September 13, 2019

To: Dominic Jacangelo  
Town Board members

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

Re: August 2019 work activities

My work hours for the month totaled 43 ½. At the request of the Planning Board chairman, I attended the meeting to be available to answer questions related to a proposed subdivision. I also had one week vacation during the month. Fees collected through this office totaled \$765. Eleven building permits were issued for the month. Permits included one above ground swimming pool, one small pole barn which was started and completed without the issuance of a building permit(owner subsequently filed for the permit), one roof mounted PV solar system, three permits for additions, three mail requests for title search companies, one roof replacement, and one renewal of existing permits.

Activities included:

- Additional complaint received from a neighbor concerning illegal dumping of trees, shrubs, possible construction debris, etc. on adjacent property where the truck traffic imperils the safety of the neighbors' children. Investigated and found a large pile of debris. Consulted with DEC and will continue the investigation when the weather breaks ( recent snowfall prevented an immediate investigation). Sent a Cease and Desist letter to the property owner (dated 3/18/2018). Will provide follow up information. **Update: DEC indicated they will be investigating and I will be invited to their inspection of the premises. At this time, DEC has not notified me when the inspection will take place. Update: DEC investigation found materials not permitted under their legislation and found an abundance of tires, possibly exceeding their allowable threshold without a permit in place. Further investigation by DEC and possible fines. At the time of this report, DEC has not informed the building department of any formal action. Code enforcement had issued a cease and desist order for the questionable dumping. The dumping continued, and it was formally posted. The site is a salvage yard and the permit to operate has not been renewed at this time pending the full investigation and the determination by DEC the**

operations do not violate their regulations. Remains the same- will be updated next month's report. No change from the August 2018 report. Still waiting for DEC report and action. No change from the September. report except to report that DEC has contacted me stating there is some activity to be expected but no date given. No change from last report. Status still the same for this report; awaiting DEC report. Additional update: The area of the collection of the debris, both acceptable and unacceptable materials, has been bulldozed over and buried as well as left uncovered. The area of soil disturbance potentially is greater than 1 acre, a violation of MS4 regulations. Waiting for the weather to break to confirm. In addition, a conversation for an update with DEC Materials Division indicated they are still in the investigation stage for the operation possibly violating a previous consent order. Status update: The owner called inquiring about the status of his junk yard permit. I informed him that he must be in compliance to DEC regulations and town regulations prior to the issuance of the permit and a full review of his operation is required. Mr. Cooper maintains the junk yard is a separate parcel and therefore a separate operation and shouldn't be impacted by the potential dumping violations. Further review of the file related to his claim shall take place prior to the lifting of the CEASE AND DESIST ORDER. UPDATE: A review thus far does not support owner's claim that the junk yard operates as a separate parcel. Still reviewing operation with DEC assistance. UPDATE: DEC phoned and attempted to schedule their review of the operation with my assistance. Tentative appointment but Mr. Cooper failed to confirm the appointment and DEC will be researching their legal options for access to the premises. Mr. Cooper came into the office and became confrontational with Lynn Kane and threatened legal action due to the withholding of the annual junkyard permit due to non-compliance to Town regulations and DEC regulations. UPDATE: DEC scheduled the appointment on July 25. Status same, awaiting determination from DEC to proceed. The salvage yard owner has violated Town regulations for the type of waste deposited (concrete, railroad ties, and framing lumber) and covered. No permits were ever obtained. In addition, the owner has taken cars for storage that may be operational and cars that do not appear to be operational which may be in violation of his permit status. At this time, I am deferring to DEC for their review of the operation. August—No update from DEC at the time of this report.

- Investigated two complaints where and an excessive number of unregistered motor vehicles are stored on the premises in violation of the NYS Uniform Building and Fire Code. One location has reportedly been allowing vehicles to be stripped of parts. In addition, the location may have illegally occupied a 2<sup>nd</sup> floor room over the garage. I met with this owner who stated he will be removing the vehicles within 60 days and

will arrange for an inspection of the premises for compliance. I spoke with the owner of the other location and he initially indicated he will not be complying with the code. Further updates to follow. **UPDATE: Some vehicles have been removed but one new vehicle was placed on the property. Follow up inspection will come during July with report to follow. UPDATE: No follow up with the owner took place. The apartment above the garage still appears to be occupied. The number of the vehicles remain the same on the premises however the vehicles are registered. No inspection of the questionable barn dwelling occupancy has taken place.**

- Reviewing existing files on ongoing building permits with the long-term intent of closing out files. Conducting field inspections as necessary to close out the permits. With the assistance of Lynn Kane, permits have been reviewed, phone calls and/or letters have been made/sent with a small degree of success. Thirteen building permits were closed during the month of August; four received a Certificate of Occupancy and six received Certificate of Compliance. Two permits were closed due to the work never started. One permit was closed and the permit fee returned without the work starting. One permit fee was returned because the applicant was not performing work requiring a building permit. See attached list.
- There are 6 existing open building permits for new house construction. Three of the houses are long term projects with extensions. One house is listed for sale and no further work is expected at this time; one work permit will be suspended when the permit expiration date is met. **UPDATE: Status is same as last month except the building permit for the house for sale has not and will not be renewed. Met with contractor for buyer at the house to note construction deficiencies.** There is one open building permits for an addition and 1 pole barn (permit extended 9/18) that are under review for compliance awaiting required documentation to close out the building permit. Onsite inspections have taken place for compliance to the building code.
- **MS4:** Soil disturbance was observed at Quail Meadows; weekly reports have not resumed. Developer was notified via phone. Developer was reminded he was not in compliance with his SWPPP due to lack of inspections. He responded that he had hired a new inspector, but the inspector has not communicated with this office. **Owner/Developer hired new inspector and weekly reports have resumed. Engineer has identified deficiencies to be corrected but at this time, no plan by the owner/developer has been submitted.** No disturbance noted at Lochvue however weekly reports have resumed and deficiencies have been noted each week without any corrections from the developer. A letter was sent to the owners of the above developments about compliance to the SWPPP plans on file. No building permits will be allowed on sites where deficiencies have been identified and have gone uncorrected. Each developer provided the required MS4 contractor training certificate.

Lochvue developer has expressed his wishes to have his inspections go to monthly instead of weekly due to the lack of activity. This office notified the inspector and the developer that as long as deficiencies are present, weekly inspections are required. Some progress for compliance noted but the developer's inspector has still identified deficiencies. Deficiencies are still identified by inspector but it appears the deficiencies are minor and the engineering group hired by the developer has responded and will be noting the deficiencies. One lot has been cleared for construction of a new home but at the time of this report, no building permit has been issued. .

- As FEMA Floodplain manager, there has been an increased review of projects to determine if compliance to FEMA regulations is required. One such location has been identified as a potential FEMA floodplain and DEC designated wetland. Requirements for permits are increased due to regulations. In addition, construction equipment is being stored on the premises in a zoned residential area. The property owner has been given documents to be completed for his operation and to be in compliance to DEC, Army Corps of Engineers, and FEMA regulations as well as town regulations. The owner had not responded for this report. A separate updated report will be provided for the meeting. **Summary of the report: Due to the property location, there is the potential for the project to violate DEC and FEMA regulations. In addition, the owner mentioned in his application to the Planning Board a future project that may require further review of the soil that owner wishes to bring in for fill. As of this report, no delineation document of the wetland has been received by this office. UPDATE: The owner was reminded that a delineation report is required for any projects on the property. Construction equipment remains. The owner will be reminded he needs to apply for an SUP for the equipment to remain. Status same.**
- Fielded a number of phone calls inquiring about building code compliance for future projects from town residents.
- One business had been contacted to schedule an inspection as required by the NYS Building and Fire Code and waiting for a response from the contact person. No change in status. A fire inspection of the Candyland was scheduled for the first week of July. Report to appear in September report. The inspection found minor electrical deficiencies, missing exit signs, and lack of occupancy postings. Efforts are underway now for compliance.
- A visit was made to 20 Tymeson Rd. for a check on compliance to Property Maintenance issues initially made in October 2018. Found the premises were in worse condition than the initial visit. A letter of violation was issued with compliance expected in 30 days of receipt of the letter. If all of the terms of the letter are not met, a court date will be scheduled. **UPDATE: A follow up visit was made to the premises due to a complaint about a swimming pool erected on the premises. No**

**building permit. A resident became confrontational and blocked my exit from the area with a vehicle being parked across Tymeson Rd. NYSP requested for assistance. At the time of this report, the resident has not provided a time table for compliance. Follow up will be scheduled.**

- An inspection of 11 Main St. was conducted for compliance to Property Maintenance violations to comply with a court ordered stipulation. Most were corrected however a building permit is being withheld for a CONEX on the property until the owner applies to the Zoning Board/Planning Board for permission to store commercial equipment in a zoned residential neighborhood. It is still noted the presence of the CONEX. No attempt has been made by the owner to contact Planning for an SUP to conduct his commercial business on the property.
- Received a FOIL request for documents related to an open building permit for the construction of an agricultural storage building on property located at High Meadow Rd. The complainant maintains the setbacks are not according to Town Code, the building is illegally being constructed, and his rights are being violated in relation to his easement. Documents have been provided but the complainant is not satisfied his request has been answered.

Paul F. Barringer

**CEO Paul Barringer - Files closed - August 2019**

<u>Date</u>	<u>CO/CC</u>	<u>Permit</u>	<u>Name</u>	<u>Street Address</u>	<u>Tax Map #</u>	<u>Issued</u>
8/1/19	CO	4730	Louis Hammond (garage)	15 Fox Hen Rd.	125.-10-36	9/11/18
8/1/19	CC	4738	Keith Hammond (deck)	17 Fox Hen Dr.	125.-10-37	9/27/18
8/1/19	CO	4697	Keith Hammond (pool)	17 Fox Hen Dr.	125.-10-37	6/14/18
8/8/19	CC	4660	Frank Cone (windows)	24 Plank Rd.	125.12-4-6	10/5/17
8/9/19	CO	4685	P. Sennet (addition)	19 Cayuga Ct.	136.-9-2.36	4/26/18
8/13/19	CC	4801	Mike Wieland (pole barn)	50 Dater Hill Rd.	125.12-3-7	8/13/19
8/20/19	CC	4668	James Malatesta (deck)	38 Vosburgh Rd.	136.-5-3.131	11/2/17
8/20/19	CC	4771	Darlene Caswell (roof)	465 Snyders Corner	125.-1-50.13	5/16/19
8/20/19	CO	4778	Judy Reynolds (addition)	21 Taylor Way	135.-7-11.1	5/30/19
8/27/19	closed	4579	Meredith Best (solar not done)	9280 Rt. 66	136.-1-8.1	11/3/16
8/27/19	closed	4716	S. Squires (solar not done)	36 Furry Rd.	135.-7-25.3	7/24/18
8/27/19	CC	4761	Janet Hoffman (roof replace)	600 Snake Hill Rd.	126.-1-28.12	3/28/19
8/27/19	closed	4804	Grace Russo (returned permit)	243 Snyders Corners	136.-1-1	8/15/19

**FILES TRYING TO CLOSE:**

<u>Permit #</u>	<u>Issued</u>	<u>Name</u>	<u>Street Address</u>	<u>Tax Map #</u>	<u>Needs</u>
4443	12/1/2016	Shelley Nichols (Garage)	31 Taft Way	126.-5-10.12	UL, Insp
4544	7/18/2016	Benjamin Hicok (pool)	27 Fifty Six Rd.	127.-1-29	UL cert
4694	6/7/2018	Kelly & Rob Bentz (pool)	474 Oak Hill Rd.	137.-2-16.2	UL cert
3763	4/18/2013	Peter Farruggia (house addition)	74 Cropsey Rd.	127.-1-54.1	All
4636	7/15/2017	David Teidman (pool)	531 Fifty Six Rd.	117.-1-2.1	UL, Insp
4254	3/18/2013	Norman Labounty (sun room)	17 Granview Dr.	125.-1-23.23	UL, Insp
4498	3/4/2016	Kenneth Harmer (Roof Solar)	26 Heather Ridge Rd.	137.-1-41.47	UL, Insp
4639	12/22/2017	Michael Brandt (Dormer)	518 Rt. 355	124.-10.4	UL, Insp
4010	10/1/2009	Richard Deo (pellet stove)	636 Oak Hill Rd.	137.-2-28	Insp
4505	3/28/2016	William Weis (Dormer)	280 Columbia Hill Rd.	126.-5-20	Insp

## Michelle Asquith

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**From:** Bob Guyer <straydawg302@gmail.com>  
**Sent:** Tuesday, September 10, 2019 1:14 PM  
**To:** Michelle Asquith  
**Subject:** Re: FW: Town Board meeting

Animal control calls.

16

Dog ordinance issues - 6  
Wildlife - 4  
Dogs running at large - 4  
Automobile related calls - 2

Bob Guyer  
Animal Control Officer

Sent via the Samsung Galaxy S10+, an AT&T 5G Evolution capable smartphone

----- Original message -----

**From:** Michelle Asquith <secpoest@nycap.rr.com>  
**Date:** 9/10/19 11:34 AM (GMT-05:00)  
**To:** 'Bob Guyer' <straydawg302@gmail.com>  
**Subject:** FW: Town Board meeting

Hello,

If you could send me your monthly report.

Thank You,





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: September 17, 2019

RE: Highway Activities  
August 14,2019- September 17, 2019

1. Crew been out picking up brush and bags of leaves
2. Crew been working on equipment
3. Crew been working with Town of North Greenbush and Town Sand lake paving.
4. Sand lake helping us paving our roads. Weatherwax Roads, Victorian Dr, Powers Rd, Cropsey Road, Hicks Pond Road and Pleasant Hill.
5. Highway Superintendent and David Goyer working with MSHA on the gravel pit and screening plants.
6. Crew been replacing culverts and ditching

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 19th day of September 2019.

RESOLUTION NO. \_\_\_\_ OF 2019

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IN THE MATTER OF THE TRANSFER OF CERTAIN  
GENERAL BUDGET FUNDS

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

*NOW, LET IT THEREFORE BE*

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

That the sum of \$121.53 be transferred from General Budget fund line item 119904 (Contingent) to General Budget fund line item 11110.4 (Justice); and

That the sum of \$695.23 be transferred from General Budget fund line item 11620.4 (Building) to General Budget fund line item 173101.1 (Youth-Summer-Help) in the amount of \$252.53 and 119904 (Contingent) in the amount of \$442.70.

MOVED BY: \_\_\_\_\_

Prepared and approved as to form by:  
Michelle Asquith

SECONDED BY: \_\_\_\_\_

VOTED UPON AS FOLLOWS:

Councilwoman June Butler: \_\_\_\_\_

Councilman David Hass: \_\_\_\_\_

Councilman Harold Van Slyke: \_\_\_\_\_

Councilman Eric Wohlleber: \_\_\_\_\_

Supervisor Dominic Jacangelo: \_\_\_\_\_