

TOWN BOARD MINUTES  
TOWN OF POESTENKILL  
7:00 p.m. Town Hall  
July 14, 2022  
(Not approved at time of distribution)

ROLL CALL AS FOLLOWS

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

NON-VOTING MEMBERS

Susan Horton, Town Clerk  
Andrew Gilchrist, Town Attorney

Supervisor Hammond opened the meeting with the Pledge of Allegiance at 7:00 p.m. Board members and members of the audience were invited to step outside to honor the Averill Park Baseball Team on winning the 2022 Class A NYS Public High School Athletic Association (NYSPHSAA) Championship. The Board also honored Ethan Jamison on his earning the rank of Eagle Scout. The meeting continued inside, and Supervisor Hammond opened the floor for public comment at 7:15 p.m. and invited the public to make any brief comments and/or request information at this point or to speak on a specific agenda item when the item was being considered.

Mr. & Mrs. Blauvet, residents near Barberville Falls, again discussed the issue of ongoing noise. They have brought up this issue with the Town Supervisor and the Town Board numerous times in the past. G. Blauvet detailed the types of noise, drums, amplifiers on the equipment, loud arguments, and other disturbances. A detailed discussion ensued involving the Town Board members, the Code Enforcement Officer, the Town Attorney, and audience members regarding the existing town noise ordinance. Basically, the Local Law-Chapter 157 entitled “Noise Pollution Control Law of the Town of Poestenkill” restricts the causing of noise between the hours of 10 p.m. and 7 a.m. It details various types of noise requirements in Local Law 157 section 2A and also details penalties. One concern is that the law depends upon a “subjective” evaluation of the noise level, rather than a detailed DBA numerical reading. Both Eric Wohlleber, Deputy Supervisor, and resident L. King volunteered to lend support to the Blauvet’s issue, and the issue was carried over into the “Noise Ordinance” discussion item on the agenda. E. Wohlleber was asked by Supervisor Hammond with pursuing the issue including other Towns’ ordinances for a solution.

L. King commented that he had previously submitted a suggested law to the Town Board regarding abandoned buildings. Supervisor Hammond stated that there is a draft local law which will be discussed in the “Action” items section of the agenda. When everyone was given the opportunity to speak the Public Comment portion of the meeting as closed.

**TOWN CLERK’S MINUTES** –

Motion by Hass, seconded by Wohlleber and an oral vote of 5 ayes to accept the Town Clerk’s minutes of June 9, 2022, as written.

**CORRESPONDENCE** –

Memo dated June 10, 2022, from Charter Communications explaining their programming and upcoming changes.

**LIAISON REPORTS:**

Planning Board - Board members had copies of the July meeting in their packets. Members L. Burzesi and S. Valente reported on the July 5, 2022, meeting with applications for SUP renewals for the mines, a potential venue location and solar panels in RR-2. The planning board is working on a recommendation for the town board to change the SUP requirement for solar panels in RR-2. L. Burzesi spoke of the need for a planning board attorney.

Zoning Board – P. Jamison, member reported on the July 6, 2022, meeting with two applications for area variances. F. Burzesi, chairman, spoke about the need for an attorney at the next meeting.

Fire Company – Town Board members had copies of the Fire Company’s June 2022 report. D. Basle reported on the number of calls the Fire Company made during the month of June. Total year to date calls 154.

Library – M. McClellan reported on the library’s current activities which includes the Summer Reading Program. Fishing rods are now available to check out from the library. They had a successful Summer Reading Program kick off.

Youth Advisory Board – T. Buker reported on Summer Camp happenings and the success of Week 1.

CAC – there was no meeting this month.

**DISCUSSION ITEMS –**

Noise Ordinance – The Blauvet’s issue of the noise issue at their home was continued and all present discussed the Town’s need to support them. This point in the discussion focused on possible enforcement actions to solve the problem. It was determined that Councilman Wohlleber would research the issue further and report back to the Town Board with his recommendations. E. Wohlleber said that the Town should protect these people, even if we have to write tickets. Eric played a recording on his phone in which the loud noises could be heard in the background.

Relevy of unpaid water bills on taxes – B. Brunet, Water Manger, said that he wanted the Town Board and the audience to know the Town law in place and the approach he has successfully used for years to collect overdue bills. He said that the Town Law 220 was sufficient and did not require any change. It permits turning water off at a location with prior Town Board approval and also directs that a significantly overdue bill should be levied on the owner’s tax bill. Bob said that he issues a series of “overdue” letters, calls the owner, and offers the resident the opportunity of “time payments” and other options if they have a financial problem; he said that this has worked well and that only once, many years ago, did we have to levy against a resident’s tax bill. He cited a unique current case (compounded by covid) in which A. Gilchrist, Town Attorney, concurred that the four-year overdue case should be levied on the tax bill.

Website – Councilman Wohlleber brought the group up to date on the updating of the website and then questioned if the Town was using the right “platform” and questioned if we should be employing an outside agency to perform the updating on a real time basis. He said that he had drafted a “vaguely-specific” RFP to be considered. T. Buker discussed the numerous problems in keeping the website up to date. Other Town Board members mentioned finding someone who can do websites.

**ACTION ITEMS** –

RESOLUTION #14-2022 – RESOLUTION HONORING THE AVERILL PARK BOYS BASEBALL TEAM ON WINNING THE 2022 CLASS A NEW YORK STATE PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION (NYSPHSAA) CHAMPIONSHIP. Whereas, this team took one word – Ubuntu – meaning “I am because we are” – as they focused on being the best version of themselves. Resolved, that the Town Board of the Town of Poestenkill hereby congratulates the Averill Park High School Boys Baseball team and congratulates them in winning the Class A NYSPHSAA State Baseball Championship.

MOVED BY: Councilman Wohlleber

SECONDED BY: Councilman Van Slyke

## VOTED UPON AS FOLLOWS:

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

RESOLUTION #15-2022 – A RESOLUTION HONORING ETHAN JAMISON ON HIS EARNING THE RANK OF EAGLE SCOUT. Resolved, that the Town Board of Poestenkill congratulates Ethan Jamison, an exemplary young man on his impressive achievement, and to wish him every success in his studies, in his community involvement and in any leadership position his career might offer.

MOVED BY: Supervisor Hammond

SECONDED BY: Councilman Wohlleber

## VOTED UPON AS FOLLOWS:

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

Senior Housing PDD – As a follow-up to their presentation at the last Town Board meeting, Mr. Hart, Engineer for the project, said that he was presenting a brief update tonight. He said that they were having meetings with the DEC and the DOT regarding the access point for the project on NYS 355 and other considerations. He said that he expected about 6,000 to 7,000 square feet of “disturbance” in his discussions with the DEC. Supervisor Hammond and Attorney Gilchrist noted that the Town would incur an estimated \$5,000 in expenses and that this money needed to be put aside in escrow. The Shuhart’s said that they would provide \$5,000 to the town to be replenished when the amount is drawn down to \$1,000.00.

On a motion by Councilman Wohlleber, seconded by Councilwoman Butler, with 4 ayes and 1 nay (Councilman Van Slyke), the Senior Housing PDD is referred to the Planning Board for their review and recommendations.

RESOLUTION #16-2022 – A RESOLUTION HONORING ROBERT RYAN ON HIS YEARS OF SERVICE AS PLANNING BOARD ATTORNEY. Resolved, Town of Poestenkill pauses in its deliberations and recognizes Robert Ryan and thanks him for his many years of dedicated service to the people of the Town of Poestenkill and wishes him the best of luck in all of his future endeavors.

MOVED BY: Supervisor Hammond  
 SECONDED BY: Councilwoman Butler

VOTED UPON AS FOLLOWS:

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

IRS Mileage Rate Increase to 62.5 cents- Motion by Councilman Hass, seconded by Councilman Van Slyke, with 5 ayes to amend the organizational minutes to increase the mileage rate beginning July 1<sup>st</sup>, 2022, to 62.5 cents due to the increase from the IRS.

Junkyard Application Public Hearing- A motion by Councilwoman Butler, seconded by Councilman Van Slyke, with 5 ayes to set the public hearing for a Junkyard Application on August 11, 2022, at 7pm.

Roof for Library- This item was tabled until the August meeting. Councilman Van Slyke will be doing more research on the three quotes as there was questions on what some of the differences were.

General Code Recommendations- A. Gilchrist, Town Attorney spoke about the recommendations that General Code suggested the Town make regarding the legislation that was sent to them to update the town's code. On the recommendation of our Town Attorney, A. Gilchrist the board decided not to make any changes to the legislation that was sent into General Code.

Approval of \$126, 481.74 to Highway Department for Road Improvements- Motion by Councilman Hass, seconded by Supervisor Hammond, with 3 ayes and 2 nays (Councilman Van Slyke and Councilman Wohlleber) using American Rescue Plan Act money within the standard allowance to help increase the amount of roads that will be paved this year due to the cost increase of black top.

Introductory Law 2-2022: Grievance Night- The local law was introduced by Supervisor Hammond and a public hearing was set for August 11, 2022, at 7pm.

Introductory Law 3-2022: Abandoned Buildings- The local law was introduced by Councilman Wohlleber and a public hearing was set for September 8, 2022, at 7pm.

Approval of Planning and Zoning Attorney- Motion by Councilman Hass, seconded by Van Slyke, with 4 ayes and 1 nay (Councilman Wohlleber) to approve Lawrence Howard at an annual rate of \$15,000.

## **REPORTS**

Supervisor's Report - Supervisor Hammond reported that he was very busy with calls. Supervisor Hammond reminded everyone that the 30<sup>th</sup> Annual Poestenkill Business Association Auction will take place on Saturday, August 6<sup>th</sup> starting at 10 a.m. Funds provide emergency financial support to local residents in their time of need.

Councilman Hass stated that the Poestenkill's Farmers Market starts on Saturday, July 16<sup>th</sup> and will take place every Saturday from 9 a.m. – Noon until September.

Town Attorney's Report – A. Gilchrist reported on some of the items he worked on this month which included FOIL request, preparing local laws and other routine matters.

Motion by Councilwoman Butler, seconded by Councilman Hass, and an oral vote of 5 ayes to approve the Town Clerk's report for the month of June 2022, as written. The total amount received in the Clerk's Office was \$11,863.75 and of that amount \$11648.19 was turned over 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, and the Highway Department report. Water Manager, Bob Brunet, spoke about the increase in the overall workload including new service connects (4 new services in the last week), leak detection expert coming July 20th and Testing Wells for PFOA/PFOS. Bob said that all objectives in his area of responsibility were met or exceeded and were detailed in his written report. He said that the overall workload has increased, and it is expected to continue.

### **PAYMENT OF BILLS**

Motion by Councilman Hass, seconded by Butler, and an oral vote of 5 ayes to pay Warrant #13-2022 in the amount of \$56,128.90. Motion by Hass, seconded by Butler, and an oral vote of 5 ayes to pay Warrant #14-2022 in the amount of \$45,884.77.

### **EXECUTIVE SESSION**

Motion by Councilman Wohlleber, seconded by Councilwoman Butler and an oral vote of 5 ayes to enter into Executive Session at 9:10 p.m. to discuss personnel issues with no votes taken. Motion by Councilman Wohlleber, seconded by Supervisor Hammond and carried to exit Executive Session at 10:02 p.m. and immediately adjourn the meeting.

Respectfully submitted,

Susan Horton  
Town Clerk