

TOWN BOARD MINUTES
TOWN OF POESTENKILL
TOWN BOARD MEETING
June 17, 2021

(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
Jack Casey, Town Attorney

Supervisor Hammond opened the meeting with the Pledge of Allegiance and on a motion by Hass, seconded by Butler and carried that the monthly bills had been audited for payment.

Supervisor Hammond stated that the Presentation portion of tonight's meeting would be held first. Mr. Steven Gordon, Senior Account Manager, National Business Technologies, presented, as a result of their prior on-site evaluation on the Poestenkill IT systems, their evaluation results and their proposal for an improved and more up-to-date system. Mr. Gordon was asked by Supervisor Hammond what the cost of their proposal would be. Mr. Gordon stated that the detailed costs were included on page 7 of their Proposal for IT Services, amounting to \$954.12 per month, slightly over \$12,000 per year. Supervisor Hammond thanked Mr. Gordon for the report.

Continuation – Notice of Public Hearing for Updating the Application for Driveways –
There were no comments this Public Hearing was closed at 7:20 p.m.
The Affidavit of Publication is available for review at the Town Clerk's Office.

Public Comment Period – Supervisor Hammond opened the floor for the Public Comment Period. Mr. L. King, Town Resident discussed the long-term disruptive situation caused by Jake Breaks on trucks in Poestenkill, particularly on Plank Road, Snake Hill Road, and on Route 351. He stated that these trucks frequently did not have mufflers, thereby further exasperating the problem. He stated that this has been a long-term problem, disrupting the quiet ambiance, frequently during an outdoor barbecue or other situation where the residents want a quiet, peaceful time. After a discussion involving several Town Board members and the residents it was recognized that the town is very limited in what action they can take but would pay particular attention to the situation and report the situation to the Sheriff's Department.

S. Bidwell, Town Resident briefly discussed the PDD project and stated that he was displeased with the dirt and mud from Kevin Kronau's project coming down the hill onto his property and potentially affecting his well and septic system. He asked that Supervisor Hammond abstain himself from the voting on the PDD. He then provided photographs to Supervisor Hammond of the dirt situation coming onto his property. It was stated that the PDD project would be further reviewed in the "Discussion items" portion of the meeting.

When everyone was given the opportunity to speak, the public comment period of this meeting was closed at 7:35 p.m.

Motion by Butler, seconded by Hass and an oral vote of 3 ayes, 1 nay with Councilman Van Slyke abstaining to amend the Town Clerk's minutes of May 20, 2021.

Councilman Wohlleber was displeased that the minutes of the May 20th meeting did not include his full report. A lengthy discussion of the various Town Board members opinions ensued. Some felt that a verbatim representation of the dialog was not appropriate if the main points were conveyed. Councilman Wohlleber did not agree with this perspective and requested that the minutes be "amended" to reflect his exact words at the May 20th meeting.

Supervisor Hammond said that Eric's request to have the minutes amended would be honored.

*You will find attached to these minutes, the amendments to the May 20th meeting.

Liaison Reports:

Planning Board – Town Board members had copies of the Planning Board's meeting of May 4, 2021, and L. Burzesi, Planning Board Member elaborated on the meeting.

Zoning Board – Town Board members had copies of the Zoning Board of Appeals meeting of May 11, 2021, and T. Hoffay ZBA Member elaborated on the meeting.

Fire Company – Town Board members had copies of the Fire Company's May 2021 report. D. Basle, Asst. Chief informed the Board of an injury at the Barberville Falls that the Fire Company responded to.

Library – M. McClellan reported on the library's current activities. The library is now allowing in person visits from the community. She also stated there will be a 20-year celebration for the Library on September 18th.

Youth Advisory Board- T. Buker, Youth Director reported on Summer Camp registration. She stated that camp is almost at full capacity. Summer Camp will be held from July 12th – August 13th.

CAC- It was stated that the next meeting would be held in July.

Correspondence: Memo dated May 28, 2021, from Charter Communications regarding the upcoming changes to their service.

Discussion Items:

Robert Brunet – Public Health Coordinator – Robert Brunet discussed the reasons why the functions of a Public Health Coordinator should be assigned to the Water Manager. Motion by Supervisor Hammond, seconded by Councilman Van Slyke to appoint Robert Brunet the Public Health Coordinator for the Town of Poestenkill. This position will be merged with his current duties as Water Manager.

Abandoned Building Legislation – The discussions continued from the last Town Board meeting with Councilman Wohlleber reviewing how other towns have been successful with this approach. He then discussed some of the successes which Poestenkill had, including the burned-out home on Plank Road which the Town had torn down and which has since been sold and will shortly be built upon, thereby improving the Town, and also generating tax revenues. It was stated that the town had many local laws in place to aid the Code Enforcement Officer addressing these issues. Each Town Board member had opinions on the subject and Supervisor Hammond decided that the town would establish a "workshop" to consider all aspects of Councilman Wohlleber's proposal and would make recommendations.

Dedication of Quail Meadow Subdivision –

This will be voted on during the Action portion of tonight’s meeting.

Cannabis Local Law – The New York State law that legalized cannabis allows local municipalities to restrict commercial sales. Possession and use of cannabis are now legal statewide but retail sales are not expected until next year. State regulators have to write the rules for how marijuana can be legally sold, but towns and cities can decide if they want commercial sales at all. The local laws have to be adopted on or before December 31, 2021. Any local law restricting cannabis sales must be approved by voters in a direct referendum. This issue was briefly discussed, and any future action was deferred to future Town Board meetings.

PDD – White Church Road – Mr. Matthew Bond, P.E., Barber Engineering, representing Kevin and Dale Kronau, addressed the Town Board members on the proposed Planned Development District (PDD) of 8 Town Houses (2) units each on 8.68 acres. The discussion continued from those items highlighted at last month’s meeting with numerous questions asked by the Town Board members and others in the audience regarding the following issues:

- The access road to Route 351
- The Stormwater plans
- The proposed Homeowner’s Association (HOA)
- The proposed Cluster Septic Field
- The proposed density of 8 Townhouses, 2 units each
- The square footage of each unit
- DOT and RCDOH issues and details
- The status of the questions asked in Tom Fields’, P.E., review of the project
- The implementation of Local Law (Drainage Districts), as used in both the Quail Meadow and the Lochvue subdivisions, in lieu of HOA’s
- Responses to the questions presented to the Planning Board by residents
- The specific status of the stormwater design as required in the New York State Stormwater Design Manual, with particular emphasis on the “contain the drainage on the plot”, rather than the “retention pond” approach

Supervisor Hammond requested that Kevin Kronau come to the next Town Board meeting with answers to questions which were asked.

Action Items:

LOCAL LAW #3-2021 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, TO ENACT A LOCAL LAW REQUIRING AN APPLICATION BE FILED TO CONSTRUCT DRIVEWAYS. NOW BE IT THEREFORE ENACTED, that the Zoning Ordinance of the Town of Poestenkill be amended to add a new section to Article VI (which article was added at the time of adoption of the Code (see, Ch. 1, General Provisions, Art. I) denominated section 150-19a to provide:150-19a – Application to Construct Residential Driveways.

AND BE IT FURTHER ENACTED that this local law shall become effective immediately.

MOVED BY: Councilman Hass

SECONDED BY: Councilman Wohlleber

VOTED UPON AS FOLLOWS:

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

RESOLUTION #7-2021 –RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, HONORING ADAM JOSEPH FILM ON HIS EARNING THE RANK OF EAGLE SCOUT. NOW BE IT THEREFORE RESOLVED that the Town Board of the Town of Poestenkill pause in its deliberations to Congratulate Adam Joseph Film, 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: Councilwoman Butler

SECONDED: Councilman Hass

VOTED UPON AS FOLLOWS:

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

RESOLUTION #8-2021 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, HONORING DYLAN ROBERT BUBIE ON HIS EARNING THE RANK OF EAGLE SCOUT. NOW BE IT THEREFORE RESOLVED that the Town Board of the Town of Poestenkill pause in its deliberations to Congratulate Dylan Robert Bubie, 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: Councilwoman Butler

SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS:

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

RESOLUTION #9-2021 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, HONORING ERIC MICHAEL BLOSTEIN ON HIS EARNING THE RANK OF EAGLE SCOUT. NOW BE IT THEREFORE RESOLVED that the Town Board of the Town of Poestenkill pause in its deliberations to Congratulate Eric Michael Blostein, 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: Councilwoman Butler

SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS:

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

RESOLUTION #10-2021 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, HONORING ALEX BENJAMIN COOPER ON HIS EARNING THE RANK OF EAGLE SCOUT. NOW BE IT THEREFORE RESOLVED that the Town Board of the Town of Poestenkill pause in its deliberations to Congratulate Alex Benjamin Cooper, 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: Councilwoman Butler

SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS:

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

RESOLUTION #11-2021 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, HONORING MATTHEW CHARLES HARMER ON HIS EARNING OF THE RANK OF EAGLE SCOUT. NOW BE IT THEREFORE RESOLVED that the Town Board of the Town of Poestenkill pause in its deliberations to Congratulate Matthew Charles Harmer, 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: Councilwoman Butler

SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS:

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

Approval of Dedication of Quail Meadows – Supervisor Hammond recused himself.

IN THE MATTER OF THE CONSENT OF THE TOWN BOARD OF THE TOWN OF POESTENKILL TO THE DEDICATION OF QUAIL MEADOWS (Sagebrook Associates, Inc.) AS A TOWN HIGHWAY (Phase II and Phase III). It is hereby given to the Town Superintendent of Highways of the Town of Poestenkill to make an order laying out the lands described in said dedication, dated the 17th Day of June 2021, for highway purposes in accordance with provisions of Section 171 of the Highway Law and other statutes applicable thereto.

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: ABSTAIN

Reports:

Supervisor's Report- Supervisor Hammond reported that the Town of Sand Lake is offering Poestenkill residents a chance to receive a beach pass to their Town Beach. Twenty-Five passes will be allotted on a lottery system which will be drawn at the Sand Lake Town Office on Thursday, June 18th. Families will pay \$50.00 per pass. He also stated that he has been receiving calls from unhappy neighbors.

Town Attorney's Report – Mr. Casey reported on the matters that he worked on since the last Town Board meeting which included the Commercial Wood Processing issues, Resolutions prepared for tonight's meeting and Abandoned Building Legislation.

Town Clerk's Report – Motion by Butler, seconded by Hass and an oral vote of 5 ayes to accept the Town Clerk's report of May 2021. The total amount received in the Clerk's office was \$7,866.08 and of that amount \$7,500.81 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. R. Brunet, Water Manager stated that everything was going very well. He said that because of our leak locating efforts, we have saved significant "lost water" costs but that this leak detection effort is his biggest challenge this year.

Payment of Bills:

Motion by Hass, seconded by Butler and an oral vote of 5 ayes to pay Warrant #14 -2021 in the amount of \$28,947.90. Motion by Hass, seconded by Butler and an oral vote of 5 ayes to pay Warrant #15-2021 in the amount of \$5417617.

Motion by Hass, seconded by Wohlleber, and carried to enter into Executive Session at 9:15 p.m. to discuss a legal issue with no votes taken. Motion by Wohlleber, seconded Van Slyke to exit the Executive Session at 9:35 p.m. and immediately adjourn this meeting.

Respectfully submitted,

Susan Horton, Town Clerk

Michelle Asquith

From: Sue Horton <tcpoest@nycap.rr.com>
Sent: Monday, June 21, 2021 1:56 PM
To: 'Michelle Asquith'; 'David Goyer'; 'Eric Wohlleber'; 'Harold Van Slyke'; dh@hassmfg.com; 'Tiffany Buker'; 'June Ross'
Subject: Minutes of June 17th
Attachments: TBM -06-17-2021.doc

In my minutes the cost for beach passes are \$50 not \$25.



Kevin Egan
Director of Government Affairs

June 30, 2021

Re: Charter Communications – Upcoming Change

Dear Municipal Official:

Spectrum Northeast, LLC, locally known as Spectrum, has become aware that on June 28, 2021, WRNN, located on Basic, Starter TV and Broadcast HD Tier, channels 22 or 91 and 1230, rebranded to Shop HQ on the channel lineup serving your community.

For a complete channel lineup, visit www.spectrum.com/channels.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Egan", written in a cursive style.

Kevin Egan
Director, Government Affairs
Charter Communications



Kevin Egan
Director of Government Affairs

July 7, 2021

Re: Charter Communications – Upcoming Change

Dear Municipal Official:

Spectrum Northeast, LLC, ("Spectrum"), is making its customers aware that on or around August 2, 2021, Spectrum will discontinue its Pay-Per-View Events Barker Channel (iN DEMAND Previews) channels 650 or 953 on the channel lineup serving your community, however, customers will continue to see PPV Events promoted between programs on HDPPV, SDPPV, iN 1, iN2, iN3, Hot Choice and PPV en Español as well as on cross channel spots.

For a complete channel lineup, visit www.spectrum.com/channels.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Egan", written over a light blue horizontal line.

Kevin Egan
Director, Government Affairs
Charter Communications



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

June 1, 2021, 7:00 pm

MEETING WILL BE HELD AT THE FIRE HOUSE OPEN MEETING

7:00 Meeting Opens – Pledge of Allegiance

Public Comments:

Approval of May 4, 2021 Meeting Minutes:

Applicant:

Matt Bond White Church Road PPD Proposal
125.-6-4.111

Nicholas Costa Cooper Hill Subdivision

Members of the public may attend and comment on the proposed action. Comments may also be submitted to the Planning Board in writing prior to May 3, 2021.

Old Business:

New Business:

Other:

Laura Burzesi to attend June Meetings
Steve Valente to attend July Meetings
Don Heckelman to attend August Meetings



Planning Board

TOWN OF POESTENKILL

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PLANNING BOARD June 1, 2021 Minutes @ Poestenkill Fire Hall

Attendees:

Tom Russell, Vice Chairman
Harvey Teal
Jeff Briggs
William Daniel
Steve Valente
Laura Burzesi
Vicky Spring, Alternate

Non-Voting:

Robert Ryan, Esq.
Tiffany Buker, Clerk

Vice Chairman Russell called the meeting to order at 7:00 pm with the Pledge of Allegiance and introduced the Members of the Board.

Applicants:

Matt Bond/ Kronau Group
136.-6-3.131

White Church Rd PDD

Matt Bond from Barber Engineering, representing Kevin and Dale Kronau presenting White Church PDD, gave overview of project. 8.7 acre parcel of land currently zoned natural products and eventually mining will end and with a reclamation plan and hope to continue on to the next phase of the Deer Creek development, the adjacent property, and is currently proposed as 8 townhome style, a total of 16 residential units with on site septic treatment system. The remaining undeveloped sections would be open space and not developed as part of an HOA. Matt Bond went over the concerns from concerned residents including traffic and that DOT standards would be met, high volume roadway built to handle high traffic, room for sheriffs to sit at the end of the road, school bus safety, home value, parking, noise, Tom Fields email including stormwater management and culvert crossing.

Member Briggs brought up concerns about the landfill from the 1950's/1960's. Matt noted the concern and if it was a concern it would be looked into. Member Burzesi brought up the septic system and who owns the septic system. Matt explained the septic system and the HOA would address the shared portion. Member Valente asked if there was a warranty on the septic. Matt Bond explained the HOA would accommodate the shared experiences. Member Daniel asked

when the HOA would be established. Matt explained the HOA would be established beforehand. Member Valente asked why not developed as single family. It was explained by Matt Bond, Kevin and Chip Kronau that it was more economical, fits within the comprehensive plan and the cost to the town would be less as the road footage was less. Member Daniel asked about the road width. Matt Bond explained they weren't narrowing the width of the road and it was the shoulder that was being narrowed. Member Burzesi asked about the HOA. Matt Bond said HOAs are pretty restrictive on what can be done to a building. Member Springs brought up that an HOA doesn't have a leg to stand on. Vice Chairman Russell asked about the teeth in an HOA and would like to see separate funds set up with the town for if problems arise (sewer, etc.) Vice Chairman Russell invited the public to speak up. Townboard member Butler said the zoning application should be resubmitted to say natural products to PDD and the town board will need the preliminary plats, if sent back to Town Board. Matt Bond said the application will be amended to say PDD. Town Resident said there is no data to show increase or decrease to the value of home owner and asked about the paper street connection. Matt Bond explained that the connection was not planned to be used and entrance/exit would be from 351. The town resident is concerned with the groundwater being contaminated by the septic system and damage it does to the neighboring houses well system. Town resident questioned the landfill and location. Discussion continued about where the landfill was located. Town resident was concerned about the run off and Matt Bond explained DOH standards and the process of what is needed for approval. Town resident asked about the hill between Deer Creek and the PDD and Matt explained they aren't planning to disturb a significant part of the hill. Town resident questioned the price range and who would live there. Kevin Kronau said it will probably be in the lower 300's, not low income and not restricted to just seniors. Town residents asked about the easements being sold to abutting neighbors. Matt Bond said there is no plan to use the easements for this project. Town resident, S Bidwell, is concerned about the easement located next to his property and the hill erosion. S Bidwell said Kevin has fixed it for now but it need to address for the long term. Chip Kronau spoke about it being fixed once the plan is in place of what will happen with the property. Town resident asked the process and vice chairman Russell explained the process for PDD. Member Valente asked about the gravel behind the tree line. Chip Kronau said that space would stay open space and it is a down hill slope towards the back.

Vice Chairman Russell thanked everyone for being civil. Chairman Heckelman's letter was read. Member Briggs spoke in favor of the PDD as it will be a first for the town of Poestenkill and a test case, so things will need to be looked at carefully but the concept of town homes or cluster developments with shared green space is something I favor. Member Valente asked why not single houses. Kevin Kronau spoke to the economics of the project and the best use of the land. Member Valente brought up the concern of density of houses in the area.

Vice Chairman Russell asked if we had a recommendation to forward this PDD to the Town Board. Motion was made by Member Briggs and seconded by Member Daniel. Vote was completed by role and was as follows

Member Springs- No

Member Teal- Yes

Vice Chairman Russell- No

Member Valente- Yes

Member Daniel- Yes
Member Briggs- Yes
Member Burzesi- Yes

The recommendation was moved by a vote of 5 ayes, 2 nays to the Town Board.

Mr. Costa 8 Lot Major Subdivision
Cooper Hill Subdivision

Nick Costa gave an overview of the project, 8 lots in the R zone on Cooper Hill Rd (NYS Route 355). The lots will be just over 1 acre. Each house will be connected to the water main, have their own driveway and a turn around so no backing out on Cooper Hill Rd.

Member Burzesi asked if tying into main line for water and each have their own septic. Mr. Costa said they are tying into the couple hydrants along the main road for water and each lot will have their own septic and Rensselaer County DOH was out when they did the soil testing. Member Daniel asked about the approval from North Greenbush 2 years ago. Mr. Costa said the lot in question was in Poestenkill and Mr. Costa said North Greenbush sent a letter saying the lot was in the town. Member Valente asked about the right of way and if it would be land locked. Mr. Costa said the piece would not be land locked. Member Burzesi asked about if the land had already been purchased. Mr. Costa said it is contingent upon planning board decision and Rensselaer County approval for the piece to be bought from Vanderhyden. Member Burzesi and a town resident asked about the style of the home. Mr. Costa said they would be single family, two story colonial homes. A town resident asked about the traffic on the road. The traffic would be 8 additional trips on Cooper Hill. Discussion was had about how that guideline was given. Vice Chairman Russell asked about if getting the 8 lots in would be challenging based on the topography of the land. Mr. Costa spoke about the sight distance for each of the lots. Member Daniels asked about asking North Greenbush to extend their sewer to the 8 lots. Mr. Costa spoke about with only 8 homes, it wouldn't be a substantial proposal to bring the sewer this way. Member Briggs asked about the tree line. Mr. Costa said the landscape would be different so house building, septic system and grading can be done. Mr. Costa said trees could be plotted on the plan. A town resident asked about a road in back. Mr. Costa said no road would be in the back and all houses had a turn around spot so they wouldn't need to back out on Cooper Hill Rd.

Vice Chairman Russell asked if we had a motion to classify as a 8 lot subdivision. Motion was made by Member Teal and seconded by Member Valente. Motion was carried with 6 ayes, 0 nays and 1 abstain.

Minutes: Meeting minutes of May , 2021 were reviewed. Motion to accept the Minutes was made by Member Burzesi, seconded by Member Valente and approved by a vote of seven ayes; zero nays.

Old Business:

Comprehensive Plan- Member Briggs spoke about the updates and bringing the information to the July meeting to begin the review process

A motion to adjourn the meeting at 9:23 pm was made by Member Briggs, was seconded by Member Valente and was approved with seven ayes and zero nays.

Respectfully submitted,

Tiffany Buker
Planning Board 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

July 6, 2021, 7:00 pm

MEETING WILL BE HELD AT THE FIRE HOUSE OPEN MEETING

7:00 Meeting Opens – Pledge of Allegiance

Applicant:

Mr. Costa Cooper Hill Rd- 8 Lot Major Subdivision

Thomas Cooley 2 Lot Minor Subdivision
125.-1-3.113

Members of the public may attend and comment on the proposed action. Comments may also be submitted to the Planning Board in writing prior to July 2, 2021.

Minutes of the June 1, 2021 Meeting:

Public Comments:

Old Business:

New Business:

**Organization:
Comprehensive Plan**

Other:

Steve Valente to attend July Meetings
Don Heckelman to attend August Meetings
Harvey Teal to attend September Meetings

updated



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Zoning Board of Appeals

ZONING BOARD OF APPEALS

May 11, 2021 Minutes
Poestenkill Fire Hall

Attendees:

- Frank Burzesi, Chairman
- Paul Jamison
- Nicole Heckelman
- Kevin McGrath
- Tim Hoffay
- Susan Kalafut, Alternate

Chairman Burzesi called the meeting to order at 7:02 pm with the Pledge of Allegiance.

Public Hearing:

<u>Thomas Capparella</u>	<u>Area Variance- Setbacks</u>
125.-11-28	53 Abbott Dr

Chairman Burzesi read the public notice for Mr. Capparella. Chairman Burzesi stated he had no letters for or against the project. Chairman Burzesi asked Mr. Capparella to describe his project. Mr. Capparella is looking to build a thirty foot by thirty foot garage on the back of his property. His property is sloped and this area is the flattest and most level and best spot to put a garage. Other parts of the property are wet and also his leach field location. Chairman Burzesi asked how tall of a building. Mr. Capparella stated 12 foot sides and looking at using a steel building and he isn't sure of the eve height but doesn't think it will be more than 15 or 16 feet and knows the max is 20 feet. Clarification was noted for the center height being approximately 15 or 16 feet and side height of the building is 12 feet. Member K. McGrath asked for clarification on the set backs and to confirm it was five feet on both sides. K McGrath asked for how he knew where that line was. Discussion was had about the survey markers and the stake in one corner and the drainage ditch from the neighbors property. Mr. Caparella stated the closest part of the building to the stakes would be at stake 9 and showed how the rest of the garage would be on the lot map. Mr. Caparella said when they bought the property they had it surveyed and it was about 2.5 years ago but he didn't have the map with him tonight. N. Heckelman saw the stake and P. Jamison said he saw the stake as well and asked about the bushes and if they were on his property, which they are. P. Jamison agreed with K. McGrath that five feet seemed close. Mr. Caparella stated he could probably stretch it to 10 feet and be away from the well but would prefer the five feet. P Jamison is less concerned with back and more concerned with the side. Mr. Capparella had put bricks out prior to N. Heckelman seeing the land and had measured out an extra five feet and he was still away from the well but thinking about winter time and plowing and having some extra room. K McGrath said with the five feet and putting a ladder up, you would be

on your neighbors property. It was also asked about the overhang and Mr. Capparella thought there wasn't much of an overhang with a steel building. Chairman Burzesi said he could do ten feet on the side setback, where the bushes are. Mr. Capparella said he could do that but on the back side he needed it five feet as there is a big ditch behind there and he wouldn't be able to get back behind the building. Chairman Burzesi asked if anybody here had a public comment. L Basale, town resident, isn't concerned about the setbacks but that the term supplemental income is being used which to him means bringing in business and the neighborhood is residential. L Basale wanted to make it clear. Mr. Capparella stated he has eight vehicles registered in his own name and it is mainly for his own use but there are times a friend will stop by for help with a repair. He doesn't have plans to own his own business and if he were to do that he would get the Special Use Permit. P Jamison said the size of the garage seems to be normal and not a commercial size. T Russell asked what kind of equipment he would be bringing in. Mr. Capparella said he would have a compressor and at some point plans to put in an above ground lift. With the amount of concrete (six to six and a half inches, Mr. Russell feels that is something the planning board would want to know about. Mr. Capparella said he could do that and get the Special Use Permit if decided to run a business out of there but there is not room to store additional cars. T Russell is not concerned about what he is doing now, but may do in the future and the noise it could cause for neighbors and what the limitations that could come down if procedures aren't followed. Mr. Capparella stated he didn't know he would need a special use permit for a compressor. T Russell stated the above ground lift could be a trigger for a special use permit. P Jamison confirmed an official denial on the building permit. ZBA members felt better going with the 10 feet on the side. Chairman Burzesi asked if the neighbor had walked the line and seen where the garage would go. Mr. Capparella has talked to his neighbor about it and said as long as it is not on his property he didn't have a problem with it. Chairman Burzesi confirmed the sign was on the property and could be seen by the neighbors. N. Heckelman did a site visit and suggested the neighbor come to the meeting. Chairman Burzesi was concerned with not getting anything back on the certified letters to confirm receipt. Chairman Burzesi asked if Mr. Capparella was okay with keeping the public hearing open and waiting to vote on it at next meeting as this would ensure abutters had ample time to ask questions and review the application. Mr. Capparella was in agreement. Chairman Burzesi would like to leave the public hearing open for the next meeting and it will be voted on next month. K McGrath asked to see the map from the surveyor. Mr. Capparella doesn't believe he received a map after it was surveyed. Chairman Burzesi asked for him to find the survey map. K McGrath said the survey map will help make sure they are not pouring the cement in the wrong spot. N Heckelman asked if the survey map would be on file at town and K McGrath said not all towns do and it isn't kept at the county of individual lots surveyed but the overall site plan for subdivisions. Chairman Burzesi said it would be his responsibility to make sure he had the correct lines before putting the cement in so you really want to know.

Motion made by Chairman Burzesi to keep the public hearing open until the next meeting (June 8), second by Paul Jamison with five (5) ayes and zero (0) nays or abstains.

Meeting minutes for the April 13th, 2021 with amendments of first paragraph with the consensus of the board was for the side setbacks and agreement was to use the side setback numbers and a typo in P Jamison's voting question from 750% to 75% were approved with amendments in a motion made by Member Jamison, seconded by Member Heckelman and carried by 5-0.

There being no further business, a motion to adjourn the meeting was made by Chairman Burzesi, seconded by Member Jamison and was approved by five (5) ayes, zero (0) nays and zero (0) abstentions. The meeting was adjourned at 7:48pm.

Respectfully submitted,

Tiffany Buker, ZBA Clerk



TOWN OF POESTENKILL

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

Zoning Board of Appeals

Zoning Board of Appeals

June 8, 2021 @ 7 pm

Poestenkill Fire House

MEETING OPENS – PLEDGE OF ALLEGIANCE

Public Hearing:

Thomas Capparella
136.-9-34.18

Area Variance
53 Abbott Drive

Approve Meeting Minutes of May 11, 2021.

Organizational:

Other:



TOWN OF POESTENKILL

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

Zoning Board of Appeals

ZONING BOARD OF APPEALS

June 8, 2021 Minutes

Poestenkill Fire Hall

(not approved at time of distribution)

Attendees:

Frank Burzesi, Chairman
Paul Jamison
Nicole Heckelman
Tim Hoffay
Susan Kalafut

Non-Voting:

Tiffany Buker, ZBA Clerk

Chairman Burzesi called the meeting to order at 7:01 pm with the Pledge of Allegiance.

Public Hearing:

Thomas Capparella
125.-11-28

Area Variance- Setbacks
53 Abbott Dr

Chairman Burzesi said it was a continuation of the public hearing from May for Mr. Capparella. Chairman Burzesi stated his neighbor, Alec Jordan, whose property borders where the garage will be located is present. Mr. Jordan stated he didn't mind the garage but was concerned if it turned into a business as it would make it hard for him to sit out back and enjoy his yard and the bushes that are currently there between the property would be a visual barrier to the garage and vehicles that are out back. Chairman Burzesi stated to help with the potential business side of what could develop at the garage that an SUP would be needed for a motor vehicle repair shop and that would be a condition of the resolution. Chairman Burzesi asked the board if they had any questions and if any comments from the public. Tom Russell stated he is concerned with the potential for the commercial use and asked that Mr. Capparella apply for a SUP if the garage is to be used commercially. Member Heckelman asked if he still plans to put the lift in. Mr. Capparella said he did plan but it would be later down the road. Chairman Burzesi said after speaking with Mr. Church, Town CEO, that the lift wouldn't mean commercial but the motor vehicle repair shop license would make it commercial. L. Basale said the minutes should reflect that if it turns commercial, an SUP is needed. Member Heckelman asked about the overhang from the roof and it was clarified with the rounded roof type, there isn't much of an overhang.

Motion made by Chairman Burzesi to close the public hearing, seconded by Member Hoffay, with five (5) ayes and zero (0) nays or abstains.

Motion made by Member Jamison to approve the requested variance as five (5) foot rear setback, where twenty (20) feet is required and ten (10) feet side setback, where twenty (20) feet is required with conditions that a SUP is required for a motor vehicle repair license to operate and a natural barrier on best effort basis be maintained seconded by Chairman Burzesi.

All voting members completed the Area Variance Findings and Decision form for this application.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, Mr. Capparella resides in a residential neighborhood where a garage is typical on property.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, The lot size does not make an alternative solution feasible.
- 3) *Whether the requested variance is substantial.* – Yes, five feet where twenty feet is required for rear and ten feet where twenty feet is required for side.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, There may be a need to take down some trees or bushes but no adverse environmental impacts expected..
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, while desirable, a garage is not essential.

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

- 1) *Whether an undesirable change would be produced in the character of the or detrimental to nearby properties.* – No. A garage is in character with the surrounding neighborhood.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, This seems like the best spot on the property for a detached garage, based on the location of the house.
- 3) *Whether the requested variance is substantial.* – Yes, It is a substantial variance at greater or equal to 50% of both the side and rear setback requirements.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, There will be no significant impact on the physical or environmental conditions.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, This is a desired, not required change.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, The structure will not produce an undesirable change.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, There are no other places to position a 30x30.

- 3) *Whether the requested variance is substantial.* – Yes, the variance to the rear setback is substantial.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No Adverse Impact
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, this is self created.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, Structure will possibly be 30x30 with the roof height no more than 20 ft per code and neighbor will see structure from backyard
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, Applicant needs building to work on his and his families vehicles.
- 3) *Whether the requested variance is substantial.* – Yes, Requested 5 ft rear setback, where 20 ft is required and 10 ft side setback, where 20 ft is required. Need SUP from Town Planning Board if Motor Vehicle License is wanted.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, Applicant needs to maintain natural barrier already in place.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, Applicant wants to put 30x30 structure on his property near his neighbor.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, Residential detached garage is reason for variance sought.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, Applicant is limited in space for desired structure.
- 3) *Whether the requested variance is substantial.* – Yes, 5' where 20' is required for rear and 10' where 20' is required for side.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, Variance is for a residential detached garage.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, Due to the proposed location on the lot.

Chairman Jamison polled the members for their responses. Variances approved by a vote of five (5) ayes, zero (0) nays and zero (0) abstentions.

Resolution: Area Variance granted.

Meeting minutes for the May 11th, 2021 with corrections in a motion made by Member Kalafut, seconded by Member Heckelman and carried by 5-0.

There being no further business, a motion to adjourn the meeting was made by Member Kalafut, seconded by Member Hoffay and was approved by five (5) ayes, zero (0) nays and zero (0) abstentions. The meeting was adjourned at 7:46pm.

Respectfully submitted,

Tiffany Buker, ZBA Clerk



TOWN OF POESTENKILL

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

Zoning Board of Appeals

Zoning Board of Appeals

July 13, 2021 @ 7 pm

MEETING CANCELLED

NO AGENDA ITEMS

Organizational:

Other:

6:26 PM
07/01/21
Accrual Basis

Poestenkill Fire Company Custom Summary Report June 2021

	<u>Jun 21</u>
Income	
Town Contract Money	111,639.98
Total Income	<u>111,639.98</u>
Gross Profit	111,639.98
Expense	
Building Maintance	
Cleaning Supplies	310.20
Refuse	<u>71.55</u>
Total Building Maintance	381.75
Electric	
East Poestenkill	22.70
Main Station	<u>21.02</u>
Total Electric	43.72
Equipment	
New Equipment	<u>262.80</u>
Total Equipment	262.80
Fire Trucks	
Fuel	388.89
Repair & Maintance	<u>327.98</u>
Total Fire Trucks	716.87
Insurance	
Auto	7,723.00
Buildings	<u>12,627.64</u>
Total Insurance	20,350.64
Internet & Phone	114.03
Medical Supplies	26.97
Memorial Day	95.00
Physicals	360.00
Professional Services	1,000.00
Security Alarm	127.48
Solar	567.50
Telephone	
East Poestenkill	44.97
Main Station	<u>55.91</u>
Total Telephone	100.88
Training	<u>34.02</u>
Total Expense	<u>24,181.66</u>
Net Income	<u><u>87,458.32</u></u>

**Poestenkill Fire Company
 Custom Summary Report
 April through June 2021**

	Apr - Jun 21
Income	
Town Contract Money	111,639.98
Transfer From Town Checking	-40,000.00
Total Income	71,639.98
Gross Profit	71,639.98
Expense	
Bank Service Charge	4.00
Building Fuel (heating)	
East Poestenkill (propane)	404.95
Main Station (Propanel)	1,364.55
Total Building Fuel (heating)	1,769.50
Building Maintance	
Cleaning Supplies	310.20
Main Station	1,043.50
Refuse	214.65
Total Building Maintance	1,568.35
Code 100	69.87
Donation	500.00
Electric	
East Poestenkill	68.10
Main Station	63.06
Total Electric	131.16
Equipment	
New Equipment	3,050.02
Repair & Maintance	1,579.24
Total Equipment	4,629.26
Fire Trucks	
Fuel	1,660.12
Repair & Maintance	771.53
Total Fire Trucks	2,431.65
Funerals	137.50
Insurance	
Auto	7,723.00
Buildings	12,627.64
Total Insurance	20,350.64
Internet & Phone	342.09
Medical Supplies	787.54
Memorial Day	95.00
Office Supplies	127.96
On Q Safety	65.00
Physicals	480.00
Porfessional Services	5,000.00
Security Alarm	192.48
Solar	1,545.28
Telephone	
East Poestenkill	89.94
Main Station	114.05
Total Telephone	203.99
Town Water	46.45
Training	34.02
Total Expense	40,511.74
Net Income	31,128.24



Marc R. St. Germain
Sergeant
Highway/Marine Patrol
Rensselaer County Sheriff's Office
4000 Main St. Troy, NY 12180

518-266-1905
mstgermain@rensco.com

July 7th 2021

Greetings to the town of Poestenkill
Supervisor, Town Council members,
Town Attorney and Secretary.

At the June 17th town board meeting during the public comment period, I had addressed the issue of blatant noise emitted by large truck engine brake systems known as "jake brakes". My address demonstrated respect for the trucking industry and the broader justification for engine brake usage.

The focus of my address was however directed toward those few operators whose exhaust systems have been modified to have no muffler and are equipped with pipe diameters and lengths that magnify the amplitude of the engines compression release pulses.

Upon hearing my concerns and inquiry as to how the town might address the issue, it was suggested by board members and

4. Sgt. St. Germain immediately understood my specific concern and encouraged our town to consider the deficiencies of adjacent town's failed ordinances and to draw upon a more specific focus.
5. Sgt. St. Germain responded affirmatively to my proposal that our town might construct an ordinance tethered to the town's Master Plan, wherein, the tranquility of our town's rural nature being conjoined with progress might produce a balanced outcome.
6. Sgt. St. Germain indicated that he would affirmatively respond to an official request from the town to participate in and/or provide support toward a workshop activity concerning this subject.
7. Sgt. St. Germain indicated that upon the town's creation of a workable ordinance, the Sheriff's Dept. might well then authorize purchase of the appropriate decibel reading equipment.

8. Sgt. St. Germain then offered a constructive suggestion that with a properly worded ordinance in place, he could then upgrade a "speed trailer" (mobilized, unmanned radar/speed display unit) to be fitted with decibel reading equipment.

9. Sgt. St. Germain revealed that "speed trailer" technology has the ability to capture and identify vehicles found outside acceptable parameters such that citations therefrom may be executed.

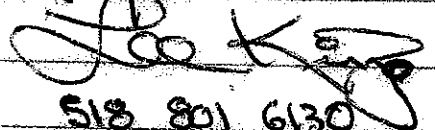
10. My meeting with Sgt. St. Germain was productive enough that I request this content would be reviewed at the July 15th 2021 Town Board meeting.

Thank you

cc: Addressees

Sgt. St. Germain

Ross and Cathy Wagar


518 801 6130

317 Snake Hill Rd.
Poestenkill

BUFFALO, NY (WBFO) – The New York law that legalized cannabis allows local municipalities to restrict commercial sales, but time is running out for them to do so.

Possession and use of cannabis is now legal statewide, but retail sales are not expected to begin until next year. State regulators have to write the rules for how marijuana can be legally sold, but towns and cities can decide if they want commercial sales at all.



Gail Hepworth, center, co-owner with her sister of Hepworth Farms in Milton, N.Y., talks with employees as dried hemp is processed, Monday, April 12, 2021. Farmers dealing with depressed prices for plants that produce CBD extract are eager to take part in a statewide marijuana market expected to generate billions of dollars a year once retail sales start. They already know how to grow and process cannabis plants, since hemp is essentially the same plant with lower levels of THC, marijuana's active ingredient. Now they're waiting on rules that will allow them to switch seeds. (AP Photo/Seth Wenig)

Sarah Brancatell, legislative director for the New York State Association of Towns, said during a recent webinar that municipalities have a narrow window to ban commercial sales .

“The local law has to be adopted on or before Dec. 31, 2021. That’s coming up really quickly.” Brancarella noted. “It’s like a one or done shot. If you adopt it on Jan. 1, it has no effect.”

Any local law restricting cannabis sales must also be approved by voters in a direct referendum.

Municipalities do not have the power to overturn other provisions of the Marijuana Regulation and Taxation Act, such as legalizing the possession and personal cultivation of cannabis.

SUBJECT: Request for amendment to the Town Code to prohibit the keeping of a crowing hen on
nonfarm parcels

We are sending this email at the suggestion of Eric Wohleber, who reached out to us in response to the June 15 email (attached) that we sent to Tracy Church, requesting an amendment to **Section 150-26, F., Keeping of animals and fowl on nonfarm parcels**. Eric communicated to us that he introduced this topic at the June town board meeting.

Brief History:

Bob Guyer worked with us for a good part of 2020, when our new next-door neighbors (118 Vosburgh Rd.) acquired chickens that they permitted to free roam and immediately became a nuisance. They continuously roamed onto our property, pecked in our flower beds and even wandered onto our front porch. Their droppings were being tracked into our home on the wheels of Deb's mobility scooter. The neighbors then acquired a rooster, whose constant crowing intensified the situation. Bob was eventually successful in getting the neighbors to reduce their flock to the maximum allowed by Town code, pen them in and remove the rooster.

Presently they have a crowing hen:

A few months ago, we once more began hearing crowing from their chicken pen. Again, we contacted Bob. The neighbors informed Bob that the fowl is not a rooster but a hen. Bob said they agreed to voluntarily remove the hen but, to date, they have failed to do so. This clearly demonstrates that, unfortunately, not all neighbors are neighborly. The crowing hen, as the crowing rooster was, is audible throughout our house, even with the doors and windows closed. It is so obnoxious it interferes with the enjoyment of our property.

Attachments:

Please read the attached documents, which provide further details, research and shows the level of time and effort that has been expended in pursuing this matter.

In our 6-2-2021 email to Bob Guyer (attached), there is a link to an online article related to hens that crow. Within that article, there is a *video of a crowing hen*. ***We invite you to click on that video, so that you can experience what we hear intermittently throughout each and every day.***

Request to the Town Board:

A crowing hen is as much a nuisance as a rooster and therefore we are requesting that the Town Code be amended to prohibit crowing hens under the existing parameters that roosters are prohibited.

This can be accomplished by amending **Section 150-26, F.** to include the following three yellow highlighted words, "...up to six chickens who are not roosters ***or crowing hens***...".

It is not unprecedented to address crowing hens in code:

https://library.municode.com/mn/ramsey/codes/code_of_ordinances?nodeId=PTIICOOR_CH10AN

(Chapter 10, Section 10-1).

We are available to answer questions, provide clarification, if needed, and assist in whatever way we can in the process to amend the Town Code as stated above.

We would like to be notified in advance of any public discussions on this topic as well as being informed of progress.

As this remains an ongoing issue, we anxiously await the Board's feedback.

We appreciate your attention in this matter and your service to our town,

Deb & Rick Lewis

126 Vosburgh Rd

Lewisd@nycap.rr.com

Home: 518-674-2654 (preferred phone)

Rick's cell: 518-573-8114

ATTACHMENTS:

- . Bob Guyer Thanks 11-21-2020.pdf
- . Request for amendment to Poestenkill Town Code 6-15-21.pdf
- . Crowing rooster at 118 Vosburgh Rd 6-2-21.pdf
- . Crowing rooster at 118 Vosburgh Rd 6-3-21.pdf

November 23, 2020

Mr. Keith Hammond, Supervisor
Town of Poestenkill
Poestenkill Town Hall
38 Davis Drive
Poestenkill, NY 12140

Dear Keith:

We are writing to express our gratitude for Bob Guyer's resolution of a significant animal control issue that was affecting us daily.

Our new neighbors acquired 13 chickens and permitted them to freely roam. Not long after the whole flock began visiting our yard multiple times a day, leaving their droppings, annoying us on our front porch and digging in our flower beds. After talking with one of the neighbors, they placed temporary fencing between our properties. However, the chickens quickly learned how to go around the fence and continued to trespass. The neighbors extended the fence and again the chickens simply skirted around the end and onto our property.

While this was happening every day the neighbors then acquired a rooster. In addition to crowing every morning, it would serenade us for hours at a time throughout the day when the neighbors were away. This not only interfered with our enjoyment of our property, but we also found out later that it was impacting our neighbors down the street.

Since the chicken owners were not diligently pursuing a solution, we contacted Sue Horton and asked her if the Town could help. Sue told us about Bob Guyer and also indicated that Town Code prohibits the keeping of roosters in residential settings and limits the number of permitted chickens.

We contacted Bob and he agreed to speak with the neighbors and take care of the situation, although he had to first do some quick research on the Town and County Code. Bob made calls to and subsequently met with the neighbors and had them remove the rooster, decrease the flock to six and pen them in. Due to Bob's efforts we were able to enjoy the rest of our summer without the marauders! Bob was extremely professional, accessible and responsive.

Please extend our sincere appreciation to Bob and Sue for their help with this issue.

Sincerely,

Rick & Debbie Lewis
126 Vosburgh Rd
Averill Park, NY 12018

Subject: Crowing rooster at 118 Vosburgh Rd.
From: "Debbie Lewis" <lewisd@nycap.rr.com>
Sent: 6/2/2021 5:03:50 PM
To: rguyer@poestenkillny.com

Hi Bob,

We are still awaiting feedback from your contact three to four weeks ago with the Kircher residents, (118 Vosburgh Rd.) regarding the daily crowing coming from their chicken coop.

Not knowing the results of your interactions with them, we cannot speculate on their response, but the situation remains unchanged. As previously mentioned to you, we do have a recent recording of the crowing.

We have been further researching hens/chickens and roosters. Interestingly, a hen can crow like a rooster. There are some subtle differences, but it is equally annoying.

Here is a link to one of the numerous articles explaining this phenomenon:

<https://chickenandchicksinfo.com/can-hens-crow-like-roosters/>

We anxiously await your update.

Rick's cell: 518-573-8114

Rick's email: rlewis02@nycap.rr.com

Deb's email: Lewisd@nycap.rr.com

Thanks,

Deb & Rick Lewis

126 Vosburgh Rd.

Subject: Request for amendment to Poestenkill Town Code
From: "Debbie Lewis" <lewisd@nycap.rr.com>
Sent: 6/15/2021 12:25:30 PM
To: "Tracy Church" <tchurch@poestenkillny.com>;
CC: "Bob Guyer" <bguyer@poestenkillny.com>;

Code Enforcement Officer-Tracy Church

Hi Tracy,

My husband and I have been residents at 126 Vosburgh Rd., town of Poestenkill, since December 1982. The property adjacent to us, 118 Vosburgh Rd., changed ownership January 2020. The new residents acquired chickens (hens) and, at one point a rooster, which Bob Guyer had them remove (eventually and reluctantly, they did), per town code.

At present said neighbors have a crowing hen, which is as disruptive and annoying as a rooster. The crowing is even audible from inside our house, with windows and doors closed. I am disabled and typically spend approximately eighty-five percent of my time at home.

Unfortunately, Poestenkill Town Code does not address crowing hens. Per Bob, he has had discussion with you regarding our particular situation.

The only remedy to this situation, which will benefit other town of Poestenkill residents in like circumstances as ourselves, is to amend the Poestenkill Town Code to prohibit crowing hens under the existing parameters that roosters are prohibited.

The addition of the yellow highlighted/red lettering to the existing code (as inserted below), I believe would address crowing hens.

Referencing Poestenkill Town Code section:

§150-26 Keeping of animal or fowl on nonfarm parcels

F.

Notwithstanding the provisions of Subsection D, residents in all zones shall not be required to obtain a special use permit to keep up to six chickens (hens) who are not roosters or crowing hens in an enclosed coop of not more than 144 square feet, including a pen placed with a front setback of 50 feet and side and rear setbacks of 25 feet.

[Added 8-16-2018 by L.L. No. 2-2018]

What is the step-by-step process to make an amendment to the Poestenkill Town Code?

How expeditiously can this be done?

We thank you for your time and expertise in this matter.

Deb & Rick Lewis
lewisd@nycap.rr.com
Home phone: 518-674-2654
Rick's cell: 518-573-8114

Subject: Re[2]: [EXTERNAL] Crowing rooster at 118 Vosburgh Rd.
From: "Debbie Lewis" <lewisd@nycap.rr.com>
Sent: 6/8/2021 4:52:12 PM
To: "Bob Guyer" <straydawg302@gmail.com>;

Bob,

Thanks for the update. I hope that they follow through on their agreement to get rid of the hen, but I am not optimistic. They are clearly "neighbors" who do not concern themselves with the impact that their actions have on others. Their cats settle on our property (by our bird feeder, even on our back deck) and the dogs have been seen walking the road after dark. I can live with these irritations (feel compassion for these animals), but the crowing definitely rises to another level of annoyance that I cannot build up a tolerance to.

I guess that it is time to work on amending the town code to include a ban on crowing hens!

Thank you for your efforts on our behalf.

Deb Lewis

----- Original Message -----

From: "Bob Guyer" <straydawg302@gmail.com>
To: "Debbie Lewis" <lewisd@nycap.rr.com>
Sent: 6/3/2021 8:45:59 PM
Subject: RE: [EXTERNAL] Crowing rooster at 118 Vosburgh Rd.

Hello, I finally was able to speak to the owners at 118 vosburg. This is the situation, it's it's hen the sounds like a rooster. I reached out to the zoning contact for the town and. I formed me that the ordinance only applies to Roosters and that I could not force the people to get rid of the Hen. However after a lengthy conversation the owners have agreed to voluntarily place the hen in a new home to resolve the issue. She will inform me when it's be removed.

Bob

Sent via the Samsung Galaxy S20 Ultra 5G, an AT&T 5G smartphone

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

From: Debbie Lewis <lewisd@nycap.rr.com>
Date: 6/2/21 5:03 PM (GMT-05:00)
To: rguyer@poestenkillny.com
Subject: [EXTERNAL] Crowing rooster at 118 Vosburgh Rd.

July 6, 2021

Town Board of Poestenkill

Bob Guyer – Dog Control Officer

Wanted to write a quick note about a situation I dealt with on Vosburg Rd.

Initial Compliant: States his neighbors' chickens are continuously coming onto his property and being an annoyance to them.

Talked with the owner of the chickens and the owners agreed to keep them confined.

Second Complaint: Owners of chickens now have a Rooster, and it is waking them up early "Crowing"

Talked to the owners and they agreed to find a home for the Rooster.

Third Complaint – Chicken owners have a chicken that is crowing like a Rooster.

After checking there did not seem to be any ordinance that would have allowed me to force the chicken owners to find a solution for the crowing hen. The owners did voluntarily agree to find the crowing hen a new home. An ordinance for this would allow me to resolve the situation in town court if needed. It is my opinion that the thought behind the Rooster ordinance was because of the noise so it should also be in place for Hens also. I think this situation is unique because of its location, I am not sure if there could be more detailed limits of the number of chickens in areas that have smaller properties and houses are closer to one another?

Because of the privacy laws I specifically left the owners of the chickens and the complaints personal information off this email.

Thanks

Bob Guyer

Dog control officer

Establishing Public Meeting Guidelines and Rules of Decorum

WHEREAS NOW, LET IT THEREFORE BE RESOLVED, that the Town of Poestenkill does hereby designate and adopt the following Rules of Procedure pursuant to New York State Town Law 63 and, subject to the other provisions of New York State Law and the Town Code of the Town of Poestenkill, these rules shall govern public meetings:

Part 1

Nothing in these procedures shall be construed as expanding, reducing or limiting the powers or rights specifically granted by law to the Town Board and/or any member thereof, nor shall these procedures be construed as altering the number of votes specifically required by law for the taking of official action.

Part 2

Parliamentarian

Section A – Questions regarding the interpretation of these procedures which arise during a meeting of the Town Board shall be decided by the Town Attorney who shall act as Parliamentarian.

Section B – Decisions of the Town Attorney made pursuant to Part 2, Section A hereof may be appealed to the full Board by motion of any member of the Town Board, duly made, seconded and adopted by a majority of the board.

Section C – Robert's Rules of Order shall control the procedure of all meetings of the Board to the extent that Robert's Rules of Order are not contradicted by these rules of procedure.

Part 3

Meetings

Section A – Regular Meetings.

The Town Board hosts regular meetings on the third Thursday of each month. The meetings will begin at 7pm in the meeting room of Poestenkill Town Hall at 38 Davis Drive, Poestenkill, New York.

Section B – Workshops.

Workshops will be held on the first Thursday of each month, as scheduled. The meetings may be called by the Town Supervisor and must give at least one week notice, prior to the meeting.

Policies

Section A – Quorum.

A quorum of the Town Board shall be required to conduct business. A quorum of the five (5) member Board shall be three (3) members.

Section B – Agendas.

The agenda for a public meeting which is to be published on or before five (5) business days before the public meeting. The agenda should be posted in a public space in Town Hall, available upon request at the Town Clerk's office, and on the Town's website.

Section C – Voting

Pursuant to New York State Town Law, each member of the Town Board shall have one vote. Each Board Member may vote "aye," "no," "abstain," or recuse.

Part 4

Rules and Procedures

Section A – General Rules of Procedure

The supervisor shall preside at meetings of the Town Board. In the Supervisor's absence, the Deputy Supervisor shall preside. There is no limit to the number of times a Town Board member may speak on a question.

Section B – Guidelines for Public Comment

Members of the public will be allowed and limited to address the Board during Public Comment periods of the meetings, according to the guidelines set forth below.

General Requirements

Each speaker must be recognized by the Presiding Officer, and shall be called to speak in the order determined by the Presiding Officer. Each speaker will announce his/her name and address prior to speaking. Speakers must stand and step up to the front of the meeting room and address the board only, and not members of the audience/residents.

Decorum Rules

- I. Purpose of Decorum Rules
 - a. To ensure that Town meetings are conducted in a manner that allows the business of the Town of Poestenkill to be effectively undertaken and to ensure that the Decorum Rules are understood by individuals attending Town Board meetings.
 - b. To ensure that members of the public who attend meetings of the Town Board can be heard in a fair and impartial manner.
 - c. To ensure that the meetings of the Town Board are conducted in a professional and respectful manner that is open to all viewpoints and which is protective of the content of each speaker's speech.
 - d. To prevent and address behavior that prevents the Town Board from conducting orderly and efficient meetings.

- II. Rules for the Speaker:
 - a. All remarks shall be directed to the Board as a body, the Supervisor, or a Town Board member. Remarks shall not be directed to any member of the audience.
 - b. The speaker shall not disrupt, delay, or otherwise impede the orderly conduct of the proceedings by defaming, intimidating, making personal insults, using profane language, name calling, making threats against public order and security, or otherwise violating these Decorum Rules and Procedures.

- III. Rules for Supervisor, Town Board Members, all Town Elected Officials and town employees:
- a. All remarks should be directed to the Board as a body, the Chair, or a member of the board specifically.
 - b. The speaker will address the board or chair only when recognized by the Chair.
 - c. The speaker will not raise their voice, yell or shout at any member of the audience, the board as a whole, any board member or the chair.
 - d. The speaker will address members of the audience, the board as a whole, board members, and the chair in a professional, respectful and courteous manner at all times.
 - e. The speaker will not interrupt members of the audience, the board as a whole, board members, or the chair.
 - f. The speaker will avoid person attacks, name-calling, insults, using profane language, slander and under no circumstances can the member attack or question the motives of a member of the audience, a board member, an employee or the chair.
 - g. When a question is pending, a member can condemn the nature or likely consequences of the proposed measure in strong terms, but must avoid person attacks, name-calling, insults, use of profanity, slander and under no circumstances can the member attack or question the motives of another member. The measure, not the member, is the subject of debate.
 - h. If a member disagrees with a statement by another in regard to an event that both witnessed, the member cannot state in debate that the other's statement "is false." But the member might say, "I believe there is strong evidence that the member is mistaken." The moment the chair hears the words as "fraud," "liar," or "lie" used about a member in debate or when a member is using name calling, shouting, using profanity, threatening, or personally disparaging another member, the chair must act immediately and decisively to correct the matter and prevent its repetition.
 - i. In debate, a member's remarks must be germane to the question before the assembly – that is the member's statements must have bearing on whether the immediately pending motion should be adopted.
 - j. In debate, a member cannot reflect adversely on any prior act of the board that is not pending, unless a motion to reconsider, rescind, or amend it is pending, or unless he intends to

conclude his remarks by making or giving notice of one of these motions.

IV. Rules for the Public:

Members of the public in the audience shall not engage in any of the following activities during a Town Board meeting:

- a. Members of the public shall not speak until standing in front of the meeting room and after being recognized by the Presiding Officer. During the public comment period of the town board meetings, members of the public will be invited to speak. When called upon to speak, the individual shall stand and be asked to identify themselves.
- b. Members of the public shall not disrupt, delay, interrupt, or otherwise impede the orderly conduct of the proceedings by defaming, intimidating, making personal insults, using profanity, making threats of violence or threats against public order and security, or otherwise violating these Decorum Rules and Procedures.
- c. Members of the public shall not ask questions, speak with, or debate other members of the public.
- d. All comments and questions are to be addressed to the chair and the board.

V. Enforcement of Decorum Rules:

- a. If these Decorum Rules or Rules and Procedures are violated, the Presiding Officer shall request the individual or individuals violating a rule of rules to stop the violation.
- b. If the individual or individuals continue to violate a rule or rules the Presiding Officer will issue an official verbal warning that the individual or individuals will be arequired to leave the Boardroom if they do not stop the violation of the rule or rules.
- c. If the individual, or individuals, refuse to stop the violation(s), the Presiding Officer shall provide a final warning, noting that the next violation will result in asking the individual or individuals to leave the meeting room.
- d. At this time, the Presiding Officer shall warn that continued violations from the individual or individuals will result in an end to the public comment period.

- e. If the individual or individuals refuse to stop the violation(s), the Presiding Officer shall cut off public comment or debate, and close the public comment period.
- f. If the individual or individuals, refuse to stop the violation(s), the Presiding Officer shall order the individual or individuals leave the Boardroom.
- g. If the individual or individuals, refuse to leave the meeting, the Presiding Officer will seek assistance from law enforcement.
- h. Any decision relating to the enforcement of the Decorum Rules by the Presiding Officer may be overturned by a vote of the majority of the Board Members following a motion, duly seconded.

VI. Breaches of order by members in a meeting:

- a. If a member commits only a slight breach of order – the chair should point out the fault and advise the member to avoid it. The member can then continue speaking if the member commits no further breaches.

More formal procedures can be used in the case of serious offenses:

- a. Calling a member to order

If the offense is more serious, or persists, the chair should first warn the member, but with or without such a warning, the chair or any other member can “call the member to order.” If the chair does this the chair says “The member is out of order.” Another member making the call can, without waiting to be recognized, say, “Mr./Mrs. Chair, I call the member to order.” If the chair finds this point of order well taken, the chair declares the offender out of order. If the offender had the floor the Chair should clearly state the breach involved and put the question to the board, “Shall the member be allowed to continue speaking?” This question is undebatable – a simple vote of the board members will determine the member in questions ability to continue to speak.

b. "Naming" an Offender.

In cases of obstinate or grave breach of order by a member, the chair can, after repeated warnings, "name" the offender, which amounts to preferring charges and should be resorted to only in extreme circumstances. Before taking such action, when it begins to appear that it may become necessary, the chair should direct the Town Clerk to take down the objectionable or disorderly words used by the member. This direction by the chair, and the words are to be taken down and entered into the meeting minutes.

Although the chair has no authority to impose a penalty or to order the offending member removed from the hall, the board has the power. It should be noted in this connection that in any case of an offense against the assembly occurring in a meeting, there is no need for a formal trial provided that any penalty is imposed properly after the breach, since the witnesses are all present and make up the body that is to determine the penalty.

- VII. Each member of the board as well as the Chair is responsible for ensuring that these rules are followed and responsible for maintaining order, publicly addressing infractions. Each board member will work proactively both individually and collectively to ensure members of the public, employees, board members and the chair follow the above rules in the goal to create and maintain a professional, inviting, educational and harassment free environment for all public meetings.

Part 5

Section A: Point of Order

A point of order takes precedence over any pending question out of which point may arise. It yields to all privileged motions and it yields to a motion to lay the main question on the table, in cases where these motions are in order at the time according to the order of precedence of motions. Except for yielding to the motion to lay on the table when it adheres to pending questions as just stated, it does not yield to any subsidiary motion so long as it is handled in

the normal manner – that is, by being ruled upon by the chair without debate.

Grounds for a point of order. It is the right of every member who notices a breach of the rules to insist on their enforcement. If the chair notices a breach, the chair should correct the member immediately, but if the chair fails to do so – through oversight or otherwise – any member can make the appropriate point of order.

Section B: Public Hearings

Speakers, other than the applicant, representatives, attorneys or experts, shall have five (5) minutes to address the Board on a specific matter that is the subject of the Public Hearing before yielding to the next speaker. Speakers may not yield their time to other speakers. All of the rules and guidelines set forth in the section above, entitled “Rules and Procedures” and “Decorum Rules” shall apply. Speakers may not reserve time outside of the public comment period to address the board.

Section C: Public Comment

During the period identified as “Public Comment” speakers shall have five (5) minutes to address the board. Speakers must stand up and identify themselves, where they reside before addressing the board. Speakers may not yield their time to other speakers. All remarks are to be addressed to the Town Board. Speakers may not reserve time outside of the public comment period to address the board.

Section D: Use of Recording and Electronic Equipment

All individuals shall place their respective cell phones and electronic devices in silent mode during the public meeting. All individuals attending the public meeting are allowed to photograph and tape or video record public meetings so long as the photography or recording is done in a manner which does not interfere with the meeting.

The network review conducted by National identified a number of issues and provided recommendations for improving the security of the Town network and its data. Below are listed the steps taken so far based on National's review, as well as feedback on the recommendations and the submitted proposal.

Environment and Domain Review

User Accounts:

- User accounts have been updated and disabled accounts have been removed. The domain currently has 11 active staff accounts and 2 active archive accounts.

Computer Accounts:

- The Computers OU of the domain now contains the current domain PC's.

Operating System Issues:

- The 2008 R2 server has been demoted and taken offline.
- The three Windows 7 PC's identified in the review have been replaced with desktops running Windows 10.
- The Microsoft Lifecycle site lists Windows Server 2019 Standard continuing in mainstream support until 2024, and receiving security updates through 2029.

Backup Recommendations:

The Town currently backs up file content both locally, to an external drive attached to the server, and offsite to iDrive. The growth of data stored on the network, including scans, videos and other material will necessitate an increase in offline storage. The Datto solution recommended by National would be a good, longer term option for both growth in storage and for recovery from ransomware attacks.

Active Directory:

Active Directory stores information about objects (users, computers, printers, policies, etc.) on the network and makes this information accessible for administrators to manage and users to find and use. Regular maintenance of AD services, as well as a full annual review of Active Directory, would improve Active Directory security.

Related to National's review;

- Stale user and computer accounts have been removed.
- All user accounts are now set for passwords to expire after 60 days.
- With Town approval, passwords will set for minimum 12 characters and require complexity.
- Currently only the Administrator account and an alternate administrator account are listed in the Domain Administrators group.

- Currently only one employee has administrative privileges on his machine due to an installed application. We are currently reviewing options for a workaround.
- Credentials for the Domain Administrator-level accounts are limited to two individuals

There are other additional steps that can be taken to increase the security of Active Directory, including but not limited to;

- increasing event auditing/monitoring and regularly reviewing logs
- limiting permissions on service accounts (accounts used by Windows or other applications to authenticate and execute functions) and enforcing strong service account passwords
- setting deny options for, or disabling, the Local Administrator account on domain PC's , or managing with Microsoft's LAPS package
- eliminating permanent memberships in security groups
- enable and configure Windows Defender Application Control, which can limit domain computers to running only approved applications
- regularly review domain security with tools such as Microsoft's Security Compliance Toolkit

Antivirus/Antispyware:

The Town currently uses Microsoft Windows Defender on the server and all workstations. As antivirus definitions are released, they are downloaded and installed automatically. As pointed out in the review, there is no mechanism by which failed updates are reported, since antivirus updates are not centrally managed. The proposed solution from National, or a product such as Microsoft Endpoint Manager, can monitor updates and provide alerts on threats encountered on local workstations.

Listening Ports:

There are ports (software receivers) on Windows 10 domain computers that are required for authentication and communication with the domain controller and other resources on the network. These ports can be narrowed for specific targets, however, and National's recommendation to periodically scan the network for these and any unauthorized ports would be helpful in ensuring that network computers are only open to the traffic they are intended to send or receive.

Penetration Testing:

The Town's current Sonicwall TZ370 firewall is configured by default to monitor and filter inbound/outbound Internet traffic and provide gateway antimalware scanning. Forwarding has been configured, and selected ports enabled, to allow connectivity with the Town's new Panasonic phone system. National's recommendation for annual penetration testing could point out additional rules or restrictions to include as part of the firewall configuration.

National Proposal

National provided pricing for managed services, an additional domain controller, replacement PC's, current multi-function copiers and a block of on-site service time (25 hours at \$150.00/hour).

Second Domain Controller:

The Town's domain has operated with a single domain controller for over a decade. While this configuration requires the cost and maintenance of only one server, National has proposed a secondary controller for redundancy in the event the first controller fails. A failed domain controller still must be restored or rebuilt, but a second domain controller allows users to continue to use available network resources.

Additional Windows 10 Workstations:

While the Windows 7 workstations have been taken out of service, there are still several workstations running Windows 10 that have been in service a number of years and should be replaced – specifically, the desktops for the Town Supervisor, Town Clerk and Assessor's Assistant. The Town purchased 5 PC's from the NYSOGS State contract last year as replacements – these are now all in service.

Leasing vs. Purchasing:

The costs related to the second domain controller and new workstations appear to be included in the monthly lease. In general, leasing of IT equipment provides the benefits of lower cost of buy-in, better ability to budget ongoing IT-related expenses and (if included) mitigation of maintenance costs. These advantages are typically balanced by a higher overall equipment cost, potential nonappropriation issues and diminished autonomy over equipment decisions.

Ideally a lease agreement involving IT equipment and services is entered into with a company where a positive, long-term relationship is established and/or anticipated. A constructive and cooperative vendor relationship would help to mitigate the potential issues noted above. Since the Town's data and services would be running on leased equipment, the impact of renewals or changes with the agreement or vendor is a consideration in the leasing decision.

Managed Services:

National's review and proposal represent a more cohesive and comprehensive approach to the management of IT services at the Town. Monitoring of the network, server health, backup, the status of individual workstations, updates and support are delivered through established protocols and dedicated staff. These improvements, of course, require commitment to the managed services model and a greater investment in the Town's IT infrastructure and services.

National is one of a number of managed IT services firms in the area. The existing relationship with National, along with feedback from some of their managed services clients, could help to determine if quotes from other vendors are warranted.

Summary

The result of the review demonstrates that current IT support for the Town is insufficient for its data continuity and security needs. In addition to lacking the proactive monitoring and refining of systems recommended by National, basic upgrades have been long overdue and response to support requests from Town employees are sometimes delayed. I take responsibility for these failings and have worked

over the past few weeks to resolve as many of these issues as possible. Much work remains, and an established provider would be better suited to accomplish it.

Moving ahead, the Town can choose the managed services model similar to National's proposal, or establish a dedicated in-house or local resource for ongoing IT support and development. If the Town needs time to consider budget and determine its preferred IT support structure, it may be worth asking National if they would consider a single-instance project to remediate what they have identified as priority security risks. This would offer National a business opportunity, address the immediate need, and provide the Town with a sense of what it would be like to work with them on a long-term basis.

Respectfully submitted,

Mike Noble
7/14/2021

received Date

**Standard Work Day and
 Reporting Resolution for
 Elected and Appointed Officials**

Employer Location Code

3 0 3 6 2

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

RS 2417-A

(Rev.11/19)

BE IT RESOLVED, that the Town of Poestenkill / 30362 hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
Keith Hammond	6894	R11270884	Town Supervisor	01/01/2020-12/31/2021	7	126.75	<input type="checkbox"/>	Monthly	<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
Appointed Officials:									
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>

I, Keith Hammond, secretary/clerk of the governing board of the Town of Poestenkill, of the State of New York,

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 15 day of July, 2021 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Poestenkill on this 7 day of July, 2021

Susan Horton, Town Clerk
 (Signature of Secretary or Clerk)

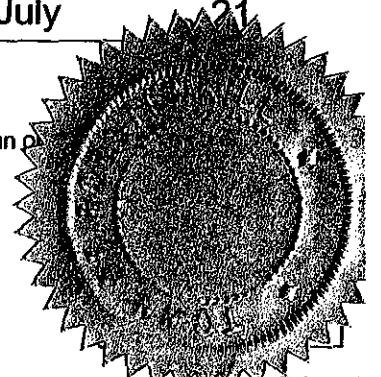
Affidavit of Posting: I, Susan Horton being duly sworn, deposes and says that the posting of the Resolution began on

July 7, 2021 and continued for at least 30 days. That the Resolution was available to the public on the:

Employer's website at: www.poestenkillny.org

Official sign board at: _____

Main entrance Secretary or Clerk's office at: TOWN HALL



From: Eric Wohlleber <ewohlleber@poestenkillny.com>
Sent: Friday, July 9, 2021 10:12 AM
To: Keith Hammond; masquith; June Butler Town Board Member; Dave Hass, Town Board Member; Harold Van Slyke; Sue Horton, Town Clerk; Tiffany Buker
Cc: Jack Casey
Subject: Margie Resolution

All,

I would like the board to approve a resolution thanking/honoring Margie Morris for her service to the town. I will track down some facts and work on drafting something up for review.

Eric

TOWN CLERK'S MONTHLY REPORT

Town of Poestenkill, New York

June 2021

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:		\$ 10.22
Marriage License	1 @ \$ 7.50	\$ 7.50
Marriage Certificate	1 @ \$10.00	10.00
A1255	Total Town Clerk Fees	\$ 27.72
		\$
A1289	Registrar	\$110.00
A2655	Minor Sales – Copies (certified copy) –	\$ 10.00
A2544	Local Fee for Dogs –	210.00
A2115	Planning Board Fees - \$ 100.00 ZBA Fees - \$ 62.40	\$162.40
A2555	Building Permits	\$ 1,915.86
A-2545	Peddlers Permit	\$
2110	Water Benefit Charge	\$ 389.46
A2720	Water Meter Fee -	\$ 550.00
A2240	Misc. Water Charges - \$205.00 (pools)	
A2710	Water Permit Fee - \$80.00	
1001	Water Billing - \$1,474.89	
TOTAL WATER CHARGES		\$ 2,699.35
REVENUE TO SUPERVISOR		\$ 5,135.33
Amount paid to State Comptroller for Games of Chance License		\$
Amount paid to DEC for Conservation Licenses		\$ 174.78
Amount paid to AG & Markets for fee for unsprayed/unneutered Dog program		\$ 35.00
Amount paid to State Health Dept. for Marriage Licenses		\$ 22.50
TOTAL DISBURSED		\$ 232.28
		\$
Keith Hammond, Town Supervisor		
TOTAL AMOUNT RECEIVED BY CLERK		\$ 5,367.61
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 June. Fees the application and payment of which are otherwise provided by law subscribed and sworn to before me this 2nd day of July 2021.		

Susan Horton



Town of Poestenkill

Assessor's Office

P.O. Box 210 38 Davis Drive
Poestenkill, NY 12140
518-283-5100 Ext. 101

TO: POESTENKILL TOWN BOARD

FROM:  Betsy Pinho, Assessor

RE: Assessor's Report for June 2021

All Board of Assessment Review changes and corrections were added to the 2021 final assessment roll, which is the basis for the September 2021 school tax bills and the January 2022 property tax bills.

Starting July 1, 2021, a hardcopy of the 2021 final assessment roll will be available in the Assessor's Office as well as the Town Clerk's Office. An electronic version of the final roll is also available on the Town website and on the Rensselaer County website. The required final assessment roll legal notice for July 1, 2021 will be published in the Troy Record.

All other Assessor Office functions, such as processing deeds and building permits, responding to resident inquires, and updating the Real Property System, continue as normal.

cc: Susan Horton, Town Clerk

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

Memorandum

To: Town Supervisor- Keith Hammond

**Town Board Members – June Butler, David Hass, Harold Van Slyke,
Eric Wohlleber (Deputy Town Supervisor)
Town Attorney – Jack Casey**

From: Robert L. Brunet, P.E.–Water Manager / 811 /Public Health Coordinator

Date: July 8, 2021

RE: Monthly Activities (June)

OVERVIEW:

In the Municipal Water District, 811 operations, and the Public Health Coordination areas, all our requirements were either met or exceeded during this period, with only one concern. Our problem is the increase in lost water, the result of increased leakage. We are presently working with New York Leak Detection (NYLD) to determine major leaks.

On the very positive side, our water test laboratory results were exceptionally good.

OUTSTANDING ITEMS UPDATES:

ITEM #1- UPDATE ON PFOAs & PFOSs:

I believe that the notices regarding PFOAs on our Town webpage have fully accomplished their purpose of calming the resident fears regarding this issue. During this period, I have had no further questions or comments regarding PFOAs from residents. We are also presently in the process of evaluating 12 of our residents locations near the Algonquin Middle School to insure that our residents' wells are safe. This will take a couple of months to complete and we will inform you of the test results when available.

I have included (attachment #1) the latest status on the Hoosick Falls situation, FYI. I happen to agree with Judith Enck (former EPA Regional

Administrator) and with other knowledgeable public health individuals who would recommend the Troy water alternative, but I believe that the shortsighted approach of “initial cost only” will prevail, as opposed to “life-cycle” costs; this could also be the outcome with the Algonquin Middle School situation. The recent decisions relying on first cost only as opposed to life-cycle costs remind me of a quote which I learned from many years ago --- are we “doing the thing right”, or are we “doing the right thing” ?

ITEM #2- UPDATE ON THE FEDERAL AND NEW YORK STATE MAXIMUM CONTAMINANT LEVELS (MCLs) FOR LEAD/COPPER (LCRR) AND THE TOWN'S RESPONSIBILITY AT THE RESIDENT'S HOME.

The Environmental Protection Agency (EPA) recently finalized the most significant Lead and Copper Rule Revision (LCRR) in two decades. While the rule is currently under final review (expected publication by July 15TH), core components – such as a lead service line (LSL) inventory, replacement plan, public communications, and engagement with the public health community have consistently been part of any conversation about revisions to the LCR. It is noteworthy that President Biden recently included \$45 BILLION in his Infrastructure Plan specifically for “LEAD PIPE REPLACEMENT”. Furthermore, according to the April issue of WWD (Water & Wastewater Digest) Congress passed the American Rescue Plan, the COVID-19 relief package that included \$500 million for low-income water assistance and additional money for water and sewer infrastructure. This reinforces the points of concern which we have highlighted over the last several months regarding the Town's future responsibility in paying for the cost to replace the residents' lead pipes (also galvanized pipes) in their homes, which heretofore have been totally the homeowner's responsibility. President Biden also included an additional \$23 BILLION in his Infrastructure Plan for “Clean Drinking Water”. The WWD publication further details some of the new requirements placed upon our Poestenkill Municipal Water System. The publication states “LCRR places significant new “burdens” on water utilities, which the Association of State Drinking Water Administrators expects will require seven times the resources to stay compliant”. In our case, the additional “burden”, as mentioned previously, will be mostly research work and complex record keeping and reporting, (not economic), as required by the EPA. Although the workload will increase, I expect to be able to handle it without any additional help. According to the recent Water World LCRR Webinar, significant requirements of the LCRR include the development of an inventory, the required testing of all schools, required communications with the community, the establishment of new “Trigger Levels” for testing, and required additional testing techniques for residential homes. Again, I expect that the initial “financial impact” on Poestenkill will be minimal but the record keeping and reporting requirements will be substantial. I have already begun our work involvement.

As a result of my continuing study of the 409 page new EPA Lead / Copper Rule, I have absolutely no doubt that lead at a resident's home will become an increasingly important issue over time and one which will directly involve the town. It is also apparent that we will be required to establish a "Corrosion Mitigation Program".

In past discussions I have voiced my opinion that the towns will be required to pay for customer owned lines to be replaced, pending the results of testing required by the new LCRR Law. This notion is clearly reinforced on page 65 of the 409 page EPA publication.

The following is the quote from page 65:

"EPA notes that while customer-owned lines are not under the direct control of the water systems, there are many actions the water system can take to influence the customers' behavior including educating the customer and providing financial assistance, such as loans or grants, to the customer (water systems are not required to bear the cost to replace the customer-owned portion). Moreover, the "ownership" status of LSLs is not necessarily static (e.g., it may change as a result of state law or regulations governing public utilities).

ITEM #3- UPDATE ON THE ALGONQUIN MIDDLE SCHOOL SITUATION:

Informal discussions are ongoing, but no firm decisions have yet been officially announced. My "opinion" is that they will select the Granular Activated Carbon (GAC) option due to lower initial cost and the shorter installation interval. I have discussed this with the RCDOH and the NYSDOH and they share my opinion.

SPECIAL NOTICE:

ITEM #1: We have frequent on-going verbal discussions with RCDOH and NYSDOH personnel and continue to have a very cordial and "good working" relationship with them. This quality teamwork significantly helps us, particularly during this period of major EPA activity and increased EPA and NYSDOH requirements. For example, based upon our recent discussions and our requests, we were able to get a commitment from the NYSDOH to test 12 residents' wells (at the State's expense – approximately \$ 6,000 TO \$8,000 savings to Poestenkill) near the Algonquin Middle School to insure that our residents' wells are safe. We are continuing to work with Rich Elder (RCDOH) and Justin Deming (NYSDOH) on this project. In my most recent discussion with Justin, he said that Poestenkill's appointing me as the Public Health Coordinator was a good move in clarifying responsibilities and providing a contact for the RCDOH and the NYSDOH.

ITEM #2: As you know, Poestenkill obtains our water from Troy (from the Tomhannock Reservoir). It is comforting to know that the old 33 inch and 30 inch pipes from the reservoir to the Troy Water Plant are being replaced now by two new 36 inch pipes, at a cost of \$40 million. These two pipes were originally placed into service in 1906 and in 1914 respectively and are “ripe” for failure. The project is presently underway and is expected to complete in 18 to 24 months.

ITEM #3: To help find leaks contributing to wasted Poestenkill expenditures for lost water, we have contracted with the New York Leak Detection organization. On Tuesday, July 6, 2021 I met with Jeff Lail, NYLD Leak Detection Expert, and reviewed our system and provided Jeff with all the required documents for his use. In my next monthly report I will report the results of Jeff’s work.

THIS MONTH’S CORNY HUMOR:

Why don’t you ever want to run in front of a car? You will get tired.

Why don’t you ever want to run behind a car? You will get exhausted.

MONTHLY WATER DISTRICT’S OPERATIONAL REPORT:

From an overall operational viewpoint everything is going quite well. Looking ahead I continue to stress that, in my opinion, and other than maintaining the safe quality of our water, the single most financial difficulty and necessary operational challenge we have in 2021 is finding and repairing the water leaks in our system; this is our major focus, as highlighted below:

GOOD NEWS - POESTENKILL SAVINGS: You have heard me repeatedly discuss our efforts and successes in leak locating over the last two years. I have just recently verified and approved payment of Troy’s water bill to Poestenkill for the last **6 months**, totaling \$27,920 (8.15 million gallons). Last year’s Troy’s bill for **5 months** (before we found and fixed two leaks) was \$51,580 (15 million gallons). Our leak locating efforts saved Poestenkill \$23,610 from Troy alone (Annualized \$47,220). When Brunswick estimated savings of \$4,722 is added, the total ½ year savings is \$32,642. Annualized, this equates to \$65,284 spent on lost water, not accounting for our chemical treatment costs. The “bottom line” is that we must continue to concentrate on our leak locating efforts; we are still paying for poor contractor workmanship performed in 2010 and will for some time to come. In the last Town Board meeting you saw the video which highlights the dramatic effects of “corrosion” and “wear” on the copper service lines which the contractor drilled and installed **“through”** our culverts. We have found and repaired 2 such cases, but there are numerous others which we have yet to locate and repair or our lost water situation will deteriorate further

As mentioned above and at past Town Board meetings, our leak detection work in the past two years has saved Poestenkill significant dollars for water being "poured into the ground. This was largely the result of poor performance by the contractor and by the inspectors on the initial installations in 2010. The details of this specific type of leakage are important; the causes are improper original installations resulting in "**corrosion**" and "**wear**".

We have located and repaired two such cases, one at Ed's Repair Shop on Route 355, and the second, most recently, at 128 Main Street. Each of these water breaks was a situation where the **contractor installed the service line through a galvanized culvert pipe.** There are many other pending **unidentified** similar cases which are further deteriorating over time, and I want you to understand the causes, so that I have your support as I track down and repair these cases before they cause us **very significant other problems such as "reduced system pressure and pumped volume shortages"** throughout the system.

Attachment #2 shows photos which I took at the 128 Main Street failure. In the right photo you can see that the copper service line to the curbstop **was drilled right through the culvert.** The corrosion at the point of contact between the two dissimilar metals caused the ½" hole in the pipe. This service line deterioration is further exasperated by very infinitesimally small movements of the pipe due to "water hammer" from the start/stop activities of the pumps. The photo on the left shows our service line replacement. Here, the line from the water "main" to the curbstop is properly placed over the culvert as it should be, not through it, The original installation contractor was taking "short cuts" by drilling through the culvert in what is known as a "horizontal bore" operation. Unfortunately, this type of failure is extremely difficult to locate, requiring expensive and specialized locating equipment. Furthermore, if the contractor had notified the 811 organization (as required by law 753) then the culvert's existence would have been marked out and the contractor would have been alerted to the culvert, and likely would have avoided the problem we are now faced with.

On Saturday (6/19) morning we found that one of the chlorine feed lines from the LMI chemical pump to the injection pipe in the main pump room had developed a hole in the line as it passed thru the wall from the chemical room to the main pump room. We replaced the line before it became troublesome.

I completed the periodic total testing system re-calibration process on all our coliform testing apparatus to verify accuracy. Everything is good.

On the July 4th weekend we cleaned out each of the two 30 gallon chemical storage tanks in the pump station chemical room. These tanks continually contain our chlorine-water liquid reservoir and the solidified chlorine residual "clings" to the bottom and sides of the tanks; it actually builds up to "sludge" and needs to be dissolved by LCR and manually scraped off. Since they are such large tanks, what we have to do is to remove, one at a time (the system needs to keep operating while we perform this operation), the

tank to our repair shed and lay the tanks on their side and soak the sides, scrape the tank side, then rotate again and again, etc., until it is completely clean. This process takes a lot of time and must be done once or twice a year, but it is very significant in keeping these tanks clean and thereby keeping our water safe and uncontaminated.

During this period, we had to modify our daily chlorine consumption to be in sync with the Troy and Brunswick chemical changes and the increased chlorine requirements due to the warmer temperatures.

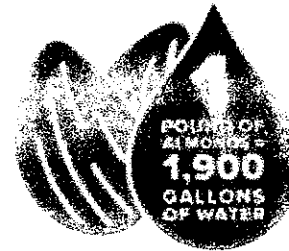
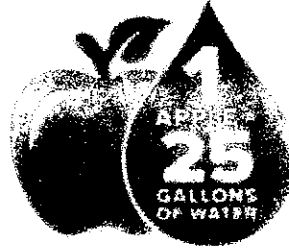
One of our Pump House doors to the main pump room was broken and needed a rope to keep it open during our daily water operations. We were able to repair the unit ourselves, thereby saving the cost of a repairman; the problem was a defective commercial door opener mechanism on the top of the door.

One of our two LMI Chemical Injection Pumps became inoperable. We cleared an intake blockage and rebuilt the pump, replacing the diaphragm and the associated seals. Two weeks later, the other LMI pump began operating intermittently, not properly reacting to the 20 ma signal it receives from the Tigerflow computer. We also serviced this pump, unblocked a calcium buildup in the 4" high pressure line, and replaced the "foot valve" in the 30-gallon chemical tank. They are now both working properly. By performing these maintenance operations ourselves, rather than sending the pumps out for "rebuilding" we save the Town considerable expenses. This happens twice or three times a year.

On June 23rd we took the meter readings for the entire Water District for the quarterly billing and provided the data to Sue Horton who put them into the BAS computer system. Sue then printed the bills and mailed them to the residents for payment. As we always do after gathering this data, we analyzed the water usage to determine which resident's usage is high and could possibly have a water leak. We also use this information to audit and keep up to date our various water records. Furthermore, Sue sent out special notices to accounts significantly overdue, offering our help in establishing partial payment plans. There are currently 9 accounts (out of a total of 411 total accounts) in this category, most being habitual late payers.

Our meter inventory is getting low. We last purchased meters in 2019 when we received a "special deal" from our EJP representative, Chris Goodrich, which reduced our cost per meter to approximately \$200 (we charge \$275 per meter). Based upon my expectation that the meter costs to us will significantly increase this year, I have asked Chris what he could do for us on another "discounted volume deal". Based upon what Chris can come up with, I will be presenting the proposal to you in the next few months.

Saving water is a paramount issue these days, and I was surprised to learn how much water is required to produce some common items:



Now that the weather has improved new resident water installations have significantly increased, both by homeowners and by contractors. During this period 13 new service line hookups have either been completed or are in progress. Also, noteworthy, is the fact that many homeowners are performing the installations themselves, thereby saving them significant dollars, at least \$2,000 each.

Caleb Kronau (Chip Kronau's son) has volunteered to paint some of the hydrants by using "venture crews" (older scouts). This offer is welcome, and we are supplying the materials (paint, brushes, etc.).

TRAINING:

During this period of COVID-19 various quality organizations have continued offering free webinars which we have been taking full advantage of. Some of these programs are sponsored by the EPA, some by the DEC, some by the NYSDOH, and others by industry experts. Additionally, participating in these seminars provides knowledgeable contacts for future reference in varied disciplines.

In June, I attended "free webinars" appropriate to our ongoing operations. For these training sessions I received CEU hours for my **Grade C Water Operators License renewal**, and for my **NYS Professional License renewal**, and for other licenses which I hold. The free training webinars, normally 1 hour each, which I attended during this period are:

- June – 3 – EPA – EPA Tools & Resources Training Webinar**
- June – 8 – GEOSYSTEMS – Innovated Solutions For Managing Stormwater and Wastewater**
- June – 15 – NoonPi – Engineer Webinars – HSS Truss Connections**
- June – 16 – NYRWA – Be Water Resilient Ready**
- June – 16 – NYSDOS (811) – Member Positive Response Training**
- June – 17 – SWS -Mitigating an Unnatural Disaster: How LID Could Save Unsustainable Urban Environments**
- June – 17 – EPA – Continuity Of Operations Plan Template Training (COOP)**
- June –22 – GEOSYSTEMS – Managing Stormwater Through Green Infrastructure & Low Impact Development**
- June – 22 – WWD – Advanced Nitrification/Denitrification in a Matchbox**
- June – 22 – InfoAsset Planner, Actionable Asset Management Results**
- June – 23 – How Clean Water Regulations Could Impact Your Operation**
- June – 24 – EPA – Protecting Your Utility From Disasters-Resilience (Part 1)**
- June – 29 – Water Finance & Management – Evaluating The Total Cost of Ownership of a True Smart Utility Network**

The June 23rd webinar is worth mentioning in that it was not the typical technically oriented presentation, but was rather a candid, down to earth, legal and operational professionals' discussion of opinions of the upcoming impacts on our operations due to new laws. The "bottom line" is that these discussions totally reinforce what we have talked about for months, namely that we will be faced with a significant increase in regulatory laws and policy requirements. The impacts, as previously discussed in detail, will not initially be financial but rather will require a large volume of new data bases, reports to the EPA, and other record keeping responsibilities. As stated in the webinar— Welcome to the "New World of Regulation".

POESTENKILL MUNICIPAL WATER DISTRICT TESTING:

Each month, FYI, I review the details of our testing results which rely largely on our strict dedication to following procedures, thereby insuring safe water for our residents. This requires our seven day per week testing and maintaining the proper chemical balance in our system, regardless of the varying chemical input levels which we receive from Troy and Brunswick. A recent example of the importance of this daily testing follows. In two successive days I measured the chlorine residual at Town Hall and noticed that it

was dropping somewhat, even though it was still safe. We verified that the two 30 gallon chemical tanks at the Pump Station were each dropping the proper amount daily (generally 6 to 8 inches daily) and the indications were that everything was ok. But, based upon the decreased readings at Town Hall, we investigated further and found that one of the chemical tubes at the Pump Station had developed a small hole in it (as it passed through the separation wall between the chemical room and the main pump room) and was losing some of the chlorine being pumped. This is what caused the chlorine residual to drop. We replaced this line, and all is now ok. If we did not approach the initial problem indicator this way, it could have resulted in an unacceptable chlorine residual in our system.

On 6/8/21 and on 7/8/21 we received the test results from the Capital Region Environmental Laboratory for Total Coliform and E-Coli presence. The results were both excellent; our water is "satisfactory".

RESIDENT ISSUES AND REQUESTS THIS PERIOD AND STATUS OF SPECIFIC ROUTINE WATER OPERATIONAL FUNCTIONS:

We are continuing to work with the developer and his Water Installer on the new **subdivision on School Road**. There are 4 homes which are being constructed, each with its own water line. These lots were never provided with curbstops and are not hooked up to the 12" main. They therefore require "**Wet-Taps**", a critical work process involving drilling into our 12" water main without turning off the water. I have met with the first developer (for 4 School Street) and his water contractor to discuss what our standards are and what my inspection process requires; they understand, and I will be very carefully performing inspections for all 4 lots to insure quality installations, with no negative impact on our existing system. **The "wet-tap" and the remainder of the installation for the 1st home (4 School Street) was successfully completed. FYI, we received \$290 for this inspection work, \$250 for the unique wet-tap permit and \$40 for the normal permit for the remainder of our installation inspections.**

Now that swimming pool season is here, we have already begun filling pools if the resident is located near a fire hydrant. This program, started about 8 years ago, saves our residents many dollars, generally about \$800 for a small above ground pool and about \$2,000 for an in-ground pool. We generally schedule the pool fills for the weekends. Many of the same residents come back for refills each year. For example, on Sunday, 5/23, we refilled an above ground pool at 430 Route 355 for a "repeat" residential customer. On Sunday, June 27th we filled another pool at 15 Circle Drive. We will be filling many other pools during the next 2 months. This is a good service for our residents in the Water District, saving them money. It is convenient for them and it also makes money for the Town, a total "win-win" service.

We worked with a homeowner Sicho Road who wanted to install his own water service line from his curbstops into his home. He used all our standard kits and meter. We performed the required inspections and loaned the resident some of my personal

equipment (not the Town's) to perform pressure testing and flush the long line. He performed the work himself (saving very significant costs) and was very appreciative of our help. This is the type of service which we frequently provide for our residents, thereby saving them money and assuring that our standards are met.

We are working with other contractors and homeowners regarding new water service line installation requirements. These work functions include permit issuance, discussing our technical equipment requirements with the contractor, providing the necessary equipment to the owner, and performing the required inspections at each location to insure proper excavation depth, proper "rough" underground plumbing, the required 15 minute 100 psi static water pressure test, line flushing, and the Final Inspection required to insure that all Town and NYS installation requirements have been met. We then finalize the installations by formalizing the account information into our data bases for record and billing operations.

Successfully responded to weekend and nighttime emergency ACU calls to my cell regarding Pump Station problems needing immediate attention.

During this period, we began performing "selective hydrant flushing". During the rest of the summer we will be earnestly implementing our annual Hydrant Flushing program. We coordinate this with the water usage requirements of both the Poestenkill Highway Department and the Poestenkill Fire Company.

Each month we have provided final billing information to realtors and their lawyers when the residents have sold their homes. Our procedure is significant in that it saves both the old owner and the new owner each about \$100, while at the same time allowing us to meet their urgent timeframes; it also insures that we get the new owner's name and contact information for our records. The realtors have told us how much they appreciate our rapid response to their needs with no charge. We handled several of these closings in a short timeframe this period.

We performed the periodic inspections of our Water Tank on Hinkle Road, both the tank itself and the exterior ground area; all is well. We also mowed the grass and cut the weeds as part of our spring/summer exterior ground maintenance work at both the Tank and at our Pump Station.

We picked up required items from Tremont for the Water District operations.

Performed daily (24/7 - both physically and remotely) overall inspections of the Pump Station status to ensure operational performance. I periodically remotely (via phone) call the ACU at the pump station to monitor the station's performance, on a 24/7 basis. Paying attention to our **"PREVENTIVE MAINTENANCE"** programs is much more desirable than having to repair a problem after it has caused a severe and costly service interruption.

Documented the periodic high and low water meter readings at the underground metering vault pits (at Creek Road and Spring Avenue Extension) to be used in evaluating our water supply, usage, and leakage. These readings represent the volume of water

supplied from Troy and Brunswick and are used in conjunction with other readings taken throughout the water system to identify problems and also to substantiate the billing which we receive from Troy and Brunswick every six months.

Our main operational focus, as mentioned earlier, is the **quality and safety** of the water supplied to our residents. I am happy to report that all our test results during these last two months were returned from the labs (with a copy automatically sent to the RCDOH) and all were "satisfactory". As a matter of fact, we did not miss any of our MCLs during all of 2020 and 2021. I recently received a call from a new resident at 9 Lochvue Drive who wanted to familiarize himself with our water cost, etc. He commented that he had reviewed our Annual Water Quality Report and was very pleased with our results.

Performed required NYSDOH functions for our system; for example, take daily (7 days per week) water pumping volume data at the Pump Station, add chlorine as required, and test water samples at Town Hall. This daily chemical test measures "Free Chlorine Residual "At Entry Point." and measures the Chlorine level as a deterrent to E-coli. This 7 days per week information is then entered onto the NYSDOH 360 Report daily, which is submitted to the RCDOH and the NYSDOH each month, along with the monthly Laboratory test results report.

Prepared and submitted required NYSDOH Monthly 360 Report and Lab reports to the RCDOH for June 2021. All our Town tests and the Laboratory test results for this period were satisfactory.

Cleaned various Valve Piping components at the Pump Station; this is an area requiring continuous routine maintenance and is critical to the proper chlorination process. The chlorination process, by its very nature, causes solidified calcium blockages in the lines and at discontinuity points in the system which must be periodically cleared, usually with CLR, and occasionally by component replacement. There are many potential trouble spots in the system which, when partially clogged, will reduce the LMI pump output efficiency and will affect the daily Chlorine Residual test results taken by us and submitted monthly to the RCDOH and NYSDOH.

We picked up 30 gallons of 12.5% sodium hypochlorite from Agway for daily use at the pump station in the chlorination process.

We performed the monthly maintenance functions on the large emergency generator located at the pump station; some of these functions involve running the generator for a period, exercising the batteries, and checking the output voltages for accuracy. We also performed the monthly operational tests on the portable 5 KW generator used for field emergency issues. Both generators are presently functioning well and are ready for emergency use, should we need them.

811 REPORT:

From an overall viewpoint everything continues to go quite well in the 811 operation. During this period we were very busy, receiving a total of (34) 811 tickets, including many largely pole replacements. As you may have noticed by the sudden lack of poles and utility vehicles at the Poestenkill Fire Company, the major pole replacements have been completed and our pole replacement workload will be significantly lessened. Over the last three months we have worked closely with the utilities and their contractors and have met all of our requirements, 7 days per week, with no problems. All 811 Dig Safe daily requests (tickets) were received and responded to appropriately and in a timely fashion. Additionally, we receive daily audits and each has been excellent, with no late responses on our part.

On June 16th I attended the NYSDOS required 811 training session, and met our Town requirements per NYS law (16 NYCRR Part 753 – Protection of Underground Facilities).

The 811 tickets are initially generated by homeowners, utility companies, and by individual contractors. On each of these tickets I receive, mostly “ROUTINE” and some “EMERGENCY”, I pull the respective Plats for the section of our water system. I next check our water records to determine if the location is connected to our system, and if so, what the routing of the service line is. I then call or meet with the Field Contact, discuss what they are planning to do. I visit the location and then I provide the details of our water system (and culvert pipe info) to the contractor, mark out the pipe locations when appropriate, and exchange telephone numbers with him and ask to be kept informed if he changes the schedule. This process must be completed within 48 clock hours or the Town would be fined and held accountable by the 811 organization in Syracuse. I then follow up (visit the work location) when the job is progressing to ensure that no problems occur.

We receive and must respond to the daily “Dig Safely Audits” (seven days/week) and we have continually met all our obligations. We also receive daily NYS DIG SAFELY notifications and other reports, verify accuracy, and respond as required. **I am continually involved with the 811 personnel to ensure adequate updates for the Poestenkill Exactix and the Corsetta 811 computer systems**

Now that the Winter is over, the power and communication companies have been quickly replacing old poles and guy wires, a total of 14 during this period. The following 811 Mark-out Requests exemplify the types of other requests which we received: Sign (NYSDOT), In Ground Pool, Planting Trees, Culvert work, Stump Grinder, Invisible Fence, Installing Electric Service, Burying Cables, Foundations, Additions, Retaining Wall, New Driveway, Fence, Walkway, New Water Service installations, etc.

HOOSICK

CONTINUED FROM C2

stick substances such as Teflon, and the area around Hoosick Falls was once known as Teflon Alley.

The area near the factories has been declared a state Superfund site and the firms, through an agreement with the state, built the treatment plant and studied long-term options.

Cost of using the wells is estimated at \$2.7 million, which would be paid by the companies.

While it wasn't immediately clear what the village's consensus on the proposal was, there were concerns about using the wells rather than the reservoir.

"The most health protective option is to use a surface water source, such as

the Tomhannock Reservoir or another surface water source," wrote Judith Enck, a former EPA regional administrator. She believes the existence of nearby PFOA contamination in the first place should rule out groundwater. The DEC's report though, notes that the proposed wells would be more than a mile away from the village and are "upgradient" or above the level of contamination in another portion of the water table.

They would also install "sentinel" or test wells to watch for potential contaminants.

Using the Tomhannock

could be more complicated, since the reservoir is about 13 miles away and would cost an estimated \$34.5 million, according to earlier reports.

Hoosick Falls Mayor Rob Allen said he hasn't studied the latest proposal. But he said he and others were encouraged that the recommendations included continued use of the charcoal filters, an idea that wasn't in the earliest proposals.

"That's a big deal," he said.

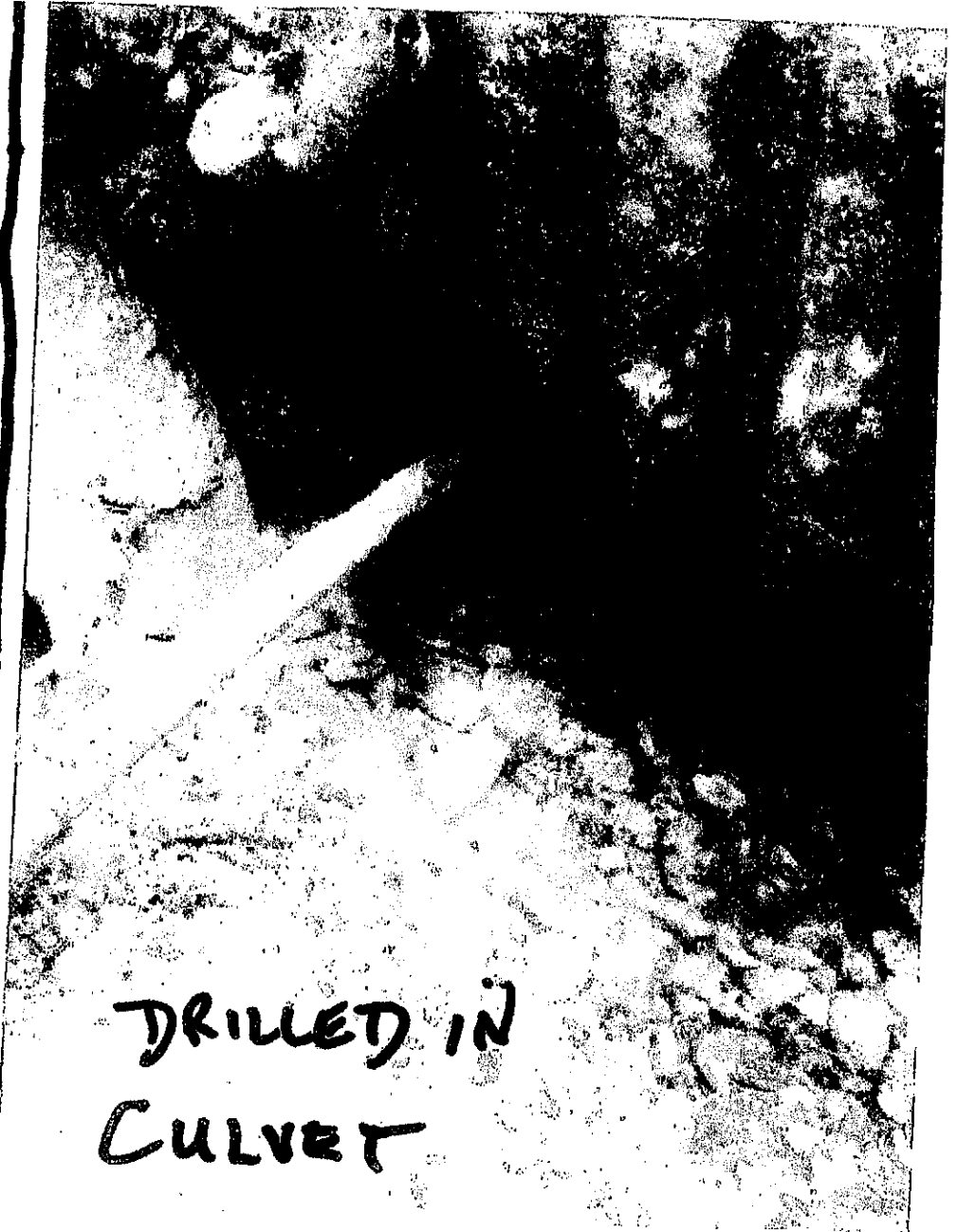
Ultimately, because it involves a state Superfund site, the DEC will make the final determination which option is best, said Allen.



(ATT # 1)



PROPER
Fix



DRILLED IN
CULVERT



TOWN OF POESTENKILL

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

Office of the
Building Inspector
Code Enforcement Officer

MEMORANDUM

To: Town Supervisor – Keith Hammond

Town Board Members- June Butler, David Hass, Harold VanSlyke

Eric Wohlleber (deputy Town Supervisor)

Town attorney – Jack Casey

From: Tracy Church Code Enforcement/ Building Inspector

Date: July 7, 2021

RE: June/ July

OVERVIEW:

The Building Department / Code Enforcement office continues to issue and monitor building permits at a steady pace, as permits are issued there are several required inspections that are required both by The NYS Uniform Building Code as well as the NYS Fire Code, we continue to inspect, gather required certificates and file all pertaining to Certificate of Occupancy and Certificate of Compliance. The Assessor's office has been instrumental in establishing a spreadsheet which allows for the tracking of all issued building permits as to identify permits that are expired or are close to expiring, which allows for prompter renewal letters being sent or final inspections to be scheduled, this has greatly simplified the tracking process, data is continuously being entered and is current and ongoing. The situation on Lynn Road has been quieted somewhat, however Mr. Hitchcock continues to be a source for complaints. The firewood processor has once again been relocated to the Town of Sand Lake, (Poestenkill/Sand Lake border). Other equipment continues to be operated at very early hours and generally results in complaint's being received and documented. There is a July Court date set to continue the enforcement of the current Cease and Desist order, the remedy would be for Mr. Hitchcock to follow the process and acquire a Special Use Permit (Operating Permit). As of this day, he has yet to submit and application, one of which had been provide and hand delivered to him in December of 2020. The situation in Sand Lake (24 Stone Camp Way)being assisted by this office is continually being monitored, The Town of Sand Lake Zoning Board of Appeals has denied the request for an amended variance , and as a result the footings, foundation and construction to date are being ordered to be dismantled and removed due to the violations of boundary limitations and allowances. The Engineer retained by the owner of the property involved, has been in contact with this office, and has agreed to assist with gaining cooperation

of the property owner to comply with the findings of The Town of Sand Lake with hopes of rescinding the current stop work order as to be able to continue with the construction project, cooperation by all parties would greatly assist in achieving positive results. This has been a very challenging situation however we are beginning to see positive solutions with the probability of an agreeable result. The rental property located at 9072 NY 66 which resulted in a court appearance has been resolved to the satisfaction of the Code Enforcement Office as the prior condition involving rodent infestations and property maintenance violations have been corrected, inspected and court documents submitted , the town court is satisfied , the case has been closed with provisions set by the court. 14 Dennis Road continues to defy all orders from the court to rectify unsanitary conditions as well as numerous other complaints regarding the presence of dangerous and unsightly containers, garbage, rubbish, deteriorating condition. Which in turn draw rodents and other undesirable creatures. the Town Court continues to mandate court appearances to monitor any progress. The Code enforcement Office has received several phone calls and emails regarding requirements for home-based day-care centers located within The Town of Poestenkill. Tiffany has reached out to the State of New York regarding provisions for such activities, NYS Department of Children and Family Services has responded stating that providing the Daycare is home based and has all of the required documents submitted to the State , and that any other jurisdictions are prohibited from requiring Special Use Permits or any other restrictions. The owners are currently licensed with the state and are within the boundaries stated in the letter.

The Town of Poestenkill will continue to be represented in a polite, efficient and professional manner.



Respectfully submitted

Tracy Church

Building Inspector/ Code Enforcement Official

Michelle Asquith

From: straydawg302@gmail.com
Sent: Tuesday, July 6, 2021 7:40 PM
To: Michelle Asquith
Subject: [EXTERNAL] RE: reports

Dog control Calls:

Dog Running at large – 3
Dog chasing deer – 1
Barking dog – 5

Bob Guyer
Dog control Officer

Bob Guyer
518.951.0213

From: Michelle Asquith
Sent: Tuesday, July 6, 2021 1:45 PM
To: Tracy Church; Bob Guyer
Subject: reports

Hello,

Can I get your reports for the monthly meeting.

Thank you,
Michelle Asquith

Town of Poestenkill
Office of the Highway Superintendent
P.O. Box 210
Poestenkill, NY 12140
(518)283-4144

To: Town Supervisor- Keith Hammond
Town Board Members- Butler, Wohlleber, Hass, Van Slyke

From: Highway Superintendent- David (DJ) Goyer

Date: July 8th, 2021

RE: Highway Activities
June 10th, 2021 – July 8th, 2021

1. The highway crew started this monthly period off with road work on Rosena Dr. This was a two-day project in total as we changed multiple cross culverts from old rotten metal to corrugated plastic pipes. Once the new pipes were installed, we then ditched both sides of the road and cut any shoulders that were built up. All edges that were in front of resident's homes had grass seed and straw added to it afterwards to prevent erosion and for aesthetics. We went back a week later after material settled over new culverts and added a blacktop patch to each cross culvert.
2. Dave had finished mowing shoulders throughout the village and outskirts, so we started mowing the mountain roads. The goal is to always have one pass done on every town road before the July 4th holiday. We did have a couple more breakdowns with the tractor, which slowed us down some. However, we did get every road mowed one pass before we went on shutdown for the holiday.

3. We started paving roads with the town of sand lake June 16th. We started on a few of their roads as we do every year and I hope to be in our town by middle of July paving Poestenkill roads.
4. Performed a few oil changes on the new pickups and the CV515 small dump truck.
5. We continued picking up yard waste bags for the town residents periodically.
6. I had to bring the CV515 back down to H.L. Gage for some warranty work. The truck had a small coolant leak and ended up get a few new parts installed to correct it. Unfortunately given the times the dealerships are having trouble getting parts for the equipment. This truck sat down there for over two weeks waiting on those parts.
7. We also brought one of our dump trucks to Delureys for warranty work. The DEF sensor for exhaust burning system went bad and put truck into limp mode. The truck has been up there for almost a month already. International is behind schedule making the sensors, and do not have any available. There were four other town trucks up there for the same problem as ours. Its frustrating but our hands are tied unfortunately.
8. A few guys and I fixed a big washout that had been a problem for the town for many years now on snake hill rd. The hill gets major amounts of water during storms and has only one place to go. Due to the size and steepness of washout we did not have big enough rock from our gravel pit. So, we trucked in three loads of medium stone fill from cropseyville quarry. We lined the ditch leading to problem with stone as well to eliminate any future erosion. Overall, the project came out good and should hold up for the long term.
9. We helped the town of berlin for a day hauling blacktop for them on their most recent paving project. They are always there to help us when we are in need as well.
10. The catch vac truck has been out on a few roads helping with road prep for paving. Sucking out black top gutters and the banks along the road that collect with leaves and debris.
11. The excavator was down on circle drive for a couple days as well as the woodchipper. We removed all the debris and material from the existing blacktop drainage gutters that run along both sides of circle dr. Once that

was complete, we then limbed the spruce trees that run along the lane traveling into circle dr.

12. Auctions international came to the garage to take pictures of the pieces of equipment that we are auctioning off this summer. The remaining dodge truck, an old pickup truck plow and the old woodchipper are going. We are also auctioning truck 110, the second oldest tandem truck in our fleet but are currently waiting on a new copy of the title from dmv. That truck will have to go up in a separate auction. The auction is currently live as I write this but is scheduled to close Thursday July 8th at 7:30pm.
13. Our new salesman from Milton CAT was at the garage the 24th of June to get paperwork started on the yearly lease deal we have for the 926 loader. He was going on vacation so not sure if the paperwork will be ready in time for July's meeting but hopefully, he has it ready so we can start that this month.
14. Tom fields and I are still working with DEC regarding the towns mining permit renewal. Currently we have not been given the renewal since there was some issues regarding our understanding of the reclamation grades and what DEC had on record. Tom was correcting the differences on AutoCAD to change the slope numbers for reclamation grades. Until we satisfy DEC and make these corrections, we cannot perform any mining at the pit. We are however allowed to haul out any material that is already stockpiled. It does appear though that we are close to the life of mine boundaries and will need to move forward with adding the remaining acreage to life of mine. The next step is having it surveyed to show what we have there for usable ground. Ryan Biggs is currently working on an estimate for us to perform the survey. This was an unexpected obstacle and cost for me, but we are doing what needs to be done to keep this heading in good directions. I will continue to inform the board of any more news regarding the mine permit once more develops.
15. The highway department will be shut down the week of Monday July 5th until Friday July 9th for our yearly holiday shutdown. I will be available all week though if something comes up or an issue arises. I hope everyone enjoys their Independence Day!

To: Town Board

Subject: Budget Report

Attached are Profit and loss report for your review.

Water

The total income budget for 2021 \$423,644.00 we have taken in \$366,785.63 which put us at 86.6% of our water income budget.

We budget for Contractual expense \$423,640.00 we spent \$83,953.58 as of July 15, 2021. Which seem low that because two major bills are not due until November December. The bond payment and the next water transportation bill.

General

The total income budget for 2021 \$636,062.23 we have taken in \$556,510.30 which is 87.5% of the income budget for this fiscal year. Which looks good heading into the 3rd quarter. We have received first quarter sales tax in amount of \$116,004.00 and 1st quarter Mortgage tax in amount of \$98,673.72. Which looks good with end year sales tax and 1st quarter we are over the budgeted sales tax by 6,000 and we have not received the 2nd Qtr. check yet. And Mortgage is over 30,000 than last year's 1st Qtr. mortgage tax. The town has spent \$314,692.29 in contractual expense which is 40.4%. So right now, we are doing well.

Highway

The total income budget for 2021 \$890,025.00 we have taken in \$803,687.41 which is 90.3% of towns income budget. Note we budget less income this year mainly because of cuts chips and road maintenance because of covid.

We budget for Contractual expense \$1,024,025.00 we spent \$499,671.49 which is a little less the 50 percent of the income budget. Looking good but have not hit winter months and overtime yet. Note the highway budget reflects \$304,195.96 more in contractual expense then we have income coming in for the highway.

The Town is doing well. As caution on previous reports the Town must align contractual expense and income more closely. The Town Departments have received 2nd Qtr. reports as where they are in the contractual budgets.

At a duly convened meeting of the Town Board of the Town of Poestenkill conducted at the Poestenkill Town Hall at 7:00 P.M. on 15th day of July 2021.

RESOLUTION NO. _____ OF THE YEAR 2021

IN THE MATTER OF THE TRANSFER OF CERTAIN GENERAL BUDGET FUNDS

WHEREAS, the Town bookkeeper has advised that it has become necessary to effect various General Fund budget transfers in order 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 \$200.20 from General Fund Budget line item 11990.4 (Contingent 4) be transferred to General Fund budget line item 119104(Insurance 4) in a sum of \$200.20.

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 Keith Hammond: _____