

TOWN BOARD MINUTES
TOWN OF POESTENKILL
JUNE 09, 2022
(Not approved at time of distribution)

ROLL CALL AS FOLLOWS

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

NON-VOTING MEMBERS

Susan Horton, Town Clerk
Andrew Gilchrist, Town Attorney

Motion by Hass, seconded by Butler, and carried that the monthly bills had been audited for payment.

Supervisor Hammond opened the meeting with the Pledge of Allegiance and the floor was opened for public comment at 7:00 p.m. and invited the public to make any brief comments and/or request information at this point or to request time to speak on a specific agenda item when the item was being considered.

J. Wait, town resident, spoke on behalf of his neighbor on Lynn Road regarding the Junkyard Operation. He indicated that Mr. Arnold had passed away and that Mr. Arnold's daughter wanted to continue to operate the Junkyard but was told that the permit could not be transferred to her. Mr. Wait asked if the town could "grandfather" the permit and grant it to her. He said that he thought that State law would allow that. A. Gilchrist, Town Attorney, discussed the issue and explained that the local town laws prohibited satisfying Mr. Wait's request. He said that the town laws prohibit the Special Use Permit to be transferred to any other person and that a new request should be applied for under the name of Mr. Arnold's daughter and submitted to the Zoning Board. R. Brunet, Water Manager, commented on his involvement, as the Code Enforcement Officer for 7 years, who inspected the Junkyard. He said that it was exceptionally well maintained, secure, and that he never had a complaint or any other problem.

L. King said that he lives on Snake Hill Road and that his neighbors had asked him to voice their concerns regarding excavation work on the property adjacent to his. He said that numerous problems had been identified and that the DEC had visited the site twice and had specified the required actions by the developer to address the problems and that he felt the excavator was attempting improvement. He said that he and his neighbors were very concerned because of a similar situation a number of years ago. He asked about the Town's MS4 Officer responsibilities, being the liaison for DEC matters. He said that he had drafted a petition and requested that the property be stopped by the town of Poestenkill to prohibit the transfer of ownership of the property, particularly if the work was left uncompleted. Other comments by Councilman Wohlleber and by Attorney Gilchrist reinforced the opinion that this was an issue between the landowner and the DEC, not the Town.

T. Russell, Town resident/Planning Board Chairman requested that Supervisor Hammond reach out to the State Police to patrol the traffic on Main Street due to the excessive speeding on that road.

Councilwoman Butler informed the Board and audience members that last April the Board had a resident come to them concerned about not having access to internet on route 351. Councilwoman Butler said this is a problem not only on route 351 but also on the hill (Plank, Oakhill, etc). She sent a request to Spectrum asking for some guidance with this issue. Spectrum sent Field Operations to do a study and the conclusion was that it would cost the town approximately \$163,000 (for the one-mile section of route 351) as Spectrum will take no responsibility for this project. They suggested that the State budget has a program for Municipalities, which we will look into.

TOWN CLERK'S MINUTES

Motion by Hass, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of May 12, 2022, as written. Motion by Hass, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of May 25, 2022, as written.

PRESENTATIONS

S. Hart, Hart Engineering, who is the Engineer for Sandy and John Shuhart, presented an update of their prior proposed Senior Housing plan, which detailed the changes regarding the roadway. He answered a question by stating that this proposal was for a two-story building, totaling 48 units. He indicated that he had discussions with RCDOH and that he expected to have a meeting within the next two weeks with the DOT. He said that he appreciated the meeting with Bob Brunet and that they would meet all requirements to connect to the Municipal Water system. He said that when this work was completed, he expected to return and present to the Town Board the final proposal for formal review. He provided the town board with a paper copy of the proposal and said that a PDF will be forwarded within two weeks.

LIAISON REPORTS:

Planning Board - Board members had copies of the May 3, 2022 meeting in their packets.

T. Russell, Chairman reported on the June 7, 2022, meeting.

Zoning Board – T. Hoffay, member reported on the May 10, 2022, minutes. He also stated that the ZBA meetings will now take place the 3rd Tuesday of each month.

Fire Company – Town Board members had copies of the Fire Company's May 2022 report.

D. Basle reported on the number of calls the Fire Company made during the month of May.

Total year to date calls 125.

Library – M. McClellan reported on the library's current activities which included the Summer Reading Program. Meg also stated that the Petition Drive for the library's 414 budget proposition was still gathering signatures.

Youth Advisory Board - Motion by Van Slyke, seconded by Butler, and an oral vote of 5 ayes, approving the Counselors for the 2022 Summer Camp as submitted by Tiffany Buker, Youth Director. D. Basle, Assistant Fire Chief informed the Board that the Fire Company will be sponsoring (2) Poestenkill campers for the entire 5 weeks.

CAC – there was no meeting this month.

CORRESPONDENCE:

Memo dated May 27, 2022, from *Charter Communications* explaining their programming and upcoming changes.

DISCUSSION ITEMS:

Hitchcock Agreement – Supervisor Hammond stated that this litigation is still pending.

L. Basle, Fire Co. asked about how much this litigation has cost the town so far. Supervisor Hammond replied that the litigation is still pending and the only cost to the town so far was the retainer held for the Code Enforcement Officer.

Abandoned Buildings – this item is tabled until next month.

Introductory of Local Laws – Tax Exemption – A. Gilchrist, Town Attorney, he is working with the County and the Town Assessor on this issue and will report his findings to the Town Board.

Roof for library/town hall - Town Board members had copies of (3) Proposals in their packets for roofing project(s) for the Town Hall and library. Supervisor Hammond asked board members to review these proposals, and this project will be discussed and voted on at the next board meeting.

ACTION ITEMS

Paper Streets – Supervisor Hammond thanked everyone for their work on this undertaking over the last several months. He said that it is now resolved to Mr. & Mrs. Russo’s satisfaction and would be voted on for approval.

RESOLUTION #13-2022 – RESOLUTION PERTAINING TO ABANDONMENT OF PAPER STREETS AS A MATTER OF LAW UNDER NEW YORK HIGHWAY LAW SECTION 205(1). Resolved, by the Town Board of the Town of Poestenkill in regular session duly convened as follows:

The recital clauses of this Resolution as set forth above, and Exhibits “A” and “B” attached hereto, are hereby incorporated into the body of this Resolution as substantive provisions. Pursuant to New York Highway Law Section 205(1), those portions of such Paper Streets located in the Town of Poestenkill and as depicted on Exhibit “B” hereto as “Parcel 2” and “Parcel 3”, and to such extent and area only, are deemed abandoned as a matter of law.

MOTION BY: Councilman Wohlleber

SECONDED BY: Councilman Van Slyke

VOTED UPON AS FOLLOWS:

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

2nd Mailing for ARPA listening session – The purpose of this mailing is to provide residents with the information on how the monies received from ARPA (American Rescue Plan Act) will be utilized. Motion by Councilwoman Butler, seconded by Councilman Van Slyke with four ayes and one nay (Wohlleber) to approve up to \$1,655.04 thru The Mailworks for mailing to residents, the dates of (2) meetings which will be held to discuss ARPA funds. The monies used for this mailing will come out of ARPA funds.

Amendment to Hudson Mohawk Agreement - Board members re-addressed the proposed amendment which would include “cats” and would be very costly to the town. At this time, the board decided not to approve the amendment which would include cats and that they would re-address this amendment at the next annual renewal of Hudson Mohawk’s Agreement.

Approval to codify and supplement legislation from 2021 local laws - Councilwoman Butler explained to board members the importance of codifying and updating the code. General Code will codify and supplement the legislation listed on the estimate given to the Town. Motion by Supervisor Hammond, seconded by Councilwoman Butler and carried to approve General Code to codify and supplement legislation in the amount no greater than \$1,790.00.

REPORTS

Supervisor’s Report - Supervisor Hammond reported that he was very busy with meetings this month. He also stated that a meeting needed between the Town and LaBerge Bros. will be taking place sometime after July 4th for an update.

Town Attorney’s Report – A. Gilchrist reported on some of the items he worked on this month which included working with the County on preparing local laws for tax exemptions, paper streets, Hudson Mohawk proposed amendment and other routine matters.

Motion by Councilman Wohlleber, seconded by Councilman Van Slyke, and an oral vote of 5 ayes to approve the Town Clerk’s report for the month of May 2022, as written. The total amount received in the Clerk’s Office was \$15,365.15 and of that amount \$14,490.95 was turned over to the Supervisor. Town Board members had copies of the Building Inspector/Code Enforcement Officer’s written report. There were also reports from the Assessor, DCO, 811 report, Water report, and the Highway Department report. DJ Goyer, Highway Superintendent asked Supervisor Hammond if there was anymore discussion on the proposal he gave to the Board regarding asphalt and he updated the Board on the bridge on Legenbauer Rd. DJ reported that he has been working with Wayne Bonesteel, Town Engineer and he finds that the bridge is structurally “Sound”. DJ will update the Board with asphalt prices for their review.

L. Basle, Fire Company asked Supervisor Hammond if there were any updates regarding PFOA’s, Supervisor Hammond stated there were no new updates. L. Basle, also wanted to know why it was costing the town \$1,600 for a mailing when the Fire Co. did a mailing and it only cost them \$100. Supervisor Hammond stated that this was not open for discussion at this time.

WATER MANAGER REPORT

B. Brunet reported that everything was going exceptionally well in the water district. He said that he would be shortly performing the water meter readings for the system so that Sue Horton could send out the second quarter billings. He said that the NYRWA leak locating expert agreed to come to Poestenkill (at no charge to the town) to aid in our leak locating efforts, thereby saving the town costs for wasted water. Bob also said that the NYSDOH had just released the new requirements under the new LCRR law, beginning now thru 2024. Bob said that the initial requirements involved a major inventory of all water customers’ residents and that this is very time consuming but would not incur any costs by the town.

PAYMENT OF BILLS

Motion by Hass, seconded by Butler, and an oral vote of 5 ayes to pay Warrant #11-2022 in the amount of \$24,216.72.

EXECUTIVE SESSION

Motion by Councilman Wohlleber, seconded by Councilman Hass and an oral vote of 5 ayes to enter into Executive Session at 8:50 p.m. to discuss personnel issues with no votes taken. Motion by Councilman Wohlleber, seconded by Councilman Van Slyke and carried to exit Executive Session at 9:20 p.m. and re-enter the regular scheduled meeting.

Motion by Hass, seconded by Butler, and an oral vote of 5 ayes to pay Warrant #12-2022 in the amount of \$1,156.24.

Supervisor Hammond discussed with the Board the importance of having another meeting with LaBerge Bros. to give an update on the water and the date was set for July 21st at 6:30 p.m. which will be held at Town Hall.

Motion by Councilman Wohlleber, seconded by Councilman Hass and carried to adjourn this meeting at 9:30 p.m.

Respectfully submitted,

Susan Horton
Town Clerk