

TOWN BOARD MINUTES  
TOWN OF POESTENKILL  
TOWN BOARD MEETING

May 20, 2021

Not approved at time of distribution)

ROLL CALL AS FOLLOWS

Councilwoman Butler	Present
Councilman Hass	Present
Councilman Van Slyke	Absent
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.

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

Supervisor Hammond opened the floor at 7 p.m. for the Public Hearing – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, TO ENACT A LOCAL LAW SETTING FORTH STANDARDS FOR DRIVEWAYS AND PRIVATE ROADS IN NEW CONSTRUCTION/DRIVEWAY APPLICATION – The proposal, including the Application, was discussed in detail by DJ Goyer, Highway Superintendent. Councilman Hass pointed out that he believed the Application should be made part of the proposed local law for it to be legal. It was decided that DJ Goyer would work with the Town Attorney, Jack Casey to accomplish this and the package would be brought back at the next Town Board Meeting. This public hearing will continue next month.

Public Comment Period – J. Hitchcock asked which department handled culvert issues and why State Police were called on 5/14/21 to Jones Road and he asked if this was the normal procedure and who handles this type of issue? After a discussion involving Tracy Church, Code Enforcement Officer, David Goyer, Highway Superintendent, and Mr. Hitchcock, it was determined that this was not a Code issue and was likely a traffic complaint.

Motion by Butler, seconded by Hass and an oral vote of 4 ayes to accept the Town Clerk's minutes of April 15, 2021 meeting as written.

Correspondence – Letters dated May 1, 2021, May 2, 2021, May 4, 2021, and May 14, 2021 informing residents about programming changes that will affect subscribers.

Liaison Reports:

Planning Board –Town Board members had copies of the Planning Board's meeting of April 6, 2021. D. Heckelman, Planning Board chairman elaborated on the meeting.

Zoning Board – Town Board members had copies of the April 13, 2021 meeting. Chairman Frank Burzesi elaborated on the meeting.

Fire Company – Town Board members had copies of the Fire Co. April 2021 report.

Library – Susan Kalafut reported on the activities at the Library. She informed the Board that the Library is open for regular hours and to please wear mask when visiting as not all patrons are able to be vaccinated. The puzzle sale was very successful and a May 31<sup>st</sup> deadline for High School seniors to apply for the Clement Scholarship.

Youth Advisory Board- T. Buker, Youth Director updated the Board on the progress of Summer Camp. Counselors and CITs are in the process of being hired and camp prices will increase after May 23<sup>rd</sup>.

CAC- There was no meeting.

#### Discussion Items:

Public Health Coordinator – R. Brunet discussed his proposal that the Town establish a “Public Health Coordinator” and suggested that this responsibility be assigned to the Water District. He said that this recommendation was to assign the work responsibility, not establish a new position. He said that this proposal was prompted by recently increased regulations by the EPA, the DEC, and by the Biden administration, all of which are presently being handled by him for the Water District (such as PFOA, PFOS, Lead Copper Rule Revision-LCRR, but not COVID). The Water District today has no responsibility for residents’ wells, even though the testing and documentation is the same as in the Water District. Furthermore, he stated that he had been performing this type of coordination responsibility with the RCDOH, the NYSDOH, and the Algonquin School personal, even though it had nothing to do with the Water District. Most Town Board members supported the idea, but Councilman Hass had reservations and it was decided to table this item until the next meeting.

Speed Limits – T. Russell asked that speed limit changes be considered especially with more people doing outdoor activities. Supervisor Hammond stated that letters are being submitted to the County and State and request that they review the situation.

Timeline for PDD – T. Russell, Planning Board member discussed the reasons for his request to extend the present 60-day response time imposed upon the Planning Board for the PDD being reviewed. Councilman Wohlleber asked what the status of Professional Engineer Tom Fields’ letter to the Planning Board was, citing many deficiencies which required answers from the applicant. D. Heckelman, Planning Board Chairman, stated that they had just received it and that it would be forwarded to the applicant at the next meeting. Supervisor Hammond said that there is no reason why the Planning Board could not meet more often if necessary. He went on to state that he did not want to change the 60-day timeframe and that the Planning Board could notify the PDD applicant that they would reject the proposal because of unanswered questions if they could not mutually agree on a timeframe extension for this particular case in order to resolve all issues. Tiffany Buker, Clerk to Planning Board, spoke about looking at the process and to make sure the information they were gathering was for the step of the process they were on and were not getting too far ahead of themselves.

Seniors over 90 Years Old - T. Russell would like to form a committee where we can track our seniors that are 90 years and older and recognize them with cards/flowers. T. Russell will be reaching out to the Poestenkill Business Association for their assistance in this matter.

Vacant Building Registry – Councilman Wohlleber introduced draft legislation entitled “Establishing a registry for vacant buildings and property maintenance requirements for lots containing a vacant building.” Councilman Wohlleber mentioned that the legislation mirrors others passed in Rensselaer County, including in the Town of Brunswick. The goal of this

legislation is to empower the town to identify vacant buildings, decrease the amount of time a building remains vacant and to encourage investment in town. Councilman Wohlleber stated that in the majority of cases abandoned homes are in possession of banks and are left vacant for extended periods of time, while falling into disrepair. This legislation is designed to encourage banks and/or owners of vacant homes to maintain their properties. Councilman Wohlleber feels these buildings present a public safety and health risk, negatively impact the market value of neighboring homes and properties and the welfare of the community. There was significant discussion on this subject, somewhat "heated" involving numerous residents and various members of the Town Board. The many concerns included the owners' ability to pay registration fees if they were already unable to pay their taxes. The property Maintenance Code was discussed as a means of addressing some of these situations. The Town's ability to involve banks was also discussed, as well as which Town officials would be involved in the additional required workload. Councilman Hass strongly stated his disapproval of this legislation. He also stated that this was the biggest overreach of government that he has ever seen; this viewpoint was strongly supported by many of the residents in attendance. The discussions concluded with the request from Councilman Wohlleber asking the Board to direct Jack Casey, Town Attorney on what specific question(s) they wanted addressed. Supervisor Hammond speaking for the Board stated that it is clarification on section 7 of the resolution which the Board wanted the Town Attorney to review.

The details of Councilman Wohlleber's full statement is available for review at the Town Clerk's office.

Replacement Sander - DJ Goyer, Highway Superintendent explained to the Town Board that during the winter the Town Sander was totaled and will need to be replaced. However, the only amount that will have to be paid is the \$500 deductible which will come out of the Highway Budget. He is asking the Board to approve the purchase of a new 2021 Sander.

IN THE MATTER OF THE TOWN BOARD OF THE TOWN OF POESTENKILL  
 AUTHORIZING DAVID GOYER, HIGHWAY SUPERINTENDENT OF THE TOWN OF  
 POESTENKILL TO PURCHASE A 2021 BENGAL ZWACK Z513HS SLIDE IN SANDER IN  
 THE AMOUNT OF \$17,250 FROM ZWACK INC., RTE 22 STEPEHTOWN, NY 12168.

MOVED BY: Councilwoman Butler

SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS:

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

Assessor Clerk – The Town Board members were unanimous in their support of the appointment of Michele Wait for the Assessor Clerk position. Motion by Wohlleber, seconded by Hass and 4 ayes to appoint Michele Wait, Clerk to the Assessor. Supervisor Hammond asked if the hours and the wages were the same as the existing budget allowed. There was some uncertainty and Supervisor Hammond said that he would discuss the issue with Betsy Pinho, Assessor.

Action Items:

APPROVAL OF RESOLUTION OF THE TOWN BOARD OF THE TOWN OF  
 POESTENKILL, NEW YORK, TO ENACT A LOCAL LAW SETTING FORTH  
 STANDARDS FOR DRIVEWAYS AND PRIVATE ROADS IN NEW CONSTRUCTION.

This Law has been tabled until next month.

RESOLUTION #4-2021 – IN THE MATTER OF THE TOWN BOARD OF THE TOWN OF POESTENKILL ACKNOWLEDGING THE CONDUCT AND COMPLETION OF AN AUDIT OF THE TOWN JUSTICE COURT FINANCIAL RECORDS FOR THE CALENDAR YEAR 2019 AND AUTHORIZING THE TRANSMITTAL THEREOF TO THE NEW YORK STATE OFFICE OF COURT ADMINISTRATION (OCA). Resolved, that a copy of said audit report for the calendar year 2019 be submitted to the New York State Office of Court Administration (OCA) for review by OCA’s Office of Internal Affairs for recurring findings and other matters that might identify problems requiring further audit or remedial actions, with the results of such review to be integrated into the applicable risk assessment process.

MOVED BY: Councilman Hass  
 SECONDED BY: Councilwoman Butler

VOTED UPON AS FOLLOWS:

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

RESOLUTION #5-2021 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, HONORING VICTORIA BUBIE ON HER EARNING THE RANK OF EAGLE SCOUT. Resolved, that the Town Board of the Town of Poestenkill pause in its deliberations to Congratulate Victoria Bubie, an exemplary young woman, on her impressive achievement, to wish her every success in her studies, in her community involvement and in any leadership position her career might offer, and to thank her for her volunteer work on behalf of the Poestenkill Town Youth Commission.

MOVED BY: Councilwoman Butler  
 SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS:

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

Reports:

Supervisor’s Report- Supervisor Hammond stated that he and the Town Clerk were invited to attend lunch with the Poestenkill Seniors at the Lakeview Restaurant.

Town Attorney’s Report – Jack Casey, Town Attorney stated that he has been working on resolutions, code enforcement issues and commercial wood issues.

Town Clerk’s Report – Motion by Butler, seconded by Hass and an oral vote of 4 ayes to accept the Town Clerk’s report of April 2021. The total amount received in the Clerk’s office was \$26,004.10 and of that amount \$25,660.40 was remitted to the Supervisor. S. Horton, Town Clerk also reported on the 2021 Property Tax Collections for the Town. She stated the amount of \$3,929,332.30 was collected for 2021 tax season. 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.

Budget Transfers – Resolution #6-2021 – IN THE MATTER OF THE TRANSFER OF CERTAIN GENERAL BUDGET FUNDS. Resolved, that it is hereby authorized and directed as follows: That the sum of \$2,673.79 from General Fund Budget line item 11990.4 (Contingent 4) be transferred to General Fund Budget line item 119104 (Insurance 4) in the sum of \$2,673.79.

MOVED BY: Councilman Hass

SECONDED BY: Councilman Wohlleber

VOTED UPON AS FOLLOWS:

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

Concluding Public Comment Period:

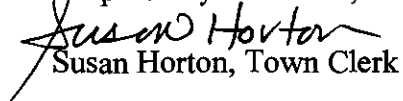
Councilman Hass stated a Farmer's Market would be open beginning July 10<sup>th</sup> to October(ish) depending on the weather. It was \$10 per week to be a vendor and the only stipulation was it needed to be something the vendor's make or grow what they sell.

Payment of Bills:

Motion by Hass, seconded by Butler and an oral vote of 4 ayes to pay Warrant #12-2021 in the amount of \$3,536.53. Motion by Hass, seconded by Butler and an oral vote of 4 ayes to pay Warrant #13-2021 in the amount of \$76,387.17.

Motion by Hass, seconded by Butler and an oral vote of 4 ayes to exit to Executive Session at 8:14 p.m. to discuss a personnel issue with no votes taken. Motion by Hass, seconded by Butler and carried to exit from Executive Session at 8:55 p.m. and immediately adjourned this meeting.

Respectfully submitted,

  
Susan Horton, Town Clerk

Listed below is Councilman Wohlleber' s full statement of the May 20, 2021 Town Board Meeting.

Councilman Wohlleber introduced draft legislation – “Establishing a registry for vacant buildings and property maintenance requirements for lots containing a vacant building.” Councilman Wohlleber mentioned that the legislation mirrors others passed in Rensselaer County, including in the Town of Brunswick. The goal of the legislation is to empower the town to identify vacant buildings, decrease the amount of time a building remains vacant and to encourage investment in town. Councilman Wohlleber stated that in the majority of cases abandoned homes are in possession of banks and are left vacant for extended periods of time, while falling into disrepair. This legislation is designed to encourage banks and/or owners of vacant homes to maintain their properties. These buildings present a public safety and health risk, negatively impact the market value of neighboring homes and properties and the welfare of the community.

Councilman Hass stated that this proposed legislation was the stupidest thing he had ever seen or heard of in his life. He continued by stating that this was nothing but a way for neighbors to pick on and victimize neighbors if their grass was too high or if they did not like the color of their porch. He stated that this was the biggest overreach of government that he has ever seen and stated that Councilman Wohlleber was introducing communistic measures in the town. Councilman Hass went on to say that Councilman Wohlleber was only proposing this legislation at this time because he was not up for re-election this year and that if he had the courage to do it at another time if would guarantee that the voters would kick him out of office. Councilman Hass finished by saying that if Councilman Wohlleber liked the legislation passed by Brunswick so much that he should move to Brunswick.

Councilman Wohlleber responded that Councilman Hass' statements were completely unprofessional and unacceptable. Councilman Wohlleber asked the other members of the Town Board to condemn Councilman Hass' comments.