

TOWN BOARD MINUTES  
TOWN OF POESTENKILL  
TOWN BOARD MEETING  
NOVEMBER 19, 2020  
(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 at 7 p.m. and on a motion by Hass, seconded by Butler and carried it was stated that the monthly bills had been audited for payment.

Motion by Hass, seconded by Wohlleber and an oral vote of 5 ayes to accept the Town Clerk's minutes of October 15, 2020 as written. Motion by Hass, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of October 22, 2020. Motion by Wohlleber, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of October 27, 2020 as written.

Presentation – C. Herman, representing the New York Power Authority, provided information to the Town Board members regarding their proposal as part of the Gold Energy effort to modify and replace, where appropriate, the towns streetlights. The objective is to provide a more energy and cost efficiency system to the Town. There were many questions regarding flexibility in lighting key areas of the Town. Mr. Herman assured the Town that they would work with the Town's requests. Mr. Herman stated that the payback period for the town was 20 years. Supervisor Hammond thanked Mr. Herman for his presentation.

Public Comment Period – R. Crowley, Democratic Committee Chairman presented Toby Chadwick, Highway Superintendent with a Proclamation thanking him for his service and dedication to the Town of Poestenkill. Toby will be retiring in December 2020 having worked for the Town for over 30 years.

Liaison Reports:

Planning Board- Town Board members had copies of the Planning Board meeting of November 4th in their packet. T. Russell, Chairman of the Planning Board reported on the agenda items of November 4<sup>th</sup>. J. Casey, Town Attorney, questioned Mr. Russell on an ongoing issue in the Town regarding wood processing. Mr. Russell stated that neither Mr. Hitchcock nor his attorney showed up at the scheduled Planning Board meeting and therefore no action was taken by the Planning Board. After a lengthy discussion, J. Casey discussed the fact that Mr. Hitchcock is and has been in violation of the Town Laws for some time and that the Town cannot just let this continue without taking action. He confirmed this with Tracy Church, Code Enforcement Officer. He again, strongly made this point and the issue was left that the Planning Board would address it at the next Planning Board meeting. J. Casey stated that Mr. Russell should ensure that Mr. Hitchcock would be aware of the meeting and that the Planning Board should make a decision, whether Mr. Hitchcock was represented or not.

Zoning Board–Town Board members had copies of the ZBA meeting of October 13<sup>th</sup>, October 29<sup>th</sup> and November 10<sup>th</sup> in their packets. N. Heckelman, ZBA member, reported on the agenda items. N. Heckelman elaborated on the wood processing issue. She stated the findings of the ZBA were that Joseph Hitchcock’s firewood processing business does not qualify to apply for a SUP (Special Use Permit) as a “Retail” use. If Mr. Hitchcock would like to apply for a “Retail” SUP for the portion of his business which is limited to sales activity, such as receiving customers to engage in retail sales transactions of already processed firewood, he would be eligible to do so. Councilman Van Style stated Mr. Hitchcock requested a postponement regarding the voting on the SUP because his lawyer was not in attendance. He also stated, he thought it was unfair in as much as the month before he (Mr. Hitchcock) agreed to postpone the vote because one of the Planning Board members was not able to attend the meeting.

Fire Company – Town Board members had copies of the October 2020 Fire Co. report.

Library – M. McClellan reported on the current activities happening at the Library. She stated that the painting of the Library looks great and that the Friends of the Library are gearing up for the Holiday Lights fundraiser.

Youth Advisory Board- T. Buker, Youth Director reported on the Youth activities which included the Halloween parade which was held on October 31<sup>st</sup>. T. Buker stated the event was well organized, a great turn out, and the children had a wonderful and safe day.

CAC- There was no meeting in October.

Correspondence:

Charter Communications - Memos dated October 30<sup>th</sup>, November 7<sup>th</sup> and November 13, 2020 regarding upcoming changes.

Kennedy & Madonna, LLP-Impending New York State Maximum Contaminant Levels for PFOA & PFOS – The Town received a letter dated October 2, 2020 from the Kennedy & Madonna, LLP organization which discussed contaminant levels for PFOA and PFOS. It detailed the recent Department of Health’s Public Health and Health Planning Council July 30, 2020 approval of the proposed MCLs which were then published in the State Register and became effective on August 26, 2020. This is an ongoing issue and is being addressed by Robert Brunet.

Master-Independent Engineering Review – The Town received the Independent Review of the Quail Meadows Subdivision. The onsite review included the completed work and the areas currently being worked upon. The review was generally positive but also recommended that a meeting be convened between the Poestenkill Highway Superintendent, Mr. Kronau and Wayne Bonesteel, PE, Senior Project Manager to discuss recommendations.

Discussion Items:

Lot Line Adjustment – The subject of the Lot Line Adjustment, Local Law #2-2013, and section 195-2, of the current code was discussed with the consideration of the Planning Board’s concern of the present wording of “Minor” in the Law, being a restriction to the Planning Board’s deliberations. The consensus was positive, but no vote was taken. Subsequent follow-up review of the subject dictates that the Local Law #2-2013 and section 195-2 of the current code needs to be thoroughly reviewed before any change to the existing law is considered.

Green/Recreational Space – This subject was briefly discussed but no action was decided upon at this time.

Wood Processing – It was determined that Councilwoman Butler would attend the December Planning Board and Zoning Board meetings and would report her findings back to the Town Board.

New Bar Member – B. Pinho, Assessor explained to the Board that she received (2) resumes to fill a vacancy on the Board of Assessment Review. She stated that both candidates were very knowledgeable and would be an asset to the Town. This will be voted on during the Action Items portion of tonight’s meeting.

**Action Items:**

**RESOLUTION#19-2020 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, TO FILL A VACANCY ON THE BOARD OF ASSESSMENT REIVEW. Now Therefore Be It Resolved; Matthew Guilbault is hereby appointed to the Board of Assessment Review to complete the unexpired term of Dennis Bates ending September 30, 2023.**

**MOVED BY: Councilman Hass**  
**SECONDED BY: Councilwoman Butler**

**VOTED UPON AS FOLLOWS:**

**Councilwoman Butler: Yes**  
**Councilman Has: Yes**  
**Councilman Van Slyke: Yes**  
**Councilman Wohlleber: Yes**  
**Supervisor Hammond: Yes**

**RESOLUTION#20-2020 – TO PROVIDE FOR A TWO PERCENT INCREASE IN THE RESIDENT WATER FEE. Resolved, that the Town Board of the Town of Poestenkill authorizes an increase in fees imposed by the Water Department from \$4.90 to \$5.00 per 1,000 gallons beginning January 1, 2021.**

**MOVED BY: Councilman Wohlleber**  
**SECONDED BY: Councilman Van Slyke**

**VOTED UPON AS FOLLOWS:**

**Councilwoman Butler: Yes**  
**Councilman Hass: Yes**  
**Councilman Van Slyke: Yes**  
**Councilman Wohlleber: Yes**  
**Supervisor Hammond: Yes**

**RESOLUTION #21-2020 – DECLARING THE WEEK OF JANUARY 24-30, 2021 SCHOOL CHOICE WEEK IN THE TOWN OF POESTENKILL. Resolved, that the Poestenkill Town Board hereby recognizes January 24-30, 2021 as “School Choice Week in the Town of Poestenkill,” and calls this observance to the attention of all citizens.**

**MOVED BY: Councilwoman Butler**  
**SECONDED BY: Supervisor Hammond**

## VOTED UPON AS FOLLOWS:

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

RESOLUTION#22-2020 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, TO HONOR BOB BRUNET ON THE OCCASION OF HIS 80<sup>th</sup> BIRTHDAY. Resolved, that the Town Board of the Town of Poestenkill pause in its deliberations to officially recognize Bob on the occasion of his 80<sup>th</sup> Birthday, thanking him for loyal service to the residents of Poestenkill, and wishing him many more happy and healthy years.

MOVED BY: Councilwoman Butler  
 SECONDED BY: Supervisor Hammond

## VOTED UPON AS FOLLOWS:

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

RESOLUTION#23-2020 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, CREATING THE POESTENKILL AMBULANCE DISTRICT PURSUANT TO TOWN LAW ARTICLE 12-A, SUBJECT TO A REFERENDUM.

Resolved, that the Town Board's resolution of September 17, 2020 creation of the Poestenkill Ambulance District in compliance with Town Law article 12-A, be affirmed and ratified; and be it further

Resolved, that because of the COVID19 pandemic the Special Election pursuant to Town Law 91 and 94 be postponed until further action of the Town Board.

MOVED BY: Councilman Wohlleber  
 SECONDED BY: Councilman Van Slyke

## VOTED UPON AS FOLLOWS:

Councilwoman Butler: Yes  
 Councilman Hass: No  
 Councilman Van Slyke: Yes  
 Councilman Wohlleber: Yes  
 Supervisor Hammond: Yes

2021 Animal Shelter Agreement – Motion by Councilman Wohlleber, seconded by Councilman Hass and carried to authorize Supervisor Hammond to sign the 2021 Animal Shelter Agreement with Mohawk Hudson Humane Society.

Assign the Delegate for the Association of Towns – Motion by Councilman Wohlleber, seconded by Councilman Hass and carried to designate J. Casey, Town Attorney to attend the Annual Business Session of the Association of Towns of the State of New York, to be held during Presidents' week, February 2021, virtually, and to cast the vote of the aforesaid town, pursuant to the Constitution and Bylaws of said Association.

Reports:

Supervisor's Report- Supervisor Hammond stated all is running smoothly in the Town. It has been a very busy month with the Adoption of the 2021 Budget.

Town Attorney's Report – Mr. Casey reported on the matters that he worked on since the last Town Board meeting which included working with the Planning/ZBA on the wood processing issue. He stated he was very busy with calls to the State and Board of Elections regarding the Special Election for the Ambulance District and preparing several Resolutions for this evenings meeting.

Town Clerk's Report – Motion by Hass, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's report of October 2020. The total amount received in the Clerk's office was \$23,555.73 and of that amount \$20,829.70 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, Water Manager/811 report, Highway Dept. report. There was no DCO report this month. T. Chadwick, Highway Superintendent informed the Board that one of his Highway workers had a heart attack during work last week. He further stated, that from the time 911 was called it took Mohawk Ambulance 11 minutes to arrive and in route to Albany Medical. He also stated that our 1<sup>st</sup> responders were there within minutes and did an excellent job. T. Chadwick wanted it noted for the record that Mohawk Ambulance and our 1<sup>st</sup> responders did an excellent job during this crucial time.

Budget Transfers – RESOLUTION #24-2020 – 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 \$269.32 from General Fund budget line item 11990.4 (Contingent 4) be transferred to General Fund Budget line item 13620.4 (Code Enforcer 4) in a sum of \$269.32 and a sum of \$338.46 to be transferred from General Fund budget line item 11990.4 (Contingent 4) transferred to General Fund budget line item 15010.4 (Supt. of Highway) in the sum of \$338.46.

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 #25-2020 – IN THE MATTER OF THE TRANSFER OF CERTAIN WATER BUDGET FUNDS 2020. Resolved, that it is hereby authorized and directed as follows: That the sum of \$935.00 be transferred from Water Budget fund line item 8310.14 (811 dig safely) to Water Budget fund line item 8310.11 (Assistant Water Manager).

MOVED BY: Councilman Hass  
 SECONDED BY: Councilwoman Butler

## VOTED UPON AS FOLLOWS:

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

## Payment of Bills:

Motion by Hass, seconded by Wohlleber and an oral vote of 5 ayes to pay Warrant #21-2020 in the amount of \$114,696.57. Motion by Hass, seconded by Wohlleber and an oral vote of 5 ayes to pay Warrant #22-2020 in the amount of \$201,489.55.

Motion by Councilman Wohlleber, seconded by Councilman Hass and carried to enter into Executive Session at 8:30 p.m. to discuss a pending Town issue with no votes being taken. Motion by Councilman Hass, seconded by Councilman Wohlleber and carried to exit Executive Session at 8:53 p.m. and to immediately adjourn this meeting.

Respectfully submitted,

  
Susan Horton Town Clerk