

Town of Poestenkill
Town Board Meeting Minutes
October 13th, 2022
(Not approved at time of distribution)

Voting Members

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

Non-Voting Members

Susan Horton, Town Clerk
Andy Gilchrist, Town Attorney

Supervisor Hammond opened the meeting with the Pledge of Allegiance at 7:00pm. A motion was made by Councilman Hass, seconded by Councilwoman Butler and carried that the monthly bills had been audited for payment.

Supervisor Hammond opened the public comment period of the meeting. L. King, town resident spoke about the meetings held about the use of the rescue funds and would like the conversations and reporting to continue about the use of the money. G. Blauvet, town resident, requested time to speak during the Action Items portion. Councilwoman Butler asked Andy Gilchrist, Town Attorney, to further investigate the version published in the advertiser by Councilman Wohlleber as minutes instead of the official minutes.

Town Clerk's Minutes

Minutes of September 8th, 2022- Motion by Councilman Hass, seconded by Councilman Van Slyke and carried to accept the Town Clerk's minutes, as written.

Minutes of September 15th, 2022- Motion by Councilman Hass, seconded by Councilwoman Butler and an oral vote of 4 ayes and 1 nay (Councilman Wohlleber) to accept the Town Clerk's minutes, as written.

Minutes of September 21st, 2022- Motion by Councilman Hass, seconded by Councilman Van Slyke and carried to accept the Town Clerk's minutes, as written.

Minutes of October 5th, 2022- Motion by Councilman Wohlleber, seconded by Councilwoman Butler and carried to accept the Town Clerk's minutes, as written.

Correspondence

Memos from *Charter Communications* dated September 23rd and 30th explaining their programming and upcoming changes.

A letter of resignation from Susan Mullen Kalafut from per position on the Zoning Board of Appeals effective December 31st, 2022.

Liaison Reports

Planning Board- Members had copies of the September 6th, 2022, meeting in their packet. L. Burzesi reported on the October 4th, 2022, meeting which included Orsini/Langley project and Rensselaer Plateau Alliance.

Zoning Board- Members had copies of the September 20th, 2022, meeting in their packet. F. Burzesi, chairman, reported on the meeting which included an area variance.

Fire Company- Town Board members had copies of the Fire Company's September 2022 Report.

Library- D. Ries reported on the current happenings at the library including many successful programs and an additional streaming service. The library has an upcoming puzzle sale and is happy with the improvements of the roof.

Youth Advisory- A Halloween Parade will be occurring on October 30th, 2022, at 11:30am from Town Hall to the Elementary School.

CAC- There was no meeting this month.

Discussion Items

Shuhart PDD- Steve Hart, the engineer for the Shuhart PDD gave an update on the project including meetings with DEC, Army Corp of Engineer, Planning Board Members and a wetlands biologist.

Standard and Decorum Resolution- Councilman Wohlleber spoke on changes he had made to the proposed resolution since it was last discussed and would like to bring it up for the public's opinion. There was much discussion about an introductory law compared to a resolution. Councilman Wohlleber wanted to continue on with having a public hearing on the resolution. Motion was made by Councilman Wohlleber, seconded by Supervisor Hammond and did not pass with 3 nays (Councilwoman Butler, Councilman Hass and Councilman Van Slyke), 2 ayes (Councilman Wohlleber, Supervisor Hammond).

Noise Local Law- Councilman Wohlleber spoke on the Noise Local Law he would like to bring to the table to help set standards to protect all. Supervisor Hammond brought up Tracy Church's (Building Inspector/Code Enforcement Officer) concerns and asked why he would bring in a new law instead of amending what is currently in town code. Councilman Van Slyke and Councilwoman Butler discussed their concerns with what he has proposed so far. Supervisor Hammond suggested that Councilman Wohlleber reach out to Tracy.

Repeal Local Law 2-2021- Councilman Wohlleber asked Andy Gilchrist, Town Attorney, the

process to repeal the law. Andy went over the process. Councilwoman Butler is concerned with repealing the law as it is a way of life for many people. Councilman Wohlleber is concerned the law is going to put us in the same predicament in the future. There was a discussion about losing the lawsuit because of a civil rights suit vs the law and future cases popping up. Councilman Wohlleber asked if anyone else was in favor of going forward with an introductory law to repeal it and nobody agreed with repealing the local law.

Schedule of Fees- Supervisor Hammond asked Town Board Members to review the schedule of fees and this item will be discussed at the next Town Board Meeting.

Mohawk Humane Society Contract- Supervisor Hammond let the Town Board know Mohawk Humane Society would not be offering a contract at the end of this year to our town or many of the surrounding towns. Bob Guyer, Dog Control Officer for the town, is looking into options and is also asking for a meeting with Mohawk Humane Society as giving 2 months lead time in not acceptable.

Action Items

Resolution #24-2022- RESOLUTION URGING THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A LOWER SPEED LIMIT ON WEATHERWAX ROAD IN THE TOWN OF POESTENKILL

Resolved, The Town Board of the Town of Poestenkill urges Rensselaer County to join in the request that NYSDOT conduct all requisite evaluations of the speed limit on Weatherwax Road from New York State Route 66 to New York State Route 355, with the recommendation that the speed limit on Weatherwax Road be reduced from the current 45 mph to 30 mph.

MOTION BY: Councilman Hass

SECONDED BY: Councilman Wohlleber

VOTED ON AS FOLLOWS:

Councilman Butler	NO
Councilman Hass	YES
Councilman Van Slyke	NO
Councilman Wohlleber	YES
Supervisor Hammond	YES

Approval of Water Billing System- Motion made by Supervisor Hammond, seconded by Councilwoman Butler and carried to approve Edmund Gov Tech- MCSJ Utility Billing at an amount of \$8,550.

Resolution #25-2022- RESOLUTION DIRECTING COORDINATED ENVIRONMENTAL REVIEW PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT REGARDING SHUHART PLANNED DEVELOPMENT DISTRICT (WIND DRIFT MEADOWS SENIOR HOUSING)

Resolved, Pursuant to SEQRA and its implementing regulations at 6 NYCRR Part 617, the Town of Poestenkill Town Board does hereby direct that coordination of lead agency designation with all involved agencies on the Shuhart PDD application be completed through the service of a notice of intent to establish lead agency, indicating that the Poestenkill Town Board seeks to be

designated as lead agency for this action.

MOTION BY: Councilman Wohlleber

SECONDED BY: Supervisor Hammond

VOTED ON AS FOLLOWS:

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

Resolution 26-2022- RESOLUTION APPROVING PROPOSAL AND AWARDING CONTRACT FOR LEGENBAUER ROAD BRIDGE REPAIR

Resolved, The Town Board of the Town of Poestenkill hereby awards a contract to Wm. J Keller & Sons Construction Corp. pursuant to its proposal dated October 6, 2022 concerning the Legenbauer Road bridge repair to the extent of, and limited to, removal of existing damaged cable and installation of new post tensioning cable and tension, and all other ancillary required actions in connection therewith, according to the Legenbauer Road bridge repair record plan documents, in the total amount of twenty seven thousand five hundred dollars and zero cents (\$27,500.00), and further hereby authorizes the Supervisor to execute any and all documents in furtherance of such award, subject to the filing by Keller of required Certificates of Insurance (including Commercial General Liability, Automobile, Workers Compensation, and Errors and Omissions) naming the Town of Poestenkill as additional insured in standard amounts as required by the Town of Poestenkill.

MOTION BY: Councilman Hass

SECONDED BY: Councilman Van Slyke

VOTED ON AS FOLLOWS:

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

Approval of Basketball Hoops- Supervisor Hammond is asking for 2 Basketball Hoops to be put in at the elementary school to help us move towards a goal of a park atmosphere between the elementary school and the baseball field property owned by the town. Motion by Councilman Hass, seconded by Councilman Van Slyke and an oral vote of 4 ayes and 1 nay (Councilman Wohlleber) to approve the purchase of 2 basketball hoops in amount up to \$2,911.98 using Covid Relief Rescue Funds. Supervisor Hammond is going to work on getting some donations to help offset the cost further but with taking almost a month he didn't want to delay the ordering of them with cold weather coming.

Resolution 27-2022 RESOLUTION AUTHORIZING PURCHASE OF RADIO EQUIPMENT FOR TOWN OF POESTENKILL HIGHWAY DEPARTMENT

Resolved, The Town Board of the Town of Poestenkill hereby approves the purchase of radio

equipment for the Town of Poestenkill Highway Department as described above and as set forth in the written proposal submitted by Goin' Mobile, LLC (Proposal No. 202000550), dated October 4, 2022, in the total amount of eight thousand fifty-six dollars and sixty cents (\$8,056.60).

MOTION BY: Councilman Wohlleber

SECONDED BY: Supervisor Hammond

VOTED ON AS FOLLOWS:

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

Reports

A. Gilchrist, town attorney, reported on some of the items he worked on this month which included resolutions, Shuhart PDD and other routine matters.

A motion was made Councilman Hass, seconded by Councilman Wohlleber, and carried to accept the Town Clerk's report of \$20,461.18 received and \$15,514.80 turned over to the Supervisor for the month of September 2022.

Reports from the Assessor, Building Inspector/Code Enforcement, Water Report and Highway Department were in Town Board Member packets. Bob Brunet, Water Manager, spoke about how well things were going. DJ Goyer, Highway Superintendent asked for some time in executive session to discuss a personnel issue.

Payment of Bills

Motion by Councilman Hass, seconded by Councilwoman Butler and carried to pay Warrant #19- 2022 in the amount of \$42,354.32 for General and Highway bills. Motion by Councilman Hass, seconded by Councilwoman Butler and carried to pay Warrant #20-2022 in the amount of \$1506.35 for Water bills.

Public Comment Period

G. Blauvet and R. Wager spoke about concerns with the noise from the neighbors and the police nor the town solving the problem. Supervisor Hammond suggested they file a formal complaint on the noise to either the town's Code Enforcement Officer or State Police. T. Russell asked about the speed limit on Main St and completing a resolution for the road. DJ Goyer, Highway Superintendent, reported that because it is a state road, no resolution was needed, and the request had been put in with the state but there is no timeframe of when the state will be out.

Executive Session

At 8:25pm, motion made by Councilman Hass, seconded by Councilman Wohlleber and carried to enter executive session for personnel issue.

Adjournment

At 8:50 pm, motion made by Councilwoman Butler, seconded by Supervisor Hammond and carried to exit executive session and adjourn the meeting immediately with no votes being taken.

Respectfully Submitted,

Tiffany Buker
Deputy Town Clerk