

TOWN BOARD MINUTES
TOWN OF POESTENKILL
September 9, 2022
(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
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 followed by the Public Comment Period of tonight's meeting at 7:00 p.m. The vast majority of people attending tonight's meeting were there to discuss the speed limit on Weatherwax Road. Supervisor Hammond stated that this topic would be discussed during the Discussion Items portion of the meeting. L. Basle, town resident requested time to speak during the Action Items portion of tonight's meeting as did J. Blauvet, town resident.

Supervisor Hammond opened the Public Hearing at 7:05 p.m. on the proposed Local Law #3-2022 which will establish a registry for vacant buildings located in the Town of Poestenkill, and also to establish property maintenance requirements for parcels containing a vacant building. Councilman Wohlleber addressed this Public Hearing, which he last discussed at a prior Town Board Meeting. He said that his Proposed Local Law to establish a registry for vacant buildings and property maintenance requirements for lots containing a vacant building was copied from the Town of Brunswick's Local Law which has benefitted Brunswick. Councilman Hass discussed the increased workload of the Code Enforcement Officer and increased costs required in the Town budget. Councilman Wohlleber said that he thought that this was a quality-of-life issue and that the Code Enforcement Officer could handle the workload without a cost impact. There being no comments, this Public Hearing was closed at 7:39 p.m. The Affidavit of Publication is available for review at the Town Clerk's Office.

TOWN CLERK'S MINUTES

Motion by Hass, seconded by Butler and an oral vote of 3 ayes, 1 absent (Van Slyke) 1 abstaining (Wohlleber) to accept the Town Clerk's minutes of August 11, 2022, as written.

PRESENTATIONS - none

LIAISON REPORTS:

Planning Board - Board members had copies of the August 2,2022 meeting in their packets. D. Heckelman reported on the September 6, 2022, meeting which included the Shuharts Senior Housing PDD which was referred back to the Town Board. He also informed the Board that Nancie Orsini and E. Langley have now retained a lawyer in regard to the proposed Venue they are trying to establish.

Zoning Board – N. Heckelman, member reported there was no meeting in August. Town Board members had copies of the ZBA minutes of July 19, 2022, in their packets.

Fire Company – Town Board members had copies of the Fire Company’s August 2022 report.

Library – D. Ries reported on the library’s current activities which included reading with “South Paw”, E-News sign up is available for anyone interested. Donna also reported that the library sponsored “Welcome New Residents Day” which was very successful. D. Ries informed the Board that Michele Wait has resigned from the library board and her presence will be missed.

Youth Advisory Board - T. Buker, Director was not in attendance this evening.

CAC – there was no meeting this month.

CORRESPONDENCE:

Memo dated September 1, 2022, from *Charter Communications* explaining their programming and upcoming changes.

DISCUSSION ITEMS:

Speed Limits on Town Roads - Many residents strongly expressed their concerns over speeding vehicles on many roads in Town. The two roads which were discussed in detail are Weatherwax Road and Plank Road. The residents said that the situation was getting worse, and that the Town had to do something about it before someone is injured or worse. Ryan Caponera, resident of 367 Weatherwax Road, stated that he is a lawyer and has looked into the issue with numerous agencies and volunteered to work with Town Attorney, Andy Gilchrist to address this issue. The discussion covered the procedures which the town would have to follow in an attempt to get the speed limits changed. Supervisor Hammond stated that he would issue the proper letters to initiate the process. The discussions concluded that in addition to lower speed limits, there was also an “enforcement problem” and that the mere visual presence of the police would help the situation. Supervisor Hammond indicated that he would initiate the necessary calls as well as his letters to address the issue.

Records Storage – the discussion regarding the record storage issue included the possibility of “off-site” storage locations, the potential to “digitize” our records, and other considerations. In addition to the legal requirements the consensus was that cost was a major issue and it was determined that further study was required in this important area.

ACTION ITEMS

RFP for Website – Councilman Wohlleber said that he has been working on the RFP for the website and updated the Board on what the RFP entails. Motion by Supervisor Hammond, seconded by Councilman Wohlleber and an oral vote of 4 ayes to send out the Proposal for New Town of Poestenkill Website. Town Attorney, A. Gilchrist wanted it noted that Councilman Wohlleber includes the verbiage “The Town reserves the right to reject any and all proposals”.

MOTION BY: Supervisor Hammond
 SECONDED BY: Councilman Wohlleber

VOTED UPON AS FOLLOWS:

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

Noise Ordinance - Motion by Councilman Wohlleber, however the motion didn't receive a second so the discussion on Noise Ordinance was concluded and did not pass.

RESOLUTION #19-2022 – RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SUBMIT AN APPLICATION TO THE NYS ENVIRONMENTAL FACILITIES CORPORATIN (NYWIIA) GRANT PROGRAM, INCLUDING A GENERAL PROJECT BUDGET AND PLAN OF FINANCE. Resolved, the Town Board acknowledges that the current budget and estimated cost to complete this selected project involving the Establishment of a Water District No. 2 is five million five hundred and fifty thousand (\$5,550,000); and the Town Board acknowledges that in order to secure WIIA funds, Water District formation is required.

MOTION BY: Councilman Wohlleber

SECONDED BY: Councilwoman Butler

VOTED ON AS FOLLOWS:

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

RESOLUTION #20-2022 – RESOLUTION TO DECLARE INTENT FOR LEAD AGENCY & NEGATIVE DECLARATION FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS PROJECT. Resolved, that the Town Board determines the Action to result in a Negative Declaration and adopts a Notice of Determination of Non-Significance.

MOVED BY: Councilman Hass

SECONDED BY: Councilwoman Butler

VOTED ON AS FOLLOWS:

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

Hitchcock Agreement - This will be discussed during Executive Session.

Insurance for Art Whitney – This will be discussed during Executive Session.

Highway Contract – Motion by Councilman Hass, seconded by Councilwoman Butler and oral vote of 3 ayes 1 nay and 1 absentee to approve the January 1, 2022 – December 31, 2024, Collective Bargaining Agreement between the Town of Poestenkill and the United Public Service Employees Union.

MOTION BY: Councilman Hass

SECONDED BY: Councilwoman Butler

VOTED UPON AS FOLLOWS:

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

Local Law #3-2022 entitled Registry and Property Maintenance Requirements for Vacant Buildings and Resolution, Part 2 and Part 3 - Motion by Councilman Wohlleber, however, the motion didn't receive a second so the Local Law discussion on the registry was concluded and did not pass.

National Constitution Week Proclamation (National Society Daughters of the American Revolution) – RESOLUTION #21-2022 – NATIONAL CONSTITUTION WEEK, WHEREAS; Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th – September 23rd as “Constitution Week”.

MOVED BY: Councilwoman Butler
 SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS:

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

National American Indian Heritage Month (National Society Daughters of the American Revolution) – RESOLUTION #22-2022 – National American Indian Heritage Month, WHEREAS, Native American Awareness week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and Whereas, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational, and historical activities have been planned.

MOVED BY: Councilwoman Butler
 SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS:

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

REPORTS

Supervisor's Report - Supervisor Hammond reported that he received several complaints from residents which he was able to handle without any issues.

Town Attorney's Report – A. Gilchrist reported on some of the items he worked on this month which included budget preparation, working with Laberge Engineering on tonight's resolutions for the Proposed Water District #2 and other routine matters.

Motion by Councilman Hass, seconded by Councilwoman Butler, and an oral vote of 4 ayes 1 (absent-Van Slyke) to approve the Town Clerk's report for the month of August 2022, as written. The total amount received in the Clerk's Office was \$9,611.96 and of that amount \$6,779.28 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, 811 report, Water report, and the Highway Department report. DJ Goyer, Highway Superintendent stated there will be a town wide brush pick-up October 11th – October 14th.

WATER MANAGER REPORT

B. Brunet, Water Manager said that all objectives in his areas of responsibility, the Water District, 811 Operations, and Public Health Coordinator, were either met or exceeded; he said that everything was going quite well and that he wanted to highlight a number of "Good News" items for information.

- The Algonquin Middle School was still on bottled water but would soon be back to normal operations with their new purification system.
- He had completed the leak locating efforts for Contract #2 and was pleased to report that there were no leaks. He said that they would now concentrate on Contract #1, which he expected to go into next Spring.
- Bob said that he had come up with a new (and less expensive) method to provide our residents and contractors with equipment installation kits. These are expected to profit Poestenkill at least \$3,000 next year.
- Bob said that he would be taking the quarterly meter usage readings next week for Sue Horton to perform the billing process.

Bob wanted to thank DJ and the Highway Department for their help in hydrant flushing.

PAYMENT OF BILLS

Motion by Hass, seconded by Butler, and an oral vote of 4 ayes 1 (absent-Van Slyke) to pay Warrant #17-2022 in the amount of \$72,859.91. Motion by Hass, seconded by Butler, and an oral vote of 4 ayes 1 (absent-Van Slyke) to pay Warrant #18-2022 in the amount of \$6,343.57.

Supervisor Hammond stated that the Board will be going into executive session to discuss a personnel issue and a legal issue.

EXECUTIVE SESSION

Motion by Councilman Wohlleber, seconded by Councilwoman Butler and an oral vote of 4 ayes 1 absent (Van Slyke) to enter into Executive Session at 9:05 p.m. to discuss a personnel issue and a legal issue.

During Executive Session the Town Board confirmed that it is establishing a policy that health insurance benefits for Highway Department retirees is limited to what is provided in the Collective Bargaining Agreement only, and that all requirements under the Collective Bargaining Agreement must be met. Therefore, after careful consideration and reviewing all the facts involved, it was decided by the Town Board members present that upon Arthur Whitney's retirement from the Town of Poestenkill Highway Department he will not be granted paid health insurance through the Town.

Motion by Councilman Wohlleber, seconded by Councilman Hass and carried to exit Executive Session at 9:20 p.m. and re-enter the regular scheduled meeting.

Motion by Councilman Hass, seconded by Councilwoman Butler and an oral vote of 4 ayes to adjourn this meeting at 9:30 p.m.

Respectfully submitted,

Susan Horton
Town Clerk