

## January 12, 2006 Organizational

The Stuyvesant Town Board held the 2006 Organizational Meeting at 6:45pm at the Stuyvesant Town Hall. The following is a list of appointments:

**Official Depository** – National Union Bank of Kinderhook, First Niagara Bank  
**Official Newspaper** – The Independent, Alternate Paper: Register Star  
**Official Meeting Night** – Second Thursday of each month/7:00 pm  
**Official Working Night** – First Thursday of each month/6:30 pm  
**Official Mileage** - \$.48 per mile  
**Deputy Supervisor** – Richard Cummings  
**Town Attorney** – David Ross/Tal Rappleyea  
**Building Inspector** – Gerald Ennis  
**Zoning Enforcement Officer** – Gerald Ennis  
**Fire Inspector** – Donald Balint  
**Town Engineer** – Morris Associates @ \$85.00 per hour  
**Budget Director** – Supervisor Valerie Bertram  
**Deputy Highway Superintendent** – Jeffrey Altomer  
**Deputy Town Clerk** – Andrea Mitchell  
**Registrar of Vital Statistics** – Lori Ennis  
**Deputy Registrar of Vital Statistics** – Andrea Mitchell  
**Record Management Officer** – Lori Ennis  
**Town Historian** – Juanita Knott  
**Sole Assessor** – Howard Gleason, Jr. – Cathy Knott, Secretary  
**Dog Control Officer** – Charles Pulver, Jr.  
**Deputy Dog Control Officer** – Ann Pulver  
**Columbia County Traffic Safety Board** – Frank Sacco  
**Columbia County Council of Aging Delegate** – Mary Leighton  
**Assessment Board of Review** –  
**Chairman Planning Board** – Gale Bury  
**Member of Planning Board** – Charlene Leach  
**Alternate Member of Planning Board** –  
**Chairman Zoning Board** – William Vick  
**Member of Zoning Board** – Sal Costanza  
**Alternate Member Zoning Board** –  
**Secretary to Zoning and Planning Board** – Shirley Narzinski  
**Election Inspectors Salary** - \$9.00 per hour  
**Election Chairman's Salary** - \$10.00 per hour  
**Voting Machine Custodians Salary** - \$75.00 per election  
**Custodian of the Town Office** – George Knott  
**Emergency Coordinator** – Frank Sacco & Tim Trowbridge  
**Town Accountant and Bookkeeper** – Mark Fitzgerald  
**Highway Superintendent** – Allowed to purchase tools and equipment under \$1000.00 w/o Town Board approval  
**Highway Superintendent** - Allowed to purchase sand and gravel at prevailing rate  
**Highway Superintendent** – Allowed to rent County Equipment at prevailing rate  
**Supervisor** – Ability to invest idle funds in CD's and Money Market Accounts  
**Supervisor** – Upon recommendation of Town Accountant, transfer funds between General and Highway Funds  
**Supervisor** – Able to pay utility bills without approval from Town Board  
**Official Polling Places** – St. Mary's Parish Hall, Stuyvesant Town Hall  
**Salaries** – Elected and appointed officials to be paid as indicated in the budget  
1) Sr. MEO \$\*\*\*\*\* \$16.54  
2) MEO – 1 \$\*\*\*\*\* 15.43  
3) MEO – 2 \$\*\*\*\*\* 15.43  
4) Per Diem \$10.41 per hour and substitute driver \$11.22  
**Supervisor appointed Town Board Committee Chairpersons as follows:**  
**CABLE TV** – Richard Cummings, Kenneth Hummel  
**YOUTH** – Faith Robertson  
**HIGHWAY COMMITTEE** — Bradlee Webster, Sr., Richard Cummings  
**BEAUTIFICATION CHAIRMAN** – Faith Robertson  
**PUBLIC SAFETY** – Bradlee Webster Sr., Frank Sacco, Nancy Hadcock,  
Tim Trowbridge  
**TOWN HALL COMMITTEE** – Bradlee Webster, Sr., Kenneth Hummel  
**CEMETARY COMMITTEE** - Bradlee Webster, Sr.  
**Gasoline and Fuel Oil** – County Bids  
**Rules of Procedure at the Board Meeting** – (Accept current procedures)  
**Compensatory Time for the Highway Department** – Not more that 120 hrs. can be accumulated per year  
**Adoption of:**  
1. Procurement Policy  
2. Investment Policy  
3. Code of Ethics  
4. Standard Workday  
5. Type Reserve – Highway  
6. Special Reserve – Town Hall  
7. Capitol Reserve Fund – Town Hall

A motion to accept the above appointments was made by Councilperson Richard Cummings, seconded by Councilperson Kenneth Hummel carried unanimously.

The Stuyvesant Town Board held a Public Hearing regarding the Animal Trespass Act of 2006. Supervisor Bertram opened the Public Hearing at 7:00pm. Clerk Lori Ennis read the following notice that was posted and sent to the newspaper.

**PUBLIC NOTICE  
TOWN OF STUYVESANT  
TOWN BOARD  
NOTICE OF  
PUBLIC HEARING  
LOCAL LAW PROPOSAL:  
ANIMAL TRESPASS ACT OF 2006  
January 12, 2006 AT 7:00 P.M.  
STUYVESANT TOWN HALL  
SUNSET DRIVE  
STUYVESANT, NEW YORK 12173**

Notice is hereby given that a Public Hearing will be held on January 12, 2006 at 7:00 P.M. at the Stuyvesant Town Board meeting at the Stuyvesant Town Hall to consider a proposed Local Law No. 1/2006, the "Animal Trespass Act" to read as follows:

*It shall be unlawful for an owner or tenant of real property to permit or allow any animal (excluding a dog or a cat, including but not limited to any pet, farm animal, or bird) owned by, or under the control of, the owner or tenant of real property, to enter upon the real property of another without the permission of the owner or tenant of such real property.*

*The absence of secure fencing or other structure to serve as a containment mechanism shall result in the presumption that the owner or tenant of real property permitted or allowed the trespass of the animal upon the real property of another.*

*Alleged violations of this Local Law shall be filed by the Town's Zoning Enforcement Officer in the Town of Stuyvesant Justice Court and adjudicated in accordance with the rules of criminal procedure.*

*The penalty for the first violation shall be a fine of \$100.00.*

*The penalty for the second violation shall be a fine of \$250.00*

*The penalty for the third violation, and each subsequent violation, shall be a fine of \$500.00 and up to 15 days in jail.*

Copies of the proposed Local Law are available from the Town Clerk's Office. Written comments may be submitted and must be received by the Town Clerk by the end of the public hearing. Comments may also be mailed to the Town Clerk at the above address or sent via fax to (518) 758-8077.

Respectfully submitted,  
Lori Ennis

Supervisor Bertram opened the hearing to the public and invited all who had a comment to come to the podium and microphone.

Lee Jamison verbally presented the following and gave a copy to the Clerk to be kept with the minutes of this Public Hearing.

I am Lee Jamison and I reside at 18 Riverview St., Stuyvesant NY. I wish to comment on this proposed local ordinance

I am sympathetic to the problem at hand and toward the people involved. An unresolved neighborly conflict has lead to the request for this ordinance and is symptomatic of the developing collision of agricultural lifestyles and suburban lifestyles we find in our Town. I am concerned that these collisions will only escalate as our Town continues to head toward less farming and more suburban subdivisions. Ordinances and conflict resolution procedures need to be well considered now, in a proactive way, because they will be needed in the future.

Sadly, the proposed ordinance as it is written is neither well considered or proactive. Now, I'm no lawyer but I did grow up on a farm. This ordinance is simply punitive, (and excessively punitive at that!) broadbrushed, uninformed about the vagaries of livestock containment, uninformed about the varieties of livestock escape scenarios and totally inconsiderate as to any form of restitution to the damaged property owner. Development of problem resolution is absent.

This ordinance finds an animal owner to have "permitted" trespass if absent a secure fence or containment structure. What is a secure fence or containment structure? Usually farmers are eager to contain and

protect their valuable livestock. There are "pretty good" fences, barns and coops but I have yet to see one that is totally fail-safe. Large animals frequently push over fences. Many farmers have miles of fences to maintain and can be unaware of weak spots in a remote area. Also there are times when livestock need to traverse through unsecured paths, roads and gates. Also, ridden horses throw their riders and run away, for example.

I would recommend that a first "offence" receive a warning from the ZEO and that warning could also include an expectation of the livestockowner paying or fixing or making restitution for any damages to the satisfaction of the offended. Unresolved disputes about costs could be settled in small claims court.

The second offence involves restitution and a "Plan of Corrective Action" to prevent or minimize any reoccurrence. The offices of a free or low cost mediation agency such as Common Ground could be offered. Absence of cooperation with a Plan of Corrective Action---ie fix a fence after a certain prompt deadline---would then incur a fine.

There could then be a find schedule for repeated infractions. Surely, no one here wants to send a neighbor to the County Jail for 15 days for errant livestock. Surely, some form of community service is more appropriate here.

Thank you for the opportunity to comment.

Others who verbally opposed this proposed law or the wording of this proposed law were: Peter Donahoe, Dr. Matthew Asbornsen, Ted Guthridge, Bill Gumaer, Andrew DeGiacomo, Sharon Hall

Those who verbally agreed with this proposed law were: Tom Shanahan, Marilyn Chrysler, Donald Chrysler, and Zoning Enforcement Officer Gerald Ennis.

The Public Hearing was closed at 7:40pm.

January 12, 2006

The Stuyvesant Town Board held its regular monthly meeting on January 13, 2006 at the Stuyvesant Town Hall. In attendance were Supervisor Valerie Bertram, Councilperson Kenneth Hummel, Councilperson Faith Robertson, Councilperson Bradlee Webster, Councilperson Richard Cummings and Town Clerk Lori Ennis.

Attorney David Ross and Highway Superintendent Bernard Kowalski, Building Inspector/Zoning Enforcement Officer Gerald Ennis were also present.

A motion to approve the December minutes was made by Councilperson Bradlee Webster, seconded by Councilperson Kenneth Hummel, carried.

**COMMUNICATION:**

- **Independent Newspaper** - Asking the Town Board to once again designate the Independent as the town's official newspaper.
- **NYS Emergency Management Office** - Will be processing a payment in the amount of \$12,815.44 for the Severe Storms and Flooding of April 2-4, 2005. Federal Share is \$10,620.53; State Share is \$1,770.09 plus the Administrative Share of \$424.82.
- **Hudson-Fulton-Champlain Quadricentennial Commission** - Currently developing a series of signature events in 2009 for the 400<sup>th</sup> anniversary to commemorate three historic voyages. The year 1609 marked the discovery of two major water courses, the discovery of the Hudson River by Henry Hudson and Lake Champlain by Samuel deChamplain. In 1807, inventor Robert Fulton made the first successfully steamship voyage up the Hudson marking a new era of navigation and technology. These three historic events will be celebrated together in 2009. More information on this event can be found at [www.exploreny400](http://www.exploreny400).

A motion, to accept the communications as read, and be brought up under proper heading, was made by Councilperson Bradlee Webster, seconded by Councilperson Richard Cummings, carried.

**TOWN CLERK:**

- Received \$951.50 of which \$759.15 was given to the Town Supervisor.
- Town Clerk Lori Ennis explained that there are new changes to the dog law. Effective January 15<sup>th</sup>, 2006, the new law requires that a dog license may not be issued for a time period extending beyond the expiration date of the dog's rabies certificate.

**HIGHWAY:**

- Superintendent Kowalski reported that the Highway Department is doing routine maintenance on the road ways.

**CEO/ZEO REPORT:**

- Report is on file with the Town Clerk's Office.

**RECREATION:**

- No report

**PLANNING BOARD:**

- No report since the end of the year meeting

**ZONING BOARD:**

- No meeting

**RECREATION:**

- No meeting.

**RAILROAD COMMITTEE:**

- Holding a dinner/dance on February 11<sup>th</sup> at the Stuyvesant Fire House. The committee is waiting for the final paperwork from the DJ. Anyone wishing to bring his or her own "bottle" is invited to do so.
- Regular meeting will be held on the 21<sup>st</sup> of January.
- Lee Jamison asked if the sub-committee planning this dinner could meet prior to the regularly scheduled meeting. Councilperson Kenneth Hummel confirmed that the sub-committee will meet on January 21<sup>st</sup> at 9:00am.

**TOWN HALL COMMITTEE:**

- A new PA system has been installed in the meeting room of the Town Hall. Once again, Supervisor Bertram thanked the Town Justices for the effort they put into writing the grant, of which a portion went into this system.

**CEMETERY COMMITTEE:**

- Councilperson Bradlee Webster stated that the cemetery is closed for the winter. He thanked Highway Superintendent Bernard Kowalski and his department for all the work they did on the cemetery shed.
- Currently, the committee is working on a 24" x 36" sign to be placed at the entrance of the cemetery.

- Property lines are still in question. Councilperson Webster will be checking with the deeds of the neighboring properties.
- Highway Superintendent Kowalski stated that, if trees and brush need to be cut down, the highway department would like to do this prior to spring thaw and the budding of the trees.

**GUEST SPEAKER:** Dr. Matthew Asbornsen

Dr. Matthew Asbornsen spoke about the importance of a Health Care Proxy. He gave examples of why this form is so necessary, spoke of his personal experiences he had with former patients, and had forms for people to take with them. This form allows you to appoint someone you trust to make health care decisions for you if you lose the ability to make decisions yourself. By appointing a health care agent, you can make sure that health care providers follow your wishes. Your agent can also decide how your wishes apply as your medical condition changes. Hospitals, doctors and other health care providers must follow your agent's decisions as if they were your own. You may give the person you select as your health care agent as little or as much authority as you want. You may allow your agent to make all health care decisions or only certain ones. You may also give your agent instructions that he or she has to follow. This is a form that can also be used to document your wishes or instructions with regard to organ and/or tissue donation.

**OLD BUSINESS :**

- Opening on the Zoning Board and Alternate Zoning Board member.
- Opening on the Board of Assessment Review

**NEW BUSINESS :**

- Councilperson Bradlee Webster spoke about the public hearing regarding the Animal Trespass Act. He stated that he has been past the Chrysler home several times over the past year and stated that they have a very beautiful home and a lovely yard. They have received no satisfaction with the problem regarding chickens although many complaints have been made looking for help. Councilperson Webster thought it was very ironic that "if the shoe was on the other foot, and if any of the people who objected to this law had this problem, the Town Board would try and help them find a solution they could live with". "I am sure the Chrysler's are very hurt by the comments that have been made and I wouldn't want to sit here tonight, after asking for help for a year, getting no satisfaction and having my neighbors shoot us down." He felt it is a necessary law, which includes not just chickens but any animal that becomes a nuisance to another person. This is not geared toward the farmer, it is geared for the people who come in and think it is fun to have these animals run around without proper containment.
- Councilperson Kenneth Hummel stated he would like the Town Board to revisit the law in one year.

A motion to approve the Animal Trespass Act of 2006 was made by Councilperson Bradlee Webster, seconded by Councilperson Kenneth Hummel, unanimously carried. The law is as follows:

## TOWN OF STUYVESANT

### LOCAL LAW #1 OF 2006

### **ANIMAL TRESPASS ACT**

At a meeting of the Town Board of the Town of Stuyvesant held at the Town Hall in said Town, County of Columbia and State of New York, on the 12th day of January, 2006, at 7:00 P.M., there were

**PRESENT:**

\_\_\_\_ Supervisor Valerie Bertram  
\_\_\_\_ Councilman Richard Cummings  
\_\_\_\_ Councilman Kenneth Hummel  
\_\_\_\_ Councilwoman Faith Robertson  
\_\_\_\_ Councilman Bradlee Webster  
  X   All the above

**ABSENT:**

  X   None  
\_\_\_\_ Supervisor Valerie Bertram  
\_\_\_\_ Councilman Richard Cummings  
\_\_\_\_ Councilman Kenneth Hummel  
\_\_\_\_ Councilwoman Faith Robertson  
\_\_\_\_ Councilman Bradlee Webster

**AND**

\_\_\_\_ Councilman Richard Cummings  
\_\_\_\_ Councilman Kenneth Hummel  
\_\_\_\_ Councilwoman Faith Robertson  
  X   Councilman Bradlee Webster

offered the following Local Law and moved its adoption:

**WHEREAS**, the Town Board is desirous of making Animal Trespass against the law; and

**WHEREAS**, a public hearing on the proposed Local Law was duly noticed and conducted on this date; and

**WHEREAS**, the Town Board has considered the various issues presented;

**NOW, THEREFORE,**

**BE IT RESOLVED AND DETERMINED,**

That the following be adopted as a Local Law of the Town of Stuyvesant:

It shall unlawful for an owner or tenant of real property to permit or allow any animal (excluding a dog which is governed by the Town's leash law or a cat) including but not limited to any other pet, farm animal, or bird, owned by, or under the control of, the owner or tenant of real property, to enter upon the real property of another without the permission of the owner or tenant of such real property.

The absence of secure fencing or other structure to serve as a containment mechanism shall result in the presumption that the owner or tenant of real property permitted or allowed the trespass of the animal upon the real property of another.

Alleged violations of this Local Law shall be filed by the Town's Zoning Enforcement Officer in the Town of Stuyvesant Justice Court and adjudicated in accordance with the rules of criminal procedure.

The penalty for the first violation shall be a fine of \$100.00.

The penalty for the second violation shall be a fine of \$250.00.

The penalty for the third violation, and each subsequent violation, shall be a fine of \$500 and up to 15 days in jail.

This Local Law shall take effect immediately upon filing with the Department of State.

Seconded by

\_\_\_\_ Supervisor Valerie Bertram  
\_\_\_\_ Councilman Richard Cummings  
 X  Councilman Kenneth Hummel  
\_\_\_\_ Councilwoman Faith Robertson  
\_\_\_\_ Councilman Bradlee Webster

and duly put to a vote

with the following ayes:

X  Supervisor Valerie Bertram  
 X  Councilman Richard Cummings  
 X  Councilman Kenneth Hummel  
 X  Councilwoman Faith Robertson  
 X  Councilman Bradlee Webster

with the following nays:

\_\_\_\_ Supervisor Valerie Bertram  
\_\_\_\_ Councilman Richard Cummings  
\_\_\_\_ Councilman Kenneth Hummel  
\_\_\_\_ Councilwoman Faith Robertson  
\_\_\_\_ Councilman Bradlee Webster

and accordingly the aforesaid Local Law proposal was

X  adopted  
\_\_\_\_ not adopted

**\*\*With the stipulation that this law would be reviewed by the Town Board in one year\*\***

The undersigned, the Clerk of the Town of Stuyvesant, hereby certifies that the foregoing is a true and accurate copy of a Local Law duly adopted by the Town at a meeting thereof duly held on the 12<sup>th</sup> day of January, 2006, and is in full force and effect.

**WITNESS** my hand and the seal of said Town this 12<sup>th</sup> day of January 2006.

LORI ENNIS  
**Town Clerk**

- Several members of the Stuyvesant Fire Department were present at the meeting. Steve Montie spoke for the Fire Department. He asked the public to please keep their cars off the road on Riverview Street. In the event of an emergency, important vehicles are unable to pass down the road. Parking on one side of the road will not solve the problem. The fire engines are very long and are unable to fit. He explained that the only water source is the Hudson River and access is from that road. If there was an emergency, you would want the proper authorities to be able to get through. Highway Superintendent Kowalski stated that the Highway Department has the same problem. Almost everyone has a driveway but does not use them. Supervisor Bertram stated she would ask Deputy Stern for suggestions to get the people off the road.
- Steve Montie also asked, "In light of the Post Office emergency this morning", the Fire Department asks the Town Board if they would invest in an AED to be kept at the Town Hall. Supervisor Bertram stated that they are already looking into this matter and she stated that she feels it is a great idea. The Town of Stuyvesant, with the shared expense of the Town of Stockport, agreed to purchase an AED for the Deputy Sheriff, apparently, this has slipped through the cracks. The AED runs about \$2800.00 but can significantly increase a person's chance of survival in the case of a heart attack.
- Frank Sacco wondered if guard rails could be put up at the dangerous area on Route 26A just past the Town

Garage. Highway Superintendent Kowalski stated the ground is not secure enough to put up guardrail. It is a problem, he admitted, but there is no good solution.

- Cathy Knott stated, a long time ago, the Stuyvesant Fire Department would flood a portion of the playground so the area children could ice skate. She asked the Fire Department if they could once again do this. Steve Montie explained that at that time there was a low spot on the property which has since been corrected. Eleanor Klingbeil fondly remembered that every time the ice would freeze, the weather would warm up and melt the ice. Geoff Johnson wondered about the liability that the town might incur. Councilperson Ken Hummel stated that other towns are able to have a skating pond; he will ride down to the Claverack Town Park and make some calls to see how they accomplish this. Overall, everyone thought this was a good idea.
- Prior to the Fire Department leaving the meeting room, an ovation was given with thanks for the members who volunteer for such an important job in this town.
- Peter Donahoe asked a question regarding the Empire Zones.
- Questions regarding the tax rate came from Sharon Hall and Peter Donahoe.
- Councilperson Kenneth Hummel reminded the public that on February 3<sup>rd</sup>, the Kinderhook Library will hold a reading time for children up to five years old.

A motion to close the meeting was made by Councilperson Richard Cummings, seconded by Councilperson Bradlee Webster, carried.

### 2005/2006 ABSTRACTS

THE FOLLOWING BILLS WERE PRESENTED FOR AUDIT:

469	Hudson Catskill News	10.13	480	Rainbow Dist.
470	Xerox Corp.	372.00	481	Culligan
471	Berkshire Telephone	237.81	482	Long Oil Heat.
472	Kosco	654.80	483	Partners in Safety
473	National Grid	18.55	484	Northeast Auto
474	Staples	265.12	485	Mario's
475	Morris Associates	375.45	486	Carquest
476	Carrie O'Hare	14.39	487	Columbia Tractor
477	Tal Rappleyea	1950.00	488	William VanAlstyne
478	Bonnie Sutherland	51.80		
479	Col. Co. DPW	40.15		
001	E. A. Morse & Co.	100.63	005	NYS Magistrates
002	Empire Alarms	21.95	006	Carrie O'Hare
003	Service Education	650.00	007	Bernard Kowalski
004	Assoc. of Towns	500.00	008	Chemung Supply



Recorded this 12th day of January 2006

Approved this 9th day of February 2006

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
SUPERVISOR

\_\_\_\_\_  
COUNCILPERSON

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COUNCILPERSON

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COUNCILPERSON

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COUNCILPERSON