

March 9, 2006

The Stuyvesant Town Board held its regular monthly meeting on March 9<sup>th</sup>, 2006 at the Stuyvesant Town Hall. In attendance were Supervisor Valerie Bertram, Councilperson Kenneth Hummel, Councilperson Richard Cummings, and Town Clerk Lori Ennis.

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

The February minutes will not be approved until the April Town Board meeting.

**COMMUNICATION:**

- **Voting Machine Service Center (VMSC)** - VMSC announces that that are the NYS exclusive sales and service center for the Liberty Vote system. The county will be demonstrating the Liberty Vote system in the upcoming months and welcome the town to come and view the system.
- **United States Senate** - Letter from Charles Schumer letting the town know that the National Endowment for the Arts (NEA) recently announced that applications guidelines for FY2007 grant programs are now available on line at [www.arts.gov/grants/apply](http://www.arts.gov/grants/apply).
- **Time Warner Cable** - Informing town residents that there will be a rate change to the Basic and Standard level of service and the addition of new programming services.
- **Catholic Charities of the Diocese of Albany** - Letter from Sister Maureen Joyce, Chief Executive Officer. Presented the town with the "Annual Report to the Community".
- **NYS Office of Real Property Services** - Letter from Robert J. Roberts. He was pleased to report that the Town of Stuyvesant has qualified for the New York State Office of Real Property Services' Excellence in Equity Award. This award is granted to municipalities that are receiving State Aid for providing fair assessments at 100 percent of market value. Our municipality and Assessor Howard Gleason are commended for this achievement for meeting high standards for assessment administration.
- **Certificate of Training Award from Electronic Records Management**- This award was given to Court Clerk, Dawn M. Williams for her attendance and participation with this presentation.
- **Letters from Ron Knott and William Gumaer** - Letter of interest for the position of Town Council.
- **Proposal from Town Historian, Juanita Knott** - A proposal to replace and add wording to the Historic Marker on Route 9J. Supervisor Bertram explained that a few months ago, Juanita Knott came to the board and wanted to look into replacing a New York State historical marker that was in Nutten Hook with the understanding that Mrs. Knott and a committee would try to raise money toward this purchase of this sign and the Town would contribute the remaining money. The cost of the sign is approximately \$800.00. So far, Juanita Knott and her committee have raised \$658.00 from the sale of Tee-shirts and two bake sales. Supervisor Valerie Bertram thanked Juanita and her helpers for a job well done.

- **Robert and Marie Cullen donated a new flag to be used on the flagpole in the front of the building.** Supervisor Bertram thanked the Cullen's for their generous donation.

A motion was made by Councilperson Richard Cummings to approve the wording of the sign and allow the transfer of town funds to help with the remaining amount due to purchase this sign. The motion was seconded by Councilperson Kenneth Hummel, carried.

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

**TOWN CLERK:**

- Received \$1576.50 of which \$1430.70 was given to the Town Supervisor.

**TAX COLLECTOR:**

- To date, the Town has collected \$1,192,132.78 in taxes of which \$508.84 are for bills paid with penalties

**HIGHWAY:**

- Superintendent Kowalski reported that the year-end snow report for 2005 showed the Highway Department plowed 37 days. This year it has been 12 to date. The Highway Department used 900 ton of sand, 540 ton of salt - the cost of \$30,000.00, which is \$10,000 over the budgeted cost.
- Superintendent Kowalski asked the Town Board for permission to replace a 17 year old truck. The cost of this vehicle will be between \$125,000.00 and \$135,000.00. The Highway Department will use the plow and wing from the old truck which are still in good shape. After January 2007 the cost of the truck will increase by \$10,000 because of new emission standards.
- Also, Superintendent Kowalski requests permission to buy a four-way plow at the Thruway Auction. He stated they cost \$7000.00 new; the last one was purchased at auction for \$1,000.00. Superintendent asked permission to go as high as \$2,000.00.
- Currently, Superintendent Kowalski is gathering information regarding salt storage. He is looking into a "coverall" type building with concrete walls. The cost will be approximately \$55,000.00 if the company installs the top part, if the highway department is able to put it up, the Town will save about \$35,000.00. The Highway Department would need to take bids on pouring the concrete. The cost should be approximately \$100,000.00 thousand dollars. Superintendent Kowalski is looking at a size large enough to hold between 2000-2500 tons. A conventional storage type building could cost \$300,000.00 to \$400,000.00 dollars. Storage for salt will soon be mandated and the town needs to start working on this project.

A resolution to transfer \$125,000.00 of the un-appropriated general fund balance into the Highway Fund for the purchase of the new truck was made by Councilperson Kenneth Hummel, seconded by Councilperson Richard Cummings, carried.

**CEO/ZEO REPORT:**

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

**RAILROAD COMMITTEE:**

- Railroad Committee held a Valentine's Day dance and raised about \$1800.00 for the renovations of the building.
- The Railroad committee has tentatively planned a House Tour for June 10<sup>th</sup>. Councilperson Hummel will keep the board posted.
- Next meeting for the committee is March 18<sup>th</sup>, 2006
- At the last meeting the committee discussed the grants. One was a historical grant for \$29,500 of which the town needed to match \$29,500 some of which could be in-kind services. Councilperson Hummel explained that this was a difficult grant to work with because the Town could not do anything without approval, and needed to utilize the contractors who were approved to do the work. The conclusion was to forgo the grant. The \$29,500 the Town would have spent matching this grant could take care of most of the work. The railroad station does have the DOT grant which is an 80/20 grant. 80% from the grant and 20% to match by the Town. The total grant is for \$95,000 of which the town needed to match \$28,750. This was going to be re-scoped because the railroad was not going to be helpful trying to get drainage from the building out to the river. The Railroad did not want the Town to touch any of their drain pipes. For the Town to put a drainpipe underneath two tracks and through the historic park on the other side, would be an outrageous cost and would have taken the whole grant. Currently the committee is re-thinking this grant. The committee is looking forward to get the building back. Putting in windows and doors on so that the town can start to utilize this.
- Councilperson Hummel met with Jeff Baker regarding the plans for the windows, he made suggestions on how the town should proceed. Councilperson Hummel explained that the town can do this for a lot less money without hiring someone who is historically certified.
- He stated that the committee is very excited about the new plans. By the end of the summer, the building will look a lot nicer and will certainly get more use.
- Councilperson Hummel met with a National Grid planner about getting electricity. They gave Councilperson Hummel a work order number. National Grid can utilize this number when the railroad station is ready for electricity.
- Juanita Knott (Town Historian), Karen Hummel, and Councilperson Hummel met with Dale Flansburg from Germantown. Councilperson Hummel stated of Mr. Flansburg "the most knowledgeable person I have ever spoken too regarding railroads". Through Mr. Flansburg's investigations, he has come up with information regarding the Landing and the surrounds and has made a CD for the towns use. He is also sending CD of Nutten Hook buildings. The committee wishes to set up a display of pictures, memorabilia and artifacts for everyone to view.

- Councilperson Hummel stated that the committee is really looking forward to making progress this year. Anyone who is interested in joining the committee, helping with the House Tour, or has something to contribute, is more than welcome to come to the next meeting.

**TOWN HALL COMMITTEE:**

- Last Saturday there was a work party to trim the bushes around the Town Hall. Ron Knott and Councilperson Hummel did the trimming and Mimi Asbornsen was the expert on what and where to trim.
- So far, the pussy willows and trees in the front of the building have been trimmed. There was pussy willow branches left out front if anyone would like to take some home.
- This Saturday, March 11, 2006 at 9:00am there will be another opportunity to come and help with the trimming. The committee is trying to keep on top of this job.
- Supervisor Bertram stated that a position for someone to take care of the mowing and weeding of Town properties was included in this year's budget.

**WEB SITE COMMITTEE:**

- Councilperson Richard Cummings stated that due to technical difficulties out of our control, the website has been down. Councilperson Cummings stated that on several occasions he has received correspondence from Mark Kelly who has assured him that every effort is being made to rectify this situation.

**OLD BUSINESS:**

- Animal Trespass Act- Supervisor Bertram stated that she met with our Town farmers on two occasions since the last meeting. She felt that the meetings were very productive. A lot of good dialogue. The farmers conveyed their concerns to her as well as the boards concerns were conveyed to them. At the second meeting, Bob Somers, from the Ag & Markets, came to discuss the Ag & Market laws that the farmers felt would apply to the problems the town was having. It turned out that the laws that were referenced will cover farmers, or anyone that has an agricultural use on their property. However, the hamlets and the rest of the town is not covered by those laws. Mr. Somers answered a lot of questions as well as clearing the air on a couple of other issues. The farmers came up with some ideas such as; adding mediation to the process. Tonight the board will be appointing an Agricultural Advisory Committee so that we can keep the communications with the farming community on a better level. Everyone on the board feels this committee is a positive step. David Ross, Town Attorney, has tried to incorporate some of the suggestions made in this law. Such as; totally exempting anyone that falls under the definition of a farmer according to Ag & Markets requirements. There is a "draft" copy of the suggested law which is not public at this time because the board is still not comfortable with the wording. Supervisor Bertram stated that "it is getting very lengthy, which is not

what the board had wanted" The board is trying to take into consideration the suggestions that were made. Supervisor Bertram had a resolution that she asked the board to vote on, stipulating that the law that was approved in January will not be enforced until this issue is taken care of. Supervisor Bertram stated that she will not be entertaining public comment on this subject tonight because it is currently "a work in progress". In order to repeal this law, there would have to be another public hearing. If it is going to be re-written, another public hearing would then have to be set. It makes more sense for the board to vote on this resolution, and keep working project to see if the Town can come to some sort of agreement. Kent Keller, a farmer, gave out copies of the Ag & Markets law. Mr. Keller stated he spoke to Bob Somers and asked him about an old law that was written from 1909 - 1932. Kent gave a copy of this law and it is attached to the minutes. Supervisor Bertram stated that since this law was written in 1909, it would have to modify to bring it up to date. Mr. Keller also gave a few more pages to be added to last month's petition. Councilperson Richard Cummings stated he thought it was tremendous that they found this material. Personally, he stated, he is opened to all things. If we can solve our problems without creating a law, Councilperson Cummings stated he is "all for it". He would like to see the Agricultural Committee give their recommendations, review it, and let the lawyers proceed from there.

A motion was made by Councilperson Richard Cummings approving the resolution presented below:

**ANIMAL TRESPASS ACT  
REVIEW RESOLUTION ADOPTED BY**

**THE TOWN BOARD OF THE TOWN OF STUYVESANT**

COUNTY OF COLUMBIA, STATE OF NEW YORK

MARCH 9, 2006

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 9<sup>th</sup> day of March, 2006, at 7:00 P.M., there were

**PRESENT:**

Supervisor Valerie Bertram  
 Councilman Richard Cummings  
 Councilman Kenneth Hummel  
 Councilman Bradlee Webster  
 All the above

**ABSENT:**

None  
 Supervisor Valerie Bertram  
 Councilman Richard Cummings  
 Councilman Kenneth Hummel  
 Councilman Bradlee Webster

**AND**

Councilman Richard Cummings  
 Councilman Kenneth Hummel  
 Councilman Bradlee Webster

offered the following resolution and moved its adoption:

**WHEREAS**, the Town Board of Stuyvesant, at its January 12, 2006 meeting, passed the Animal Trespass Act ("the Act"); and

**WHEREAS**, there has been significant discussion amongst the community about the Act; and

**WHEREAS**, the Town of Stuyvesant historically has vigorously supported, and will continue to vigorously support, agricultural land uses, farming, and farming practices; and

**WHEREAS**, the Town Board, in passing the Act, never intended to have any negative impact to agriculture, and carefully crafted the Act to avoid any such impact; and

**WHEREAS**, members of the Town Board have been contacted by members of the agricultural community and members of the general public both of whom have expressed their concerns about the Act; and

**WHEREAS**, the perception of many people in the community indicates that they may have misunderstood the intent of the Town Board in passing the Act, how it would be applied, and the problems that it was intended to address; and

**WHEREAS**, the Town Board endeavors to maintain a Good Neighbor policy in the Town and is considering amending the law to mirror the Town's Dog Barking Law which requires neighbors to work together to attempt to resolve such problems that arise prior to a violation being issued by the Town; and

**WHEREAS**, the Town Board wishes to consider these and other potential changes to the Act prior to beginning any enforcement of the Act; and

**NOW, THEREFORE,**

**BE IT RESOLVED AND DETERMINED,**

Based upon the foregoing, the Town Board will review the Animal Trespass Act and consider potential changes thereto.

The Town of Stuyvesant Zoning Enforcement Officer shall not issue any violation notices for alleged violations of such law until the Town Board determines what changes, if any, are needed to the Act.

Seconded by

- \_\_\_\_\_ Supervisor Valerie Bertram
- \_\_\_\_\_ Councilman Richard Cummings
- X   Councilman Kenneth Hummel
- \_\_\_\_\_ Councilman Bradlee Webster

and duly put to a vote and carried with the following members voting in the affirmative:

- X   Supervisor Valerie Bertram
- X   Councilman Richard Cummings
- X   Councilman Kenneth Hummel
- \_\_\_\_\_ Councilman Bradlee Webster

and the following members voting in the negative:

- \_\_\_\_\_ Supervisor Valerie Bertram
- \_\_\_\_\_ Councilman Richard Cummings
- \_\_\_\_\_ Councilman Kenneth Hummel
- \_\_\_\_\_ Councilman Bradlee Webster

This Resolution shall take effect immediately.

The undersigned, the Clerk of the Town of Stuyvesant, hereby certifies that the foregoing is a true and accurate copy of a resolution duly adopted by the Town at a meeting thereof duly held on the 9<sup>th</sup> day of March, 2006, and is in full force and effect.

**WITNESS** my hand and the seal of said Town this 9th day of March 2006.

LORI ENNIS  
**Town Clerk**

**NEW BUSINESS :**

**Assessments:** Supervisor Bertram stated that last month we had received guidelines from the state regarding assessments. We voted last month to change the assessments according to the guideline that were recommended by the State. Supervisor Bertram gave the floor to Howard Gleason, Town Assessor. Mr. Gleason stated that we had received additional information from the State. Although

we agreed upon the neighborhood re-assessments of a percentage from 10%-25%, when the numbers were run through the computer, Assessor Gleason did not like the numbers that were coming through. Currently, the State stated that the town is up to 89%. His suggestion is 10% raise across the board. This will be 10% on vacant land, commercial properties, and existing housing. If you have built a new house this year, you will go up to full value. Hopefully, by May 1<sup>st</sup>, the State will let us know what our equalization rate will be. If it doesn't come to the 100%, we will not receive the \$5.00 per parcel like we have in the past. The Town of Kinderhook is going as high as 30% - 40% on some of their housing to get to the 100% assessment. We hope that it will work out and we will be in the same ballpark. If Kinderhook does come in at 100% and we are at 90% or 95%, we will be paying a higher ratio of the school tax. Please come to the Assessor's office if you have any problems with your assessment. If you received a recent appraisal, please bring this to Assessor Gleason's office and he will review everything with you. This is the last year of a six year program. This September, the Town Board will have to make a decision if they want to get into the annual re-assessment program for the next six years. If they decide to do this, there will be a 2008 total re-evaluation of all the properties in the town. In 2007, all homes will be measured and all inventories will be reviewed. This has not been done since 1992. If the Town does not get into the six year plan, another option can be to let the equalization rate drop as low as it can go and see what happens. Option three would be to do a re-assessment every three years. Trying to stay at 100% is a good idea, except the State is currently a year behind. The Assessor stated that the market is starting to slow down. We went from 80% to 89% without the Assessor doing anything; this may be because the State is reviewing the current market. Supervisor Bertram thanked the Town Assessor for all his efforts and input.

**Greenway Committee:** Since the Master Plan is 10 years old, Councilperson Cummings has agreed to chair a committee to review the plan. If there is anyone from the original committee who would like to review this with Councilperson Cummings, please contact him. A list of names from the original committee exists; unfortunately, many of the people are deceased. If there is anyone else from the community who would like to be on this committee, feel free to join.

**Agricultural Advisory Committee:** This is an idea that came from the first meeting with the farming community. Carl Williams has agreed to Chair this committee. Other names of persons who would be willing to be on that committee were given to Supervisor Bertram. They are as follows: Kent Keller, Brian Chittenden, Chuck Colaruotolo, William Gumear, Tom Kilser, and Eric Ooms. Supervisor Bertram stated that the committee should let her know if they need the town hall for these meetings so that she can have it opened for use.

**Town Clean-up:** Sean Cummings stated that there are three dates set for clean-up and will occur between 10:00am and noon:

April 22, Mill Creek  
April 29, Newton Hook  
May 6<sup>th</sup>, Stuyvesant Landing  
May 13, Stuyvesant Falls

There was a suggestion to add a day for the Stuyvesant Falls playground.

Many thanks to Bob Allen, in the past, he has donated the bags that the Town uses for the clean-ups. It was suggested to have garbage cans placed at the sites. Supervisor Bertram stated that she has seen cans with a small top opening which might be a good idea so that people do not use this as their own personal garbage disposal. Supervisor Bertram stated that she will look into pricing.

**Recreation Committee:** Met regarding this years program. The committee would like to put together job descriptions for the summer program and post it in the paper. Some suggestions were to re-pave the Tennis courts and put up a regular net. Supervisor Bertram stated that the Town would be willing to put up a regular net, however in the past it didn't last very long before someone destroyed it.

At the Stuyvesant Falls playground, there needs to have the striping done on the basketball courts. Playground apparatus is in good shape. Two picnic tables are needed in the park.

Councilperson Hummel stated that he went to the Claverack Park to see about a skating rink. It may be something to plan for next year.

**Summerset Road:** A complaint came from a town resident regarding two homes on Summerset Road. The homes are not kept up, there is garbage and debris all over the property and this resident would like the town to do something to rectify these problems. He stated it was embarrassing to have his relatives come to his home on Summerset Road. Zoning Enforcement Officer Gerald Ennis stated that he has been to both properties on several occasions and has taken the one owner to Town Court a few times.

**Tire Burning Plant:** Dr. Matthew Asbornsen gave an update on the Ravena tire burning plant. DEC has approved the tire burning, the next step will be for the EPA to give their approval. Dr. Asbornsen felt it would be very likely that they would give approval. He explained that because we are just across the river from this plant, many of the toxins will be blown our way. These are very dangerous toxins, organic chemicals, and metals that have been proven to cause cancer, explained Dr. Asbornsen. Magnesium is linked to Parkinson's disease. DEC does not have the manpower to hold this plant to the standards that are set. Stuyvesant could see some real health related problems due to this plant. Dr. Asbornsen asked the board and the public to write to DEC, the Assembly and Senate.

Councilperson Kenneth Hummel stated that he went to Ravena meeting on behalf of the Town Board. He stated he did not see that anything good would come from this plant. The toxins will come and land on our farmers fields, the cows would then eat them and who can really tell the extent of



health problems this plant could cause. Councilperson Hummel would like to see the Town write a letter stating we do not approve of this plant.

Councilperson Hummel made a motion to write a letter to DEC, seconded by Councilperson Richard Cummings, approved.

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

## 2006 ABSTRACTS

THE FOLLOWING BILLS WERE PRESENTED FOR AUDIT:

47	Mooradian Hydraulics	81.02	64	Tal Rappleyea	:
48	VanKleeck's Tire	55.25	65	Schwaab, Inc.	:
49	Albany Spring Serv.	1397.00	66	Bonnie Sutherland	:
50	Mario's	270.15	67	Empire Alarms	:
51	Bernard Kowalski	789.42	68	Senior Citizens	:
52	Carquest of Valatie	324.47	69	COARC	:
53	Albany Communication	555.00	70	Berkshire Tel	:
54	Ben Funk, Inc.	165.88	71	Kingston Oil	:
55	Long Oil Heat	1930.86	72	Xerox	:
56	Howard Gleason	95.00	73	The Independent	:
57	Carrie O'Hare	35.59	74	National Grid	:
58	Morris Associates	392.00	75	Cargill, Inc.	:
59	Nova Information	30.00	76	Nextel	:
60	Lori Ennis	154.00	77	Rainbow Dist	:
61	Col. Co. Treasurer	3889.43	78	Culligan	:
62	David Ross	4753.75	79	Madson Door	:
63	Charlene Leach	76.80	80	HSBC Business Sol.	:

Recorded this 9th day of March 2006

Approved this 13th day of April 2006

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TOWN CLERK

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SUPERVISOR

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COUNCILPERSON

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