

January 11, 2007  
Public Hearing

The Stuyvesant Town Board held a Public Hearing for the zoning exemption request of the Town to put a park in an Agricultural District. Town Clerk, Melissa Naegeli, read the following notice that was published in the Independent Newspaper and the Hudson Register Star Newspaper.

**Public Notice**  
Town of Stuyvesant  
Town Board  
**Notice of Public Hearing**  
January 11, 2007  
6:30 pm  
Stuyvesant Town Hall  
Stuyvesant, New York

Please take notice that the Town Board of the Town of Stuyvesant shall hold a Public Hearing on January 11, 2007 at 6:30 pm at the Stuyvesant Town Hall, 5 Sunset Drive, Stuyvesant, New York for the purpose of taking public comment with regard to the issue of whether the establishment of a town park by the Town of Stuyvesant in an Agricultural District is exempt as a governmental use from Zoning Requirements.

Supervisor Bertram reminded everyone about the acquisition of the property on Sharptown Road and the anticipated uses of the property. The front parcel to be used for recreation purposes and the parcel in the rear would be maintained as is for use trails or bird watching, for example. It was brought to the Supervisor's attention that current zoning prohibits a recreation area or playground in an Agricultural District, which that property is in. Supervisor Bertram told everyone that rather than rewriting the zoning regulations this would be a quicker and easier alternative.

Town Attorney, Tal Rappleyea, added that rewriting zoning isn't an easy thing and shouldn't be undertaken lightly. The time wouldn't only be the factor in changing the zoning; it would also be expensive because you have to notify all surrounding towns and counties of the changes. There is this provision in New York State law that allows Town Boards and other municipalities to make a determination, based on the various impacts, through a 10-step process to determine the Town or municipality must comply with zoning regulations. Governmental use of the property can be declared exempt whereas proprietary use (making money from the property) the municipality must go through the zoning procedures.

Supervisor Bertram asked if there were any questions or comments regarding this issue. There was a question from Kosmo Jakiela asking if the exemption disallowed the property from being farmed again. Mr. Rappleyea explained that once it is declared to be town park use, the only way to have it go back to the original use is through an act of the Legislature. There was a follow-up question asking if the Town could allow a farmer to farm part of the property. Attorney Rappleyea answered yes. Doctor Matthew Asbornsen explained that it was written into the Conservation Easement to allow the property to be farmed.

Highway Superintendent Bernard Kowalski asked if the exemption was going to affect the highway storage area. Supervisor Bertram explained that no, it wouldn't.

Lee Jamison spoke in support of the exemption and said she thought it was a "wonderful" idea.

Councilperson Ronald Knott said he thought it was a great idea and Councilperson Rosalind Gumaer said it should be done quickly.

The Public Hearing closed at 6:43 pm.

January 11, 2007  
Town Board Meeting

The Stuyvesant Town Board held monthly meeting on January 11, 2007 at the Stuyvesant Town Hall at 7:00pm. In attendance were Supervisor Valerie Bertram, Councilperson Richard Cummings, Councilperson Ronald Knott, Councilperson Bradley Webster, Councilperson Rosalind Gumaer and Town Clerk, Melissa Naegeli. Superintendent of Highways Bernard Kowalski was also present.

The meeting opened with the Pledge of Allegiance.

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

**COMMUNICATIONS**

- Letter from Register Star requesting that they be named the official newspaper.
- Letter from Chatham Courier requesting that they be named the official newspaper.
- Letter from National Grid regarding the restoration of services during bad weather.
- Letter from the U.S. Senate announcing that the U.S. Environmental Protection Agency is accepting applications under the Targeted Grants to Reduce Childhood Lead Poisoning program.
- Letter from the Columbia Land Conservancy announcing that Peter R. Paden has been named as their Executive Director.
- Letter from Ellen McClelland Lesser to Councilperson Rosalind Gumaer asking for her assistance in finding out if there is anything that can be done about the safety of the intersection of State Route 9J and County Route 26A.
- Letter from Ned DePew asking the Stuyvesant Town Board to pass a resolution objecting to DEC's decision with respect to the LaFarge Plant.
- Copy of Email from Lee Jamison to Supervisor Bertram and Councilperson Rosalind Gumaer regarding a letter that Hudson Mayor Tracy wrote to the Greenport Planning Board concerning the proposed Widewater project in Greenport.
- A letter from Theresa Scarano, ICC Tax Collector, regarding the recently adopted resolution increasing the income which may be earned by the owners of property qualifying for the senior citizen and/or disabled person exemption from \$24,000 to \$26,000.

Motion made by Councilperson Bradlee Webster to accept correspondence as read, seconded by Councilperson Ronald Knott, carried.

Motion made by Councilperson Richard Cummings to pay bills, seconded by Councilperson Rosalind Gumaer, carried.

**REPORTS:**

***Town Clerk***

In the month of December, the Town Clerk's office took in \$513.00 and check for \$387.72 was given to Supervisor Bertram.

Melissa Naegeli, Tax Collector, reported that \$213,335.84 was collected in tax revenues to date.

***Highway Department***

Superintendent Bernard Kowalski reported that the trees had been cut and cleared out for the parking area at the proposed soccer field at the new property on Sharptown Road.

The Highway Department is painting equipment.

Superintendent Kowalski asked for approved to buy a new mower. There was a previously budgeted amount of \$7,000.00 but based on the three bids he has received, that won't be enough. The three bids are \$7,294 (in Pine Plains), \$7,375 (Columbia Tractor) and \$7,559. Superintendent Kowalski's preference is to make the purchase from Columbia Tractor since they are closer.

A motion was made by Councilperson Richard Cummings to allow Superintendent Kowalski to purchase the mower from Columbia Tractor, seconded by Councilperson Ronald Knott, carried.

***Building Inspector/Zoning Enforcement Officer***

Report is on file with the Town Clerk.

Mr. Ennis remarked that this is a slow time for new permits. He is doing inspections and will be attending a training by the Department of Health on lead monitoring.

***Dog Warden***

No report.

***Railroad Committee***

Marilyn Burch reported that coffee and treats are being offered at the Stuyvesant Post Office on Mondays when the café is closed. So far they have made \$8.00.

The Farmers' Market will start on the Friday before Mother's Day (a little earlier than last year).

The Committee has copies of the book Hudson Valley Ruins for sale for \$35.00/book. The book references the work being done to restore the railroad station in Stuyvesant. Discussions are being held with the author to try to arrange for a book signing in the Spring.

Town Attorney Tal Rappleyea reported that he has not yet heard from Jim Melville regarding the easement to run the electrical service to the railroad station.

Councilperson Ronald Knott received one proposal from Sheriff Electric for \$0 - they will donate the labor and materials if the Highway Department can do the trenching.

***Planning***

Planning Board Secretary, Shirley Narzynski, reported that in December they had Ron Knott's site plan review to replace a

mobile home and a minor subdivision request from Rybkas which was referred to the Zoning Board.

The next meeting will be January 22, 2007.

### **Zoning**

Zoning Board Secretary, Shirley Narzynski, reported that there wasn't any new report for the Zoning Board. The next meeting will be January 23, 2007.

Supervisor Bertram reported that there is a new requirement that Zoning Board and Planning Board members will be required to get 4 hours of training per year. It was discussed among the county Supervisors how those hours were going to be tracked. Supervisor Bertram suggested that the certificates be given to Shirley Narzynski as Secretary of both boards.

Councilperson Ronald Knott pointed out that the State Law requires that we verify the training at the time of reappointment. He suggested that the training hours be checked yearly.

Town Attorney Rappleyea said that at that yearly check if it is determined that people are short, he can do an in-house training as long as the Town Board determines that the training is appropriate, to get everyone where they should be.

### **Recreation**

Supervisor Bertram asked Councilperson Rosalind Gumaer to take over this committee.

A new committee focusing on the Sharptown Road property will be formed as an extension of the Recreation Committee. Councilpersons Bradlee Webster and Richard Cummings have agreed to help with this sub-committee. It was suggested that there be two separate groups to deal with the two parcels, 1) the back piece that will remain undeveloped and 2) the soccer field.

### **Guest Speaker**

Town Justice Carrie O'Hare addressed the board to give them an update on issues across the state.

Justice O'Hare appeared before the State as a witness in the success of the town court. She will be appearing before the State Senate at the end of the month.

### **Cemetery Committee**

Councilperson Bradlee Webster reported that Tom Butcher, Homestead Tree Service in Schodack came and walked the property and looked at the work to be done in Firwood Cemetery. He sent an estimate to Ray Hempstead.

Ray Hempstead reported that the estimate was for \$6800 and included the removal of the marked trees, including the wood, limbs, disposal of all brush, grinding the stumps and clean-up. They have a \$1 Million insurance policy.

Mr. Hempstead also reported that some extra money may be needed to flag some grave sites. Some of the trees have been struck by lightning and are up-rooting. The work cannot be performed until there is a frost.

Superintendent Kowalski said he had someone lined up to do the work on one of the trees and had an estimate of \$800. The estimate was from someone who regularly does other work for the Highway Department. Superintendent Kowalski suggested that we

get another bid for the cemetery work. He will meet with Councilperson Bradlee Webster and Ray Hempstead to find out the extent of the work needed to be done.

Councilperson Rosalind Gumaer said she thought we needed to have more than one estimate anyway. Dr. Matthew Asbornsen told her that there needs to be 3 estimates for projects over \$10,000. This size project would need 2 quotes.

### **Old Business**

Councilperson Rosalind Gumaer said that Rensselaer County did a resolution similar to the one that Ned DePew had drafted in his correspondence to the board this month. She will get a copy to Supervisor Bertram and other Board Members.

An extensive discussion between the Board Member and the Public regarding the Widewaters proposed project in Greenport, in particular the SEQRA Review. The Board was asked to request declaration as an "interested party". Town Attorney Tal Rappleyea explained that that would be premature. Supervisor Bertram asked for clarification of the term "interested party" Attorney Rappleyea explained that "involved party" has approval authority whereas "interested party" would be put on a list to be notified of hearings and get copies of any reports. They would be "in the loop" but have no authority. There was a lot of concern over a negative declaration and the traffic impact to the Town residents.

A motion was made by Councilperson Ronald Knott to write a letter supporting the County recommendation to the Town of Greenport for a finding of a Positive Declaration, seconded by Councilperson Bradlee Webster, carried.

A motion was made by Councilperson Richard Cummings to declare the Town Park project immune from Zoning Requirements, seconded by Councilperson Rosalind Gumaer, carried.

Town Attorney Tal Rappleyea discussed the Resolution accepting transfer of license for the Stuyvesant Falls Hydroelectric Project. Supervisor Bertram read the Resolution. A motion was made by Councilperson Ronald Knott to accept the resolution as read, seconded by Councilperson Rosalind Gumaer, carried.

Dr. Matthew Asbornsen asked if the original letter of agreement pertaining to the Town's interest in the profit during operation was still in effect with the new owners (Albany Engineering) or if a new agreement needed to be done. Mr. Rappleyea said that the agreement was assigned.

### **New Business**

Supervisor Bertram reviewed the Organization Assignment List. Councilperson Ronald Knott asked if we could take out the term "alternate" in relation to one of the town papers and name both the Register Star **and/or** the Independent.

A motion was made by Councilperson Bradlee Webster to accept the Organization Assignment List, seconded by Councilperson Richard Cummings, carried.

Supervisor Bertram gave an update of the "Website Committee". She will meet with Mark Kelly to get working again on the "committee pages". There will be a meeting in February regarding the not-for-profit links on our webpage.

A "2009 Celebration Committee" needs to be formed.

A motion was made by Councilperson Ronald Knott to officially appoint the members of the Railroad Committee as listed, seconded by Councilperson Bradlee Webster, carried.

A motion was made by Councilperson Ronald Knott to make appointments to the Recreation Committee, seconded by Councilperson Richard Cummings, carried.

A meeting of the newly formed Recreation Committee will be held. Councilperson Rosalind Gumaer will poll the members to try to get an agreeable time and date.

The Greenway Committee members will be carried forward.

A thank you letter will be written and sent to Sheriff Electric for their very generous offer regarding the electrical work at the Railroad Station.

**Public Comments**

There were questions posed regarding the safety of the intersection at State Route 9J and County Route 26A. Supervisor Bertram stated that she is trying to find out whom to start with to get a review of the intersection because that would be the first step.

There were suggestions increased police patrols, replacing the blinking light with a "stop" light, signs and flashing lights warning of the intersection, and a sign stating "this is your speed". Supervisor Bertram said that the Town would have to pay for the "speed" sign.

A motion was made by Councilperson Bradlee Webster regarding a resolution for Superintendent Bernard Kowalski to forward a contract for plowing, seconded by Councilperson Ronald Knott, carried.

Ned DePew asked the Board for action on his letter that had been read under **Communications**. Supervisor Bertram said she wanted to give everyone time to review the resolution. The Board will revisit this at the February meeting.

Sean Cummings announced that there is newly-formed oppositional group to the LeFarge Plant named "Citizens for Clean Air". Mr. DePew said that the group is in the process of putting up a webpage and he will get the address to Supervisor Bertram when it's complete.

A motion to adjourn as made by Councilperson Richard Cummings, seconded by Councilperson Ronald Knott, carried.

Meeting adjourned at 9:00 pm.

## 2007 ABSTRACTS

THE FOLLOWING BILLS WERE PRESENTED FOR AUDIT:

1	Col. Co. Sheriff	99.93	16	Joseph Bruno	108.05
2	Berkshire Tel	382.08	17	Lexis Nexis	78.80
3	Dell Service	122.00	18	Mario's	229.73
4	Bonnie Sutherland	38.40	19	Culligan	33.50
5	Hudson Vall News	29.17	20	Partnrs in Safety	197.50
6	NYS ORPS	17.00	21	Sausbier's	179.00
7	George Knott	195.00	22	Chemung Supply	420.00
8	Xerox	164.94	23	Northeast Auto	11.07
9	CCMA	50.00	24	Northern Safety	158.88
10	NYSAMCC, Inc.	25.00	25	Unifirst	213.35
11	Business Automation Svs	260.00	26	Bernard Kowalski	39.00
12	Morris Assoc	973.90	27	Columbia Tractor	30.12
13	Staples	473.78	28	Carquest	115.23
14	COARC	22.50	29	Kingston Oil	528.33
15	Carrie O'Hare	11.55	30	Nextel Partners	50.85

Recorded this 11<sup>th</sup> day of January 2007

Approved this 8<sup>th</sup> day of February 2007

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TOWN CLERK

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SUPERVISOR

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COUNCILPERSON

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COUNCILPERSON

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