

**Approve**

October 12, 2015

**September 14, 2015  
Town of Taghkanic  
Town Board Meeting**

**6:30 pm:** Town Board members audited and signed vouchers.

**7:00 pm:** **LL 4-2015** entitled Town of Taghkanic Advisory Board's Authority Law-REV 2015-08-10 TB: Supervisor Erik Tyree opened the Public Hearing for the LL 4-2015 by reading the Local Law.

- + Loretta Hoffman: there was no information published about the Local Law.
- + Board Member Linda Swartz: the board is making some revision to LL 6-2012 to make it more relaxed and informal for the Advisory Boards on where they meet and that there should be minutes, very minimal changes.

**7:06 pm:** Supervisor Erik Tyree asked if there were any further question or comments, if not I will entertain a motion to close the Public Hearing, so moved by Board Member Joyce Thompson, seconded by Board Member Richard Skoda.

**Approved:**    **5 Ayes**            **(Erik, Linda, Joyce, Richard, Ryan)**  
                  **0 Nays**  
                  **0 Absent**

**7:07 pm:** The Town Board of the Town of Taghkanic held Highway Project meeting and Regular monthly meeting on the above date at the Taghkanic Town Hall. Supervisor Erik Tyree opened the meeting with the Pledge of Allegiance, moment of Silence and Safety Review.

<b>Present:</b>	Erik Tyree	Supervisor
	Richard Skoda	Board Member
	Ryan Skoda	Board Member
	Linda Swartz	Board Member
	Joyce Thompson	Board Member
	Cheryl Rogers	Clerk

**Absent:**

**Highway Project Update: (Phase I):**

Supervisor Erik Tyree: asked Ray Jurkowski for an update on the project. Ray informed the Board that he had received two bids from the following:

- + Harkins Mechanical & Construction LLC    \$ 98,850.00
- + David St. Onge General Contractor        \$111,432.00

Ray Jurkowski asked the Board to wait on motion as he would like to look the bids over and ask the Board to hold a special meeting. Meeting was set for Wednesday September 16, at 8 am.

- + Board Member Joyce Thompson: you will compare these bids to the ones we received last year?
- + Ray Jurkowski: yes
- + Arthur Baker: these bids cover the footings and finished walls?

- ✚ Ray Jurkowski; yes footings, walls and concrete.
- ✚ Carolyn Sammons: what is the dollar amount for the town vs. the bid to do it? Can you count on the Highway Department to finish the job?
- ✚ Board Member Linda Swartz: they didn't say they wouldn't do it, there was an injury.
- ✚ Board Member Joyce Thompson: a severe injury to the cement project leader which occurred at his home.
- ✚ Supervisor Erik Tyree: I received a call from Mr. Tripp and he would like to finish the job, he was supposed to be here tonight.
- ✚ Highway Superintendent George Hotaling: what if he injures his hand again while on the job?
- ✚ Board Member Joyce Thompson: we need a Doctor's note saying what he can or can't do, to protect the town.
- ✚ Board Member Richard Skoda: if he wants to oversee the project, then let him.
- ✚ Kent Sammons: wasn't this project supposed to start last year?
- ✚ Board Member Joyce Thompson: yes, but weather prevented the start –correction – the project was *funded* in May and DeWitt was injured in July. Weather delayed this initial work. The footings framing was complex and the Highway Dept. men completed that part. The walls are 10 foot high in order to have the possibility in the future for a wood structure.

Ray Jurkowski: please invite DeWitt to come on Wednesday; Cheryl if you would scan the bids and send them out to everyone.

Ray Jurkowski: I am waiting to hear from Northeastern Environmental on the results of the August testing. I will email them tomorrow.

- ✚ Arthur Baker: the intention of the Town is to perform the Monroe Law?
- ✚ Board Member Joyce Thompson: Monroe Test not Law.
- ✚ Arthur Baker: when will this take place?
- ✚ Ray Jurkowski: The Monroe Test will not be done until after Phase I of the Project if the Town even has to do one. Phase II discussion will happen during the winter months and will be guided by what the Town budget allows.
- ✚ Arthur Baker: will these discussion be open to the public
- ✚ Board Member Joyce Thompson: all Town Board meetings are open to the Public.
- ✚ Ray Jurkowski: the Monroe Test consists of 10 questions and the Town Board members are the ones that make the decisions on the questions.
- ✚ Arthur Baker: I am concerned with the Board making the decisions.
- ✚ Ray Jurkowski: the only authorized agency is within the town and the Town is lead agent of the Project.
- ✚ Supervisor Erik Tyree: we have filled out the DEC forms and they are on file.

**Supervisor Erik Tyree then asked for a motion to approve the following minutes:**

**August 10, 2015:** Regular Meeting minutes were accepted as written with suggested changes motioned by Board Member Richard Skoda, seconded by Board Member Linda Swartz.

**Approved:**    5 Ayes            (Erik, Linda, Joyce, Richard, Ryan)  
                          0 Nays

**0 Absent**

**August 27, 2015:** Town Board/Highway Project Meeting minutes were accepted as written with suggested changes motioned by Board Member Richard Skoda, seconded by Board Member Linda Swartz.

**Approved:** 5 Ayes (Erik, Linda, Joyce, Richard, Ryan)

0 Nays

0 Absent

**The Correspondence consisted of:**

1. Queen of the Most Holy Rosary, thank you
2. Christine Vanderlan, Community Project Manager, training
3. Patrice Perry, Col. Co. Planning, training
4. East end Hospice, thank you
5. Copake Town Park, Benefit Dinner
6. Kevin McDonald, Col. Co. Office for the Aging
7. NYS Department of Public Service
8. The Tyree Family, thank you
9. Christine Vanderlan, Community Project Manager, training

**Correspondence with discussion:** None

**Then followed reports from the Boards:**

**Animal Control:** Wes Powell, no report submitted.

**ZBA:** James Romaine, Chair, no report.

**Planning Board:** Katherine Bainer, Chair report submitted.

**Assessor:** Craig Surprise report submitted.

**ZEO/CEO/Building Inspector:** Dennis Callahan report submitted.

**Historian:** Nancy Griffith, no report submitted.

**Traffic Safety Board:** Linda Swartz: no meeting no report submitted.

**Environmental Management Council:** Anna Kadish, no report submitted, no meeting.

**Zoning Commission:** Joyce Thompson, report submitted.

Board Member Joyce Thompson: introduced the recommendation from the Zoning Commission for a Noise Ordinance as follows:

**TOWN OF TAGHKANIC ZONING COMMISSION RECOMMENDATION  
TO THE TAGHKANIC TOWN BOARD  
OF A NOISE LAW**

Over the years the Town of Taghkanic Town Board has received complaints of non-farming, prolonged, intrusive noise of various kinds. The Town Board asked its Zoning Commission to look at noise regulations in other towns and recommend a noise law for its consideration.

It is commonly understood that it is difficult to regulate noise. Nevertheless, without a law that sets town policy, those who are asked to reduce nuisance noise levels or to keep noisy, non-farm activity to shorter periods of time have no guidelines and law enforcement officials have no basis for issuing warnings or tickets.

**Findings:**

In the Town of Ancram Zoning Law of 2014 "noise" is part of the regulation in 59 places.

The Town of Gallatin has a 1985 Noise Ordinance that addresses pets, hours for activities such as construction, recreational vehicles, residential garden equipment and music. It also addresses malfunctioning equipment and requires mufflers on all internal combustion vehicles. Violations are directed to the Constable, Sheriff and State Police.

Why is consideration of noise important? The World Health Organization (WHO) defines the quality and frequency of noise in contemporary life as a "Modern Plague"<sup>1</sup>. This is because noise is more than an annoyance or irritation. It has serious health consequences such as contributing to anxiety, stress, nervousness, nausea, headaches, emotional instability, depression, and the need for psychoactive drugs and sleeping pills. The WHO makes it clear that quiet is essential for all cognitive effort.

In Taghkanic we have an increasing number of home occupations. People working at home require reasonable quiet in order to

earn a living. Enacting a noise law in Taghkanic provides a framework for promoting personal health, community health, the ability to earn a living, and quality of life.

The commission looked at a variety of noise laws from the very simple to others that were quite complex. The Town of Taghkanic Zoning Commission strongly recommends the attached draft of a simple Noise Law to the Town Board for its consideration.

<sup>1</sup>WHO article, Noise Pollution: A Modern Plague published by [Medscape](http://www.medscape.com). ([www.medscape.com](http://www.medscape.com))

**TOWN OF TAGHKANIC NOISE LAW**

**Recommended Draft for  
Town Board**

**Purpose:**

The purpose of this policy is to establish a framework for balancing individual rights and community rights with regard to noise. Our community values individual privacy and protection of the environment. As individuals, we are responsible for respecting the rights of our neighbors and the community as a whole.

**Declaration of Policy:**

It is the public policy of the Town of Taghkanic that every person is entitled to the enjoyment of his/her home and property, including limiting noise to levels that do not disturb the peace and are not detrimental to life or good health or well being.

It is therefore declared that making or maintaining loud, unnecessary or unusual noises that are prolonged and unnatural in their duration, place, and/or use are a detriment to the public health, comfort, safety, welfare and prosperity of the people of the Town of Taghkanic.

**Prohibited Acts:**

The following acts are declared to be in violation of this chapter:

- A. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any highway or in any public or private place in the town, except as a danger warning;
- B. Playing or operating any radio, musical instrument, amplifier or other sound-making machine or device in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing by the person or persons who are in the room, vehicle or area in which such machine or device is operating and who are voluntary listeners thereto. The operation of any such instrument, amplifier, machine or device in such a manner as to be plainly audible at a neighboring property from the room, vehicle or area in which it is located shall be prima facie evidence of a violation of this chapter.
- C. Loud noises caused by any engine, except through a muffler or other device that will effectively mitigate such loud noises.
- D. The use of motorcycles, ATVs, snow mobiles and similar on- and off-road motor vehicles for excessive lengths of time in a manner that causes objectionable noise to neighboring residents.

**Enforcement:**

Violations of this chapter will be considered to be a violation punishable under NYS Penal Code 240.20 Disorderly Conduct.

- ✚ Kent Sammons: who determines what is excessive?
- ✚ Alex: I am against, this it's crazy
- ✚ Jeff Gaylord: it's the country.
- ✚ Kent Sammons: call the sheriff, this is the country.
- ✚ Jim Romaine: what is excessive?
- ✚ Supervisor Erik Tyree: this is just a suggestion from the Zoning Commission.
- ✚ Jim Romaine: has the Town Board received any complaints about noise? Home Occupation are not permitted unless by application to the Building Dept. and the ZBA.
- ✚ Loretta Hoffman: lower the speed limit on 82 and stop air brakes.
- ✚ Cory Gaylord: against.
- ✚ Carolyn Sammons: explain unnecessary, unusual, unnatural noises.
- ✚ Board Member Joyce Thompson: the Zoning Commission made it very general not specific.
- ✚ Board Member Ryan Skoda motioned to take the Noise Law off the table.

- ✚ Board Member Joyce Thompson: I very much appreciate everyone's coming out, concerns and comments; I would hope that you will come on Saturday as well.
- ✚ Jim Romaine: I agree with Joyce please come to the meeting on Saturday.
- ✚ Alex: if you don't like it move and don't let the door hit you on the way out.
- ✚ Kathy Bainer: what do people do who have a complaint? What is their avenue for help?
- ✚ Supervisor Erik Tyree: a noise law is too subjective; the penal code is all the town needs.
- ✚ Board Member Ryan Skoda my motion is to take the Noise Law off the table and not discuss it again, seconded by Board Member Joyce Thompson.

**Approved:** 5 Ayes (Erik, Linda, Joyce, Richard, Ryan)  
 0 Nays  
 0 Absent

**Office for the Aging:** Joyce Thompson, report submitted.

**Clerk/Collector:** Cheryl Rogers, reports were submitted to the Board

**Supervisor:** Erik Tyree, report submitted and the written report was available on the back table for the public. **Supervisor financial report is attached.**

**Highway:** George Hotaling, report submitted.

Board reports were accepted as submitted and read on a motion by Board Member Richard Skoda seconded by Board Member Linda Swartz.

**Approved:** 5 Ayes (Erik, Linda, Joyce, Richard, Ryan)  
 0 Nays  
 0 Absent

**Financial Advisory Committee Report:** Board Member Joyce Thompson reported the following:

**Financial Advisory Committee Report to September 2015 Town Board Meeting**

The Financial Advisory Committee met on 10 September 2015 as noticed. Attending were Town Board Member Linda Swartz and FAC member Susan Benton. Absent were Laura Perlman and Town Board Member Ryan Skoda. At an earlier meeting a form was approved to use as a guide and record for financial report audits. It was used this month and is attached. One possible posting to an incorrect account line was identified and will be investigated by Town Board Member Joyce Thompson.

**Review of August Supervisor's Report**

The August Supervisor's Report, the "Revenue & Expenditures – Budget vs. Actual January through August 2015" Report shows the following:

**August Revenues:** General Fund stands at 81.1% of budget. Local Fines and Forfeitures continue to be higher than budgeted at 92.6% and the Local Municipal Aid (Tobacco money) payment of \$11,439.54 was received. It is slightly higher than budgeted as well. The Highway Fund revenues stand flat at 94.3%.

**August Expenditures:** Both funds continue to spend well below the 67% expected for end of August. They stand at 56.2% for General and 33.7% for Highway. Most of the August highway work did not require new materials.

- ✚ Kent Sammons: why do you put this in percentages not dollars, it is so the public doesn't understand.
- ✚ Supervisor Erik Tyree: explained it is the percent of the expenditures that has not been spent and the percent of revenues that that are in to date.

Board Member Ryan Skoda moved to accept the financial report as submitted, seconded by Board Member Richard Skoda.

**Approved:** 5 Ayes (Erik, Linda, Joyce, Richard, Ryan)  
0 Nays  
0 Absent

**Advisory Board reports:**

**Conservation** Advisory Committee: Anna Kadish, no report submitted.

**Old Business:**

A. **Report on Research to identify the source and use of \$50,000 “Planning Money”:** Board Member Joyce Thompson I called Key Bank and was unable to obtain any information. Alice Platt is writing up a report and will be submitting it next month.

✦ Walter Thompson: there is a for Sale sign by the Key Bank in Hudson, is it closing?

B. **RFPs:** Board Member Joyce Thompson introduced the RFPs for Accountant, Payroll, Bookkeeper, and Attorney for ZBA and Planning Board. The Board needs to review and will make a decision on Wednesday.

C. **Shop-n-Find:** Supervisor Erik Tyree shared a copy of the Town of Copake Anti-Littering Law and suggested it be sent to the Town Attorney Decaire for his review. Tabled till Wednesday.

D. **Review of Resolutions and Local Laws**

✦ **Resolution Investment Policy:** tabled

E. **Road Survey:** Board Member Linda Swartz, because of the problem on Taghkanic and Near Roads I am suggesting a maximum weight limit for Taghkanic town roads. From the survey people were very concerned with overweight trucks on their road.

✦ Kent Sammons: you could balance the budget with tickets on Livingston Road with overweight trucks. You need to enforce the law on everyone.

✦ Carolyn Sammons: when did we do a road survey? Twenty-five responses is not a good basis, you need to mail it out to all the residents or publicize it better. If I had known about a road survey Kent and I would have filled it out.

✦ Town Board decided to extend the road survey till October 15<sup>th</sup>.

✦ Supervisor Erik Tyree: I have spoken with John Reilly and Jim Guzzi trying to set up a meeting with them and their Highway Superintendents to discuss Taghkanic and Near Roads.

Board Member Linda Swartz reported on New Forge Road Bridge, DEC will not participate with the Town in making a foot bridge as the property is not on State property. Some other possibilities may become available.

✦ Jim Romaine: what is the liability for the town?

✦ Board Member Linda Swartz: do we intend to maintain the road after the bridge is removed? A foot bridge would be the town’s responsibility to maintain.

## New Business:

### **A. Local Law 4-2015 Advisory Board's Authority Law:**

- ✦ **SEQRA:** Supervisor Erik Tyree read through SEQRA short form and asked for a motion for a negative declaration of SEQRA, motion made by Board Member Ryan Skoda, seconded by Board Member Joyce Thompson.

**Approved:** 5 Ayes (Erik, Linda, Joyce, Richard, Ryan)  
0 Nays  
0 Absent

- ✦ **Enactment:** Board Member Joyce Thompson motioned to enact LL 4-2015 Advisory Board's Authority Law, seconded by Board Member Ryan Skoda.

**Approved:** 5 Ayes (Erik, Linda, Joyce, Richard, Ryan)  
0 Nays  
0 Absent

- ### **B. Set Budget Workshop:** The Board set September 30<sup>th</sup> and October 7<sup>th</sup> for budget workshops 7 pm. The Board will hold interviews from RFPs.

- ### **C. October and November Calendar:** Clerk will add dates discussed and the Board will review on Wednesday.

## **The bills were audited and approved for payment as follows:**

- ✦ **September 14, 2015 Abstract:** on a motion by Board Member Linda Swartz, seconded by Board Member Ryan Skoda.

2015 General Fund Vouchers	# 264 - 287	\$ 7,326.23
2015 Highway Fund Vouchers	# 131 - 149	\$ 21,023.10
2015 Hwy Project Fund vouchers	# 49 - 50	\$ 18.98

**Approved:** 5 Ayes (Erik, Linda, Joyce, Richard, Ryan)  
0 Nays  
0 Absent

## **The following people commented during the fifteen minute public comment:**

- ✦ Board Member Linda Swartz motioned to re-notice for data collectors for the Assessor, seconded by Supervisor Erik Tyree. Notice will be placed.

**Approved:** 5 Ayes (Erik, Linda, Joyce, Richard, Ryan)  
0 Nays  
0 Absent

- ✦ Board Member Joyce Thompson: if anyone knows of any person interested in the open positions please recommend they submit a letter.

- ✦ Arthur Baker: when will you do the Monroe Test?

- ✦ Supervisor Erik Tyree: no plans for Phase II have been set.

- ✦ Board Member Ryan Skoda: not until the salt shed is done.

- ✦ Supervisor Erik Tyree: the salt shed needs to get done so we know the scope

of the budget needed.

✚ Carolyn Sammons: don't entertain his questions; take the garage off the table.

**9:10 pm:** Board Member Ryan Skoda motioned to enter Executive Session to discuss litigation, seconded by Board Member Linda Swartz.

**Approved:** 5 Ayes (Erik, Linda, Joyce, Richard, Ryan)  
0 Nays  
0 Absent

**9:20 pm:** Board Member Linda Swartz motioned to exit Executive Session, seconded by Board Member Joyce Thompson.

**Approved:** 5 Ayes (Erik, Linda, Joyce, Richard, Ryan)  
0 Nays  
0 Absent

Supervisor Erik Tyree will contact Attorney Lyons and ask that he meet with the Board on Wednesday.

**With no further business,** on a motion by Board Member Joyce Thompson, seconded by Board Member Richard Skoda, the meeting was adjourned at 9:25 pm, carried unanimously by all members present. The next Regular meeting will be **October 12, 2015** at the Taghkanic Town Hall.

Audience:	Jim Romaine	Carolyn Sammons	Kent Sammons	Melissa Skoda
	Jeff Gaylord	Karen Gaylord	Melvin Stoddard Sr.	Kathy Bainer
	Loretta Hoffmann	Arthur Griffith	Renee Nostrand	Paul Nostrand
	Lisa Testa	Rachel VanSchaik	Walter Thompson	Dennis Callahan
	Dan Udell	Mary Udell	George Hotaling	Bill Hilscher
	Eric Gaylord	Susan Gardner	Erin Edwards	Arthur Baker
	Cory Gaylord	Mat Stoddard	Melvin Stoddard Jr.	Alex

**Action List:**

1. *Supervisor Erik Tyree will contact Jimmy Guzzi Supervisor Town of Livingston and John Reilly, Supervisor Town of Gallatin to set meeting date.*
2. *Clerk Rogers will scan bids and send to the Board and Ray. **Done***
3. *Clerk Rogers will post notice for RFPs, data collector and open position on boards. **Done***
4. *Clerk Rogers will have road survey re-posted. **Done***



Town of Taghkanic  
 Supervisor's report  
 August 31, 2015

**Receipts:**

Justice Court Deposits	\$ 24,412.00
Retiree health insurance	119.00
Tobacco	11,439.65
Clerk fees	72.28
Tax collector	2,241.31
Building inspector	1,481.40
Interest - MM	37.38
Interest - Escrow	0.04
Interest - Checking	0.23
Interest -Trust and Agency	0.04
Total receipts	<u>\$ 39,803.33</u>

**Disbursements:**

Abstracts -General fund	(16,776.47)
Abstracts - Highway fund	(8,349.90)
Abstracts- Capital project	(4,499.84)
Payroll - Aug 15, 2015	(7,288.29)
Payroll - Aug 30, 2015	(16,337.20)
Total disbursements	<u>(53,251.70)</u>

Net receipts-disbursements (13,448.37)

Cash balances at July 31, 2015 1,613,498.36

Cash balances at August 31, 2015 \$ 1,600,049.99

	Bank Statement Balance	Deposits in transit & o/s Checks	Book Balance
Multifund checking	\$ 30,616.79	\$ (9,291.51)	\$ 21,325.28
Multifund money market	1,482,791.19		1,482,791.19
Trust and Agency(payroll)	8,049.26	(7,545.29)	503.97
Capital account	97,652.21	(2,994.45)	94,657.76
Escrow savings	571.79	-	571.79
Petty Cash	200.00	-	200.00
Total Cash	<u>\$ 1,619,881.24</u>	<u>\$ (19,831.25)</u>	<u>\$ 1,600,049.99</u>

Total income from Quickbooks	\$ 31,335.95
Court fees deducted from income	8,347.00
Trust interest	1.38
Retiree Health insurance netted with A9060	119.00
*Total receipts	<u>\$ 39,803.33</u>

**Total net loss per Quickbooks	(13,449.75)
Interest earned on escrow	1.38
Net receipts- disbursements	<u>\$ (13,448.37)</u>