

FINAL

**MINUTES OF
TOWN OF RENSSELAERVILLE TOWN BOARD
REGULAR MEETING
FEBRUARY 8, 2011**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 8th day of February, 2011 at 7 o'clock in the evening at the Rensselaerville Town Hall, 87 Barger Road, Medusa, NY. The meeting was convened by Supervisor Dermody and the roll was called with the following results:

PRESENT WERE: Supervisor Marie Dermody, Councilman Robert Bolte, Councilman Gary Chase, Councilwoman Marion Cooke, Councilman John Kudlack, Town Attorney Joseph Catalano, Town Clerk Kathleen A. Hallenbeck
Also present were Superintendent Gary Zeh and 20 interested citizens.

PRESENTATION: WORKERS COMPENSATION

Mr. Loren W. Pratt, Marketing Manager from New York State Municipal Workers' Compensation Alliance and Erin Spencer from Marshall & Sterling Insurance Company were present to give a presentation on the Workers' Compensation Insurance, explain how they arrive at the rates charged, and answer any questions that the Town Board may have.

Mr. Pratt explained and talked about the renewal process and experience modification, which means your history of claims. He mentioned that we have two major factors here: NYS costs going up that are not in their control and a couple of bad accidents that you have had.

Councilwoman Cooke asked if you have small claims under \$500.00, with some insurance companies the employer can pay it. You have to file the C2s. Can you do that with this insurance?

Mr. Pratt mentioned that that was done in the late 90's; it is no longer done. It doesn't pay to do this.

Councilwoman Cooke asked if there's a discount because you have a safety program going.

Mr. Pratt, Comp. Alliance is a group self-insurance program; they don't follow any of those rules. Their prices are determined by the cost of the program. Their rates are a little less than the State's. The State's overall increase is 18%; theirs is 14%.

Supervisor Dermody, this is the first year that we have had those two bad years of experience rating in our record. We will have to wait until 2008 and 2009 come off that three-year span before we see any change.

Mr. Pratt, yes, next year you will have the 2008 drop off.

Supervisor Dermody asked Mr. Pratt if they anticipate or foresee another reform movement to rectify or remedy some of the unexpected damages done by the recent reform.

Mr. Pratt, there probably won't be any further reform.

Councilwoman Cooke, you say you don't audit the payrolls. If your payroll is reported higher than it actually comes in, how do you handle it?

Mr. Pratt mentioned that they don't use estimated payrolls; when they ask for the payroll they go to the last final year.

Ms. Spencer mentioned that adjustments can be made if you find a discrepancy.

Councilwoman Cooke asked about overtime.

Mr. Pratt, overtime should be separated out. They don't charge 100% for that; the ratio is 2/3.

Supervisor Dermody, when you request the payroll information in October, November you will be asking for 2010 or 2011.

Mr. Pratt, they will be asking for the latest one because they know the last final one is in there. When they get to that point, they will contact the Town to get the correct information. They are also trying to have their number by October first for the Town Board for budgeting purposes.

Supervisor Dermody thanked Mr. Pratt and Ms. Spencer for coming.

AUDIENCE COMMENTS

- Sandy Gordon, County Legislator, resident of Knox, presented the Town Board with a flag and proclamation.

Supervisor Dermody read the following proclamation:

"The Flag of the United States of America. This is to certify that the accompanying flag was flown over the United States Capitol on January 20, 2011. At the request of the Honorable Paul Tonko, Member of Congress, this flag was flown for the Town of Rensselaerville."

Supervisor Dermody thanked Mr. Gordon for all his efforts for getting this for us.

- Mrs. Schloen asked if all employees receive compensation for sick days.

Supervisor Dermody mentioned that members of the Highway Department do. Anybody else who is hourly only gets paid for the time they are here. If you are salaried, you get paid a set amount regardless of how many hours you spend on the job.

- Gerald Wood asked about snow plowing of the fire houses and churches. He heard that the Highway Superintendent was told that he did not have permission to go to the Medusa Fire house and plow them out. He thought that the Town Board had okayed the Highway Department to plow the fire companies and the churches when there is an emergency.

Attorney Catalano mentioned that the fire companies and ambulance company have contracts with us for service; it is perfectly fine.

MINUTES

- ❖ A motion was made by Councilwoman Cooke to accept the minutes as amended for the Regular Meeting held on January 13, 2011; 2nd by Councilman Bolte. (Under transfers, add the year “ 2010.”)
Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)
- ❖ A motion was made by Councilman Kudlack to accept the minutes of the Work Meeting held on January 11, 2011; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

TRANSFERS: Supervisor Dermody reported that \$10,000.00 for election contractual was eliminated in the budget line. \$10,000.00 needs to be taken out of the 2010 budget

- ❖ A motion was made by Councilman Chase to make the following transfers;
- | FROM | TO: | AMOUNT: |
|-------------------------------|-------------------------|----------|
| Sewer –Workers Comp. SS9040.8 | General – Workers Comp. | \$ 50.00 |
- (to repay general fund for payment of workers comp.)

Street Lighting –PH – SL5182.41 (repay loaned amounts from 2010)	Due from other funds	567.97
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Street Lighting – Ren – SL5182.43 (repay loaned amounts from 2010)	Due from other funds	1,014.02
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Fund Balance – A909.01 (missing total in election line)	Elections – A1450.4	10,000.00
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2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

ABSTRACT 2010 - 02 VOUCHERS,BILLS: The General Fund - \$65,461.11; Highway Fund - \$205,690.20; Lighting District – PH - \$323.20; Ren - \$713.09; Sewer District - \$28,012.72; Water District - \$953.46; Ambulance District – \$20,511.00 (annual contract - \$10,000.00, Workers. Comp. \$10,511.00) Fire Districts - \$121,573.00 – (Medusa Fire Co. - \$50,000, Preston Hollow Fire Company - \$47,000.00; Workers Comp. for Medusa Fire Co. \$8,191.00, Preston Hollow - \$8,191.7, Rensselaerville - \$8,191.00); Agency & Trust - \$725.36. Grand Total for all vouchers - \$443,963.70.

- ❖ A motion was made by Councilman Chase to pay all signed vouchers; 2nd by Councilman Bolte.
Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)

CORRESPONDENCE

- TEPCO – They expected to re-start the pipeline on or around January 31, 2011.
- Nadine Bechle – Fleming Road repair.
- NYS Comptroller – They gave us an extension to May 1st to file the AUD.
- Girl Scout Troop 1616 – Christina Plattner Evola mentioned that GS Troop 1616 would like to request permission to sell Girl Scout cookies on Saturday, April 2, 2011, 10am to 2pm, on the lawn behind Town Hall. The girls would be supervised at all times.

The Town Board discussed this issue and said that it was okay to have the cookie sale but that they follow all safety precautions.

- ❖ A motion was made by Councilman Kudlack to allow Girl Scout Troop 1616 sell cookies on April 2, 2011, (rain date – April 9th) on the lawn in back of the Town Hall; 2nd by Councilman Chase.
Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)

REPORTS

SUPERVISOR DERMODY

- FINANCIAL REPORTS: Supervisor Dermody distributed to the Town Board members the following documents: Account Summary (2/8/11), the Operating Statement for the end of 2010, Operating Statement for the end of January 2011, and the Abstract of Vouchers. Supervisor Dermody mentioned that we did receive the fourth quarter payment for the 2010 sales tax. Councilwoman Cooke mentioned that she would like to have more time to look at these statements.

The Town Board discussed the statements received.

- ❖ A motion was made by Councilman Bolte to accept the Supervisor's financial reports; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*
 - CLOSE 2010 BOOKS: Supervisor Dermody reported that we should have all the 2010 bills in and paid. Any bills that come in for 2010 will have to be taken out of the 2011 funds.
 - ❖ A motion was made by Councilman Kudlack to close the Books for 2010; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*
 - CARVER BILL: Supervisor Dermody mentioned that we have a resolution to the Carver bill and she has faxed the information to County Comptroller Conners.
- Councilman Chase explained what happened to a payment and credit and returned checks for Carver Construction and Carver Sand & Gravel for a payment of an invoice on 12/31/07. Carver has credited the Town's account for \$7286.60. This can be used toward future purchases.
- PAYROLL AUDIT: Councilman Kudlack will audit the December payrolls and Councilman Chase will audit the January payrolls.
 - GREEN FIBER: Kelly Driessen of Green Fiber would like to re-negotiate our contract with them. Green Fiber is very pleased with the fact that we have kept our end of the bargain in terms of having other municipalities sign up as a result of our influence. They would like to increase the amount per ton that they pay us from \$20.00 to \$25.00.
 - ❖ A motion was made by Councilman Bolte authorizing Supervisor Dermody to sign the contract with Green Fiber for \$25.00/ton; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*
 - i.t.s.: Supervisor Dermody mentioned that she needs Town Board ratification of the IT contract with i.t.s. Supervisor Dermody mentioned that in their contract there is an auto-renew on January 1st. If the Town wanted to cancel their contract, they needed to do it in writing 45 days before the end of 2010. Supervisor Dermody mentioned that they have given us excellent service; they are able to fix a computer from their location which doesn't cost us anything for a trip charge. Even though they didn't go up in price, they are also going to cover support for MUNIS software and hardware.
 - ❖ A motion was made by Councilman authorizing Supervisor Dermody to ratify the contract with i.t.s for computer support, it will take us through December 31, 2011; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*
 - MUNIS: Supervisor Dermody reported that MUNIS is moving along. We are working on the chart of accounts. Supervisor Dermody didn't think we could do this without the support of the County Comptroller Office and Mr. Fontanelli and Mr. Smith. Supervisor Dermody mentioned that our Bank supplies us with free checks, but our checks don't line up with the MUNIS program. The Bank is working with us to get their vendor to supply us with a form that is compatible with MUNIS, hopefully free of charge.
 - SECURITY CAMERA: Supervisor Dermody mentioned that Hammond Security informed her that Camera #4 is down. The estimated cost to fix it is \$200.00 and a new one is \$400.00.
 - ❖ A motion was made by Councilman Kudlack to have Camera #4 fixed or replaced, to do what is needed to get it up and running; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*
 - NYS PARKS – POTTER HOLLOW SCHOOL HISTORIC: Supervisor Dermody mentioned that we received a letter from the NYS Office of Parks Recreation and Historic Preservation informing us that the property of Potter Hollow District # 19 School on County Route 363 in the Town will be considered by the State Review Board at its next meeting for nomination to the National and State Registers of Historic Places.
 - ALBANY COUNTY SHERIFF'S OFFICE: Supervisor Dermody received a letter from the Sheriff's Office seeking a letter of support for a County Ambulance Program. She asked Mr. Gerald Wood if the Ambulance Squad had any issue with having County facilities available to us.
- Mr. Wood, no, if we don't have a crew available they will respond. We will always have coverage.
- ❖ A motion was made by Councilwoman Cooke to send a letter of support to the Albany County Sheriff's stating that the Town Board is in favor of a County Wide Ambulance Service; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*
 - ❖ A motion was made by Councilman Chase to accept the Supervisor's report; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

TOWN ATTORNEY: FREEDOM OF INFORMATION LAW

Attorney Catalano asked if the Town Board had any comments or questions concerning the FOIL documentation that had been distributed to the Town Board last month.

Councilwoman Cooke asked Attorney Catalano to explain what is meant on Page 3, Item e. Attorney Catalano explained that this is a section regarding public access. It provides you with a procedure for requesting public records. Attorney Catalano explained (e) what has to be done if it is denied and how to appeal the process.

On Page 7, Item 7 in Section 9, please explain the difference between inter-agency and intra-agency. Inter-agency is between the different departments, Highway to Supervisor, etc. Intra-agency is between, for example, the Superintendent and Deputy Superintendent or between the Supervisor and Bookkeeper. Denial of access was explained by Attorney Catalano.

Page 2, Section 4 – Hours. The hours for public inspection on Friday will be change to 9am to 3pm.

Attorney Catalano asked if we officially adopted the Schedule of Retention in the past.

Town Clerk Hallenbeck, yes we did.

Attorney Catalano mentioned that a public hearing needs to be scheduled on this law.

- ❖ A motion was made by Supervisor Dermody to schedule a Public Hearing on Tuesday, March 3, 2011, 7PM at the Town Hall on Public Access to Records (FOIL); 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

HIGHWAY DEPARTMENT: Superintendent Zeh reported that they have been plowing snow. He reported that we have had over five feet of snow since the beginning of the year. The snow banks are higher than the mailboxes. It would be helpful to the highway department if a pole was put by the mailbox so it will not get knocked over.

There was also an ice storm on Saturday afternoon, we got an inch of ice, and we got it cleared off the roads.

- SAND AND SALT: Superintendent Zeh mentioned that the sand and salt budget line has been hit hard this year. He is watching the sand and salt line and also overtime very closely. The Carver credit will come in handy this year.
- OBSTRUCTIONS: Superintendent Zeh reported that there is a highway law concerning items along the right-of-way that are obstructing their plowing. There are places where there are cars, equipment, etc. on the roads and they have to plow around them. There is also a law stating that you can't plow snow across a road. If you are caught you could be arrested for doing this. This snow left in the road from plowing it across the road is a hazard, he has approached some people about it.
- Superintendent Zeh reported that they spent \$4600.00 on parts and repairs in January.
- ❖ A motion was made by Councilman Kudlack to accept the Superintendent's report; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

TOWN CLERK: Town Clerk Hallenbeck reported the following collected and paid out for the month of January 2011; Town Clerk Department – Total Collected - \$592.36. Paid to the Supervisor - \$509.56 (fees); Paid to NYS Department of Agriculture and Markets - \$28.00 (Dogs - State Surcharge); Paid to NYS Departmental Conservation - \$54.80 (sporting license); Paid to NYS Department of Health - \$0.00 (marriage license). Water Rents Collected - \$20,428.23. Sewer Rents Collected - \$12,118.50. Tax Collection - \$1,184,153.55.

- ❖ A motion was made by Councilman Kudlack to accept the Town Clerk's Report for the month of January 2011; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Chase, Bolte, Cooke, Kudlack; Nays (0)*

CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR: Supervisor Dermody read CEO Over Baugh's report. There was one septic repair for the month of January.

ASSESSING DEPARTMENT: There were no Assessors present; no report was given.

WATER/SEWER COMMITTEE:

- DEPUTY WATER/SEWER TREATMENT OFFICER APPOINTMENT: Douglas Story is working toward getting certified; he has agreed to take this position.
- ❖ A motion was made by Councilman Chase to appoint Douglas Story, Deputy Water/Sewer Treatment Officer at a rate of \$10.00 per hour, term to expire 12/31/2011; 2nd by Councilman Kudlack.

Chairman Long reported that Mr. Story is working on the certification which is some study and questionnaires. Before he can be certified, he has to have a certain amount of work experience. By appointing him as the Deputy Treatment Operator to fill an open line in our budget, this will allow him to begin to accruing required experience.

Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)

Attorney Catalano mentioned that we need a certified operator as soon as possible.

- WORKERS COMPENSATION: Attorney Catalano mentioned that the Committee has asked the Town to investigate to make sure that unpaid volunteers are covered by the Towns' Workers Compensation Insurance or other insurance should they be injured while helping the town.
- REPAIR OF IMPOUNDING DAM: Attorney Catalano mentioned that the Water/Sewer Committee is ready to move ahead with getting bid documents prepared and going out to bid for repairs to the impounding dam. Chairman Long mentioned that they have the bid documents.

Attorney Catalano mentioned that there is not enough money in the budget of the Water District to pay for the work. The Committee is seeking grant funding, but they have not received any commitments or actual cash yet. What can be done in order to get this work done which is required under the State permit. The Town has two options. One is to lend the Water District money which would have to be paid back within the calendar year or to authorize the issuance of Bonds and the issuance of a Bond Anticipation Note (BAN). As of December of last year a BAN of \$100,000.00 to \$150,000.00 was about 3.4% interest rate. All that would have to be charged back to the District residents. It would not be incurred by town taxpayers.

Do you need a referendum for this?

Attorney Catalano mentioned that last year a BAN was paid off. We do not have any authorization to issue another BAN. We have to do a resolution to authorize the issuance of bonds which is subject to a permissive referendum. That cannot take effect until 30 days after the resolution is made. Once that 30 day period expires and you don't have enough petitions in opposition to it, then you can go to a bank and get a BAN for a year and pay it back gradually over time from year to year.

Attorney Catalano mentioned that due to professional liability insurance issues as well as the expertise needed to issue Bonds, he recommended that the Town hire a Bond Counsel that is certified to issue bonds. Banks require those types of attorneys to do that in order to issue BANS. The cost goes by the amount of the Bond, for \$100,000.00 to \$150,000.00 would be between \$1,500.00 to \$2,500.00. That can also be funded under the BAN. The Town may have to front some money for that and for perhaps engineering work for the bid documents; it could be paid back out of the BAN.

Chairman Long mentioned that the engineering has produced all the documents and they have been paid. The only thing left in the current engineer's contract is to actually supervise the planning of this and to prepare them and report to the committee. They need to continue to provide good quality water and we need to get this done as soon as we can do it.

Attorney Catalano mentioned that if the Board authorizes it, he can retain Bond Counsel and have the documentation ready for the March meeting so you could make the required procedures. You would have to have a public hearing on that; the process would take about 45 days. The other option you could do is bid the project but not award the bid until you have the money; then you would know the actual amount that you are looking for. If you don't do that, you can have the resolution authorizing the issuance of bonds up to an amount that would cover everything and only issue the BAN for the exact amount on that.

Councilman Chase asked if the Committee has been looking for grants.

Chairman Long mentioned that they have been trying to get grants. The only agency he knows of where they might have some luck is an agency that administers a revolving fund. They are out of Massachusetts; they have a maximum of \$100,000.00.

Attorney Catalano mentioned that the Community Development Block Grants has just announced their round of grants.

Attorney Catalano will need a brief description of the project as well as the maximum amount that you want to authorize the issuance for the funding.

Councilman Chase asked if we should look into the grant process first.

This issue was discussed.

- ❖ A motion was made by Supervisor Dermody authorizing Attorney Catalano to do what is necessary to be prepared for the March 3rd Work Meeting regarding the issuance of bonds; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

Councilman Bolte asked about a certified operator.

The Town Board summoned the Water/Sewer Committee to the March 3rd Work meeting to discuss the issue of a certified operator.

JUSTICE MILLER: The Town Board needs the paperwork to audit his books.

PARKS/PLAYGROUNDS – MOWING AND PORT-A POTS: The Town Board discussed putting out for bids to mow the parks/playgrounds and for port-a-pots for the Bayard Elsbree Park, Rensselaerville Playground and Medusa Playground. The parks must submit their specifications for mowing & trimming to the Town Clerk within 2 weeks, which will then be available upon request.

- ❖ A motion was made by Councilman Chase authorizing the Town Clerk to advertise for bids for mowing and port-a-pot rental for the Bayard Elsbree Park, Rensselaerville Playground and Medusa Playground; bids to be opened at the March 8th meeting at 7:30 PM; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

RECYCLING DEPARTMENT: Recycling Coordinator Whitbeck reported the following tonnage received and transported for the month of January 2011; Green Fiber – 9.06 tons, Rensselaerville Iron & Steel – 3.72 tons, Tires – 8, City of Albany Landfill – 55.65 tons, Sierra Fibers – 5.39 tons and Oil – 25 gallons.

- ❖ A motion was made by Councilman Chase to accept Recycling Coordinator Whitbeck's report; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

CURRENT EVENTS:

- Rensselaerville Volunteer Fire Company – Pancake Breakfast – Sunday, February 13, 2011, 8 to 11am. Free Will offering.
- Medusa Winter Carnival - Saturday, February 12, 2011 – 11am to 3pm.

OLD BUSINESS

• **ASSOCIATION OF TOWNS MEETING – FEBRUARY 22- 23, 2011 - RESOLUTIONS**

The Town Board had reviewed all the resolutions to be voted on at the Annual Meeting. Councilman Chase will be voting on these resolutions at the Annual Meeting.

- ❖ A motion was made by Supervisor Dermody authorizing Councilman Chase to vote *AYE* on all Resolutions (1 through 11) at the Association of Towns Meeting; 2nd by Councilwoman Cooke. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

• **AUDITOR:** Supervisor Dermody reported that we have received quotes from the following firms to do the 2010 Annual Financial Report (AUD): Cusack & Company, CPAs LLC, Latham, NY, Pattison, Koskey, Howe & Bucci, CPAs, P.C., Catskill, NY and Sickler, Torchia, Allen and Torchia, Hudson, NY.

Supervisor Dermody mentioned that she has looked them all over: they are all reputable CPAs; they all have experience in municipal accounting.

- ❖ A motion was made by Supervisor Dermody to retain the services of Pattison, Koskey, Howe & Bucci, CPAs, P.C., Catskill, NY, as the CPAs to complete the 2010 AUD; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

NEW BUSINESS

• **FIRE CONTRACT – RENSSELAERVILLE, TRI-VILLAGE, AND MEDUSA VOLUNTEER FIRE COMPANIES:**

The contracts between the Fire Companies and the Town haven't been updated in some time. He has updated them; the dates are January 1, 2011 to December 31, 2011 and the new amounts are inserted for each fire company. Basically they all say the same. Each contract formalizes the relationship that was already in place. He suggested that the Supervisor be authorized to execute the contracts, that they be sent to the Fire Companies for their review and if okay the Fire Companies will sign one and send it back to the Town.

- ❖ A motion was made by Councilman Chase authorizing Supervisor Dermody to sign and execute the contracts for the Rensselaerville, Tri-Village and Medusa Volunteer Fire Companies; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

• **RESIGNATION – RAYMOND WELSH – PLANNING BOARD & ZONING REVIEW COMMITTEE**

Supervisor Dermody reported that she has received a letter of resignation from Raymond Welsh from the Planning Board and Zoning Review Committee due to health problems. We need to accept with regret this letter of resignation.

Attorney Catalano mentioned that Mr. Welsh has been extremely knowledgeable and very determined and despite his health issues really made unbelievable effort to attend as many meetings as he did. It was quite remarkable.

- ❖ A motion was made by Supervisor Dermody that we accept Ray Welsh's resignation with regret from the Planning Board and Zoning Review Committee effective January 25th; 2nd by Councilwoman Cooke. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

A notice of vacancy for the Planning Board will be put in the next newsletter. April 1st is the deadline for those interested in the position to get their letter of interest to the Town Board.

• **FLAG:** Councilman Kudlack spoke concerning the flag. What was done was the appropriate thing to do at the time; there was nothing else that could be done from having the flag being destroyed by the wind and being hung up in the trees. He would like to make a motion to ratify what Supervisor Dermody did to have the flag fly freely without damage and to have the respect that it is due by trimming those trees at that time. Hopefully when the weather gets better we can go out there and do something better with the flag so it stands and it flies and it makes the Town of Rensselaerville proud of what we stand for.

- ❖ A motion was made by Councilman Kudlack that we ratify the action that Supervisor Dermody took by having the trees trimmed so the flag wouldn't be destroyed in the trees with the wind; 2nd by Councilman Chase.

Councilwoman Cooke mentioned that the only problem she has with that is there was no Town Board approval on that before it was done.

Councilman Kudlack mentioned that sometime you have to make a split minute decision and do what you have to do. To take the flag down, it is not flying. To trim a few branches to let the flag fly is one thing.

Mr. Bowdish, the flag was like that for over a month before it was attacked. When it was brought to the attention of the Board, it was suggested at that time that there was a group of people that were willing to extend the flag pole above the trees before a new flag was put up. This wasn't something that was a spur of the moment out of the courtesy to the flag;, otherwise it would have been done a month before that.

Attorney Catalano, there is a motion before the Board; discussion should be between the Board.

Motion Carried. Ayes (4) Dermody, Bolte, Chase, Kudlack; Nays (1) Cooke

• **TREES:** Councilman Bolte spoke concerning the trees. The trees are going to continue to grow and he would like to either extend the pole higher or he will furnish another pole taller to put out in the garden out in the front.

Supervisor Dermody mentioned that the pole was put in place by the VFW and dedicated in 2002, the pole needs to stay there. Councilman Chase felt that in the spring they should come up with a committee to figure out what we want to do about it; either plant shrubs out there or something to make it look nice.

Attorney Catalano suggested contacting the VFW for their help.

Supervisor Dermody will contact the VFW and the American Legion and see what they can come up with and also get the community involved.

Mr. Metzger donated the current flag.

AUDIENCE COMMENTS

- Dale Dornier mentioned that what you are doing talking about trimming the tree. She thinks that the incendiary comments about it being a felony and the negativity don't do the Town Board any justice to hear that, and she thinks that the Board has done a good job in working out the situation.

- Richard Tollner asked if the Town's FOIL policy differs from NYS.

Attorney Catalano mentioned that he followed the State model.

Mr. Tollner asked what is the purpose of making FOIL changes.

Supervisor Dermody mentioned that our FOIL policy is dated 1974; it needed to be updated.

- Richard Tollner asked about the Water District, the loan, how many homes are in the District, how much funding is needed and how much are they paying now? This is a large expense for those people.

Chairman Long mentioned that they pay on a fixture count; it varies per house. It is about \$500.00 per year.

- Richard Toller asked, what is the status of the FEMA claims?

Supervisor Dermody mentioned that we are done except for the Water District.

- Richard Toller asked, what is the cost of the auditor?

Supervisor Dermody, between \$3500.00 and \$4500.00 for the AUD.

- Mrs. Schloen mentioned that the VFW out of their minute funds bought the pole and they themselves erected the pole. The VFW members are all about 80 years old, and they are all WW2 Veterans.

- Mrs. Dempsey mentioned that she heard about the flag controversy. She remembers that when Mr. Bolte was running for election, he said that after the November election there should be no Republicans or Democrats but just one group to guide the affairs of the united community. Mr. Bowdish has also made similar statements. Why not sit down and find a reasonable solution that does not include trees that by their nature can grow to be 60 or 70 feet high or by moving the flag pole and crowding it up against the building.

There was a complaint that the new flag was being shredded by the trees. The Supervisor decided to have the trees topped and now it has been made into a big political "hoo ha" about how the supervisor acted without authorization, etc. and should be personally responsible for paying for the trees that were donated by Mr. Mikulka. Why not remove the trees, plant some small growing shrubs underneath the flag pole?

ADJOURNMENT: A motion was made by Councilman Kudlack to adjourn the meeting at 9:25PM; 2nd by Councilman Bolte. Motion Carried.

RESPECTFULLY SUBMITTED;

Kathleen A. Hallenbeck
Town Clerk