

FINAL

**MINUTES OF
TOWN OF RENNELAERVILLE TOWN BOARD
REGULAR MEETING
MARCH 8, 2011**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 8th day of March, 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 17 interested citizens.

AUDIENCE COMMENTS:

- Gerald Wood presented the Town Board with a check for \$11,220.00 from the Ambulance Squad, a 25% contribution toward the funding for the Advanced Life Support Program provided by the Albany County Sheriff's Department.

Superintendent Dermody asked if it would be okay with the Ambulance Squad if they used this to offset the shortage in the Workers Compensation so we don't have to add that much to their 2012 budget. We appreciate it, it is your hard work, and you should get the benefit of it. Mr. Wood didn't see a problem but he will check it out with the Ambulance Squad.

Supervisor Dermody thanked them for the check.

MINUTES:

Councilwoman Cooke mentioned that under the transfers for the election line, it was in the budget, but it was missing in the total line for A1450.4.

A motion was made by Councilman Chase to accept the minutes of the Regular Meeting held on February 8, 2011, as corrected, and to accept the minutes for the Work Meeting held on February 3, 2011 and the Special Meeting on January 19, 2011; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

TRANSFERS:

Supervisor Dermody reported that we need to create a new line item for the accountant, A1320.1. Ms. Cornwell wants to get paid through the payroll process, not on a 1099.

Councilwoman Cooke mentioned that she knew this when taking the job; we will then have to pay a portion of the social security.

A motion was made by Councilman Kudlack to create line A1320.1 for payroll services for the Accountant for the Town; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

A motion was made by Councilman Cooke to make the following transfer:

From	To	Amount
Ind. Auditing & Accounting – A1320.4	Ind. Auditing & Accounting A1320.1	\$207.00

(for accounting services provided by the Accountant for the Town)

2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

A motion was made by Supervisor Dermody to make the following transfer:

From	To	Amount	
Sewage Collections System – SS8120.4	Treatment/disposal – SS8130.4	\$66.02	Electric

bill for February. (The cost of the pump repair took most of the funding in this line.)

2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

ABSTRACT 03-2010 - VOUCHERS,BILLS

The General Fund - \$51,403.44; Highway Fund – \$68,706.09; Lighting Districts (PH - \$316.35, Ren - \$360.06) - \$676.41; Sewer District - \$61.60; Water District - \$366.80. Agency & Trust - \$660.36. Grand Total - \$121,874.70.

HOT WATER PRESSURE WASHER: Supervisor Dermody mentioned that there is one voucher that she is not inclined to sign. That is a voucher from Van Buren Enterprises for a hot water pressure washer for \$3,930.00. Supervisor Dermody reasons are: it is in violation of the town's procurement law -- an expenditure of this amount requires a written request for proposals which also then requires Town Board approval. The Town Board did not have that. It required three written quotes and proposals. The third written proposal came in dated March 2nd; the purchase was made February 10th. The original proposal from Van Buren was dated January 31st. We had a Town Board meeting on February 8th; that was the time this purchase should have been brought to the Town Board's attention and they could have gone through the proper protocol. It is not an emergency purchase and it is not the first time the procurement policy has been violated. It is her inclination not to sign it and not to approve it.

Supervisor Dermody asked for the Town Board's opinion on this.

Councilwoman Cooke asked, has it been used?

Superintendent Zeh, yes. He did not know that the Town Board has to authorize purchases. He did not see it in the procurement policy. He apologized for his error.

Supervisor Dermody, the Town Board needs to authorize a written request for proposals.

Superintendent Zeh mentioned that when the third quote came in the person did not want to give a written quote; he wanted to give a verbal quote; that is why it came in late.

Councilman Chase suggested sending it back and going out for a quote.

Superintendent Zeh has been using his personal pressure washer. The one that the Town owns is not working; it is expensive to repair.

Councilman Chase asked if there is a State contract on pressure washers.

Superintendent Zeh, yes, it is through Grainger, it was the same bid price. Superintendent Zeh mentioned that he needs to wash the salt off the trucks to keep them from rusting.

Attorney Catalano mentioned that when the procurement policy is violated, the Town Board has two options: one is not to pay the bill, another is to ratify the mistake and go ahead and pay the bill.

Councilman Chase asked what happens if the Town Board agrees to send it back.

Attorney Catalano did not know what the vendor would require.

Councilman Kudlack, it is used equipment. Whose responsibility is it at this point?

Attorney Catalano, anytime you violate a policy or a law, it is an unauthorized purchase; it would be the person that made the purchase.

Councilman Bolte asked what the other quotes were for.

Greenville Auto & Truck Parts for \$4941.00, Grainger for \$4400 or \$4700 and NAPA - \$5300 or \$7000. \$3900 from Van Buren.

Superintendent Zeh will send it out for bid again if he can get the approval from the Board.

A motion was made by Councilman Chase to return the pressure washer that was against the town's procurement law; 2nd by Supervisor Dermody.

Councilwoman Cooke asked if Superintendent Zeh checked the price on State contract.

Superintendent Zeh mentioned that the Grainger's price is the State contract price.

Councilman Bolte mentioned that we need a high pressure washer; he has been bringing his own in. When you talk to the public and see what kind of job has been done on the roads and that the trucks are being taken care of and there are other laws broke here, trees being cut, we forgave somebody for that. We need the high pressure washer. Supervisor Dermody is trying to follow the procurement law.

Councilwoman Cooke asked if the procurement law says you must come before the Town Board.

Supervisor Dermody, you have to have a written request for proposal. Every time we have had written request for proposals, they have been approved by the Town Board.

Attorney Catalano, it doesn't say it in a sense, but past practices it has been done. It is for purchases above \$3000.00; it is checks and balances. Whichever way this situation goes, you want to make sure it doesn't happen again.

Councilwoman Cooke mentioned that there is a need for a pressure washer. What are you going to gain by sending this one back?

Supervisor Dermody mentioned that nobody is saying that there isn't a need.

There is a motion that has been made and seconded that we not approve the voucher and contact the vendor and send it back with the explanation that it was in violation of the procurement law.

All in favor: *Ayes (3) Dermody, Chase, Kudlack* Opposed: *Nays (2) Bolte, Cooke* Motion Carried.

Supervisor Dermody asked Superintendent Zeh if he would like to move forward and present a written request for proposals. Then they will entertain a bid notice and doing this according to the procurement law.

A motion was made by Councilman Chase to pay all signed vouchers (except voucher # V11-152 to Van Buren Enterprises for \$3,930.00 for the hot water pressure washer); 2nd by Councilman Kudlack. Motion Carried. *Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

CORRESPONDENCE

1. Mrs. Breitenbach – regarding transportation provided for her husband
2. Nadia & Richard Creamer & Others – regarding repairs to Camp Winsockie Road.
3. Albany County Department of Health – regarding the Rensselaerville Water District, monitoring requirements and a certified operator.

REPORTS

SUPERVISOR DERMODY

- **FINANCIAL REPORT:** The Town Board reviewed and discussed the Operating Statement for the period ending 2/28/11, the Account Summary, and the Abstract of Vouchers.

A motion was made by Councilman Kudlack to approve the financial report; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **PAYROLL AUDIT:** Councilman Chase will do the January payroll audit; Councilman Bolte will do the February payroll audit.

- **CENTRAL HUDSON – NEW FIXTURES:** Terry Weaver of Green T Energy is scheduled to install lighting upgrades for Central Hudson on Thursday.

- **ORGANIZATIONAL CHART:** Civil Service has requested an Organizational Chart for the Town. The Town Board reviewed the Chart and made the following addition to it: add assistant to Bookkeeper/Clerk 1.

A motion was made by Councilwoman Cooke to approve the Organization Chart for 2011 with the addition; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **OIL COLLECTION:** 16 ½ gallons of used motor oil was collected on February 26, 2011.

- **AED (Defibrillator):** Supervisor Dermody reported that the training has been done, the paperwork is completed. We are waiting for the official certification. We also need a cabinet to house the AED. Supervisor Dermody will look for one.

- **ASSOCIATION OF TOWNS MEETING:** Brad Chase attended the Annual Meeting of the Association of Towns. He reported that he brought back a wealth of knowledge and information regarding zoning and planning. He thanked the Board for giving him the opportunity to attend.

Councilman Chase also attended the Annual Meeting. He reported that the Resolutions passed, briefly talked about the tax caps. There is grant funding available out there for water and sewer projects; they are trying to promote infrastructure change, and that towns need to create new jobs, businesses. There are also park grants and fire department grants out there. He will have a more in-depth report for next month.

- **WATER/SEWER DISTRICTS:** Supervisor Dermody handed out job description for the Water Treatment Officer and Sewage Treatment Officer. She would like the Town Board and Water/Sewer Committee review these descriptions. They will be discussed at the April meeting.

- **WORKMENS' COMPENSATION INSURANCE:** Supervisor Dermody reported that she did a spreadsheet calculation and presented it to Mr. Pazin of Marshall & Sterling, who presented it to Mr. Platt of Workers Comp. Alliance. Mr. Plant mentioned that because it is a self-insurance program, they can't do anything about it this year but next year they can.

- **JUSTICE LA PLANTE'S ANNUAL REPORT:** Supervisor Dermody reported that she reviewed Justice La Plante's Annual Report and recommends its approval. Councilwoman Cooke also reviewed it.

A motion was made by Supervisor Dermody that we approve the auditing of Justice La Plante's Annual Report and sign the documents; 2nd by Councilwoman Cooke. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **CRYSTAL LAKE:** Supervisor Dermody mentioned that she received a letter from the Crystal Lake residents concerning milfoil.

Attorney Catalano, this is a private lake and the Town has no jurisdiction over the water body. We have no authority to do anything with the milfoil problem; they have a Lake Association, they must do it.

- **HOUSEHOLD HAZARDOUS WASTE DAY:** Supervisor Dermody reported that the Town of Bethlehem is holding its Household Hazardous Waste Collection Day on May 7, 2011, 8AM to 1PM. They received a grant and the Town only has to pay 50% of the cost of people using the facility to drop off their acceptable waste.

A motion was made by Councilwoman Cooke to participate in the Town of Bethlehem's Household Hazardous Waste Collection Day on May 7, 2011; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- ALBANY COUNTY RABIES CLINIC: Councilwoman Cooke asked if they rotate the rabies clinics; people asked why they have to go to Berne.

Town Clerk Hallenbeck mentioned that they used to rotate them in the past; they no longer do that.

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)*

BIDS – MOWING AND TRIMMING – BAYARD ELSBREE PARK, RENSSELAERVILLE

PLAYGROUND AND MEDUSA PLAYGROUND: The Town Board discussed the fact that the amount of insurance coverage needed was not noted in the legal notice to bidders. The Board discussed whether to open the bids, not open the bids, reject the bids, or send them back with a letter explaining what has happened and include an insurance coverage figure.

The Town Board decided not to open the bids, to send them back with a letter stating what has happened, include the insurance limits required, and notify them of a new date to open the bids.

A motion was made by Councilman Chase to return the bids received, to have them back by April 7th and to set the insurance coverage limits at \$1,000,000.00/2,000,000.00; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

A motion was made by Councilwoman Cooke to schedule a Special Meeting for April 7, 2011, 7 PM for the sole purpose of opening the bids for mowing and trimming of the parks/playgrounds; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

BIDS – PORT-A-POTS – BAYARD ELSBREE PARK, RENSSELAERVILLE PLAYGROUND, MEDUSA PLAYGROUND

Bids for port-a pot units were received from Big Top Portable Toilets, 88 Grove Street, Cairo, NY 12413 and Fred's Sanitation Service, Inc., 744 East Corbin Hill Road, Esperance, NY 12066.

Big Top Portable Toilets bid \$75.00 for a single unit per month, cleaning once a week and \$120.00 a month per handicapped unit per month with once a week cleaning.

Fred's Sanitation Service, Inc. bid \$300.00 per month for the following, 4/15/11 – 10/15/11 at Rensselaerville Playground and Medusa Playground one regular unit Preston Hollow one regular unit 4/15/11 – 7/15/11 and one handicapped unit, 6/15/11 – 10/15/11, \$300.00 a month.

A motion was made by Councilman Kudlack to accept the low bidder, Big Top Portable Toilets, Cairo, NY for \$75.00 for the single unit and \$120.00 for the handicapped unit with cleaning once a week; 2nd by Councilwoman Cooke. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

TOWN ATTORNEY

- GENERAL CODE – CODIFICATION: Attorney Catalano reported he and the Town Clerk have been working on the Codification Project which has been going on for quite a while. The books have arrived. The next step is to adopt a Local Law to authorize the codification. Attorney Catalano will draft a local law to authorize the codification and will have the material ready for review at the April meeting. The Town Board will have to set a public hearing for this local law.

- WATER DISTRICT – IMPOUNDING DAM: Attorney Catalano reported that he has reviewed the minutes of the Water Committee and the addition of the time line on the water supply impoundment dam. This will require bond counsel if we issue a bond anticipation note or if we get the loan from the RCAP organization. The loan amount is 4 ½ %; a bond anticipation note will probably come in less than that. Attorney Catalano spoke to Dale Dorner about his. She felt that this is the first year that the Water District doesn't have to pay any debt service that maybe the project could be put off so that the Water District has a year to get back up to budget amounts and have some reserves. This would give us time to apply for grants that Councilman Chase is talking about. There is money out there for water infrastructure. He would advise against the Town Board jumping ahead and issuing a bond anticipation note in the first instance. Secondly even if all the paperwork is ready for the board to take action in April, you need 30 days before the resolutions are effective before you can actually receive any money. The time line is off by at least a month.

Councilman Bolte asked about the deadline they have from DEC.

The deadline is October 1st; the permits run out the end of this year.

Attorney Catalano asked the Town Board if they want him to go ahead and make arrangement to retain bond counsel and issue a Bond Anticipation Note for the project or hold off another month.

Councilman Chase mentioned to hold off, look at grants first and with the FEMA money can that be applied toward that.

The work needs to be completed before they can get their money.

The Town Board discussed grants, BANs, and bond counsel at length. The fee for the bond counsel would be around \$2000.00.

A motion was made by Supervisor Dermody authorizing Attorney Catalano to retain bond counsel for the purpose of securing funds for the Small Impoundment Dam Project; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

Attorney Catalano mentioned that by the April meeting he will have a retainer letter and the specific figures for that. Attorney Catalano will check with Chairman Long concerning the figures; they would probably need authorization of a \$150,000.00 just in case anything goes up. The BAN would be the ones that have the exact cost of the construction.

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

HIGHWAY DEPARTMENT

- **LAWN MOWING:** Superintendent Zeh mentioned that if you go for a million dollars insurance coverage for the lawn mowing, it will cost the person about \$800.00. Perhaps you should go down to three or four hundred thousand because all they are doing is mowing.

- **WATER DISTRICT:** Superintendent Zeh suggested that 20% be included in the estimate for overruns.

- **PROCUREMENT POLICY:** Superintendent Zeh asked if Supervisor Dermody had for a copy of the Procurement Policy. Does it say in there that the Town Board has to approve the purchase? Does the Town Board have to approve the letter for a request to quote?

Supervisor Dermody mentioned that it does not explicitly say; past practice has been that written request for proposals have Town Board approval.

Superintendent Zeh apologized, he did not know that. It should be spelled out in the policy; it should be revised so it is cut and dry. If we send out request for quotes now and get them back in April, we will be past the snow/salt season. His pressure washer went home with a lot of damage to it.

- **CURRENT WORK:** They have been plowing snow and drifts and once in a while we get an ice storm. Mud season is around the corner, people living on dirt roads the frost will be coming out making mud. CHIPS money: he sent in a request for the last payment; it should be here by the 15th. It should be around \$13,000.00. You all have a copy of the bid notice for materials.

Councilwoman Cooke mentioned that we made the motion to send the pressure washer back; we have used Superintendent Zeh's pressure washer for a year with no charge to the Town.

Councilman Chase asked why didn't we fix the other one last year or put out for another one.

Councilwoman Cooke mentioned that he didn't have the money to fix it.

Superintendent Zeh mentioned that he made calls to different people to fix the pressure washer; their response was, it is 12 years old, they would give him \$100.00 for it.

The Town Board discussed the pressure washer issue at length.

Councilman Chase suggested making up specifications for the pressure washer and we will put it out to bid.

A motion was made by Councilwoman Cooke to rescind the motion returning the pressure washer and make the Highway Superintendent follow the Procurement Policy; 2nd by Councilman Bolte.

Discussion: Councilman Chase mentioned that the town board voted to send it back; it wasn't done the proper way. Councilwoman Cooke, he made a mistake, he admitted his error. What good is it going to do to send it back, he will get the same bids.

Superintendent Zeh, it is his budget money, he got the three quotes.

Attorney Catalano, anything over \$3000.00 is a written request for proposals. This has always come before the Town Board. You have to document what you do.

Supervisor Dermody, anything over \$1000.00 needs a written request for proposals.

Motion did not carry. Ayes (2) Bolte, Cooke; Nays (3) Chase, Dermody, Kudlack

Supervisor Dermody asked Superintendent Zeh to email the request for proposals so that they know it is out there.

- **BIDS – GAS, OIL, HEATING CONTRACT, STONE, PRODUCTS, ASPHALT, PIPE, ETC.**

The Town Board briefly discussed the materials to be bid out. The forms have been changed to make it easier for the bidder to submit his bid.

A motion was made by Supervisor Dermody to advertise for the following materials: diesel fuel, No. 2 fuel oil, mid-grade and regular gas, contracts on heating units, crushed stone products, gravel, bituminous asphalt, asphalt emulsions, calcium, culvert pipe and geotextiles. Bids to be opened on April 7, 2011; 7:30

PM; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **AUCTION OFF MATERIALS:** Superintendent Zeh would like to auction off used equipment via the internet. There is no cost to do this.

Attorney Catalano will check into this issue and it will be discussed further at the April meeting.

- **TRANSFER STATION LIGHT OUT:** Superintendent Zeh reported that the light is out. Recycling Coordinator Whitbeck check on the light.

- **SALT & SAND:** Superintendent Zeh reported that the salt and sand budget should be okay if we don't get any major storms and we keep overtime to a minimum.

- **REPAIRS/MACHINERY:** Superintendent Zeh reported that they spent \$5400.00 for machinery repairs in February. Work has been done on the backhoe. They painted the 97 International truck. The new truck has been down twice and has gone back for repair; it is under warranty. It looks like an electrical problem.

- **OIL FILTERS:** Superintendent Zeh reported that he purchased the oil filters in bulk but kept the total under \$1,000.

A motion was made by Councilman Chase to accept the Superintendent's report; 2nd by Councilman Kudlack. *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 February 2011: Town Clerk Department – Total Collected - \$666.58. Paid to the Supervisor - \$617.01 (fees); Paid to NYS Department of Agriculture and Markets - \$8.00 (Dogs - State Surcharge); Paid to NYS Departmental Conservation - \$41.47 (sporting license); Paid to NYS Department of Health - \$0.00 (marriage license). Water Rents Collected - \$5924.90. Sewer Rents Collected - \$4513.25. Tax Collection; \$1074.51 (February Late Fees). Paid to Albany County \$400,000.00 toward the 2011 settlement.

Town Clerk Hallenbeck reported that on April 15th our bulk mailing permit will go up \$20.00 along with other mailing rates.

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

CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR: Supervisor Dermody read the following report from CEO Overbaugh for the month of February 2011: 2 – New Home Construction, 1 - Home Replacement and 1 - Building Repair. Total Collected - \$246.08.

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

ASSESSING DEPARTMENT: Assessor Pine reported the following: the State requires that they send out letter to people making \$500,000.00 or over who have applied for the Basic Star. If you get notice that you are not going to get the Basic Star because you make over \$500,000.00. If it is not correct, don't panic. Please contact the assessors and they will fix it. If he doesn't get a response back, they will have to take the Basic Star off.

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

WATER/SEWER COMMITTEE: Earlier in the meeting the Town Board gave Attorney Catalano authorization to secure Bond Counsel for the loan for the Water District Impoundment Dam Project. Chairman Long reported that he has done a typed draft RCAP application form and he has redone the exhibits.

TOWN JUSTICE REPORT – JUSTICE MILLER: Supervisor Dermody mentioned that Justice Miller's paperwork for his Annual Report is in her office is anyone wants to go over it.

RECYCLING DEPARTMENT: Recycling Coordinator Whitbeck reported the following recycled for the month of February; Green Fiber – 7 Tons, Rensselaer Iron & Steel – 2.83 Tons, Tires – 8, City of Albany Landfill – 38.97, Sierra Fibers – 4.18 Tons, Oil – 16.5 Gallons. Recycling Coordinator also reported that his 2010 Annual Report has been filed with NYSDEC. His total gross tonnage for refuse is 781.38 tons. The daily average is 7.6 tons. They recycled 240 tons of good stuff, stuff that we don't have to pay to get rid of.

Councilwoman Cooke asked how much we get paid for metal.

We get paid \$50.00 a ton, it fluctuates. Recycling Coordinator Whitbeck explained the process of how the cost fluctuates.

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

CURRENT EVENTS:

- Daylight Savings time begins this weekend.
- Saturday, March 19th at the Preston Hollow Firehouse, 2 to 6 PM, there will be a shower for the Henry Family. (The Henry Family of 11 lost their home and all of their belongings in a fire).
- Capital Region Recycling Partnership will celebrate GO GREEN DAY at the Albany County Cornell Cooperative Extension, Martin Road, Voorheesville, NY on April 30th 11am to 3pm.
- Eagle Scout Project – Mr. Amedure mentioned that his son will be going around Town restoring the historical markers in Town. He will be taking them to repaint them.
- Rensselaerville Volunteer Fire Company – Chicken BBQ – takeout only – March 26th, 4 to 6pm.

OLD BUSINESS

• **TOWN INSURANCE:** Marshall & Sterling Insurance, Leeds, NY submitted a proposal from Trident Insurance Brokerage for renewal of insurance for a total of \$31,905.00. Last year we paid \$29,598.00. A couple of trucks have since been taken off the road; this will lower the insurance cost a little.

A motion was made by Supervisor Dermody to accept the renewal proposal from Trident Insurance Company for \$31,905.00 for the term of 03/12/11 to 03/12/12; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

• **LOCAL LAW NO. 1 OF 2011, PUBLIC ACCESS TO RECORDS:** A Public Hearing was held on March 3, 2011.

RESOLUTION # 1 – 110308

A motion was made by Supervisor Dermody to adopt the following Resolution adopting Local Law No. 1 of the year 2011 – Public Access to Records

Whereas, it has been many years since the Town Board has reviewed and updated its local law regarding implementation of procedures for access to Town records pursuant to the State Freedom of Information Law also know as FOIL; and

Whereas, the Town Board introduced a proposed local law that has updated such procedures and criteria for the disclosure of Town records consistent with FOIL: and

Whereas, the Town Board has held a public hearing on said proposed law;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The public hearing on proposed Local Law No. 1 of 2011 has duly been held and closed prior to the introduction of this Resolution and said hearing provided those who wished to be heard regarding said proposed Law a full and fair opportunity to be heard.
2. The Town Board determines that the adoption of the proposed Local Law No. 1 of 2011 is an action that is defined in the State Quality Review Act (SEQRA) as a Type II action and, such, no further environmental review is required.
3. The Town Board adopts Local Law No. 1 of 2011, regarding public access to records of the Town and said Law upon being effective when filed with the Secretary of State shall supersede all prior local laws, rules or policies of the Town of Rensselaerville having to do with the same subject matter.
4. The Town Board hereby orders that the Town Clerk and Town Attorney complete the filing form and file Local Law No. 1 of 2011 with the Secretary of State's office as required by law. 2nd by Councilman Chase.

A roll call vote was taken with the following results:

<i>Supervisor Dermody</i>	<i>AYE</i>
<i>Councilman Bolte</i>	<i>AYE</i>
<i>Councilman Chase</i>	<i>AYE</i>
<i>Councilwoman Cooke</i>	<i>AYE</i>
<i>Councilman Kudlack</i>	<i>AYE</i>

NEW BUSINESS

• **SENIOR VEHICLES:** The Contract between the Town of Westerlo and Rensselaerville for the transportation needs of the seniors of Westerlo has not been updated. The current contract is dated 2009. The Town Board discussed at length the amount to charge Westerlo for this service and also how to compute the mileage for the Westerlo residents. Amounts discussed, \$.60 to \$1.40 per mile. There are two costs involved -- If the Westerlo

resident is riding the bus or car with a Rensselaerville resident, the cost would be \$.70 per mile from the Rensselaerville Town Hall and if the resident from Westerlo is riding the bus or car with only Westerlo residents, the cost would be \$1.40 per mile from the Rensselaerville Town Hall.

A motion was made by Councilman Bolte that we make joint agreement with the Town of Westerlo and that we raise our cost to the Town of Westerlo to \$.70 cents per mile for combined Westerlo and Rensselaerville residents and \$1.40 for only Westerlo residents; 2nd by Councilman Kudlack.

Motion carried: Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)

Attorney Catalano will contact the Town of Westerlo Attorney to go over a proposed contract.

- **NEWSLETTER:** Councilman Bolte mentioned there is a correction that needs to be made and there are also other mistakes. He also mentioned that the Church has noted a paid advertisement.

Supervisor Dermody has already made the correction for Councilman Bolte. The Church already had one full page, according to the Newsletter rules and regulations more than one page they would be charged; they were charged under the non-profit prices.

AUDIENCE COMMENTS

- Legislator Gordon thanked Supervisor Dermody for the nice letter concerning the flag he got for the Town. Legislator Gordon mentioned that he had an inquiry from Richard Feiner, Hop-A-Long Inn, who is a resident of the Town about a grant opportunity for a business proposal that he is looking at.

Attorney Catalano suggested that Legislator Gordon talk to Code Enforcement Office Overbaugh concerning this issue. His plans started in the mid 80's, CEO Overbaugh will have everything for his projects.

- Mr. Roe asked if you want a one million or a two million dollar insurance certificate for mowing. Does the certificate have to be in the envelope?

Supervisor Dermody mentioned that it is one million per occurrence with a two million aggregate.

You only provide the insurance coverage certificate if you are awarded the bid.

- Mr. Tollner talked the pressure washer issue. Everybody makes a mistake. Give this guy a chance to return this piece of equipment later on if it is not the lowest bid. If he is wrong then he should pay, if he is not wrong don't make the vendors pay and don't make the people that are wrong pay. Be as fair with him as you have been with any other highway superintendent.

- Mr. Tollner mentioned that there are companies that will pay for used computers. Mr. Tollner spoke about the new federal law guideline that went into effect concerning recycling of computers. RCR&R is a company in Albany that will pay you for recycled materials. He will give Recycling Coordinator Whitbeck their information.

- Superintendent Zeh asked the Town Board if they have thought about having someone do our gardening, let them advertise their business by putting up a sign. We will advertise for free, they would come in and take care of our planting beds, plant them, weed them and mulch them. How would you advertise something like that?

Attorney Catalano, put something in the newsletter, free service in exchange for advertising.

Supervisor Dermody mentioned that they have talked about doing something by the flag area; perhaps this is something to investigate. The American Legion and VFW will be contacted to see if they have any problems with us doing something with the flag area.

Supervisor Dermody, thank you, this is a good idea.

- Mr. Glorioso asked about the Right to Farm Law signs.

Supervisor Dermody mentioned that they have checked into that, there is no money out there for the signs.

Mr. Glorioso mentioned that he bought signs at Catskill Mountain signs for \$20.00 a piece.

Supervisor Dermody will call them.

- Mr. Toller asked about the condition of Route 85.

Legislator Gordon mentioned that the County Commissioner has written a letter to the State concerning the condition of the road.

EXECUTIVE SESSION

A motion was made by Supervisor Dermody to go into Executive Session to discuss personnel matters and that Attorney Catalano and Superintendent Zeh attend; 2nd by Councilman Chase. (9:07PM) (Requested by Superintendent Zeh) *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

A motion was made by Supervisor Dermody to come out of Executive Session; 2nd by Councilman Chase. (9:30 PM) *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; (0)*

A motion was made by Supervisor Dermody to go into Executive Session at the request of David Potter to discuss personnel issues and that David Potter and Attorney Catalano attend; 2nd by Councilman Bolte. (9:31PM) *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

2011TBMT03.08.11REG

A motion was made by Supervisor Dermody to come out of Executive Session; 2nd by Councilman Cooke. (9:40PM) *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

ADJOURNMENT: A motion was made by Supervisor Dermody to adjourn the meeting at 9:41PM; 2nd by Councilwoman Cooke. *Motion Carried.*

RESPECTFULLY SUBMITTED;

Kathleen A. Hallenbeck
Town Clerk