

FINAL

**MINUTES OF
TOWN OF RENSSELAERVILLE TOWN BOARD
REGULAR MEETING
APRIL 12, 2011**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 12th day of April , 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, Councilwoman Marion Cooke, Councilman John Kudlack, Town Attorney Joseph Catalano, Town Clerk Kathleen A. Hallenbeck

ABSENT: Councilman Gary Chase

Also present were Superintendent Gary Zeh and 47 interested citizens present.

AUDIENCE COMMENTS:

- Gerald Wood, representing the Ambulance Squad, mentioned that the Town Board received a letter from the Squad concerning the funding received from them. It is to go to the ALS Program.

- Richard Amedure, he has some concerns especially about the letter. It seems like there has been violation of the open meeting law

Supervisor Dermody mentioned that will be addressed in her report.

- Mr. Amedure, last week when the violation of the procurement policy was going on, it seemed like your Attorney was trying to give you an out and say pay the bill, we'll censure him; that is all we have to. Also violations of law that have been documented by Mr. Connors law have not been addressed yet. We need some answers here.

- Mrs. Sedlmeir spoke about the pressure washer issue and mentioned that her hope is that the day is going to come soon and some of the members here can act as a team, put the town first, put politics and parties aside, stop all the controversy, ugliness and fighting aside.

- K. B. Cooke mentioned that the papers is not the place to fight it out. To have the three of you get together and sign your name as officials; that is a different story. We have to get the politics thrown off the floor. Mr. Zeh did his own clerk work last year. You had in your budget \$10,000.00 for a clerk; pay him the \$10,000.00.

- Mr. Bowdish, Gary and his crew should be thanked by all the taxpayers by doing one tremendous job and hope it doesn't snow anymore this year.

- Jost Nickelsberg thanked Gary Zeh for helping us keep our taxes down and our roads fit to travel on. He suggested that to the extent that we can to try to avoid allegations and laws that haven't been written. Here is a young guy that has three kids and you are putting it in all of the newspapers that he broke the law that hasn't been written, but is based on previous practice, which is totally untrue. How can you hurt his kids, by making up something about previous practice and you are harassing him. Treat him like a human being.

- Richard Tollner suggested that the Town "run it like a business". You folks represent our interest and how we vote. Run it like a business. Just let him do his job.

MINUTES: A motion was made by Councilman Kudlack to accept the minutes for the Regular Meeting held on March 8, 2011, the Work Meeting of March 3, 2011, the Public Hearing of March 3, 2011; 2nd by Supervisor Dermody.

Councilwoman Cooke mentioned on March 3rd Work Meeting, it says Councilman Cooke mentioned that she spoke to the Department of Health. She never called the Department of Health; it was Mr. Bolte.

Supervisor Dermody, you are right. This correction will be made.

Councilman Kudlack withdrew his motion, Supervisor Dermody withdrew her second.

A motion was made by Supervisor Dermody to approve the March 3rd Work Meeting minutes as amended;

2nd by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

Councilwoman Cooke, the March 8th meeting minutes, she did not remember Mr. Wood saying "he didn't see a problem" with using the money from the ALS for Workmen's Comp.

Supervisor Dermody mentioned that's what he said when he handed her the check; he didn't think it was a problem but he would check with the Squad.

Councilwoman Cooke, page 5 – a motion was made by Councilwoman Cooke to rescind the motion returning the pressure washer and make the Highway Superintendent follow the procurement policy. She did not think you guys voted to rescind the motion but that is what it says.

Supervisor Dermody, it is motion denied, the ayes and nays are backwards. It should read "Motion did not carry".

Councilwoman Cooke did not think that was her motion to make the Highway Superintendent follow the policy.

Supervisor Dermody, you did say that, from that point forward to follow the policy (add that).

*A motion was made by Councilwoman Cooke to approve the March 8th Regular Town Board Meeting as amended; 2nd by Councilman Bolte. *Motion Carried. Ayes, (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

*A motion was made by Councilwoman Cooke to accept the minutes of the Public Hearing held on March 3, 2011; 2nd by Councilman Bolte. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

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

From	To	Amount
SS8110.4 Sewer Administration	SS8130.4 Sewer Treat/Disp.	\$61.60

To pay Central Hudson

2nd by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

ABSTRACT 2011-04 -VOUCHERS,BILLS: The General Fund – 91,604.58; Highway Fund – 37,198.92; Lighting Districts – \$632.27; Sewer District - \$528.71; Water District - \$790.28; Fire Protection District (Rensselaerville) - \$50,000.00, Trust & Agency - \$809.20. Grand Total - \$181,563.96.

Supervisor Dermody, the Abele voucher was discussed at the work meeting. It is a rental for the excavator from December 2nd to the 28th. Supervisor Dermody would not sign it until she got further information. A note was sent to the superintendent asking why we are paying for this when you said we were waiting for it to be picked up. Superintendent Zeh mentioned that it sat in the yard until February. In January the voucher was in the list to be encumbered, but they did not send the invoice until now. It will come out of this year’s budget.

Supervisor Dermody, in April of last year, the Town Board authorized the rental of the excavator for 4 to 6 months; this payment represents 9 months. You exceeded the authorization without coming back to the Town Board to get that reauthorized. The cost for the extra 3 months was \$11,100.00. Supervisor Dermody is going to sign the voucher. If we need to go into rentals this year and you are given a time frame, if you need more time, please come back to the Town Board for authorization. Utilization rates for use of the machines were also discussed.

Councilwoman Cooke asked if there is a credit on this voucher, can it be taken off.

Supervisor Dermody, on this one there is a credit of \$449.00.

Attorney Catalano mentioned you could cut a check and attach the copy of the credit.

A motion was made by Councilman Kudlack to pay all signed vouchers including the vouchers discussed; 2nd by Councilman Bolte. *Motion Carried Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

CORRESPONDENCE

- Albany County Office of the Executive – Block Grant: The Town Board discussed the grant and made the following motion;

A motion was made by Councilman Kudlack authorizing Supervisor Dermody to send a letter of support for the Small Cities Grant to Mr. Lawlor, Commissioner/CEO, NYS Homes and Communities Renewal, 2nd by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

- NYS Department of Taxation & Finance – Assessor Interim Certificate - Our newest Assessor is working toward his certification

- Town of Rensselaerville Ambulance Squad and the Fireman Association of the State of New York. These letters concern a letter Supervisor Dermody wrote regarding the budget items and the issue of the Workmen’s Comp.

Attorney Catalano believes that Supervisor Dermody’s letter was misconstrued because she wasn’t asking for money from the fire districts; she was just noting a budget issue with regard to that for the coming fiscal year.

Supervisor Dermody mentioned that we will make that a consideration for next year’s budget.

Attorney Catalano mentioned that one thing that wasn’t addressed in the Firemen’s Association letter is that we have special districts for each fire district. It is a matter of the taxpayers in each one of those districts that end up paying for the fire company budgets plus the workmen’s comp. The town pays for the workmen’s comp. It is part of the budget process to determine the amount of taxes for that line item. Since each of the fire companies have their own special district as well as the ambulance company has a special district which is town wide, we should wait until budget time and see if there is additional money that can be applied to it this year and to reduce the amounts that would be necessary to raise in 2012. Since these districts combined together are really town wide, taking the money out of the general fund really doesn’t make any difference to the taxpayer.

REPORTS

SUPERVISOR DERMODY

- **OPERATING STATEMENTS:** Supervisor Dermody mentioned that everyone has a copy of the Operating Statements ending March 31st, the Abstract of Audited Vouchers, March 9th – April 12th, and the Account Summary as of today.

Councilwoman Cooke, going back, on March 1, we had two line items for control of dogs contractual, \$2560.00 was paid out of it. There was nothing paid for that report.

Supervisor Dermody will talk to the Bookkeeper in the morning.

- **PAYROLL AUDIT:** The January audit was done by Councilman Chase, the February audit was done by Councilman Bolte. They found no errors. Councilwoman Cooke will do the March payroll audit.

- **LIGHTING UPGRADE:** Supervisor Dermody reported that the lighting upgrade has been completed. They were done by Terry Weaver of Green T Energy out of Saugerties, NY. Central Hudson has done all the paperwork. This all comes at no expense to the Town.

- **AED CABINET:** We received the cabinet. CEO Overbaugh has agreed to mount it on the wall by the Town Clerk's office.

- **MARCH WASTE OIL COLLECTION:** We collected 54 gallons.

- **AUD:** Bradley Cummings of Pattison, Koskey, Bucci and Howe, CPAs, are working to get the AUD done. They need to address the unresolved issues of the 2009 AUD before they can do 2010.

Councilwoman Cooke asked if they will have time to review that before it is sent in.

Supervisor Dermody, that will depend on when they get it done.

- **JOB DESCRIPTION – RENSSELAERVILLE WATER AND SEWER DISTRICT – TREATMENT PLANT OPERATOR:** This is what the Water/Sewer Committee has been using. Supervisor Dermody asked if anyone had any issue with them.

Councilman Bolte, no, other than the first line says they have to have a license.

Supervisor Dermody mentioned that is why his title is not Water Treatment Officer, it is Utility Service Worker. This document needs to be updated.

Jack Long, Chairman of the Committee, will have revised job descriptions (Water and Sewer) ready for the May Work Meeting.

- **2010 CENSUS:** Supervisor Dermody reported that she received a call from John McPhilips of Albany County Department of Management and Budget. As a result of the 2010 Census the Town has seen a 6.8% decrease in population. We went from 1915 in 2000 to 1843 in 2010. Based on the decrease in population we are projected to receive \$39,342.00 less in sales tax revenues for this year, approximately \$10,000.00 a quarter less than what we projected.

Jack Long mentioned that the Census did not send forms to people using PO Boxes, this may account for some of the decline in population.

Supervisor Dermody mentioned that the figures can be appealed.

Attorney Catalano mentioned that you can verify the information on the website.

- **OPEN MEETINGS LAW:** Supervisor Dermody mentioned as a result of certain comments made in the audience comment period about the perceived violation of the Open Meetings Law, at no time did the three Town Board members get together in a formal meeting. The letter that was published in the newspaper was accomplished in exactly two phone calls, never at the same time. Supervisor Dermody spoke to Bob Freeman, who alerted her to the Cheevers case, OML-A0-3680. One sentence in there says, "It is noted at the outset that there is nothing in the open meetings law that would preclude members of a public body from conferring individually by telephone, via mail or email." She explained the situation to Mr. Freeman; he said their error was in signing the letter with their official capacity. For that they apologize, as she speaks for the other two members who were involved in that letter. It will not happen again.

- **EWASTE RECYCLING:** Supervisor Dermody explained that they would provide us with a pallet and a box and we would collect TV's, keyboards, monitors, computers, etc. When the pallet is full, they will come and pick it up free of charge. Instead of waiting for the Hazardous Waste Collection Day in Bethlehem once a year, we would be able to offer that service year round. They would fill out all the paperwork for DEC. Supervisor Dermody asked the Board members to look at this information and at the May work meeting we could discuss and make a decision on it.

- **WORK PLACE VIOLENCE:** Supervisor Dermody reported that she attended a training session in the Town of Coeymans on Workplace Violence and Sexual Harassment. Part of the training is done on DVDs. Supervisor Dermody has ordered a free one from CDC on workplace violence and is looking for a reasonably priced one on sexual harassment. Once they arrive, she will be setting up mandatory training for all employees, elected officials, and appointees.

- FEMA: Supervisor Dermody reported that she filed the last FEMA report on March 30th. It was for the water control facility. She is waiting to receive notice that the file has been closed on this disaster. Once we receive that notice we, can transfer the \$11, 251.28 to the Water District.

- GREEN FIBER: For the month of March we collected over ten tons.

- PAY PHONES: There is a pay phone at the Bayard Elsbree Park and one at the Town Hall, each one having a call volume of about 44 calls a year. The phone here cost us an average of \$22.50 a call, the cost per month is \$82.68. Do we want to keep the pay phone here? The Board discussed this issue.

Valerie Lounsbury mentioned that they have to have the phone at the Bayard Elsbree Park. If they don't have a phone, they cannot have any programs for children. In order to get that one they had to have this one.

Supervisor Dermody, when she calls, she will make sure that the phone at the Bayard Elsbree Park is not in jeopardy.

- RIGHT TO FARM LAW: Mr. Glorioso presented the Right to Farm Law signs to Supervisor Dermody for the Town. Mr. Glorioso donated ten signs that he had made. Thank you, Mr. Glorioso. Supervisor Dermody has contacted the State and County concerning the permits. The County will help us decided where to put the signs, the State will not allow us to put the signs anywhere within their right of way.

- CAR AND BUS AGREEMENT: Westerlo has sent us two signed agreements.

Attorney Catalano mentioned that this agreement will be in effect until the end of this year.

A motion was made by Councilman Bolte to enter into this agreement with the Town of Westerlo for the shared use of the bus and car with the prices indicated in the agreement and that the Supervisor be authorized to sign it; 2nd by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

- BOARD OF ETHICS – VACANCY

A motion was made by Supervisor Dermody to re-appoint Georgette Koenig to the Board of Ethics for a five year term; 2nd by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

- SUMMER YOUTH EMPLOYMENT PROGRAM: Supervisor Dermody mentioned that we are in the process of setting up this program. This year the youths will only work 3 hours a day for 4 weeks.

- MAIN CARE & OLD FURNACE: Supervisor Dermody reported that she received a message from Main Care, that after servicing Units 2 and 3 they said it is time to start thinking about replacing, especially Unit 3. Supervisor Dermody suggested that we come up with an RFP for the next meeting.

Councilman Bolte asked if we could do them in-house.

Councilwoman Cooke, we would have to bid out for the furnaces.

Councilman Bolte suggested working on this at the next meeting and see if we can put the furnace out to bid and see if we can install it ourselves.

A motion was made by Councilman Kudlack to accept the Supervisor's Report; 2nd by Councilwoman Cooke. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

TOWN ATTORNEY

- CODIFICATION: Attorney Catalano reported that he is working on the law to authorize the Codification. He will have that for next month.

All the other items are on the agenda.

Attorney Catalano commented on the audience comments regarding the treatment of the superintendent. From his office he has been and he intends to treat the present highway superintendent as other superintendents have been basically treated by trying to apply the law and help Gary along with any request that he has and things like that. He understands that he has a big fan club, but at the same time it is his job to make sure that the Town is as compliant as we can be with the various laws in place and so forth. The Comptroller's audit made a lot of emphases on checks and balances. The Town Board is the Board responsible for watching over the taxpayers' money. He is not making any opinions that have not been made in the past.

A motion was made by Councilman Kudlack to accept Attorney Catalano's report, 2nd by Councilman Bolte. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

HIGHWAY DEPARTMENT

- ROUTE 85: Superintendent Zeh mentioned that he has heard that the State is going to do some paving on Route 85 this year. Unfortunately he thinks it is only going to be the letter "S" portion of it. Some people from DOT are still stuck on the process many years ago and are under the impression that the people in village don't want the road improved. He recommends that residents write letters to DOT.

Attorney Catalano suggested that the Supervisor and Highway Superintendent write another letter to the DOT concerning the condition of the road.

- **SALT & SAND/FUEL & GAS:** Superintendent Zeh mentioned that they spent a lot of money on salt and sand this year. There is only about \$6000.00 left in that line item.

They were using about \$8000.00 a month for gas and fuel; that number will go up. We should make it to the end of this month when we switch over to a different budget item. We will need to transfer money over to cover for the last two months of this year.

Supervisor Dermody mentioned that we put \$15,000.00 in the Highway Contingency Budget.

- **MAINTENANCE & REPAIRS:** Superintendent Zeh reported that last month they spent about \$6800.00 in repairs on the trucks and equipment. A lot went to repair of the grader that they could not do it themselves. The bulk oil tank was filled.

- **RFP/RFQ:** Superintendent Zeh asked when he has to come to the Town Board to get permission to send out RFPs or RFQs .

Attorney Catalano mentioned that if it is over \$1000.00, you need 2 written quotes, \$3000.00 you need 3 or more. For an emergency situation you do not need to come to the Board for that. For things that can be planned in advance there should be RFP or RFQ. Send them to him and he will help with the wording. If we want to make a clarification in the law, he can identify an amendment at some point if the Board wants to. We have to keep that as a process that is consistent. We do it for many departments. The RFP is very important; that is how you are requesting the quotes and the quotes depend on the RFP and how you word the RFP is something that could be identified in the audit.

- **BULK OIL:** Superintendent Zeh mentioned that he was informed that the price of motor oil is going to go up.

Supervisor Dermody asked if we could get a contract price on that.

Superintendent Zeh, no, it fluctuates. He sent out quotes for motor oil and hydraulic oil that they use large sums of. He got two quotes. He had the bulk tank filled before the price went up. It is over \$1000.00.

Attorney Catalano, this is one of these instances you can call the Board and get a special meeting scheduled or pay less than \$1000.00.

Superintendent Zeh feels that you should trust him to spend the money in his budget up to \$10,000.00 like the procurement policy reads as long as he submits the supporting documents.

- **STATE CHIPS FUNDING:** They reviewed their policy and they say the CHIPS money can no longer be used for oil and stone or chip seal treatments. Superintendent Zeh explained this.

- **HIGHWAY MATERIAL BIDS:** Superintendent Zeh mentioned that Main Care and Otsego Iron & Steel did not notarize their Non-Collusive Bidding Certificates. This leaves us only one price on fuel, gas and pipe.

Attorney Catalano mentioned that we could reject all bids on those items and rebid them.

Supervisor Dermody mentioned that Main Care's contract is up as the 21st of this month. She would like Superintendent Zeh to call Main Care and make sure all our tanks are full before the 21st.

The Town Board discussed the fixed price versus the fluctuating price for fuel and gas.

*A motion was made by Supervisor Dermody to reject all bids for fuel oil, gas, diesel, heating contracts and re-bid; 2nd by Councilman Bolte. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

*A motion was made by Supervisor Dermody to authorize the bidding of the fuel and furnace related items to be opened on May 5th and notice a Special Meeting to award the bids; 2nd by Councilwoman Cooke.

Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)

The Town Board reviewed the bid sheet that Superintendent Zeh has prepared with the lowest bidders highlighted.

A motion as made by Councilman Bolte to accept the analysis on all the rest of the low bids for highway materials; 2nd by Councilman Kudlack. (Bid analysis attached) *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

- **RFP - USED HYDRAULIC POWER TILT BUCKET POSITIONER:** Superintendent Zeh would like to submit this out for an RFP so we could use our excavator more effectively.

Supervisor Dermody asked if getting this means that you won't have to rent an excavator and will the excavator handle the work.

Superintendent Zeh, correct. They will have to do some work on the excavator but the cost will be under \$1000.00. Discussed briefly was to advertise for both a new or used positioner. Only a used positioner will be advertised for.

Supervisor Dermody, since we won't have to rent an excavator it seems to be a wise use of our money as long as our excavator is going to last long enough to get our money's worth out of the positioner.

The equipment budget has \$20,000.00 left in it. Will there be any possibility that at some point that you might wind up in an emergency situation and you won't have enough equipment money to cover the emergency? Then what do we do?

Superintendent Zeh, we have had problems before. We will have to take it out of the general repair line item.

A motion was made by Councilman Bolte to put out for quotes for a used hydraulic power tilt bucket positioner; quotes to be received by May 5, 2011, 6:45 PM, and opened at 7:05 PM; 2nd by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

- **NEW 12 FT CARBIDE-TIPPED SCARIFIER GRADER BLADE:** Superintendent Zeh explained what this piece of equipment does. It will be attached to our 1998 Champion 720A Grader. The cost should be under \$3000.00. This will be used quite often because we have a lot of dirt roads. We need to make investments to better these roads; he is trying to do it as cheaply as he can.

A motion was made by Councilman Kudlack to put out quotes for a scarifier grader blade; 2nd by Councilman Bolte. (Quotes to be received by May 5th, 6:45 PM, opened at 7:05PM) *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

Superintendent Zeh mentioned that he feels that he is getting treated as a double standard from the Town Board. The Supervisor made the decision in the best interest of the Town, to have the trees trimmed out front without the Town Board's approval. Councilman Kudlack and Councilman Bolte voted that your actions were in the best interest of the Town and your actions were ratified. Superintendent Zeh is asking that Councilman Kudlack ratify his decision that they were in the best interest of the Town when he purchased the pressure washer.

Supervisor Dermody mentioned that her decision to trim the trees did not cost the taxpayers any money.

Superintendent Zeh, fortunately the highway department does.

Supervisor Dermody mentioned that she understands, but this is the third time that this has happened. All Superintendent Zeh had to do was present an RFP.

Superintendent Zeh mentioned that he was never told to present an RFP to the Town Board.

Discussed at length was a written RFP, the procurement policy limits, where this is noted in the Procurement Policy and the pressure washer.

Attorney Catalano mentioned you need the checks and balances. All you have to do is do an RFP for the washer and present it to the Town Board tonight.

Superintendent Zeh is asking that the Town Board make a motion to ratify his decisions and that they are in the best interests of the Town and we should purchase the pressure washer that we had or one equal to it.

Councilman Kudlack, let's go through this RFP and do it correctly.

You want a 3000PSI with a three PM nozzle, cross off the model and the type of engine, gas and portable.

Attorney Catalano, the whole idea of the procurement policy is to request for what your needs are, and not specifications that narrow the field to a select few. You need to generalize the warranty.

Superintendent Zeh suggested that the Town Board get together, send out the RFP, and purchase it yourselves.

When the Town Board suggested that he should return the pressure washer, is it up to the Supervisor to contact the vendor and request that he return it by a certain date, that he is the person responsible for it, to tell the vendor that she is embarrassed to bring it to his attention, to note that he performed an illegal purchase? He is not going to put up with that anymore.

Supervisor Dermody asked where we are with our seasonal roads. Have we availed ourselves with the training program yet and what about the Highway Agreement?

Superintendent Zeh the roads are all opened. The training program, not yet. He will have the Highway Agreement for the next Town Board Meeting.

A motion was made by Councilwoman Cooke to accept the Superintendent's report; 2nd by Councilman Bolte. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

TOWN CLERK: Town Clerk Hallenbeck reported the following collected and paid out for the month of March 2011; Town Clerk Department – Total Collected - \$407.00. Paid to the Supervisor - \$353.60. (fees); Paid to NYS Department of Agriculture and Markets - \$26.00 (Dogs - State Surcharge); Paid to NYS Departmental Conservation - \$27.40 (sporting license); Paid to NYS Department of Health - \$0.00 (marriage license). Water Rents Collected - \$1646.83. Sewer Rents Collected - \$4856.15. Tax Collection – Albany County - \$175,000.00 (toward settlement).

A motion was made by Councilman Kudlack to accept the Town Clerk's report for the month of March 2011; 2nd by Councilman Bolte. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR: CEO Overbaugh reported the following collected for the month of March 2011: 1 – Zoning Residential Use - \$10.00. (Zoning Residential Use – Denied) CEO Overbaugh also reported that they have been working on the problems with some of the 911 numbers. They are working on the open building permits, especially the expired ones, to see if the work is done. The Zoning

Review Committee has worked for 20 months on the 2007 Zoning Law. They have gone over it from cover to cover at least three times. They now have a document that is semi-complete; the two attorneys are reviewing it.

A motion was made by Councilman Kudlack to accept CEO Overbaugh's report; 2nd by Councilman Bolte.
Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)

ASSESSING DEPARTMENT: Assessor Pine thanked CEO Overbaugh for cooperating with the Assessing Department and sharing a clerk between the two departments has been beneficial. They have been updating assessments. If you have questions or problems, please come see them. Grievance Day is May 24th, 3 to 5 and 6 to 8 PM (tentative). Forms are available at the Town Hall. There is a change in the law: the tax roll will be on line after May 1st. Assessor Pine explained how it will work. There is a cost involved, he does not have the cost at this time. NYS is not including any money in the budget for REVAL. There will be a new 2% cap on STAR savings. Assessor Pine had some forms on equalization rates for Greenville and Middleburgh School districts.

Assessor Pine mentioned that on the Right to Farm Law all the subdivisions must be stamped with that information.

A motion was made by Councilman Kudlack to accept the Assessor's report; 2nd by Councilwoman Cooke.
Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)

WATER/SEWER COMMITTEE:

- **ANNUAL DRINKING WATER QUALITY REPORT FOR 2010:** Chairman Long mentioned that this report is sent to all water users in the district. It is a legal requirement. Again this year we are fault for one item, the THM's. He is recommending that we ask our engineer to investigate a way to get rid of the THM's.

Attorney Catalano mentioned that Chairman Long can ask for a proposal and we can review it at the next meeting.

- **TREATMENT OFFICER CERTIFICATION:** Supervisor Dermody reported that she received a letter from Doug Story that he is working hard toward getting certified but he is unable to give a definite timeline on when he will get certified. He has talked to Mr. Brady.

Supervisor Dermody received an email from Thomas Brady, Assistant Director, Albany County Department of Health. He knows that Mr. Story is working to complete the requirements toward the certification and is making a good faith effort to get certified. Mr. Brady also spoke to Mr. Budrow of Fraser Associates concerning exploring hiring an outside firm to over see the water treatment process. This is a good idea and in many ways a more reliable course. It involves a continuing expense.

Supervisor Dermody mentioned that the cost to oversee the water treatment facility by the engineer would be \$1500.00 a month.

Discussed were the reports done 20 years ago for wells. Chairman Long suggested that we ask Fraser to come in and review the hydrological reports done 20 years ago.

- **SEWER DISTRICT:** Chairman Long reported that they had a failure in one of the pumps at the plant. The repair was authorized as an emergency repair. J. Hall Ltd. came in and replaced the pump. They were told not to repair this pump until they had looked at it and sent the Committee a written quote and wait until the Committee got back to them concerning the repair.

Attorney Catalano mentioned that with the quote you should ask if the pump is worth repairing.

- **IMPOUNDMENT DAM - RCAP LOAN:** Chairman Long mentioned that the application fee is only due after they take out the loan. He doesn't believe that we would have any financial risk if we were to fill out the application and get that into the system.

Attorney Catalano mentioned if the Board would like us to present the application for the RCAP Loan, he needs the Board to adopt a resolution that authorized the Town Supervisor and the Town Attorney to prepare the application and submit it on behalf of the Water District.

A motion was made by Councilman Kudlack to adopt a resolution that authorizes the Town Attorney and the Town Supervisor along with Jack Long to prepare an application for the RCAP Loan to pay for the cost of the Impoundment Dam Project to be submitted on behalf of the Water District; 2nd by Supervisor Dermody.

Councilman Cooke asked how they are going to know how much money they need.

Attorney Catalano mentioned that it doesn't commit the Town to anything. We don't have to accept the loan if we don't like the terms; it is just another form of financing that is out there. At least we would be in the system.

Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)

Attorney Catalano mentioned that for authorizing a repair for an existing water or sewer system that is a special district, the Town has to have a map plan and construction estimate for the repair, rehabilitation or reconstruction. We have all that, the specifications and bidding documents are already done. The next requirement is that the Town Board hold a public hearing on the proposed repairs. After the public hearing then we can decide whether to authorize the financing and to go ahead with the project.

PUBLIC HEARING RESOLUTION: R2011412WS-1 Councilman Bolte moved that we adopt the following resolution:

Whereas, the water supply dam that is a necessary component of the water supply system for the Town water district is in need of reconstruction and repair due to age damage and flood damage that has occurred in recent years; and

Whereas, the Town Board has commissioned an engineering report, map and plan together with the cost for the water supply dam reconstruction and repair; and

Whereas, the Town Board has identified a proposed plan that is suitable to correct the problems with said dam and has received the necessary permit for the Department of Environmental Conservation; and

Whereas, the Town Board desires to hold a public hearing on the proposed rehabilitation or reconstruction;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board hereby orders that a public hearing be held on May 10, 2011, at 6:30 pm at the Town Hall on the proposed map, plan and construction estimate for the rehabilitation, repair and/or reconstruction of the water supply dam located in the Ten Mile Creek that is a necessary component of the Rensselaerville Water District No. 1.
2. The Town Board hereby orders the Town Clerk and Town Attorney to prepare, publish and post a notice of the aforesaid hearing as required by law.

2nd by Councilman Kudlack.

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>Councilwoman Cooke</i>	<i>AYE</i>
<i>Councilman Kudlack</i>	<i>AYE</i>

• ADVERTISEMENT FOR BID RESOLUTION – R20110412WS-2

Attorney Catalano, this is to authorize the advertisement for bids for the water supply project. We have the engineering report, map and plans. Attorney Catalano did not have a time in which we will advertise and open bids because that has to be coordinated with both Bond Counsel and the Engineer. All he needs is a simple advertisement for bid. We are trying to do these things in conjunction because we have a window that closes in the beginning of October. He will notify the Town Board when the Bond Counsel and Engineer feel they would be opened.

Supervisor Dermody moved that we adopt the following resolution:

Whereas, the water supply dam that is a necessary component of the water supply system for the Town water district is in need of reconstruction and repair due to age and flood damage that has occurred in recent years; and

Whereas, the Town Board has commissioned an engineering report, map and plan together with cost estimates for the water supply dam reconstruction and repair; and

Whereas, the Town Board has identified a proposed plan that is suitable to correct the problems with said dam and has received the necessary permit from the Department of Environmental Conservation; and

Whereas, the Town Board has scheduled a public hearing on the proposed dam project rehabilitation or reconstruction pursuant to Town Law; and

Whereas, given the relatively short window of time in which any construction work has to be completed pursuant to the DEC permit, it is appropriate to authorize the bidding process for such project so that if the Town Board desires to proceed with the project after the public hearing, there will be time to complete the project pursuant to the permit;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the advertisement for bids for the above-described water supply project for Town Water District No. 1 pursuant to the plans and other documents prepared by Fraser and Associates, the Town engineers for the project.

2nd by Councilman Kudlack;

Councilman Bolte mentioned that the previous letter states that we need a new pipe from the Impoundment Dam to the Treatment Facility. Is that going to be taken care in these drawings?

Attorney Catalano mentioned that is one of these issues that he is working out with Bond Counsel and the Engineer because they are going to see if they can supplement that to include it as an add-on.

A roll call vote was taken with the following results:

<i>Supervisor Dermody</i>	<i>AYE</i>
<i>Councilman Bolte</i>	<i>AYE</i>

Councilwoman Cooke AYE
Councilman Kudlack AYE

Chairman Long mentioned that the bid document is all there; we need to update the wage schedule from the Department of Labor.

A motion was made by Supervisor Dermody to accept the report of the Water/Sewer Committee; Councilman Bolte would like to know when we are going to get a certified operator. Chairman Long mentioned that he wrote a letter to the *Pioneer* about the article on the Impounding Dam in the Water District. There was a lot wrong in the article; his letter has a lot of correct information in it if anyone wants to read it.

2nd by Councilman Cooke. *Motion Carried. Ayes (4) Dermody, Cooke, Bolte, Kudlack; Nays (0)*

TOWN JUSTICE ANNUAL REPORT – JUSTICE MILLER

Councilwoman Cooke has been working on the Annual Report. She handed her report to Supervisor Dermody who will give it to Justice Miller and his Clerk. They will write a report explaining the discrepancy.

RECYCLING COORDINATOR

- Recycling Coordinator Whitbeck reported the following for the month of March: Green Fiber – 10.6 tons of magazines, cardboard, newspapers. We cashed out at \$265.00, we saved \$551.20, the grand total is \$850.20. Recycle, Reuse and Reduce. Rensselaerville Iron & Steel – None. Tires – 42 (some of these tires the highway department picked up, people are throwing them on the side of the road. Keep your eye open, get license plate numbers of these people, and they will get reported), City of Albany Landfill – 53.09 tons, Sierra Fibers – 3.73 tons and Oil collected – 54 gallons.

- Electronic Recycling – The first of April the law changed. Anyone who sells electronics must take the old equipment back.

Supervisor Dermody mentioned that they will only do this if you are buying a like item.

Recycling Coordinator Whitbeck mentioned that we do have an extra box; we might want to get involved in that.

Supervisor Dermody, with the new law in force, they can't legally drop it off at the Recycling Station. This gives them a legal way to get rid of it at no cost to the Town.

Supervisor Dermody and Recycling Coordinator will go over all the information received before committing to the program.

Recycling Coordinator Whitbeck reported that the Girl Scouts had a cookie sale a couple of weeks ago. Everything went well and they made a lot of money.

A motion was made by Councilman Kudlack to accept the monthly report from Recycling Coordinator Whitbeck; 2nd by Supervisor Dermody. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

CURRENT EVENTS:

- Middleburgh VFW will host their monthly breakfast, April 17th, 7:30 to 11AM, \$5.00, all you can eat.
- Go Green Day – Albany County Cooperative Extension, Voorheesville, NY – April 30th, 11am to 3pm.

OLD BUSINESS: There was no old business to discuss tonight.

NEW BUSINESS

- **CLEANING POSITION:** A motion was made by Councilman Kudlack to appoint Kayla Lee to the cleaning position at \$10.20 per hour, four hours per week with a 90 probationary period; 2nd by Councilman Bolte. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*
- **WORKPLACE VIOLENCE POLICY:** Supervisor Dermody mentioned that Attorney Catalano came up with this draft policy which should have been in place in 2009. The Town Board discussed the policy and discussed corrections.

Attorney will make those changes and have a revised policy ready for the May meeting.

- **NON-HARRASSMENT POLICY:** Councilwoman Cooke asked who is going to investigate this. Attorney Catalano mentioned that is a difficult thing. A lot of these policies deal with a company where you have personnel departments and resources that go beyond what we have. You also have legal counsel involved. Supervisor Dermody, it is important to have the "victim" write the report. Georgette Koenig asked if it would come to an ethics charge, would it fall under the Ethics Board.

Attorney Catalano mentioned that it doesn't fall under their jurisdiction now, but it is an interesting point that they would expand the Ethics Board. There is a confidentiality issue and the access issue; as a Board you are going to have to take actions very quickly. This issue was discussed.

Attorney Catalano mentioned the important thing is to have the policy in place and then figure out what to do. That's an idea that we could expand the Ethics Board authority and jurisdiction to include a workplace violence committee. Attorney Catalano suggested that Georgette Koenig correspond with the Ethics Committee and see if that is something that would be acceptable and report back to him and the Town Board.

- **JCAP AWARD:** Justice La Plante got this award from JACAP consisting of a closed circuit TV system for the Court. The provider was from Scott Alarm System for \$3129.00; he got 100% of the award. We have already received the funding.

Scott Alarm's policy is 50% down on the onset of the project and the other 50% when the job is done. We can't pay ahead of time.

Attorney Catalano suggested sending a letter to them concerning the full faith credit of the Town. As an alternate if they deliver the equipment we can pay for that.

A motion was made by Councilman Bolte giving the Supervisor the authority to pay 50% of the cost of the Judges camera and equipment when it is delivered, the rest gets paid when the job is completed; 2nd by Councilwoman Cooke. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

BAYARD ELSBREE MEMORIAL PARK – CEILING REPAIR

The Bayard Elsbree Park Committee would like to purchase materials for the repair of the ceiling in the pavilion. Supervisor Dermody read the material list. We have to put it in as a RFP. The estimated cost is \$1500.00. Supervisor Dermody asked if we could authorize the Treasurer of the Committee to award the purchase of the materials from the lowest responsible bidder. Attorney Catalano mentioned that you can do that as long as the proposal from the vendor is provided to us.

A motion was made by Supervisor Dermody that we put out this RFP for building materials for the Bayard Elsbree Memorial Park for the ceiling pavilion repair at the Bayard Elsbree Park and that all proposals be submitted on or before April 25th and that we authorize the Treasure of the Bayard Elsbree Memorial Committee to select the lowest responsible vendor for this project and submit all proposals to the Town Board; 2nd by Councilman Bolte:

Councilwoman Cooke asked if it has to be put in the paper for bids.

Attorney Catalano, no, we are asking for quotes.

Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)

RENSELAERVILLE VOLUNTEER FIRE COMPANY – NEW MEMBER – ERIC WILSON

A motion was made by Supervisor Dermody to add Eric Wilson to the Rensselaerville Volunteer Fire Company's membership list; 2nd by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

RENSELAERVILLE GARAGE SALE DAY – RENSELAERVILLE PLAYGROUND

The Rensselaerville Volunteer Fire Company Ladies Battalion will be holding their Annual Garage Sale Day on May 21st. Supervisor Dermody received an email from Mrs. Tanner asking for permission for a vendor to use the Playground (this was done last year also). They charged an additional \$25.00 to that person as a cleanup fee; the fee would be returned if the site was cleaned up.

A motion was made by Councilman Bolte to allow this person to use the park with the same conditions as last year; 2nd by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

AUDIENCE COMMENTS

- Georgette Koenig spoke concerning the pay phones; there is no service here Supervisor Dermody has already contacted other vendors about a pay phone.

- K. B. Cooke spoke about the pressure washer.

Supervisor Dermody mentioned that no one on this Board has said we don't need one; we need to do it right.

- K. B. Cooke mentioned that the superintendent did the job of the highway clerk last year. It was in the budget for \$10,000.00. He believed that he should receive the money.

- Robert Sieger asked why does this highway superintendent sit here and previous superintendents sat up front.

He hasn't asked to sit up here.

- Mr. Seiger, when you were campaigning for supervisor you said we wouldn't have the partisan politics. In the two years you have been supervisor, in his opinion, it is really more of the same if not worse. Supervisor Dermody mentioned that she has committed herself to the best of her ability to do what is right even if it is not popular.

- Mr. Parker, it seems this anti-violence policy is more or less anti-gun. How are you going to enforce this? Supervisor Dermody, it is not that we have violence at our workplace it is that we are required by law to have a policy to address the issue.

- Jeff Pine, he has a mcell at his house. If you have internet service, you plug it in and get you wireless service.

Supervisor Dermody will check on this.

- Superintendent Zeh thanked the highway men for working with him. He has brought some new ideas with him, and they have done a great job.

- Steve Wood asked Superintendent Zeh to explain what you were talking about footage and hours on machines, operator and what you are getting per footage on that machine.

- Susan Lewis thanked Mr. Glorioso for the Right to Farm Law signs. The Town does not have their own Right to Farm Law. The Town Board might want to look into their own law. Other towns have tweaked the law a bit and have adopted their own law and have shown their support to the agriculture community.

Supervisor Dermody mentioned that we talked about that and the Attorney felt that any Town law would be a duplicate of the county Law.

EXECUTIVE SESSION: A motion was made by Supervisor Dermody to go into Executive Session at the request of the Highway Superintendent and that Superintendent Zeh and Attorney Catalano be invited to attend; 2nd by Councilman Kudlack. (10:20pm) *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

A motion was made by Councilman Bolte to come out of Executive session; 2nd by Supervisor Dermody. (10:32pm). *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays(0)*

HIGHWAY CLERK: A motion was made by Supervisor Dermody authorizing Superintendent Zeh to appoint a Highway Clerk with a 90 day probationary period; 2nd by Councilman Bolte. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

Councilman Bolte asked if he could make a motion to pay the Highway Superintendent the Clerk's salary instead of hiring a clerk.

Supervisor Dermody, no, as far as she is concerned those salaries were posted in a legal notice as part of the budget process and we all knew what our salary was when we took the job.

Attorney Catalano would have to look, but he doesn't think the Town Board has the authority to raise the salary of any elected official.

Councilman Bolte, he agrees with that; it is in Town Law. Can he have two positions?

Attorney Catalano will have to look at that. The thing is, you get elected, you propose a budget, there is a public hearing on it, the budget is approved and then you raise your salaries, that can't be done.

ADJOURNMENT: A motion was made by Supervisor Dermody to adjourn the meeting at 10:36 PM, 2nd by Councilman Kudlack. *Motion Carried.*

RESPECTFULLY SUBMITTED;

Kathleen A. Hallenbeck
Town Clerk