

FINAL

**MINUTES OF  
TOWN OF RENSSELAERVILLE TOWN BOARD  
REGULAR MEETING  
MAY 10, 2011**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 10th day of May , 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 45 interested citizens.

**AUDIENCE COMMENTS:**

- Otto Metzger a WW2 Veteran, and Walter Schloen, a Korean War Veteran, members of the VFW were present tonight because they heard that there are some people in this room who would rather see the American Flag destroyed by tree than have the tree branches cut down. Our Veterans have fought many wars to protect our freedom and our American Flag. The United States Flag Code says that there should be nothing to interfere with the flying of our American Flag. When the VFW erected this flag here, they had the understanding at that time that the grounds would be taken care of, which as you know they haven't. We also erected a flag in our Cemetery; I'm sure you all passed it and see how beautiful it looks flying freely. They would like to see this done at the Town Hall. Remember, this is the first impression that people get when they come to the Town Hall and to see these trees blocking the American Flag from flying is a disgrace. We should be proud of our Town Hall and we should let our flag fly free. Looking over the area around the flag, the back of it looks like a jungle. They would like to recommend that the trees be cut down and some small flowers be put there and make it look like a nice little park. Remember, fly a flag on Memorial Day and don't be afraid to thank a Vet for your freedom. Thank you.
- Richard Amedure, asked if the Annual Report is available for filing yet; will we get it in before the deadline. Supervisor Dermody, no it is not. The accountants are working on it. We are past the deadline; however, there is no penalty to the Town. They said to get it in as soon as we can.
- Dave Bowdish, Hats off to Otto and all the Veterans. The flag that was taken down was a flag that he had put up originally because the one that was there flew for a month and a half being desecrated, torn apart and shredded by the wind. He put a new one up and it flew until it was obstructed by the trees. Prior to that he had brought it to your attention that there are a few people that were interested in possibly getting a taller flag pole to raise the flag above the trees to give it full Glory and Honor. At that point instead of allowing this group to go forward putting up a taller flag pole which would have brought a larger flag and more Glory to our flag and our County. The option was taken to top the trees, which was something that shouldn't have been done in his estimation. A taller flag pole would have done the trick, there was a problem with the trees, then it should have been taken upon and brought before the Board directing that the trees come down, which right now is an excellent idea. For somebody to turn around and say that his is disrespectfully to the flag he is sorry, that is not the case.

**MINUTES:**

Councilwoman Cooke asked, on the opening of the bids for the parks, April 7<sup>th</sup>, Special Meeting, wasn't the Preston Hollow Park and the other park bid as equipment and fuel.

Yes, they were.

A motion was made by Councilman Bolte to accept the minutes for the Regular Meeting held on April 12, 2011, Work Meeting on April 7, 2011 and the Special Meeting on April 7, 2011 as corrected (add fuel to Preston Hollow and Rensselaerville Parks); 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

**TRANSFERS:**

A motion was made by Councilman Chase to make the following transfers;

FROM:	TO:	AMOUNT:
SS8110.4 /Administration	SS8130.4/ Treatment/Disposal	\$ 114.42
To pay Central Hudson electric bill		
A1990.4/Contingency	A1660.4/Records Management	549.00
A3120.4/Police and Constable	A1660.4/Records Management	3000.00

To pay bill to General Code for Codification Project  
2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

**ABSTRACT 2011-05 VOUCHERS,BILLS:** The General Fund -\$22,086.60; Highway Fund - \$24,740.92; Lighting District - \$612.48; Sewer District - \$825.50; Water District - \$281.76; Trust & Agency - \$660.36. Total - \$49,261.02; General Fund - \$151.36; Highway Fund - \$216.87. Total - \$368.23

A motion was made by Councilman Chase to pay all signed vouchers; 2<sup>nd</sup> by Councilwoman Cooke.  
*Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

**CORRESPONDENCE**

- Community & Regional Development/Cornell University Cooperative Extension: A tentative agenda concerning Home Rule, Preparing for natural gas drilling in the Marcellus Shale Region for June 24th. A copy has been given to the Planning Board/Zoning Clerk.
- Beth Mickle-Packard: Letter of Interest for the Board of Ethics
- Albany County Department of Management and Budget: Resolution 365 – 2010 regarding demolition costs incurred by municipalities.
- Town of Conesville: Cable TV System – They are granting a franchise for a cable system.
- Helderberg Senior Services: Thank you for their annual support funding.
- Central Hudson: Appliance Recycling Program for refrigerators and freezers that are in working order.

**REPORTS**

**SUPERVISOR DERMODY**

- OPERATING STATEMENTS: Supervisor Dermody mentioned that everyone has a copy of the Operating Statement for May, Abstract of Audited Vouchers, and a Summary of the Accounts at the Bank of Greene County.

Councilwoman Cooke asked if it is up to this week, are we into summer hours for the Highway Department.

Supervisor Dermody mentioned that the Highway Department began summer hours as of May 1<sup>st</sup>.

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

- SUPPLEMENT TO THE PROCUREMENT POLICY: RESOLUTION 051011

The following Resolution was presented by Supervisor Dermody:

Whereas, the Town Board adopted a local law establishing procurement policies and procedures (Local Law No. 1 of 2008); and

Whereas, section 4 of the law requires a written request for proposals (RFP) to be prepared for any purchase or expenditure of Town funds that are estimated to be greater than \$1000; and

Whereas, it is the Town Board's understanding that implicit in this requirement for a written RFP is the requirement that any RFP must be approved by the Town Board before being issued by any officer or department of the Town; and

Whereas, this requirement is an important step in procurement policies as it provides an important control on procurement costs and encourages discussion and scrutiny prior to binding the Town for expenditures; and

Whereas, due to recent events, the Town Board finds it appropriate to clarify this requirement by this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Town Board, pursuant to authority granted to it under the Town Law and General Municipal Law, hereby requires that any written request for proposals (RFP) required pursuant to section 4 of Town of Rensselaerville Local Law No. 1 of 2008, shall first be approved by the Town Board prior to the issuance of the request for proposal or RFP; and that this requirement applies to any RFP or request for quotes (RFQs) issued by any officer or department of the Town.

Supervisor Dermody mentioned that the purpose is to clarify what has caused a great deal of discontent, unhappiness, and controversy in the Town. Supervisor Dermody asked for comments from the Board. Councilman Bolte mentioned as long as the people understand that this is a definite change, it is going to be Town Board approval now; it was not then.

Attorney Catalano, it is not a change; it is a supplement to the law as he takes it. The Town Board was operating under the assumption that the RFP is required to be approved by the Town Board first. This clarifies it.

A motion was made by Councilman Chase to adopt the foregoing Resolution that will become an attachment to Local Law No. 1 of 2008; 2<sup>nd</sup> 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>Councilman Chase</i>	<i>AYE</i>
<i>Councilwoman Cooke</i>	<i>AYE</i>
<i>Councilman Kudlack</i>	<i>AYE</i>

- **PAYROLL AUDIT:** Councilwoman Cooke did the March payroll audit, Councilman Kudlack volunteered to do the April audit.
- **AED:** Supervisor Dermody reported that CEO Overbaugh installed the AED cabinet. We have received our registration for it; it is good to go. Every time it is used, we must file a report within five days. Reports must be done quarterly even if it has not been used. Hopefully we will never have to use it.
- **eWASTE ALLIANCE NETWORK:** Supervisor Dermody mentioned that last month she passed out information for the Board to review concerning this recycling program for electronics such as TVs, keyboards, DVD, etc. According to Recycling Coordinator Whitbeck, we have the interior storage for it. They will provide the pallet and packaging for it. When the pallet is full, they will take it away. There will be no charge to the Town for this service; we won't make any money on it. It provides additional service for the taxpayers where they can get rid of these items free of charge.

A motion was made by Councilman Bolte giving Supervisor Dermody authorization to complete the necessary paperwork with EWASTE ALLIANCE NETWORK for this program; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **VIDEOS – WORK PLACE VIOLENCE & NON-HARASSMENT:** Supervisor Dermody found a video on Sexual Harassment for \$49.99. She will be setting up mandatory training sessions for the Town in June. There will be a morning, afternoon, and evening sessions. It is mandatory training for every elected official, appointee, and employee of the Town of Rensselaerville. We will get this done and be in compliance with the Department of Labor regarding these issues.

- **MODIFICATIONS TO SENIOR VEHICLE REGULATIONS:** The Town Board had discussed at the Work Meeting an addition to the regulations for the Senior Vehicles. Supervisor Dermody mentioned that she added item #4 which moved everything down. Supervisor Dermody read the following for item 4: "Rensselaerville senior citizens may bring a guest provide that room to accommodate said guest is available only after all Town resident seniors have been given priority Only one additional person per Town resident senior will be permitted, guest or aide/assistant."

Councilman Bolte asked about Item 5 concerning the gas tank being full if other than seniors using the vehicle. It hasn't been done. People will be reminded of this.

A motion was made by Councilman Bolte to accept the revisions to the Senior Vehicle Regulations; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **PAY PHONES:** Supervisor Dermody mentioned that she contacted Verizon concerning the pay phones at the Town Hall and at the Bayard Elsbree Park (Preston Hollow Park). The pay phone up here is not tied into the one at the Preston Hollow Park; they are two separate accounts. There is no legal requirement to have a pay phone at the Town Hall. Supervisor Dermody recommended that we eliminate the pay phone at the Town Hall. The pay phones cost us \$82.68 a month. Only 44 calls were made at the Town Hall in a year. Supervisor Dermody reported that she checked into the microcell. It is something that can be investigated further down the road. It is designed to improve cell service within the building, not outside. Supervisor Dermody mentioned that the Preston Hollow Park phone charges should come out of the park's budget. This will be discussed at budget time.

A motion was made by Councilman Kudlack to eliminate the pay phone at the Town Hall; 2<sup>nd</sup> by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **HELENA KOSOREK-GASLAND:** Supervisor Dermody reported that she received an email from Ms. Kosorek inviting us (Town Board, Planning Board, Zoning Board) to view a film produced by a Pennsylvania man who sought an answer to his questions about hydraulic fracturing. The film is "Gasland." The Town Board members were in consensus to see the film. Supervisor Dermody will contact Ms. Kosorek stating that the Town is interested in viewing the film.

- **BOARD OF ETHICS: BETH MICKLE-PACKARD – LETTER OF INTEREST**  
The Town Board received a letter of interest from Beth Mickle-Packard, who would like to be considered for the open position on the Board of Ethics.

A motion was made by Supervisor Dermody to appoint Beth Mickle-Packard to fill the unexpired of Alice Schloen on the Board of Ethics; 2<sup>nd</sup> by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (5)*

- **GARDEN:** Supervisor Dermody mentioned that she met with Walter Schloen and Otto Metzger concerning the little garden in front of the building. They would both like to see the trees gone. Supervisor Dermody would like to send letters to some local nurseries, garden stores, big box stores requesting some donations of plants, garden materials, funding, etc. to help us in this effort and then decide how best handle the redesign. This is a VFW Memorial; Mr. Metzger and Mr. Schloen will be more than welcome with input and overview and oversight for the project. They talked about putting a tasteful Town of Rensselaerville sign in the garden.

Councilwoman Cooke mentioned that two years ago they planted flowers and within one week they were dead because they weren't watered.

The following people volunteered to be on a Committee to work on the Park: Otto Metzger, Walter Schloen, James Glorioso, Councilman Kudlack, Supervisor Dermody, Councilwoman Cooke, and David Bowdish. Councilman Kudlack would like to dedicate this garden to all the people who served in the military in the Town of Rensselaerville. Supervisor Dermody mentioned that there is a plaque out there that already says that. A meeting date will be set to get things moving.

- **MULTI-MODAL FUNDING:** Supervisor Dermody mentioned that we received Multi-Modal Grant that was applied for by Jon Chase. Supervisor Dermody reported that she finished the application and we got funding of \$50,000.00 for a supplement for Pearson Road. It has been sitting in the General Fund. We need to decide what to do with it. Supervisor Dermody recommended that we transfer that money out of the General Fund and put it into some sort of dedicated account to be used specifically for the purchase of a new truck for the highway department.

A motion was made by Supervisor Dermody to take the Multi-Modal money out of the General Fund and set up an Highway Equipment Reserve Fund Account (if not already created, we will create a new one.); 2<sup>nd</sup> 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; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

#### **TOWN ATTORNEY**

- **POLICY ON WORKPLACE VIOLENCE:** Attorney Catalano mentioned that this is a policy that is necessary for the Town to adopt so that we can come into compliance. The draft has been changed; Attorney Catalano went over the changes. The Board of Ethics is designated to conduct any investigations. Attorney Catalano went over the duties. Utility or pocket knives are not considered a dangerous weapons.

Councilman Bolte suggested under Item #5 to take out everything but firearms and explosive materials. The Town Board discussed this item; everything but firearms and explosive materials will be taken out. Town Hall and Town property will be included.

Councilwoman Cooke # 2, waving arms or fists, we all talk with our hands. Could you add in menacing before arms and fists? The Board discussed this item. The items in the parenthesis will be taken out.

Councilwoman Cooke, under Confidentiality, the Town of Rensselaerville will act on anonymous complaints. Wouldn't you want a name?

Attorney Catalano explained, if you get a complaint something considering violence, regardless whether it is anonymous or not you should really look into it. Somebody who is threatened may not want to make a complaint on the record.

A motion was made by Supervisor Dermody to adopt the Workplace Violence Policy as presented by Attorney Catalano with the changes discussed at this meeting tonight; 2<sup>nd</sup> by Councilman Bolte.

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

Supervisor Dermody mentioned that when we have the mandatory training, people will be given a copy of this policy and sign a document saying that they received this policy.

- **NON-HARASSMENT POLICY:** Attorney Catalano mentioned that this prohibits sexual harassment in any form as far as occurring within the Town's workplace. Attorney Catalano mentioned that he added authorizing the Board of Ethics to the jurisdiction to conduct investigations with any complaint or report of an incident of harassment that is forwarded to them.

A motion was made by Councilwoman Cooke to adopt the Non-Harassment Policy; 2<sup>nd</sup> by Councilman Bolte.

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>

*Councilwoman Cooke*     *AYE*  
*Councilman Kudlack*    *AYE*

- **CODIFICATION:** Attorney Catalano mentioned that on the Codification Project, in order to authorize the form of the laws to be in this codification format the Town Board has to adopt a local law.

Attorney Catalano explained that this local law was put together in conjunction with the vendor who put the codification together. The laws and policies of the Town are in a book. This law enables the Town to collect these laws and codify them. It is authorized by Municipal Home Rule Law. The code book will be kept up to date. The fee schedule will have to be addressed by resolution of the Town Board for the cost of the books. We will keep a few of the books on file; various Boards and officials should get a copy. If the Town Board wants to go ahead and use this as your official law book, somebody will have to introduce this law by motion and schedule a public hearing.

A motion was made by Supervisor Dermody to introduce Local Law No. 2 of the year 2011 and schedule a Public Hearing for June 14, 2011 at 7 PM at the Town Hall, at which time the public will be invited to be heard; 2<sup>nd</sup> by Councilman Chase. *Motion Carried. Ayes (5 )Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

Attorney Catalano, in codification laws and resolutions of the Town, we do not make any changes to the contents, so they are as they were adopted. They are just assembled in this book and provided a section number. Our references will be to articles and sections under the code rather than local law number one.

The public can purchase a copy of the book if they want; we will provide a copy of the book for the public to view.

- **WATER DISTRICT PROJECT FINANCING:** Attorney Catalano mentioned that one of the requirements that the Town Board has to do before they can authorize a project or the financing of a project is the public hearing that we already had. We need to determine how we are going to finance it. The Water Committee is looking to obtain a loan or other type of financing. Since the project has to be completed before the fall, the Town Board needs to do interim financing. The resolution before you authorizes the issuance of bonds in the maximum of \$150,000.00 for the reconstruction of the Impoundment Dam. This does not require the Town to issue the BONDS. What is expected is that when we receive bids for the project, we will have a finite number in which to determine how much the project will cost. At that time, if the Board wants to proceed with the project, they would issue a Bond Anticipation Note (BAN) for the amount that is necessary to cover the cost. That would include cost for engineering, bond counsel, and the contractor's cost, labor and materials. It is estimated that it is going to be somewhere in the \$80,000.00 to \$100,000.00 range for the contract. They are also going to bid out an alternate to the main project which is a replacement of a water pipe that needs to be replaced in conjunction with the Impoundment Dam. This resolution was prepared by bond counsel. If the Board adopts it, then this resolution will have to be published. Once that is published, we have wait a certain amount of time and then the Board will be able to issue BANs. We also have to authorize the advertisement for bids. By early June we will have an idea on what the project will cost. We can reject all bids if we feel that it is too expensive, but this resolution will at least provide you with the mechanism that will be necessary in order to bid out the project. The bonds, depending on if they are serial bonds would be in excess of 5 years; the BANs are promissory notes issued by a bank based on the fact that you can issue to the long term loan. Those notes are only for year at a time, but they can be renewable for one year terms; they come due annually.

Councilman Chase asked, what does the bond counsel do next?

Attorney Catalano mentioned that once resolution is adopted, the Town Clerk will attest to the printing of the Notice, send it to bond counsel and they will work with a bank to come up with a BAN for as low interest rate as possible.

- **RESOLUTION – 051011WSB (Attached)**  
Supervisor Dermody moved that we adopt this Bond Resolution as presented by Attorney Catalano. This Bond Resolution authorizes the issuance of bonds for the repair and reconstruction of the Reservoir Dam part of the Water District at a maximum cost of \$150,000.00; 2<sup>nd</sup> by Councilman Bolte.

A roll call vote was taken with the following results:

*Supervisor Dermody*            *AYE*  
*Councilman Bolte*             *AYE*  
*Councilman Chase*            *AYE*  
*Councilwoman Cooke*        *AYE*  
*Councilman Kudlack*         *AYE*

- **BID ADVERTISEMENT**  
A motion was made by Supervisor Dermody to publish the bid advertisement for the Impoundment Dam Project as presented at the Work Meeting on May 5, 2011 by the Engineer on the Project' 2<sup>nd</sup> by Councilwoman Cooke. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

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

**HIGHWAY DEPARTMENT:** Superintendent Zeh reported the following:

- They have been ditching and doing culvert replacements on Kenyon, Scutt, Tanglewood, Cole and Saybrook Roads; installed an underdrain on Pucker Street and are grading the unpaved roads. Last month they spent approximately \$3400.00 on repairs. The loader has developed a leak in the front seal of the engine; he is trying to get estimates to fix it. The highway men as of May 2<sup>nd</sup> have started 4 ten-hour day work weeks. The CHIPS award letter has been received from NYSDOT. Fire extinguishers need to be updated; Superintendent Zeh will contact the company to do that.
- RFP: NEW 12 FOOT CARBIDE-TIPPED SCARIFIER GRADER BLADE: Superintendent Zeh reported that he received the following quotes for a new 12 foot Carbide-Tipped Scarifier Grader Blade to go on our 1998 Champion 720A Grader:
  - Otsego Iron & Metal, 50 Rose Avenue, Oneonta, NY 13820 for \$2947.10
  - Northern Supply Inc., River Side Avenue, Coxsackie, NY 12051 for \$3120.00
  - Arrowhead Equipment Inc., 2011 Central Avenue, Albany, NY 12205 for \$3256.00.

Supervisor Dermody asked if there are anymore expenses related with this.

Superintendent Zeh, no.

- RFP: USED HYDRAULIC POWER TILT BUCKET POSITIONER: Superintendent Zeh reported that he only received one quote for this piece of equipment; it seems too high to put on our equipment. He did not recommend purchasing the power tilt bucket at this time.

We were asking for a used positioner, we only got a price for a new positioner.

A motion was made by Councilman Bolte to accept the quote from Otsego Iron & Metal for one used 12-foot carbide-tipped scarifier grader blade in the amount of \$2947.00; 2<sup>nd</sup> by Councilwoman Cooke.

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

- SWEEPER: Superintendent Zeh mentioned that he would like to rent a sweeper to sweep the paved roads. The following companies submitted quotes:
  - Finke Equipment - \$650.00/Week plus \$36.25/inch for broom wear
  - Abele Tractor - \$750.00/Week - no charge for wear
  - Anderson Equipment - \$850.00/Week – no charge for wear

It takes about two weeks to sweep the roads.

A motion was made by Supervisor Dermody to rent the self-propelled sweeper from Abele for \$750.00 a week for a maximum of three weeks; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

Superintendent Zeh asked, the Town Board approves the rental rate but not the length of the rental period; he needs clarification on that.

Attorney Catalano will look that up.

- BURKHART ROAD: Superintendent Zeh mentioned that he received a phone call about Burkhardt Road concerning the truck traffic on that road.

Supervisor Dermody mentioned that last year they requested that something be done.

Superintendent Zeh received a letter specifying what they want. Superintendent Zeh responded that any sign that is put up has to be approved by the Town Board.

Attorney Catalano mentioned that there are certain signs that have to go through the County DOT. Weight limits might have to be done by local law.

The Town Board discussed weight limits.

Attorney Catalano mentioned that this is a matter that the Planning Board should look at. It was his understanding that the approval for the sawmill was based on the representation, if not a condition, that that road would not be used for truck traffic. If so, that becomes an enforcement issue. The Planning Board needs to look at it and see what the agreement was at that time and then if it is not being adhered to we can enforce via the Zoning Code.

Attorney Catalano suggested that it be referred to the Planning Board before we make a decision. He will research the weight limit issue. Attorney Catalano will contact the Planning Board Chair and have them take it up at their next meeting.

- OPERATOR TRAINING: Superintendent Zeh reported that he is going to be sending the men down to get their training on equipment once they get caught up on grading the roads.
- RESIGNATION: Superintendent Zeh mentioned that for mostly financial and other reasons he is accepting full-time position in the private industry effective Monday the 16<sup>th</sup> of this month. As of Sunday the 15<sup>th</sup> he

will no longer be able to do this job in a full-time capacity. Superintendent Zeh mentioned that because he does care about our town roads, he is offering his services on a part time basis for the Town at a reduced rate. If you so wish or if you ask him to re-assign, he is going to leave it up to the Town Board.

Supervisor Dermody mentioned that she thought he would have to resign his position as Highway Superintendent and then if they decide to avail ourselves of his services, they would probably hire him back as a contractor or a vendor or a consultant.

Attorney Catalano mentioned that the Town Board can ask him to resign but you don't have to resign; the resignation is voluntary on your part.

Superintendent Zeh mentioned he did not think it is fair for the taxpayers to pay him a salary when he is only going to be here on a part-time basis. He will leave his resignation letter with the Town Clerk on Friday to be effective Saturday at midnight.

Supervisor Dermody mentioned that in light of what you just told us, she appreciates the fact that he went ahead and did some of this planning with the Highway Agreement.

Superintendent Zeh, he wanted to leave it pretty much on auto pilot. Superintendent Zeh apologized to the residents of the Town; it is with a heavy heart that he is doing this.

Attorney Catalano mentioned that the resignation would have to be effective before the Board can create another part-time position. Attorney Catalano suggested in the resignation letter that he volunteer to continue service for the Town at some sort of part time capacity at a reduced rate. That would give the Board the authority to create another position.

- **HIGHWAY AGREEMENT:** Superintendent Zeh mentioned that the Agreement is conservative this year. Not all the CHIPS money is allocated in this for the reason that we can roll that over for next year to fix Cheese Hill Road. He recommended doing the second phase of Siebert Road. The men will be left with a list of roads with recommend repairs; they can use it if they want. He hopes that the progress that was made last year continues. There is a good bunch of guys in the Highway Department. He had some new ideas; they came on board with them and did a great job.

Attorney Catalano asked if there are any of these roads that are listed have to be started relatively soon.

Superintendent Zeh mentioned that you have the summer to do them. Jaycox Road, at the end of the road there is a stream that when you get any heavy rain or snow melt it floods over; an arch pipe needs to be installed.

Superintendent Zeh mentioned that there is a lot of work to be done on the roads; you are looking at least 10 to 12 years to even get caught up on them. On the State and Federal level they are not investing money in infrastructure like they should.

Superintendent Zeh mentioned that he had a great opportunity here and he appreciates everybody who voted for him. He sincerely hopes that this Town will get past politics. He came in on the tail end of it on the last Highway Superintendent and Supervisor; we have to get past it. Maybe he leaving will help; he hopes it does. There was a lot of stuff written about him in the papers. He didn't write anything about anybody here; he said he wouldn't play politics when he took this position and he hasn't. That is why he hasn't responded; that is good advice for the highway superintendent. Please, let's move forward for betterment of the Town. Thank you, everybody.

A motion was made by Councilman Chase to accept the Superintendent's report; 2<sup>nd</sup> 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 April 2011: Town Clerk Department – Total Collected – 977.44. Paid to the Supervisor - \$842.29 (fees); Paid to NYS Department of Agriculture and Markets - \$21.00 (Dogs - State Surcharge); Paid to NYS Departmental Conservation - \$91.65 (sporting license); Paid to NYS Department of Health - \$22.50 (marriage license). Water Rents Collected - \$1725.13. Sewer Rents Collected - \$1953.20. Tax Collection – Tax Settlement Statement ; Paid to Supervisor - \$1,184,153.55, Pre-Paid Albany County - \$575,000.00, Paid per settlement (4/14/11) \$184,493.68, Corporation Taxes - \$36,876.44, State Lands - \$18,680.22, Returned Taxes (unpaid) \$370,077.10. Total - \$2,369,281.01.

What does book over warrant mean?

This means that the book said that I was collecting more than the warrant. We found out that there was a change between the tentative roll and the final roll; the final roll is what they collect the taxes on.

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

**CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR:** CEO Overbaugh reported the following collected for the month of April 2011: Building Repairs - 1; New home additions - 2; Pole Barn new for agriculture use - 1. Total collected \$231.94. CEO Overbaugh has been responding to some zoning enforcement issues. He

mentioned that the last month or so working with the Assessors has been good; they have been cleaning up some issues. He commended the ZBA -- last month he said he had denied a zoning permit. The ZBA got the people in the first Tuesday of April and by the first Tuesday in May they had reversed his decision. They did very well; it is nice to see things working out.

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

**ASSESSING DEPARTMENT:** Assessor Pine reported that the Tentative Rolls are on file at the Town Clerk's Office, his office, and the Town's website. Assessor Pine explained that the roll is in a PDF file and how to read it. It is in alphabetical order. If you need more information than what is on the website please, contact him.

- **GRIEVANCE DAY:** Grievance Day is the 4<sup>th</sup> Tuesday in May; hours are 3 to 5 and 6 -8 PM at the Town Hall. The Assessor recommended that you come to them first in case there is something that they can straighten out before go to the Grievance Board.
- **SENIOR EXEMPTION LAW:** Assessor Pine mentioned that he is has done some research on extending the deadline for seniors. It looks like it is just for senior exemptions, not senior star. If they miss the deadline, it can be quite a penalty; their taxes can go up quite a bit.
- **TAX FORCLOSURE:** Assessor Pine reported that there are 4 parcels up for tax foreclosure. They are all vacant pieces. There are books in the Town Clerk and Assessor Offices if anyone wants to look at these parcels.

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

**WATER/SEWER COMMITTEE:**

- **JOB DESCRIPTIONS:** Supervisor Dermody mentioned that the Sewer Treatment Operator's job description is a far more extensive than the Water Treatment Operator.

Chairman Long mentioned that there is reference to document Chapter 1, Subpart 5-4 of the State Sanitary Code in the Water Treatment Operator description that is more in depth on what needs to be done.

Supervisor Dermody asked if there is something like that for the sewer treatment operator.

Chairman Long, no, we do not need a licensed operator for the sewer plant. They will add that to the Water Job Description. This will be made as an attachment.

- **WATER DISTRICT/IMPOUNDMENT DAM ADVERTISEMENT:** Chairman Long mentioned that the plans will be available on May 18<sup>th</sup>, June 1<sup>st</sup> there will be a walk-through, and bids will be opened on June 8<sup>th</sup>. The engineer, Town Clerk, and a member of the Town Board will be there. We will be ready to award the bid if there are any at the June 14<sup>th</sup> Town Board meeting. There will be a walk-through tomorrow morning with the engineers to address the issues of the water main. After the bids are opened, we will know whether we have money in the budget to cover that.

A motion was made by Councilman Chase to accept Chairman Long's report; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **JOB DESCRIPTIONS**

A motion was made by Supervisor Dermody to adopt the Job Descriptions for the Sewer Treatment Plant Operator and the Water Treatment Plant Operator contingent on getting the attachment from Chapter 1, Subpart 5-4 of the State Sanitary Code on the Water Treatment Operator; 2<sup>nd</sup> by Councilman Bolte.

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

**TOWN JUSTICE:** Supervisor Dermody mentioned that on the Justice Report there was some communication between Justice Miller and Councilwoman Cooke; that will be become part of the report. Councilwoman Cooke mentioned that she met with Justice Miller; there was a piece of paper missing. That cleared up the questions; there are five dollars too much.

**RECYCLING COORDINATOR:** Recycling Coordinator Whitbeck reported the following: 7.51 tons to Green Fiber, Rensselaerville Iron & Steel – 6.56 tons, tires – 72 tires, City of Albany Landfill – 51.68 tons, Sierra Fibers – 4 ton, 80 gallons of waste oil collected on April 30<sup>th</sup>. The tank is not full yet.

Supervisor Dermody mentioned that we got the check from Green Fiber, for the first quarter of 2011, but the figures did agree with ours. They were only paying us \$20.00 a ton for February and March instead of \$25.00; they will get another check to us.

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

**CURRENT EVENTS:**

- Medusa Fest, Rensselaerville Garage Sale Day, May 21<sup>st</sup>, 9 am to 4 pm.
- Chicken Barbeque – Rensselaerville Park – May 29<sup>th</sup>
- Middleburgh VFW Breakfast - May 15<sup>th</sup>. \$5.00 all you can eat.

**OLD BUSINESS**

**PLANNING BOARD:** PLANNING BOARD MEMBER: Supervisor Dermody mentioned that we had a request from the Planning Board Chairman to put out a request for letters of interest to fill the unexpired term of Ray Welch whose term expire on December 31, 2013.

A motion was made by Councilman Chase to advertise for this position. Letters of Interest must be received by the Town Clerk by June 30, 2011; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

**NEW BUSINESS:** There was no new business.

**AUDIENCE COMMENTS**

- Assessor Pine said thank you and good-bye to Gary Zeh. He did a good job and he wished him good luck in his future endeavors. We need to separate the position from the personalities; we have to look at the position and the value and we need to bring the pay up so we can keep a highway superintendent.
- Jim Glorioso volunteered to be on the Committee for the Veterans Project.
- Sandy Gordon, County Legislator, mentioned that the Albany County Legislator's Redistricting Committee has been busy and turned out its initial work product. There has been a definite reshaping of the 39<sup>th</sup> Legislative District which where Rensselaerville is currently. In reshaping that District, they have reduced about 2/3 of Knox, 20 to 25% of Berne, and brought them into the 39<sup>th</sup> District, Altamont is also in this District. Legislator Gordon's concern with that is that these are not similar communities; there are differences. For instance on March 1, 2010 Rensselaerville had 6 feet of snow and Altamont had 1½ feet of snow. When you come to a time when in this past budget cycle when the County Executive had proposed a chargeback to the Towns for the services of the Department of Public Works of the County and you stand the possibility of a representative who lives in a town that may not be subject to that chargeback, that presents a problem. This first phase of the redistricting has really assaulted the identity of the Hilltowns. Legislator Gordon went over the differences between the communities. There will be a Public Hearing on the Redistricting on May 17, 2011 7:15 PM in the Cahill Room at 112 State Street, Albany, NY. The elected representative and residents of the Hilltowns should attend and speak their feelings. The redistricting positions will be posted on the County website. Letters can be directed to Shawn Morris, Chair of the Redistricting Committee, 7<sup>th</sup> Floor, 112 State Street, Albany, NY 12207.
- Bernard Aloisi mentioned that last year they took down the Dance Hall and Sawmill in Potter Hollow. Is it going to be cleaned up?

Supervisor Dermody mentioned that as soon as the ground gets hard enough to bring the equipment in, they will finish cleaning it up.

- Robert Bechle thanked the Town for the work that has been done on Fleming Road. Gary and his men did a nice job. What he saw here tonight was politics. Is there some way to salvage this relationship? It would be good for the Town and the citizens.
- Edna Stoudemire thanked the Highway Superintendent for keeping Seibert Road cleared this year. There is a little more work to be done. She appreciates everything the Gary Zeh has done for them.
- Joyce Chase, she read where a taxpayer wrote it is okay not to be visible to the road crew for three weeks, What if an employee thinks something went wrong or a certain way was different than what you really thought, who pays for the error? Mrs. Chase asked who's cleaning the bathrooms for the highway department. It was stated that the pressure washer extends the life of the equipment; so does putting the machinery under cover for the winter. Why is our equipment being left outside when there is enough room to put it all undercover? If you knew that you needed a pressure washer, why would you use your own? There was ample time to price pressure washers and bring those estimates to the Board. With fewer employees in the highway department, how would they have time to mow grass, weed eat, pull out dead trees, etc. The Beautification Committee was gung ho to make flower beds, plant trees next to salt shed that they knew would grow big enough push out the walls, and plant a tree over the septic tank that had to be removed. Where are these people when these things need attention? One of the people with the most to say about the tree issue, planted by the Beautification Committee, walks past it day after day and not once does

she know if he brought it to the attention of the Board with a suggestion of what could be done to stop the defacing of the flag. Since when does an officer of the law find it his job to spread serious lies about her family? The word is a serious sore that can ruin a reputation; if you find out what you said is a lie what happens to the words "I'm sorry." Is this the way the entire Town's people are treated? She thinks not. When politics become the blinders of our lives, we miss seeing the good in others. May the barriers of disrespect and "my way or the highway" be brought down with listening, knowledge, and thoughtful decisions. The newspapers do nothing but cause dissension.

- Mr. Parker, does not live on a town road, but he knows him (Gary Zeh) personally. He is too nice to tell you why he really quit, with harassment of some of the people.

**ADJOURNMENT:** A motion was made by Councilman Kudlack to adjourn the meeting at 9PM; 2<sup>nd</sup> by Councilwoman Cooke. *Motion Carried.*

**RESPECTFULLY SUBMITTED;**

Kathleen A. Hallenbeck  
Town Clerk