

**MINUTES OF
TOWN OF RENSSELAERVILLE TOWN BOARD
REGULAR MEETING
AUGUST 9, 2011**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 9th day of August, 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 Acting Highway Superintendent David Potter and 30 interested citizens.

EXECUTIVE SESSION

A motion was made by Supervisor Dermody to go into Executive Session to discuss employee work history; 2nd by Councilman Chase (7:01PM). *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*
A motion was made by Supervisor Dermody to come out of Executive Session; 2nd by Councilman Bolte (7:10PM). *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

AUDIENCE COMMENTS:

- Mr. Amedure asked if the Annual Report is done yet.
Supervisor Dermody, it is not done yet; she will address that in her report.
- Mr. Amedure spoke about the Town sponsoring the movie "Gas Land" that was shown in the Town Hall. It was a very partisan movie; there was no equal time for the other side.
Supervisor Dermody mentioned that the Town did not sponsor the movie. The Town Board authorized her to find a location to show the movie. Conkling Hall was not available.
Mr. Amedure mentioned it was two hours of propaganda without any facts being presented and they were selling Ban Hydro Fracking.
Supervisor Dermody, after that meeting it was mentioned that we need to have a similar meeting for the other side.
- Mr. Amedure asked if the FEMA reports have been completed.
Supervisor Dermody mentioned that they have been filed for months; we are waiting for a clearance from FEMA.
- Gerald Wood asked about the burned out building on Route 145 in Preston Hollow. It is a fire waiting to happen again.
There are a lot of kids around and he also owns property near it.
Supervisor Dermody mentioned that it will be discussed further on in the agenda.
- Mrs. Muselli asked about a contract that was awarded to a company in Cobleskill. How was this handled?
This will be discussed in Acting Highway Superintendent Potter's report.
- Mrs. Sedlmeir mentioned that the Community Calendar that the Town Board approved on a trial basis is posted on the bulletin board at the Town Hall. She hopes that people will use this calendar so we will have a way of planning events in the Town.

MINUTES: A motion was made by Councilman Bolte to accept the minutes for the Work Meeting held on July 7, 2011, Special Meeting held on July 12, 2011 and the Regular Meeting held on July 12, 2011; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

TRANSFERS: Supervisor Dermody mentioned that there are no budget transfers, only a bank transfer that we had approved \$50,000.00 for the Multi-Modal, to take it out of the General Fund and put it into the Highway Equipment Reserve.

ABSTRACT 2011-08 VOUCHERS,BILLS: The General Fund - \$32,209.29; Highway Fund - \$67,664.75, Equipment/Repairs - \$1165.99, Vehicle Maintenance - \$1331.60; Water District - \$10,963.75; Agency & Trust - \$441.12.

Councilman Bolte had questions on the following vouchers;
Some of the vouchers don't have signed receipts (delivery tickets) with them. There is a voucher for \$46,816.00 for the in-place paving. This contract was not with Carver, it was with Cobleskill Stone. He is not going to sign it; the contract should have gone to Cobleskill Stone.
Attorney Catalano mentioned that we have no contract with Carver. He spoke to Acting Highway Superintendent Potter about that. He was unaware of the fact; he went out and got quotes for that project and Carver came in substantially less.
The Town Board discussed this issue at length.
Councilwoman Cooke, last month the only ones that stayed to sign vouchers were her and Councilman Bolte. It was signed Thursday night. She came in Thursday afternoon and there is another signature on it. When did that occur?
Supervisor Dermody, you can come in and sign the voucher when you want to. Attorney Catalano mentioned that you do not have to sign a voucher at a meeting.
Chris's Coffee – the voucher isn't signed by the company.

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GNH – Why is this voucher over 120 days over on \$137.62?

This will be checked into.

A motion was made by Councilman Kudlack to pay all signed vouchers; 2nd by Councilman Chase. *Motion Carried. Ayes (3) Dermody, Chase, Kudlack; Nays (2) Bolte, Cooke*

MEDUSA PARK – NEW EQUIPMENT: Joli Pizzigati, Medusa Park Committee, submitted the following quotes for equipment for the Medusa Park for Freddie the Frog and Firetruck Rider:

- Bluegrass Playgrounds Inc., 1056 Fedde Lane, Ashland, NE 68003 – equipment plus freight - \$1577.00.
- Maryland Materials Playgrounds, equipment plus freight - \$1358.27.
- NVB Playgrounds, Inc., 10725 Hidden Oak Way, Indianapolis, IN 46236 – equipment plus freight - \$1224.99.

A motion was made by Councilwoman Cooke to accept the quote from NVN Playgrounds, Inc. for \$1224.99 for the Medusa Park; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

CORRESPONDENCE

- Kathy Wank – Resignation – A letter was received from Kathy Wank, Clerk to the Highway Superintendent, stating that she was resigning from the position of Clerk to the Highway Superintendent.

A motion was made by Councilman Bolte accepting her resignation; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- Valerie Lounsbury – Burned out building in Preston Hollow.

Supervisor Dermody mentioned that she has a copy of Local law No. 2 for the Year 1996, entitled “Unsafe and Burned out Buildings.” According to this law, an official complaint must be filed by a town resident or property owner who owns or resides within a thousand feet of the building or structure which is the subject of the complaint. It shall set forth in reasonable detail the reason why the building or structure in question is unsafe as defined in this law. Within 30 days the Town Board shall authorize a formal inspection and an investigation of the property by the Town building inspector.

The Town Board received a copy of a letter to Mark Overbaugh, CEO, from Valerie Lounsbury requesting that action be taken on this property.

CEO Overbaugh mentioned that he spoke to the owner, and they have contacted a contractor to demolish the house. He did not get a time frame from the owner. He will contact them this week for a time frame. The law states that he has to contact the fire official, the Chief of the Tri-Village Fire Company; he will do that.

A motion was made by Supervisor Dermody authorizing CEO Overbaugh to initiate an inspection and investigation and proceed with what is delineated by law; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

They have 60 days to comply.

Attorney Catalano mentioned that the Unsafe Building Law, the key word is “unsafe” as far as a public safety issue and it is not an esthetic issue.

Is the building boarded up so people can’t get inside of it? Yes, the bottom floor is boarded up.

- Albany County Sheriff’s Office – Off Site Work Program

Supervisor Dermody read a letter from the Albany County Sheriff’s Office. They are exploring the possibility of establishing an off-site inmate work program. It is a work crew that would be available to Albany County municipalities for outside community projects including painting, raking, picking up road side litter and doing general cleanup at any designated area. Any agency that embarks on this project would be responsible for providing the necessary equipment, supplies, and materials. All inmates assigned to the crew would be sentenced non-violent low level offenders and will be supervised at all time by corrections staff.

The Town Board discussed this issue.

A memo will be sent to department heads to see if they are interested in utilizing this program.

A motion was made by Councilman Bolte to proceed with this offer from the County Sheriff’s Office to utilize the offsite inmate work program; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

Attorney Catalano mentioned that department heads should contact Supervisor Dermody with proposed projects. One thing to ask if they supply the inmates with OSHA approved apparel.

Councilman Chase mentioned that he has worked with these crews at work and he explained how they work.

- April Caprio – Medusa End –Of- Summer Festival – This Festival will be held on August 27th, 7 PM in Medusa. Supervisor Dermody read the flyer to the audience.

- Senator Charles Schumer – 2011 Assistance to Firefighters Grant Program

Supervisor Dermody received a letter from Senator Schumer stating that the U.S. Department of Homeland Security’s Federal Emergency Management Agency Grant Program Directors will soon be accepting applications for the 2011 Assistance to Firefighters Grant Program.

REPORTS

SUPERVISOR DERMODY

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- **FINANCIAL REPORT** - Supervisor Dermody explained the financial reports submitted. They are working with both the Munis System and Enhanced System.

Councilwoman Cooke asked about the voucher from Tractor Supply; how do we know who the clothing allowance is for?

Supervisor Dermody explained the bookkeeper knows who the clothing allowance is for; it is put in the employee's personnel file. Discussed were the reports.

- **AUD** – The cost to do the AUD from Pattison, Koskey & Rath, P.C. was discussed. All the accounts are balanced except for Trust and Agency because there were one-sided entries made. Enhanced will not let us go back and correct the payroll runs. All this information has been given to Enhanced and they are going to make the corrections. Once that is done all of the accounts will be balanced. 2009 is already closed.

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

- **PAYROLL AUDIT** – Councilwoman Cooke will finish the June payroll audit; Councilman Bolte will do the July audit.

- **VFW MEMORIAL GARDEN COMMITTEE**. Supervisor Dermody reported that things are moving along, contributions have begun to trickle in. The paving stones were discussed. The stones that Mr. Tollner donated are not suitable for engraving but they can be used elsewhere in the garden as needed.

- **WORKPLACE VIOLENCE/SEXUAL HARRASSMENT TRAINING**: Supervisor Dermody reported that they had the last training session on July 26th. Another training session is scheduled for September 12th, 7PM at the Town Hall for the Ambulance, Fire Companies and anyone else who hasn't availed themselves of the training. One of the issues that needs to be addressed is the checklist for security and questionnaires and what they are thinking about our needs are regarding workplace violence, incident reports, etc.. Supervisor Dermody had a packet of sample forms for someone to volunteer to look over what we have and bring it back with suggestions to the Town Board in furthering our compliance with this law.

Attorney Catalano volunteered to work on this.

- **HAY FIELD** – Supervisor Dermody reported that we have an offer from a landowner to hay the fields over here. They will do it free of charge as long as they can take the hay.

A motion was made by Councilman Kudlack to allow these people to cut the hay and remove it from our property; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **GAS LAND MOVIE** – Supervisor Dermody reported that on August 3rd we had a viewing of the movie *Gas Land*. There were about 20 interested citizens present. There was a lively discussion afterwards. Her concern is that we really don't know enough pro or con regarding this issue. There is a tremendous amount of material on the Internet. She is concerned because we are on the outer fringes of the Marcellus Shale deposit that we are not going to be ready if and when it comes knocking on our door. Supervisor Dermody mentioned that we had a wonderful output when it came to investigating wind power for the Town. She would like to make a motion tonight to authorizing Attorney Catalano to write a resolution for a moratorium on hydro-fracking similar to the one we had on wind power so that we can discuss it at our September meeting and at least protect ourselves until all "stones have been returned." Councilwoman Cooke mentioned that DEC hasn't finalized anything yet.

Attorney Catalano mentioned that he has been following this issue. The DEC regulations haven't been finalized yet. One of the things that is uncertain, it appears like the DEC is going to be allowing permits to go through their office. However, one of the major issues is how the local governments are involved with respect to zoning controls. Until the regulations come out and so you can see how that is addressed, it would be premature to anticipate what the DEC may or may not allow local governments to do. Many municipalities around the State have already implemented regulations regarding this type of gas drilling. It could be a waste of effort depending on what the DEC does. For instance the DEC regulates mining activities in a way where the State takes control over most of the review and permitting process and leaves just a few areas for the municipality to have the authority to control. However, until we see the regulations we won't know. The majority of the municipalities that are concerned about this issue are doing a moratorium so that they have time to investigate how the local community may feel about this and how it may affect the local community. At the same time we will be able to see how the DEC comes out with the final regulations and then be able to react accordingly. A moratorium would be appropriate. Right now gas drilling is not allowed throughout the State and probably won't be for a few months. We could be using this time to investigate the things that pertain uniquely to our Town that may not be what DEC is looking at. Truck traffic and things of our community character are things that the State is not going to be looking at in debt. They are looking at more for possible pollutants and effect on groundwater. The committee is a good idea to start that investigation. There is so much material out there, it would give us a head start.

Councilwoman Cooke asked when the final regulations will be out.

Attorney Catalano mentioned that he believes that they are still going through the Impact Statement process.

Councilman Bolte, this would probably be postponed to the end of the year or more.

Councilwoman Cooke asked how long would you do a moratorium.

Attorney Catalano mentioned that at least a moratorium for a year is appropriate because we need some time to react to the DEC regulations when they come out.

Supervisor Dermody mentioned that the problem with not moving forward with something like that now, if DEC comes out with and opens the flood gates we might not have any protections in place and it would be too late to start.

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Attorney Catalano modified his statement, like a year from now, by the time we actually have a moratorium in effect we are talking about, if we go through the process starting tonight with the authorization for him to prepare one you are talking October/November before it is in effect. It would probably be nine months at that point.

A motion was made by Supervisor Dermody authorizing Attorney Catalano to write a Local Law regarding a moratorium on hydro-fracking; 2nd by Councilman Chase. *Motion Carried. Ayes (3) Dermody, Chase, Kudlack; Nays (2) Bolte, Cooke*

Mr. Lewis spoke briefly concerning regulating his land.

Attorney Catalano mentioned that the Local Law will be is subject to a Public Hearing and everybody will have a chance to comment on it at that time.

Supervisor Dermody mentioned that we need a motion to create a Committee and hope that they will be as thorough and objective as the one that we had for wind power.

Attorney Catalano would like to recommend many of the people that were on the wind power committee if they are willing to do it.

A lot of them are gone. Attorney Catalano suggested putting something in the newsletter.

- **BID UR ENERGY:** Supervisor Dermody mentioned that she has been getting considerable paperwork regarding a company called Bid UR Energy, which guarantees us a lower electric bill. The Town Board discussed this issue and decided not to do anything with this.

- **HEALTH REIMBURSEMENT ARRANGEMENT (“HRA”)** – Supervisor Dermody went over the Summary of Modifications to this plan. The major change is that over-the-counter drugs and medicines can only be reimbursed if a valid prescription relating to such over-the-counter drugs and medicines has been obtained. This is only good for 3 months, the plan runs to December 31st.

Supervisor Dermody read the following: (R080911A)

WHEREAS, the Employer previously adopted the HRA 105 Health Reimbursement Arrangement (HRA) so that its eligible employees could receive tax free reimbursement of certain medical expenses; and

WHEREAS, the Employer desires to amend the HRA to reflect certain changes in the applicable rules and regulations set forth in the attached Summary of Material Modifications (“SMM”); and

NOW, THEREFORE, BE IT RESOLVED THAT THE Town Board hereby approves the changes set forth in the attached SMM effective as of the dates set forth in the attached SMM;

BE IT FURTHER RESOLVED that the officers of the Employer are authorized and directed to take any and all actions as may be necessary to effectuate this change.

Councilwoman Cooke asked if this is concurrent with our health insurance.

Supervisor Dermody, yes it is. It has been in effect since January; it is just a formality that we have to sign this.

A motion was made by Supervisor Dermody that we adopt this resolution as set forth in the Summary of Material Modifications submitted by Malleolo Administrators, our HRA Administrator; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **COLD LANDS – POND HILL ROAD** – Supervisor Dermody reported that she received an email from Willie Freidman, the Production Supervisor on a movie called “The Cold Lands.” They will be shooting a film here August through October.

- **ROGER GIFFORD – RESIGNATION – ZONING BOARD OF APPEALS:** The Town Board received a letter of resignation from Roger Gifford, member and Chairman of the Zoning Board of Appeals. He is resigning this position to be a member of the Planning Board.

A motion was made by Supervisor Dermody to accept Roger Gifford’s resignation letter; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **CHAIRMAN – ZONING BOARD OF APPEALS**

A motion was made by Supervisor Dermody to appoint James Glorioso to Chairman of the Zoning Board of Appeals, (Mr. Glorioso is a member of that Board already) term to go to December 31, 2011; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **ZONING BOARD OF APPEALS VACANCY:** Supervisor Dermody mentioned that we now have a vacancy on the ZBA.

When they interviewed people for the open position on the Planning Board, we asked them if they would be interested in being on the ZBA if there was a vacancy.

A motion was made by Supervisor Dermody to appoint John Mormile to fill the unexpired term of Roger Gifford on the Zoning Board of Appeals, term to go to December 31, 2013; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **STORM DAMAGE** – Supervisor Dermody received quotes from i.t.s. to replace the items that were damaged by the June 8th storm. New system deployment, travel, Dell Optiplex 390 with hardware, and Office 2010 Standard OLP Microsoft Office 2010 for \$1350.00 and 8 Channel Network DVR and installation for \$1325.00. The insurance has paid us everything we asked for except for the \$1000.00 deductible.

- **ALBANY COUNTY PURCHASING** – Supervisor Dermody reported that we are now purchasing office supplies through the Albany County purchasing agreement. We saved a lot of money by getting copy paper from them. We will use them as much as we can.

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

TOWN ATTORNEY: Attorney Catalano had no report at this time.

HIGHWAY DEPARTMENT

- **SIEBERT ROAD** – Acting Superintendent of Highways reported that they completed the CHIPS Program on Siebert Road. Albany County DPW helped with the shoulder work. We completed the project for \$52,500.00. CHIPS Roads are designed to be a ten year guarantee. Carver did Phase I of Siebert Road. Acting Superintendent Potter felt that since Carver did Phase 1 he thought that they should be the company doing Phase 2 to make that road complete. This was his first blacktop project; if he messed up, he apologizes. This was Phase 2 that they did this year; it came out pretty good. Councilman Bolte asked what happens if they don't hold up for ten years. Acting Superintendent Potter mentioned that you have to talk to the original contractor.

Councilwoman Cooke disagreed that Carver should have done Phase 2. This issue was discussed.

Attorney Catalano mentioned that he spoke to Acting Superintendent Potter about the process. For the future, first, we have to look at yearly material bids again before next year. We don't really have a contract with any of those bidders; second, it doesn't exactly go in place with what actually takes place in the field. He suggested to Acting Superintendent Potter for all projects that exceed our Procurement Policy or the State bidding requirements that we bid it, so that the various parts of the projects can be put in place and included in the bid. Attorney Catalano spoke about in-place paving.

Acting Superintendent Potter explained what they did on Siebert Road.

- **MCCULLOCH CROSS ROAD** – Councilman Bolte asked who prepared McCulloch Cross Road for paving. This was done by the highway crew.

Councilman Bolte asked about warranty. There is no way that a contractor can be responsible for the blacktop on a road that has mud on it. When they pave over mud or dirt, he guarantees that they aren't responsible for that road breaking up. Who is responsible for making that road last for ten years if they pave it and you prepare it?

Acting Superintendent Potter explained what materials they put on McCulloch Cross Road and how they did it. He informed all the people that submitted quotes for the project what was done on the road.

Councilwoman Cooke asked if that road doesn't last ten years, who is responsible for it.

Attorney Catalano mentioned that as long as the project is made so that it is intended to have a life of ten years, that is sufficient. All roads do not last that long; look at Route 85. There are things that happen that are uncounted for or unforeseen and things like that. As far as the CHIPS funds are concerned just the fact that it doesn't last ten years and may have to be repaired does not take it off of the eligibility list. It has to be designed with the intent to last ten years. They want the money to be used for a ten year life span but it is not guaranteed.

Acting Superintendent Potter mentioned that McCulloch Cross Road is going to be done on August 22nd by Cobleskill Stone. He has three bids for the road.

Attorney Catalano explained the difference between bids and quotes. You made a request for quotes for this road. That is okay for amount within the Procurement Policy, over \$3000.00 and up to \$10,000.00. Over \$10,000.00 we require to make it a public bid. Cobleskill Stone had the in-place paving bid; if it is just in-place paving you can go with Cobleskill Stone as long as you did all the preparatory work and there are no extras on it. If it is a project more than just going in and placing the asphalt pursuant to the annual bid, then it is okay.

They have prep work that they want to charge us for on that road; they have it in the estimate.

Attorney Catalano, if that is in addition to their work, in his opinion that has to be publicly bid. Do bid specifications and have the Town Board advertise for sealed bids.

Attorney Catalano explained this issue further. The Town Board discussed this issue.

Acting Superintendent Potter has discussed this road with Cobleskill Stone.

Attorney Catalano recommended that we advertise for bids; however, if you want to give it to Cobleskill Stone to make up for the fact that it wasn't done for the other road.

A motion was made by Supervisor Dermody to award the quote to Cobleskill Stone Products to do the work on McCulloch Cross Road for the amount of \$56,164.00; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

Attorney Catalano mentioned that in future scheduling any projects that are above \$10,000 must be bid.

- **DITCHING** - Acting Superintendent of Highway reported that the Highway Department ditched around Town Hall, Arnold Road, and Cheese Hill Road. They are getting ready to do the under-drains on Arnold Road. The under drains on Cheese Hill will be done next month. They may have some paving on Arnold Road; it may be under \$10,000.00. If it is in-place paving, you go with Cobleskill Stone.

- **CLERK TO HIGHWAY SUPERINTENDENT** – Acting Superintendent of Highway Potter would like to hire Kayla Lee as the Clerk to the Highway Superintendent.

A motion was made by Supervisor Dermody to appoint Kayla Lee as Clerk to the Acting Highway Superintendent for ten hours per week; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **LABORER** – Acting Highway Superintendent Potter would like to hire Keith Bates at ¾ pay of the driver rate for 150 hours.

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A motion was made by Supervisor Dermody to hire Keith Bates as a temporary hire for 150 hours at $\frac{3}{4}$ truck driver pay (\$13.45), 30 hours per week, no benefits and no overtime; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- DOYLE SHAVER – Acting Highway Superintendent Potter would like to add 100 hours to Mr. Shaver's temporary employment.

Councilwoman Cooke asked how much money there is in the budget for this.

Supervisor Dermody mentioned that David's salary is hanging there; he has moved over to the General Fund and we also budgeted for two part timers.

Councilman Cooke mentioned that we have someone out there who is retired from the Highway Department; there are people out there who need jobs.

Supervisor Dermody mentioned that you need to hire someone who is knowledgeable about equipment and procedure and process.

A motion was made Supervisor Dermody to allow another 100 hours to Doyle Shaver as temporary highway worker; 2nd by Councilman Kudlack. *Motion Carried. Ayes (3) Dermody, Chase, Kudlack; Nays (2) Bolte, Cooke*

- OLD CHAIN SAWS – TRADE IN – Acting Highway Superintendent Potter mentioned that he would like to trade in their old chainsaws that no longer work very well. He would like to know if the Board is okay with that. They may give us \$50.00 or \$100.00 toward a new chainsaw.

Councilwoman Cooke asked if we can do that.

Attorney Catalano, we are talking less than the minimum procurement policy.

It is less than \$1000.00.

- EAGLE ON FLAG POLL: Acting Superintendent of Highway Potter asked which way would you like the Eagle to face on the flag poll.

Mr. Bowdish donated an Eagle for the top of the flag poll for the Veterans Memorial Garden. Face it to the East.

- TRUCK BIDS – The Town Board at their Work Meeting opened sealed bids for the 2000 Ford F250 4x4 with plow. Bids were received from the following:

- *Renea Carl, 10 Hale Road Medusa, NY - \$1303.80

- *Joseph LiVecchi, 817 Huntersland Road, Middleburgh, NY - \$1101.50

- *Robert Koenig, 801 Pond Hill Road, Rensselaerville, NY 12147 - \$1307.00

A motion was made by Supervisor Dermody to award the bid to Robert Koenig for \$1307.00 for the 2000 Ford F250 4X4 with plow; 2nd by Councilman Chase.

Councilman Kudlack asked what the cost would be to repair the truck.

Around \$5000.00 to fix it.

Councilman Bolte asked, didn't we just put around \$9000.00 in the truck to fix it.

Acting Superintendent Potter, yes, Jon Chase had it done.

The Town Board discussed the issue of the truck

Supervisor Dermody called for a vote.

Motion Carried. (3) Dermody, Chase, Kudlack; Nays (2) Bolte, Cooke

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

TOWN CLERK: Town Clerk Hallenbeck reported the following collected and paid out for the month of July 2011: Town Clerk Department – Total Collected - \$3,373.30. Paid to the Supervisor - \$3,277.00 (fees); Paid to NYS Department of Agriculture and Markets - \$19.00 (Dogs - State Surcharge); Paid to NYS Departmental Conservation - \$54.80 (sporting license); Paid to NYS Department of Health - \$22.50 (marriage license). Water Rents Collected - \$3,652.34 Sewer Rents Collected - \$1,565.14.

- TAX COLLECTION PACKAGE – Town Clerk Hallenbeck reported that she has been looking for a new software provider for Tax Collection. Mrs. McKay of Plan Tool Inc. has retired and is no longer going to be doing any computer collection packages. Town Clerk Hallenbeck reported that she spoke to the County Department of Budget Management concerning the Munis Program (which they use) and BAS (Business Automation Services Inc.) about their program. The County is familiar with the BAS program, they have a lot of clients and they work well with the County. We currently use BAS for our Town Clerk Package; they have provided excellent support. My computer meets the software requirements.

BAS submitted the following quotes: Tax Collection System (+1500 parcels) - \$950.00, Installation, Support & Training - \$440.00, Annual Software Support & Maintenance Fee - \$400.00, RPS File Processing Fee - \$200.00 for a total price of \$1900.00, they will take off 20% for customer loyalty allowance. They also submitted a quote for Internet Tax Tier 2 (1500 parcels) for \$1490.00 with a 20% loyalty allowance. This is an add-on for internet processing.

A motion was made by Councilman Bolte to accept the quote for \$1900.00 less 20% for customer loyalty from Business Automation Services, Inc. for the Tax Collection Package; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

A motion was made by Supervisor Dermody to pre-pay 50% of the cost of the Tax Collection Package in order to order the software; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

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A motion was made by Supervisor Dermody to accept the Town Clerk's report for the month of July 2011; 2nd by Councilman Kudlack. *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 July 2011: 2 – Accessory Building; 1 – Deck and 1 Septic Repair. Total Collected for the month of July \$93.80.

The next meeting for ZRC September 12th.

Attorney Catalano mentioned that they were waiting for electronic version of documents to present to the Committee.

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

ASSESSING DEPARTMENT: Assessor Pine reported the following: the Final Roll is done, it is also online. The Town grew by taxable value by 1.2 million. The Equalization Rate is 56.2%. This fall they will be going around working on projects that are 2 and 3 years old.

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

WATER/SEWER COMMITTEE:

- **IMPOUNDMENT DAM – WATER DISTRICT:** Chairman Long reported that the project is going very well. They are grading and the concrete work has been done. They will be starting the pipe work Wednesday or Thursday. When work began, they found out that there was more concrete work than the engineer predicted; this will increase the cost a bit. The Engineer will provide us with the extra cost and materials.

- **SEWER DISTRICT:** They received the repaired sewage pump. They changed operation procedures a little bit and expect the pumps to last about 10 years.

A motion was made by Councilman Kudlack to accept the report of the Water/Sewer Committee; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

REFUSE/RECYCLING: Recycling Coordinator Whitbeck reported the following for the month of July: Green Fiber – 8.52 tons; Rensselaer Iron & Steel – 7.71 tons; Tires – 120; City of Albany Landfill – 63.5 tons; Sierra Fibers – 5.38 tons; and Oil collected – 37 gallons, E-Waste (televisions, computers, key boards, etc) – 4 garlands and 2 pallets.

Recycling Coordinator Whitbeck thanked Acting Highway Superintendent and the Highway Crew for fixing the drainage problem around the recycling building.

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

CURRENT EVENTS:

- VFW Breakfast – 3rd Sunday of the month, 7:30 to 11AM, Middleburgh, NY
- Medusa Yard Sale Day – August 13th
- Good Clause Club – Conkling Hall – August 13th and 14th
- Community Picnic – August 28th
- Rensselaerville Library Annual Cocktail Party – September 3rd

OLD BUSINESS

FURNACE: Councilman Bolte and Councilman Kudlack looked at the furnaces we have. There is one hot water furnace up here, 3 hot air furnaces and 1 waste oil furnace in the highway department. They suggest keeping the waste oil furnace, buy 1 new large furnace and get rid of two old ones. Don't use the electric heat in the Superintendent's office; put in duct work from the furnace in the mechanics bay to the Highway Superintendent office. We need to get someone in here to do an audit of what is needed to efficiently heat the garage and superintendent's office. Councilman Bolte mentioned that we would have room in the garage for the large oil tank once these furnaces are out of the building.

A motion was made by Supervisor Dermody authorizing Councilman Bolte to seek specifications for what we need in eliminating two furnaces in the garage and replacing them with one for the highway garage and highway superintendent's office; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

Waste Oil Tank: Attorney Catalano mentioned that based on the amount of used oil we got throughout the year it doesn't seem to justify having a larger tank. If we do contact DEC, we don't want to get to the point that we are a hazardous collector by getting oil other than from our residents.

Acting Superintendent Potter mentioned that he did the DEC permits for all the oil tanks; we prepaid all the fees. It did not include the tank that is outside. When it was ten below zero, the waste oil furnace ran for two weeks on what is in the tank.

NEW BUSINESS

- **BUS:** Councilman Bolte asked if there was a problem with bus.

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Supervisor Dermody mentioned that it went in for repair because the tail pipe fell off.

- HURT IN RECYCLING PLACE: Councilman Bolte mentioned that two people were hurt in the recycling place.

Supervisor Dermody mentioned that the report is on file; the insurance company has been notified but nothing has come of them.

AUDIENCE COMMENTS

- Barbara Muselli -- Why does the Acting Superintendent have to ask for permission to get rid of chain saws in comparison for bids on contracts. He is an acting superintendent; shouldn't he be guided before he makes that call for bids.

Supervisor Dermody, because that is getting rid of town property. Acting Superintendent and Attorney Catalano have discussed the bidding issue.

- David Lewis spoke about the moratorium of hydro-fracking. Why don't you get Mr. Bowdish's grandson in here and give a presentation on his side of the story on hydro-fracking. Listen to his side before you go to this moratorium.

Supervisor Dermody, all somebody has to do is approach her to have him come in.

The moratorium issue was discussed at length.

- Mr. Bowdish spoke about the movie shown. It wasn't NYS; it was predominately Pennsylvania, Texas and Colorado.

Mistakes were made that affected the people physically and emotionally. If you take the problems and address what the problems are, he didn't think we needed a Moratorium to go beyond what the DEC is studying. We can make stiffer regulation than what the State puts in.

Attorney Catalano mentioned that with the Land Reclamation Act, it does not allow Towns to put stricter regulation on mining restrictions.

This issue was discussed.

Supervisor Dermody mentioned that she encourages a two-sided discussion on hydro-fracking, but we must protect what we have and do our own comprehensive study.

- Gerald Wood spoke about the electric heat in the superintendent office; oil is going out of sight. If you heat that little space with oil it will cost you money, the electric will be less. The heat in the garage, get rid of the hot air furnaces and put one central boiler in there and put two heaters in. You can't have a 1000 gallon capacity oil tank inside a building. Check with DEC on that; if they allow that you will probably have to put up a containment.

This tank has containment on it.

ADJOURNMENT: A motion was made by Supervisor Dermody to adjourn the meeting at 9:15 PM; 2nd by Councilman Kudlack.
Motion Carried.

RESPECTFULLY SUBMITTED,

Kathleen A. Hallenbeck
Town Clerk