

**MINUTES
OF
THE TOWN OF RENSSELAERVILLE TOWN BOARD
REGULAR MEETING
DECEMBER 11, 2014**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 11th day of December, 2014 at 7 o'clock in the evening at the Rensselaerville Town Hall, 87 Barger Road, Medusa, NY. The meeting was convened by Supervisor Valerie Lounsbury and the roll was called with the following results:

PRESENT WERE: Attorney Tom Fallati
Supervisor Valerie Lounsbury
Councilman Robert Bolte
Councilwoman Margaret Sedlmeir
Councilman Gerald Wood
Councilwoman Marion Cooke
Town Clerk Victoria H. Kraker

Also present were Highway Superintendent Randy Bates, Code Enforcement Officer/Building Inspector Mark Overbaugh, Assessor Richard Tollner, Water/Sewer Treatment Officer Doug Story, Recycling Coordinator Jon Whitbeck, and Investigator Tracy Mance from the Albany County Sheriff's Department. Also present were three interested citizens.

AUDIENCE COMMENTS

None

MINUTES

A motion was made by Councilman Bolte to approve the minutes of the following meetings:

November 11, 2014– Work Meeting
November 13, 2014 – Regular Meeting
November 6, 2014 – Public Hearing – Tax Cap Override
November 6, 2014 – Public Hearing – Preliminary Budget
November 18, 2014 – Adoption of 2015 Budget
November 18, 2014 – Public Hearing – Gas Drilling Moratorium

The motion was seconded by Councilman Wood.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

TRANSFERS

None

ABSTRACTS/VOUCHERS

General Fund	\$34,388.75
Highway Fund	13,277.53
Lighting District	728.44 (Preston Hollow \$348.00; Rensselaerville \$380.44)
Sewer Fund	123.56
Water Fund	703.00
<u>TA Fund</u>	<u>371.52</u>
Total Abstracts	\$49,592.80

A motion was made by Councilman Bolte to pay all signed vouchers; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

CORRESPONDENCE

None

REPORTS

SUPERVISOR

1. A Special Meeting is scheduled for December 16, 2014 at 7:00 PM to continue the discussion on the Route 85 parking issue in the hamlet of Rensselaerville.

2. A motion was made by Councilwoman Cooke to schedule the Year-End Meeting for December 30, 2014 at 7:00 PM; 2nd by Supervisor Lounsbury.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

3. A motion was made by Councilwoman Sedlmeir to schedule the Organizational Meeting for January 2, 2015 at 7:00 PM; 2nd by Councilman Bolte.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

4. A motion was made by Councilwoman Cooke to allow the use of the Senior/Youth Bus by the Westerlo Volunteer Fire Department to go to the Desmond in January, pending the Town of Westerlo's approval for the trip; 2nd by Supervisor Lounsbury.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

5. Supervisor Lounsbury received two reports from the New York State Department of Agriculture and Markets. One was the Dog Control Officer Inspection

Report and the other was the Municipal Shelter Inspection Report. Both inspections were rated ‘Satisfactory’.

A motion was made by Councilman Bolte to accept the Supervisor’s report; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

ATTORNEY

1. Attorney Fallati prepared a proposed Resolution which allows the Town to apply to participate in the National Flood Insurance Program. This draft must be submitted to the Department of Environmental Conservation for approval.

A Local Law must be adopted and therefore a Public Hearing must be scheduled. A motion was made by Supervisor Lounsbury to schedule a Public Hearing for February 10, 2015 at 6:30 PM; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

The Resolution reads as follows:

RESOLUTION OF THE TOWN OF RENSSELAERVILLE TOWN BOARD

WHEREAS, the Town Board is in receipt of the proposed local law provided by the New York State Department of Environmental Conservation (“DEC”) by letter dated September 18, 2014, which proposed local law incorporates the regulations required to maintain the Town’s eligibility in the National Flood Insurance Program; and

WHEREAS, it is the desire of the Town Board to adopt the proposed local law provided by the DEC; and

WHEREAS, attached hereto is the proposed local law provided by the DEC, with the information requested by the DEC incorporated therein;

NEW THEREFORE, BE IT RESOLVED by the duly convened Town Board of the Town of Rensselaerville, Albany County, New York, that (1) the Attorney for the Town is authorized to forward to the DEC for its review the attached proposed local law; and (2) pursuant to the Municipal Home Rule Law and the General Municipal Law, a public hearing shall be conducted at the Town Hall on February 10, 2015 on the attached proposed Local Law, and notice of the time and place of such hearing shall be published on or before January 28, 2015 in a newspaper circulating in the Town.

By motion made by Valerie Lounsbury, and seconded by Margaret Sedlmeir, the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Rensselaerville on the 11th day of December 2014 as follows:

<u>Town Board Member</u>	<u>Yes</u>	<u>No</u>	<u>Absent/Abstain</u>
Valerie Lounsbury, Supervisor	X		
Marion Cooke, Councilwoman	X		
Robert Bolte, Councilman	X		
Margaret Sedlmeir, Councilwoman	X		
Gerald Wood, Councilman	X		

END RESOLUTION

2. Attorney Fallati read a Resolution which also needs to be adopted and presented to the DEC along with the above as follows:

RESOLUTION TO APPLY TO PARTICIPATE IN THE
NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, certain areas of the Town of Rensselaerville are subject to periodic flooding and flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of the Town Board of the Town of Rensselaerville to require the recognition and evaluation of flood or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to the New York State constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36;

NOW THEREFORE, BE IT RESOLVED, that this Town Board hereby:

1. Assures the Federal Emergency Management Agency that it will enact as necessary, and maintain in force for those areas having flood or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions, including:
 - a. Require permits for all proposed construction or other development in the community so that it may determine whether such construction or other development is proposed within the floodplain.

b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.

c. Review and maintain all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

d. Review and maintain all permit applications to ensure that any development activities are consistent with criteria set forth in Section 60.3 of the National Flood Insurance Program Regulations.

2. Vests the Town Building Inspector with the responsibility, authority, and means to:

a. Assist the Administrator, at his/her request, in the delineation of the limits of the area having special flood or flood-related erosion hazards.

b. Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain or flood-related erosion areas.

c. Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map, and identify floodplain of flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation or existing hazards.

d. Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.

e. Upon occurrence, notify the Administrator, in writing, whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Rate Maps accurately represent the community's boundaries, include with such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

f. Ensure that the community's Flood Insurance Rate Maps are maintained and kept current by providing the Federal Emergency Management Agency with any new or updated flood risk data or any modified data reflecting natural or man-made changes to the floodplain

3. Appoints the Town Building Inspector to maintain for public inspection and to furnish [upon] request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been flood proofed the elevation (in relation to mean sea level) to which the structure was flood proofed.

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

END RESOLUTION

A motion was made by Supervisor Lounsbury to certify the Resolution to Apply to Participate in the National Flood Insurance Program; 2nd by Councilman Bolte.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

A motion was made by Councilman Bolte to accept the Attorney's report; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

HIGHWAY DEPARTMENT

1. Highway Superintendent Bates reported that so far this year, approximately 36 inches of snow has fallen in the higher elevations and the Town has used close to 700 tons of salt/sand mix.

2. During a typical winter the highway responds to approximately 30 snow and/or ice events. Thus far, they are up to response number 15.

3. The trucks are in good shape overall.

4. There are many hanging and downed trees. The highway men are carrying chainsaws in their trucks, cutting their way through some areas, and hope to get to the major clean-up soon.

5. Superintendent Bates is looking at a truck that is available on-line from Greene County. It is an Oshkosh and would be used for parts.

A motion was made by Councilwoman Cooke to accept the Highway Superintendent's report, 2nd by Councilman Bolte.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

TOWN CLERK

Town Clerk Kraker reported for the month of November as follows:

Town Clerk Department – Total Collected \$2,271.14

Paid to the Supervisor - \$739.44 - the breakdown is as follows:

Clerk Fees	\$159.80
Recycling	86.00
Dog Licenses	117.00
Building Permits	366.64
<u>Zoning</u>	<u>10.00</u>

Total \$739.44

Fees paid to NYS Department of Agriculture & Markets for the 'Animal Population Control Program' aka 'dog surcharge': \$18.00
Electronic sweep from the Town Clerk's checking account for the NYS Department of Environmental Conservation - Sporting licenses: \$1,513.70

A motion was made by Councilman Bolte to accept the Town Clerk's report; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR

1. Code Enforcement Officer/Building Inspector Overbaugh reported one Home Replacement and one Home Addition for the month of November. He is continuing with inspections and following through on Certificates of Occupancy and Certificates of Compliance.

2. Officer Overbaugh wanted to bring to the Town's attention a barn on Smith's Corners that he suspects is about to collapse into the road. The way the 'unsafe building' law is written, the process to file a complaint must be commenced by someone who owns property within 1000 feet of the structure. Only after that filing can any action be taken. In the alternative, Officer Overbaugh will try to locate the owner to see if a resolution can be found.

A motion was made by Councilman Wood to accept the Code Enforcement/Building Inspector's report; 2nd by Councilwoman Cooke.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

ASSESSORS

1. On November 21, 2014, Assessors Kropp and Tollner and Assessor's Clerk, Linda McCormick attended R.P.S. (Real Property Services) training.

2. The Assessors are preparing to send renewal notices for the tax exemptions. Those exemption renewals must be returned to the Assessor's Office by March 1, 2015. They would also like to remind residents that anyone who will be 65 years of age by December 31, 2015 should apply for the Enhanced Star Exemption.

3. Assessors Tollner and Wank are on the budget committee for Greenville Central School.

4. Assessor Tollner has completed all coursework for certification and Assessor Wank continues to work on hers.

A motion was made by Councilman Bolte to accept the Assessor's report; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

WATER/SEWER COMMITTEE

1. Water/Sewer Treatment Officer Story reported that for the month of November, 575,500 gallons of water was filtered (an average of 19,183 gallons/day); and 190,000 gallons of sewage was pumped (an average of 6,333 gallons/day).

2. Shutting the water off to the Rensselaerville Park proved to be helpful in locating a major leak. The daily treated water is now down to between 16,000 and 18,000 gallons/day.

3. Any further investigations and/or repairs will have to wait for the weather to moderate.

A motion was made by Supervisor Lounsbury to accept the Water/Sewer Treatment Officer's report; 2nd by Councilman Wood.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

REFUSE/RECYCLING

Recycling Coordinator Whitbeck reported the following for the month of November:

Green Fiber: 9.52 tons

Rensselaer Iron & Steel: 3.69 tons

Tires: 27

City of Albany Landfill: 53.91 tons

Sierra Fibers: 4.91 tons

Oil: 30 gallons

A motion was made by Councilman Wood to accept the Recycling Coordinator's report; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

CURRENT EVENTS

1. The Town will be holding a Christmas luncheon for all employees on December 23, 2014 at 12:00 PM at Town Hall.

2. The Village Voices will be performing their Christmas concert on December 20, 2014 at 7:30 PM at Conkling Hall.

OLD BUSINESS

1. A Public Hearing was held on November 18, 2014 and written comments were accepted up through November 25, 2014 regarding the Gas Drilling Moratorium. Supervisor Lounsbury received ten emails, all of which indicated that residents were in favor of passing the Moratorium again this year.

Attorney Fallati read the Resolution as follows:

RESOLUTION OF THE
TOWN OF RENSSELAERVILLE
TOWN BOARD

WHEREAS, the Town Board of the Town of Rensselaerville, Albany County, New York, previously adopted Local Laws No. 3 of 2011, No. 2 of 2012, and No. 2 of 2013, which, in substance, place a moratorium on certain drilling and related activities in the Town; and

WHEREAS, the Town Board is considering a further extension of the moratorium, pending further review of proposed amendments to the Town's zoning law; and

WHEREAS, the Town board conducted a public hearing on the attached proposed Local Law No. 2 of 2014 on November 18, 2014; and

WHEREAS, the Town board has determined that it desires to continue the moratorium set out in the previous local laws; and

WHEREAS, this proposed moratorium constitutes a Type II action under the New York State Environmental Quality Review Act ("SEQR") for which SEQR review is not required; and

WHEREAS, the Albany County Planning Board has confirmed by notification its determination that the proposed action will have no significant countywide or inter-municipal impact and deferred to local consideration;

NOW THEREFORE, BE IT RESOLVED that the duly convened Town Board of the Town of Rensselaerville, Albany County, New York, ordains and enacts the attached Local Law No. 2 of 2014, which is incorporated herein.

By motion made by Valerie Lounsbury, and seconded by Margaret Sedlmeir, the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Rensselaerville on the 11th day of December 2014 as follows:

<u>Town Board Member</u>	<u>Yes</u>	<u>No</u>	<u>Absent/Abstain</u>
Valerie Lounsbury, Supervisor	X		
Marion Cooke, Councilwoman	X		
Robert Bolte, Councilman	X		
Margaret Sedlmeir, Councilwoman	X		
Gerald Wood, Councilman	X		

END RESOLUTION

2. The subject of Seasonal Roads was discussed at the November meeting, but the specific list was not addressed, therefore, the Town Board approved those roads as follows:

The Town Board of the Town of Rensselaerville wishes to inform the residents of the Town and the Public that the following roads are Limited Use Highways and will not be maintained from December 1, 2014 through April 1, 2015:

Gulf Road Extension from Gulf Road to the northerly end of State Lands;

Kenyon road from the intersection of Roney Road to CR 359;

Roney Road from last residential structure in from Pearson Road to the intersection of Kenyon Road;

Scutt Road from the southerly end of State Lands to CCC Road; and

Edwards Hill Road from 500 feet in from SR 145 to the top of the hill.

A motion was made by Councilwoman Cooke to approve the foregoing Seasonal Roads; 2nd by Councilman Bolte.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

NEW BUSINESS

1. A motion was made by Councilman Wood to appoint Steven Pflieger on a six-month trial basis for the position of Planning Board/Zoning Board of Appeals Clerk; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

2. A Public Hearing needs to be scheduled for the purpose of rescinding Local Law No. 1 of 2014 - the Tax Cap Override.

Attorney Fallati read the Resolution as follows:

RESOLUTION OF THE
TOWN OF RENSSELAERVILLE
TOWN BOARD

WHEREAS, on November 13, 2014, the Town Board adopted Local Law No. 1 of 2014, which permitted the Town to override the limit in the increase in the Town's assessment for Fiscal Year 2015 pursuant to Chapter 97 of the Laws of 2011; and

WHEREAS, the Town Board has determined that it will not incorporate a tax increase into its Fiscal Year 2015 budget in excess of the tax cap; and

WHEREAS, the town Board wishes to rescind Local Law No. 1 of 2014;

NOW THEREFORE, BE IT RESOLVED by the duly convened Town Board of the Town of Rensselaerville, Albany County, New York, that pursuant to the Municipal Home Rule Law and the General Municipal law, a public hearing shall be conducted at the Town Hall on January 6, 2015 at 6:30 PM on the attached proposed Local Law, and notice of the time and place of such hearing shall be published on or before December 31, 2014 in a newspaper circulating in the Town.

By motion made by Margaret Sedlmeir, and seconded by Gerald Wood, the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Rensselaerville on the 11th day of December, 2014 as follows:

<u>Town Board Member</u>	<u>Yes</u>	<u>No</u>	<u>Absent/Abstain</u>
Valerie Lounsbury, Supervisor	X		
Marion Cooke, Councilwoman	X		
Robert Bolte, Councilman	X		
Margaret Sedlmeir, Councilwoman	X		
Gerald Wood, Councilman	X		

END RESOLUTION

3. The resolution allowing the Highway Superintendent authority to bid on on-line auctions must be renewed quarterly. Supervisor Lounsbury read the following resolution:

RESOLUTION OF THE
TOWN OF RENSSELAERVILLE
TOWN BOARD

WHEREAS, from time-to-time, the Highway Superintendent has requested from the Town Board approval to bid on equipment available in an on-line auction; and

WHEREAS, the Town Board has found the auction process to be financially beneficial, allowing the Highway Superintendent to acquire useful equipment at a fraction of the cost of the acquisition of comparable new equipment; and

WHEREAS, Section 142(1) of the Highway Law permits the Town Board to authorize the Highway Superintendent to purchase equipment, tools and other implements to be used for highway maintenance, construction or reconstruction, snow plows or other devices for the removal of snow from the highways from monies appropriated for that purpose without prior approval of the Town Board, and in an amount or amounts to be fixed, from time to time, by the Town Board; and

WHEREAS, the Town board has determined that it is in the public interest to grant the Highway Superintendent such authority;

NOW THEREFORE, BE IT RESOLVED by the duly convened Town Board of the Town of Rensselaerville, Albany County, New York, that (1) the Highway Superintendent is authorized to bid on, and to purchase, equipment, tools and other implements to be used for highway maintenance, construction or reconstruction, snow plows or other devices for the removal of snow from the highways from monies appropriated for that purpose without prior approval of the Town Board, through March 31, 2015, up to an amount of \$20,000.00; (2) this resolution may be reviewed and re-approved quarterly; (3) the Highway Superintendent shall provide the Town Supervisor prompt notice of any bids and purchases made pursuant to this resolution; and (4) nothing in this resolution is intended to limit the Town Board's authority, by subsequent resolution, to modify or rescind this authority generally or with respect to a particular prospective purchase.

By motion made by Gerald Wood and seconded by Margaret Sedlmeir, the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Rensselaerville on the 11th day of December, 2014 as follows:

<u>Town Board Member</u>	<u>Yes</u>	<u>No</u>	<u>Absent/Abstain</u>
Valerie Lounsbury, Supervisor	X		
Marion Cooke, Councilwoman	X		
Robert Bolte, Councilman	X		
Margaret Sedlmeir, Councilwoman	X		
Gerald Wood, Councilman	X		

END RESOLUTION

4. A motion was made by Councilman Bolte to authorize Supervisor Lounsbury to sign the Shared Bus Service Contract and return it to the Town of Westerlo; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

5. A motion was made by Councilman Bolte to authorize Supervisor Lounsbury to sign the I.T.S. Contract as it is presented and return it to I.T.S.; 2nd by Councilman Wood. *Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)*

Councilwoman Sedlmeir and Councilwoman Cooke thanked everyone involved in getting the Newsletter off and running and for all the efforts that were put forth.

AUDIENCE COMMENTS

Investigator Tracy Mance will withhold any comments until the Special Meeting on the 16th regarding the Route 85 parking matter.

ADJOURNMENT

A motion was made by Councilman Bolte to adjourn the meeting at 8:08 PM; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)

RESPECTFULLY SUBMITTED;

Victoria H. Kraker
Town Clerk