

**MINUTES  
OF  
THE TOWN OF RENSSELAERVILLE TOWN BOARD  
WORK MEETING  
DECEMBER 9, 2014**

The Work Meeting of the Town Board of the Town of Rensselaerville was held on the 9<sup>th</sup> 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: Supervisor Valerie Lounsbury  
Councilman Robert Bolte  
Councilwoman Margaret Sedlmeir  
Councilman Gerald Wood  
Councilwoman Marion Cooke  
Town Clerk Victoria H. Kraker

Also present were seven interested citizens.

**AUDIENCE COMMENTS**

None

**MINUTES, VOUCHERS, AND BILLS**

Minutes to be accepted at the Regular Meeting on December 11, 2014:  
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

**TRANSFERS**

These will be addressed at the Regular Meeting on December 11, 2014.

**CORRESPONDENCE**

None

**REPORTS**

Reports from the Supervisor, Attorney, Highway, Town Clerk, Building Inspector/Code Enforcement Officer, Assessors, Water/Sewer Committee, and Recycling Coordinator will be given at the Regular Meeting on December 11, 2014.

### **OLD BUSINESS**

1. The Public Hearing regarding the Gas Drilling Moratorium held on November 18, 2014 was extended to allow the submission of written comments up through November 25<sup>th</sup>. Supervisor Valerie Lounsbury received emails from John Mormile, Diane Bischoff, Josh Friedman, Phyllis Fitzgerald, Tim Zinn, Dan and Nancy Hofstadter, Doug and Susan Story, John Knapp, Nora Logan and Joanna Bull. All are in favor of renewing the Gas Drilling Moratorium.

2. Supervisor Lounsbury read the list of seasonal roads which will be approved at the Regular Meeting on December 11, 2014.

### **NEW BUSINESS**

1. The Town received an application for the position of Planning Board/Zoning Board of Appeals Clerk. The Planning Board recommends appointing Steven Pflieger on a six month trial basis.

2. A Public Hearing will need to be set for the purpose of rescinding Local Law No. 1 of 2014 – Tax Cap Override. This is required in order for taxpayers to receive their rebates. A date of December 30, 2014 at 6:30 PM had been suggested.

3. The resolution authorizing the Highway Superintendent to participate in on-line auctions must be renewed.

### **STATE ROUTE 85 PARKING - PUBLIC COMMENTARY @ 7:30 PM**

Supervisor Lounsbury expressed her concerns over the Route 85 parking issues and falsities that have developed and grown over the course of the past several weeks. Firstly, she made it clear that the section of roadway in question only includes that portion of Main Street from Pond Hill to the bridge and does not include the entire hamlet. Also, at the last meeting the Board asked the attorney to look into the legalities of the Main Street parking issue. Supervisor Lounsbury will look into alternatives for parking, if any. No action was taken by the Board; it was discussion only.

Supervisor Lounsbury read two letters; one submitted by Diana Hinchcliff and the other by the Rensselaerville Historical Society.

***Diana M. Hinchcliff  
1396 County Route 351  
Rensselaerville, New York 12147***

*December 8, 2014*

*Hon. Valerie Lounsbury, Supervisor  
Hon. Marion Cooke  
Hon. Gerald Wood  
Hon. Margaret Sedlmeir  
Hon. Robert Bolte*

*Dear Supervisor Lounsbury and Members of the Town Board:*

*Thank you for the opportunity to present comments on potential parking restrictions on Main Street in the hamlet of Rensselaerville. This is a critical issue for the continued viability of the hamlet.*

*I am a 30-year resident of the hamlet. I live just outside the center of the hamlet and, like many others, often park on what is called "Main Street" to attend church, go to Conkling Hall, the Palmer House, the Grist Mill, the Way Out Gallery and the library or to visit those who live on that street. I also am an elder in the Rensselaerville Presbyterian Church and head of the Worship Committee, responsible for coordinating worship services for our congregation in the summer months when the church is open. I have in the past served on both the library and Conkling Hall boards of directors. And, I was involved in the NYS Department of Transportation's project to reconstruct Route 85 a number of years ago. I understand the current parking limitations for those who wish to visit these locations and how any change in the current parking pattern would affect residents, businesses and organizations.*

*I became concerned when I read the official minutes of the town board meeting of November 13 during which Councilman Bolte spoke about a need to curtail parking on Main Street. The minutes reported that Highway superintendent Bates had already contacted the New York State Department of Transportation about this. The minutes also reported several inaccurate statements regarding the current parking situation.*

*Also, I was informed that a deputy from the Albany County Sheriff's office had been either ticketing vehicles parked on Main Street or advising owners of vehicles to remove them from the street.*

*I wish to address the inaccurate statements in the minutes and enforcement by the sheriff's office, request information that was not discernable from the minutes and suggest a course of action going forward.*

*Inaccurate Statements about Parking on Main Street and Enforcement by the Sheriff's Office*

1. *The minutes reported that ‘the State did not place white line on [Main Street] to avoid the controversy of creating a parking enforcement issue’. This statement is inaccurate.*

*In my recollection, the NYSDOT did not paint a line down the center of the road because there is a standard for the distance between a center line and the curb and there was not enough room on Main Street to maintain this distance. The NYSDOT, which worked closely with the community and also with the New York State Office of Parks, Recreation and Historic Preservation during the entire project, recognized that the historic designations of the hamlet and its specific physical limitations require a departure from this requirement. I suggest that the town review NYSDOT’s files from the reconstruction project to confirm whether my memory is accurate.*

2. *The minutes reported that parking on Main Street is a violation of state law. This statement is inaccurate.*

*Parking is governed by section 1200 of the New York State Vehicle and Traffic Law. The law addresses parking that is prohibited by local law or ordinance and allows municipalities to regulate parking through an ordinance. However, there is no Town of Rensselaerville ordinance that regulates parking on Main Street. The law addresses parking when there are official signs prohibiting, restricting or limiting parking. There are no such signs on Main Street. The law allows police officers to order the driver or owner of an illegally parked vehicle to move it “to a position off the paved or main-traveled part of a road” and it prohibits vehicles from stopping, standing or parking outside of business or residence districts “when it is practicable to stop, park or...leave a vehicle... off the [road]”. Some residences on Main Street do not have driveways so the only place to park is in the street. Residences with driveways have limited parking and there are no parking lots or back street to provide a place for overflow parking such as for house guests and visitors; therefore, those vehicles must be parked on the street. It is not practicable, the language used in the law, for vehicles to be parked off Main Street.*

3. *The minutes reported that it was “understood that residents were allowed to park on the street due to the fact that some do not have driveways, and it has been grandfathered in”. Also that “the state did not place white lines on the section of highway to avoid the controversy of painting a white line and creating a parking enforcement issue”. These statements are inaccurate.*

*In my recollection, prior to the NYSDOT reconstruction of Route 85, vehicles would be parked on both sides of Main Street. NYSDOT wanted to ensure that through traffic and emergency vehicles would have access as needed. However, NYSDOT also recognized that it was not possible to eliminate parking completely from Main Street due to the physical limitations discussed previously. The solution was to restrict parking to one side of the road, which did indeed cause a controversy. However, it was the best possible solution. NYSDOT was in communication with Albany County government so presumably Albany County approved the new parking pattern. NYSDOT would not have deliberately flouted the law. It did, however, create a solution that respected the hamlet’s historic designations and physical limitations.*

*Request for Information*

1. *The minutes of the town board meeting do not indicate that a vote was taken to create an ordinance to ban parking on Main Street.*

*Question: Did the town board vote to create an ordinance to ban parking on Main Street?*

2. *Presumably, the sheriff's office responded to a request to advise owners of vehicles parked on Main Street to remove those vehicles from the street.*

*Question: Did the town board or the supervisor make an authorized formal request to the sheriff's office to either ticket vehicles parked on Main Street or advise the owners to move their vehicles off the street? If the town board or the supervisor did not make such a request, what caused the sheriff's office to take this action? Shouldn't the sheriff's office have asked for a formal request from the town?*

*Recommendations for a Course of Action*

1. *Before any action is taken to restrict or prohibit parking on Main Street, it should be established that there is a need to do so. The town should produce data such as the number of recorded accidents, emergency services' reports of inability to travel through Main Street due to parking and any other evidence to support the need for restricting parking. Hearsay and opinion is not evidence.*

2. *If the issue is indeed that certain types of traffic, such as vehicles traveling at high speed or large or heavy trucks traveling through the hamlet, need to be restricted or banned, it would be wiser to address these conditions through targeted actions, such as adopting a lower speed limit, posting speed limit signs and prohibiting trucks over a certain size and weight instead of a blanket prohibition on parking.*

3. *Restricting or prohibiting parking on Main Street would have a significant and deleterious effect on local businesses and organizations, on property values of residences and on residents' ability to have guests and visitors. Any action of this kind should be undertaken only after close consultation with residents, organizations, businesses and others that would be affected. Any such action must not grossly inconvenience residents, cause businesses to experience loss of customers, cause organizations to experience loss of patrons, contravene the historic designations of the hamlet or change the historic character of the hamlet.*

*I would be pleased to offer whatever help I can to the town, both as a resident of the hamlet and a representative of the Presbyterian Church, to perform a thorough investigation into parking and traffic on Main Street, determine whether a situation exists for which a remedy is required and recommend actions to resolve the issues identified.*

*Sincerely,*

*Diana M. Hinchcliff*

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*RENSELAERVILLE HISTORICAL SOCIETY*

*P.O. Box 8*

*Rensselaerville, NY 12147*

*To: Rensselaerville Town Board*

*Re: Public Comment on the matter of public parking on the upper Main St. of the hamlet of Rensselaerville*

*On behalf of the officers, trustees and members of the Rensselaerville Historical Society, I would like to thank the Town Board for investigating the need for regulation of access and use of the Rt. 85 portion of the Main St. in the hamlet of Rensselaerville. Any regulation of traffic should be based on accurate data, and as owner/occupants of the Grist Mill for nearly 40 years, the Historical Society has a good deal of information and experience to share.*

*First, there is the issue of parking. The Grist Mill is open to the public for limited hours on two days each week for about half the year. We have room for as many as four cars on the property, and our members tend to use this space regularly. However, parking in the driveway leading down to the entrance tends to make access problematic for those with limited mobility. In order to help with traffic flow, the NYS DOT some years ago limited parking to the north side of the Main St., opposite the Mill. To help with the general problem of limited space on the Main St., we could work with the E.N. Huyck Preserve to direct our members and patrons to park in the Preserve lot across the street if they are willing to make it available. We realize that private property owners sharing their space for others to park often involves liability and insurance issues that are difficult to sort out, but we will try to be cooperative neighbors.*

*Second, there are questions involving road design and engineering. Although designated a State road, the Main Street retains the original dimensions of the 19th century Turnpike that it once was. The proximity of the buildings to the street forbids any changes that will materially alter the amount of space left for vehicles. And the engineering of the roadbed is also not commensurate with modern standards. This was evident when extensive excavation was done for the village water and sewer systems over 20 years ago. It is also evident in the condition of the retaining wall that supports the overhanging portion of the Grist Mill while also holding up the roadbed. Originally designed to accommodate horse and wagon traffic, the wall began to buckle in the mid -1980s, and over time began to fail. There are several contributing factors but after 25 years working with DOT engineers and designers, we believe the most likely are a combination of two things; the freeze/thaw cycles aggravated by plowed-up snow along the south side of the street, leeching behind the old stone wall, and the vibration and compression caused by oversize and overweight vehicles on the roadbed.*

*NYS DOT has, over the years, installed a substantial supporting structure for the wall that ensures the road and the Mill will remain in their respective places, but the vibrations created by massive vehicles for which the road was never designed and which are completely unsuited to the physical conditions of the hamlet Main St. are a long-term threat to the structure of every building along the road. This vibration was made even worse by the bumps and holes and ridges that were only recently smoothed by the resurfacing completed in September.*

*Finally, we offer our observations of forty years on the Main Street. We have seen no automobile accidents involving or caused by parked cars. We have seen accidents involving oversize vehicles that were unable to negotiate the corner where the bridge over the Ten Mile Creek meets the end of Rt. 85, one involving extensive property damage to a private home and one in which the bridge guard rail was torn from its footing.*

*The Historical Society is very proud of its long service to the Town. Most recently we have worked with the Town and with the Rensselaerville Fire Company to rehabilitate and repair the Mill Dam damaged by Hurricane Irene so that emergency fire protection would be enhanced for the district. We very much appreciate the spirit of cooperation we have shared with the Town over the years and look forward to continuing to work together to resolve any questions regarding road use in the hamlet.*

*Thank you for this opportunity.*

*Ken Storms, President*

*Ken Fritz, Vice President*

*Irene Olsen, Treasurer*

*Claire Leber, Secretary*

*Trustees: Tony Campo, Joyce Chase, Tom Delp, Barry Kuhar, Janet Haseley,*

*Matt Mulholland, Janet Nelson, Garret Platel, Cynthia Willis*

At 7:47 PM Highway Superintendent Randy Bates apologized for interrupting the meeting, but felt it urgent to advise the Board of the extreme weather conditions. He stated that roads were becoming impassible in Rensselaerville, the highway trucks were getting stuck, and there were hundreds of trees down. He highly recommended that the meeting be adjourned to allow people to get home.

## **ADJOURNMENT**

A motion was made by Councilwoman Cooke to adjourn the meeting at 7:48 PM; 2<sup>nd</sup> by Councilwoman Sedlmeir.

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

**RESPECTFULLY SUBMITTED;**

Victoria H. Kraker  
Town Clerk