

**MINUTES
OF
THE TOWN OF RENSSELAERVILLE TOWN BOARD
REGULAR MEETING
APRIL 9, 2015**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 9th day of April 2015 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 Derek Sellman
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, 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 five interested citizens.

AUDIENCE COMMENTS

1. Marie Dermody noted that there were two places in the draft minutes of the March Regular meeting which did not indicate where a vote was taken after a motion had been made. She clarified by stating that the vote was in fact taken at the meeting, but that it was omitted when the minutes were drafted.

2. Mrs. Dermody expressed her concerns over the manner in which the Executive Session was called at the previous Work Meeting. She handed out an excerpt from the *Committee on Open Government* and directed the Board's attention to the last page where an 'advisory opinion' was given on the subject of 'Executive Session' and the adequate language used to request such a session. She stated that calling an Executive Session to 'discuss personnel' does not satisfy the requirements of the law. She asked the Board to review this and in the future to be more specific with the reason(s) for calling for an Executive Session.

Councilwoman Cooke stated that Councilman Bolte did in fact add more detail following his request to discuss personnel when he called for an Executive Session at the Work Meeting. Councilman Bolte confirmed that he added the phrase 'job classification' after his initial request.

Councilman Wood noted that he read in the book published by “The Association of Towns” that the Board *can* announce that they are going into Executive Session for personnel reasons.

MINUTES

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

- March 10, 2015 – Work Meeting
- March 12, 2015 – Regular Meeting *

The motion was seconded by Councilwoman Cooke

*With corrections as noted above in ‘Audience Comments’.

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

TRANSFERS

None

ABSTRACTS/VOUCHERS

General Fund	\$52,354.84
Highway Fund	16,230.70
Lighting District	1,489.44
Sewer Fund	84.38
Water Fund	70.00
T & A Fund	5,512.08
Total	\$75,741.44

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

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

CORRESPONDENCE

None

REPORTS

SUPERVISOR

1. Supervisor Lounsbury reported that she would like to hire Bennett’s Cleaning Service for Town Hall. His base rate is \$75.00 and \$25.00 per hour for each additional

man. After the initial thorough cleaning, he would come on a monthly basis. There is no contract that needs to be entered into.

A motion was made by Councilman Bolte to hire Bennett's Cleaning Service to clean Town Hall; 2nd by Councilwoman Sedlmeir.

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

2. Supervisor Lounsbury prepared a clarification that she read as follows:

March 24, 2015

A Special meeting was held by the Town Board on January 21, 2015. The purpose of this meeting was to meet with 2 representatives from the County Comptroller's office, and the representative from SUNY New Paltz to discuss the proposed Albany County Government Efficiency Program and how the program would help with the Property Tax Freeze Credit requirements for Local Governments.

In an effort to offer all Town board members the opportunity to attend this informational meeting, listen to the information being presented, and ask any questions they may have had, I had the meeting advertised as a Special meeting as a quorum would be present. This was an INFORMATIONAL meeting only. NO business was to be transacted.

The Town Clerk/Tax Collector's Deputy was out of the office attending training classes on this day. Because this meeting was in the middle of tax collection season, a very busy time for the Town Clerk/Tax Collector, I told the Town Clerk/Tax Collector that we could just record this meeting as NO business would be transacted. Minutes from this meeting were prepared from the recording, approved, and posted as are all other meeting minutes so that a record of what was discussed at this meeting would be available for the record.

At the March 12th Town board meeting questions were raised as to the Town Board holding a meeting without the Town Clerk present. Due to the fact that NO business would be transacted at this special meeting I did not feel that it was necessary to have the Town Clerk present due to the extenuating circumstances on this particular day, however, the question was raised so I contacted the Association of Towns and spoke with Katy in the Legal Department.

Katy explained:

1: Yes, I was correct in advertising this meeting as a Special meeting because a quorum would be present.

2: Yes, the Town Clerk is required to be present at Town Board meetings BUT a meeting where NO business will be conducted the Town Clerk is not required to attend and it is not necessary for any minutes to be prepared.

I feel that this clarification of the issue raised regarding the January 21 meeting is very important as there was no violation of town law.

END LETTER

A motion was made by Councilwoman Cooke to accept the Supervisor's report; 2nd by Councilman Wood.

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

ATTORNEY

1. Attorney Sellman reported that he has been in contact with Mid-Hudson Cable and is working on a cable franchise agreement that is up for renewal.

2. Attorney Sellman has also been working on the proposed Noise Ordinance, but will expand upon this later on in the meeting.

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. Superintendent Bates reported that the Highway Department will resume their summer hours: ten-hour days Mondays through Thursdays commencing April 27, 2015 and continuing through mid-October.

2. The Highway will present their annual contract at the Regular meeting in May.

3. Superintendent Bates has requested several quotes for rental of a sweeper. Three companies have responded: Finke Equipment at \$1,950/month; Abele at \$2,100/month; and Carver at \$2,375/month. Superintendent Bates would like to accept the quote from Finke.

A motion was made by Supervisor Lounsbury to allow Superintendent Bates to accept the quote from Finke Equipment at \$1,950/month for the sweeper; 2nd by Councilman Bolte.

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

4. There is a lot of ditching and cleaning that needs to be done. The Town's excavator works poorly at best and must be trailered everywhere it goes. Its durability is also in question. In order to be productive and make the best use of time, Superintendent Bates requests that he be approved to rent an excavator for one month. Superintendent Bates asked for several quotes for the rental, but only received two responses: one from Finke Equipment at \$3,755.39 and the other from Abele at \$4,195.

A motion was made by Councilman Wood to allow Superintendent Bates to accept the quote from Finke Equipment at \$3,755.39/month for the excavator; 2nd by Councilwoman Sedlmeir.

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

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

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

TOWN CLERK

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

Town Clerk Department – Total Collected \$1,136.25

Paid to the Supervisor - \$1,020.94 the breakdown is as follows:

Clerk Fees	78.94
Recycling	15.00
Dog Licenses	182.00
Building Permits	150.00
Zoning	275.00
Planning	300.00
<u>Senior/Youth Bus Donations</u>	<u>20.00</u>
Total	\$1,020.94

Fees paid to NYS Department of Agriculture & Markets for the 'Animal Population Control Program' aka 'dog surcharge': \$35.00

Electronic sweep from the Town Clerk's checking account for the NYS Department of Environmental Conservation - Sporting licenses: \$80.31

Water Rents for the month totaled \$9,181.35 which includes \$24.61 in penalties, and Sewer Rents totaled \$5,243.82 which includes \$52.37 in penalties.

Town Clerk Kraker also reported that approximately 83% of the 2015 property taxes have been collected which is very close to last year.

A motion was made by Supervisor Lounsbury to accept the Town Clerk's report; 2nd by Councilman Wood.

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

CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR

The Code Enforcement Officer/Building Inspector's report was read by Supervisor Lounsbury due to his absence. One building repair permit for \$100.00 and one solar panel permit for \$50.00 was collected for the month of March. Officer Overbaugh's report indicated that twelve R.V. permits have been paid thus far. His report also indicated that he has attended two classes to date.

A motion was made by Councilman Wood to accept the Code Enforcement/Building Inspector's report as read by Supervisor Lounsbury; 2nd by Supervisor Lounsbury.

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

ASSESSORS

1. Assessor Tollner reported that the Assessor's Office has been busy working on the Tentative Roll. If anyone has questions or concerns they should feel free to contact the Assessor's Office and they will be happy to answer any questions and to discuss any concerns.

2. Grievance Day is Tuesday May 26th.

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 March 532,580 gallons of water was filtered (an average of 17,180 gallons/day); and 192,175 gallons of sewage was pumped (an average of 6,225 gallons/day).

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

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

REFUSE/RECYCLING

1. Recycling Coordinator Whitbeck reported that the iron bin has thawed out and the money received from the 3.82 tons has more than covered the cost of the electronics recycling.

City of Albany	52.54 tons
Sierra Fibers	7.13 tons
Oil	54 gallons
Rensslear Iron & Steel	3.82 tons
Tires	-0-

2. Now that the recyclables are ‘single-stream’, all plastics and glass along with paper are being placed in one bin. Recycling Coordinator Whitbeck reported that one bin simply isn’t enough to handle all the recyclables, so going forward he will have two bins. Residents may place all their recyclables in either bin. (A reminder - it would help if cans were placed in the metal bin – labels off and cleaned.)

A motion was made by Supervisor Lounsbury 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. Supervisor Lounsbury reminded all about the Middleburgh Library budget vote coming up on April 28, 2015 from Noon to 8:00 PM at the Middleburgh Library.

2. A blood drive will be held at the Rensselaerville Volunteer Ambulance building on April 18, 2015 from 7:30 AM to 12:30 PM

3. The Senior’s luncheon will be held on April 14th at Noon and Investigator Tracy Mance will be the guest speaker. Investigator Mance will be providing important information on safety, emergency services, disaster preparedness, how to protect your home from break-ins, and special needs.

OLD BUSINESS

1. The proposed Noise Ordinance is in its early stages. Several Councilpersons expressed their views on the noise ordinance and it has been decided that a Special Meeting should be scheduled for the purpose of discussing this matter. Attorney Sellman strongly suggested that the wording of the ordinance be very specific so as to not impinge upon the First Amendment Freedom of Speech. He also stated that it is important to have the document drawn narrowly so that violations are specific enough to be enforceable.

A Special Meeting for Tuesday, April 28, 2015 at 7:00 PM has been scheduled.

2. Supervisor Lounsbury received a response from the New York State Department of Transportation regarding the proposed 20 mph speed limit in the hamlet of Rensselaerville. A 20 mph speed limit is not allowed by the Vehicle and Traffic Law.

The only exceptions are school zones, on bridges to avoid further structural damage, on highways under the jurisdiction of Parks and Recreation, and EZ Pass Lanes. Other exceptions are those that are signed into law by the governor and most of those locations are on Long Island.

NEW BUSINESS

1. At the Work Meeting Supervisor Lounsbury opened and read all bids for the Highway Department, and for the porta-potties and mowing of the parks. The following is a breakdown of the winning bidders and the materials and/or services which they will be providing. All bids were accompanied by a Non-Collusive Bidding Certificate.

Carver Sand & Gravel: per ton

1A Washed – FOB	\$11.00 * Tied
1A Washed – Delivered to yard	15.15
1A Washed – Delivered to job	15.47
1B Washed – Delivered to yard	12.15
1B Washed – Delivered to job	12.47
1 st Washed – FOB	8.00
1 st Washed – Delivered to yard	12.15
1 st Washed – Delivered to job	12.47
#1 Washed – FOB	8.25 * Tied
#1 Washed – Delivered to yard	12.40
#1 Washed – Delivered to job	12.72
#2 – Delivered to yard	12.40
#2 – Delivered to job	12.72
#3 – Delivered to yard	12.40
#3 – Delivered to job	12.72
Screenings – Delivered to yard	12.40
Screenings – Delivered to job	12.72
Crusher Run – Delivered to yard	10.80
Crusher Run – Delivered to job	11.12
Light Stone – Delivered to yard	14.15
Light Stone – Delivered to job	14.47
Medium Stone – FOB	11.00
Medium Stone – Delivered to yard	15.75
Crusher Run in Place w/Paver	18.00 (<600 tons)
Crusher Run in Place w/Paver	16.25 (>600 tons)
ROB Gravel – FOB	4.90cy
#1 & #2 Mixed – FOB	8.25 * Tied
#1 & #2 Mixed – Delivered to yard	12.40
#1 & #2 Mixed – Delivered to job	12.72

Cobleskill Stone: per ton

1A Washed - FOB	11.00 * Tied
#1 Washed – FOB	8.25 * Tied
Medium Stone – Delivered to job	16.30
#1 & #2 Mixed – FOB	8.25 * Tied
Type 1 Base – Delivered to job	62.00
Type 3 Binder – Delivered to job	63.00
19 MM Binder – Delivered to job	63.00
Type 6 Top – FOB	57.25
Type 6 – Delivered to job	66.00
Type 7 Top – FOB	61.25
Type 7 Top – Delivered to job	70.00
Winter Mix – FOB	88.00 * Tied

Callanan: per ton

1B Washed – FOB	6.50
#2 – FOB	8.20
#3 – FOB	8.20
Screenings – FOB	6.50
Crusher Run – FOB	6.50
Light Stone – FOB	9.70
Type 1 Base – FOB	52.00
Type 1 Base – In Place	62.80
Type 3 Binder – FOB	54.00
Type 3 Binder – In Place	64.80
19 MM Binder – FOB	54.00
19 MM Binder – In Place	64.80
Type 6 Top – In Place	69.80
Type 7 Top – In Place	72.80

Gorman Bros.:

Winter Mix – FOB	88.00/ton *Tied
Winter Mix – Delivered to yard	95.50/ton
Grade CMS-2r	2.58/gal
Grade CRS-2 – Delivered to job	2.42/gal
Grade CRS-2p – Delivered to job	2.53/gal
Grade CMS-2 – Delivered to job	2.59/gal
Tack Coat – Delivered to job	4.50/gal
Liquid Calcium – Delivered to job	.92/gal
Dust Oil	3.50/gal
Chip Spreader w/Operator – ½ Day	1,200.00

Chip Spreader w/Operator – Full Day 1,200.00

10T Pneumatic Roller w/Operator – ½ Day 900.00

10T Pneumatic Roller w/Operator – Full Day 1050.00

Pavement Reclaimer w/Operator ½ Day 3,800.00

Pavement Reclaimer w/Operator – Full Day 3,950.00

Midland Paver or Equal 1,800.00

Chemung Supply: per square yard

Geotextile Fabric Non-Woven – Delivered .50

Geotextile Fabric Woven – Delivered .50 * Tied

Expanded Supply: per linear foot

4” HDPE Pipe Corrugated – Delivered .40

6” HDPE Pipe Corrugated – Delivered 1.07

8” HDPE Pipe Corrugated – Delivered 2.05

10” HDPE Pipe Corrugated – Delivered 4.15

12” HDPE Pipe Smooth - Delivered 4.95

15” HDPE Pipe Smooth – Delivered 6.40

18” HDPE Pipe Smooth – Delivered 9.40

24” HDPE Pipe Smooth – Delivered 14.67

30” HDPE Pipe Smooth – Delivered 23.67

36” HDPE Pipe Smooth – Delivered 30.10

42” HDPE Pipe Smooth – Delivered 42.29

48” HDPE Pipe Smooth – Delivered 51.50

H.D. Supply: per square yard

Geotextile Fabric Woven – Delivered .50 * Tied

Main Care:

Unleaded Gas (Regular) – Fixed 2.13/gal

Unleaded Gas (Mid) – Fixed 2.19/gal

No. 2 Heating Oil – Fixed 2.33/gal

Mirabito:

Diesel (Low Sulfur) Fixed 2.20/gal

Diesel/Kerosene (Winter) Fixed 2.29/gal

Heating Service Contract 289.00/unit

Additional Labor Rate – Regular Time 89.00/hour

Royal Flush Portables :

Rensselaerville Park : One Standard Toilet \$73.50/month (includes one cleaning per week) April 15 through October 15, 2015

Medusa Park: One Standard Toilet \$73.50/month (includes one cleaning per week)
April 15 through October 15, 2015

Bayard Elsbree Memorial Park: One Standard Toilet \$73.50/month April 15
through July 15, 2015 and One Handicap Toilet \$115.00/month May 15
through October 15, 2015 and includes one cleaning per week.

Barbara's Mowing:

Rensselaerville Park	\$1,229.00
Medusa Park	919.00
Bayard Elsbree Park	3,424.00

A motion was made by Councilman Wood to accept the fixed bids for the fuel prices; 2nd by Councilwoman Cooke.

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

A motion was made by Councilwoman Cooke to accept the lowest bids for the highway materials, mowing and porta-potties; 2nd by Councilwoman Sedlmeir.

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

A motion was made by Councilwoman Cooke to accept the lowest bids on the fuel products and service contracts; 2nd by Councilman Bolte.

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

2. The Rensselaerville Volunteer Fire Department has requested the use of the Senior/Youth bus to transport their members to the Clarksville 911 Emergency Center for training on April 13, 2015.

A motion was made by Councilman Bolte to allow the Rensselaerville Fire Company use of the bus; 2nd by Councilwoman Sedlmeir.

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

3. Supervisor Lounsbury needs authorization to sign the Advanced Life Support contract from the Albany County Sheriff's Department. This year's amount is \$49,943.93 an increase of \$419.55 over last year.

A motion was made by Councilman Bolte authorizing Supervisor Lounsbury to sign the Albany County Advanced Life Support contract for \$49,943.93; 2nd by Councilwoman Sedlmeir.

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

AUDIENCE COMMENTS

1. Claire Ansbro-Ingalls and Dawn Gibson attended the meeting to represent “Kenneth’s Army”; an organization and business which was founded due to the death of 5-year-old Kenneth White. Claire and Dawn are organizing a motorcycle ride called “Kenneth’s Ride”. Proceeds will benefit a scholarship fund for a Berne-Knox-Westerlo student furthering their education in the field of Social Services. The ride will be on June 6, 2015 at Thacher’s Park. Registration is at 10:00 AM at the main entrance – Hailes Cave Pavilion. They are asking for everyone’s support: \$20.00 /bike; \$30.00 w/passenger; \$15.00 for walk-ins; and children under 12 are free. Sheriff Craig Apple will be the lead biker and Senator George Amedore will also be there to show his support. There will be a D.J. and BBQ. “Kenneth’s Army” is a legal business and checks may be made payable to “Kenneth’s Army”, P.O. Box 105, Knox, NY 12017.

2. Marie Dermody inquired about the status of the draft Zoning Law. Supervisor Lounsbury responded that she is awaiting a response from the Planning and Zoning chairmen.

3. Marie Dermody inquired about the employee tardiness policy. Supervisor Lounsbury informed her that the tardiness policy has been abandoned and tardiness will be handled by the Highway Superintendent under the Civil Service Law.

Councilman Wood stated that there was a tardiness policy in the Employee Handbook. Superintendent Bates has developed a form using most of the language from that Employee Handbook.

4. Marie Dermody inquired about the money for the Lighting District. Supervisor Lounsbury explained that it must be put into the budget before it can be transferred. It was Mrs. Dermody’s understanding that the money needed to be paid back as soon as the new budget kicked in. Supervisor Lounsbury will check into the matter again.

ADJOURNMENT

A motion was made by Councilman Bolte to adjourn the meeting at 8:26 PM; 2nd by Councilwoman Sedlmeir.

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

RESPECTFULLY SUBMITTED;

Victoria H. Kraker
Town Clerk