

**MINUTES
OF
THE TOWN OF RENSSELAERVILLE TOWN BOARD
REGULAR MEETING
AUGUST 13, 2015
7:00 PM**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 13th day of August 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 Thomas Fallati
Supervisor Valerie Lounsbury
Councilwoman Margaret Sedlmeir
Councilman Gerald Wood
Councilwoman Marion Cooke
Town Clerk Victoria H. Kraker

ABSENT WAS: Councilman Robert Bolte

Also present were Code Enforcement Officer/Building Inspector Mark Overbaugh, Water/Sewer Treatment Officer Doug Story, and Recycling Coordinator Jon Whitbeck. Also present were twelve interested citizens.

AUDIENCE COMMENTS

None

MINUTES

Councilwoman Cooke noted a correction to the July 9, 2015 Regular Meeting, page 6 paragraph 5 under the Highway Superintendent's report, where the word 'paver' should have read 'roller'.

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

June 30, 2015 – Special – Authorized purchase of used Oshkosh
July 7, 2015 – Public Hearing – Noise Ordinance
July 7, 2015 – Work Meeting
July 9, 2015 – Regular Meeting ***
July 19, 2015 – Special - Resignation of Clerk 1, Sarah Hunt

July 28, 2015 – Special – Appointment of Interim Clerk 1, Linda McCormick

*** with correction as noted above.

The motion was seconded by Councilwoman Sedlmeir.

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

TRANSFERS

None

ABSTRACTS/VOUCHERS

General Fund	54,080.90
Highway Fund	172,122.48
Lighting District	656.35
Sewer Fund	482.04
Water Fund	832.05
T & A Fund	5,810.87
Total	\$233,984.69

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

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

CORRESPONDENCE

Supervisor Lounsbury will address this later in the meeting as it pertains to a request for use of the Senior/Youth Bus.

REPORTS

SUPERVISOR

1. Supervisor Lounsbury announced that about 95% of the departmental budget requests have been returned to her. She will begin entering those figures for the budget.
2. The interim clerk has been working out very well. She has been doing a great job and has had a very successful week.

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

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

ATTORNEY

1. Following through on the situation on Olmo Road, Attorney Fallati stated that he has been in contact with Jon Kosich, attorney for the landowner on Olmo Road. Attorney Fallati has been notified that Mr. Kosich's client has agreed to replace the lock with a clasp that can be opened by hand.

A motion was made by Supervisor Lounsbury to accept the Attorneys report; 2nd by Councilwoman Cooke.

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

HIGHWAY DEPARTMENT

No report

TOWN CLERK

Town Clerk Kraker reported on the Canon copier. The copier has been cleared of all data/memory. The Town must submit a final payment of \$384.00. Receipt of final payment will in turn generate instructions on how and where to return it.

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

Town Clerk Department – Total Collected \$990.50

Paid to the Supervisor - \$955.88 - the breakdown is as follows:

Clerk Fees	\$125.38
Recycling	103.50
Dog Licenses	77.00
Building Permits	435.00
Zoning	175.00
<u>Senior/Youth Bus Donations</u>	<u>40.00</u>
Total	\$955.88

Fees paid to NYS Department of Agriculture & Markets for the 'Animal Population Control Program' aka 'dog surcharge': \$11.00;

Electronic sweep from the Town Clerk's checking account for the NYS Department of Environmental Conservation - Sporting licenses: \$23.62;

Water Rents for the month totaled \$3,529.85 which includes \$33.24 in penalties, and Sewer Rents totaled \$2,947.71 which includes \$29.19 in penalties.

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

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR

1. Code Enforcement Officer/Building Inspector Overbaugh reported for the month of July two Repair Permits, one Agricultural Use Permit, one Solar Panel Permit, one New Accessory Permit, and one Deck Permit.
2. Officer Overbaugh reported that he has been in contact with the owner of the unsafe buildings on County Route 354. The property owner needs a 'letter of condemnation' for the City of Albany and the Department of Labor. This letter is needed due to the issue with the asbestos. Once that is complete, the owner will get estimates and have the barns demolished.
3. Reports of two 'resort' businesses have been received by Officer Overbaugh. Neither of these businesses have Special Use Permits. Officer Overbaugh will be following through will these matters.
4. A voucher has been submitted for Officer Overbaugh to attend a class. Thus far, Greenville has been covering the costs of Officer Overbaugh's training.
5. The bill for the new Zoning maps is \$85.00.

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

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

ASSESSORS

No report

WATER/SEWER COMMITTEE

1. Water/Sewer Treatment Officer Story reported that for the month of July 343,100 gallons of water was filtered (an average of 11,600 gallons/day). Officer Story stated that this was the lowest it's been in approximately a years' time. He feels that these numbers indicate progress in closing off the loss that has been experienced in the past.
2. 238,680 gallons of sewage was pumped (an average of 7,956 gallons/day).
3. Officer Story brought in a water sample he had taken just a few hours prior and it was only slightly tinted. Officer Story received several complaints within the past week or two about the water not being quite 'up to snuff'. The filtration system has been working

at its' limits with all the sediment that is in the water. Officer Story brought in a water sample he had taken just a few hours prior. It was still slightly tinted, but much better than it had been.

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

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

REFUSE/RECYCLING

1. Recycling Coordinator Whitbeck reported the following for the month of July:

E-Waste:	0.996 ton
Rensselaer Iron & Steel:	3.61 tons
Tires:	19
City of Albany Landfill:	66.11 tons
Sierra Fibers:	Comingled 6.15 tons and O.C.C. 5.26 tons
Oil:	30 gallons

2. Both Iron Horse and DeGennaro's will be submitting an estimate for repairing the containers.

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

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

CURRENT EVENTS

1. Councilwoman Cooke, on behalf of Donna Kropp announced that the Trinity Episcopal Church of Rensselaerville is hosting a "Good Neighbor" bible day camp August 24th through 28th. They are looking for children to sign up. The camp is open to children ages 4 through 12 and activities are scheduled from 10 AM until noon. Day one will consist of a visit to the Rensselaerville Historical Society and E.N. Hyuck Preserve; day two, children will get a tour of the Lewis Dale Farm; day three will be a tour of the Library; day four, a visit to the Rensselaerville Fire Department; and day five 'neighbors as artists'.

OLD BUSINESS

1. Supervisor Lounsbury reminded everyone that the Public Hearing for the proposed Zoning Law will be held on Tuesday, August 18th at 7:00 PM.

NEW BUSINESS

1. Mr. & Mrs. Porpiglia wished to express their concern over Edwards Hill Road where they live. They have been told year after year that the road would be paved. They are concerned about the wash-off having made ruts at the end of their driveway and also the fact that a portion of Fish Road only a few hundred feet from their residence has been paved. Supervisor Lounsbury took their phone number and ensured them that she would contact Highway Superintendent Bates and then get back to them.

2. Supervisor Lounsbury announced that she received two applications for the position of Clerk 1. Linda McCormick was one and the other withdrew her application when she learned that she would not be allowed to perform the duties of Clerk 1 during evening hours and weekends. Supervisor Lounsbury would like to appoint Mrs. McCormick as Clerk 1.

A motion was made by Councilwoman Cooke to appoint Linda McCormick as Clerk 1 to the Supervisor; 2nd by Councilman Wood.

Supervisor Lounsbury mentioned that the position would be for 20 hours per week at \$19.90 per hour.

Marie Dermody recommended that the motion be amended to include that information.

A motion was made by Councilwoman Cooke to appoint Linda McCormick for 20 hours per week at \$19.90 per hour.

Mrs. Dermody inquired if Mrs. McCormick would now be on payroll. Supervisor Lounsbury confirmed that Mrs. McCormick would now be on payroll as she was previously being paid as an independent contractor for the interim clerk position. Mrs. Dermody felt that because there would be a change in the method of payment, that should also be part of the motion.

A motion was made by Councilwoman Cooke to put Linda McCormick on the payroll for \$19.90 per hour for 20 hour per week as Clerk 1; 2nd by Councilman Wood.

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

3. Supervisor Lounsbury recapped what the Assessors had put forth at the Work Meeting this past Tuesday. They suggested absorbing the duties of the clerk; dividing the responsibilities among the three of them. Supervisor Lounsbury, as well as the two Board members that were present at the Work Meeting, felt that there should be someone in the office to assist the public on a more regular basis. Last year, being unfamiliar with the position and what was required, and in addition to having someone new in the office, the Board felt 20 hours at \$10.50 per hour would be fair. The Assessors, at the time, recommended shorter hours with more pay. Now, with a more clear understanding of the responsibilities of the job, the Board is comfortable with that theory. Supervisor Lounsbury recommends 15 hours at \$12.00 per hour.

Jeff Pine inquired whether Linda could do both jobs. Supervisor Lounsbury responded that it would not be healthy for her, nor the taxpayers, to be in both positions. Councilwoman Cooke expressed that one person could not be in both places at the same time.

Councilwoman Sedlmeir suggested that the Assessors be present for the interviewing.

A motion was made by Councilman Wood to authorize the advertising of a Clerk to the Assessors for \$12.00 per hour for 15 hours per week with resumes to be in by September 2, 2015; 2nd by Councilwoman Cooke.

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

4. Supervisor Lounsbury received a letter from Donna Kropp on behalf of the Trinity Episcopal Church requesting the use of the Senior/Youth Bus on August 25, 2015 to transport children that are attending their bible day camp from the Church to the Lewis Dale Farm and back. Bob Bolte has volunteered to drive the bus.

A motion was made by Councilwoman Cooke to authorize the use of the bus on August 25, 2015 to transport the children from the Trinity Episcopal Church to the Lewis Dale Farm; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

5. Supervisor Lounsbury made a request to schedule a Special Meeting to discuss the health insurance plan.

A motion was made by Supervisor Lounsbury to schedule a Special Meeting to discuss the health insurance on August 17, 2015 at 7:00 PM contingent upon the availability of Erin Nevins; August 21, 2015 being the alternate date; 2nd by Councilman Wood.

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

6. A motion was made by Councilman Wood to enter into Executive Session at 7:48 PM to discuss possible litigation; 2nd by Supervisor Lounsbury.

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

A motion was made by Councilwoman Cooke to return from Executive Session at 8:04 PM; 2nd by Councilman Wood.

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

Supervisor Lounsbury needs authorization to retain Tabner, Ryan, and Keniry for possible litigation.

A motion was made by Councilwoman Cooke to retain the law firm of Tabner, Ryan, and Keniry to represent the Town in a Real Property tax litigation per their hourly retainer agreement; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

BOARD MEMBER COMMENTS

1. Councilman Wood questioned that although there are signs in the Bayard Elsbree Memorial Park that dogs must be leashed, if someone were to be bitten, would the Town be liable? Attorney Fallati stated that he is not concerned about the Town's liability as long as there are postings.

AUDIENCE COMMENTS

1. Marie Dermody questioned the status of the Noise Ordinance. Supervisor Lounsbury responded that the Noise Ordinance has been put on the back burner for now, stating that the Town is busy with the Zoning Law and the budget. Supervisor Lounsbury also added that Attorney Fallati is looking into different avenues regarding the Noise Ordinance.

2. Mrs. Dermody also inquired as to whether Linda McCormick has submitted her official resignation as Assessor's Clerk. Supervisor Lounsbury responded that the subject had been discussed that afternoon and Mrs. McCormick will be submitting her resignation.

3. Mrs. Dermody noted that on July 28th when the motion was made to appoint Linda McCormick as Interim Clerk, it was not mentioned that it would be retro-active to the 20th when she began training. Mrs. Dermody said that by law, Mrs. McCormick cannot get paid for those days unless the motion is amended to make it retro-active to the day she started working. Mrs. Dermody suggested that the ones who made the original motion should be the same ones who amend it, thus...

A motion was made by Supervisor Lounsbury to amend the motion made at the July 28, 2015 meeting to appoint Linda McCormick as Interim Clerk and to be paid as a subcontractor \$19.90/hour retro-active to July 20, 2015; 2nd by Councilman Wood.
Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

4. Jeff Pine inquired as to whether the action being taken regarding the real property was tertiary or small claims. Attorney Fallati responded that it was tertiary.

5. Delores De Meyere inquired about Olmo Road, specifically if the two 'posted - no trespassing' signs that were facing outward and are on Town property, are going to be taken down. She noted that if one were walking toward the gate, it appears that one should not go past the gate. Attorney Fallati stated that he will inquire into the matter.

ADJOURNMENT

A motion was made by Councilwoman Cooke to adjourn the meeting at 8:10 PM; 2nd by Councilwoman Sedlmeir.

2015 August Regular 081315
FINAL

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Nays (0)

RESPECTFULLY SUBMITTED;

Victoria H. Kraker

Town Clerk