

**MINUTES
OF
THE TOWN OF RENSSELAERVILLE TOWN BOARD
REGULAR MEETING
MAY 14, 2015**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 14th day of May 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 Highway Superintendent Randy Bates, Assessor Donna Kropp, 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 Councilwoman Cooke to approve the minutes of the following meetings:

April 7, 2015 – Work Meeting
April 9, 2015 – Regular Meeting
April 28, 2015 – Special Proposed Noise Ordinance

The motion was seconded by Councilwoman Sedlmeir.

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

TRANSFERS

None

ABSTRACTS/VOUCHERS

| | |
|-----------------------|-----------------|
| General Fund | \$59,676.86 |
| Highway Fund | 34,514.65 |
| Lighting District | 688.95 |
| Sewer Fund | 270.26 |
| Water Fund | 370.85 |
| <u>T & A Fund</u> | <u>5,536.91</u> |
| Total | \$101,058.48 |

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

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

CORRESPONDENCE

None

REPORTS

SUPERVISOR

1. Supervisor Lounsbury reported that there is a need for more names for the Veteran’s Ring of Honor. New plates can only be engraved after a total of 21 names have been collected and so far there are only about 10. Names may be submitted to Deputy Town Clerk Kathy Wank. Please be prepared to provide the branch of service and rank. There is no charge for a name to be placed on the plaque.
2. Supervisor Lounsbury thanked KB Enterprises for the generous donation of mulch for the Veteran’s Ring of Honor garden and flower beds.
3. A ‘thank-you’ also goes out to Councilman Bolte for planting new rose bushes and for his hard work on the Veteran’s Ring of Honor and flower gardens to make Town Hall beautiful.
4. The Medusa Firehouse will install an outside mailbox where residents may pick up the Town Newsletter.
5. There are still some outstanding ‘workplace violence’ acknowledgments.
6. Supervisor Lounsbury has signed and sent in the three Certifications required to participate in the Albany County Government Efficiency Plan.

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

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

ATTORNEY

1. The Mid-Hudson Cablevision Franchise Agreement is up for renewal. A Public Hearing will be held on May 21, 2015 at 7:00 PM with a Special Meeting for the purpose of voting on the Agreement immediately following.

2. Attorney Fallati read the introductory part* of the Bond Resolution as follows:

BOND RESOLUTION DATED MAY 14, 2015.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE PURCHASE OF A TANDEM TRUCK FOR THE TOWN OF RENSSSELAERVILLE, ALBANY COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$186,496 AND AUTHORIZING THE ISSUANCE OF \$50,000 BONDS OF SAID TOWN AND THE APPROPRIATION AND EXPENDITURE OF \$70,566 EQUIPMENT RESERVE FUND MONIES AND \$65,930 OTHER FUNDS THEREFOR TO PAY THE COST THEREOF.

BE IT RESOLVED, by the Town Board of the Town of Rensselaerville, Albany County, New York, as follows:

Section 1. The specific object or purpose of paying the cost of the purchase of a tandem truck for the Town of Rensselaerville, Albany County, New York, including incidental equipment and expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$186,496.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is as follows:

- a) by the issuance of not exceeding \$50,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; and
- b) by the expenditure of not exceeding \$70,566 equipment reserve fund monies and \$65,930 other funds hereby appropriated therefor; and
- c) by the expenditure of \$65,930 other monies of the Town hereby appropriated therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby determined that the maximum maturity of the bonds herein authorized will not exceed five years.

* the remainder of the Resolution is as follows:

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Rensselaerville, Albany County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies and \$65,930 other funds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding

contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

A motion was made by Councilwoman Cooke to adopt the Bond Resolution; 2nd by Supervisor Lounsbury.

| <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 | | | Absent |
| Margaret Sedlmeir, Councilwoman | X | | |
| Gerald Wood, Councilman | X | | |

The resolution was thereupon declared duly adopted.

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

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

HIGHWAY DEPARTMENT

1. Superintendent Bates reported that approximately two-thirds of the patching and repair of potholes has been completed. The highway crew continues to work on ditching and drainage.

2. Now that the roads have dried and become stable, they are able to be repaired. Stedman Lane, Saybrook Valley Road, Davis Mountain Road, and Wood Road have been shaled. Cook Road will be shaled next.

3. Superintendent Bates read the 2015 Highway Contract which runs from May 14, 2015 through May 11, 2016 as follows:

Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected in the Town of Rensselaerville and received from the State of New York as State Aid shall be expended for the repair and improvement of town highway as follows:

General Repairs: The sum of \$163,200.00 shall be set aside to be expended on primary work and general repairs of Town Highways including culverts and bridges having a span of less than five (5) feet.

Permanent Improvements: The sum of \$217,121.89 shall be set aside to be expended on permanent improvements of Town Highways as follows:

Cheese Hill Road: Install a 2-inch Motor Pave surface and seal with a single chip surface treatment, 18 feet in width beginning at Scutt Road for a distance of 1.2 miles and ending at Travis Hill Road for a sum of \$75,959.00. (Note that base reconstruction was done last year in preparation for this project.)

Edwards Hill Road: Install a 2-inch Motor Pave surface and seal with a single chip surface treatment, 18 feet in width beginning at Fish Road for a distance of 0.6 miles and ending at Davis Mountain Road for a sum of \$37,210.00. (Note that base reconstruction was done last year in preparation for this project.)

Fish Road: Resurface with a 1.5-inch Motor Pave overlay and a single chip surface treatment, 18 feet in width beginning at Edwards Hill Road for a distance of 1 mile for a sum of \$51,025.00. (Note that paver patching and leveling was done last year in preparation for this project.)

Rugg Road: Install a single chip surface treatment, 18 feet in width beginning at County Route 351 for a distance of 0.7 miles and ending at Willsey Road for a sum of \$8,087.00. (Note that preparation for this project was performed 2 years ago.)

McCulloch Cross Road: Install a 2-inch hot asphalt overlay, 18 feet in width beginning at Willsey Road for a distance of 0.325 miles and ending at 10 Mile Creek for a sum of \$26,568.00. (Note that patching was done last year in preparation for this project.)

Alternate Road – Niles Road: Install a single chip surface treatment, 1.9 miles from Albany County Route 352 to the Greene County Line.

A motion was made by Councilman Wood to accept the 2015 Highway Agreement; 2nd by Councilwoman Sedlmeir.

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

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

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

TOWN CLERK

Town Clerk Kraker reported for the month of April as follows:
Town Clerk Department – Total Collected \$1,177.65

Paid to the Supervisor - \$964.08 the breakdown is as follows:

| | |
|------------------|--------------|
| Clerk Fees | \$378.18 |
| Recycling | 118.50 |
| Dog Licenses | 129.00 |
| Building Permits | 228.40 |
| Zoning | 85.00 |
| <u>Planning</u> | <u>25.00</u> |
| Total | \$964.08 |

Fees paid to NYS Department of Agriculture & Markets for the ‘Animal Population Control Program’ aka ‘dog surcharge’: \$21.00

Electronic sweep from the Town Clerk’s checking account for the NYS Department of Environmental Conservation - Sporting licenses: \$170.07

Fees paid to NYS Department of Health for Marriage Licenses: \$22.50

Water Rents for the month totaled \$2,160.59 which includes \$31.12 in penalties, and Sewer Rents totaled \$1,329.09 which includes \$26.06 in penalties.

Town Clerk Kraker reported that the Property Tax season officially ended March 31st and all unpaid taxes were delivered to the Albany County Department of Finance on April 17th. She also noted that with the advances in technology, the information that has been hand-delivered in the past may now be transmitted electronically and what is not transmitted electronically may be mailed. It will no longer be necessary to make the trip into Albany.

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

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

CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR

1. Code Enforcement Officer/Building Inspector Overbaugh reported that he will be attending the PERMA Conference next Thursday and Friday. Topics such as Workplace Violence and tips on how to save on Workman’s Compensation will be addressed.

2. Following through on the building on Smith’s Corners, Officer Overbaugh reported that it had been taken down. Many other dilapidated buildings have been taken down as well.

3. R.V. Permits are almost completely collected.
4. Officer Overbaugh reported one Solar Panel permit, one Home Addition permit, one Building Repair permit, and one New Accessory permit for the month of April.

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

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

ASSESSORS

1. Assessor Kropp reported that the Tentative Roll is complete and letters have been sent out to those taxpayers whose assessments have changed.
2. The Assessors will have additional office hours as follows: Friday May 15th and 22nd from 1:00 PM to 3:00 PM and Saturday May 16th and 23rd from 9:00 AM to Noon.
3. Grievance Day is Tuesday May 26th from 3:00 PM to 5:00 PM and again from 6:00 PM to 8:00 PM.

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

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

WATER/SEWER COMMITTEE

1. Water/Sewer Treatment Officer Story reported that for the month of April 522,200 gallons of water was filtered (an average of 17,410 gallons/day); and 220,680 gallons of sewage was pumped (an average of 7,356 gallons/day).
2. Officer Story has contacted Rural Water. They have a system whereby they inject smoke into the water system in an effort to detect illegal hookups. There are legal procedures that must be followed which, hopefully, Officer Story will have ironed out by next month.
3. The warmer weather has predictably caused an increase in water usage. Officer Story will also be asking residents who are avid gardeners for permission to perform pressure tests on their systems.

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

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

REFUSE/RECYCLING

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

| | |
|--------------------------|------------|
| E-Waste: | 1.33 tons |
| Rensselaer Iron & Steel: | 7.3 tons |
| Tires: | 38 |
| City of Albany Landfill: | 79.95 tons |
| Sierra Fibers: | 10.46 tons |
| Oil: | 37 gallons |

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

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

CURRENT EVENTS

1. The Town-Wide Picnic is June 7th from 2:00 PM to 4:30 PM. Partakers whose last name begins with the letters 'A' through 'M' are asked to bring any kind of salad and those whose last name begins with the letters 'N' through 'Z' are asked to bring a desert to share.

NEW BUSINESS

1. A motion is needed to authorize the Town Clerk to place a Legal Notice in the Altamont Enterprise announcing the receipt of the Annual Drinking Water Quality Report for 2014, the mailing of the report to District users and location of copies for those who wish to have them.

A motion was made by Councilman Wood to authorize Town Clerk Kraker to place the Legal Notice in the Altamont Enterprise; 2nd by Councilwoman Sedlmeir.

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

2. Attorney Fallati read the Good Samaritan Resolution as follows:

RESOLUTION OF THE TOWN OF RENSSELAERVILLE TOWN BOARD

WHEREAS, the Town of Rensselaerville (the "Town"), in the interest of promoting the health, safety, and public welfare of the residents of the Town desires to make available the coverage provided by General Municipal Law Section 209-i(1-b) taking effect June 15, 2015, and Volunteer Ambulance Workers' Benefit Law Section 5, taking effect June 15, 2015, collectively referred to informally as the volunteer workers' "Good Samaritan" benefit law.

NOW THEREFORE, BE IT RESOLVED by the duly convened Town Board of the Town of Rensselaerville, that whenever a volunteer firefighter or ambulance worker of the Medusa Volunteer Fire Co., Inc.; Rensselaerville Volunteer Fire Co., Inc.; Tri-Village Volunteer Fire Co. of Preston Hollow, Cooksburg, and Potter Hollow, Inc.; the Town of Rensselaerville Volunteer Ambulance, Inc., or any other such entity as may provide fire or ambulance services within the Town of Rensselaerville, provides services under General Municipal Law 209-i or Volunteer Ambulance Workers' Benefit Law Section 5 when there is no jurisdictional officer in command present, such volunteer firefighter or ambulance worker shall be entitled to coverage under the N.Y. Volunteer Firefighter's Benefit Law or N.Y. Volunteer Ambulance Workers' Benefit Law coverage provided by such volunteer firefighter's or ambulance worker's volunteer organization for the provision of such services. Upon the arrival of a jurisdictional officer in command, such volunteer firefighter or ambulance worker shall report to such officer and offer his/her services to assist. If such offer of assistance is not accepted, then such volunteer firefighter or ambulance worker must immediately cease providing any additional service at the scene of the emergency; and be it

FURTHER RESOLVED, that the intent of this resolution is to provide the maximum insurance coverage permitted under the law to local volunteer firefighters and ambulance workers who elect to respond to an emergency that may not be within their own jurisdiction.

By motion made by Supervisor 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 14th day of May, 2015 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 | | | Absent |
| Margaret Sedlmeir, Councilwoman | X | | |
| Gerald Wood, Councilman | X | | |

END RESOLUTION

3. A motion is needed to allow the Seniors the use of the bus for a trip to Fly Creek on either May 19th or 26th, 2015.

A motion was made by Councilwoman Sedlmeir to allow the use of the bus for the Seniors to go to Fly Creek; 2nd by Supervisor Lounsbury.

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

4. A motion is needed to allow Superintendent Bates to attend the Cornell Local Roads Program June 1st through June 3rd, 2015.

A motion was made by Supervisor Lounsbury to authorize Superintendent Bates to attend the Cornell Local Roads Program; 2nd by Councilwoman Sedlmeir.

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

5. A motion is needed to accept the Standard Work Day and Reporting Resolution for Elected and Appointed Officials which will be submitted to New York State Retirement.

A motion was made by Supervisor Lounsbury to accept the Standard Work Day and Reporting Resolution; 2nd by Councilwoman Sedlmeir.

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

AUDIENCE COMMENTS

Marie Dermody had several questions:

1. Why the time frames for Grievance Day were not posted and not on the Community Calendar?

2. If Councilman Wood had researched the wording when announcing an Executive Session? Councilman Wood indicated that Executive Session may not simply be announced by saying ‘...for discussing personnel’.

3. What the progress was regarding the Noise Ordinance? Supervisor Lounsbury responded by stating that there has not been any progress since the last meeting.

4. What the progress was regarding the Zoning Law? Supervisor Lounsbury responded by stating that there has not been any progress since the last meeting.

5. If Supervisor Lounsbury had a definite answer on the Preston Hollow Lighting District? Supervisor Lounsbury explained that one year was allowed to make the transfer and being that another transfer would have to be done at the end of this year, both transfers will be done at the same time.

ADJOURNMENT

A motion was made by Councilwoman Sedlmeir to adjourn the meeting at 7:53PM; 2nd by Supervisor Lounsbury.

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

RESPECTFULLY SUBMITTED;

Victoria H. Kraker
Town Clerk