

**MINUTES  
OF  
THE TOWN OF RENNELAERVILLE TOWN BOARD  
REGULAR MEETING  
AUGUST 11, 2016  
7:00 PM**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 11<sup>th</sup> day of August 2016 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, Recycling Coordinator Jon Whitbeck, Assessor Jeffry Pine, Timothy Tulloch from the *Altamont Enterprise*, and five interested citizens.

**AUDIENCE COMMENTS**

1. Marie Dermody read a letter she had written as follows:

Based on Tuesday's discussion regarding the Planning Board vacancy, I feel that these comments need to be made. Since I know I won't be permitted to speak at a more appropriate time later in the meeting, and I don't know what actions the Town Board will eventually take, some of these comments may or may not be valid or necessary. And I suspect that none of my comments will affect your pre-planned actions anyway.

With that being said, this is what I know regarding the matter:

- ✓ Three letters of interest for the Planning Board vacancy were received.
- ✓ One person withdrew his name from consideration.
- ✓ One person submitted his letter exactly one week past the 7/14/16 deadline.
- ✓ One person submitted her letter of interest by the deadline set by a Town Board motion

- ✓ This person also received the unanimous recommendation on the Planning Board on both rounds of interviews.
- ✓ Twice now the Planning Board has recommended to the Town Board the appointment of Maryanne Overbaugh to fill the vacancy created by the resignation of Barry Kuhar.
- ✓ As a result of the second round of interviews, the Planning Board also recommended that Tom Kropp be appointed as an alternate to the Planning Board.

At Tuesday's Work Meeting:

- ✓ Councilwoman Sedlmeir suggested that Tom Kropp should fill the vacancy and Maryanne Overbaugh should be the alternate. Her position is that the Town Board should work to encourage more participation in Town government and should appoint 'outsiders' who express an interest.
  - My opinion: if Mr. Kropp was so interested in participating in Town government, why didn't he submit his letter of interest in a timely manner? And, as an alternate member of the Planning Board, he would be serving the Town.
- ✓ Councilwoman Cooke expressed concern that Mr. Kropp's letter of interest was submitted after the deadline.
  - My opinion: I wholeheartedly agree. The deadline was established by an official Town Board motion. Why do things officially if you're going to ignore an official motion?
- ✓ Councilman Bolte dismissed the opinion of the Town's legal counsel regarding conflict of interest. He pretty much stated he didn't care if the attorney advised the Town Board that there would be no conflict of interest if Mrs. Overbaugh was appointed to the Planning Board.
  - My opinion: If Councilman Bolte doesn't trust the legal opinion of the Town's attorney, why do we pay \$34,000/year for their services?
- ✓ Councilman Bolte also expressed concern about the possible need for Mrs. Overbaugh to recuse herself on certain Planning Board votes because her husband serves as the Town's Code Enforcement Officer/Building Inspector.
  - My opinion: This is true for any Planning Board member for whom exists a conflict of interest with a matter before the Planning Board.
- ✓ Councilman Bolte also stated that we should be trying not to have family members serving Town government at the same time.
  - My opinion: This is a ridiculous statement considering our present state of affairs. We have:  
The daughter-in-law of the Supervisor serving as a clerk to the Justice;

The wife of the Highway Superintendent serving as a Planning Board member;

The wife of a highway employee serving two appointed positions;

The wife of an assessor serving on the Planning Board;

The brother of an assessor serving on the Board of Ethics;

And if Mr. Kropp were appointed, he is the husband of the same assessor noted above;

I could go back into the past, with the sister of the Supervisor; the wife of a Judge; the wife of a Highway Superintendent.

Bottom line: Councilman Bolte's position doesn't hold water.

- ✓ Supervisor Lounsbury opined that this is the second time the Planning Board has made their recommendation and that they know what qualities they want in a member of their Board and that their wishes should be respected.
  - My opinion: I couldn't agree more! This is a volunteer Board doing very important work for this Town. The very least this Town Board could do in support of the Planning Board is to accept their recommendation.

I question the Town Board – if the roles were reversed and Mrs. Overbaugh's letter of interest came in a week beyond the deadline, would you have even permitted her to be interviewed? And for the sake of clarification, I guarantee that my position on this matter would be the same regardless of the persons involved. I'm not sure the Town Board members can guarantee the same.

I know that Mrs. Overbaugh was present when a very heated argument took place in the office a few weeks ago, an event for which neither I or any Town Board member was present. Whatever knowledge we have about this incident is second and third hand at best. I wonder if your apparent opposition to her appointment is due to her presence during this incident despite the fact that she was the one person attempting to defuse the situation and get the others to calm down. If this is the case, should she be punished for the actions of others?

I obviously don't know what action the Town Board will take later this meeting regarding the Planning Board vacancy, however, based on your previous actions and attitudes, I can guess what's going to happen. All I can say is if the Town Board does not approve the Planning Board's recommendations, I strongly urge every Planning Board member to resign their position due to your apparent lack of respect for them.

END LETTER

2. Ernest Kuehl noted that recently the Town had paid for a seminar for the Code Enforcement Officer/Building Inspector and also noted that this was a very good thing.

However, he questioned if there were shared services in place with Greenville, which Mr. Overbaugh also serves. Supervisor Lounsbury stated that the Town already shares many of the expenses with Greenville.

3. Jeffry Pine wished to warn everyone of the dangers of Wild Parsnips, as he knows first-hand what they can do to you.

### **MINUTES**

A motion was made by Councilwoman Cooke to approve the minutes of the June 9, 2016 Regular Meeting with corrections as follows: to remove the portion under ‘Current Events’: “...and Lloyd Potter. Richard Tollner has offered to cover the music.” as this was not actually said during the meeting. The motion was seconded by Councilman Bolte.

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

A motion was made by Councilman Bolte to approve the minutes of the July 12, 2016 Work Meeting; 2<sup>nd</sup> by Councilwoman Cooke.

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

A motion was made by Councilman Wood to approve the minutes of the July 14, 2016 Regular Meeting; 2<sup>nd</sup> by Councilwoman Cooke.

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

### **TRANSFERS**

A motion was made by Councilwoman Cooke to approve the following transfer: From ‘Contingency’ A1990E 44999 to ‘Paramedics’ A4560 44001 in the amount of \$970.43 to cover the Emergency Medical Services for the period of January 1, 2016 through June 30, 2016.

The motion was seconded by Councilman Bolte.

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

### **ABSTRACTS/VOUCHERS**

General Fund	\$ 46,678.89
Highway Fund	126,016.47
Lighting District	655.34
Sewer Fund	118.48
Water Fund	69.31
<u>T&amp;A Fund</u>	<u>5,743.38</u>
Total Abstracts	\$179,281.87

A motion was made by Councilman Bolte to pay all signed vouchers and bills; 2<sup>nd</sup> by Councilman Wood.

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

## **CORRESPONDENCE**

Supervisor Lounsbury read a letter from Wayne Teter, President of the Brookside Cemetery Association, thanking the Town for their assistance in restoring the cemetery due to the winter weather and some minor vandalism. A special ‘thank you’ went out to Councilman Wood for his efforts in obtaining the services of the Albany County inmates.

## **REPORTS**

### **SUPERVISOR**

1. Supervisor Lounsbury stated that the budget requests have gone out and some have already come back.
2. Supervisor Lounsbury announced that the 2015 Annual Update Document has been filed with the State Comptroller’s Office and the accountant will be out on August 16<sup>th</sup> to make any necessary adjustments. At that time, the Town will be 100% current.

A motion was made by Councilman Wood to accept the Supervisor’s report; 2<sup>nd</sup> by Councilwoman Sedlmeir.

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

Councilwoman Cooke wished to thank Supervisor Lounsbury for all the effort and hard work she has put into getting all the AUDs current, not only for her term in office, but for prior years as well.

### **ATTORNEY**

1. Attorney Fallati announced that at the conference held on July 25, 2016 regarding the Communications Tower, both sides were asked if they had any more briefing to submit. Both sides were satisfied and it was agreed to let the Court decide the issues. The Court will now consider the pending motions to dismiss. At this point, the Town awaits a decision.
2. Councilwoman Cooke questioned Attorney Fallati about paying Water/Sewer Treatment Officer, John Rice, retroactive to June 25, 2016. Attorney Fallati stated that it was acceptable to do that.

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

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

## **HIGHWAY DEPARTMENT**

1. Superintendent Bates reported that contract paving is scheduled to begin on Monday on 3 miles of Hale Road - 1" overlay. A 2" overlay will be placed on Peasley Road, and 1,200 feet on Miller Road. All is dependent on the weather and other factors.

That will complete the CHIP's funded projects. Superintendent Bates is pleased that this work will be completed in the very near future as this will give the asphalt sufficient time to cure before winter arrives. When the asphalt cures, it strengthens and it takes several warm-weather months for this happen. If the asphalt does not cure properly issues of durability arise.

2. The Town has placed 2,000 tons of hot asphalt with its own paver. There are 300 tons left which will be used for patching and small projects.

3. Superintendent Bates may consider renting a reclaimer for a portion of Smith Road.

4. The Town has purchased 1,000 tons of millings which will be used primarily on Davis Mountain Road.

There are 2,000 tons of shale in the yard which will be used for repairs on various dirt roads.

5. Referencing Jeff Pine's earlier comments on Wild Parsnips, Superintendent Bates noted that the Highway Department has received training on that subject. The wild parsnips grow primarily along highways where the dirt has been disturbed. It is an invasive species and requires disturbed ground to grow. Whenever the Highway Department finds the wild parsnip, they cut it down. This does not eliminate it, but does prevent it from producing seed and spreading.

Ernest Kuehl added that the root of the wild parsnip is actually edible.

A motion was made by Councilwoman Cooke to accept the Highway Superintendent's report, 2<sup>nd</sup> by Councilman Wood.

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

## **TOWN CLERK**

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

Town Clerk Department – Total Collected \$257.50

Paid to the Supervisor - \$193.38 - the breakdown is as follows:

Clerk Fees	\$ 15.38
Recycling	51.00
Dog Licenses	117.00
<u>Zoning</u>	<u>10.00</u>
Total	\$193.38

Fees paid to NYS Department of Agriculture & Markets for the ‘Animal Population Control Program’ aka ‘dog surcharge’: \$18.00

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

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

Water Rents collected for the month totaled \$4,012.34 which includes \$42.60 in penalties.

Sewer Rents collected for the month totaled \$4,973.10 which includes \$60.63 in penalties.

A motion was made by Councilwoman Sedlmeir to accept the Town Clerk’s report; 2<sup>nd</sup> by Councilman Bolte.

*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 that he had no printed report for the month due to computer trouble. He noted that there were no building permits issued, but there was a \$10 pool permit issued under ‘zoning’.

2. Building Inspector Overbaugh reported that the owner of the barn on County Route 360 would like until mid-December in order to remove the metal and other items that are on the site.

3. There has not been any response from the owner of the building on Smith’s Corners.

4. Building Inspector Overbaugh still awaits plans for the old County building on County Route 352.

5. Code Enforcement Officer Overbaugh wished to bring to the Board’s attention that the proposed Communications Tower is part of Governor Cuomo’s Broadband Internet plan. Mid-Hudson had recently received funds from a grant in this regard.

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

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

### **ASSESSORS**

1. Assessor Kropp reported that the Assessor's Office has been getting the data file ready for the school districts. Due to the changes in the STAR program, the schools are asking for the files a little earlier than usual so that the bills can be double checked for accuracy. Chairwoman Kropp expects to have the files ready to be sent out to the schools on Monday.

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

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

### **WATER/SEWER COMMITTEE**

No report

### **REFUSE/RECYCLING**

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

Rensselaer Iron & Steel: 8.16 tons

City of Albany Landfill: 65.05 tons

Sierra Fibers: 5.79 tons comingled and 4.95 tons old cardboard container

Oil: 22 gallons

2. Recycling Coordinator Whitbeck expressed his concern over the fact that the Town Offices do not have a back-up generator. He stated that the Town Hall is a Civil Defense building and as such, should have an automated, free-standing generator.

A motion was made by Councilwoman Sedlmeir to accept the Recycling Coordinator's report; 2<sup>nd</sup> by Councilman Bolte.

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

### **CURRENT EVENTS**

None

### **OLD BUSINESS**

1. The Town Board will need to go into Executive Session later in the meeting to address the health insurance.
2. The Planning Board has made the recommendation that Maryanne Overbaugh be appointed to fill the vacancy created by Barry Kuhar. They would also like the Town Board to create the position of 'alternate member'. After that is created, they would like Thomas Kropp to be appointed as the 'alternate member'. Creation of the position cannot be done by resolution but may be accomplished by Town Law.

Attorney Fallati explained that Town Law does allow the creation of an alternate member for the Planning Board as well as the Zoning Board of Appeals. The Town currently has a Local Law with respect to an alternate for the ZBA. That Law specifically allows for the appointment of alternate members. The State Law for both Planning Boards and Zoning Boards of Appeal does allow Town Boards, through Local Law, to create an alternate position for purposes of conflicts of interest. However, the Attorney General has stated that the alternate may act whenever there is an inability or absence of a member and is not limited to conflicts of interest. The Local Law of 2008 with respect to the Zoning Board of Appeals allows for the appointment of up to two additional members and does contain the broader, opt-out language. There is not a similar provision for the Planning Board. The current version of the Zoning Law identifies specifically what the composition is for each: the Zoning Board of Appeals: five members and one alternate; the Planning Board: 7 members and no alternate.

If the Town Board wishes to have an alternate(s) for the Planning Board, Attorney Fallati recommends passing a new Local Law rescinding the existing Local Law with respect to the Zoning Board of Appeals, then passing an identical one that would provide for alternate members for both the Zoning Board of Appeals and the Planning Board. A separate Local Law should be passed to amend the provisions of the Zoning Law that identifies the numbers of members.

Discussion ensued over the information Attorney Fallati presented. Councilwoman Cooke's concern is that the alternate be required to attend all the meetings. Councilwoman Sedlmeir agreed and also suggested that the alternate have voting powers. Attorney Fallati explained that under State Law all provisions that relate to Planning Board members also apply to the alternate, such as training, continuing education, conferences, compensation, eligibility, removal etc.

It is the consensus of the Board to have only one alternate for both the Planning Board and Zoning Board of Appeals.

A motion was made by Supervisor Lounsbury/so moved by Councilwoman Sedlmeir to authorize Attorney Fallati to draft a Local Law redoing the Zoning Board of Appeals and the Planning Board to allow for an alternate member; 2<sup>nd</sup> by Councilman Wood.

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

A motion was made by Councilwoman Cooke to appoint Maryanne Overbaugh to fill the vacancy on the Planning Board; 2<sup>nd</sup> by Supervisor Lounsbury.

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

Councilman Wood wished to address a comment that Mrs. Dermody made earlier in the meeting. Councilman Wood felt that it was a threat when Mrs. Dermody suggested the Planning Board members resign if the Town Board did not approve their recommendation. He also thought some of her wording was very poor.

Councilwoman Cooke also resented Mrs. Dermody's accusation that the Town Board had 'pre-planned' their actions.

### **NEW BUSINESS**

1. Supervisor Lounsbury has been pleased with the current accounting firm and is skeptical about switching accountants. However, based on the recommendation of the State Comptroller's Office, she asked the Board's permission to put out a request for proposals. Supervisor Lounsbury recommended that the Town use someone local.

A motion was made by Councilwoman Sedlmeir to authorize Supervisor Lounsbury to draw up a Request for Proposals for accounting firms. The motion was seconded by Councilman Bolte.

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

2. Attorney Fallati read the following Resolution regarding the approval of the four new accounts that were created in the recent past.

### **RESOLUTION OF THE TOWN OF RENSSELAERVILLE TOWN BOARD**

WHEREAS, the Town previously established certain bank accounts at the Bank of Greene County to facilitate the handling of its finances; and

WHEREAS, the Town Board wishes to ratify the establishment of such bank accounts;

NOW THEREFORE, BE IT RESOLVED that the duly convened Town Board of the Town of Rensselaerville, Albany County, New York, that the establishment of the

following bank accounts at the Bank of Greene County, and with the following last four digits, is hereby ratified and approved:

Accrual Savings: 2092  
Highway Miscellaneous Equipment Reserve: 5385  
Hydrant District: 2391  
Veteran's Honor Ring: 5393

**By motion made by Marion Cooke, 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 12<sup>th</sup> day of August 2016 as follows:**

Valerie Lounsbury, Supervisor	Yes
Robert Bolte, Councilman	Yes
Marion Cooke, Councilwoman	Yes
Margaret Sedlmeir, Councilwoman	Yes
Gerald Wood, Councilman	Yes

END RESOLUTION

3. Supervisor Lounsbury noted that the Tyler Technologies contract is due to expire at the end of this year. She noted that Tyler Technologies has been a good program, but it is very expensive, costing the Town in excess of \$25,000 per year for support and updates. She presented the pros and cons of staying with Tyler. The Town has a lot of time and money invested in the MUNIS program. The County is also able to assist the Town with questions and problems that may arise with this program.

A motion was made by Councilwoman Cooke to renew the contract with Tyler Technologies and to keep the MUNIS program; 2<sup>nd</sup> by Councilwoman Sedlmeir.  
*Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)*

### **AUDIENCE COMMENTS**

1. Jeffry Pine made a suggestion that the non-union staff receive raises this year. He thought it would be a good time due to the savings experienced from the mild winter and lower fuel costs, to also take on projects like installing a generator.

Supervisor Lounsbury stated that non-union staff had received raises for 2016.

2. Councilwoman Sedlmeir reiterated her thoughts on placing something positive and uplifting in each edition of the Town of Rensselaerville Newsletter. Councilwoman Sedlmeir would be happy to put a few sentences together for anyone, not just the Town Board, who brings something positive to her attention.

### **EXECUTIVE SESSION**

A motion was made by Councilman Wood to enter into Executive Session at 8:05 PM for the purpose of discussing Union matters; 2<sup>nd</sup> by Councilwoman Sedlmeir.

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

A motion was made by Councilman Bolte to return from Executive Session at 8:28 PM; 2<sup>nd</sup> by Councilwoman Sedlmeir.

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

A motion was made by Councilwoman Cooke to stay with the ‘MVP Liberty Bronze 2’ plan keeping the same \$5,000/\$10,000 deductible; 2<sup>nd</sup> by Councilwoman Sedlmeir.

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

### **ADJOURNMENT**

A motion was made by Councilman Bolte to adjourn the meeting at 8:31 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