

**MINUTES
OF
THE TOWN OF RENSSELAERVILLE TOWN BOARD
REGULAR MEETING
JUNE 9, 2016**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 9th day of June 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, Water/Sewer Treatment Officer Doug Story, Investigator Amy Kowalski from the Albany County Sheriff's Department, Timothy Tulloch from the *Altamont Enterprise*, and three interested citizens.

AUDIENCE COMMENTS

1. Marie Dermody had corrections to the Regular Meeting minutes for May 12, 2016, requesting that under Audience Comments the word 'verbatim' be removed. Also, at the Special Meeting on May 26, 2016, Attorney Fallati's name was not included although he was present; and the meeting adjourned at 7:08, not 8:08.

2. Mrs. Dermody read a letter she prepared as follows: these comments may be terribly misplaced or even unwarranted, but I'm sure I will not be permitted to speak at a more appropriate time during the meeting. There is no doubt that the discussion at Tuesday night's work meeting got a bit out of hand. I admit that it's a result of my frustration with the Town Board and what I perceive as its unwillingness or inability to be the representative government I expect it to be. I obviously don't know how the Town Board will proceed with regard to filling the vacancy on the Board of Ethics. However, should you decide to proceed with the tentative plans laid out during Tuesday's meeting, the following comments need to be made (so, these comments may or may not be valid): For the Supervisor to hand pick someone to fill a vacancy on the Board of Ethics, is just

another example of this Town Board's practice of trampling on policy, procedure and past practice. You have eliminated the possibility of any other town resident offering their services to fill this position and therefore eliminating their opportunity to participate in a democratic process. This is not a position for which exists an emergency need to fill; why does the Town Board feel the need to expedite this process so dramatically as to eliminate public participation. For the selection process to be limited to residents from the hamlet area of Rensselaerville is also unfair and unwarranted. There is nothing written in the Town's law that stipulates hamlet residency requirements for serving on the Board of Ethics. These comments have absolutely nothing to do with the person that the Supervisor has selected to serve on the Board of Ethics. I do not know the man, but assume that he would be a fine addition to the Board. My issue is with the manner in which this Town Board chooses to resolve the matter. It is evidently clear to me that this Town Board needs frequent reminders that you work for us; that you were elected to public office by us to represent us, your electorate. This action that you will probably execute tonight is just another example of you imposing your will on us town-people. The bottom line is that you are our employees, not our parents; we are well able to be a part of such decision making process.

MINUTES

A motion was made by Councilwoman Sedlmeir to approve the minutes of the May 10, 2016 – Work Meeting; 2nd by Councilman Bolte.

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

A motion was made by Councilwoman Cooke to omit the word 'verbatim' from the May 12, 2016 minutes; 2nd by Councilwoman Sedlmeir.

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

A motion was made by Councilwoman Cooke to approve the minutes of the May 12, 2016 meeting as corrected; 2nd by Councilman Bolte.

Motion carried: Ayes (3) Lounsbury, Bolte, and Cooke; Nays (0); Abstains (2) Sedlmeir and Wood.

A motion was made by Councilwoman Cooke to approve the minutes of the May 26, 2016 Special Meeting, adding Attorney Fallati as being present; correcting the time of the adjournment to 7:08; and correcting the spelling of 'respectfully'. The motion was seconded by Councilman Wood.

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 ‘Zoning, Consultant Fees’ A8010E 44047 to ‘Legal Fees’ A1420E 44043 in the amount of \$611.31 to cover legal fees related to the Communications Tower lawsuit. The motion was seconded by Councilman Bolte.

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

ABSTRACTS/VOUCHERS

General Fund	\$39,769.33
Highway Fund	39,121.89
Lighting District	633.76
Sewer Fund	92.62
Water Fund	30.00
T&A Fund	<u>724.72</u>
Total Abstracts	\$80,372.32

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

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

CORRESPONDENCE

None

REPORTS

SUPERVISOR

1. Supervisor Lounsbury announced receipt of the Mid-Hudson franchise fees in the amount of \$6,503.42.
2. Notification has been received from the Carey Center for Global Good that there will be a fireworks display on July 3rd in front of the Huyck Estate Home between the hours of 10:00 PM and 10:30 PM. The letter was to advise the Town of the activities and ascertain that the Town has no ordinance regulating fireworks displays, as well as to document that it is a private display and is not open to the public except by special invitation. Supervisor Lounsbury has signed and returned the letter in acknowledgement of the above.
3. Supervisor Lounsbury is in receipt of the annual certificate from PERMA and was pleased to announce that there were no workers-comp claims in 2015.
4. Erin Nevins has scheduled an appearance on July 12, 2016 at 7:00 PM to discuss the proposed health insurance rates for the upcoming renewal.

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

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

ATTORNEY

Attorney Fallati announced that he awaits a decision from the Court regarding the outcome of the Communications Tower lawsuit.

HIGHWAY DEPARTMENT

1. Superintendent Bates attended the Cornell Local Roads Program and reported that it was very beneficial. The question/answer forum in which legal issues were addressed was particularly informative as it was directly related to the issues the Town faces.
2. Last week, working cooperatively with the Town of Durham, one and one-half miles of Fish Road was paved; one mile in the Town of Rensselaerville and one-half mile in the Town of Durham. This is something the Towns look for to help satisfy the Shared Services requirements.
3. The Highway rented a reclaimer to grind up one and one-quarter miles of roadway. New aggregates will be put down, shaped, compacted and crusher run will be added next week and then topped with liquid calcium chloride to bind it all together. This process creates a new road base which exists by itself or can be used as a base for paving in the future.
4. Four miles of chip sealing is scheduled for June 29th and 30th.
5. Superintendent Bates would like to chip-seal the Town Building's parking lot and area in front of the garage bays. Barger Road will be receiving chip sealing so it would be the ideal time as the equipment would be readily available. The pavement is in poor condition and needs to be renewed before it fails completely. Superintendent Bates estimates the total cost of the project to run between \$1,250-1,550.

A motion was made by Supervisor Lounsbury to approve the resurfacing of the parking area in front of Town Hall at a cost of between \$1,250 and \$1,550; 2nd by Councilwoman Sedlmeir.

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

6. Superintendent Bates reported that the roller which had a new engine put in last year is down again after only 17 hours of use. Finke Equipment came to look at it, determined

that there was a problem and transported it back to their shop free of charge; they will warranty their work.

The issue is that the Highway Department needs a roller immediately. Finke will not lend or rent at a reduced rate. They will warranty the work, but are under no further obligation. The cost to rent from Finke is \$640/week or \$1,870/month; the cost to rent from Abele is \$600/week or \$1,800/month. Superintendent Bates is uncertain as to how long a rental will be needed; this will all depend on when the Town's roller is repaired and returned. Superintendent Bates has checked to see if a roller from another town might be available, but, at this time of year that is not feasible. He would recommend the monthly rental from Abele due to past experience of being afforded a lower rate if returned early.

A motion was made by Supervisor Lounsbury to approve renting a roller from Abele for one month for \$1,800.00; 2nd by Councilwoman Cooke.

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

7. Auctions International is offering a road-widener. Superintendent Bates would like to bid on it for a maximum of \$2,500.

Auctions International also has two grader tires; one is a re-tread, the other is used. New, those tires would cost \$525. The Town's grader had a flat today and there is no spare. Superintendent Bates would like to bid a maximum of \$225 for the pair.

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

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

TOWN CLERK

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

Town Clerk Department – Total Collected \$670.55

Paid to the Supervisor - \$458.86 - the breakdown is as follows:

Clerk Fees	\$ 15.06
Recycling	134.00
Dog Licenses	108.00
Building Permits	116.80
<u>Zoning</u>	<u>85.00</u>
Total	\$458.86

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

Electronic sweep from the Town Clerk's checking account for the NYS Department of Environmental Conservation - Sporting licenses: \$193.69

A motion was made by Councilwoman Sedlmeir 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

1. Code Enforcement Officer/Building Inspector Overbaugh reported one deck permit; one new commercial construction permit; and one accessory building permit for the month of May.
2. Code Enforcement Officer/Building Inspector Overbaugh attended the Catskill Creek Watershed conference. Among many things, discussion was had over the Catskill Creek as a business and infrastructure that could be used to promote growth.
3. For credits, on May 25th, he attended a course on smart growth, sign regulations, and public meetings and hearings.

Councilwoman Sedlmeir inquired into the dilapidated buildings within the Town. She asked about the gray building along Fox Creek Road and several others that appear unsafe or unsightly. Code Enforcement Officer/Building Inspector Overbaugh will look into who owns the property in which the gray building is located. He also explained that there is a difference between an unsafe building, which could fall into a roadway or harm someone and a pile of old wood, unsightly as it may be.

Another concern Councilwoman Sedlmeir had was that especially this time of the year, people are out looking at homes and land we would not want potential new residents to be turned away by piles of junk. Mr. Overbaugh states that he does his best to have unsafe buildings taken down, but has no control over the pile that is left behind.

Supervisor Lounsbury explained that the unsafe/burned-out building law states that a compliant must be filed by someone within 1000' of the structure. The next step would be to have the Fire Chief and Mr. Overbaugh inspect the structure to determine its integrity. Their findings are reported to the Town Board where the Board decides what steps should be taken next.

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

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

ASSESSORS

1. Assessor Kropp reported that Grievance Day went well.
2. The Assessor's Office has sent letters to new home-owners who applied for the STAR Program, explaining how they will now have to go to the New York State website to register. The Assessors have made a list of the new home-owners and will follow through to make sure they have registered by July 1st. If they do not register by July 1st, they will still get a check, but it will be delayed.
3. The Assessor's Office continues to prepare for the Final Roll which is due July 1st.

A motion was made by Supervisor Lounsbury 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 for the month of May: 416,000 gallons of water was filtered (an average of 13,400 gallons/day); and 226,800 gallons of sewage was pumped (an average of 7,290 gallons/day); noting that the amount of water put into the system was nearly twice the amount that is coming out.
2. Up through the middle of May, there was an average daily usage of 11,000 gallons/day which is 4,000 over what is expected. Around May 17th – 18th consumption jumped to 17,000 gallons/day and is currently near 20,000 gallons/day. The filter is rated at a maximum of 24,000 gallons/day. The level of the tank has risen from 10 inches to 47 inches; but should be between 105-115 inches. At a rate of 440gallons/inch; 50 inches only allows for about one day of usage.
3. The necessity of rehabilitating the filter is urgent. The filter has been top-dressed, but the entire volume of sand is in need of replacement. This procedure would require about two-week's time as the fresh sand must have time to grow the biological mat that it needs to work effectively. For the two week duration, Treatment Officer Story suggested renting a skid that would filter the water. The Water/Sewer Committee is working on this matter.
4. Councilman Wood inquired into the hydrants. Treatment Officer Story responded by stating that there is not enough capacity in the tank to allow the hydrants to work effectively; the only thing they are good for is flushing the system.
5. Treatment Officer Story stated that he has repeatedly tried to get the Committee to compel users to economize and he feels the only solution is the application of meters.

The only other means of addressing the issue is to knock on doors to find out if someone has left their garden hose on.

6. Mr. Story read his letter of resignation which will be effective June 24, 2016.

Treatment Officer Story noted that his assistant, John Rice, had recently taken the course which would certify him as a Plant Operator. Mr. Story wished both Mr. Rice and the Town the best of luck.

A motion was made by Councilman Wood to accept Water/Sewer Treatment Officer Story's resignation effective June 24, 2016; 2nd by Councilman Bolte.

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

REFUSE/RECYCLING

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

Rensselaer Iron & Steel: 3.66 tons

Tires: 47

City of Albany Landfill: 70.36 tons

Sierra Fibers: 6.03 tons comingled and 6.72 tons old cardboard container

Oil: gallons 47

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

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

CURRENT EVENTS

Councilwoman Sedlmeir announced that the Town-Wide Picnic has been rescheduled for Sunday, June 12th. Almost everyone will still be able to attend with the exception of the face-painter. (***) and Lloyd Potter. Richard Tollner has offered to cover the music.)

***This portion will be removed from the official record as this statement was not mentioned at the meeting.

OLD BUSINESS

None

NEW BUSINESS

1. Supervisor Lounsbury read Diana Hinchcliff's letter of resignation from the Board of Ethics.

A motion was made by Supervisor Lounsbury to accept Ms. Hinchcliff's resignation; 2nd by Councilwoman Cooke.

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

Supervisor Lounsbury has contacted two individuals in an effort to fill the vacancy; Doug Lansing has expressed interest. Mr. Lansing was not available to attend the meeting this evening due to a prior commitment.

Discussion ensued over whether or not to advertise for the position. Supervisor Lounsbury felt that a position on the Board of Ethics is a unique position as it requires one to impose judgment on one's peers. She has cleared it with the Attorney and it is not required that the position be advertised. Councilwoman Cooke felt that the position should be advertised and through the interview process, the best candidate would be selected. Councilwoman Sedlmeir did not feel it necessary to advertise, and noted that she has been successful finding candidates by word of mouth and personal inquiries. Councilman Wood researched the rules of the Association of Towns and found that a 3-member committee is allowed. He suggested waiting until the end of the year and then appointing a new member at the beginning of the new year. Councilwoman Cooke's concern in this regard is that currently there is a four-member board, in which there could potentially be a tie. Councilman Wood, in his research, found that a member of the Town Board could step in in case of a tie. Councilman Bolte did not feel it was necessary to rush into filling the vacancy.

Councilwoman Cooke made a motion to advertise for a new Board of Ethics member. There was no second to the motion.

The consensus was to postpone discussions until next month.

A motion was made by Councilwoman Cooke to postpone discussions until next month, and noted that as Councilman Bolte stated, it would be in the minutes, and anyone interested may contact Town Hall. The motion was seconded by Councilman Bolte.

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

2. Supervisor Lounsbury read Barry Kuhar's resignation from the Planning Board effective June 6, 2016.

A motion was made by Councilwoman Cooke to accept Barry Kuhar's resignation effective June 6, 2016; 2nd by Councilwoman Sedlmeir.

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

A motion was made by Councilman Bolte to have the Planning Board conduct interviews of interested individuals with the caveat that two members of the Town Board also be present during the interviews; 2nd by Councilman Wood.

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

A motion was made by Supervisor Lounsbury to authorize the Town Clerk to advertise the position in the Altamont Enterprise, alternating weeks with the Greenville Pioneer and to have letters of interest in to the Clerk's office no later than July 14, 2016. The motion was seconded by Councilwoman Cooke.

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

3. Supervisor Lounsbury announced that the next project the Town Board would be addressing is the fee schedule.

A motion was made by Councilwoman Cooke to authorize the Town Supervisor to compile a list of the information Code Enforcement Officer/Building Inspector Overbaugh has collected from neighboring towns and to include the Town Clerk's fees as well. The motion was seconded by Councilwoman Sedlmeir.

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

4. The Highway Superintendent's authorization to participate in the on-line bidding process must be renewed quarterly.

RESOLUTION OF THE
TOWN OF RENSSELAERVILLE
TOWN BOARD

WHEREAS, from time-to-time, the Highway Superintendent has requested from the Town Board approval to bid on equipment available in an on-line auction; and

WHEREAS, the Town Board has found the auction process to be financially beneficial, allowing the Highway Superintendent to acquire useful equipment at a fraction of the cost of the acquisition of comparable new equipment; and

WHEREAS, Section 142(1) of the Highway Law permits the Town Board to authorize the Highway Superintendent to purchase equipment, tools and other implements to be used for highway maintenance, construction or reconstruction, snow plows or other devices for the removal of snow from the highways from monies appropriated for that purpose without prior approval of the Town Board, and in an amount or amounts to be fixed, from time to time, by the Town Board; and

WHEREAS, the Town board has determined that it is in the public interest to grant the Highway Superintendent such authority;

NOW THEREFORE, BE IT RESOLVED by the duly convened Town Board of the Town of Rensselaerville, Albany County, New York, that (1) the Highway

Superintendent is authorized to bid on, and to purchase, equipment, tools and other implements to be used for highway maintenance, construction or reconstruction, snow plows or other devices for the removal of snow from the highways from monies appropriated for that purpose without prior approval of the Town Board, through September 30, 2016, up to an amount of \$10,000.00; (2) this resolution may be reviewed and re-approved quarterly; (3) the Highway Superintendent shall provide the Town Supervisor prompt notice of any bids and purchases made pursuant to this resolution; and (4) nothing in this resolution is intended to limit the Town Board's authority, by subsequent resolution, to modify or rescind this authority generally or with respect to a particular prospective purchase.

By motion made by Robert Bolte and seconded by Gerald Wood, the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Rensselaerville on the 9th day of June 2016 as follows:

<u>Town Board Member</u>	<u>Yes</u>	<u>No</u>	<u>Absent/Abstain</u>
Valerie Lounsbury, Supervisor	X		
Robert Bolte, Councilman	X		
Marion Cooke, Councilwoman	X		
Margaret Sedlmeir, Councilwoman	X		
Gerald Wood, Councilman	X		

END RESOLUTION

AUDIENCE COMMENTS

Highway Superintendent Bates wished to address the comments made by Mrs. Dermody at the May 26, 2016 Special Meeting that it was a disgrace that it was the first time the Town Board had not taken the recommendation of another Board with respect to the filling of a vacancy (with the exception of the Assessor's clerk). Superintendent Bates reported that that was not true and cited a personal example when he was on the Planning Board from 2003 through 2009. The Planning Board made it known to the Town Board that it was their desire to reappoint Mr. Bates. At the Organizational Meeting held on January 1, 2010, Mr. Bates was not reappointed, but rather another individual who was never interviewed by the Planning Board was appointed. There was no posting, nor any advertising of the vacancy. Mr. Bates stated that the Town Board has been vilified by Mrs. Dermody and told that their actions are disgraceful when those actions were no different than the actions taken by Mrs. Dermody herself on January 1, 2010 when she held the office of Town Supervisor.

EXECUTIVE SESSION

A motion was made by Councilwoman Sedlmeir to enter into Executive Session at 8:19 PM for the purpose of discussing personnel and legal matters. The motion was seconded by Councilwoman Cooke.

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

A motion was made by Supervisor Lounsbury to return from Executive Session at 8:37 PM; 2nd by Councilman Cooke.

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 8:39 PM; 2nd by Councilwoman Sedlmeir.

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

RESPECTFULLY SUBMITTED;

Victoria H. Kraker
Town Clerk