

**MINUTES
OF
THE TOWN OF RENNELAERVILLE TOWN BOARD
REGULAR MEETING
SEPTEMBER 8, 2016
7:00 PM**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 8th day of September 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 William Ryan
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, Recycling Coordinator Jon Whitbeck, Timothy Tulloch from the *Altamont Enterprise*, and five interested citizens.

AUDIENCE COMMENTS

None

MINUTES

A motion was made by Councilwoman Cooke to approve the minutes of the August 9, 2016 – Work Meeting; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (3) Lounsbury, Sedlmeir, and Cooke; Abstains (1) Wood; Absent (1) Bolte; Nays (0)

A motion was made by Councilwoman Cooke to approve the minutes of the August 11, 2016 – Regular Meeting; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Absent (1) Bolte; Nays (0)

TRANSFERS

None

ABSTRACTS/VOUCHERS

| | |
|-------------------|---|
| General Fund | \$ 14,728.52 |
| Highway Fund | 151,127.67 |
| Lighting District | 684.68 |
| Sewer Fund | 155.24 |
| Water Fund | 433.73 |
| T&A Fund | <u>6,057.27</u> |
| Total Abstracts | \$173,187.11 (Figures taken from 'Invoice List by GL Acct') |

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

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Absent (1) Bolte; Nays (0)

CORRESPONDENCE

None

REPORTS

SUPERVISOR

1. Supervisor Lounsbury reported that she has been working on the Tentative Budget and asked any department head who has not already submitted their budget requests, to please do so as soon as possible.

2. A motion was made by Councilwoman Cooke to schedule a Special Meeting for September 29, 2016 at 7:00 PM for the purpose of presenting the Tentative Budget and setting Budget Workshop dates. The motion was seconded by Councilman Wood.

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Absent (1) Bolte; Nays (0)

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

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Absent (1) Bolte; Nays (0)

ATTORNEY

1. On the subject of the Communications Tower, Attorney Ryan reported that the motion to dismiss was denied and noted that motions to dismiss were very infrequently granted. The Courts go out of their way to rule in favor of the opposing party, but that will not preclude the Town from making a motion for summary judgment on the various grounds that were raised in the motion to dismiss; it will give the Judge the opportunity to review the record which was developed by the Planning Board. Attorney Ryan felt it was disappointing, but not surprising.

Supervisor Lounsbury questioned the chances of appeal. Attorney Ryan felt that the only way Scenic Rensselaerville could win is if they could prove that the Planning Board acted arbitrarily and capriciously, which is a difficult burden. It is also difficult to have a decision from the Supreme Court reversed; statistically 98% of the decisions that are appealed are affirmed.

Councilman Wood inquired, citing a recent accident involving a mother and two small children who could not reach help due to non-existent cell service, whether the judge could be made aware of this. Attorney Ryan stated that, although this specific case was not cited, similar situations were addressed at the Public Hearings and are already part of the record.

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

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Absent (1) Bolte; Nays (0)

HIGHWAY DEPARTMENT

1. Superintendent Bates reported that the last of the CHIPs-funded projects were complete.
2. Superintendent Bates presented an overview of the season: the Highway Department maintained, in various forms, 14 ½ miles of highway; 11 ½ miles were resurfaced (hot asphalt, moto-pave mix, or chip-seal); 1 ½ miles were repaired with millings the Town had purchased from the work performed on Route 357; and 1 ½ miles of roadway were repaired with shale.
3. The Highway has a few small repair projects which they will be using their paver for.
4. The Highway Department has been stock-piling shale in anticipation of springtime repairs.
5. The roller has come back from Finke Equipment – the engine was replaced at no charge to the Town.

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

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Absent (1) Bolte;

Nays (0)

TOWN CLERK

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

Town Clerk Department – Total Collected \$2,471.50

Paid to the Supervisor - \$488.65 - the breakdown is as follows:

| | |
|---------------|--------------|
| Clerk Fees | \$232.65 |
| Recycling | 155.00 |
| Dog Licenses | 91.00 |
| <u>Zoning</u> | <u>10.00</u> |
| Total | \$488.65 |

Fees paid to NYS Department of Agriculture & Markets for the ‘Animal Population Control Program’ aka ‘dog surcharge’: \$13.00

Electronic sweep from the Town Clerk’s checking account for the NYS Department of Environmental Conservation - Sporting licenses: \$1,969.85

Water Rents collected for the month totaled \$1,519.84; no penalties;

Sewer Rents collected for the month totaled \$163.12; no penalties.

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

Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Absent (1) Bolte;

Nays (0)

CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR

1. Code Enforcement Officer/Building Inspector Overbaugh reported that due to the computer glitch with last month’s report, his figures did not agree with the Town Clerk’s figures, but that it will all come out even in the end.

2. Code Enforcement Officer/Building Inspector Overbaugh has been working on Certificates of Compliance and Certificates of Occupancy and will be attending an all-day course on September 14th on the subjects of commercial energy codes and commercial hoods.

3. Code Enforcement Officer/Building Inspector Overbaugh attended a two-day course earlier this year on the new building code which goes into effect on October 3, 2016. There are several changes most of which relate to the energy code.

4. The Medusa Fire House renovations are coming close to completion. Mr. Overbaugh is very proud and pleased with the project and feels that the new building will serve the Community well.

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

*Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Absent (1) Bolte;
Nays (0)*

ASSESSORS

1. Assessor Kropp was pleased to report that the Assessor's Office has not received many phone calls regarding the new STAR Check Program.
2. The Assessor's office is now preparing for the new tax year.
3. Mrs. Kropp wished to thank the Town for allowing the use of the Senior/Youth bus for the Bible Day Camp children to visit and learn about the transfer station.

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

*Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Absent (1) Bolte;
Nays (0)*

WATER/SEWER COMMITTEE

No report

REFUSE/RECYCLING

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

Rensselaer Iron & Steel: 3.69 tons
Tires: 45
City of Albany Landfill: 69.07 tons
Sierra Fibers: 5.2 tons comingled and 5.97 tons old cardboard container
Oil: 20 gallons

2. Recycling Coordinator Whitbeck noted that Noah DeGennaro spent several Wednesdays in a row, 4 hours each time, assisting the public with their trash and recycling material at the transfer station. Noah is in the process of completing a school project and each time he completes a piece of the project, he writes a 1-page essay and shares it with others.
3. Also happening at the Recycling Center this month, was a visit from the Bible Day Camp children. Coordinator Whitbeck picked them up from the Trinity Church in Rensselaerville and brought them to the recycling center where he taught them about the process and benefits of recycling. In addition to the learning experience, a good time was had by all.

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

*Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Absent (1) Bolte;
Nays (0)*

CURRENT EVENTS

None

OLD BUSINESS

1. Supervisor Lounsbury and Clerk 1 McCormick have been working with Albany County and the Town's accountant with the MUNIS program. Some bugs have been found and worked out, and so far things have been running much smoother. In light of the recent improvements, Supervisor Lounsbury would like to continue to work with the Town's accounting firm and requested a motion to rescind the motion authorizing her to send out RFPs.

A motion was made by Councilwoman Sedlmeir to rescind the motion authorizing Supervisor Lounsbury to send out RFPs for an accounting firm; 2nd by Councilwoman Cooke.

*Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Absent (1) Bolte;
Nays (0)*

2. Regarding the generator, Councilman Wood has spoken to Councilman Bolte, who knows the wiring and the ins-and-outs of Town Hall well. Councilman Bolte recommended a 25kw generator. The cost would be approximately \$8,000. Councilman Bolte is willing to help with the installation and already has plans drawn up. Councilman Bolte and Councilman Wood will work together on this project. John Dolce will also assist with this project.

NEW BUSINESS

1. A request was received from Boy Scout Troop 42 for use of the Senior/Youth bus for a fishing trip to Long Island. The Board is skeptical of authorizing the trip due to the distance, the age of the bus and wear-and-tear, and the heavy traffic.

A motion was made by Supervisor Lounsbury to deny the request for the use of the bus for the Boy Scout's trip to Long Island; 2nd by Councilwoman Sedlmeir.

*Motion carried: Ayes (4) Lounsbury, Sedlmeir, Wood, and Cooke; Absent (1) Bolte;
Nays (0)*

2. Attorney William Ryan addressed the renewal of the Highway Superintendent's authority to participate in on-line bidding as follows:

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 December 31, 2016, up to an amount of \$7,741; (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 Supervisor Lounsbury and seconded by Councilwoman Sedlmeir, the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Rensselaerville on the 8th day of September, 2016 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. Attorney Ryan next addressed the issue of the tax certiorari proceeding commenced against the Town as follows:

RESOLUTION OF THE
TOWN OF RENSSELAERVILLE
TOWN BOARD

WHEREAS, the Town, the Board of Assessment Review and the Assessor have been named as Defendants in a tax certiorari proceeding commenced by petitioner Gerald Kirchner and filed in New York State Supreme Court, Albany County (“Proceeding”); and

WHEREAS, the Town Board wishes to engage Tabner, Ryan, & Keniry, LLP, attorney for the Town, as counsel in the Proceeding;

NOW THEREFORE, BE IT RESOLVED by the duly convened Town Board of the Town of Rensselaerville, Albany County, New York, that Tabner, Ryan, & Keniry, LLP, attorney for the Town, is hereby engaged to appear and act as counsel for the Town, the Board of Assessment Review and the Assessor in the Proceeding, pursuant to the terms of the Town’s Professional Services Agreement with Tabner, Ryan, & Keniry, LLP.

By motion made by Supervisor Lounsbury and seconded by Councilwoman Cooke, the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Rensselaerville on the 8th day of September, 2016 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

4. Supervisor Lounsbury announced that Councilman Bolte had been in to see her and expressed his wishes to resign due to health related matters.

Councilman Bolte had been filling out the year for former Councilman Kevin McGrath. John Dolce, who is running for the seat of Councilmember in the November election, is willing to take the council seat for the remainder of the year.

A motion was made by Councilwoman Cooke to accept Robert Bolte’s resignation; 2nd by Councilwoman Sedlmeir.

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

A motion was made by Councilwoman Sedlmeir to appoint John Dolce to fill the seat vacated by Kevin McGrath for the remainder of the year; 2nd by Councilman Wood.

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

5.

RESOLUTION OF THE
TOWN OF RENSSELAERVILLE
TOWN BOARD

WHEREAS, the Town Board is considering amendments to the Town of Rensselaerville Zoning Law to extend to the Planning Board provisions for an alternate member similar to those in place for the Zoning Board of Appeals;

NOW THEREFORE, BE IT RESOLVED, by the duly convened Town Board of the Town of Rensselaerville that pursuant to the Municipal Home rule Law and the General Municipal Law, a public hearing shall be conducted at the Town Hall on October 11, 2016 at 6:30 PM on the attached proposed Local Law No. 3 of 2016 *, and notice of the time and place of such hearing shall be published on or before September 27, 2016 in a newspaper circulating in the Town.

By motion made by Supervisor Lounsbury and seconded by Councilwoman Sedlmeir, the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Rensselaerville on the 8th day of September, 2016 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 | | | Resigned |
| Margaret Sedlmeir, Councilwoman | X | | |
| Gerald Wood, Councilman | X | | |

END RESOLUTION

* A copy of Proposed Local Law No. 3 of 2016 is available for inspection in the Town Clerk's Office or may be viewed online at www.rensselaerville.com.

RESOLUTION OF THE
TOWN OF RENSSELAERVILLE
TOWN BOARD

WHEREAS, the Town of Rensselaerville Town Board (the "Board") is considering a proposed revision to its Zoning Law to allow for the appointment of an alternate member of the Town's Planning Board (the "Action"); and

WHEREAS, the Board has reviewed the State Environmental Quality Review Act ("SEQRA") 6 NYCRR Part 617, and determined that the Action is subject to SEQRA; and

WHEREAS, the Town Board has preliminarily determined this to be an Unlisted Action pursuant to SEQRA; and

WHEREAS, pursuant to the form Notice annexed hereto, in accordance with the provisions of 6 NYCRR Part 617, Town of Rensselaerville Town Board intends to serve as Lead Agency for the SEQRA review of this Unlisted Action, and in this capacity, will determine if the proposed action will have a significant effect on the environment; and

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby:

- (1) preliminarily declares that the Action is an Unlisted action under SEQRA; and
- (2) declares its intent to serve as Lead Agency for the SEQRA Coordinated Review of this Unlisted Action, and will thus circulate the Lead Agency Notice, a copy of the proposed Zoning Law, and Part 1 of the required Environmental Assessment Form to all Involved and Interested Agencies, who shall be given 30 days from the mailing of the Lead Agency Notice to challenge the Town Board's Lead Agency Designation; and
- (3) authorizes and directs the Town Clerk to publish and/or mail all notices required under SEQRA of the Board's intention to declare itself as Lead Agency for the Action to all Involved or Interested Agencies including, pursuant to NY Town Law §264, the clerk of and city, village or town that has a boundary line within 500 feet of the boundary of the Town of Rensselaerville; the clerk of the board of supervisors or other person performing like duties of any county with a boundary line within 500 feet of the boundary line of the Town of Rensselaerville; and also

upon the regional state park commission having jurisdiction of any state park or parkway that has a boundary line within 500 feet of the boundary line of the Town of Rensselaerville.

By motion made by Supervisor Lounsbury and seconded by Councilwoman Cooke, the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Rensselaerville on the 8th day of September, 2016 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 | | | Resigned |
| Margaret Sedlmeir, Councilwoman | X | | |
| Gerald Wood, Councilman | X | | |

END RESOLUTION

AUDIENCE COMMENTS

1. Ernest Kuehl suggested, citing his experience with Middleburgh Central School after the flood, inquiring into asking the Senate or Assembly for assistance. Councilwoman Cooke mentioned that former Councilman Bolte had already gone that route, but this may be something that could be tried again. Superintendent Bates stated the he had spoken to Bob Bolte and noted that it would be best to have a proposal in writing.

John Dolce contacted a generator company who recommended contacting an electrician first. The electrician would come in to see what would be supplied by the generator and then do a proposal.

ADJOURNMENT

A motion was made by Councilwoman Sedlmeir to adjourn the meeting at 7:50 PM; 2nd by Councilman Wood.

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

RESPECTFULLY SUBMITTED;

Victoria H. Kraker
Town Clerk