

**MINUTES
OF
THE TOWN OF RENNELAERVILLE TOWN BOARD
REGULAR MEETING
MARCH 8, 2018
7:00 PM**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 8th day of March 2018 at 7:30pm at the Rensselaerville Town Hall, 87 Barger Road, Medusa, NY. The meeting was convened by Supervisor Steven Pflieger and the roll was called with the following results:

PRESENT WERE: Attorney Thomas Fallati
Supervisor Steven Pflieger
Councilwoman Marion Cooke
Councilman John Dolce
Councilman Jason Rauf
Councilwoman Margaret Sedlmeir
Town Clerk Victoria H. Kraker

Also present were Highway Superintendent Randy Bates and eight interested citizens.

AUDIENCE COMMENTS

Richard Amedure expressed his concerns regarding the damage that is being done by the logging operation on State Lands bordering Kenyon Road and CCC Road.

CCC Road is a disaster and now Kenyon Road is a disaster. The land is no longer able to be used for recreation. The land is being clear-cut. The Town will be left holding the bill. The logging trucks cannot make it out of the road any longer so a dozer is sent in to pull the trucks out. Each time a dozer is sent, another several inches of road surface is taken away.

Another concern is everything that is left behind is dead and dry and is a potential fire hazard.

Councilwoman Cooke questioned whether the lands would be re-planted. Mr. Amedure indicated that according to the Forester, who used to have 47 people working the State Lands, is now down to eight. 70-80 years ago the area was all open fields; there was no litter; natural succession only allows scrub brush to take over, not timberland.

MINUTES

A motion was made by Councilwoman Cooke to approve the minutes of the February 6, 2018 – Work Meeting; 2nd by Councilman Rauf.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

A motion was made by Councilman Dolce to make the corrections* to the minutes of the Regular Meeting – February 8, 2018; 2nd by Councilman Rauf.

Motion carried: Ayes (3) Pflieger, Dolce, and Rauf; Nays (0); Abstains (2) Cooke and Sedlmeir

A motion was made by Councilman Rauf to approve the minutes of the February 8, 2018 – Regular Meeting as corrected*. The motion was seconded by Councilman Dolce.

Motion carried: Ayes (3) Pflieger, Dolce, and Rauf; Nays (0); Abstains (2) Cooke and Sedlmeir

* Correction p. 4 under Supervisor’s Report, bullet #4 instead of ‘Mrs. Lounsbury’s hours do not overlap...’ it should read ‘Mrs. Lounsbury’s hours coincide.’

*Also, p. 3, Supervisor Pflieger requested a motion to move \$9.05 from the USDA account to the General Fund for the purpose of closing out the account. However, it was not read off the transfer sheet. The transfer was from the USDA account 4738 to the General Fund 48449 for \$9.05.

TRANSFERS

None

ABSTRACTS/VOUCHERS

General Fund	\$18,867.54
Highway Fund	28,142.21
Lighting District	732.96
Sewer Fund	143.20
Water Fund	53.81
<u>T&A Fund</u>	<u>3,998.03</u>
Total Abstracts	\$51,937.75

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

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

CORRESPONDENCE

1. Supervisor Pflieger read a letter from the Westerlo Volunteer Fire Company expressing their sincere appreciation for the use of the Senior/Youth bus. A \$50.00 donation from the Firefighters Fund of the Westerlo Volunteer Fire Company was made on behalf of the members to support the Senior Bus program.

2. A donation of \$25.00 was made by Beatrice Smith of Westerlo to be put towards the Senior Bus/Car fund.

REPORTS

HIGHWAY DEPARTMENT

1. Superintendent Bates expressed his concerns, as well, for the events on the State Lands and his distaste for the fact that the DEC is allowing it to happen. He called it an 'ecological disaster'; the trails are gone; it's a mud fest; the roads, the streams, the trees and the forest are being destroyed.

Superintendent Bates has been in touch with the DEC, the Forest Rangers and the State Forester who essentially told him there was nothing he could do; the Town roads were going to be used and there was nothing that could be done to stop them.

2. Superintendent Bates reported no problems with all the snow that has fallen recently – an estimated 40-50” within a six-day period. Although the crew is weary, there have been no incidents, no road closures, and all the equipment is in good condition.

3. Many of the dirt roads are not in good shape. The fluctuations in temperatures and the continuous freeze-thaw cycle have been detrimental to the dirt roads especially. The Highway has been trying to use smaller trucks to plow where possible and have loaded the trucks lightly in an effort to preserve the roads and not contribute to further damage.

4. The bid packages have been sent out.

5. Superintendent Bates has attempted to close Kenyon Road; signs are up, but the logging trucks are still running on it. He has the legal authority to close the road based on the damage being done. He feels it is a law enforcement issue at this point. Superintendent Bates met with the State Forester and the logger and an agreement was made that they would not use the portion of Kenyon Road between the intersection of Roney Road and County Route 352, but that they would continue to use the seasonal/upper part of the road. That has not been the case. The State Forester did say, however, that there were monies available and that he would purchase the materials to repair the road when the logging operation is finished sometime in August.

6. Attorney Fallati addressed the weight limit ordinance which would impose weight limit restrictions on town roads. The Town would be authorized to bar vehicles with a gross weight of 6 tons or more on a temporary basis from the date of the ordinance through May 1st unless otherwise determined.

There is a provision for a fine for violations, but Attorney Fallati will look into whether the driver can be held liable for any damages. Attorney Fallati will also check into the wording of the ordinance so it is *not road specific*, but rather to have it cover all Town roads, at the discretion of the Highway Superintendent.

Superintendent Bates wishes for the Town to have a tool to use when the situation calls for. Temporary weight limit restrictions would be dependent on weather conditions, road conditions and the use of the road – who is using it and for what purpose.

A motion was made by Councilman Dolce to accept the Highway Superintendent's report; 2nd by Councilman Rauf.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

SUPERVISOR

1. The Town declared a State of Emergency during the most recent snow storm. Supervisor Pflieger wished to thank Highway Superintendent Bates and his Department for a phenomenal job given the circumstances. Superintendent Bates noted that it was one of the worst storms to keep up with.
2. Supervisor Pflieger wished to remind everyone about the opioid awareness program on March 21st from 6-8pm at Town Hall.
3. Supervisor Pflieger and Deputy Supervisor Dolce visited the Lake Myosotis dam. The monthly report on the status of the dam noted a settling of the rock behind the valve house and there is a concern that there may be some leakage. Supervisor Pflieger has been in touch with the engineers who will be sending a report. A diver may be coming in to take pictures so as to get a better grip on what may be happening.

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

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

ATTORNEY

1. Attorney Fallati read the Resolution to renew 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 June 30, 2018, up to an amount of \$10,000; (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 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 8th day of March 2018 as follows:

<u>Town Board Member</u>	<u>Yes</u>	<u>No</u>	<u>Absent/Abstain</u>
Steven Pfliging, Supervisor	X		
Marion Cooke, Councilwoman	X		
John Dolce, Councilman	X		
Jason Rauf, Councilman	X		
Margaret Sedlmeir, Councilwoman	X		

End Resolution

2. Attorney Fallati read the Resolution for proposed Local Law No. 4 of 2018 as follows:

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

WHEREAS, the Town Board finds that there is a cost to the Town associated with providing copies of Justice Court civil and criminal dispositions and that the Town is not reimbursed for such costs; and

WHEREAS, the Town Board, in accordance with Municipal Home Rule Law §10(1)(ii)(a)(9-a), which authorizes the Town to adopt and amend local laws relating to the fixing, levy, collection and administration of charges, rates, and fees, the Town Board has prepared a proposed amendment to Chapter 114 of the Town Code of Rensselaerville to add a Justice Court a fee of five (\$5) dollars for copies of Justice Court dispositions;

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 April 12, 2018 at 6:45pm on the attached proposed

Local Law No. 4 of 2018, and notice of the time and place of such hearing shall be published on or before March 29, 2018 in a newspaper circulating in the Town.

By motion made by John Dolce, 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 8th day of March 2018 as follows:

<u>Town Board Member</u>	<u>Yes</u>	<u>No</u>	<u>Absent/Abstain</u>
Steven Pflieger, Supervisor	X		
Marion Cooke, Councilwoman		X	
John Dolce, Councilman	X		
Jason Rauf, Councilman		X	
Margaret Sedlmeir, Councilwoman	X		

End Resolution

A motion was made by Councilwoman Cooke to accept the attorney’s report; 2nd by Councilman Dolce. *Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)*

TOWN CLERK

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

Town Clerk Department – Total Collected \$814.76

Paid to the Supervisor - \$805.76- the breakdown is as follows:

Clerk Fees	\$186.00
Recycling	41.00
Dog Licenses	54.00
Building Permits	224.76
<u>Zoning</u>	<u>300.00</u>
Total	\$805.76

Fees paid to NYS Department of Agriculture & Markets for the ‘Animal Population Control Program’ aka ‘dog surcharge’: \$9.00

Water Rents collected for the month totaled \$6,318.69; no penalties

Sewer Rents collected for the month totaled \$10,905.49; which includes \$13.30 in penalties

Town Clerk Kraker reported that tax collection process has been moving along well and \$1,324.13 was collected in penalties/interest for the month of February.

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

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR

1. Code Enforcement Officer/Building Inspector Overbaugh reported two Home Replacement Permits and one Building Repair Permit for the month. He also noted that he performed 11 inspections and 3 title searches for February.
2. Code Enforcement Officer/Building Inspector Overbaugh had attended a class on February 16th on pouring concrete in the cold.

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

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

ASSESSORS

1. Assessor Kropp reported that most of the exemptions had been turned in. The Assessor's Office is now processing the exemptions and preparing for the Tentative Roll.

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

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

WATER/SEWER COMMITTEE

Town Clerk Kraker read a written report submitted by John Rice, Water/Sewer Treatment Officer, as follows:

The Water Treatment plant filtered 275,200 gallons – a daily average of 9,829 gallons.
The Sewer Treatment plant pumped 137,520 gallons – a daily average of 4,911 gallons.

Water/Sewer Treatment Officer Rice also wished to extend his sincere thanks to the Highway Department for plowing out the Water Plant after the past two snowstorms.

A motion was made by Councilman Rauf to accept the Water/Sewer Committee's written report; 2nd by Councilwoman Cooke.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

REFUSE/RECYCLING

1. Recycling Coordinator Whitbeck submitted a written report for the month of February as follows:

Rensselaer Iron & Steel: 4.11 tons
City of Albany Landfill: 46.83 tons
Sierra Fibers: 8.86 tons
Oil: 29 gallons
Tires: 11

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

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

RENSELAERVILLE LIBRARY

No Report

CURRENT EVENTS

The Medusa Fire House will host a free-will-offering breakfast on March 17th from 7-11am.

OLD BUSINESS

1. A motion was made by Councilwoman Cooke to approve the minutes of the December 14, 2017 – Regular Meeting as corrected at the January 11, 2018 Regular meeting. The motion was seconded by Councilwoman Sedlmeir.

Motion carried: Ayes (3) Cooke, Dolce, and Sedlmeir; Nays (0); Abstains (2) Pflieger and Rauf

A motion was made by Councilwoman Cooke to rescind the motion made at the December 28, 2017 Final Meeting to hire Earl David Potter as a seasonal employee; 2nd by Councilman Rauf.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

A motion was made by Councilwoman Cooke to approve the minutes of the December 28, 2017 Final Meeting as corrected (See New Business No. 4); 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (3) Cooke, Dolce, and Sedlmeir; Nays (0); Abstains (2) Pflieger and Rauf

* A motion was made by Supervisor Pflieger to hire Earl David Potter as a seasonal employee from December 29th through April 15th, on an as-needed basis, as determined by the Highway Superintendent, and to pay him \$19.61/hr. The motion was seconded by Councilwoman Cooke.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

2. A motion was made by Councilman Rauf to schedule a Special Meeting on March 29, 2018 at 7:00pm for the purpose of appointing a Town Justice to fill the vacancy created by the resignation of Justice Dwight Cooke; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

A motion was made by Councilwoman Cooke to authorize the Town Clerk to advertise the vacancy of a Town Justice noting that letters of interest should be returnable by March 28th and that the appointment would expire December 31, 2018. The motion was seconded by Supervisor Pflieger.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

3. Councilwoman Cooke disclosed that she is employed by GNH Lumber, a vendor that does business with the Town, and therefore she will not sign any vouchers or participate in any bids or quotes supplied to the Town by them for the remainder of her term.

4. Discussions regarding the temporary weight limits on Town roads were held earlier in the meeting and will be tabled at this point.

5. It was discovered that a billing/formula error had been made regarding the 'Phase II' Sewer District residents for the years 2015, 2016, 2017, and 2018.

A motion was made by Supervisor Pflieger to issue refund checks of \$43.64 to each of the 19 users of 'Phase II' providing their 2018 Sewer District payments had been made in full. Starting in 2019, 'Phase II' bills will be a fixed charge of \$24.00/year. The motion was seconded by Councilman Rauf.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

6. A motion was made by Councilman Rauf to schedule a Special Meeting on April 3, 2018 immediately following the Public Hearing for the purpose of discussing the Town's renewable energy policies. The motion was seconded by Councilwoman Sedlmeir.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

NEW BUSINESS

1. Supervisor Pflieger received two quotes for the liability insurance: one from NYMIR and one from Trident/Argonaut who holds the current policy. Trident has reviewed the Town's current policy and offered a renewal premium of \$34,680.43 - down \$6,437.33 from last year's. There is, however, an additional \$3,000 for 'downstream exposure' coverage for the dam. NYMIR's quote came in at \$29,583.35 plus an additional \$11,336.00 for the 'downstream exposure' coverage. Also, there are stipulations with joining NYMIR in the event the Town discontinues coverage with them.

It was the consensus of the Board members that the quote from NYMIR did not justify the risks involved.

A motion was made by Councilwoman Cooke to accept the quote from Marshall & Sterling Insurance Company/Trident/Argonaut for \$34,680.43 plus \$ 3,000 for Downstream Exposure and authorize the Town Supervisor to sign the contract. The motion was seconded by Councilman Rauf.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

2. The Highway's on-line bidding authority was covered earlier

3. Councilman Rauf wished to make a statement regarding the haying of the fields between Town Hall and the Public Safety Building. He and his father are business partners and have cut the hay fields for the past two years. He therefore wishes to abstain from any discussion and/or decisions in this regard.

A motion was made by Councilwoman Cooke to authorize the Town Clerk to solicit bids for the cutting, baling, and removal of hay from the two fields between Town Hall and the Public Safety Building for a flat fee and subject to insurance coverage. Bids must be returned by April 10, 2018 at 6:45pm. The motion was seconded by Councilwoman Sedlmeir.

Motion carried: Ayes (4) Pflieger, Cooke, Dolce, and Sedlmeir; Nays (0); Abstains (1) Rauf

4. * Discussion was had regarding the wording of the motion to hire Earl David Potter – refer to Old Business No. 1 where the final wording and motion was made.

AUDIENCE COMMENTS

Marie Dermody read a letter she requested become part of the minutes:

There are several comments that need to be made prior to you entering into Executive Session to discuss “employee history.” And I will preface these comments with the statement that I did not ask for nor do I have permission from the Town employee to address the Town Board regarding this matter. This is strictly on me.

1. Last month, when you called the employee to join you in Executive Session and he announced he was bringing in a witness to the proceedings, you cancelled his “invitation.” Instead, you had Supervisor Pflieger call him into his office to discuss the executive session matter. Section 105(2) of the Open Meetings Law states that “Attendance at an executive session shall be permitted to any member of the public body and any other persons authorized by the public body.” That being said, you could permit the presence of the witness, but are not required to do so. If you have nothing to hide, you have no reason to resist this action. Why would 5 Town Board members and an attorney be intimidated by the presence of a witness? I would suggest that you make this a Town Board policy, one that allows the presence of a witness during Executive Session proceedings when dealing with employee work history or discipline.

And, yes, Executive Session proceedings are confidential. But a meeting in the Supervisor’s office is not. I can no longer abide by my initial agreement to keep that conversation private. What I perceive as abuse of power and discriminatory practices must be exposed.

2. It has come to my attention that the Town Board has created a job description for this employee. According to Supervisor Pflieger, he created the job description and the Town Board “refined” it in Executive Session. Having seen a copy of this job description, it is safe to say it is generic and can be applied to any and all who hold the position of code enforcement officer/building inspector. It is not specific to the “work history” of this particular employee. The creation and refinement of a job description is NOT a matter that should be conducted in Executive Session. You have again violated the Open Meetings Law.

In addition, you are requiring this employee to sign this job description as if it were a legal and binding contract. Unless you can prove unequivocally that this practice is being applied to all appointees as a condition of retaining their position in Town government, we clearly have a case of harassment and discrimination.

3. We have Town Board members scouring the countryside looking for projects lacking the proper paperwork with the office of the building inspector/code enforcement officer. And I believe you have come up empty-handed. You seem to be conducting a vengeful “witch hunt” looking for any excuse to terminate this person’s appointment with the Town. Again, unless you can prove that you are exercising this same scrutiny with all other appointees, we clearly have a case of harassment and discrimination.

I respectfully request that this statement be entered into the minutes in its entirety so that the rest of the community is informed of this matter.

EXECUTIVE SESSION

A motion was made by Supervisor Pflieger to enter into Executive Session at 9:12pm for the purpose of discussing employee history and possible litigation; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

A motion was made by Councilwoman Sedlmeir to return from Executive Session at 9:29pm; 2nd by Councilman Rauf.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

A motion was made by Councilwoman Cooke to approve the list of objectives for the Code Enforcement Officer/Building Inspector and signed by Mark Overbaugh; 2nd by Councilman Rauf.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

A motion was made by Councilwoman Cooke to amend the motion made for the March 29, 2018 Special Meeting to include ‘...any other matters before the Board.’ The motion was seconded by Councilwoman Sedlmeir.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

ADJOURNMENT

A motion was made by Councilwoman Sedlmeir to adjourn the meeting at 9:36pm; 2nd by Councilman Rauf.

Motion carried: Ayes (5) Pflieger, Cooke, Dolce, Rauf, and Sedlmeir; Nays (0)

RESPECTFULLY SUBMITTED;

Victoria H. Kraker
Town Clerk