

FINAL

**MINUTES
OF
TOWN OF RENSSELAERVILLE TOWN BOARD
REGULAR MEETING
JANUARY 10, 2013**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 10th day of January, 2013 at 7 o'clock in the evening at the Rensselaerville Town Hall, 87 Barger Road, Medusa, NY. The meeting was convened by Supervisor Lounsbury and the roll was called with the following results:

PRESENT WERE: Supervisor Valerie Lounsbury
 Councilman Robert Bolte
 Councilwoman Marion Cooke
 Councilman John Kudlack
 Councilwoman Margaret Sedlmeir
 Attorney Thomas Fallati, TRK
 Town Clerk Kathleen A. Hallenbeck

Also present was Highway Superintendent Randy Bates and 14 interested citizens.

AUDIENCE COMMENTS:

Mrs. Parker mentioned that on Friday, January 21, 2013 at the Medusa Fire House, there will be an informational meeting Agenda 21 and how it affects us.

MINUTES:

Councilwoman Cooke mentioned that the hourly rate for the cleaning person is not in the Organizational Minutes. The rate is \$12.00 an hour. This will be added to the minutes.

A motion was made by Councilman Bolte to accept the minutes of the Organizational Meeting held on January 2, 2013 as corrected, the Regular Meeting held on December 13, 2012, Public Hearing held on December 11, 2012, Work Meeting held on December 11, 2012, Special Meeting held on October 10, 2012 (Budget) and Special Meeting held on December 27, 2012 (Final), 2nd by Councilwoman Sedlmeir.
Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

TRANSFERS:

There were no transfers.

ABSTRACT 2013 -01, VOUCHERS,BILLS

The General Fund - \$42,809.41; Highway Fund - \$61,833.63; Water District - \$6062.20; Sewer District - \$495.00; Hydrant District - \$61.35. Prepays - \$92,829.90. Total Abstract - \$204,091.49.

A motion was made by Councilman Kudlack to pay all signed vouchers, 2nd by Councilman Bolte.
Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

CORRESPONDENCE

Greenville Central School – The Annual Board of Education Town Workshop will be held on Saturday January 26, 2013, 10 am to 12 noon.

REPORTS

SUPERVISOR LOUNSBURY

RENSSELAERVILLE WATER DISTRICT/ BOND COUNSEL: Supervisor Lounsbury mentioned that she has a letter from Orrick, Herrington & Sutcliff , Bond Counsel, regarding the Impoundment Dam. She would like authorization to sign it.

A motion was made by Councilwoman Cook authorizing Supervisor Lounsbury to sign the Bond Counsel Agreement with Orrick, Herrington & Sutcliff, 2nd by Councilwoman Sedlmeir.
Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

LOAN: Supervisor Lounsbury mentioned that she contacted the two banks regarding the Bond, to see if they would like to purchase the Bond for the Water District. The RECAP Loan had been denied because the work had already been completed and they had gotten a loan form the Bank of Greene County. RECAP will not finance for a loan payoff. Supervisor Lounsbury contacted the Bank of Greene County, they are willing to purchase the Bond for ten year at 2.99% interest, it would be an annual payment of \$14,008.30. Supervisor Lounsbury contact the Bank of Coxsackie who would be interested in doing business with us but they had to have the two most recent years Annual Report. We don't have the 2011 Annual Report complete. It is Federal regulations that they have to have two most recent Annual Reports. There was no point in calling another bank because federal regulation is going to be applied at all banks.

A motion was made by Councilman Bolte to secure a loan from the Bank of Greene County for a ten year BAN at 2.99% interest rate, annual payment of \$14,008.30, 2nd by Councilman Kudlack.
Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

i.t.s CONTRACT: Supervisor Lounsbury mentioned that we signed a contract with i't's. Supervisor Lounsbury read a letter from them concerning the contract for our website hosting our backup of 20 gigs for 2013. They have found that our backups have grown beyond the 20 gigs, we need to expand the backup space for off site. The difference is \$10.00, it has gone from \$29.00(20 gigs) to \$39.00 for 50 gigs for 12 computers.

A motion was made by Councilwoman Cooke to authorize Supervisor Lounsbury to increase the contract for backup up with i.t.s from \$29.00 to \$39.00, 2nd by Councilwoman Sedlmeir.
Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

A motion was made by Councilman Bolte to accept the Supervisor report, 2nd by Councilman Kudlack.
Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

TOWN ATTORNEY

ORDINANCE NO. 1 of 2013 – METHODIST HILL ROAD – NO PARKING ZONE: Supervisor Lounsbury mentioned that we need to hold another Public Hearing on this because we are changing it. Attorney Fallati explained that the previous public hearing on the Ordinance on Methodist Hill Road, originally provided for “no parking” on both sides of Methodist Hill Road from the intersection of 351 going north for 110 feet. The comments received by the Board was that 110 feet was too long for a no parking zone on both sides. Based on the comments received, the new revised version is being noticed with shorter limitations.

Attorney Fallati read the revised version to the audience.

The Town Board of the Town of Rensselaerville, Albany County, New York, ordains and enacts Ordinance 1 of 2013 as follows, pursuant to Section 1660(a)(18) of the Vehicle and Traffic Law of the State of New York:

Section 1: There shall be established a “No Parking” zone on Methodist Hill Road, Town of Rensselaerville, Albany County, New York, commencing at the intersection of Methodist Hill Road and County Route 351, and continuing as follows: (a) on the west side of Methodist Hill Road (Ballinger Lawn side), for thirty feet; and (b) on the east side of Methodist Hill Road (Presbyterian Church side) for seventy feet.

Section 2: A violation of this ordinance shall constitute a traffic infraction, with penalties as provided by Section 1800 of the Vehicle and Traffic Law of the State of New York.

Section 3: This ordinance shall take effect ten days after publication of this ordinance pursuant to Section 133 of the Town Law of the State of New York.

The following resolution was made by Supervisor Lounsbury; Resolution 2013/01/10A

WHEREAS, the Town Board has been advised that vehicles, including emergency vehicles, have had difficulty traveling on Methodist Hill Road because of the parking of vehicles on both sides of the street, creating a potential harm to public safety and creating hazardous traffic conditions; and

WHEREAS, the Town, pursuant to Section 1660(a)(18) of the Vehicle and Traffic Law of the State of New York, may enact an ordinance restricting parking on a Town road;

NOW TEREFORE, BE IT RESOLVED by the duly convened Town Board of the Town of Rensselaerville, Albany County, New York, that pursuant to Section 130 of the New York State Town Law, a hearing shall be conducted at the Town Hall on February 12, 2013 at 7PM on the attached proposed ordinance, ant that notice of the time and place of such hearing shall be published on or before February 6, 2013, in a newspaper circulating in the Town.

2nd by Councilman Kudlack.

A roll call vote was taken with the following results:

<i>Supervisor Lounsbury</i>	<i>AYE</i>
<i>Councilman Bolte</i>	<i>AYE</i>
<i>Councilwoman Cooke</i>	<i>AYE</i>
<i>Councilman Kudlack</i>	<i>AYE</i>
<i>Councilwoman Sedlmeir</i>	<i>AYE</i>

A motion was made by Councilwoman Cooke to accept Attorney Fallati's report, 2nd by Councilman Bolte.

Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

PLANNING & ZONING SECRETARY CLERK OPENING

Supervisor Lounsbury reported that Kathy Wank, Planning and Zoning Secretary is only working on an interim basis, we need to advertise for this position. She would like to advertise in the Pioneer and Altamont Enterprise.

A motion was made by Councilman Bolte authorizing Supervisor Lounsbury to advertise for the position of Planning and Zoning Clerk in the Altamont Enterprise and the Pioneer, 2nd by Councilman Kudlack.

Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

HIGHWAY DEPARTMENT

Superintendent Bates mentioned that there is not a lot to report, the equipment is operating properly and we have an ample supply of sand and salt.

PURCHASE OF NEW TRUCK: Attorney Fallati mentioned that he reviewed the new statute effective in the middle of 2012 that allows purchasing under other governmental contracts. One condition is that the contract that you are purchasing under has to allow other municipalities to it. The document from Oneida County does provide for that. He has looked at the other provisions, he feels that you can accept it.

A motion was made by Councilwoman Cooke to approve the contract and that the Supervisor be authorized to sign the contract for this truck, 2nd by Councilman Bolte.

Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

Superintendent Bates mentioned to the audience that we are purchasing a single axle cab and chassis plow truck, 225 horse power, 10 speed manual transmission, a one way plow, a right hand wing, stainless steel

dump body, etc. with a ten year warranty for the total cost of \$165, 320.51. It should have a life of 15 years. We would be replacing a 1998 truck.

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

Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

TOWN CLERK: Town Clerk Hallenbeck reported that she gave her monthly financial report at the December 27th Final Meeting of the Town Board.

WARRANTS – WATER AND SEWER DISTRICTS: Town Clerk Hallenbeck reported that in order to bill the residents of the Water and Sewer District the Town Board must adopt the Warrants authorizing the billing and collection of the water and sewer rents for the year 2013.

A motion was made by councilman Bolte to accept the Warrants from the Town Clerk authorizing her to bill and collect the following; Water District - \$46,625.00, Sewer District \$43,649.00, 2nd by Councilman Kudlack.

Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

USDA RURAL DEVELOPMENT CLASS: Town Clerk Hallenbeck reported that she sent her Deputy, Heather Kelly, to a meeting with USDA concerning funding for water and sewer districts. Perhaps down the line we can apply for this grant to pay down the Bond we just secured. There is money out there, you have to try and get it.

Deputy Kelly, it is based on the medium household income and the population of the Town, everything that you apply for after March 1st will go by the 2010 census.

A motion was made by Councilman Kudlack to accept the Town Clerks Report, 2nd by Councilwoman Sedlmeir.

Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR: CEO Overbaugh reported the following collected for the end of December; 1 – Deck - \$35.00 and January 3, 2013 – 1 – Building Repair - \$10.00; Total - \$35.00.

2012 Permit Summary; 13 – Accessory Buildings, 3 – New Homes, 3 – Home Repairs, 10 – Building Repairs, 7 – Home Additions, 2 Solar Systems, 2 – Pools, 1 – Deck, 2 – Septic, 8 – Renewals and 20 – Zoning Permits.

CEO Overbaugh mentioned that we should be thankful for the fire companies in Town. CEO Overbaugh spoke about the last couple of fires. There was a minor fire and major fire, through a joint effort at these fires the fire companies did a good job.

A motion was made by Councilman Kudlack to accept CEO Overbaughs report, 2nd by Councilwoman Sedlmeir.

Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

ASSESSING DEPARTMENT: Assessor Weber reported that they are working on the exemptions, other than that there is no activity to report.

A motion was made by Councilwoman Cooke to accept the Assessors report, 2nd by Councilwoman Sedlmeir.

Motion Carried Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

WATER/SEWER COMMITTEE:

SEWER DISTRICT: Chairman Delp asked if the Town has had any success in finding the easements for the sewer district lines.

Attorney Fallati mentioned that his office contacted Attorney Catalano, he was going to review whatever files he had. They have been looking through the files that he transferred over, they haven't located any signed easements yet.

Chairman Delp mentioned that the issue is a bit more complicated, the easement drawing that the surveyor had done shows an easement that ends short of the property line. The original contract drawing showed an easement going all the way to the property line.

Attorney Fallati mentioned that in looking back at the documents that go back to 1997, there was a change in the configuration. They are trying to piece that together. They found a draft easement and not a signed as a final one, they are checking on this.

WATER DISTRICT

BOND: Supervisor Lounsbury mentioned that she contacted the Bank and they are willing to purchase the BOND for 2.99% interest, the annual payment would be \$14,008.40.

Chairman Delp asked, the work has already been done, how does that come out to the water users?

Supervisor Lounsbury, it would be an annual level payment of \$14,008.40 due every year. Currently in the budget is \$11,000.00, it would be an increase of \$3,008.40.

Correspondence

Surpass Chemical will increase their price 3%.

LEAK: Treatment Officer Story reported that last weekend they had a leak, a pipe burst in a house. The water level in the tank went down, it has recovered. He intends to work on developing a plan to isolate various parts of the system so that they can determine from the flow on various branches whether or not they have a leak on a specific branch. He would like to be able to cut off one branch at a time, shut off the users and test the line to make sure that the line is not leaking and then try to isolate the users to make sure that there is no leak. You can't do this in the cold weather. Before we do that we have to make sure all the valves are working.

Supervisor Lounsbury asked about the letter from Chris Ullstrom, did you address his concerns.

Treatment Officer Story mentioned that he received the letter and they are acting on it. He has a lot of knowledge of the system and it will help the Committee.

DEPUTY TREATMENT OFFICER: Treatment Officer Story mentioned that he is happy to have a new deputy treatment officer, he is working out very well. He is going forward on getting certified.

A motion was made by Councilman Bolte to accept the report of the Water/Sewer Committee, 2nd by Councilman Kudlack.

Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

REFUSE/RECYCLING

Recycling Coordinator Whitbeck reported the following for the month of December 2012; Green Fiber – 9.67 tons, Rensselaerville Iron & Steel – None, Tires – 19, City of Landfill – 47.68 tons, Sierra Fibers – 5.39 tons, Oil – 36 gallons.

Recycling Whitbeck reported the 2012 year end totals as follows; Green Fiber – 118.0 tons (last year 115), Steel – 51 tons (down 6 tons from last year), Tires – 231 (down), EWaste – a little over 10.68 tons (last year 5 tons) this is a free service, City of Albany Landfill – 706.97 tons, Sierra Fibers – 58 tons (last year – 58 tons).

Recycling Whitbeck spoke to DEC, they are happy with our performance. We reclaimed more, we used more and we recycled more.

COLLECTION OF OIL: Supervisor Lounsbury mentioned that they have some questions regarding the collection of oil. The Deputy Recycling Coordinator is collecting it one Saturday a month and they are not sure that is the best way that they should be doing it.

Supervisor Lounsbury mentioned that they are paying around \$60.00 a month for him to collect it, the cost of the fuel @ \$3.25 is just about the same amount of money. We are even there, we are not sure if we

should keep paying and that Recycling Coordinator Whitbeck could collect it and have the highway department bring it over and put it into the tank.

Councilman Bolte mentioned that there isn't much sense is collecting waste oil if we end up paying out more in labor to collect it than the oil is worth. Used oil is worth a dollar a gallon.

Recycling Coordinator Whitbeck mentioned that last year we had 475 gallons, this year we had 295. He can't control the volume that comes in. Recycling Coordinator Whitbeck mentioned that he understands what you are saying, you would like to save money, but he would like the Deputy Recycling Coordinator involved with the people so he can do a better job, so he can see what is going on.

Councilman Bolte felt that we should be collecting oil every Saturday.

Recycling Coordinator Whitbeck mentioned that lots of people come in and want their cans back, he then has to leave the recycling station to do this. If it is a gallon or quart he takes it right away.

Councilman Bolte mentioned that it doesn't pay us to pay someone to be here to collect oil once a month and not make money on it. He spoke to Superintendent Bates about it and the Highway crew is willing to truck it over, if we need to come up with different containers, we can do that.

Discussed was the waste oil furnace, the waste oil recycled here and keeping an eye on the people bringing in waste oil and refuse.

Recycling Coordinator Whitbeck mentioned that he will work with the Town Board and do whatever they want to do.

Supervisor Lounsbury asked about the containers. Councilman Bolte mentioned that if we need to purchase some containers we will so Recycling Coordinator Whitbeck will have what he needs to make it work so he doesn't have to leave the recycling station.

Supervisor Lounsbury asked, if you have the containers is there a place to put them?

Recycling Coordinator Whitbeck will work on this.

The Town Board and Recycling Coordinator Whitbeck agreed to try collecting waste oil, without the Deputy Coordinator there, every Saturday for the next 60 days and revisit it at the March meeting to see if it is working.

A motion was made by Councilman Kudlack to accept Recycling Coordinator Whitbeck's report, 2nd by Councilwoman Sedlmeir.

Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

JUSTICE DEPARTMENT

2012 ANNUAL REPORT: Supervisor Lounsbury mentioned that they are in possession of the Justices 2012 Annual Reports. They will have to be audited. Councilwoman Cooke, Councilwoman Sedlmeir and Councilman Kudlack will do the audit.

GRIEVANCE BOARD MEMBER

The Grievance Board needs a member.

A motion was made by Councilwoman Cooke to appoint Erik Sutton to the Grievance Board of Assessment Review, 2nd by Councilman Bolte.

Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

NEW BUSINESS

ASSOCIATION OF TOWNS

Supervisor Lounsbury read the information from the Association of Towns concerning the Annual Conference held in NYC in February.

Supervisor Lounsbury mentioned that for several years we have not paid for this conference. Anyone who is interested in going will have to pay for it at their own expense.

NYS RETIREMENT RESOLUTION – STANDARD WORK DAY

Supervisor Lounsbury mentioned that we have to establish a Standard Work Day for reporting.

Resolution #01102013A – Retirement

The following resolution was made by Councilwoman Sedlmeir;

BE IT RESOLVED, that the Town of Rensselaerville Town Board/ Location Code 30742 hereby establishes the following as standard works days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body, Town Clerk – standard work day – 7 hours, Assessor – standard work day 6 hours, Clerk – standard work day – 6 hours, Deputy Recycling Coordinator – standard work day – 6 hours, Recycling Coordinator – standard work day – 8 hours, Justice Clerk – standard work day – 6 hours, Building/Safety Inspector – standard work day – 6 hours, Deputy Town Clerk – standard work day – 6 hours, Clerk – standard work day – 6 hours, Water/Sewer Officer – standard word day – 6 hours.

2nd by Councilman Kudlack.

Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

ZONING BOARD OF APPELAS

Supervisor Lounsbury mentioned that we have been notified that the Zoning Board of Appeals would like to have John Mormile appointed Chairman of the Board and appoint Jeannette Rice as the alternate member.

A motion was made by Councilwoman Cooke to appoint John Mormile Chairman of the Zoning Board of Appeals, 2nd by Councilman Kudlack.

Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

A motion was made by Councilman Kudlack to appoint Jeannette Rice as Alternate member of the Zoning Board of Appeals, 2nd by Councilwoman Sedlmeir.

Motion Carried. Ayes (5) Lounsbury, Bolte, Cooke, Kudlack, Sedlmeir; Nays (0)

CAMP CASS – PARKS & RECREATION

Councilwoman Cooke mentioned that a few years ago when Parks & Recreation went into Camp Cass, the use of the gym by the Town resident was discussed for basketball, volley ball, soft ball, whatever. She did not know if this offer is still good. The State would have to be contacted to see if this is still an option. Supervisor Lounsbury mentioned that we should do a survey as to whether there is going to be any interest in it, you have all the sports activities through the schools. If there are adults who want to go up there, she hates to go through all these hoops and then not have it used.

Councilwoman Cooke would hate to have everyone say yes and then the State says we can't.

Councilman Kudlack felt it would be a good idea, the only problem is if we are going to have young kids up there someone will have to take the responsibility to chaperone.

Councilman Cooke, it would be a volunteer basis, the parents would have to stay with the kids.

Councilman Bolte mentioned that if the young people are not interested in it, it is going to be a waste of your time.

The Town Board discussed this issue at length.

Councilwoman Cooke will make the call to the State and see if it would be viable if we can get enough interest to see if they would go along with it. If they say no there is no sense going any further with it.

Supervisor Lounsbury will contact the insurance company to see what our liability would be if we endorsed this. If we endorse this we are accepting a responsibility for the children to be there as well as the chaperones. She does not want to put an additional insurance burden on us to do that.

Councilman Bolte mentioned if you do things to support the kids then they don't end up in trouble in other places.

A comment from the audience; you keep saying Greenville School, it should not just be Greenville school.

Supervisor Lounsbury will call the insurance company and go from there.

BOARD OF ETHICS

Supervisor Lounsbury mentioned that the Town Board feels that since we had a case come before the Board of Ethics and the procedures had never been used and since we went through all of this that we would like to go back and review those guidelines and procedures for the Board of Ethics. Councilwoman Sedlmeir and Councilman Kudlack will take the Board of Ethics procedures and review them and make recommendations to the Board.

AUDIENCE COMMENTS

Pauline Gerdsmeier asked why the Highway is plowing when there is no snow on the ground. She saw them plowing when there was only a dusting on the road.

Superintendent Bates, if this is happening he will put a stop to this. If there is any snow on the road they will be plowing, there is no wear to the plows. A quarter of an inch could be dangerous, it is a safety issue. Victor La Plante, he has seen the men out pushing the banks back getting ready for another storm, Superintendent Bates and the Highway crew are doing an excellent job.

Victor La Plante asked Attorney Fallati why the different distances of no parking on Methodist Hill Road, the 70 feet and the 30 feet, perhaps 40 and 40 feet would work.

Supervisor Lounsbury mentioned that the reason they did this is because we were going to do 110 feet on both sides of Methodist Hill Road because there is a dangerous situation there. When there is an event it is hard to get emergency traffic through there and also just cars getting through. There was a great deal of controversy at the public hearing concerning this 110 feet. The Fire Department members present agreed to take their trucks to CR 351 and turn up Methodist Hill Road and see what footage that they needed to make a clean neat turn onto Methodist Hill Road. The Fire Company felt that they could make the turn if we put 30 feet on the Ballinger side of the Road and 70 on the Presbyterian Church side. People were upset that we were limiting the Church and Conkling Hall parking plus people park there when they are using the Library. That is why it is uneven.

Victor La Plante felt that it should be equal on both sides.

Supervisor Lounsbury mentioned that the fire company took the time to go up there and do this and this is what they came back to us with.

ADJOURNMENT: A motion was made by Councilman Kudlack to adjourn the meeting at 8:45 PM, 2nd by Councilman Bolte. *Motion Carried.*

RESPECTFULLY SUBMITTED;

Kathleen A. Hallenbeck
Town Clerk