

**REGULAR MEETING
TOWN BOARD
TOWN OF STEPHENTOWN
OCTOBER 16, 2017**

The Regular meeting of the Town Board, Town of Stephentown was called to order by **Lawrence Eckhardt** at **7:12 PM** at the Town Hall.

MEMBERS PRESENT:

(X) Supervisor Lawrence Eckhardt	() Highway Superintendent, Alden Goodermote
() Councilman Chris Demick	() Assessor, Jennifer Van Deusen
(X) Councilman William Jennings	() Legal Counsel, Craig Crist
(X) Councilman Philip Roder	
(X) Councilman Gerald Robinson	
(X) Town Clerk Stephanie Wagar	

A quorum was wasn't established.

6 from the Public were present

AUDIT OF CLAIMS:

- Claim #286-17 through #319-17 in the amount of **\$23,773.74** from the **General Account**
- Claim #193-17 through #211-17 in the amount of **\$73,914.51** from the **Highway Account**
- For a **Total of \$97,688.25** were audited and approved by the Town Board.

MOTION BY: ECKHARDT	SECONDED BY: ROBINSON
VOTES OF: 4 AYE	0 NAY

Minutes of the **SEPTEMBER 18, 2017 Regular Meeting** were approved by the Town Board as written.

MOTION BY: JENNINGS	SECONDED BY: ROBINSON
VOTES OF: 4 AYE	0 NAY

TOWN CLERKS REPORT: The Town Clerk turned over the sum of **\$1,478.96** to the Supervisor for the month of **SEPTEMBER 2017**.

JUSTICE COURT REPORT: The distribution from the office of the State Comptroller, Justice Court Fund to the Town of Stephentown for the month of **SEPTEMBER 2017** was **\$2,352.00**.

TRANSFER STATION REPORT: The Transfer Station deposited a total for the month of **AUGUST 2017 \$9,747.00**

Bags: \$5,067	C&D: \$1,435	Metal: \$19	Tires: \$26
Stickers: \$2,990	Appl.: \$80	Propane Tanks: \$0	Electronics: \$130

SEPTEMBER 2017 \$9,384.00

Bags: \$4,509	C&D: \$1,647	Metal: \$34	Tires: \$99
Stickers: \$2,890	Appl.: \$85	Propane Tanks: \$0	Electronics: \$120

L. Eckhardt: spoke to Paula Dibble about the senior permits.

B. Jennings: for another year seniors will not have to pay, but may pay in the future.

P. Dibble: not trying to offend people, just think if there are people that would like to pay or donate let them, and if those who can't don't have to.

B. Jennings: Great idea, will follow up with Bob and Agnes. Next year we will be changing haulers on January 1st, not sure who yet but County Waste has doubled in price, there is a company in consideration TAM from Pownell, VT their price is around \$189/haul looking at a 5 year contract, single stream recycling will still happen.

ACCOUNT TOTALS: *L. Eckhardt:* doesn't have the figures this month will have to get them in November.

GENERAL \$

GENERAL RESERVE FUND \$

BEACON ESCROW \$ 885.19

HIGHWAY \$

HIGHWAY RESERVE FUND \$

BEACON ESCROW FOR PLANT (BOND) \$5,000 & \$70,000.

L. Eckhardt: quick announcements before resolutions. There will be a ribbon cutting for the Rensselaer County Plateau Alliance. Stephanie did we confirm a time with Pete from National Grid?

S. Wagar: Yes, Wednesday, October 25th, at 6pm-8pm here at the Town Hall.

L. Eckhardt: National Grid Right Away informational meeting not a Town meeting. If people are dissatisfied we as the Board can then hold a public meeting and draft a letter like we did with the pipeline. Talking about the Budget, going to post/submit as the Preliminary we are in a good place overall at a 5.8% increase.

S. Wagar: \$35,023 from savings to get to 0%, governor allows \$18,000 over for this year's tax cap.

P. Roder: first draft of Master Plan has been completed, hoping to have a Public Hearing in November possibly the 4th Monday in November. Once the Public Hearing is completed the Town Board would have to pass/adopt the plan.

L. Eckhardt: Veteran's will be having their annual ceremony on 11/11 at 11:00AM

E. Beach: anything more on Elroy Face?

L. Eckhardt: October 28th, Saturday at 3pm at the Fire Hall, Spoke to Elroy and at 90 years old he doesn't think it's best for him to be traveling this far, they will try to Skype him in for the ceremony to dedicate the athletic field to Elroy.

REPORT FROM THE TOWN BOARD:

RESOLUTION #25 - 17

AUTHORIZING THE TOWN SUPERVISOR TO PAY NECESSARY HIGHWAY BILLS FOR THE PURPOSES OF FILING FOR CHIPS

WHEREAS: the Town Highway Superintendent has a deadline to meet for filing an annual CHIPS report, and

WHEREAS: the Town Highway Superintendent may need necessary bills for road work/road materials paid prior to the Regular Board Meeting to meet this filing deadline, now therefore be it

RESOLVED: that the Town Board authorizes the Town Supervisor to pay these necessary bills for road work/road materials for the Highway Superintendent to meet the required deadline for CHIPS funding.

MOTION BY: RODER

SECONDED BY: JENNINGS

VOTES OF: 4 AYE

0 NAY

L. Eckhardt: Aldie do you have anymore big payments?

A. Goodermote: possibly one or two nothing to big, but want to include what I can to the CHIPS report for the state.

RESOLUTION #26 - 17

ADVERTISE FOR APPOINTED POSITIONS FOR THE YEAR 2018

WHEREAS: the Town Clerk is authorized to advertise for all appointed positions with their salary, that are expiring or vacant on December 31, 2017, now therefore be it

RESOLVED: that the Town Clerk advertise requesting applications for appointed positions for 2018, with a deadline of Friday, December 15, 2017 at 7:00 PM.

MOTION BY: JENNINGS

SECONDED BY: RODER

VOTES OF: 4 AYE

0 NAY

P. Roder: possibly some wording on the discretion of the Town Board, not restricted to an entire year if the individual is not conducting their job duties properly.

WHEREAS: there is a need to advertise for Town Hall cleaning, with present term to expire on December 31, 2017, now therefore be it

RESOLVED: that the Town Clerk is authorized to advertise for this position for the year 2018. Resumes and letters of interest due to the Town Clerk by Friday, December 15, 2017 at 7:00 PM. Delivered to the Town Hall or mailed to 26 Grange Hall Road, Stephentown, NY

MOTION BY: ECKHARDT

SECONDED BY: ROBINSON

VOTES OF: 4 AYE

0 NAY

RESOLUTION # 28- 17

SNOWPLOWING FOR THE 2017 - 2018 WINTER SEASON AT THE TRANSFER STATION & TOWN HALL, SHOVEL/SALT SIDEWALKS

WHEREAS: the Town Board has put out to bid snowplowing at the Transfer Station and Town Hall including shoveling and salting sidewalks for the winter, and

WHEREAS: the sealed bids were received at the Town Clerk's Office by Friday, October 13th, 2017 by 7:00 PM, and

WHEREAS: a total of 1 bids were received for each location

1. Terry Sykes from Stephentown For the Transfer Station \$150.00
For the Town Hall \$65.00

, now therefore be it

RESOLVED: that the bid for snowplowing at the Transfer Station for the 2017-2018 Winter Season be awarded to *Terry Sykes from Stephentown* in the amount of \$150.00, and further be it,

RESOLVED: that the bid for snowplowing at the Town Hall including shoveling and salting of the two sidewalks for the 2017-2018 Winter Season be awarded to *Terry Sykes from Stephentown* in the amount of \$65.00.

MOTION BY: ROBINSON

SECONDED BY: JENNINGS

VOTES OF: 4 AYE

0 NAY

*****The following resolution is required by the Statement retirement law to be passed every time an employee submits their Record of Activities (ROA Calendar).**

RESOLUTION # 29 -17

STANDARD WORKDAY HOURS FOR EACH ELECTED OR APPOINTED POSITION.

WHEREAS: the State retirement law requires that the town board establish standard work days for each position for the purposes of reporting to the retirement system, now therefore be it

RESOLVED: that the Town board of Stephentown sets the following standard workday hours:
Highway Superintendent and highway dept. employees 8 hours per day

All elected officials (*except* Highway Superintendent) –
Council, Town Clerk, Town Supervisor, Tax Collector, Town Justices 6 hours per day

All other appointed positions 6 hours per day

And further be it

RESOLVED: That the town of Stephentown will report the officials to the New York State and Local Retirement System based on their record of activities (ROA Calendars):

- Highway Superintendent 34.89 days
- Supervisor 3.55 days
- Town Clerk 19.87 days
- Bookkeeper 5.14 days
- Assessor 10.94 days
- Deputy Assessor 3.83 days

MOTION BY: ECKHARDT

SECONDED BY: ROBINSON

VOTES OF: 4 AYE

0 NAY

RESOLUTION #30-2017

ADDITIONAL LEGAL COUNSEL FOR POTENTIAL AND/OR PENDING LITIGATION WITH ZONING & LAND USE MATTERS

WHEREAS: the Town board may require additional legal counsel for potential and/or pending litigation in connection with zoning and land use matters, now therefore be it:

RESOLVED: that the law firm of Girvin & Ferlazzo, P.C., is hereby retained as outside legal counsel on behalf of the Town for the purpose of providing legal advice and/or representation in connection with such zoning and land uses matters as may be referred to the Firm from time to time, and that the Town Supervisor is hereby authorized to execute on behalf of the Town a retainer agreement providing for the payment of such legal services at a rate of \$200 per hour.

MOTION BY: JENNINGS
VOTES OF: 4 AYE

SECONDED BY: ROBINSON
0 NAY

L. Eckhardt: will be working directly with Chris Langlois

RESOLUTION #31-2017

LOCAL LAW #3 OF 2017 - AMENDED DOG LICENSURE LAW

WHEREAS: the Town Board has commissioned the drafting of a proposed amended Dog Licensure Law; and

WHEREAS: the Town Board has conducted the necessary public hearing on the proposed local law, and

WHEREAS: the Local Law #3 of 2017 Amended Dog Licensure Law reads as follows, (See attached Exhibit A), now therefore be it

RESOLVED: that the Town Board resolves to enact said local law, and further

RESOLVED: waived the reading of the attached local law.

MOTION BY: RODER
VOTES OF: 4 AYE

SECONDED BY: JENNINGS
0 NAY

Exhibit A

TOWN OF STEPHENTOWN DOG LICENSURE LAW

LOCAL LAW NO. 3 OF THE YEAR 2017

Be it enacted by the Town Board of the Town of Stephentown as follows:

1. Purpose.

The purpose of this Local Law is to provide for the licensing and identification of dogs as the Town Board finds that such licensure relates to the control and protection of the dog population and the protection of persons, property and domestic animals from dog attack and damage.

2. Authority.

This Local Law is enacted pursuant to the provisions of (Article 7) of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York. To the extent this law is inconsistent with any other Town laws, including but not limited to Local Law No. 3 of 2010 **and Local Law No. 1 of 2017, laws which are replaced in their entirety with this law**, the terms of this law shall control.

3. Title.

The title of this Local Law shall be Town of Stephentown "Dog Licensure Law".

4. Definition of Terms.

As used in this Local Law the following words shall have the following respective meanings:

(a) "Dog" means male and female, licensed and unlicensed, members of the specis canis familiaris.

(b) "Owner" means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter.

(c) "Town" means the Town of Stephentown.

All other definitions as set forth in the Agriculture and Markets Law are incorporated herein.

5. Licensing of Dogs.

(a) All dogs in the Town of Stephentown, unless exempted per Agriculture and Markets Law § 109(1) or otherwise, must be licensed with the Town Clerk by the age of four (4) months and are required to present a current Certificate of Rabies vaccination at the time of such application for licensing or the application for renewal of an existing license. The owner of each dog required to be licensed shall obtain, complete and return to said Town Clerk a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established or hereinafter may be modified by resolution by the Town Board. Each license application shall also be accompanied by proof that the dog has been vaccinated against rabies.

(b) All dog licenses will be for a period of one (1) year and will expire at the end of the twelfth (12th) month from the date of issue.

(c) Fees for Licensing of Dogs. The fee for a spayed or neutered dog will be three dollars and fifty cents (\$3.50) annually, which includes the assessment of a one dollar (\$1.00) surcharge for the purpose of carrying out animal population control. The fee for an unsprayed or unneutered dog will be eleven dollars and fifty cents (\$11.50) annually for the license term. In addition to the foregoing, there shall be a three dollar (\$3.00) surcharge for each unsprayed/unneutered dog licensed for the purposes of carrying out the annual enumeration of the dog population.

A license for any guide dog, service dog, hearing dog, detection dog, war dog, working search dog, police dog and therapy dog is required, but no license fee shall be charged.

The Town Board may, by resolution, change any of the foregoing fees if it deems same necessary.

(d) In addition to the foregoing, a kennel license fee shall be required for a person to harbor four (4) or more dogs. Such Local (Town) fee will be twenty five (\$25) dollars per year for four to ten dogs, a Local (Town) fee of fifty (\$50.00) dollars per year for eleven to twenty five dogs, and any kennels exceeding twenty five dogs a Local (Town) fee of \$100.00. A state surcharge is also charged and determined by the State Agriculture and Markets Department, \$1.00 per dog for spayed or neutered dogs and \$3.00 per dog for unsprayed or unneutered dogs.

(e) The Town of Stephentown may contract with an animal shelter(s) to license dogs adopted by residents of the Town of Stephentown, allowing said shelter(s) to provide, accept and grant an application for a dog license made by a resident of the Town at the time of the adoption of a dog from said shelter(s) provided that such application is made in accordance with this law and the license fee, any additional tee and surcharge shall be remitted to the Town of Stephentown on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received.

(f) All dog licenses may be purchased and obtained by visiting the Office of the Town Clerk **with proof of updated rabies vaccination and if the dog is spayed or neutered, certificate of proof is required.** Initial licensing must be obtained by visiting the office of the Town Clerk. When renewing a license by mail the appropriate fee must accompany the forms. Fees are non-refundable.

6. Seizure of Dogs at Large/Period of Impoundment.

Any dog found to be running at large in violation of sections 117 or 118 of the Agriculture and Markets Law, whether licensed or unlicensed, will be seized by the Dog Control Officer and such dog shall be properly fed and cared for until redeemed by the owner adopted or disposed of as provided by sections 117 and 118 of the Agriculture and Markets Law. The owner of any dog impounded by the Town of Stephentown shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee of ten dollars (\$10.00) for the impoundment plus all costs incurred by the Town for such impoundment.

7. Penalties for Offenses.

A violation of this Chapter shall be deemed an offense against this Chapter, and any person convicted of such violation shall be liable to the penalty set forth in Section 118 of the Agriculture and Markets Law.

8. Severability.

Should any section or provision of this law be deemed to be unconstitutional or invalid by a court of law, such decision shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

9. Repealer.

This Chapter shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the licensure of dogs within the Town of Stephentown and all other matters specifically detailed herein and they shall be upon the effectiveness of this Local Law, null and void.

10. Effective Date.

This local law shall become effective upon filing with the Secretary of State.

RESOLUTION #32-2017

**THE TOWN BOARD OF THE TOWN OF STEPHENTOWN
AUTHORIZING THE ENTERING INTO OF A CONSENT AGREEMENT
CONCERNING UNION ELECTION**

WHEREAS: the Public Employees Relations Board (“PERB”) has declined to certify the Teamsters as the new bargaining representative for the Town Highway Department members based solely upon the execution of union cards;

WHEREAS: PERB desires that a Consent Agreement be reached setting forth the agreed upon timeline and procedure for the election; now therefore be it

RESOLVED: that the Town Supervisor and/or the Town’s labor counsel are hereby authorized to execute said Consent Agreement and all agreements in furtherance of such an election and any prior execution is ratified and further authorized with full force and effect.

**MOTION BY: ECKHARDT
VOTES OF: 4 AYE**

**SECONDED BY: RODER
0 NAY**

L. Eckhardt: had an agreement with PERB to have an election, UPSEU has backed completely out, the highway employees need to own their choice, they need to be able to vote, the judge agreed, November 7th ballots will be

mailed out they have a choice to choose Teamsters or no one. Public Hearing on Preliminary Budget for 2018 on October 23rd, at 7:00pm.

MEETING OPEN TO PUBLIC COMMENT:

No comment

MOTION TO ADJOURN AT 8:25 PM

MOTION BY: JENNINGS **SECONDED BY: ROBINSON**

VOTES OF: 4 AYE **0 NAY**

****A Workshop Meeting** is held every second Monday of every month at **7:00PM** at the Town Hall.

****The next Regular Meeting** of the Town Board, Town of Stephentown will be held on **Monday, November 20th, 2017** at **7:00 PM** at the Town Hall.

Stephanie M. Wagar
Town Clerk