

**MINUTES OF
TOWN OF RENSSELAERVILLE TOWN BOARD
REGULAR MEETING
SEPTEMBER 13, 2011**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 13th day of September, 2011 at 7 o'clock in the evening at the Rensselaerville Town Hall, 87 Barger Road, Medusa, NY. The meeting was convened by Supervisor Dermody and the roll was called with the following results:

PRESENT WERE: Supervisor Marie Dermody, Councilman Robert Bolte, Councilman Gary Chase, Councilwoman Marion Cooke, Councilman John Kudlack, Town Attorney Joseph Catalano, Town Clerk Kathleen A. Hallenbeck
Also present were Acting Superintendent David Potter and 30 interested citizens.

AUDIENCE COMMENTS:

- Mr. James Glorioso mentioned that he has been talking to the Association of Towns about our Memorial Garden. He was told by the lawyer that the Town Board could take a vote to use town assets or set aside money to complete the memorial even though we are getting donations which we will use first. In case of an emergency, they said that the Town Board could set aside money so that we can use it in case we run into a problem. He asked the Board to take a vote on this matter.

Attorney Catalano mentioned that you have an appropriation before the Town Board tonight. You have it in your budget as celebrations (if you still have it) you would have to amend your budget for this year.

Councilwoman Bolte asked if you know how much money is involved.

Supervisor Dermody mentioned that she knows how much was money it is going to cost to have the stones engraved, and that is covered by the money that we are collecting for the pavers. We have to buy the pavers and we have already purchased sand which will use up a lot of the donations we received so far.

Mr. Glorioso mentioned that Hurricane Irene has set us back; he did not know if we will be able to finish the project this year. The Committee will discuss this at their next meeting.

Supervisor Dermody suggested creating the line and put in \$1000.00 from the Contingency line.

Councilman Chase asked if we created a line just for memorials, (there is a memorial in Medusa) is that other memorial going to be covered under that line also? Are we going to create a line for all the memorials or just a line to finish this project?

Councilwoman Cooke, if we aren't going to finish it this year, budget time is coming up and we could do it then.

Supervisor Dermody mentioned that it would be nice to be able to get the first two kits installed. We need the time, labor, and the weather on our side.

Mr. Glorioso mentioned that the issue right now is using the Town assets, using the equipment and personnel.

Supervisor Dermody, this is Town property and it seems to be an appropriate use.

A motion was made by Councilman Chase to use Highway personnel and equipment, when available, for what is needed to do on the Memorial Garden; 2nd by Supervisor Dermody. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- Margaret Sedlmeir thanked the Ambulance and Tri-Village Fire Company and other fire companies and all the private citizens that did so much during the flooding event.

- Mrs. Rahberger thanked the Town Board, Acting Superintendent Potter, and the highway crew for all the work they did on South Street. Her house has now been declared stable and they are doing a fantastic job on the road. Thank you very much.

MINUTES: A motion was made by Councilman Bolte to accept the minutes for the Work Meeting held on August 4, 2011 and the Regular Meeting held on August 9, 2011; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

TRANSFERS: Supervisor Dermody reported that we can't identify transfers or give operating statements until all the balances are booked into Munis. They haven't been done yet because we have been working to get the figures for the AUD.

ABSTRACT 2011- VOUCHERS,BILLS: The General Fund \$37,083.37; Highway Fund - \$87,644.14; Lighting District - \$679.75; Sewer District - \$856.89; Water District - \$77,746.06; Trust & Agency - \$1296.48.

- Supervisor Dermody mentioned that based on the recommendations of the previous Budget Committee every single voucher is paid with a separate check. Since Munis is much better able to filter out the vouchers and invoice numbers, she would like the Board to approve the modification so that they can print multiple vouchers on one check.

A motion was made by Councilman Chase to modify the recommendation of the previous Budget Committee to allow printing multiple vouchers from a vendor on one check; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

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- Supervisor Dermody mentioned that in preparing for payroll in Munis she has to input a lot of the deduction tables. She is having a hard time the quarterly payroll deduction. There is such a convoluted process that you have to follow for the State income tax, she recommended that we convert all quarterly payrolls to monthly.

No one had a problem with that.

A motion was made by Councilman Kudlack to eliminate the quarterly payroll as of October 1st and pay monthly; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- Main Care – Supervisor Dermody mentioned that she has been given a statement from Main Care Heating containing invoices that haven't been paid. There are four for 2010 that never got paid because those vouchers never made it to the Bookkeeper. They are sending documentation for that. There is a list of thousands of dollars of invoices that didn't get paid in 2006, 2007, 2008 and 2009. What is our liability for this?

Attorney Catalano mentioned that we need to have the backup on each one of those. He has to check, if they didn't send the vouchers in on time then we may not be responsible. They have to give us a copy of their vouchers and invoices.

Councilman Bolte asked if they sent a second bill or a late notice.

Supervisor Dermody mentioned that there is one voucher that they charged us \$639.45 dated in April that was noted repair and tune ups that we had already paid for in our service agreement. We don't have to pay this as a result of a phone call she made to Main Care. Supervisor Dermody will make sure that they have to show all their documentation and proof that they haven't been paid.

- Supervisor Dermody mentioned that everyone has the Abstract of Vouchers.

Councilwoman Cooke asked about the DVD "Gasland." You bought it for other groups; who were they? She did not think we should be paying for that.

Supervisor Dermody mentioned that someone from Medusa and Rensselaerville asked for it and she doesn't have access to the one originally shown at Town Hall. Supervisor Dermody mentioned that she would buy another DVD if the other side came up with something that they want us to purchase. She thinks we need to be able to present both sides of the issue.

Councilman Cooke mentioned that if people want to see the "Gasland" movie, then they should go out and buy their own DVD.

A motion was made by Councilman Chase to pay all signed vouchers; 2nd by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Chase, Kudlack; Nays (1) Cooke*

CORRESPONDENCE

- Jeannette P. Rice – Letter of Interest to serve on a committee that we hope to form regarding hydrofracking.
- Dave Bowdish – Letter of Interest to serve on a committee that we hope to form regarding hydrofracking.
- Beth Mickle-Packard – Letter of resignation from Mrs. Packard resigning from the Board of Ethics due to personal reasons. A motion was made by Councilman Chase to accept Beth Mickle-Packard's resignation from the Board of Ethics; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

Supervisor Dermody mentioned that position needs to be filled; she would like to put a notice in the newsletter requesting a letter of interest to serve on that Board.

A motion was made by Councilwoman Cooke to advertise the Board of Ethics position in the Town newsletter; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- Albany County Rural Housing Alliance – Supervisor Dermody received a letter from the Albany County Rural Housing Alliance concerning grants available for a home repair program for Albany County residents. It is a 60/40 conditional grant; the homeowner is responsible for 40% and the Alliance will pay up to 60%. There are income limitations. In order to qualify the applicant cannot have more than \$15,000.00 in savings or liquid assets.

Supervisor Dermody will put this information in the newsletter.

- State Comptroller – Supervisor Dermody received a letter from the Office of the State Comptroller, they have acknowledged the receipt of the letter regarding unclaimed funds. It may take up to 90 days to review our claim.

- Siena College – Albany – Supervisor Dermody received a call from an employee who works there. There are people who are interested in helping the Hilltowns recover from the recent disaster, by working and donating household goods and money.

Supervisor Dermody suggested that they contact the Hilltowns Community Resource Center and let the HCRC distribute to those in need. She did not feel that the Town Board should be distributing funds. Rensselaerville Library is giving some of their proceeds to the HCRC from their Annual Lawn Party. In terms of working in infrastructure kind of things she will have them get in touch with Acting Superintendent Potter.

The Town Board agreed to have them get in touch with the Hilltowns Community Resource Center in terms of monetary and household donations.

REPORTS

SUPERVISOR DERMODY

- TROPICAL STORM IRENE: Supervisor Dermody reported that we had a Special Meetings on September 1st and 9th concerning this storm. Supervisor Dermody expressed on behalf of the Town Board and all of its residents our intense gratitude for all of those who suspended their own personal lives to help us through this disaster known as Tropical Storm Irene. We never could have done it without all who helped. If it weren't for the fact that this whole community pulled together to help everyone who needed it,

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we wouldn't be in as good a place that we are today. It is not a good place but much better than it could have been. Thank you to everyone who came forward and did what needed to be done.

As a result of Irene there were some lessons she has learned as Town Supervisor, never to repeat. For instance, we now have a Critical Incident Management Model to follow, to have someone like Brian Wood, of such capability knowing what needs to be done and how and when it needs to be done and who has the contacts to make it happen.

Supervisor Dermody asked Mr. Wood if we have to end his delegation tonight.

Mr. Wood, Critical Incident Manager, there is no formal ending. Mr. Wood explained how this happens.

Supervisor Dermody also learned that outside agencies are wonderful to have; they pitched in and helped but you can't necessarily count on them like you can the community members. She has learned that we don't announce anything until they are on the site.

Supervisor Dermody, we did a lot of things right. Did we do everything right? No. Is there room for improvement? Yes. At some point in the near future, she is sure that Mr. Wood is going to want to get a meeting together and see what elements to put into place to make it better if there is another disaster. Irene was horrible, but in some ways we are coming out better for it.

- **FINANCIAL REPORTS:** Supervisor Dermody mentioned that you have a copy of the Summary of Accounts and the Operating Statements from Enhanced. We keep running that because Munis only does our accounts payable right now. We need the Enhanced for payroll and benefits. Once those balances are booked into Munis then you will get something similar to the operating statement that tells you how much you have left on each budget line.

Councilwoman Cooke, they won't be done before budget.

Supervisor Dermody hopes that they will be done before budget.

A motion was made by Councilwoman Cooke to approve the Operating Statement and Summary of Accounts; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **2010 FUNDS BALANCED:** Supervisor Dermody reported that all of our funds for 2010 have balanced. All of those balance sheets have been sent to the Accountant. The Account needs to come up and compile and then file the AUD.

- **WORKPLACE VIOLENCE AND SEXUAL HARASSMENT:** Supervisor Dermody reported that we had our 5th class, with 43 people in attendance, mostly ambulance and fire company personnel. There are still a lot of people who haven't availed themselves of this training. She is willing to do this class one more time. Her concern is those who chose not to avail themselves of the training. What happens if people say they aren't going to do it? Mr. Lewandowski mentioned last night if we get audited by PESH and there is a list of people who haven't done it, we can get fined up to \$5000.00 per non-compliant person.

Attorney Catalano suggested that we get together when you have a list of persons not taking the course. He can figure out the options depending on what positions they hold. If you want to do it one more time, send specific notices to the individuals.

- **ALBANY COUNTY SHERIFF'S OFFICE:** Supervisor Dermody had a letter from the Albany County Sheriff's Office regarding the Contract for Advanced Life Support Services for this year. It has already been budgeted, we have made one payment this year and there is money left to pay the rest.

A motion was made by Councilman Bolte authorizing Supervisor Dermody to sign the contract with the Albany County Sheriff's Office for Advanced Life Support Services for 2011; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **SOLID WASTE MANAGEMENT PARTNERSHIP CONTRACT:** Supervisor Dermody mentioned that this is the same agreement that we have had. Some of the major elements of the SWMP are the continued utilization of existing solid waste reduction and recycling facilities and programs in the Planning Unit, the continuation and expansion of existing waste reduction and recycling programs throughout the Planning Unit, and the development of new capacity for both recycling and the treatment of post-recyclable solid waste on a regional basis.

A motion was made by Councilman Chase that the Supervisor be authorized to sign the contract with Capital Region Solid Waste Management Partnership; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **PAYROLL AUDIT:** Supervisor Dermody reported that Councilwoman Cooke did the June audit and found no errors. Councilman Bolte will do the July audit, and Councilman Chase will do the August audit.

- **FEMA:** Supervisor Dermody reported that there was a FEMA Applicants' Briefing yesterday at Voorheesville, Acting Superintendent Potter and she attended. Albany is the first county out of 23 in the State who were invited to this meeting. Before we left, all of our paperwork was submitted, we will be issued a PacPal from the State and Federal Government and that should be underway very soon.

A motion was made by Councilman Chase to accept the Supervisor's report, 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

TOWN ATTORNEY

- **CAPITAL REGION SOLID WASTE MANAGEMENT PARTNERSHIP AGREEMENT: RESOLUTION 2011.09.13A.** Attorney Catalano mentioned that there are two parts to that. One is the authorization to sign the agreement, but there is a resolution included which not only gives the Supervisor the authority to execute the contract extension but also resolves that the Town Board accepts and adopts the SEQR documentation for the Planning Unit which is Albany County.

RESOLUTION # 2011.09.13A

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF RENSSELAERVILLE TO ACCEPT AND ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CAPITAL REGION SOLID WASTE MANAGEMENT PARTNERSHIP AND THE SEQR FINDING STATEMENT ISSUED BY THE LEAD AGENCY; and AUTHORIZING THE EXECUTION OF AN EXTENSION OF THE EXISTING INTERMUNICIPAL AGREEMENT – RESOLUTION # 09.13.11.

The following Resolution (09.13.11A) was made by Councilman Chase;

WHEREAS, in order to promote the public health, safety and welfare and further the purposes of the New York State policy on solid waste management articulated in New York State Environmental Conservation Law Section 27-0106, the Town of Rensselaerville is a member of the Capital Region Solid Waste Management Partnership Planning Unit (the “Planning Unit”); and

WHEREAS, on behalf of the Planning Unit, and with the guidelines of a Steering Committee consisting of representatives from each municipality in the Planning Unit, among other stakeholders, the City of Albany has prepared a Solid Waste Management Plan (SWMP) which has been submitted for acceptance to the New York State Department of Environmental Conservation; and

WHEREAS, the City of Albany Common Council was designated lead Agency for the review of the Draft SWMP pursuant to the State Environmental Quality Review Act (SEQR); and

WHEREAS, the City of Albany Common Counsel, as Lead Agency, has accepted the Final Generic Environmental Impact Statement (FGEIS)/SWMO, and issued its Findings Statement, which among other things concluded that the requirements 6 NYCRR 617 have been met and that, the SWMP avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

WHEREAS, the implementation of the SWMP will require that the existing Inter-municipal Agreement (IMA) between the member municipalities of the Planning Unit be extended beyond its current expiration date; and

WHEREAS, the Town of Rensselaerville Town Board has reviewed the FGEIS/SWMP and the Findings Statement;

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS BY THE TOWN BOARD:

1) The Town Board accepts and adopts the FGEIS/SWMO for the Planning Unit, and the Findings Statement adopted by the Lead Agency, for this Action.

2) The Supervisor of the Town of Rensselaerville is hereby authorized to enter into and execute and extension of the existing IMA with members of the Planning Unit.

3) This Resolution shall take effect immediately.

2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

• **PROPOSED LOCAL LAW NO. 3 OF 2011- MORATORIUM ON GAS DRILLING/ HYDROFRACKING:** Attorney Catalano mentioned that this Moratorium on Gas Drilling and Hydrofracking is a temporary measure and will give the Board time to investigate and study and determine how you want to approach that issue. Attorney Catalano read over and explained the Proposed Local Law to the Town Board.

Councilman Chase asked if the violation fees are mandated.

Attorney Catalano explained that this is the same type of thing that we utilized in the past. We did that for the Commercial Wind Power Moratorium. Right now there is a State ban on hydrofracking.

Supervisor Dermody mentioned that she doesn't know enough about the whole thing to open the flood gates and let anything happen without some sort of better knowledge. Supervisor Dermody would like that we adopt this resolution.

RESOLUTION 2100.09.13B

A motion was made by Supervisor Dermody that we adopt the following resolution introducing the Proposed Local Law No. 3 of 2011 to allow this Town sufficient time to research thoroughly and objectively and arrive at a decision that benefits the Town in the best way possible, and that we hold a Public Hearing on October 6, 2011 at 7PM;

WHEREAS, the Town Board of the Town of Rensselaerville is increasingly concerned about the process of extracting natural gas by hydraulic fracturing (aka hydro-fracking) since the Town has shale deposits that may be targeted for such extraction; and

WHEREAS, the Town Board members have been following the controversy on such process and understands it is a complex issue that has yet to be resolved by New York State; and

WHEREAS, since the Town Board will need time in which to investigate and study the issues involved as well as evaluate the State's decision and regulations regarding the gas drilling process, the Town Board believes that a one-year moratorium is necessary in order to protect the health, safety, and general welfare of the residents of the Town of Rensselaerville for the reasons also set forth in section 2 of proposed Local Law No. 3 of 2011; and

WHEREAS, the Town Attorney has prepared a proposed local law that proposes to establish a moratorium on the drilling for extraction of natural gas and a copy of said proposed law has been provided to each member of the Town Board at this meeting for their consideration;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board hereby introduces and proposes for adoption Local Law No. 3 of 2011, regarding the establishment of a one-year moratorium on any natural projects and applications throughout the Town.

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2. The Town Board determines that the adoption of the proposed Local Law No. 3 is a listed as a Type II action under the State Environmental Quality Review Act (SEQR) and, as such, further environmental review is not necessary or required.
3. The Town Board hereby schedules a public hearing for the proposed Local Law to be held at the Town Hall on October 6, 2011 at 7PM.
4. The Town Board hereby orders that a notice of the public hearing be posted at the Town Office, on the Town's website, and published once in the Town's official newspaper at least ten days before the hearing date together with any other notice or referrals as required by law.

2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **SECURITY CHECK LIST FORMS:** Attorney Catalano mentioned that he has not gone over these forms yet. Attorney Catalano mentioned that he has others matters to discuss which are further down in the agenda.

HIGHWAY DEPARTMENT

- **THANK YOU:** (Tropical Storm Irene) Acting Highway Superintendent Potter thanked the Highway Crew and all the volunteers that helped, and two private contractors who made a difference on the second storm and saved a few houses for going under again.

- **FEMA:** Acting Superintendent Potter reported that we have the paperwork started; it is going to be a long process. Tomorrow they will be working on the dry hydrant in Rensselaerville so they can stabilize it so the fire company can utilize it.

- **DOYLE SHAVER:** Acting Highway Superintendent Potter asked the Board if they would grant Doyle Shaver another 150 hours to work for the Highway Department, 30 hours per week, no benefits or overtime.

Acting Superintendent Potter mentioned that the other par- time worker that he was going to hire got a full time job.

Councilwoman Cooke asked if there is something in the union contract that they can work so many hours temporarily.

Acting Superintendent Potter mentioned that it is 120 days. That is 40 weeks.

A motion was made by Supervisor Dermody that we extend Doyle Shaver's work time with us by 150 hours, 30 hours per week maximum, no benefits, no overtime; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **SECOND STORM:** Acting Superintendent Potter mentioned that prior to the second storm, we had most of the damage fixed in the roads and driveways and then the second got us again and we are going back around making sure things are ok. If you have any areas that are washed out that you can't go in and out of your road or driveway, please call him.

Councilman Kudlack mentioned that Acting Superintendent Potter did a good job.

A motion was made by Councilman Chase to accept the Acting Highway Superintendent's report; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

TOWN CLERK: Town Clerk Hallenbeck reported the following collected and paid out for the month of August 2011: Town Clerk Department – Total Collected - \$3554.75. Paid to the Supervisor - \$2,474.19 (fees); Paid to NYS Department of Agriculture and Markets - \$9.00 (Dogs - State Surcharge); Paid to NYS Departmental Conservation - \$1,071.56 (sporting license); Paid to NYS Department of Health - \$0.00 (marriage license). Water Rents Collected - \$2,393.17. Sewer Rents Collected - \$1571.27.

A motion was made by Councilman Chase to accept the Town Clerk's Report for the month of August 2011; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Chase, Bolte, Cooke, Kudlack; Nays (0)*

CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR: CEO Overbaugh reported the following collected for the month of August 2011: Most everything were renewals, we had one permit change. Building New Accessory -3; Accessory Building – 2; Accessory repairs – 1; Septic Repair – 1; Decks -1; Total Collected - \$178.50.

CEO Overbaugh mentioned that he had asked Attorney Catalano if the flood victims could to be exempt from building permit fees for flood damage repairs.

Attorney Catalano handed to the Town Board a resolution authorizing the waiver of all fees for building permits, inspections, certificates of occupancy for any building permit applications that are required as a result of "Irene's" storm damage.

Supervisor Dermody asked why the waiver expires on October 31, 2012.

Attorney Catalano mentioned because of the insurance issues, people waiting for FEMA money, some things they may not be able to be done much sooner than that.

RESOLUTION 2011.09.13C

A motion was made by Councilman Chase to adopt the following resolution:

Whereas, the many homes, businesses and structures were damaged as a result of tropical storm Irene that occurred on August 28, 2011, and also the heavy rains which occurred the following week; and

Whereas, as result of such storm damages to structures, there is expected to be a need for building permits for reconstruction and/or repair; and

Whereas, upon recommendation of Mark Overbaugh, the Town's Code Enforcement Officer and Building Inspector, the Town Board believes that waiving the fees for building permits necessary in the wake of these storms is one of the ways Town government can recognize and help those property owners who experienced storm damage to their properties;

NOW, THEREFORE, BE IT RESOLVED as follows: that the Town Board hereby authorizes the waiver of all fees for building permits, inspections and certificates of occupancy, for those applications which seek to repair and/or reconstruct damage incurred due to winds, rain or flooding from tropical storm Irene and/or the heavy rains that occurred a week later. This waiver shall only apply to work necessitated by damages from the aforementioned storms and shall be administered by, and in the discretion of, the Town's Code Enforcement Officer/Building Inspector. This waiver shall expire on October 31, 2012. This resolution shall take effect immediately.

2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

CEO Overbaugh mentioned that he has inspected 73 buildings, some with no damage, some with minor damage, a lot with foundation/cellar flooding, and we have about 5, as FEMA regulations would say, substantial damage, which is 50% of the house value for the cost to repair it. We have some homes that aren't even in the county anymore. He gave out about 65 water test kits and mold information for those people.

He would like to thank Acting Highway Superintendent Potter and the highway crew for responding to his request last Thursday night about South Street in Medusa; that is getting accomplished, that was a priority.

- CEO Overbaugh reported that he met with the contractor who is responsible for the demolition of the burned out home in Preston Hollow; the Contractor guaranteed him that he will get started the first week in October.
- CEO Overbaugh mentioned that a follow up to "Irene", we all know that this building needs to be able to be a command center, possibly where we could put people up and have emergency communications. He met with John Wennstrom about a possible generator that would function to run the whole complex including the recycling center. We already have a 400 AMP transfer switch already on line; some rewiring needs to be done. His estimate is that we would need a 75 KW Generator to run this complex. CEO Overbaugh recommended that we get a generator.

Supervisor Dermody asked if CEO Overbaugh had an estimate of the cost.

CEO Overbaugh, no he doesn't have an estimated cost.

Attorney Catalano suggested finding out what the range in cost would be for a generator that size. It may not require a public bid.

Councilman Bolte suggested seeing if we could get some help from Civil Defense. We have to look at what we want to run in an emergency and how much we want to run.

Councilman Kudlack suggested also looking at Army surplus.

A motion was made by Supervisor Dermody to accept CEO Overbaugh's report; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

ASSESSING DEPARTMENT: Assessor Pine reported the following:

- The Middleburgh School taxes haven't gone out. He is assured that when they go out the people will get the full 30 days to pay without penalty.
- Assessor Pine spoke about an Assessment Relief Act enacted in 2007 in Montgomery County. This was a way of giving people relief on their taxes whose property was damaged from a flood. He spoke to Neil Breslin, Jack McAneny, and the County. He can't promise anything. It is a crazy way of giving people a break at least on their Town and County taxes, possibly on the school taxes, who had significant damage. He is keeping on top of this. He sent a copy of the 2007 legislation to Attorney Catalano. Legislator Gordon mentioned that it is stuck in the Committee, it has not passed yet.

Assessor Pine, if it does happen it will be a local action. He will keep the Board informed on what is going on.

A motion was made by Councilman Chase to accept the Assessor's report; 2nd by Supervisor Dermody. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

WATER/SEWER COMMITTEE:

Chairman Long reported that the facilities survived without serious damage. The emergency repair for the sewer district was done by the Highway Department. They retained an easement from the two landowners saying that we will restore their land if it was damaged by the Town or the contractor, which went until September 14. Chairman Long asked that the easement contract be extended for Mr. Blum and he suggested that we try and engage the landscaper for Mr. Blum to restore his lawn and bill the Town for that work rather than us trying to get a contractor to do that.

Supervisor Dermody asked, you want the Town to pay for that?

Chairman Long mentioned that the repair to the damage of the road required the Town to go on the lawn with heavy equipment and the lawn was torn up. There were ruts in the lawn; the Highway Department fixed that, but it needs to be raked and reseeded.

Attorney Catalano suggested that Chairman Long get an estimate from Mr. Blum and give it to Supervisor Dermody.

Chairman Long asked if FEMA covers the damage from the second storm as well as the first storm.

Supervisor Dermody will check on this. FEMA has a beginning and ending date.

Chairman Long mentioned that when he reported the damage from the first storm, the second storm caused some erosion at the dam site from the second storm. It will have to be cleaned out. This estimate should be added to the FEMA request.

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Supervisor Dermody told Chairman Long to get that information to Acting Superintendent Potter. We need a complete list of damages.

Chairman Long reported that the Impounding Dam project is substantially complete.

Supervisor Dermody mentioned that she had the Change Order for the extra concrete for the dam. Supervisor Dermody asked, we got a bill from Keller Construction for \$72,000.00, has the funding come in yet?

Attorney Catalano, no, we wanted to issue only one Bond Anticipation Note. Everything is in place, once all the bills were finalized that we would have a specific amount to include. He suggested that if the Town does an inter-fund borrowing to the Water District on the short term, then we will reimburse the Town with the Bond Anticipation Note.

Supervisor Dermody mentioned that we will have to figure out where we will be getting the \$72,575.25 to cover that bill until we get the BAN.

Attorney Catalano mentioned that we can have the BAN issued anytime. You are authorized to issue that. We need the additional amounts.

The original contract price was \$74,381.00, the extra concrete was \$4807.98, they gave us credit of \$986.00 worth of piping that we didn't need. The revised contract price is \$81,212.98.

A motion was made by Councilman Bolte to authorize Supervisor Dermody to sign the Change Order for the work on the Impounding Dam; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

A motion was made by Councilman Chase to accept the report of the Water/Sewer Committee; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

REFUSE/RECYCLING

- Recycling Coordinator reported that the building in Potter Hollow is all cleaned up. He and Mr. Reinhart got it cleaned up before the rain started.

- E Waste (TV's, monitors, keyboard, etc.) 2593 pounds sent in. Green Fiber – 10.26 tons; Rensselaer Iron & Steel – 6.17 tons; Tires – 29; City of Albany – 62.8 tons; Sierra Fibers – 4.98 tons; and Oil – 58 gallons. Both oil containers are full.

Supervisor Dermody asked if the tonnage in the landfill includes any pickup from the storm.

Recycling Coordinator Whitbeck, no, it doesn't. These figures are for last month. He reported that Sunday and Tuesday he went out and picked up refuse that was piled along the side the road. Today was the final trip.

A motion was made by Supervisor Dermody to accept Recycling Coordinator Whitbeck's report; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Case, Cooke, Kudlack; Nays (0)*

CURRENT EVENTS:

- Medusa Breakfast – September 17th, they will be held the third Saturday of the month.

OLD BUSINESS: FURNACES

Supervisor Dermody mentioned that Councilman Bolte and Councilman Kudlack were investigating the furnace situation.

Councilman Bolte mentioned that he asked Security Supply and Capital District Supply to come up and do an analysis of what we need for a new furnace to replace the old ones. These people don't wish to do that because they feel it hinders them from in giving a quote on the furnaces. With all the bills we have coming in it might better off to put it off for a year until we figure out how much this storm damage is going to cost us. His personal opinion is that there is nothing wrong with the furnace to get through another year.

Supervisor Dermody mentioned that at the briefing she went to on FEMA that right now the reimbursement is 75% Federal, and 25% non-federal. Right know that non-federal 25% is split 12 ½ % from the State and 12 ½ % from the local government. Unless the State wants to absorb our share, we will be winding us spending 12 ½%.

Councilman Bolte felt that we should table this. At budget time we could put money aside for that and we feel the saving will pay us back then that is a good time to look at it. At this time we need to sit back and not spend any more money than we have to pay the bills that we have.

Councilman Kudlack asked if we can get them fixed up so they will run through the winter.

We have contracts on them; they will run through the winter.

Councilman Bolte, the only problem is the efficiency over a new one.

NEW BUSINESS

- CODIFICATION:** Attorney Catalano mentioned that we have a couple of housekeeping items to do on the Codification process.

CODE BOOKS: We first have to establish a price for sale of the books; this has to be done by resolution. Attorney Catalano went over the prices for the large book, the zoning and subdivision pamphlets.

RESOLUTION 2011.09.13D

A motion was made by Supervisor Dermody that we adopt the following resolution that sets the price of the General Code Book:

2011TBMT.09.13.11REG

WHEREAS, the Town of Rensselaerville has recently completed a codification of its legislation, to be known as the “Code of the Town of Rensselaerville.” and

WHEREAS, the Town of Rensselaerville has recently adopted said codification, designating said Code of the Town of Rensselaerville as the official body of general and permanent legislation of the Town, and

WHEREAS, the Town of Rensselaerville wishes to make such Code available to members of the general public for sale, and
WHEREAS, the Town of Rensselaerville wishes to establish a price for the sale of copies of such Code in order to reimburse the Town for its cost in ordering said Code Books and handling orders for said pamphlets,

NOW, THEREFORE, BE IT RESOLVED, that said Code of the Town of Rensselaerville shall be available for sale to members of the general public at a price of \$65.00 per Code (plus mailing costs, if any) and that said price may increase to match any increase in the Code publisher’s price to the Town.

2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

PAMPHLETS

RESOLUTION 2011.09.13E

A motion was made by Supervisor Dermody that we adopt the following resolution that sets the cost of the Pamphlet Codes for Chapters 190 and 215:

WHEREAS the Town of Rensselaerville recognizes that copies of certain chapters of the Code of the Town of Rensselaerville are desired for purchase by members of the general public, and

WHEREAS the Town Board of the Town of Rensselaerville wishes to make copies of Chapter 190 (Subdivision regulations) and Chapter 215 (Zoning Law) of the Code of the Town Rensselaerville available to members of the general public for the sale in pamphlet form, and

WHEREAS the Town of Rensselaerville wishes to establish a price for the sale of copies of such pamphlets in order to reimburse the Town for its cost in ordering said pamphlets and handling orders for said pamphlets,

NOW, THEREFORE, BE IT RESOLVED, that said pamphlet copies of Chapters 190 and 215 of the Code of the Town of Rensselaerville shall be available to members of the general public at a price of \$10.00 per pamphlet (plus mailing costs, if applicable) and said price may increase to match any increase in the Code publisher’s price to the Town.

2nd by Councilwoman Cooke. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

Attorney Catalano mentioned that when the Town Clerk distributes the Code Books to municipal officers, they will have a letter and a receipt. They are very expensive. The Town Board should decide who will be getting these books. He suggested that the Planning Board and the ZBA should each have a copy, the Town Clerk, one to be filed and one for the public to view at Town Hall, the Attorney, the Supervisor and the Building Inspector.

A motion was made by Supervisor Dermody to approve the Attorney’s Report; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **“COLD LANDS”**: Attorney Catalano reported that there is a film production company filming in and around the Town of Rensselaerville. They want to film at the Rensselaerville playground as well as on Albany Hill Road and various other Town and County roads in and about the Town. The picture is entitled the “Cold Lands”. They will commence filming about September 22nd and should terminate about October 8th. He has been negotiating with the production company an appropriate agreement. Attorney Catalano went over what is in the Agreement. We have the required Certificate of Liability Insurance naming the Town as an additional insured. They are not offering the Town any money for this.

A motion was made by Supervisor Dermody that we approve this location agreement for the production of “The Cold Lands” contingent on the final acceptance by the Town Attorney for any contract language changes; 2nd by Councilman Bolte.

Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)

MEDUSA VOLUNTEER FIRE COMPANY – NEW MEMBERS – BRENDA HEATH & BRIAN DEVERE

A motion was made by Councilman Kudlack to add Brenda Heath and Brian Devere to the Medusa Volunteer Fire Company membership list, 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

RENSSELAERVILLE VOLUNTEER FIRE COMPANY – NEW MEMBERS – SHANNON HOSTACH & DAVE WARBURTON

A motion was made by Councilman Chase to add Shannon Hostash and Dave Warburton to the Rensselaerville Volunteer Fire Company membership list, 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

AUDIENCE COMMENTS

- Tropical Storm Irene: Brian Wood thanked the Town Board and citizens for all the help they gave during and after the storm. Mr. Wood reported that we received a tremendous amount of donations, supplies, water, clothing, cleaning supplies and things like that. From this period on, he asked that you donate those to individuals or to other organizations that can use them. They are now starting the process of cleaning their facility and get it somewhat back to normal so they can provide their day to day services. There was a huge outpouring of support; all of you guys were in the facility, at one point, and saw what was going on.

2011TBMT.09.13.11REG

Mr. Wood mentioned that we have kind of been put to the back burner again with regards to the Catskill Creek. There was a lot of work done the first 6 hours; they took the equipment out and never brought it back. Mr. Wood felt that it is an obligation of the Town Board to do everything that it can to protect its citizens.

Supervisor Dermody mentioned that she talked to Walter Vanderloo from the County yesterday. He was asking about inter-municipal issues. She told him that is something that needs to be addressed.

Mr. Wood explained what work has been done so far. We should be hounding these people to get the work done.

- Mr. Wood spoke about cell phone service. This has been an on-going fight. We need cell phone service in the whole town. The command post was without phones. The Town Board needs to address this issue. If the holdup is in the Planning Board and Zoning Board, when it comes time to appoint people, appoint new people to these Boards to get it done. It is a public safety issue; 30% of the Town has cell service, Preston Hollow and Medusa fire districts don't. If we need to do a reverse 911 system call, and your phones aren't working, then a call could go your cell phone if we had service. It is important to have cell service.

Councilman Bolte asked if there was ever anyone who picked a location down there that would cover the whole valley.

Mr. Wood, he did not know. Years ago people came in wanting to put up cell phone towers; they were scared off when they looked at the process they had to go through to put one up.

Supervisor Dermody mentioned that she was in contact from a representative from AT&T a year ago. They looked at the Kenyon Road property; they were ready to go and then they took a corporate change and decided to develop elsewhere.

Mr. Wood mentioned that the EMP and Fire Companies not just the Town Board need to push this issue. The tower doesn't need to be here, but we need to support it.

- Legislator Sandy Gordon mentioned he liked Mr. Wood suggestion about cell service. Perhaps we could wrap that into broadband internet service as well and maybe we can address two issues at once.

- Legislator Gordon will ask County Purchasing to get a range of RFPs out for different sizes of generators, because he thinks we are going to hear that request for generators in more places for setting up as Civil Defense and Shelters for these events. Twice recently we have had the 100 year flood; we have now had the 500 year flood.

- Mr. Gordon spoke on the hydro-fracking issue concerning the health and safety issue. He spoke to the County Legislature concerning the recent seismic activity in Knox. He would hope that the Town Board would take advantage of the open period right now that DEC has and perhaps submit a letter and ask DEC to address the issue. What is the current preparation for working in areas that are seismically active, what has been their experience, what do they anticipate, what does the seismologic anticipate what is going on in the area? He spoke about the limestone shale that exists.

It has been done in other places and they are going to pond the materials that they have used for hydro- fracturing, we need to address that in the context that we see. Legislator Gordon also spoke about the methane gas that is burned off.

The comment period that DEC has set up for the public to comment is on going right now, he hopes that the Town Board will take advantage of that and he is trying to get the County to take advantage of it also.

- Legislator Gordon thanked everybody who helped out so much during the recent storm.

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

RESPECTFULLY SUBMITTED;

Kathleen A. Hallenbeck
Town Clerk