

**MINUTES OF
TOWN OF RENSSELAERVILLE TOWN BOARD
REGULAR MEETING
OCTOBER 11, 2011**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 11th day of October, 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 38 interested citizens.

Supervisor Dermody made the following comments; as Town Supervisor she called the two special meetings last week October 3rd, one for the purpose of the Town Clerk delivering the 2012 Tentative Budget to the Town Board. The second one was to update the Town Board and the Community on what has been accomplished since Irene's visit, what has been completed, what we were currently working on, what still needed to be done and to respond to the needs of the Highway Department in order for them to continue their work. The second session meeting was not based on the petition we received from the community. Plans were already in the works to call the meeting with officials from higher levels of government who could better answer your questions. It was never not an intent to listen to you; however, at this meeting we shared all the information we had at the time. It is important for us to realize, believe it or not, we are all on the same side. We want to get the same things accomplished. Although emotions and frustrations are running high and understandably so, she is not going to hold a meeting in which she can't answer your questions or give you false hope for something she can't deliver on. There is a fine line between holding a meeting that you desired and being sure not to prematurely promise something that we can't deliver. Whether you agree or not, it was her intention not to prevent dialogue but to prepare the way for dialogue that was meaningful. She apologized for the confusion and for the misunderstanding regarding the purpose of that meeting, but she does stand by her decision on how it was conducted only because preaching to the choir does not produce results. Later on in the meeting we have a FEMA update.

Councilman Bolte mentioned that the letter that was given to the Town Board, he and Councilwoman Cooke requested the Special Meeting. "We would like to request a special meeting to discuss with the residents of Preston Hollow on what the Town Board, FEMA and Highway Superintendent is doing to elevate the situation with the Catskill Creek along Route 145 per the letter signed by the residents received today" (entire letter on file in the Town Clerk's office).

Supervisor Dermody responded that that was exactly what the meeting was designed to do – update the Town Board and residents on what the Town Board, FEMA, and Highway Superintendent is doing with regards to the Catskill Creek in Preston Hollow.

Supervisor Dermody introduced Mr. Richard Keith from FEMA. He is from the Public Assistance portion of FEMA. He will gladly take questions from the audience and answer what he can answer to the best of his ability. He is a task force leader for 13 counties. He is the one who schedules, gets the PACs going to get the Kick Off Meetings going.

Supervisor Dermody, as a result of our previous conversation, one of the biggest issues is the restoration of the Catskill Creek. Some of these people have lost pretty much their whole back yards; the creek is their back yard. The concern is what happens with significant rain fall and snow melt other than the fact that it is going to further the damage and destroy their property. That is where their concern lies, what is FEMA going to do or can do.

Mr. Keith mentioned that they are trying to come together. They are finishing up 1993 (1993 is the disaster number) that was the beginning of the storm four months ago; they are finishing that up right now. They are starting to gear up for 4020 right now. He was assigned a PAC as of Wednesday for Albany County. One of the first concerns is to try and get down here to address your issues and start going forward with any project worksheets to be able to give you an idea of what is eligible and what is not eligible for funding. They have three main disasters right now working in New York; they are just finishing one and starting 40/20 (Irene & Lee). We will have people to address your issues at the beginning of next week. He has a meeting with Albany County DOC on Thursday to address the issues and start bringing in people in to handle your county at that time.

Valerie Lounsbury - lives by the Catskill Creek. She mentioned there is serious stream erosion there. She had a meeting with Mr. Vanderloo from DOT today; Randy Bates and David Potter were also in attendance. They went down and looked at the creek. She believes that there is a misunderstanding about the interpretation of personal property. She would you like to clarify, you do not go in and FEMA does not pay for personal property to be restored, but you do pay for the work to be done to protect personal property. That was what was explained to her. It is a fine line in wording and she feel that is causing a lot of confusion.

Mr. Keith, it is going to be done on a case by case basis. FEMA, public specialist along with this PAC, also a debris expert will be coming out here to take a look at that. H will make it a priority, the first thing on the list to take it up and take a look at it.

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Richard Tollner - David Potter and Randy Bates are putting a request together for monies for different places of damages and such. Once submitted we presume it is all in good shape, how quickly can you guys respond with either allowing them to do the work and come up with the funds?

Mr. Keith, you never wait for FEMA to do the work. Do the work. If you are an eligible applicant and the cause for the damage is due from the storm, they will write you a project worksheet and reimburse 75% of the cost.

Mr. Keith asked what is the capacity of these two gentlemen.

One is our FEMA person for the two storms, the other is the Highway Superintendent.

Mr. Keith, the Highway Superintendent is going to be an eligible applicant. As you know, you went through and everybody that was involved in that, as a public entity you have to put in your request for public assistance. They are already in the system; some we are starting to work on as we speak. You have until the end of this month; there has been an extension for anybody that needs to put that in.

Councilwoman Cooke - do you have to have all the projects listed before you apply or do you come out and assess them?

Mr. Keith - we will ask you what the projects are. Once you do the Kick-Off meeting, you have 60 days to identify all damages. We will ask you what your damages are and tell you that you have 60 days for any additional damages that you require. He suggested that any kind of damage that you have at the time of the Kick-Off Meeting you identify them at that time to give us a rough idea of how much you think it is going to take to repair it to pre-disaster condition and any ideas that you can come up with would maybe do hazard mitigation, we will make it so it doesn't happen again. If you can identify all that, we will have three or four people with us to go over any questions that you have.

Acting Superintendent Potter - should they put out an application for a bid for contractors so that we have the equipment so that when we have this done, so we could be done in the streams by November 30th?

Mr. Keith, you should go through your normal procurement policy. If you have a way to do bids, you have to do it that way. As of now you have a 90-day emergency permit for the streams, but also get with DEC to make sure that it is covered. We will get someone down here as soon as possible. He would like to take a look at it before you get into the streams.

Mr. Keith - we also have historical issues. Do you have damage to historical issues?

Acting Highway Superintendent - they have been filed.

Supervisor Dermody asked Acting Superintendent Potter if he has information for all the areas of concern.

Acting Superintendent Potter - not all, but most of them.

Supervisor Dermody - the few that are outstanding he can get within the 60 days of the kick off meeting.

Mr. Keith - when you do the Kick-Off meeting, make sure you bring all of your documentation. We will take a look at it and point you the right way.

Mr. Keith - he will have somebody up here by end of next week to take care of the stream issues. That is an ongoing concern with FEMA; there are a lot of different elements involved in that with all sort of different agencies. We are trying to get together and trying to make and decide how we are going to address that.

Randy Bates - we have completed project identification forms and assessment damages. When we present your staff with this information at the Kick-Off meeting, what is the time frame for reimbursement?

Mr. Keith - there is no time frame for reimbursement. You are a sub- grantee; the main grantee is the State. Once you have been okayed by FEMA, you will get an eligibility issue and it will be taken over by the State and they will be doing all the information that you need. Once the project worksheet is approved and eligible from FEMA you will be getting a letter from the State.

Mr. Keith - case by case basis, there is difference in projects, large projects, how long it is going to take, when you got it done, if it was estimated or a completed project. There is no set time limit.

Supervisor Dermody - she believes we are ahead of the game here with having all of that information that Dave has organized already.

The sooner we get the information in, the sooner it can be filed.

Councilman Chase - are we going to need to hire an engineer? Are those estimates fine?

Mr. Keith - if you have a large project and you need an engineer, hire an engineer. Yes, the estimates would be all right for the Kick-Odd meeting.

Supervisor Dermody - at the Kick Off Meeting, we show you what areas are of concern and you will give us advice to whether or not we should get an engineer in here and we still have time to advertise.

Mr. Keith -he will be working with the County DOT. This is a critical area. You have to understand -- we are in Schoharie County, Montgomery Counties and a few others and we are hit very hard and we are trying to work with them quickly. As the Staff becomes available, they will be addressing the Albany County flooding. He will have somebody in here by the beginning of next week.

Councilman Chase - is there a way to fix the streams from the pre-existing permits or can it be modified?

Mr. Keith - it is by a case by case basis. If it needs to be modified to keep it from doing it again, they will look at it. You shouldn't be in the creeks with a dozer without DEC permits.

Chad Jemison, Director of the EN Huyck Preserve- as a not-for- profit, we have found it very difficult to access any FEMA funds. We have been told we have to go through the Small Business Administration for loans and when we are denied we can apply for FEMA funds. Are you aware of any other programs that might be helpful?

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Mr. Keith - that is correct. Bring all your documentation to the Kick-Off Meeting. They will answer all those questions. It is a case by case basis.

Supervisor Dermody - any of the expenses incurred by the Fire Company and Ambulance Squad for helping out in this disaster are also eligible for reimbursement.

Mr. Keith - also anybody that has donated resources, it will be used toward the 12 1/2 % cap.

Supervisor Dermody - the donated services will counted toward our 12 1/2%.

Mr. Keith - did any of the fire companies go outside the County?

Yes.

Mr. Keith - when you went outside the County, we need to know where you were and what you were doing so we can make sure it is captured to the right places. This will be addressed at the Kick-Off meetings.

Councilwoman Cooke - how are you going to notify people when the Kick-Off meeting is going to be held?

Mr. Keith - they will start making phone calls from the paper work they received.

Councilwoman Cooke - so someone like Chad from the Preserve will have notice of that meeting.

Mr. Keith - he will be called.

Attorney Catalano - individuals who have private property located by the creek that has damage, the Town doesn't have jurisdiction over that property. How does that individual get notified?

Mr. Keith - the individual has to go through, what we call, Individual Assistance which is IA which is 1-800-621-FEMA. They probably have done this a long time ago. You do this as soon as possible. We were inundated with calls; they are still setting up shelters for some of the counties because people were living in tents.

Supervisor Dermody - those of you who did apply for individual assistance, did you point out the creek issue at that time or did was it just your home damage?

Valerie Lounsbury - she applied immediately; when the adjuster came he was not interested in the anything but the damage to their home.

Mr. Keith - that would be basically a home inspector; that is his job.

Valerie Lounsbury - that was all he was interested in. He said that FEMA did not cover the type of damage. She thinks that everyone here is misunderstanding is that no one from the hamlet of Preston Hollow expects the town to pay to fix their personal property. We need the stream bank restored and stabilized to protect our property because there is no point in us investing our money to repair our homes and property to have it happen again in six months. There is a difference between repairing our personal property which she doesn't want you to do that and she doesn't think any else in Preston Hollow wants you to do. That is our responsibility. She cannot see spending a whole lot of money in making these repairs if the stream bank is not stabilized and repaired so we don't get flooded out again.

Supervisor Dermody - that is why we are trying to involve the State and the Federal government to foot the bill for doing that, which is mitigation.

Valerie Lounsbury - I need to clarify that, there is an interest for the County in the Catskill Creek.

Supervisor Dermody will go through her list of contacts later on in the meeting. It is the Town responsibility to try and get these other entities in here to do what we feel they need to do.

Valerie Lounsbury - she realizes that, but she tried to explain that. At the other night at the meeting you explained that the town is not liable for personal property. We do not want you to do that, but in her opinion it is the Town's responsibility, which you did the other night, Bob made a motion and the Town became the lead Agent. She was on the Board in 1996; that is what we did. Your job is to help the people of Preston Hollow get to these agencies, meet collectively and do the repairs so we can protect our property. I'm trying to make it perfectly clear that we want the stream fixed so we can protect our property; otherwise we can't.

Councilman Chase agreed with Valerie. That is the purpose of the Board, to find avenues and people that can fix the problem. He was talking about modifying the stream; he is not talking about fixing personal property, he is talking about finding somebody that can say, "The stream needs to be moved over ten feet." We need that person.

Mr. Keith - that will be coming.

Valerie Lounsbury - the Preston Hollow Cemetery, would the Cemetery Association be considered a non- profit?

Mr. Keith - if it is an association that takes care of it, it is non-profit, they have a letter from IRS stating that they are tax exempt, that they are a non-profit organization. If it is handled by the County, Town, State entity, then it would be their concern and they would be eligible.

Supervisor Dermody - we give them an annual budget allotment but we don't dictate how it is spent.

Mr. Keith - bring that up at the Kick Off Meeting. Bring all your documentation. When in doubt, bring in all the paperwork and try. All they can say is no.

Supervisor Dermody asked if the cemetery has applied.

Valerie Lounsbury - she is not sure.

Supervisor Dermody - pass the word along that they need to apply separately.

Supervisor Dermody thanked Mr. Keith for coming.

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The Regular Meeting was officially opened to conduct needed business matters.

FEMA REPORT

Supervisor Dermody mentioned that on the sideboard there is a list of names, addresses and contact information for the people. Supervisor Dermody mentioned that she has spoken to Captain John Layton, Albany County Sheriff's Office, Critical Incident Emergency Management Unit. He is by far our biggest supporter and advocate in trying to get anything done in this Town. She met with Captain Layton last week; he contacted Judy Warner's office, Schoharie County Emergency Management Office. They spoke with Colleen from that office. In Schoharie County, DOT did do the FEMA assessments and they helped remove hazardous materials from the stream. No other stream work has been done according to Colleen. Captain Layton is trying to set up a meeting for this week. Attending would be Captain Layton, Acting Superintendent Potter, somebody from Albany County Soil & Water, herself and a representative from FEMA. Hopefully there will be a meeting on Thursday to see the issues that we have.

Supervisor Dermody mentioned that she also got in touch with Governor Cuomo's office, she was re-directed to Brendon of the State Office of Emergency Management and was told to contact Captain Layton and re-directed to contact the Public Information Office; no one has called her back yet. Also contacted was Congressman Paul Tonko's office and she spoke to Sean and was told that Congressman Tonko has introduced a bill in Congress, the NRCS (Natural Resource Conservation Services). There is no money but he has introduced legislation to look at ways to fully fund this program and hoping that they can get it through by Thanksgiving. Supervisor Dermody contacted Walter VanDeLoo, Albany County DPW Commissioner, explained the situation, he was ready and willing to come to this meeting tonight but please contact County Executive Breslin and ask for permission so he could come as a County employee. She contacted him twice asking for permission for Mr. VanDeLoo and Mike Franchini to attend this meeting. She is still waiting for a response. The Town Clerk got a response from Mike Franchini, Director of Operations for Albany County. He will not send anyone to the meeting. Mr. Franchini sent a link to a Chemung County Stream Guide done in August of 2006. Susan Lewis, Albany County Soil & Water, handed Supervisor hard copies of this document. That gave us some information on what landowners can and cannot do with the creek. Supervisor Dermody talked to Doug Rose, Head Engineer, Region 1, DOT; he sent an email stating that DOT will not send a representative tonight. There is a possibility of some work being done in conjunction with the Albany County Soil & Water Conservation District. As soon as he gets more details he will let the Town Board know.

Legislator Gordon was unable to attend due to the Legislative session tonight.

Supervisor Dermody mentioned that she sent a message to Senator Kirstin Gillibrand and to Senator Charles Schumer and so far only got a thank you for the email back.

Supervisor Dermody spoke to Jeff Budrow, from Fraser & Associates. He agrees with us; we are the lowest level of government and have the least ability to do anything on our own. They have a team of engineers who are experts in stream restoration. That is somewhere we might want to go if we want to get estimates. He will get us information as soon as he can. She spoke with Richard Keith and Joe Slezak from Albany County Soil & Water. Richard Keith came tonight on the spur of the moment. We have to get their cooperation, now that she knows that she can look forward to a Kick Off Meeting next week maybe we will all feel better that the process is moving forward. You are all welcome to have a copy of the contact list. Perhaps if these individuals hear from more than just her, it might move the process faster.

Valerie Lounsbury - today she met with Walter VanDeLoo, Albany County DPW Commissioner. He assured her he will be getting back to her in a day or two because he also felt that the stream bank was an urgent issue and that Albany County is going to have to correct. They will have an interest in the cleanup of the debris influx because of the bridge on Mercer Lane because the debris jeopardized the stream.

Supervisor Dermody - what concerned her was a week or two weeks ago she got a copy of the stream map with assessments done by DOT. In the comments of all the streams, one was considered high and one or two were considered medium priority; everything else according to DOT was considered low priority. That is another issue that we are dealing with, they make the assessment but they don't live here and don't see the impact on the people. We are in this together; we are doing everything within our power to get what it is our need rightfully so. If you want to start making your phone calls and contacting them as well, maybe it will work faster.

Valerie Lounsbury - she got Wayne Teter's file on the stream damage and stabilization from 1978. She made a copy for them so they can see how long the stabilization went. Acting Superintendent Potter also has those documents. Mr. VanDeLoo took a copy today. Supervisor Dermody - we could present this at the Kick Off Meeting and say this is what the creek is supposed to look at based on work done 30 years ago and what it looks like now.

Supervisor Dermody thanked Susan Lewis for bringing the Chemung County Soil & Water Conservation District Stream Processes books. As information becomes available you will be notified of it. If she can get other individuals who are willing to address your concerns, who knows what they are talking about and give you answers to your questions, she will do that.

Councilwoman Cooke - as you are getting information, perhaps we should have a special meeting to update the Board and individuals on what is going on.

Supervisor Dermody - it depends on the information. If it is information in which their action can move us forward, she has no problem with having a meeting.

Mr. Keith -thinks you have covered everything very well. They are here and they are going to get started.

Councilman Chase - after the Kick-Off Meeting, perhaps more meetings will spur off on what needs to be done. He is in favor of having a special meeting if we need one.

Attorney Catalano suggested using the website for updates.

AUDIENCE COMMENTS:

- David Lewis mentioned that there is a problem in the Town. He would like to know who they hired to drive the grading because they filled in all the ditches. There are miles of ditches that are full; they are trying to dig them out. The person driving the grader should be fired.
- Richard Amedure spoke about the political signs going up too soon. There is a law in the Town that says they can only be up 30 days. He hopes that they are gone when the 30 days are up. Laws are made and they aren't abided by.
- Margaret Sedlmeir spoke about the special meeting and was very sad on what she heard happened at that meeting, not allowing these people affected by the storm to speak.
- Dave Bowdish spoke concerning the lack of courtesy, lack of compassion, lack of common sense and the violation of our constitution rights to be able to voice our opinion. The simple solution would have been, share your problems with us; let us know what your concerns are.
- Attorney Catalano mentioned that he wanted to point out that the courtesy issue goes both ways. Since the storm in late August, he has been working closely with Supervisor Dermody everyday. He has countless phone conversations on what we can do to assist in clearing roads and getting people to safety. That was an enormous task in and of itself. How do we move on from here and fix the damage for the long term after the immediate safety issues were alleviated? He knows from his perspective from working with Supervisor Dermody on these issues that she has spent an extraordinary amount of time, hours and hours every day. To criticize somebody that is working so hard on the Town's behalf is something that should also be taken note of because nobody else is coming forward and doing the work that she is doing. She has taken off and went forward with no assistance other than from her immediate staff such as Kathy and himself and pushing these issues and advocating for the residents of the Town. He wanted to commend her on the work she has accomplished so far. These are extremely difficult issues. This hasn't happened in a long time; this is all new territory, not only for many of you in the audience but also for us sitting up here on this side of the table. We are all trying to do what is right and do it as timely as possible. He can understand the frustration for it not being as quick as you want it or has been done. You can see some results are happening. What we are looking at is an enormous private work project or a private works project that will range in of a million dollars or more. It is going to take a lot of effort and a lot of time to get this done right and try to get funding for it. He wanted to point out that there is a lot of work that is going on behind the scenes.

MINUTES: A motion was made by Councilman Chase to accept the minutes for the Work Meeting held on September 8, 2011, the Regular Meeting held on September 13, 2011 and the Special Meeting held on October 3, 2011, 2nd by Councilman Kudlack.
Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)

TRANSFERS: Supervisor Dermody explained how in the past we budgeted on a .1, .2 and .4 line and now each of those categories have been expanded so we are specific to what we have spent.

A motion was made by Councilwoman Cooke to make the following transfers:

From	To	Amount	
	Specialty Equip. SS22080	\$ 402.80	
(J Hall LTD, replace chart motor)			
General Fund –A44001	Property repair/rental- SW 44071	68,575.25	(Impoundment Dam Repair)
Interest – SW7700	Consultant Fees – SW44047	3,150.00	
(Fraser, Water Supply)			
Electric – SW44101	Consultant Fees – SW44047	826.77	
(Fraser, Water Supply)			
Principal – SW66000	Misc. Contractual Exp.-SW44999	6,238.75	
(Fraser-)			

2nd by Councilman Kudlack.

This money is being lent to the Water District who will pay back the General Fund when they receive their funding.

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

ABSTRACT 2011- VOUCHERS,BILLS: The General Fund - \$11,131.46; Highway Fund - \$32,562.48; Lighting District - \$665.21; Sewer District - \$506.60; Water District - \$6,483.43.

Supervisor Dermody mentioned that most of the vouchers had been signed last week, she asked about voucher 1008 payable to her for \$133.48 for the amount of money she paid in order to send out the VFW mailers. It has been in the pile since August. She can't sign it and unless a third person signs she won't get paid. She needs to know what the reason for not signing it is.

Councilwoman Cooke, because at that point it was supposed to be done by donations.

Supervisor Dermody mentioned that there is a category listed now for the VFW Memorial Garden, donations go into there.

A motion was made by Councilman Kudlack to pay all signed vouchers, 2nd by Councilman Chase.

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

CORRESPONDENCE

- Dave Warburton – Letter of Interest – Hydrofracking Committee

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- Scott Kunkler – Letter of Interest – Hydrofracking Committee
- John Mormile – Letter of Interest – Hydrofracking Committee
- April Caprio – Medusa Council on the Arts

Supervisor Dermody - she has received a subsequent email from April asking that it be postponed until next month.

Councilwoman Cooke asked who is on the Playground Committee.

Supervisor Dermody - Joli Pizzigati is the only one on the Medusa Playground Committee.

Councilwoman Cooke - the Fire Company owns the land but the Town of Rensselaerville pays for the playground equipment.

Attorney Catalano asked if we have a lease with them.

The Town Board discussed this issue briefly.

Supervisor Dermody will contact the chair of the playground committee to discuss this issue.

- Arthur Pizzigati – Letter of Interest – Board of Assessment Review
- Sherri Pine – Letter of Interest – Board of Ethics

Councilwoman Cooke mentioned that she can't do that because she sits on the Planning Board.

Attorney Catalano suggested when you have enough applicants, schedule a time to interview them.

REPORTS

SUPERVISOR DERMODY

- **FINANCIAL REPORTS:** Supervisor Dermody mentioned that we have the Summary of Accounts and Operating Statement from Enhanced.

Councilman Cooke asked how many sales tax checks have we received and is the \$50,000.00 still sitting in the General Account.

Supervisor Dermody - we only have two checks in. She will check on the \$50,000.00; it was to come out of the General Fund and go into the Highway Fund. Equipment Reserve was discussed.

Supervisor Dermody mentioned that it will be so much easier next year when we are all on one system.

- **PAYROLL AUDIT:** Councilman Bolte will do the July payroll audit, Councilman Chase will do the August payroll and Councilwoman Cooke will do the September payroll.

- **PROPERTY TAX CAP MEETING:** Supervisor Dermody reported that on October 4th she went to a Property Tax Cap Legislation training class sponsored by the Office of the State Comptroller. We have been given our log in information, a form to fill out and a time line to follow. Supervisor Dermody explained what needs to be figured in when doing the tax cap. She will have this completed by the budget workshops.

- **LOCAL BREAK-INS:** Supervisor Dermody reported that she received two emails from residents in the Hamlet of Rensselaerville concerning burglaries, which she read to the public (names eliminated). Some of the questions noted, does the Sheriff's Department know about these issues, do we need a neighborhood watch, are the authorities working on these events, does the Town Board know and what can its members do, if anything to protect us? The Town should alert people in the village when something like this happens.

Supervisor Dermody mentioned that when this came in last Thursdays it was the first she heard about these burglaries. She called the Sheriff's Department and spoke with Mark DeFrancesco, Patrol Station Commander. He investigated the matter and a juvenile has been arrested. He mentioned that he would gladly attend a meeting to discuss these issues with the residents. He will send her some information for the newsletter on how to keep yourself safe.

The Town Board will invite Mr. DeFrancesco to speak at our November 3rd Work Meeting.

Councilwoman Cooke mentioned that she doesn't know how the Town can be responsible for these incidents.

Supervisor Dermody mentioned that when she is alerted to an issue, she is more than happy to act on it, but don't tell her that we are doing nothing to protect them when we don't know there is an issue.

- **2012 TENTATIVE BUDGET:** Supervisor Dermody reported that the 2012 Tentative Budget was delivered to the Town Board by the Town Clerk on October 3rd. It represents countless hours of thoughtful consideration and input from all town departments. Data had to be intergraded from two software programs. Because of the new software program, the budget form had to be redesigned. Her goal in creating this budget was to continue offering the essential services that we have but at a cost hopefully we can all afford. Keeping in mind the property tax cap, the loss of sales tax revenues due to the 2010 census, and the fact that right now we are still responsible for 12 ½% of non-federal reimbursement for storm damage. Budget workshops will be set up later in the meeting. A lot of work went into it and it is not perfect.

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

TOWN ATTORNEY

- **PROPOSED LOCAL LAW NO. 4 OF THE YEAR 2011.** A local law extending the time for filing renewal applications for exemptions authorized by RPTL s467. Attorney Catalano explained that this local law would allow the assessors to accept applications from seniors 65 years or older who do not submit their renewal application for exemptions by March 1st. This local law would allow the Assessors to accept those applications up to Grievance Day. Attorney Catalano mentioned that a public hearing must be held on the local law. He also prepared a resolution adopting the local law if the Board sees fit to do.

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Assessor Pine suggested changing the date to file to May 1st of each year; this would give the Assessors time to get in touch with someone if they have to talk to them about their form. The Town Board agreed with this date change.

Supervisor Asked if we have the hearing on November 3rd would that give us time to file with the State.

Attorney Catalano, yes.

- **CHECK LIST FOR GUIDELINE FOR SECURITY ISSUES/NYS COMP. ALLIANCE:** Attorney Catalano mentioned that he had no suggested edits or changes or resolutions or anything like that. There are a couple of check list items that may be a bit beyond what the Town needs. We can do “not applicable” on those things. The checklist would be a useful document. He suggested moving forward with this and having the Town Board members take a look at them and see what they want to do.

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

HIGHWAY DEPARTMENT: Acting Superintendent Potter mentioned it is great news about FEMA, he can’t wait to hand them a pile of paperwork.

- **TEMPORARY EMPLOYEE DOYLE SHAVER:** Acting Highway Superintendent mentioned that he would like to hire Mr. Shaver for another month, he has worked 14 weeks.

Councilwoman Cooke asked, didn’t we just extend him more hours.

Acting Highway Superintendent Potter mentioned that we extended him for another month last month.

A motion was made by Supervisor Dermody to extend temporary employment to Doyle Shaver for another month, 30 hours a week up to 150 hours, no overtime and no benefits;; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- Acting Superintendent Potter mentioned that the work they are doing in the ditches is basically from 1991, regulations that the Town Board adopted for cutting the shoulders. Typically they go behind the grader with the excavator to pick up the grass. This was drawn up by a former Highway Superintendent. This issue was discussed briefly.

- **HIGHWAY AGREEMENT:** Acting Highway Superintendent Potter would like to transfer \$4000.00 from Scutt Road to Jaycox Road. This is out of the CHIPS Program.

A motion was made by Councilman Chase to amend the Highway Agreement to transfer \$4000.00 from Scutt Road to Jaycox Road;; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

Please present to the Town Board at the next meeting a list of the amendments to the Highway Agreement so it can be signed.

- Acting Superintendent Potter mentioned that contractors bid out by the hour, when dealing with the State and County, they have contractors in place for emergency repairs. They have all the insurance and information ready to go. All the DOT people have to do it pick up the phone and make a call. That would be a good thing to do with all the FEMA projects, under the procurement policy; put this out to bid and try to have that set up. When FEMA slows up, then we are ready to go with the non-highway projects. The contractor would give us an estimate of what the cost for the equipment would be, the labor, etc. to have on hand.

Attorney Catalano mentioned that the Town is going to be responsible for paying for any of that work at 12 ½ percent.

The Town Board discussed this issue, creek work and RFPs at length.

Councilwoman Cooke asked if we you contacted MaryAnn Wollaber concerning the old FEMA funding.

Supervisor Dermody, she did and hasn’t heard anything from her.

- **OLD EQUIPMENT:** Acting Superintendent Potter mentioned that he pulled out the 1964 Sweeper, the old Ford engine from a ‘55 backhoe, a 12 year old pressure washer, and some garage doors and asked if these items could be put out for bid.

Councilman Bolte asked if the spring from the old doors could be used on the present doors.

Acting Superintendent Potter mentioned that the old doors were much smaller.

Councilman Bolte asked where are you going to advertise them.

Acting Superintendent Potter, in the paper.

Councilman Bolte mentioned that they should be put in more than one newspaper.

Acting Superintendent Potter should supply us with a description on these items.

A motion was made by Councilman Bolte to put these items out to bid; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

Attorney Catalano asked if we could develop a page or section on our webpage for where you can show pictures of these items and then put the bid notices on it also.

Supervisor Dermody asked Acting Superintendent to send this information to her and she will put it on the website.

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

EN HUYCK PRESERVE – GRANT – TROPICAL STORM IRENE: Attorney Catalano mentioned that the Preserve needs the needs the Town’s endorsement in order to file for a grant under the Environmental Protection Fund to apply for funding for the bridge that was destroyed by Tropical Storm Irene.

Resolution No. 10/11/11A

Supervisor Dermody made the following motion:

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WHEREAS, the Edmund Niles Huyck Preserve, Inc. is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located at the Huyck Preserve, a site located with the territorial jurisdiction of this Board; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporations must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located”.

NOW, THEREFORE, be it resolved by this august body that the Board of the Town of Rensselaerville hereby does approve and endorse the application of The Edmund Niles Huyck Preserve, Inc. for a grant under the Environmental Protection Fund for a park project known as “Bridge Replacement for Irene Destruction” and located within the community.

2nd by Councilman Bolte. *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 September 2011; Town Clerk Department – Total Collected - \$5,964.76. Paid to the Supervisor - \$2138.83 (fees); Paid to NYS Department of Agriculture and Markets - \$16.00 (Dogs - State Surcharge); Paid to NYS Departmental Conservation - \$3,742.43 (sporting license); Paid to NYS Department of Health - \$67.50 (marriage license). Water Rents Collected - \$501.42. Sewer Rents Collected - \$131.08.

A motion was made by Councilman Chase to accept the Town Clerk’s report for the month of September 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 September 2011: New Home Construction – 1 Permit; Decks – 1 Permit, Building Repairs – 1 Permit and Accessory Buildings – 2 Permits. Total funds collected \$386.76.

CEO Overbaugh reported that the home at the end of Fox Creek Road on Route 145 has been taken down. The Zoning Review Committee meets two times a month. He thanked the Highway Department for fixing South Street, alleviating the concern of the house falling in the creek.

A motion was made by Councilman Kudlack 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 mentioned that he spoke to Mr. McAneny and Senator Breslin about opening up the assessment rolls to assess the damage from the storms and the not charging people with damage late for school, county and town taxes, if the tax bills are late. It is budget time and there is going to be some adjustments to Preston Hollow, especially in assessment. The value of the town will come down a little because of the damage to the homes and land; keep that in mind. We did have some increase in the value of the Town due to normal construction and updates.

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

WATER/SEWER COMMITTEE:

- **WATER DISTRICT:** Chairman Long spoke about the change order that was recommended by the Engineer for the Impounding Dam Project in the amount of \$1,835.70.

Chairman Long mentioned that he has given Acting Superintendent Potter the FEMA paperwork on the damages to the Water and Sewer Districts from the two storms. It is \$2200.00 on one and \$2000.00 for the other.

There is one more bill that will come from the contractor on the Impounding Dam. The total project cost for the dam is within the budget.

A motion was made by Councilman Cooke authorizing Supervisor Dermody to sign the Change Order in the amount of \$1,835.70 for the work on the Impounding Dam; 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **CERTIFICATION OF OPERATOR:** Councilman Bolte asked about the operator certification.

Chairman Long mentioned that he hasn’t completed everything yet but Mr. Brady of the Health Department is pleased with what we are doing.

A motion was made by Councilman Bolte 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 Whitbeck reported the following for the month of September 2011:

Green Fiber – 12.18 Tons; Rensselaer Iron & Steel – 6.97 Tons; Tires – 11; City of Albany Landfill – 94.51 Tons; Sierra Fibers – 5.65 Tons and Oil – 23 gallons. Recycling Coordinator reported that 60.18 tons of the 94.51 tons that went to the Albany County Landfill was refuse from Tropical Storm Irene and will be covered by FEMA.

Councilman Bolte asked Recycling Coordinator Whitbeck what he was getting for steel.

He is getting \$50.00 a ton because it is unprocessed steel.

The electronics pickup is working out very well.

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:

- Blood Drive – Rensselaerville Volunteer Fire Company – Saturday, October 22nd, 7:30 AM to 12:00 PM.
- Breakfast – Medusa Volunteer Fire Company – October 15th, 7 to 11AM- Free will offering
- Trinity Church Dinner – October 29th
- RHDA – October 15th – 11:30AM to 1:30PM – Candidates Forum

OLD BUSINESS

- **LOCAL LAW NO. 3 OF THE YEAR 2011: A Local Law entitled “Gas Drilling Moratorium Law of 2011 of the Town of Rensselaerville”.** Attorney Catalano mentioned that we need to table this and vote at the next Regular Meeting. It has been referred to the Albany County Planning Board and we are waiting for their comments.
- **FEMA REPORT:** This was done earlier in the meeting.

NEW BUSINESS

- **RENSELAEVILLE PLAYGROUND:** The Playground Committee submitted a quote for pea stone for the playground, the cost is \$92.06. The Board said to go ahead and order the pea stone since is under the procurement policy.

- **REGULAR MEETING DATE CHANGED**

Supervisor Dermody mentioned that our next Regular Meeting falls on Election Day, November 8th.

A motion was made by Supervisor Dermody to change the Regular Meeting date from November 8, 2011 to November 10, 2011, 7 PM; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **PUBLIC HEARING – 2012 PRELIMINARY BUDGET**

A motion was made by Supervisor Dermody to hold the Public Hearing on the 2012 Preliminary Budget on November 10, 2012 at 6:30 PM; 2nd by Councilman Chase. *Motion Carried. (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

- **LOCAL LAW NO. 4 OF THE YEAR 2011**

RESOLUTION- 10/11/11B

A motion was made by Supervisor Dermody to adopt the following resolution:

WHEREAS, the Town Assessor, Jeffry Pine, has suggested that the Town Board of the Town of Rensselaerville provide authority for the Town Assessors to accept renewal applications for senior exemptions that are not timely filed on or before the taxable status date as many seniors forgot to file such applications by that date; and

WHEREAS, the Town Board agrees that senior property owners should be able to renew exemption applications if they miss the early date for submission; and

WHEREAS, the Town Attorney has prepared a proposed local law that proposes to grant authority for the Town Assessors to accept renewal applications for senior exemptions up until May 1st 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. 4 of 2011, regarding the authority for the Town Assessors to accept renewal applications for senior exemptions up until May 1st.
2. The Town Board determines that the adoption of the proposed Local Law No. 4 is listed as a Type II action under the State Environmental Quality Review Act (SEQRA) 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 November 3, 2011 at 6:45 PM.
4. The Town Board hereby orders that 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 with any other notice or referrals as required by law.

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

SPECIAL MEETINGS – BUDGET WORKSHOPS

A motion was made by Supervisor Dermody to hold a Special Meeting on November 15, 2011 for the 2012 Town Budget adoption; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

A motion was made by Supervisor Dermody to hold the following Special Meetings to work on the Proposed 2012 Budget; October 18th, 20th, 25th and 27th, meetings 7PM to 10PM; 2nd by Councilman Bolte. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

AUDIENCE COMMENTS: None

EXECUTIVE SESSION

A motion was made by Councilwoman Cooke to go into Executive Session regarding negotiations for personnel matters and that Attorney Catalano attend; 2nd by Councilman Chase.(9:20PM)

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

A motion was made by Supervisor Dermody to come out of Executive Session; 2nd by Councilman Kudlack. (10:25PM).

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

ADJOURNMENT: A motion was made by Supervisor Dermody to adjourn the meeting at 10:26 PM; 2nd by Councilman Bolte.
Motion Carried.

RESPECTFULLY SUBMITTED

Kathleen A. Hallenbeck

Town Clerk