

MINUTES OF
TOWN OF RENSSELAERVILLE TOWN BOARD
SPECIAL MEETING
OCTOBER 27, 2011

The Town Board of the Town of Rensselaerville held a Special Meeting on October 27, 2011 at 6:30 o'clock in the evening at the Rensselaerville Town Hall, 87 Barger Road, Medusa, NY 12120. 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, Town Clerk Kathleen A. Hallenbeck

ABSENT: Councilman Jack Kudlack

Also present were Acting Highway Superintendent Potter and 8 interested citizens.

The purpose of the Special Meeting was to provide an additional update on FEMA and Acting Superintendent Potter's meeting with the Project Manager yesterday.

Acting Superintendent Potter reported that they went to visit all the highway sites. They visited the site by Vincent's, Site No. 1. He has not heard back from them (FEMA) yet. All the sites were GPS and photographed by them. They measured most of them and used our measurements on some of them. They took a copy of the Bennett Lane file (where the sewer pipe was exposed) to review. They may spot check 2% of the things. It all looked pretty good; they were happy with the paperwork submitted. They will get back to us on what the next step is.

Councilwoman Cooke, did you hear back from DEC on that permit?

Acting Highway Superintendent Potter, on site No. 1, yes; no problem, we can change the permit to whatever it needs to be.

Councilwoman Cooke, do you expect to hear from them shortly or are you going to contact them.

Supervisor Dermody mentioned that she met with Acting Superintendent Potter and Mr. McCarty concerning the creek issue. Mr. McCarty said it is questionable and the field operators can't make any decisions. He was going to bring it back to his higher ups and see what they could do about it. He was making this one his priority. Today there was a phone conference with Paul Tonko, and representatives from FEMA, the NYS Office of Emergency Management, NYSOEM (giving a brief update on where they stood), Rotterdam, Westerlo, Schenectady County, Fultonville, Amsterdam, Waterford, Niskayuna, Us and probably a couple that she didn't hear. Only about half of the kickoff meetings have occurred so far. We are in the front half. Supervisor Dermody brought up the Creek issue, telling them that we have a State asset with a County asset running into it; it really doesn't impact town assets but it is creating a very dangerous situation because the creek bed is pretty much flat with the surrounding environment. Kathy Rooney from Schenectady County, who is representing all the municipalities in Schenectady County, said some of their municipalities have the same situation. The response we got was that they will work with us to determine eligibility as soon as they can. If you have a big million dollar project, they can do progress payments. She put in a call to Sandy Gordon, County Legislator, who made some calls on our behalf. Jeff Simon, Public Assistance Intergovernmental Affairs Coordinator, was filled in on the situation. He said he wasn't making any determination; he doesn't have the power to do that. He said it doesn't sound like a FEMA situation, it is a State situation. Bill Dugan, who is in the recovery section of the State Public Assistance Office, was called. We did not get a call back yet. She did get an email from Joe Slezak, Albany County Soil & Water. He said pretty much the onus is on the property owner. She asked if he could attend the meeting tonight. He said no one could, but please have landowners contact their office for assistance. Staff members are available to go out to impacted sites which should really be handled on a case by case basis. Although all landowners are going to want to see action take place on their property, the level of concern may differ substantially and needs to be determined. In another email from Mr. Slezak, he advised her about a program called "Emergency Watershed Protection Program." It is to help communities address watershed impairments that pose an imminent threat to lives and property. One of things that would be covered would be debris clogged stream channels. Supervisor Dermody typed up and mailed a letter of application to the Emergency Watershed Protection Program. This is 75% reimbursement, 25% on our side. There is no other entity that could kick in any money other than the 25% but it could be an in-kind labor.

Acting Superintendent Potter, Attorney Catalano and she had a conference call. She spoke to John Layton and FEMA can take up to 30 to 60 days to make a determination. She realizes that time is of the essence because of the nature of the creek. We have decided that they are going to stick our necks out a little bit in that they will put somebody in that section of the Creek to dig out the gravel and put it on the bank. We can do that; we had two contractors who bid an hourly rate for the emergency work on McCulloch Cross Road and Fox Creek. We already have the two bids. The lowest one was Mark Overbaugh. With Board approval, we can make a motion to allow this contractor to go into the Creek to remove as much gravel as he can up to the \$3000.00 procurement level. We are stretching the point here because this is not something that we can legally do. At \$3000.00 if it cleans out that Creek channel and makes the water flow better, at least that is a start. If we get this grant from the Natural Resource Conservation Service, that is not reimbursable; if we get money from FEMA, it probably would be reimbursable.

Councilwoman Cooke mentioned that they spoke to the FEMA guy. He said this is what FEMA does. David mentioned that it would probably fall under the mitigation under 404.

Supervisor Dermody, other than the initial digging out the gravel that has built up and lessened the depth of the bed, this is the only thing we can do in the interim. It is going to buy us some time. It will clean up the channel, it will make the water flow better, it will give more places for the water to go and in the meantime Mr. McCarty is investigating this issue. We should go in and do everything that we need to do.

Councilman Bolte mentioned that the guy said that this is exactly what we would do, dig out the channel and rip rap the corners.

Supervisor Dermody, he is not in a position where he can make a decision. He has to bring it to the higher ups. He will contact us when he knows. Once we know that it has been approved, we will get contractors in there and get everything done that needs to be done. All of the landowners will have to sign easements and understand that the gravel has to go someplace. If it goes on the bank, it might be on part of your property and the easement says that the owner waives any claim against property damage.

Councilwoman Cooke asked, what is the estimated time to do the whole project?
It will take 40 hours.

Councilwoman Cooke, what are the rates.

Mark Overbaugh, we have been looking at a \$100.00 an hour (he usually gets more than that).

Councilwoman Cooke, for 30 hours you would be getting \$3000.00.

Rip rap is needed in there; the cost is around \$14,000.00 worth.

Discussed were the rip rap, gravel, and trees at this site.

Valerie Lounsbury explained what DEC and the Army Corps. Of Engineers want done to stabilize the bank.
If this is not fixed, it jeopardizes the ten homes down from this site.

Supervisor Dermody, the only thing we can authorize is the \$3000.00 limit.

Supervisor Dermody read what she put in the letter to the Natural Resource Conservation Service.

A motion was made by Supervisor Dermody that we authorize Mark Overbaugh as our contractor to go in at his \$100.00 an hour to work to a maximum of \$3000.00 in doing what needs to be done on that section of the Catskill Creek in the Hamlet of Preston Hollow; 2nd by Councilwoman Cooke.

Councilwoman Cooke, the minute you hear from FEMA, would you let us know so that they can go forward.

Supervisor Dermody, you have to understand that this is not a highway project. It is not coming out of highway funds; it will be coming out of the general fund.

Councilman Bolte asked Mr. Overbaugh if he can do it alone, do you have the equipment to do it, would it better to hire another contractor to help you?

He has the equipment and time to do it.

Where is the money coming from?

Supervisor Dermody, if necessary we will take it out of contingency.

Supervisor Dermody, there is a motion on the floor with a second.

Supervisor Dermody amended the previous motion to include contingent on getting signed easement agreements from the landowners; 2nd by Councilwoman Cooke. *Motion Carried. Ayes (4) Dermody, Bolte, Chase, Cooke; Nays (0)*

ADJOURNMENT

A motion was made by Councilman Bolte to adjourn the meeting at 6:59PM; 2nd by Councilman Chase. *Motion Carried.*

RESPECTFULLY SUBMITTED,

Kathleen A. Hallenbeck
Town Clerk