

**MINUTES OF  
TOWN OF RENSSELAERVILLE TOWN BOARD  
REGULAR MEETING  
NOVEMBER 10, 2011**

The Regular Meeting of the Town Board of the Town of Rensselaerville was held on the 10th day of November, 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, Councilwoman Marion Cooke, Councilman John Kudlack, Deputy Town Attorney Jon Kosich, Town Clerk Kathleen A. Hallenbeck

ABSENT: Councilman Gary Chase

Also present were Deputy Highway Superintendent Mark Chase and 38 interested citizens.

**AUDIENCE COMMENTS:**

- Valerie Lounsbury asked if MaryAnn Wollaber has been contacted.

Supervisor Dermody mentioned that she has contacted her three times and has gotten no response.

Mrs. Lounsbury mentioned that Mark Overbaugh was down and worked on the stream, and she guesses he used up the \$3000.00. The work he did was very good but he obviously ran out of money because they moved the equipment out and is he going to leave the stream that way.

Supervisor Dermody mentioned that this will be discussed later on in the meeting.

**MINUTES:** A motion was made by Councilman Bolte to accept the minutes for the Regular Meeting held on October 11, 2011; Public Hearing held on October 6, 2011; Work Meeting held on October 6, 2011; Special Meetings held on September 1, 2011, September 8, 2011, October 3, 2011 and October 18, 2011; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

**TRANSFERS:** There were no transfers.

**ABSTRACT 2011-11 VOUCHERS,BILLS:** Supervisor Dermody mentioned that anything in there that is marked FEMA has its own object code. There is one voucher in there for the incoming justice because he has to set up a bank account; if we can sign it tonight, the bank account can be set up. Justice La Plante's bank account will be liquidated after January 1<sup>st</sup> and we will get his money back.

Councilwoman Cooke asked if the Carver's bill on the blackout has been corrected; the rates are wrong.

Supervisor Dermody will check on this.

The General Fund - \$22,447.61; Highway Fund - \$32,628.21; Lighting District - \$665.21; Sewer District - \$128.25; Water District - \$6,484.43; Agency & Trust - \$1,387.58.

A motion was made by Councilwoman Cooke to pay all signed vouchers; 2<sup>nd</sup> by Councilman Bolte. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

**CORRESPONDENCE**

- Dennis Pitts – Resignation – ZBA

A motion was made by Councilman Kudlack to accept the resignation of Dennis Pitts from the ZBA; 2<sup>nd</sup> by Councilman Bolte. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

Mr. Pitt's resignation was effective immediately.

- Walter Cook –Letter of Interest – ZBA
- James Glorioso – Recommendation – Walter Cook - ZBA
- Muriel Frasher – Planning Board update on webpage has been completed. This information will be put in the newsletter.
- Laura Bolotsky – Letter of Interest – Hydrofracking Committee

Supervisor Dermody mentioned that we will do one more advertisement in the newsletter and hopefully in December we can fill those vacancies.

**REPORTS**

**SUPERVISOR DERMODY**

• **FINANCIAL REPORTS:** The Board was given the Account Summary. The transfer of money from the Sewer District back to the General Fund and from the General Fund Multi-Modal into a Highway Account will be done at the December meeting. There is an Operating Statement from Enhanced and an Abstract of Vouchers to give you an idea of where we are with Munis. Also all the balances are expected to be booked by the December meeting.

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Councilwoman Cooke asked, what is the problem with the Annual Report?

Supervisor Dermody, the previous Clerk did not do any of the trial balances and balance sheets.

Councilwoman Cooke asked if the State Comptroller has sent any letters reprimanding us about this.

Supervisor Dermody, no. She has been working with Mr. Fontanelli from the County Comptroller's Office and they have two more funds to work on.

A motion was made by Councilwoman Cooke to approve the Supervisor's financial reports as they stand; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

- **PAYROLL:** Councilman Bolte completed the July payroll audit and Councilwoman Cooke did September.

Councilman Kudlack will do the October payroll audit.

- **WORKPLACE VIOLENCE AND SEXUAL HARASSMENT TRAINING:** Supervisor Dermody reported that she has set the last session for the Workplace Violence and Sexual Harassment Training for December 12, 2011. This training is mandatory for all Town employees, appointees, elected officials. This is going to be the 6<sup>th</sup> time this training has been offered.

Councilwoman Cooke asked about the firemen taking the training; if they don't take it, what will happen.

Supervisor Dermody mentioned that they can be put on an inactive list because they are going to put the Town at significant financial risk if we get audited by either the Department of Labor or PESH. It is \$5000.00 per non-compliant person.

- **SPECIAL MEETING:** Supervisor Dermody mentioned that it was brought to her attention last week that a Special Meeting that she held was not legitimate because of the notification to Town Board members went via email. The law says that people are supposed to be notified in writing; she thought email was writing. Apparently it is not sufficient. The only thing she can do is to notify the Town Board members when there is a notice regarding a special meeting; you are going to have to come to Town Hall and pick it up. If you don't do that in a timely fashion, the meeting will have to be postponed until everyone has been notified. Councilman Bolte mentioned that the law says you must notify us personally in writing.

Attorney Kosich mentioned if you pick up a notice in writing, that is sufficient. It has to be in writing and it has to be personally given to you whether it is taken to your house or you pick it up as long as it is in a timely fashion.

Councilman Bolte, how do you know it is here? We don't come to Town Hall every day. Don't do it by email.

Supervisor Dermody, you will be given a phone call to let you know it is here. She is not going to be doing anymore email communication with Town Board members.

Supervisor Dermody mentioned that the meeting that they did hold was to correct some budget calculations that were incorrect. The bottom line of the budget did not change. We have two options: we can request that the Town Board ratify those corrections made because no changes were made to the bottom line, or we can redo those corrections on the 15<sup>th</sup> when we adopt the budget in a formal motion. She felt that it was prudent to fix those inaccuracies before it got published on the web.

Councilman Bolte mentioned that the 10 o'clock meeting in the morning was the problem; most of us who work in the private sector are working.

A motion was made by Councilman Bolte to ratify the changes that were made in the 2012 Budget because they did not change the bottom line; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

- **DOG CONTROL:** Supervisor Dermody mentioned that we are in receipt of reports for our Dog Control Division. We have a Municipal Shelter Inspection Report and a Dog Control Officer Inspection Report. Thanks to Cheryl Baitsholts, we have received a satisfactory rating on all categories listed.

A motion was made by Councilman Kudlack to approve the Supervisor's Report; 2<sup>nd</sup> by Councilman Bolte. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

**TOWN ATTORNEY:** There was no Attorney Report at this time; other issues are listed further on in the agenda.

**HIGHWAY DEPARTMENT:** Acting Superintendent Potter was unable to attend tonight. Deputy Highway Superintendent Chase reported on the following;

- **CHIPS:** The CHIPS roads are finished. They included: McCulloch Cross Road - \$69,690.21, Siebert Road (Phase 2; Phase 1 was done last year. That road is completed.) - \$52,513.70; and Jaycox Road - \$4,536.00. Total spent - \$126,739.91. We were allotted \$140,000.00.

- **FEMA:** They just completed Mercer Lane and Snyder Lane bridges. All the Highway FEMA Projects are completed except Gulf Road and Preston Hollow Park. Kayla Lee has informed him that all the FEMA data is collected and up to date. All she has to do now is to transfer all that data onto the FEMA Project worksheets. Acting Highway Superintendent Potter has contacted DEC to check the FEMA projects to see if they have been done correctly so they can be signed off on.

- **TRUCK #2 WARRANTY:** Deputy Superintendent Chase mentioned that the warranty on that truck must be done within a year.

Supervisor Dermody, there has been a recurring problem with the truck. It is still under warranty but if the problem continues, it will cost us a lot of money to get fixed. We need to extend the warranty to 84 months or 75,000 mile limit. It included engine, electronic, and injectors for Max 410 engine for the cost of \$2560.00.

Deputy Superintendent Chase mentioned that there is also a warranty for the transmission for about \$200.00. The problem is with the anti-freeze; it is always using anti-freeze.

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A motion was made by Councilman Bolte to purchase the extended the warranty on #2 Truck for the transmission and motor; 2<sup>nd</sup> by Councilwoman Cooke. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

- **THANK YOU:** Deputy Superintendent Chase mentioned that Acting Superintendent Potter would like to thank Mike Geldner and Family for donating 12 loads of top soil for the Preston Hollow Park.
- **WORK PROJECTS PLANNED:** Deputy Superintendent Chase mentioned that the following work projects are planned, weather permitting, as follows: Gulf Road and also finish up Preston Hollow Park; it needs more top soil and seed.
- **PART TIME HELPER:** Deputy Superintendent Chase reported that the part-time helper is out of time. Do you want to extend it? They are one man short on their plow routes. They could put him to use, straight time, no overtime. Supervisor Dermody, for the 150 hours? Could we hire him for on call? Would he be willing to work on call if we need him for that? The Town Board agreed to hire him for on call for plowing. Deputy Superintendent Chase asked if he isn't, do you want to try someone else? Councilman Bolte, you could advertise for this. Supervisor Dermody, see if he is willing to work on an on call basis.

- **SALT AND SAND:** Deputy Superintendent Chase mentioned that they just ordered salt under the County bid; the barn is about half full.
- **SEASONAL ROADS:** Deputy Superintendent Chase gave the Town Board a list of the seasonal roads as follows (no maintenance December 1, 2011 to April 1, 2012): Rivenburg Lane has been added to the list this year, the house has been gutted; we will plow it if the property owners need us to.

<u>Road</u>	<u>From</u>	<u>To</u>
Edwards Hill Road	NYS 145 o	Top of Hill
Gulf Road Extension	Gulf Road	North end of State Land
Kenyon Road	Roney Road	Albany County Rte 359
Rivenburg Lane	Albany County Rte 354	Dead End
Roney Road	Last Residential Structure (In from Pearson Road)	Kenyon Road
Scutt Road	South End of State Land	CCC Road

A motion was made by Supervisor Dermody to accept the Seasonal Road list as stated above, no maintenance from December 1, 2011 to April 1, 2012; 2<sup>nd</sup> by Councilman Bolte. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

- **TRUCK #8 – TIRES:** Deputy Superintendent Chase mentioned that Truck #8 needs tires on the rear. Should we go with new tires or recaps? The cheapest on the new tires is \$325.00 per tire mounted, the cheapest on retreads - \$195.00 mounted. These are through State Contract.

A motion was made by Supervisor Dermody to allow the Highway Department to buy 8 new tires for Truck #8 at \$325.00 each including mounting; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

- **INVENTORY REPORT:** Councilwoman Cooke asked about the Inventory Report that was due in September. Deputy Superintendent Chase mentioned that this in on the computer; it needs to be updated. Councilwoman Cooke asked if they could have it by the December meeting.

A motion was made by Councilman Kudlack to accept the Acting Highway Superintendent's report; 2<sup>nd</sup> by Supervisor Dermody. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

**TOWN CLERK:** Town Clerk Hallenbeck reported the following collected and paid out for the month of October 2011: Town Clerk Department – Total Collected \$2,633.92. Paid to the Supervisor - \$869.46 (fees); Paid to NYS Department of Agriculture and Markets - \$6.00 (Dogs - State Surcharge); Paid to NYS Departmental Conservation - \$1,758.46 (sporting license); Paid to NYS Department of Health - \$0.00 (marriage license). Water Rents Collected - \$2,655.74. Sewer Rents Collected - \$3145.39.

A motion was made by Supervisor Dermody to accept the Town Clerk's Report for the month of October 2011; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

## HIGHWAY DEPARTMENT – PART TIME EMPLOYEE

A motion was made by Supervisor Dermody that we employee the services of Doyle Shaver on an on call basis at the truck driver's rate of pay, no benefits, no overtime in the event of snow removal issues; 2<sup>nd</sup> by Councilwoman Cooke. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

## CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR:

- CEO Overbaugh reported the following collected for the month of October 2011: one (1) New Home Permit renewal, one (1) New Home Permit, and one (1) New Replacement Home Permit Construction. Supervisor Dermody mentioned that there is one home replacement for Rivenburg Lane. We just put that road on the seasonal road list.

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A motion was made by Supervisor Dermody to amend the Seasonal Road List deleting Rivenburg Lane from this list -- it is no longer a seasonal road; 2<sup>nd</sup> by Councilwoman Cooke. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

- CEO Overbaugh mentioned that he attended a three-day class in Colonie as part of his ongoing certification units. A motion was made by Councilwoman Cooke to accept CEO Overbaugh's report; 2<sup>nd</sup> by Councilman Bolte. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

**ASSESSING DEPARTMENT:** Assessor Weber mentioned that exemption renewals will go out by mail in late December or early January.

A motion was made by Supervisor Dermody to accept the Assessor's report; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

**WATER/SEWER COMMITTEE:** Chairman Long reported that we have one final bill from the engineer for the Impoundment Dam Project for about \$208.00. When we get this, he will give a formal report on the Project and contact the Attorney so he can arrange the financing.

A motion was made by Supervisor Dermody to accept the report of the Water/Sewer Committee; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

**REFUSE/RECYCLING:** Recycling Coordinator Whitbeck reported the following for the month of October 2011: Green Fiber – 11.28 tons, Rensselaer Iron & Steel- 3.8 tons, Tires – 7, City of Albany Landfill – 58.85 tons, Sierra Fibers – 4.48 tons, and Oil -- 72 gallons. Today he had a meeting with the City of Albany and County Waste and Sierra Fibers; they discussed how the machine separates out the waste received. He also went to CEJJ and got some parts for the truck.

A motion was made by Supervisor Dermody to accept Recycling Coordinator Whitbeck's report; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

**CURRENT EVENTS:** NONE

### OLD BUSINESS

**LOCAL LAW NO. 4 OF THE YEAR 2011, A Local Law extending the time for filing renewal applications for exemptions authorized by RPTL s467**

**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 forget 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**, a proposed local law that grants authority for the Town Assessors to accept renewal applications for senior exemptions up until grievance day (the maximum time allowed by law) was introduced by the Town Board on October 11, 2011, and a public hearing on said proposed law has been held;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The public hearing on proposed Local Law No. 4 of 2011 has been duly held and closed prior to the introduction of this Resolution and said hearing provided those who wished to be heard regarding said proposed Law a full and fair opportunity to be heard.
2. The Town Board determines that the adoption of the proposed Local Law No. 4 of 2011 is an action that is defined in the State Environmental Quality Review Act (SEQRA) as a Type II action and, as such, no further environmental review is required.
3. The Town Board adopts Local Law No. 4 of 2011, regarding the authority for the Town Assessors to accept renewal applications for senior Exemptions up until May 1st of each year, and hereby orders that the Town Clerk and Town Attorney complete the filing form and file Local Law No. 4 of 2011 with the Secretary of State's office as required by law.

Upon motion made by Supervisor Dermody, seconded by Councilman Bolte, the foregoing Resolution was duly adopted by the Town Board on November 10, 2011 by vote of a majority of its members as follows:

Councilwoman Cooke asked, how come in the beginning it says up until Grievance Day and down here it says May 1st?

Supervisor Dermody, it was discussed that Grievance Day is too late. The State laws allows up until Grievance Day, we are limiting it to May 1<sup>st</sup>.

A roll call vote was taken with the following results:

Councilman Bolte	AYE
Councilwoman Cooke	AYE
Councilman Kudlack	AYE
Supervisor Dermody	AYE

**LOCAL LAW NO. 3 OF THE YEAR 2011 – A Local Law entitled “Gas Drilling Moratorium Law of 2011 of the Town of Rensselaerville.**

Supervisor Dermody mentioned that we held the Public Hearing on the Proposed Law, we had 6 or 7 speakers, the majority of who is in favor of the Moratorium.

**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**, 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 this 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 Board introduced a law as Local Law No. 3 of 2011 that proposes to establish a moratorium on the drilling for extraction of natural gas and a public hearing was scheduled for October 6, 2011, on the proposed law; and

**Whereas**, the proposed Local Law No. 3 was referred to the Albany County Planning Department pursuant to the General Municipal Law and said Department determined that the proposed law did not affect County plans and was a matter of local consideration; and

**Whereas**, Albany County Planning Department also provided advice as to addressing review procedures and criteria for such uses which the Town Board will take under consideration and it also offered to provide research material on this subject which the Town Board appreciates and will make use of during the study process;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The public hearing on proposed Local Law No. 3 of 2011 has been duly held and closed on October 6, 2011, and said hearing provided those who wished to be heard regarding said proposed Law a full and fair opportunity to be heard.
2. The Town Board determines that the adoption of the proposed Local Law No. 3 of 2011 is an action that is defined in the State Environmental Quality Review Act (SEQRA) as a Type II action and, as such, no further environmental review is required.
3. The Town Board adopts Local Law No. 3 of 2011, regarding the establishment of a one-year moratorium on any natural gas projects and applications throughout the Town.
4. The Town Board hereby orders that the Town Clerk and Town Attorney complete the filing form and file Local Law No. 3 of 2011 with the Secretary of State's office as required by law.

Upon motion made by Supervisor Dermody, seconded by Councilman Kudlack, the foregoing Resolution was duly adopted by the Town Board on November 10, 2011 by vote of a majority of its members as follows:

A roll call vote was taken with the following results:

Councilman Bolte	AYE
Councilwoman Cooke	AYE
Councilman Kudlack	AYE
Supervisor Dermody	AYE

The Moratorium will take effect after filing with the State.

A Special Meeting will be set up for the purpose of interviewing all candidates interested in being on a committee to investigate the hydrofracking issues.

**FEMA:** Supervisor Dermody mentioned that Mark Overbaugh went into the stream last week and worked his maximum amount of time to stabilize that one section of the creek.

Supervisor Dermody called the Association of Towns and spoke with Attorney Murray Jaros, explained the situation, and he told her that legally she was doing the right thing by doing nothing until we had confirmation from FEMA that they would reimburse us the expenses. Supervisor Dermody also spoke with Mitch Morris from the NYS Office of the State Comptroller legal affairs office and Attorney Catalano.

Supervisor Dermody, this is a unique situation with no clear directive; it is a gray area in law. It is something that is out of the norm and no matter what we decide, she has misgivings on one side or the other -- either the people in the effected area will rightfully be upset because we do nothing to protect their property or other taxpayers will be upset because they see our action of spending taxpayer dollars to improve personal property. We could consider this as a Town Board project based on the fact that previous restoration work was done by the Town as a result of a previous disaster and the Town does have a responsibility to protect, not improve, private property. She spoke with Mr. Morris and she has more research to do. Protection of property is not sufficient for Town benefit unless we can chalk it up to something that has an effect on a Town asset. However, we could look at it that not doing the work could cause perhaps septic drainage into the Creek because of the flood waters, stagnation of water, etc. We have to look at whether it benefits the few not the many. We have to have justification as a Town function. There is an opinion that she pulled off the website and highlighted some issues.

Supervisor Dermody is going to have Attorney Catalano contact Mitch Morris because they can talk “legalese” together.

Supervisor Dermody would like to move forward with this proposal. Our procurement law says that any project over \$20,000.00 requires going out for public bid, the State Law sets that limit at \$35,000.00. We are pretty sure that the corrective restoration there is

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not going to cost that much money. If the Town Board would consider suspending the Town's Procurement Law for this issue only, we could put out a request for proposals and by doing that we avoid the time issue of having to get it into our official newspaper. If we put it out as a request for proposals, we could not accept any proposal that exceeded \$35,000.00. Hopefully it would come in less than that.

Supervisor Dermody read the Request of Proposals.

The language for this Request for Proposals comes from the DEC Permit that we are in the process of getting transferred from Vincent's name to the Town. The Town will provide materials.

Supervisor Dermody has a list of contractors to send the Request for Proposal to.

Where do we get the money? We have \$90,000.00 coming back to the General Fund from the Sewer Fund that never got taken out from 2009. This proposal, if we go forward, is only based on the conversation that Attorney Catalano has with Rich Morris together regarding the appropriateness of this.

Councilwoman Cooke, there was a diagram from the Army Corps of Engineers. Is that going to be there.

Supervisor Dermody, that is listed on the first part of this.

Councilman Bolte, who is on the list?

Supervisor Dermody, James Maloy, Inc, Fraser & Associates, Borwegen's, Kenny Bell, Ed Reinhart, Mark Overbaugh.

Add Phil Pearson and Keller (contractor doing the Water District Impounding Dam) to the list.

Supervisor Dermody will get these done and faxed by tomorrow. If the discussion between the two attorneys comes up with no, it is not an eligible project and we are stuck.

Supervisor Dermody read a memo from Attorney Catalano concerning this project.

Attorney Kosich, if anyone is considering making a motion to take this proposed action, any of the reasons why should be set forth as specifically as possible, not just say under these circumstances.

A motion was made by Supervisor Dermody that for this instance only that the Town waive our Local Procurement Law regarding the \$20,000.00 threshold for public bidding in the hopes of protecting the Town assets of the Mercer Lane bridge further down from this site in the Catskill Creek; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

A motion was made by Supervisor Dermody to hold a Special Meeting on November 17, 2011, 7PM (bids to be in the Town Clerk's Office by 3PM on 11/11/11) for the purposes of opening and possibly awarding the bids regarding the Mercer Lane and bridge for Project 1 on the Catskill Creek; 2<sup>nd</sup> by Councilman Kudlack.

Discussed was Mercer Lane bridge and the project.

Mr. Tanner mentioned that this is not a Town bridge; the county owns the bridge.

Councilwoman Cooke, the Town maintains the top and along the sides of the bridge.

*Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

Supervisor Dermody mentioned that if we find out that we can't do it, that will be announced on the 17<sup>th</sup> as well.

Councilwoman Cooke asked what do we do if the two attorneys say we can't do this? We will still have an issue to deal with in the creek; why is this different?

Supervisor Dermody mentioned that FEMA is considered the Federal jurisdiction, the State Comptroller is looking at the State and Town jurisdiction. We are going to try and get it through.

## **NEW BUSINESS**

### **WATER DISTRICT – WATER RELEVY**

The Relevies are a list of people who did not pay their water or sewer rents for 2011; these unpaid rents will be added to their property tax bill to be collected in January of 2012.

A motion was made by Supervisor Dermody to accept the Statement of all Unpaid Water Rents as of November 1, 2011 in the amount with interest of \$4970.95 as submitted by the Town Clerk; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

### **SEWER DISTRICT – SEWER RELEVY**

A motion was made by Supervisor Dermody to accept the Statement of all Unpaid Sewer Rents as of November 1, 2011 in the amount with interest of \$4644.42 as submitted by the Town Clerk; 2<sup>nd</sup> by Councilwoman Cooke. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

### **INTERVIEWS – HYDROFRACKING COMMITTEE**

A motion was made by Supervisor Dermody to schedule a special meeting for the sole purpose of interviewing candidates for the Hydrofracking Committee on November 17, 2011 to start immediately after the opening and possible awarding of bids for Project 1 in the Catskill Creek; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

## **AUDIENCE COMMENTS**

- Dianna Hinchcliff mentioned that the County has proposed a 2012 Budget for a 19.2 % tax increase. She asked if the Board would consider sending a letter to the incoming County Executive Daniel McCoy, current Chairman of the County Legislature, and to

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the members of the Legislature objecting to the 19.2% tax increase. You can use the Town of Rensselaerville as an example of prudent budgeting to be able to keep the budget under the tax limits.

Ms. Hinchcliff has a draft of a letter that she sent to the Legislature that the Town can use if they want to.

A motion was made by Councilwoman Cooke to send a letter to the Albany County incoming County Executive concerning the proposed 19.2% tax increase; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

#### **EXECUTIVE SESSION**

A motion was made by Supervisor Dermody to go into Executive Session to discuss a personnel issue; 2<sup>nd</sup> by Councilman Kudlack (8:17PM) *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

A motion was made by Supervisor Dermody to come out of Executive Session, 2<sup>nd</sup> by Councilman Bolte (8:27). *Motion Carried. Ayes (4) Dermody, Bolte, Cooke, Kudlack; Nays (0)*

**ADJOURNMENT:** A motion was made by Supervisor Dermody to adjourn the meeting at 8:27PM; 2<sup>nd</sup> by Councilman Kudlack. *Motion Carried.*

**RESPECTFULLY SUBMITTED,**

Kathleen A. Hallenbeck  
Town Clerk