

MINUTES OF
TOWN OF RENSSELAERVILLE TOWN BOARD
SPECIAL MEETING
NOVEMBER 17, 2011

The Town Board of the Town of Rensselaerville held a Special Meeting on November 17, 2011 at 7 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, Councilman John Kudlack, Deputy Town Attorney Jon Kosich, Town Clerk Kathleen A. Hallenbeck
Also present were 15 interested citizens.

The purpose of the Special Meeting was to open, discuss, and possibly take action on bids for the stabilization project on the Catskill Creek as per the Department of Environmental Conservation permit in the Hamlet of Preston Hollow and also to interview people interested in serving on a committee to study hydrofracking.

BIDS - STABILIZATION PROJECT ON THE CATSKILL CREEK: Only one bid was received for the Stabilization Project on the Catskill Creek in the Hamlet of Preston Hollow. This bid was from James H. Maloy, Inc. Loudonville, NY. He bid \$84,000.00 to stabilize 300 feet of stream bank as described in the Request for Proposals.

Supervisor Dermody mentioned that this amount far exceeds the State maximum for going out to bid without the public bid process. As it stands now, we can do nothing.

A motion was made by Supervisor Dermody that we reject all bids (only one bid was received), in this case the one bid from James H. Maloy, Inc. for \$84,000.00; 2nd by Councilman Chase. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

Supervisor Dermody mentioned that she sent out eight requests.

Valerie Lounsbury disagreed with this. You put up every stumbling block that you could, Marie. Now we have very little time to get this done. That is why people didn't have time to bid on this. You didn't allow enough time to do it.

Do you plan on leaving the mess that is there, this is it? If you get high water now, it is going to go right back where it was before; there is nothing to stop it.

EXECUTIVE SESSION

A motion was made by Supervisor Dermody to go into Executive Session for the purposes of discussing Attorney/Client Confidential Memorandum; 2nd by Councilman Kudlack (7:05PM) *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

Councilwoman Cooke asked if before we go into Executive Session she could bring up this email from FEMA.
The Town Board went into Executive Session.

A motion was made by Supervisor Dermody to come out of Executive Session; 2nd by Councilman Bolte (7:25PM).
Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)

Supervisor Dermody mentioned that she tries to live by the motto that what is right is not always popular and what is popular is not always right. Very often we wished that they would gel, that the right and popular are together. It is not the case in this matter. Upon the legal advice we have received from State and local Attorneys, this is going to have to be a done deal until we get verification that FEMA will fund the repair. The one bid that we did receive way exceeds the State maximum for bidding without the public bid. As it stands, hopefully when spring breaks, we will have some reading from FEMA, the permit is still valid until June 30th. Once we have verification that it is an eligible project, we will move forward and get it done. Until then, that is where we have to stand as a Town Board. The bid has already been rejected and that will have to be the end of the issue for now.

I thought that the letter that you got said it was an eligible project.

Attorney Kosich mentioned that the email that you are referencing, it basically said that it is not different than other sites that were looked at but that whether or not FEMA funds it you should go about getting the permit. That was from someone at FEMA. It didn't say that FEMA was going to fund it. You should consider that FEMA funding is a last resort and basically you shouldn't count on it.

I don't think FEMA will come out in the spring and say they are going to fund it.

Supervisor Dermody, all of the project sites have been shown and once we get their project folders that indicate every single project is being funded, it is a go. We don't have that yet.

Did they say they were going to pay for every one of those other projects before you started?
Like the two bridges going across the Catskill Creek, where did that come from?
That money should have been put towards the Catskill Creek repairs.

Supervisor Dermody, we have a bridge here that we can't use.

Mr. Wood, we had a project that far exceeded those two bridges. There was no reason to blacktop those two bridges.
Supervisor Dermody, it cost us a thousand dollar apiece to asphalt. Supervisor Dermody will look up this bill.

HYDROFRACKING COMMITTEE – INTERVIEWS

Supervisor Dermody mentioned that we had six people submit letters of interest for the Hydrofracking Committee. One person is only a part time resident and for the late fall and winter months, it is not going to work for doing committee work.

Supervisor Dermody asked if they minded doing the interviews publicly.

The people submitting letters and interviewed were: Dave Warburton, David Bowdish, Scott Kunkler, and Jeannette Rice. John Mormile is on a Planning Board trip and is interested in learning more on this topic.

Question asked were what their background was in regard to this topic, would you say that you are pro or con or neutral, are you open minded in terms of looking at all the data and using that to help you shift one way or the other? This is a pretty intensive topic to research -- are you willing to put in the time between now and the end of the moratorium to come up with a comprehensive report for the Town?.

Supervisor Dermody mentioned that she thinks the committee is well formed; you have an equal number of pro's/con's and neutrals which we seem to have right now. Five seems to be a manageable number.

Supervisor Dermody made a motion that all five people be appointed to this Hydrofracking Committee (Dave Bowdish, Dave Warburton, Scott Kunkler, John Mormile and Jeannette Rice); 2nd by Councilman Kudlack. *Motion Carried. Ayes (5) Dermody, Bolte, Chase, Cooke, Kudlack; Nays (0)*

Supervisor Dermody mentioned that as a Committee, they are going to have to set up a meeting schedule and pick a Chairperson.

The first meeting will be held on Wednesday, November 30th, 7 to 9PM.

Do you have a specific written charge for us?

Supervisor Dermody will contact Attorney Catalano to see if he can come up with something.

Supervisor Dermody thanked them all for their willingness to serve.

Mrs. Whiteford mentioned that they did the Creek by her house. She no longer has a backyard, and a lot of trees came down. The Town took away everything. One more storm and the house will be gone.

Supervisor Dermody will talk to Dave Potter about this. As a homeowner, you should apply to FEMA.

Mrs. Whiteford explained to the Town Board what was done.

Attorney Kosich mentioned that there were special emergency permits that were issued by the State that may have covered that.

ADJOURNMENT: A motion was made by Supervisor Dermody to adjourn the meeting at 7:15PM; 2nd by Councilman Chase. *Motion Carried.*

RESPECTFULLY SUBMITTED;

Kathleen A. Hallenbeck
Town Clerk