

OCTOBER 11, 2007
PUBLIC HEARING

The Stuyvesant Town Board held a Public Hearing to take comments on the Franchise Agreement between the Town of Stuyvesant and Time Warner Cable Co. The meeting was called to order by Supervisor Valerie Bertram at 6:30 pm. In addition to Supervisor Bertram, in attendance were Councilperson Ronald Knott, Councilperson Bradlee Webster, Councilperson Edward Scott, Town Clerk Melissa Naegeli and Town Attorney Tal Rappleyea. Councilperson Rosalind Gumaer was not in attendance.

The meeting began with the Clerk reading the public notice:

TOWN OF STUYVESANT
TOWN BOARD
NOTICE OF PUBLIC HEARING
NOVEMBER 8, 2007
6:15 PM
STUYVESANT TOWN HALL
STUYVESANT, NEW YORK

Notice is hereby given that on Thursday, November 8, 2007 at 6:15pm the Town Board of Town of Stuyvesant shall continue the public hearing that began on October 11, 2007 for the purpose of taking public comment on the franchise agreement between the Town of Stuyvesant and Time Warner Cable. This public hearing will be held at the Stuyvesant Town Hall, 5 Sunset Drive, Stuyvesant, New York.

Melissa A. Naegeli
Town Clerk

John Mucha, Director of Government Relations for Time Warner Cable, Albany Division was the representative at the meeting to give an overview of the current agreement vs. the proposed agreement. The current agreement was signed in 1995 and was good for 10 years – we have been working under an extension since 2005.

The proposed agreement would be a 15-year agreement although it could be 10-years if the Town preferred. The franchise fees would remain at 3% of gross revenues. The fees are negotiable to 5% but that would be reflected in an increase bill to the customers. Under the current agreement, Time Warner provides services for 35 homes/mile for cable services and under the new proposal they would change that to 20 homes/mile. The Public Service Commission (PSC) has updated rules and the new agreement reflects those changes as well.

Mr. Mucha gave a brief overview of the process (according to PSC) that the Town and Cable Co. must follow before the agreement can be considered final. The first step is a Public Hearing. When an agreement is reached, the Town must pass a resolution to sign the agreement. Three (3) signed copies of the agreement, a copy of the Public Notice of Hearing, and a copy of the resolution must be sent to the PSC. Time Warner Cable Co. must then make a formal request to the State to approve the agreement. The franchise agreement is not final until approved by the State.

Supervisor Bertram asked about the 20 homes/mile and how that was determined. Mr. Mucha said the Town would have to submit the roads and addresses interested and they would then conduct a survey. At the 20 homes/mile, the lines are run at Time Warner's cost. If an area with less than 20 homes/mile wanted the lines, there would have to be customer contribution and that amount would be based on how many homes were in the area and how many were going to get the cable installed.

There were questions from the audience regarding keeping current phone numbers and whether or not the phone numbers can be identified at 911 dispatch office. According to the Time Warner representative, phone could be kept and that they have "enhanced 911 capability" so the addresses can be identified through the 911 system. Supervisor Bertram said that some people had been told they could keep numbers while others had been told no. Mr. Mucha is going to look into this for next month.

Peter Donohoe asked Mr. Mucha what Time Warner's policy was for airing public meetings. Mr. Mucha said that if given a tape of the meeting they would play it. Tal Rappleyea asked if any special equipment needed to be used and Mr. Mucha responded that they could accommodate a variety of formats. Supervisor Bertram asked how often it would be aired and Mr. Mucha will look into an answer for next month. Supervisor Bertram also asked what the coverage area of Time Warner was. The coverage is Canajoharie to the West, Ticonderoga area to the North, Easterly into the Berkshire/No. Adams area and this about the southern-most point.

Supervisor Bertram asked how programming decisions were made and Mr. Mucha responded that those are handled on a national level. Supervisor Bertram then asked about response time in the event that there is a power outage and people lose phone service through the digital system. Mr. Mucha answered that the time would depend on the severity of the problem.

Mr. Donohoe asked about the impact of High Definition services on analog tvs and if there would be a conversion. Mr. Mucha responded that in February 2009 all transmissions will be digital. However, the digital signals will be converted through the cable company.

Dr. Asbornsen asked about the annual fees. Supervisor Bertram said that the Town currently receives 3% of the gross annual income which results in approximately \$1200 quarterly.

Supervisor Bertram thanked Mr. Mucha and kept the Public Hearing open until the November meeting so the Board Members would have time to look over the contract.

Public Hearing adjourned at 6:52pm.

OCTOBER 11, 2007 TOWN BOARD MEETING

The Stuyvesant Town Board held its monthly meeting on October 11, 2007 at the Stuyvesant Town Hall at 7:00pm. In attendance were Supervisor Valerie Bertram, Councilperson Edward Scott, Councilperson Ronald Knott, Councilperson Bradlee Webster, Highway Superintendent Bernie Kowalski, Town Clerk Melissa Naegeli and Town Attorney Tal Rappleyea. Councilperson Rosalind Gumaer was absent.

The meeting opened at 7:00pm with the Pledge of Allegiance.

A motion to approve the September minutes was made by Councilperson Edward Scott, seconded by Councilperson Ronald Knott and was carried unanimously.

COMMUNICATIONS

Communications were read by Councilperson Ronald Knott:

- ✧ Letter from David and Elizabeth McMillan in response to Town Survey regarding major projects in the Town.
- ✧ Letter of resignation from the ZBA from Stephen Montie effective December 31, 2007. Resignation was accepted and Steve was thanked for his years of service.
- ✧ Letter from NYS Dept. of Environmental Conservation in response to a letter from Councilman Ronald Knott regarding air quality monitoring in Columbia County. EnCon operates monitoring networks and looks at regional areas...
- ✧ Letter from Congresswoman Kirsten Gillibrand to the Columbia County Board of Supervisors regarding air quality monitors in relation to the Lafarge Burn Plant. Ms. Gillibrand said that currently air quality monitors are placed in areas with prevailing winds there is no area in Columbia County that falls into that category.

Motion made by Councilperson Bradlee Webster to approve the communications as read and seconded by Councilperson Edward Scott. The motion was carried unanimously.

Motion to approve the bills was made by Councilperson Bradlee Webster and seconded by Councilperson Edward Scott. Motion was carried.

SPECIAL PRESENTATION:

Jim Basha, President of Albany Engineering, was in attendance to give an update on the Stuyvesant Hydro-Electric Plant. Mr. Basha asked Supervisor Bertram to read the Press Release:

Hydro Acquisition Agreement Announced: The Town of Stuyvesant and Albany Engineering Corporation, co-licensees of the Stuyvesant Falls Hydroelectric Project, announced that Albany Engineering Corporation has reached an acquisition agreement with the current owner of the hydroelectric plan property. The hydroelectric plant was

originally constructed in 1900 but has not operated since 1994. Albany Engineering will commence rehabilitation of the historic plan immediately after closing on the acquisition, which is expected within 30 days.

Valerie Bertram, Supervisor of the Town of Stuyvesant, announced the agreement at the Town Board meeting on October 11. "This is wonderful news. The Town and Albany Engineering have been working on this since 2003, when Congress reinstated the license for the hydro plan at the Town's request," said Bertram.

According to Jim Bessa, President of Albany Engineering, "We expect engineering work to take about four months and the physical rehab work to take another six months after we get approvals from the Federal Energy Regulatory Commission. At this point, we're aiming to generate electricity again by November 2008, which would be the 108th anniversary of the plant's original generation."

The Stuyvesant Falls Hydroelectric Project will generate approximately 3,500 kilowatts of clean, renewable electricity using the natural flow of the Kinderhook Creek. The renewable energy generated by the Stuyvesant Falls Hydroelectric Project will save 10,000 tons of carbon dioxide each year from being released into the atmosphere from other generating sources.

Kristina Kwacz and Town Historian Juanita Knott gave a Greenway Committee Update based on the surveys that had been returned by Town residents. Ms. Kwacz began with a brief history overview of the Greenway Committee since its origination in 1993. There was a very diverse group of 16 people and they began working on the Comprehensive Plan with a "Greenway Community Model Community" grant of \$25,000. The committee received facilitation from the Greenway Council. The areas identified were waterfront areas, natural and cultural resources, agricultural areas and areas for economic development. The Comprehensive Plan was accepted in 1996. With new zoning laws in 2001 the committee is reviewing the 1996 Plan. Ms. Kwacz showed the board the series of maps highlighting the different zones of the town.

Juanita Knott, Town Historian, then went on with presentation saying that the town hasn't really done much wrong. There are ongoing efforts to make an accessible boat launch at Stuyvesant Landing. The Town should try to promote itself more as a cultural resource to other areas. The Town continues to support agriculture through a variety ways: PDR adoptions, Historic Stuyvesant Day, Family Farm Fun Day, Agriculture Committee and the Farmers' Market. Some of the changes that have happened is the Town has adopted the NYS Standards for inspection of multi-family residences.

Councilman Knott said that the committee would like to try to have a public workshop with the Town Board in January.

REPORTS:

Town Clerk

Report is on file in the Clerk's Office.

Highway Department

Highway Superintendent Bernie Kowalski reported that the parking lot and roadway for the Sharptown Road site is layout out and the Highway Dept. is planning to start work in about a week. He then gave an overview of the steps that had taken place in relation to the closure of the Schoolhouse Road railroad bridge: Oct. 2 CSX red-flagged the bridge to be closed. Oct 3 the town was notified and the dirt piles were put across the road on both sides of the bridge. Oct. 4 a press release was in the newspaper announcing the closure of the bridge, Oct 5 Town Clerk Melissa Naegeli hand-delivered letters from Supervisor Bertram to the residents of Schoolhouse Road and Oct 6th the Town Board held an emergency meeting and passed the resolution closing the bridge for public safety reasons. The signs are up that the bridge and road are closed. There is an estimate that the bridge could cost more than \$2 Million to repair but that there are grants available on a 3 to 4 year rotation. The Town has not been notified by CSX that the bridge will not be repaired but it had to be closed.

Supervisor Bertram said that she has been in contact with Senator Saland's office asking for their assistance in motivating CSX to repair the bridge.

Superintendent Kowalski went on to report that the bridge on Ridge Road had also been inspected and we had not received the report to date – although it hasn't been red-flagged.

There were questions from the audience as to whether there were any options to force CSX to repair the bridge. Town Attorney Tal Rappleyea responded that while a lawsuit could be filed in Federal Court it could be a 4-5 year process just to get a determination of whether or not that had to fix it.

Residents from Schoolhouse Road were in attendance to voice concerns over emergency response times. Stuyvesant Fire Chief Steve Montie said he had personally timed the routes and there was only about 1 minute difference with the bridge being closed. However, Schodack Landing Fire Company will be responsible for the majority of Schoolhouse Road while the bridge is closed.

There were concerns about increased traffic on Ridge Road and a question of lowering the speed limit on that road. Supervisor Bertram said the first step would be an engineering study to determine if it was necessary. Town Attorney Tal Rappleyea added that the State must change the speed limit even on Town roads and that the Town cannot just arbitrarily change speed limits. Supervisor Bertram said she would check with DOT about temporarily lowering the speed limit on Ridge Road.

Building Inspector/Zoning Enforcement Officer

Report is on file in the Town Clerk's Office.

Dog Control Officer

There was no report filed.

Planning Board & Zoning Board

No report.

Agriculture Committee

No report.

Town Hall Committee

No report.

Railroad Station Restoration Committee

The wiring is complete at the Station and we are just waiting for National Grid to connect to the pole. Jack Sheriff will contact them.

For the resubmission of the DOT Grant the committee will have to speak with the Town Engineers.

A Haunted Station is being planned in conjunction with the Town Halloween Party on October 27th.

Cemetery Committee

Councilman Bradlee Webster reported that there was no activity. There was a question from Lee Jamison about the sign for the cemetery. Supervisor Bertram said the Board is aware that the sign is missing and that no one knows what happened to it. Ms. Jamison then asked who the contact person would be for the cemetery and she was told it was Councilman Bradlee Webster.

Recreation Committee

Recreation Committee Chair, Councilperson Rosalind Gumaer was not in attendance so Lee Jamison gave a brief report – the Recreation Committee met on October 6th and there are 1000 ft. of trails built. There will be a Nature Walk at the Sharptown Road site on November 3rd. Supervisor Bertram asked Councilman Edward Scott to get some signs made up posting the hunting on the property.

Supervisor Bertram asked Cathy Knott head-up the Town Hall portion of the Halloween festivities and to update everyone on the plans for the Halloween Party. Mrs. Knott reported that the party at the Town Hall will be on Saturday, October 27th from 1:00 – 3:00 and that there are posters up around town. At the conclusion of the party in the Town Hall, there will be a hay ride to the haunted railroad station. She also said that there was sign-up sheet at the back of the meeting room for volunteers to help the day of the party and to bake.

Cal Burch said that any help with the haunted railroad station would also be appreciated and that they would be discussing the plans at the Restoration Committee meeting on Saturday, Oct. 20th at 9am at the station.

Old Business

A 2008 Budget Workshop meeting is scheduled for Saturday, October 20th at 8:00am at the Town Hall.

Supervisor Bertram reported that we had received the proposed contract from the Columbia-Greene Humane Society for \$305 per dog per incident and that there had been 2 from last year. Councilman Ronald Knott

suggested the Board look at updated the fees that the Town collects in the event that a dog has to be impounded and brought to the Humane Society Supervisor Bertram asked for a motion to sign the contract. A motion was made by Councilman Bradlee Webster that Supervisor Bertram sign the contract from the Columbia-Greene Humane Society and it was seconded by Councilman Ronald Knott. There was a unanimous vote and the motion was carried.

After the last meeting, Supervisor Bertram, Councilman Ronald Knott, and Councilwoman Rosalind Gumaer met with the two candidates (Patricia Casey and Mark Burch) who had submitted letters of interest in being appointed to the County Environmental Management Council (Bob Green had submitted a letter but later withdrew). While both candidates had very good interviews, Councilman Ronald Knott made a motion to appoint Mark Burch based on his extensive resume and subject knowledge. Councilman Knott said that Mark was well informed and would make a good addition to the Committee. The motion was seconded by Councilman Edward Scott and carried unanimously.

Supervisor Bertram reported that the County Board of Supervisors has formed a sub-committee to work with the Environmental Management Council.

Councilmen Ronald Knott and Edward Scott reported that 3 of the 4 new signs have been put up. We are waiting for a better site on Route 9J for the 4th sign.

Martin Roby asked for an update on the intersection of State Route 9J and County Route 26A. Supervisor Bertram reported that she had been in contact with Greg Hart from the NYS DOT who indicated that they would come and do a study at the intersection. She has not received any update to date.

New Business

Town Clerk Melissa Naegeli presented Karen Hummel with a full-color copy of the poster announcing the 1st Annual Ken Hummel Memorial 5K Run and with a sweatshirt with the “official” logo. The run will take place on Saturday, October 13th beginning at 8:30 with the kids’ 1 mile Chicken Run.

Public Comment

Ned DePew asked if there had been any decision made on the resolution he had presented to the Board earlier in the year. Supervisor Bertram reminded Mr. DePew of Congresswoman Gillibrand’s letter regarding monitoring of air quality in Columbia County. Councilman Ronald Knott gave Mr. DePew a synopsis of what had been discussed and decided at the September Board meeting regarding his resolution.

Mr. DePew asked Town Attorney Tal Rappleyea if he could look into whether or not there had been a legal public hearing regarding the LaFarge Plant and the DEC decision. Mr. Rappleyea said he would review the information that Supervisor Bertram has on file.

A motion to adjourn was made by Councilperson Ronald Knott and was seconded by Councilperson Bradlee Webster, the motion was carried unanimously and the meeting adjourned at 8:37pm.

OCTOBER 2007 ABSTRACTS

THE FOLLOWING BILLS WERE PRESENTED FOR AUDIT:

316	National Grid	1869.59	336	Town of Kinderhook	7925.00
317	Fairpoint Communications	324.50	337	Columbia Co. Solid Waste	51.51
318	Main Care	1235.88	338	Tractor Supply	146.10
319	Columbia Co. Treasurer	4421.23	339	NexTel Partners	46.31
320	Metz Wood Harder, Inc.	18,306.26	340	Timberland Stump Grinding	1032.00
321	Melissa Naegeli	10.08	341	Colarusso Blacktop Co.	507.54
322	John G. Unson	50.00	342	Colarusso Quarry Co.	1542.47
323	Tech Partners	130.00	343	CarQuest of Valatie	170.33
324	US Postmaster	533.00	344	Mooradian Hydraulics & Equip Co Inc.	80.17
325	Hudson Valley Newspapers	190.95	345	Unifirst Corp.	31.52
326	Xerox Corp.	239.43	346	Columbia Tractor, Inc.	31.15
327	The Independent	190.95	347	Mario's	333.87
328	Tal Rappleyea, Esq.	3656.25	348	Rainbow Distributors	18.90
329	Rapport, Meyers, et.al.	1575.00	349	Culligan	27.00
330	Yaun Co., Inc.	149.73	350	Marilyn Burch	410.40
331	George Knott	444.90	351	Lisa's Silkscreen	1738.07
332	Staples Business Advantage	231.19	352	Crown Awards	244.83
333	Columbia Co. Highway Dept.	23.61	353	S & S Party & Novelty	76.41
334	Columbia-Greene Humane Society	305.00	354	Modern Press	59.48
335	Fred Cohn, III	700.00	355	Albany Running Exchange	350.00

Recorded this 11th day of October 2007

Approved this 8th day of November 2007

TOWN CLERK

SUPERVISOR

COUNCILPERSON

COUNCILPERSON

COUNCILPERSON

COUNCILPERSON