

MEREDITH TOWN BOARD MEETING  
September 9, 2008

The regular meeting of the Meredith Town Board was held on September 9, 2008 at the Meredith Town Hall. The following were in attendance:

Supervisor: Keitha Capouya

Council Members: Ronald Bailey  
Daniel Birnbaum  
Paul Menke  
Roger Hamilton

Highway Superintendent: William Jester

Clerk: Betsy K. Clark

Townspeople: 6

The supervisor called the meeting to order at 7:15 p.m.

**PRIVILEGE OF THE FLOOR:** Joan Tubridy

Joan Tubridy opened by stating she first learned about gas drilling the end of June this year and has since been doing research on the subject. She has grave concerns about this industry as it moves very quickly into our area. She stated she wants to give information on gas drilling. Joan distributed several handouts for the Board to read regarding gas drilling and the problems that have been documented about gas drilling. She said she is not immune to the economic reality of gas drilling locally and world wide, but she is also afraid that we will cause irreputable damage to our environment, water system and air and leave devastation for our children that will not be reversed.

There are three misconceptions about gas drilling she stated that she would like to address. The first is that it can be done in an environmentally sound way. There is a lot of information that talks about the problems that have resulted in the west; these are some of the handouts. The process of hydraulic fracturing uses one point three million gallons of water and toxic chemicals to fracture the rock. There have been wells and ground water polluted. Also there have been incidences of ozone levels increase to city levels and other problems caused by construction. It's a relatively new industry six or seven years old. There are problems just now arising and questions about future problems. Such as normally occurring radio active materials, and chemicals used in the drilling process that are forced out of the ground from the water being forced in and coming back out. So she feels that it is a misconception to think the drilling can be done in an environmentally safe way.

The second misconception she says is to think that the DEC will be in control of the process. The DEC has not been able to manage the gas drilling to date. Even though they are trying to get up to date on this relatively new industry, which is a much bigger industry, it is ill conceived.

She said the third misconception is that this will help our local economy in terms of energy. It will help people in the short run, but she is afraid the trade off is something that will be deeply regretted. She said some people think the energy will be used locally but there is no doubt the companies are looking to export much of the gas for profit. She cited a transcript from a conference call between an energy company, a Wall Street broker and an industry analyst regarding making a profit by exporting the gas to the open market.

She then finished handing out all of her hand outs explaining what each one was about and an open source DVD that was from Colorado. The Town clerk was handed the information and DVD to have on file for the public if requested. She said she realizes the town has no power to ban gas drilling because the DEC regulates it, as she feels needs to be done, but the Town can so some local regulations to protect the Town during the process. She handed out information about what Towns can do.

#### **REGULAR TOWN BUSINESS:**

The Highway Superintendent presented his report for the month of August. A motion to accept the report was made by Roger Hamilton. The motion was seconded by Paul Menke and passed.

The Supervisor read the Code Officer report and Assessor report submitted by Diane Lutz. A motion to approve the report was made by Daniel Birnbaum. The motion was seconded by Roger Hamilton and passed unanimously.

A motion to approve the minutes of the July 8, 2008 Public Hearing and Town Board Meeting as corrected was made by Paul Menke. The motion was seconded by Ron Bailey and approved. Daniel Birnbaum abstained because he was absent for that meeting.

A motion was made by Daniel Birnbaum to approve the August 12, 2008 Town Board meeting minutes as corrected and also on page three words for political reasons were ordered removed and end the quote after original law. The motion was seconded by Ron Bailey and approved. Roger Hamilton abstained.

A motion was made by Ron Bailey to approve the August 27, 2008 Special Meeting minutes. The motion was seconded by Roger Hamilton and passed unanimously.

A motion was made by Ron Bailey to approve the Town Clerks report for August of 2008. The motion was seconded by Paul Menke and approved.

A motion to approve the Supervisor's report for the month of August was made by Ron Bailey. The motion was seconded by Paul Menke and approved. During the report they discussed the note for the bond and possible payment early if penalties are less than interest.

The warrant for the general vouchers #169 - #181 totaling \$ 1,371.94 was reviewed. A motion for payment of the General vouchers was made by Roger Hamilton. The motion was seconded by Paul Menke and approved unanimously.

The warrant for the highway vouchers # 164 - # 179, totaling \$ 23,216.71 was reviewed. A motion for payment of the highway vouchers was made by Roger Hamilton. The motion was seconded by Ron Bailey and approved.

The Clerk announced that the internet was not working in the Highway Department. She called Delhi Telephone and they have agreed under our Franchise agreement to put a separate internet line under the Highway Departments telephone number also.

#### **CORRESPONDENCE:**

1. Keitha announced she had correspondence on Bio-mass and said if anyone wanted to read it she has it. She explained Davenport is looking into a grant to build a Bio-mass project in Davenport.

#### **OLD BUSINESS:**

1. Keitha said next on the agenda is the proposed "Telecommunications and Facilities Law." She announced the County Planning Board had recommended against this law in its current form. Keitha went over their recommended changes and why she felt the law was okay. Roger asked if the County had sent written comment. Keitha said they were working on it. It was discussed whether to wait for the written comments or to wait and set a Special Meeting.

Ron Bailey made a motion to approve the law.

Keitha said we have to do the Environmental Assessment Form first.

Marc Goldberg asked to make comments. Keitha and the Board granted this request

Marc Goldberg made comments regarding the County Planning Board response.

There was a lengthy discussion on whether to vote on the law now or wait for the written comment from the County Board and then discuss the law and possibly vote on it then.

There was a lengthy discussion with Marc Goldberg about the current application before the Planning Board, submitted by the company he is representing and how it could effect the current application.

It was decided that Keitha would consult our Attorney for the town regarding drafting a letter stating certain procedures done and paid for by his company and also approved by the Planning Board currently will remain approved despite contradictions in the new proposed law. This is due to the fact that the proposed Law states any applications submitted will be subject to the new law being drafted.

The Board also discussed a Special Meeting date for discussion of the proposed Cell Tower law and possible vote.

**RESOLUTION # 68 - 2008**

A resolution by motion was made by Paul Menke to hold a Special Meeting on September 15, 2008 at 7:30 p.m. to review the proposed Town of Meredith Telecommunications and Facilities Law, do the EAF form and possibly vote on the proposed law. The motion was seconded by Roger Hamilton and passed by the following vote:

- K. Capouya - Aye
- R. Bailey - Aye
- D. Birnbaum - Aye
- R. Hamilton - Aye
- P. Menke - Aye

2. The contract with the Catskill Watershed Cooperation was discussed along with the changes made to the Memorandum of Agreement between the Catskill Watershed Cooperation and the DEC: the following resolution was made:

**RESOLUTION # 69 - 2008**

A resolution by motion was made by Ron Bailey to authorize the supervisor to sign the resolution the following resolution:

**AUTHORIZATION FOR EXECUTION OF CHANGE ORDER TO LOCAL  
CONSULTATION ON LAND ACQUISITION CONTRACT WITH THE CATSKILL  
WATERSHED CORPORATION**

WHEREAS, the Town of Meredith is a signatory to the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA); and

WHEREAS, under Paragraph 148 of the Watershed MOA, the Catskill Watershed Corporation (CWC) administers the Local Consultation on Land Acquisition Program which provides reimbursement for costs actually incurred by a Town or Village to review, assess, and comment on submissions provided by the New York City Department of Environmental Protection (NYCDEP) regarding lands or conservation easements in the Town or Village which NYCDEP seeks to acquire under its land acquisition program; and

WHEREAS, the Town of Meredith previously executed an agreement with CWC to provide for reimbursement of eligible costs under the Local Consultation on Land Acquisition Program; and

WHEREAS, pursuant to the 2008 Filtration Avoidance Determination, the maximum amount of reimbursement under the Local Consultation on Land Acquisition Program for eligible costs was increased to up to \$30,000 for each Watershed Town and Village; and

WHEREAS, the Town of Meredith has reviewed the proposed change order to the Local Consultation on Land Acquisition Contract between the Town and the CWC increasing the total amount of funding to \$30,000.

NOW THEREFORE, the Meredith Town Board authorizes the Supervisor to execute the Change Order to the Local Consultation on Land Acquisition Program contract with CWC and to submit invoices to CWC from time to time as the Town incurs expenses which may be eligible for reimbursement under the contract.

The motion to pass this resolution was seconded by Roger Hamilton and passed by the following vote:

K. Capouya - Aye  
R. Bailey - Aye  
D. Birnbaum - Aye  
R. Hamilton - Aye  
P. Menke - Aye

3. Keitha announced she got a notice that the DeCarrow subdivision has been purchased by the DEP.

Dan Birnbaum asked about a tax assessment case. Keitha said they were waiting for the final papers from the court. He also asked about the survey for the Meridale Property owned by the Town survey. Roger said it hasn't been done yet. He then asked about the property that had had been under violation of Local Law # 1 of 1995. Keitha informed him the property had been sold.

Ron Bailey asked about the property on Turnpike Road that Keitha had been authorized to look into for the Town. Keitha said she had not yet reached the party.

**NEW BUISNESS:**

1. Keitha presented a cold war Veterans' Exemption law from Middletown. The clerk informed the Board we have until December to file this to make it effective for the 2010 taxes. It was discussed and will be looked at the October Meeting.

2. The date for the preliminary budget meeting. The following resolution was made:

**RESOLUTION # 70 – 2008**

A resolution by motion was made by Roger Hamilton to schedule the tentative budget and the next regular meeting date for Wednesday, October 1, 2008. The motion was seconded by Daniel Birnbaum and passed by the following vote:

K. Capouya - Aye  
R. Bailey - Aye  
D. Birnbaum - Aye  
R. Hamilton - Aye  
P. Menke - Aye

3. Roger asked about the Union negotiations. Keitha said she would make a date with the Union Representative to meet.

A motion was made by Daniel Birbaum to go into executive session to discuss a financial matter regarding an employee. The motion was seconded by Paul Menke and passed. Executive Session began at 9:30.

A motion was made by Daniel Birnbaum to adjourn Executive Session back to the Town Board meeting at 10:55. The motion was seconded by Ron Bailey

Respectfully submitted,

Betsy K. Clark  
Town Clerk

