

**MINUTES
OF
THE TOWN OF RENSSELAERVILLE TOWN BOARD
PUBLIC HEARING
OLMO ROAD
JANUARY 7, 2014**

The Town Board of the Town of Rensselaerville held a Public Hearing on the 7th day of January, 2014 at 6:30 o'clock in the evening at the Rensselaerville Town Hall, 87 Barger Road, Medusa, NY. The meeting was convened by Supervisor Lounsbury and the roll was called with the following results:

PRESENT WERE: Town Attorney Dana Salazar
Councilman Robert Bolte
Councilwoman Sedlmeir
Councilwoman Marion Cooke
Supervisor Lounsbury (arrived late)
Town Clerk Victoria H. Kraker

ABSENT WAS: Councilman Wood

Also present were Jon Kosich, Attorney for the property owner Furia Farms, LLC and Furia Properties, LLC, and two interested citizens.

The purpose of the Public Hearing was to discuss an application for a Qualified Abandonment of Olmo Road. A legal notice was posted in the *Altamont Enterprise* which reads as follows:

LEGAL NOTICE

PLEASE TAKE NOTICE that the Town Board of the Town of Rensselaerville will hold a Public Hearing on Tuesday, January, 2014 at 6:30 PM at the Town Hall, 87 Barger Road, Medusa, NY on an application for a qualified abandonment proposed by Furia Farms, LLC and Furia Properties, LLC on Olmo Road. The proposed qualified abandonment would begin .25 miles from the intersection of Olmo Road and County Route 353, and would end at the northern boundary of the property of Furia Farms LLC (tax parcel 135.-2-14) where an existing gate is located.

All those who are interested in this proposal will be provided with the full opportunity to be heard on the date of the Public Hearing. Persons wishing to appear at such hearing may do so in person or by attorney or other representative. Documents in support of this proposed qualified abandonment are available for inspection at the Rensselaerville Town Building located at 87 Barger Road, Medusa, NY.

Communications in writing in relation thereto may be filed with the Town Board or at such hearing.

Dated: December 5, 2013

BY ORDER OF THE TOWN BOARD OF THE TOWN OF RENSSELAERVILLE.

A motion was made by Councilman Bolte to open the Public Hearing; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (4) Lounsbury, Cooke, Sedlmeir, and Bolte; Nays (0)

Attorney Jon Kosich stated that he has spoken to five of the property owners in which notices of the hearing were sent and all seem to be satisfied with the proposed abandonment. Either side of Olmo road would remain open. The only portion of the road where Mr. Furia owns property on both sides would be abandoned. Mr. Kosich's client does not have a problem with people who would like to pass through occasionally for recreational purposes.

Certain qualifications must be met before the Town can even consider a Qualified Abandonment. The statute provides that the section of Olmo Road that is qualifiedly abandoned shall not be maintained by the Town, but shall not cease to be way of public easement. Nor shall any person be required to keep any portion of it in repair. The landowner to wit; Furia Farms, LLC and Furia Properties, LLC may construct and maintain a gate or fence provided that such a gate or fence must be at least ten feet wide and must be kept unlocked and supplied with a sufficient latch for keeping the same closed. All persons traveling through such gate must, upon opening and passing through, again latch the gate behind them.

Noting a previous issue with a right of way that consequently cost the Town a sum of money, Mr. Kuehl thought it might be in the best interest of the Town to reclaim a portion of Thunder Hill. Councilwoman Cooke explained that the issue Mr. Kuehl was referring to was a Complete Abandonment; this is classified as a Qualified Abandonment. With a Qualified Abandonment the Town still owns, in this case, Olmo Road, and can reclaim it at any time. Despite the fact that Thunder Hill residents have Olmo Road addresses, Councilman Bolte stated that Thunder Hill Road has been a private road since 1969.

Mr. Kuehl also had a concern regarding Verizon's underground cable and if it would cause any complications for the Town. The result was that the Town is not responsible for maintaining the road for Verizon and such, anything relating to Verizon's underground cable would remain as it currently stands.

Mr. Taylor, who lives on Olmo Road, came to the meeting in support of Mr. Furia and the Qualified Abandonment. Mr. Taylor is a former driver for Middleburgh School and stated that the turnaround which was constructed by the Town on Olmo Road is an immense improvement for the safety of the children.

ADJOURNMENT

A motion was made by Councilman Bolte to close the Public Hearing; 2nd by Councilwoman Sedlmeir.

Motion carried: Ayes (4) Lounsbury, Cooke, Sedlmeir, and Bolte; Nays (0)

RESPECTFULLY SUBMITTED;

Victoria H. Kraker
Town Clerk