

**COUNTY OF GREENE  
TOWN OF NEW BALTIMORE  
REGULAR TOWN BOARD MEETING  
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Supervisor Louis called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was said. Also attending were: Councilwoman McKeon, Councilmen Kuenster, Norris, and Byas, Attorney for the Town Wukitsch, Tax Collector Stuart, Town Clerk Brooks, and 53 members of the public. Absent: Highway Superintendent Jordan.

Supervisor Louis welcomed all attending.

**MINUTES**

The minutes of the **October 13, 2008 Regular Town Board Meeting** were presented for approval.

Councilwoman McKeon moved, seconded by Councilman Norris.

**Adopted**      Ayes- 5 McKeon, Kuenster, Louis, Norris, Byas  
                     Nays- 0

The minutes of the **October 27, 2008 Public Hearing on 2009 Preliminary Budget** were presented for approval.

Councilwoman McKeon moved, seconded by Councilman Kuenster.

**Adopted**      Ayes- 5 McKeon, Kuenster Louis, Norris, Byas  
                     Nays- 0

The minutes of the **October 27, 2008 Town Board Work Meeting** were presented for approval.

Councilman Norris moved, seconded by Councilwoman McKeon.

**Adopted**      Ayes- 5 McKeon, Kuenster Louis, Norris, Byas  
                     Nays- 0

**CORRESPONDENCE**

From New York State Department of Environmental Conservation, a copy of the notification to Greene County Highway Department approving a wetlands permit toward next year's work on the New Baltimore Road Bridge.

From Shady Harbor Marina, notice that application has been made for a seasonal liquor license to New York State Liquor Authority for use at an outside pool bar they plan to install.

**OLD BUSINESS**

**Town Health Insurance Carrier**

Currently the Town has its employee health insurance with Empire Blue Cross. Up for renewal in December 2008, their proposed premium increase is 17% or \$20,000.

Supervisor requested proposals from other insurance carriers; a proposal from Capital District Physicians Health Plan for active employees and non-Medicare eligible retirees, and a separate health insurance plan from Capital District Physicians Health Plan that lets the Town take out for our Medicare-eligible retirees that would be provided by the Senior Blue of Empire Blue Shield. Supervisor estimates this will provide equivalent benefits, insured employees and retirees have met with plan representative and seem to be satisfied, and a \$35,000 annual savings from the current insurance program is anticipated. So, he recommends the change to the Board.

**RESOLUTION  
NOVEMBER 10, 2008**

**RESOLUTION TO AUTHORIZE CHANGE IN  
HEALTH INSURANCE CARRIER**

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WHEREAS, the Town's current health insurance coverage is provided by Empire Blue Cross Blue Shield under their HMO Program, and

WHEREAS, the contract for the Town's health insurance coverage expires on November 30, 2008, and

WHEREAS, the estimated renewal cost for the Empire Blue Cross Blue Shield HMO program reflects an increase of 17.42%, or nearly a \$20,000 increase above the current annual contract amount, and

WHEREAS, in an effort to control and reduce the cost of health insurance for employees and retirees of the Town, alternative health insurance programs have been investigated, and

WHEREAS, it has been determined that alternative health insurance coverage can be procured from the Capital District Physicians' Health Plan for active employees and non-Medicare eligible dependents and retirees, and the Blue Shield of Northeastern New York Medicare Advantage Program for Medicare eligible dependents and retirees, and

WHEREAS, it has been determined that the estimated annual savings to be realized during 2009 from changing health insurance programs will be approximately \$35,000 below the amount which would otherwise be paid by the Town if coverage was continued with the town's current health insurance carrier.

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore hereby authorizes the Supervisor to take the necessary actions to institute health insurance coverage with the Capital District Physicians' Health Plan for active employees and non-Medicare eligible dependents and retirees, and the Blue Shield of Northeastern New York Medicare Advantage Program for Medicare eligible dependents, effective December 1, 2008.

Councilman Kuenster moved, seconded by Councilwoman McKeon.

Adopted     Ayes- 5 McKeon, Kuenster Louis, Norris, Byas  
              Nays- 0

**Adoption of 2009 Budget**

Having held public hearing held on October 27, 2008, the budget calls for a tax levy increase of 1.78% for the two Town-wide funds. Two issues were raised, one requiring amendment pertained to Ambulance District 2 where basic ambulance service is provide by the Town of Coxsackie. In the Budget they had not provided their numbers for their contract; the actual estimate from the Town of Coxsackie, received on November 7, 2008, is \$18,802, and Supervisor recommends the Board increase that appropriation. Also, McKeon asked for \$1,200 for additional Justice Clerk staffing needs, and the increase in revenue would have no impact on levy to taxpayers. Councilman Byas asked for reason; Councilwoman McKeon answered it was to balance payroll. [unable to understand] Supervisor read.

**RESOLUTION  
NOVEMBER 10, 2008**

**RESOLUTION TO AMEND 2009 PRELIMINARY BUDGET AND  
ADOPT AMENDED 2009 PRELIMINARY BUDGET AS THE  
FINAL ADOPTED BUDGET FOR 2009**

BE IT RESOLVED, that following a public hearing held on October 27, 2008 regarding the 2009 Preliminary Budget, the Town Board hereby amends the 2009 Preliminary Budget as follows:

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GENERAL FUND EXPENDITURES

Change A1110.11, Justice Clerk Personal Service, from \$62,700 to \$63,900.

GENERAL FUND REVENUES

Change A2610, Justice Court Fines, from \$115,000 to \$116,200.

AMBULANCE DISTRICT NO. 2 EXPENDITURES

Change SM 4540.4, Basic Ambulance Service, from \$18,000 to \$18,802.

AMBULANCE DISTRICT NO. 2 REVENUES

Change SM 1001, Property Taxes, from \$22,760 to \$23,562.

AND BE IT FURTHER RESOLVED, that the Town Board hereby adopts the 2009 Preliminary Budget, as amended, as the 2009 Final Adopted Budget.

Councilwoman McKeon moved, seconded by Councilman Kuenster.

**Adopted**      Ayes- 5   McKeon, Kuenster Louis, Norris, Byas  
                 Nays- 0

**Increase in Funding for Town Hall Improvements for Sheriff Substation**  
Councilman Byas has been working on this. Earlier this year, Supervisor received legislative grant of \$5,000 that became the budget for the job. Additional costs have been incurred to make the space more usable for other departments totaling nearly \$7000. Councilman Byas said 3 offices have been added, for Building Inspectors and everybody else.

**RESOLUTION  
NOVEMBER 10, 2008**

**RESOLUTION INCREASING FUNDING FOR TOWN HALL IMPROVEMENTS  
RELATED TO SHERIFF'S SUBSTATION IN TOWN OF NEW BALTIMORE**

WHEREAS, the Town Board of the Town of New Baltimore by Resolution dated April 14, 2008, authorized an expenditure of funds in an amount of up to \$5,000 from the General Fund, to be reimbursed by funds received through the New York State Legislature Local Initiative Grant for the necessary construction and other renovations involving the Town Hall basement to facilitate the location of a Sheriff's substation in the Town of New Baltimore and other related renovations and improvements, and

WHEREAS, additional funding is required to purchase the necessary materials and supplies to complete this project,

NOW THEREFORE, BE IT RESOLVED that the Town Board does hereby authorize an increase in the amount to be expended for the necessary construction and other renovations involving the Town Hall basement to facilitate the location of a Sheriff's substation in the Town of New Baltimore and other related renovations and improvements from \$5,000 to \$7,000.

Councilwoman McKeon moved, seconded by Councilman Norris.

**Adopted**      Ayes- 5   McKeon, Kuenster Louis, Norris, Byas  
                 Nays- 0

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**Proposed Local Law No. 4 of 2008 to enact a revised zoning ordinance and revised map**

The referral has returned from the Greene County Planning Board indicating that the Town is free to act; they have not reported back to the Town of New Baltimore within 30 days due to a lack of quorum. The Town has held public hearings on November 3 and 5. Supervisor asked Attorney for the Town Wukitsch if there were any legal impediment to acting. Wukitsch answered no. Supervisor asked if the Board wishes to proceed? Councilman Norris asked to delay it, adding that people are unhappy and confused, it is highly emotional, there is conflict with the commercial zoning, improvements could be made, and some additional time would allow for changes to be made. Councilman Byas felt the same, to do something with an Economic Development Committee, get input from it, and the Agriculture Committee; he is concerned with the petitions and hasn't gone over them, and sees no need to hurry as this will last a long time, as the current zoning has for 30 years. Councilwoman McKeon read her comments.

*Taking copious notes, I have carefully listened as individuals came forward at the public hearings on Monday, November 3<sup>rd</sup> and Wednesday, November 5<sup>th</sup>. In those hearings (and outside of the hearings) members of this board have been unfairly accused of a having a conflict of interest, carrying a hidden agenda, attempting to grab land, being part of a global conspiracy, and other claims that were equally ludicrous.*

*One comment made, and I quote, "this smells of a political agenda" was directed wrongfully at the town board but may have merit as a one or more persons in opposition to these local laws DO have a political agenda.*

*However the process taken by the town board in this endeavor has been correct and that is indisputable.*

*The comprehensive planning process began in 2003 with a Plan-to-Plan committee. The first of public process began later that year with the Comprehensive Plan Advisory Group, or CPAG, which held numerous open meetings to engage the public. For over 2 years this group operated with an open-door policy and had no "hidden agenda." There was no hidden agenda in the survey. It was developed by residents of the town and answered by residents of the town. It was simply for developing a vision for your home town.*

*Afterward the CPAG, the CPC, or Comprehensive Plan Committee was formed. Again, these meetings were held with an "open door" and the names of those who served on this Committee to develop the Comprehensive Plan are listed on the Comprehensive Plan adopted in March of 2007. This Committee consisted of large landowners, businessmen, farmers, and a former supervisor of the town.*

*The Comprehensive Plan is a living document. Many more things need to be done and will require the consideration and input of all of us -- not just me, not just you, but all of us. Get involved -- don't just wait until the work is done and then come in shaking a stick.*

*It is again no secret that many of the zoning ordinances currently in place are outdated, vague, incomplete and sometimes conflicting. The Comprehensive Plan made that clear and directed that a working group, the Zoning Update Committee, be formed to address it. This working group met here at the town hall for the past year. Each meeting was put on the town's calendar and website. There were no secret meetings and there was no hidden agenda. The purpose of the working group was clear, to revise the current zoning to implement the vision of residents of the Town of New Baltimore.*

*In July, the Zoning Update Committee rolled out its first draft of the revisions. Public comment meetings were held to report its progress and to ask for your feedback. You certainly took advantage of that opportunity. Although it is tough to sit and listen to words that are spoken with venom, many good comments were made and constructive feedback was given. Then and afterwards, members of the Zoning Update Committee were receptive to everyone whether by mail, e-mail, telephone and/or in person. No one was turned away. No question was ignored.*

*After those public comment meetings, the Zoning Update Committee rolled up its sleeves and went back to work. The constructive comments were catalogued and, more*

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*importantly, were considered which resulted in many changes to the drafts of the updated zoning and subdivision regulations. Again, this is "the process" in action.*

*In September, the Zoning Update Committee again asked for your input in face-to-face meetings. Three of these meetings were held and further "tweaking" of the proposed regulations were made – again from concerns given constructively and with thought. Then, it was put into final draft and a public hearing set. Again, hearing a need from individuals who said they had pre-election activities that kept them from attending the public hearing on Monday the 3<sup>rd</sup> of November, the board set an additional meeting on Wednesday, November 5<sup>th</sup>.*

*I believe that much of the controversy exhibited in the public comment meetings in July and again at the public hearings last week, is driven by fear based on rumor, innuendo and misstatements. In the comments made here last week, I found nothing substantive that would make tonight's Board vote unreasonable or unjust.*

*I have painfully learned that no matter how hard you try, no action by any one body on any one issue is going to satisfy everyone. Laws put into place by this governing body in the past were also met with controversy based on fear and were later proven to have only a positive impact. I believe that the same will be borne out with these proposed laws. No one can dispute that this board has not given ample opportunity and consideration for public input in this process. Law #4 and Law #5 of 2008 are before this legislative body and I urge the Town Board to put them to a vote tonight.*

Councilman Kuenster wants to proceed. Supervisor reserved his [Louis] comments, adding that about 5-6 years ago when Councilwoman McKeon talked about long-range planning he followed her lead to do the right thing for the Town, and will join with Councilman Kuenster and Councilwoman McKeon.

Councilman Byas felt it was a stacked deck, spoke to other Towns who did this, spoke to Association of Towns, said it was different from the [State] Senate where they need one hundred more votes, here only one more vote was needed, and that was wrong and affected many lives. He gave the example of a house with four people living in it and if the Town passed a law that when those people sold the house only 1 person could live in it, adding that this was the same as a set aside, telling people what they could do with their land. Supervisor asked if he felt that was the content of this law. Councilman Byas felt it was the same as a set aside of land. Supervisor Louis said he [Louis] did not interpret the law. Councilman Byas asked him to step aside. Supervisor said he would not.

**RESOLUTION  
NOVEMBER 10, 2008**

**RESOLUTION DETERMINING COMPLIANCE WITH PROVISIONS OF  
STATE ENVIRONMENTAL QUALITY REVIEW ACT RELATIVE TO  
ADOPTION OF LOCAL LAWS 4 AND 5 OF 2008**

WHEREAS, on February 12, 2007, the Town Board of the Town of New Baltimore accepted a Final Generic Environmental Impact Statement (FGEIS) for the Town of New Baltimore Comprehensive Plan, and

WHEREAS, on March 12, 2007, the Town Board of the Town of New Baltimore issued a Findings Statement supporting its determination to accept the Final Generic Environmental Impact Statement (FGEIS) for the Town of New Baltimore Comprehensive Plan, and

WHEREAS, on March 12, 2007, the Town Board of the Town of New Baltimore adopted the Town of New Baltimore Comprehensive Plan which set forth recommendations for changes to the Town's Zoning and Subdivision Regulations, and

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WHEREAS, the Town Board is now considering Local Law 4 of 2008, making revisions to the Town's Zoning Ordinance, in accordance with the adopted Town of New Baltimore Comprehensive Plan and Findings Statement of the FGEIS for the Town of New Baltimore Comprehensive Plan, and

WHEREAS, the Town Board is now considering Local Law 5 of 2008, making revisions to the Town's Subdivision Regulations, in accordance with the adopted Town of New Baltimore Comprehensive Plan and Findings Statement of the FGEIS for the Town of New Baltimore Comprehensive Plan, and

WHEREAS, the New York State Environmental Quality Review Act states that no further compliance is required under the State Environmental Quality Review Act if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the Generic Environmental Impact Statement, and

WHEREAS, the proposed Local Law 4 of 2008 Enacting a Revised Zoning Ordinance and Zoning Map for the Town of New Baltimore, and the proposed Local Law 5 of 2008 Enacting Revised Subdivision Regulations for the Town of New Baltimore have both been prepared in accordance with the conditions and thresholds of the Comprehensive Plan and Final Generic Environmental Impact Statement and Findings Statement for the Town of New Baltimore Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby finds that the proposed Local Law 4 of 2008 Enacting a Revised Zoning Ordinance and Zoning Map for the Town of New Baltimore, and the proposed Local Law 5 of 2008 Enacting Revised Subdivision Regulations for the Town of New Baltimore require no further review under the New York State Environmental Quality Review Act.

**Councilwoman McKeon moved, seconded by Councilman Kuenster.** Councilman Norris asked to hold off, go back and form that committee and come up with a better plan. He doesn't like the word *mandate*; adding that there is no mandate in Town of Sand Lakes' conservation subdivision/ it is voluntary, the Commercial district is unhappy, and 5 more months of work after 5 years work certainly could not be too much. Councilman Norris concluded that the Greene IDA went back to its drawing board; there is room for negotiations, there is still time to do more.

The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

	<u>AYES</u>	<u>NOES</u>
<b>VOTE:</b>		
Supervisor Louis	X	
McKeon	X	
Kuenster	X	
Norris		X
Byas		X

**Local Law 4 of 2008 Enacting a Revised Zoning Ordinance and Zoning Map**

**[LOCAL LAW NO. 4 OF 2008 P1-125]**



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**RESOLUTION  
NOVEMBER 10, 2008**

**RESOLUTION ADOPTING LOCAL LAW 4 OF 2008**

WHEREAS, the Town Board of the Town of New Baltimore has held public hearings on November 3, 2008 and November 5, 2008 regarding proposed Local Law No. 4 of 2008 Enacting a Revised Zoning Ordinance and Zoning Map for the Town of New Baltimore, at which times the public was given an opportunity to speak regarding this proposed Local Law; and

WHEREAS, in accordance with § 239-m of the General Municipal Law of the State of New York, the Town Board solicited comment from the Greene County Planning Board by its application dated October 3, 2008; and

WHEREAS, the Greene County Planning Board failed to report its recommendations within 30 days of the referral of this proposed Local Law, which, in accordance with the provisions of § 239-m of the General Municipal Law, allows the Town Board to take final action on this proposed Local Law; and

WHEREAS, Town residents presented a petition to the Board at the above referenced public hearing on November 5, 2008 which purports to contain the signatures of owners of property in the Town of New Baltimore; and

WHEREAS, the Town Board has reviewed the petition to determine whether said petition imposes a legal impediment to the Town Board's adoption of Local Law 4 of 2008.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby rejects the petition on the ground that it fails to comply with Town Law §265 because it does not by its terms protest Local Law No. 4 of 2008, and because it does not allege that the owners of 20% or more of the area of land included in the proposed zoning change signed the petition, and therefore said petition does not impose a legal impediment to the Town Board's adoption of Local Law 4 of 2008 by majority vote of the Board, and

BE IT FURTHER RESOLVED, that the Town Board hereby adopts Local Law 4 of 2008 Enacting a Revised Zoning Ordinance and Zoning Map for the Town of New Baltimore.

**Councilman Kuenster moved, seconded by Councilwoman McKeon. Discussion ensued.**

Councilman Kuenster stated that there is a debt of gratitude owed to Supervisor Louis, Councilwoman McKeon, sat with them and weathered the storm coming to the table, and there are many misstatements: there is an Agriculture Committee (meets monthly), a Right to Farm Law, and a prospering Farmers' Market. He read his comments. *During the public hearings it has been said more than a few times that the majority of the Town is against the proposed zoning changes. Well, I began wondering, is the majority of the Town's residents aware of the fact that there are a handful of "activists" knocking on their neighbors doors to spread the alarm that members of the Town government are plotting to seize their land? Have they heard that it is part of an international conspiracy to grab your land and that some of us sitting up here are acting as their agents? Or, perhaps, do they know that there is a master plan through the use of eminent domain to create a large tract of open space that will be permanently removed from our tax rolls? Do the majority of residents know that those opposed to the new zoning changes have not put forth a shred of evidence to support their outrageous claims that property values will be impacted? Do the majority of residents know that the members of the zoning*



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*committee who have labored to get a "smart growth" plan in place have embraced practically every articulated suggestion offered at the earlier hearings? Are the majority of residents aware that what is proposed is called "Smart Growth," and that radical and frightening organizations such as the National Association of Homebuilders and the National Association of Realtors support "Smart Growth," which often includes conservation subdivisions? They support it because it is profitable. If you don't believe me go to their websites. Do the majority of residents know that a few individuals in this group have one eye on their own future political goals and, as is too often the case these days, they have decided on a strategy that not only conveniently ignores the facts but manufactures fear and obfuscation to further their own agenda? Pay close attention to who tries to get your vote in the next election. And finally, what will the majority of residents feel when they discover that this opposition group, which it seems likely will sue the town and set in motion a protracted, lengthy, and ultimately expensive legal battle that will burden all of us as taxpayers? I can't wait to knock on some doors after that happens.*

*We are not climbing into limousines after we vote here tonight. All of us care as deeply about this Town as you do, in fact so much so that we and all previous board members have devoted countless hours of service in the quest to make this community as secure and livable as it can be for all of us who live here and for our children that will take our place.*

*Should I vote for what I feel is the right thing to do or do I worry that this is "political suicide" as was threatened by one speaker? Should I be so intimidated by voices that spring from fear and misinformation and not reality that I will abandon my own conscience?*

*The phrase, "It Is My Land"; we are all feeling a loss of control over our lives and some of us are looking for someone or something to blame. Our lands, that we own, represent much, much more than the homes on them that we occupy. We love our land, we raise our families on it, our land represents much of our wealth, and we would surely fight for it. Our land defines us.*

*My wife and I own 90 acres, we own another 30 as an investment, we have two young children and we therefore have a very real interest in this Town prospering. We have an interest in seeing our commercial district grow to keep our property taxes down; we have an interest in keeping the "rural" character because it makes good business sense. Quality businesses that bring with them quality jobs relocate to "livable" communities that haven't been overrun by unregulated and unplanned growth. And finally, rampant residential development will increase our taxes and we certainly don't need that!*

*I guess what I am getting at is that I am acting out of a form of self-interest as well, and I don't think that there is anything wrong with it as long as it also benefits everyone else. I just see the way to a better New Baltimore through planning and vision and not through, "if a problem arises we will deal with it then" or "if it's not broken don't fix it." Examples of communities such as ours that have benefited from "smart growth" planning are not hard to find. Please take the time to research it for yourselves before getting swept up in somebody else's baseless fears. On the other hand, communities such as ours that have not planned are even easier to find. In fact, they are all around us.*

Councilman Byas stated he is 100% against it, adding that if Councilman Kuenster is in favor of this, he (Kuenster) should do [a conservation subdivision] now and [a set aside]. Councilman Norris appreciated Councilman Kuenster's comments but he (Norris) sees a community being ripped and felt if more time were given to educate community, it would be a better plan. Specifically, Councilman Norris asked to take out Article 9, Section A, #2; then it is voluntary, not mandatory. Councilman Kuenster asked Councilman Norris what he believed; [Norris] felt that the landscape would dictate conservation subdivisions and, unlike Levittown, a lot of builders would go that way willingly. Also, [Norris] felt that there was a lot of confusion about the multiple zones on Route 9W, and that it could be just 2 zones.

Councilwoman McKeon asked how many zoning classifications there were; Supervisor answered 3 zones currently and 2 added zones. Councilman Byas recalled the large-lot

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Ackerman subdivision, and said to leave the decision to the landowner; when the realtor approaches the landowner, he [the landowner] will be listened to.

Supervisor Louis asked to take emotion and fear from this controversy and clarify the facts, starting with comments in the public hearings relative to **Commercial Zoning**. In the Central Commercial Zone (with the fewest permitted uses), the number went from 9 to 29 permitted uses. In Light Commercial (a good deal of Route 9W), this provides for 30 permitted uses and 7 special permitted uses. In Service Commercial (where in the first set of meetings many business owners had lodged concerns for thriving, diversifying and having future options), permitted uses were increased to 40 and special permitted uses increased to 4. Listening to a lot of people and a lot of ideas, the group tried to build flexibility into Commercial Zoning. Supervisor continued that zoning has been here for 30+ years; what we are voting on is a 125-page document, but the current zoning is 95 pages. The remaining 30 pages include 15 pages of *definition* (to help eliminate guesswork); *flexible zoning*- planned development districts for projects like the Greene IDA is proposing that don't fit into the current zoning and do allow the Town to plan how to accomplish; and thirdly, *conservation subdivision* (a misunderstood concept) that has instilled fear in folks regarding their property rights. The idea that a property owner is required to set aside any of their land is not true; the Town is not involved in that, beyond what exists in the current 30-year old regulations. It is true that most activity coming before the Planning Board is minor subdivisions. Conservation subdivision applies only to major subdivision; most people who own land are not going to encounter a major subdivision, and these regulations will not come into play. Supervisor said, "If I knew that anything that I have been involved with was going to be harmful to this Town where I've lived for 24 years, I would not endorse it. Anecdotally, if 20% of what has been alleged about what these regulations would do were true, I would not be supporting it here tonight. There truly is a problem in terms of understanding what can be a difficult concept." Reasonable, proper, and fair control of large-scale land development has been the intent of the conservation subdivision all along; not to affect landowners, but rather guide land developers.

The *conservation analysis provision* was said to be cumbersome; it is really no different than the preliminary plat required for a current major subdivision.

A point was made about *consultant review*; we have consultant review now. Supervisor recalls once or twice it has been used in past 8 years or so; if someone applies for a project the potential is there.

There has been a lot of talk about who "runs the show" in terms of conserved land in the event we do have land development and the requirement for a conservation subdivision. In the September/second set of meetings, it was heard that "the deck was stacked" in favor of the Town, not the applicant. Changed, it is now the applicant's choice of what land would be conserved if we were involved in a conservation subdivision.

It was pointed out that there was no *flexibility* in the rules and that Cocksackie has a lot more flexibility. Supervisor looked at Cocksackie's rules; their exception to conservation subdivisions is for someone [who didn't want to go through a conservation subdivision] to make 10-acre parcels. We copied that reasonable idea and went further because there will be situations that affect families who, if they don't want to go through 2 or 3 easier minor subdivisions [eliminating the conservation subdivision requirement], they can go to 5-acre lots. This is flexibility, and there is a waiver process.

Supervisor concurred with Councilman Norris, there is still confusion; he will continue to meet with folks to explain and answer questions and to alleviate the fear and concern due to fundamental misunderstandings. Supervisor is sure that most conserved land will be held in private ownership and that the Town is not regulating private ownership of land. When the Planning Board reviews the deed restrictions and conservation easements it serves the purpose of seeing that there is a plan; there is no Planning Board veto power over that.

The people who sit on the Planning Board are people who really care about this Town, our neighbors, who care about the people who live here; diversity is important so no one view dominates.

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2008)

Supervisor talked about the *process* that was laid out in an action plan within the Comprehensive Plan; it said that the Town Board would take the lead in terms of doing zoning updates. Councilwoman McKeon and Supervisor Louis worked on behalf of the Town Board to draft legislation with the input of the Planning Board and Zoning Board of Appeals, following that guide. A conflict of interest occurs when a *private* interest conflicts with a *public* interest; Supervisor Louis stated that he has 6.5 acres that he and his family have owned and lived on for 24 years and no other private interest. If the process had ended after the public hearings in June, it would have been incomplete; with the input of the 2 public July meetings the zoning committee made changes and stayed within the guide of the Comprehensive Plan. The 50% number will affect very few or no one in the room (Town of Cocksackie has set 60%), and it was based on what is happening in other communities. Three more meetings were held in September and concerns were addressed and yet there is still opposition to the local law as it has been drafted. Supervisor understands a fundamental challenge: a broad philosophical difference between those who would not and those who would regulate land use and the current gap is between those who feel current zoning is fine, and those who feel that the proposed law, in line with the Comprehensive Plan, is fair and reasonable. The Town Board is left with a choice to vote on and no doubt the document will be amended. Supervisor believes these local laws represent fair and equitable effort to guide positive growth in this Town and, as it is about the Town, he plans to vote for the local laws. Councilman Norris read from the Comprehensive Plan, goals and strategies, "develop clear but flexible tools to regulate major subdivisions in keeping with rural, historical character of the Town," and following that he only saw one place where the word *mandate* was used.

Supervisor reminded him of the options of waivers, multiple minor subdivisions, subdivisions of 5-acres and larger, all of which are flexible. This is a living document; Supervisor will propose an amendment this meeting, looks forward to the Economic Development Committee formation, and Councilman Norris' good work contributing to it. Supervisor added he is committed to keep it living, to hear and reflect the desires of the community.

Councilman Byas asked if Supervisor had spoken with the Assessor; Supervisor answered that there was no provision of which he was aware that allowed for taxes to be reduced. Councilman Byas said he had spoken with the Assessor; with a theoretical 100 acres and 50% set aside, what do you do with the set aside, how do you value it? The Assessor answered, zero, [it is] added to the house. Councilman Byas continued that if a house on 2 acres is moved into that theoretical development, then you pay taxes on 4 acres, that's if the developer transfers the conservation easement to the homeowner. But, if the developer decides to keep that conservation easement and just sell the house, and at the end of the project spins it off to a non-profit group, then we pay \$0 taxes and everybody's taxes get raised. Supervisor stated, after it had been increased 300-400% by the improvements to the land. Councilman Byas continued that he understood that there was lost money in every home, each home built lose a \$1.25. How is that economical gain? Supervisor answered that the assessed value of a parcel with a house on it is going to be larger than the assessed value of vacant land. Councilman Byas said that Ted Hilscher had said as soon as you build a house you lose money on it. Supervisor answered that [Ted Hilscher] was talking about cost of services, and Supervisor was talking about net tax base. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

	<u>AYES</u>	<u>NOES</u>
VOTE: Supervisor Louis	X	
McKeon	X	
Kuenster	X	
Norris		X
Byas		X

**COUNTY OF GREENE  
TOWN OF NEW BALTIMORE  
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2008)**

**Local Law 5 of 2008 Enacting Revised Subdivision Regulations**

**[LOCAL LAW NO. 5 OF 2008 P1-34]**



**COUNTY OF GREENE  
TOWN OF NEW BALTIMORE  
REGULAR TOWN BOARD MEETING  
MONDAY, NOVEMBER 10, 2008-Page 12(following p1-34 of Local Law 5 of 2008)**

**RESOLUTION  
NOVEMBER 10, 2008**

**RESOLUTION ADOPTING LOCAL LAW 5 OF 2008**

WHEREAS, the Town Board of the Town of New Baltimore has held public hearings on November 3, 2008 and November 5, 2008 regarding proposed Local Law No. 5 of 2008 Enacting Revised Subdivision Regulations for the Town of New Baltimore, at which times the public was given an opportunity to speak regarding this proposed Local Law.

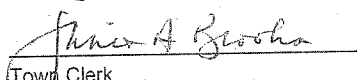
NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts Local Law 5 of 2008 Enacting Revised Subdivision Regulations for the Town of New Baltimore.

**Councilwoman McKeon moved, seconded by Councilman Kuenster.** Supervisor clarified two provisions that were brought up in the public hearing: Planning Board already has the authority to declare a minor subdivision as a major subdivision, he is not aware of them having used that, and contract for sale provisions exists in current law. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

	<u>AYES</u>	<u>NOES</u>
<b>VOTE:</b> Supervisor Louis	X	
McKeon	X	
Kuenster	X	
Norris		X
Byas		X

I, Janet Brooks, Town Clerk of the Town of New Baltimore, New York, do hereby certify that the foregoing are true and accurate minutes of the proceedings before the New Baltimore Town Board on November 10, 2008 in connection with the adoption of Local Laws No 4 and 5 of 2008.

Dated: December 5, 2008

  
\_\_\_\_\_  
Town Clerk  
Town of New Baltimore, New York

**NEW BUSINESS**

**Appointment of Board of Assessment Review Member**

**RESOLUTION  
NOVEMBER 10, 2008**

**RESOLUTION TO RE-APPOINT  
BOARD OF ASSESSMENT REVIEW MEMBER**

RESOLVED, that Jean Horn is hereby reappointed to a five year term of office on the Board of Assessment Review, said term expiring on September 30, 2013.

Councilman Norris moved, seconded by Councilwoman McKeon.  
**Adopted** Ayes- 5 McKeon, Kuenster Louis, Norris, Byas  
Nays- 0

**Proposed Local Law 6 of 2008**

At the public hearing, comments were made related to the Zoning Map, and comments received from Greene County Planning Board staff. This amends the zoning map to

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correct hamlet boundaries to where they were originally and there is a property on Scheller Park Road that was taken out accidentally. This will take care of repealing laws that are inconsistent with the existing zoning.

**DRAFT**

**LOCAL LAW 6 OF 2008**

**A LOCAL LAW ENACTING REVISIONS TO ZONING ORDINANCE AND  
ZONING MAP FOR THE TOWN OF NEW BALTIMORE**

Be it enacted by the Town Board of the Town of New Baltimore, County of Greene as follows:

**Section 1.**

The purpose of this Local Law is to make technical corrections to the Town of New Baltimore Zoning Ordinance and Zoning Map adopted pursuant to Local Law 4 of 2008, to incorporate recommendations from the Greene County Planning Board staff, and to repeal chapters of the Town Code that are inconsistent with said Zoning Ordinance.

**Section 2.**

Chapter 73 of the Code of the Town of New Baltimore, entitled "Mobile Home Law of the Town of New Baltimore", is hereby REPEALED.

**Section 3.**

Chapter 89 of the Code of the Town of New Baltimore, regulating all on-premise signs currently existing or yet to come into existence within the Town of New Baltimore, is hereby REPEALED.

**Section 4.**

Chapter 90 of the Code of the Town of New Baltimore, entitled "Town of New Baltimore Site Plan Review Law", is hereby REPEALED.

**Section 5.**

Article III, Section C. of the Town of New Baltimore Zoning Ordinance is hereby REPEALED and a new Article III, Section C. is added to read as follows:

- C. Interpretation of boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
- (1) Boundaries for the northern Hamlet Residential District are as follows:
    - (a) North: the Albany-Greene County Line
    - (b) South: South Main Street, at a distance of 2,250 feet southeast of the intersection of South Main Street and Church Street, as measured along the center line of South Main Street; then due east to the Hudson River.
    - (c) East: the Hudson River
    - (d) West: the Albany-Greene County line at a distance of 500 feet west of Route 144; then southerly to Madison Avenue, at a distance of 1,000 feet west of the intersection of Madison Avenue and Route 144, as measured along the center line of Madison Avenue; then southwesterly to a distance of 200 feet north of that point of the center line of New Baltimore Road which is 900 feet west of the intersection of New Baltimore Road and Baldwin Terrace,

as measured along the center line of New Baltimore Road; then southerly to New Baltimore Road, at a distance of 900 feet west of the intersection of New Baltimore Road and Baldwin Terrace as measured along the center line of New Baltimore Road; then southerly to a distance of 500 feet northwest (as measured by a line which is perpendicular to Route 144) of that point of the center line of Route 144 which is 1,100 feet southwest of the intersection of Route 144 and Baldwin Terrace, as measured along the center line of Route 144; then southeasterly to South Main Street, at a distance of 2,250 feet southwest of the intersection of South Main Street and Church Street, as measured along the center line of South Main Street.

- (2) Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center lines.
- (3) Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines.
- (4) Boundaries indicated as following shorelines of ponds and lakes shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.
- (5) Boundaries indicated as following center lines of streams shall be construed to follow such center lines and, in the event of change in the center line, shall be construed as moving with the actual center line.
- (6) Where district boundaries are not indicated as approximately following the items above, or is not designated on the Zoning Map, the boundary line shall be determined by the use of the scale designated on the Town Zoning Map.
- (7) In the event that none of the above rules are applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the Zoning Board of Appeals.

#### Section 6.

A Revised Zoning Map for the Town of New Baltimore is hereby attached and made a part of this Local Law.

#### Section 7.

Article VI, Paragraph M. (1) of the Town of New Baltimore Zoning Ordinance is hereby REPEALED and a new Article VI, Paragraph M. (1) is added to read as follows:

- (1) Applicability. The Design Guidelines are applicable to all new development projects requiring site plan review located within the C,LC,SC,CC,D and DMR zones.

#### Section 8.

Article VI, Section M. (4) of the Town of New Baltimore Zoning Ordinance is hereby amended by adding a new subsection d. to read as follows:

- d. Developmental District
  1. Site Organization
    - (a) The natural topography and site features shall be the primary dictating factor in the organization of the built elements of the site.
    - (b) Consider varying the building location from lot to lot so that not all buildings are lined up in a row, to minimize the appearance of "strip" development. For projects which propose more than one structure, consider grouping buildings together, to simulate the siting of



agricultural buildings.

- (c) Buildings may be placed so as to maximize passive solar benefit and do not need to be perpendicular or parallel to the street.
- (d) Maintain natural site integrity and avoid sensitive natural resources to the greatest extent possible.

## 2. Vehicular and Pedestrian Circulation

- (a) Connections between adjacent parking areas and interior access roads shall be made as often as possible. New development which has no immediate commercial neighbors shall indicate a provision for future connections on the site plan if appropriate. Development adjacent to commercial areas shall integrate any previously approved connections into the site plan.
- (b) Entrance/exit drives (curb cuts) should be limited to one per building frontage or shared between lots.
- (c) Spacing and dimensions of all curb cuts, including modifications to existing curb cuts, shall comply with current NYSDOT regulations for entrances to a state highway.
- (d) Vegetation, signage, and/or structures shall not interfere with vehicle sightlines.
- (e) Pedestrian facilities in parking lots should be clearly demarcated from parking areas, with treatments such as, but not limited to, concrete sidewalks or striped crosswalks.
- (f) Neighboring sites shall be connected with pedestrian sidewalks or pathways whenever possible. Consider future connections when laying out the location of pedestrian features. Development adjacent to commercial areas shall integrate any previously approved connections into the site plan.

## 3. Landscaping

- (a) Consider adding structural or vegetative buffer between paved areas and street. Structural buffers include fences and stone walls. Vegetative buffers include widely spaced street trees or naturalized groupings of trees and shrubs.
- (b) Maintain a minimum 8'-wide vegetated area between building face and paved areas on all sides of the structure, not including entrances and loading docks.
- (c) The integration of any significant existing vegetation into the site plan is strongly encouraged.
- (d) Use native/non-invasive species whenever possible. Landscaping plans should avoid using plants known to be invasive, such as those plants listed on Invasive Plants of the Eastern United States: Identification and Control, published by The University of Georgia, USDA APHIS PPQ and USDA Forest Service Forest Health Technology Enterprise Team. The most current list can be accessed at: <http://www.invasive.org/eastern/>.
- (e) Consider integrating the design of stormwater facilities into the overall site/landscaping plan whenever possible.
- (f) Integrate landscaping within parking areas to reduce heat island effect and provide visual interest to large expanses of pavement. A minimum of 10% of the total parking area should be devoted to interior landscape islands for all lots with more than two rows of parking. Interior landscape islands should be evenly distributed throughout the parking area.
- (g) The landscaping plan should indicate snow storage areas; locate snow storage to avoid damage to plant material.

#### 4. Signage, Lighting, and Utilities

- (a) The materials, colors, and design of signage should relate to the architecture and present an attractive, cohesive appearance. Wood, metal, and externally illuminated signs are encouraged. Signage must conform to the requirements of Article VI, Section J of this chapter.
- (b) The light fixture should complement the architectural style of the structure. At a minimum, "semi-cutoff" fixtures must be used. The use of cutoff or full-cutoff fixtures is preferred. Lighting must conform to the requirements of Article VI, Section I of this chapter.
- (c) The minimum amount of light levels necessary to insure safety should be used. General guidelines include:
  - Walkways: 0.5 - 2 foot candles
  - Parking areas: 0.5 - 2 foot candles
  - Local streets: Varies: 0.5 - 3 foot candles
  - Building entrances: 5 foot candles
- (d) Buffers for loading areas/trash storage/utilities shall be provided which create sufficient visual screening and complement the overall architecture. Similar/complementary materials as those used for the building façade, vegetation, or a combination of both should be used.

#### Section 9.

Article VI, Section M. (4) of the Town of New Baltimore Zoning Ordinance is hereby amended by adding a new subsection e. to read as follows:

##### e. Development/Multifamily Residential Zone:

###### 1. Site Organization

- (a) The natural topography and site features shall be the primary dictating factor in the organization of the built elements of the site.
- (b) Parking shall not be located in front of new buildings. Parking may be located on the side of buildings, or between buildings and internal access roadways. Existing buildings undertaking projects which require site plan review may retain existing front yard parking areas when redeveloped, but the areas should be improved to include other relevant landscape plantings, vehicular connections, and pedestrian amenities as recommended in these design guidelines.
- (c) Consider varying the building location from lot to lot so that not all buildings are lined up in a row, to minimize the appearance of "strip" development. For projects which propose more than one structure, consider grouping buildings together, to simulate the siting of agricultural buildings.
- (d) Buildings may be placed so as to maximize passive solar benefit and do not need to be perpendicular or parallel to the street.
- (e) Maintain natural site integrity and avoid sensitive natural resources to the greatest extent possible.

###### 2. Vehicular and Pedestrian Circulation

- (a) Connections between adjacent parking areas and interior access roads shall be made as often as possible. New development which has no immediate commercial neighbors shall indicate a provision for future connections on the site plan if appropriate. Development adjacent to commercial areas shall integrate any previously approved connections into the site plan.
- (b) Entrance/exit drives (curb cuts) should be limited to one per building

frontage or shared between lots.

- (c) Spacing and dimensions of all curb cuts, including modifications to existing curb cuts, shall comply with current NYSDOT regulations for entrances to a state highway.
- (d) Vegetation, signage, and/or structures shall not interfere with vehicle sightlines.
- (e) Pedestrian facilities in parking lots should be clearly demarcated from parking areas, with treatments such as, but not limited to, concrete sidewalks or striped crosswalks.
- (f) Neighboring sites shall be connected with pedestrian sidewalks or pathways whenever possible. Consider future connections when laying out the location of pedestrian features. Development adjacent to commercial areas shall integrate any previously approved connections into the site plan.

### 3. Landscaping

- (a) Consider adding structural or vegetative buffer between paved areas and street. Structural buffers include fences and stone walls. Vegetative buffers include widely spaced street trees or naturalized groupings of trees and shrubs.
- (b) Maintain a minimum 8'-wide vegetated area between building face and paved areas on all sides of the structure, not including entrances and loading docks.
- (c) The integration of any significant existing vegetation into the site plan is strongly encouraged.
- (d) Use native/non-invasive species whenever possible. Landscaping plans should avoid using plants known to be invasive, such as those plants listed on Invasive Plants of the Eastern United States: Identification and Control, published by The University of Georgia, USDA APHIS PPQ and USDA Forest Service Forest Health Technology Enterprise Team. The most current list can be accessed at: <http://www.invasive.org/eastern/>.
- (e) Consider integrating the design of stormwater facilities into the overall site/landscaping plan whenever possible.
- (f) Integrate landscaping within parking areas to reduce heat island effect and provide visual interest to large expanses of pavement. A minimum of 10% of the total parking area should be devoted to interior landscape islands for all lots with more than two rows of parking. Interior landscape islands should be evenly distributed throughout the parking area.
- (g) The landscaping plan should indicate snow storage areas; locate snow storage to avoid damage to plant material.

### 4. Signage, Lighting, and Utilities

- (a) The materials, colors, and design of signage should relate to the architecture and present an attractive, cohesive appearance. Wood, metal, and externally illuminated signs are encouraged. Signage must conform to the requirements of Article VI, Section J of this chapter.
- (b) The light fixture should complement the architectural style of the structure. At a minimum, "semi-cutoff" fixtures must be used. The use of cutoff or full-cutoff fixtures is preferred. Lighting must conform to the requirements of Article VI, Section I of this chapter.
- (c) The minimum amount of light levels necessary to insure safety should be used. General guidelines include:

Walkways:

0.5 - 2 foot candles

- |                     |                              |
|---------------------|------------------------------|
| Parking areas:      | 0.5 – 2 foot candles         |
| Local streets:      | Varies: 0.5 – 3 foot candles |
| Building entrances: | 5 foot candles               |
- (d) Buffers for loading areas/trash storage/utilities shall be provided which create sufficient visual screening and complement the overall architecture. Similar/complementary materials as those used for the building façade, vegetation, or a combination of both should be used.

#### Section 10.

Article VI, Section M. (5) of the Town of New Baltimore Zoning Ordinance is hereby amended by adding a new subsection e. to read as follows:

- e. Developmental and Development/Multifamily Residential Zones
1. General. Create high-quality commercial structures which relate to and enhance the landscape, rather than detracting from it. Larger buildings should have a distinctive style and interesting facades, and smaller buildings should provide a visual transition between rural residential forms and the more commercial uses. Reliance on pre-fabricated or pre-determined building forms, materials, and colors is discouraged.
  2. Building Form and Facades:
    - (a) Facades should be designed with features which reduce the large scale and the uniform, impersonal appearances of commercial buildings. Facades should be consistent with the Town's identity, character, and scale. This design of the facade should be integral to the building, and not superficially applied trim, graphics, paint, etc.
    - (b) All facades of a building which are visible from adjoining properties, public streets and/or on-site roadways should have similar features and amenities as the front façade.
  3. Rooflines:
    - (a) Variations in rooflines should be used to add character to smaller buildings, and reduce the massive scale of large buildings.
    - (b) Features such as eaves, parapets, and sloped rooflines should be integrated into the overall design of the structure.
    - (c) The use of green or living roofs is encouraged. The guidelines above should not be construed to preclude the use of innovative green technologies.
  4. Entrances. The design of entrances should be attractive and welcoming.
  5. Materials and Colors:
    - (a) High-quality, durable materials such as brick, stone, wood, and concrete clapboard are encouraged.
    - (b) Building colors shall reflect the intended architectural style rather than pre-determined corporate or business colors.

#### Section 11.

Article XI, Paragraph A. (4) a. of the Town of New Baltimore Zoning Ordinance is hereby REPEALED and a new Article XI, Paragraph A. (4) a. is added to read as follows:

- a. If any building or structure in which a nonconforming use is conducted is hereafter removed voluntarily, or destroyed by fire, wind, explosion, structural failure or other natural cause, the structure may be reconstructed or restored and the nonconforming use continued.

#### Section 12.

Article XVII, Section A. Town of New Baltimore Zoning Ordinance is hereby REPEALED and a new Article XVII, Section A. is added to read as follows:

A. Repeal of Prior Zoning Ordinance and Inconsistent Chapters of Town Code

- (1) The Ordinance entitled "Town of New Baltimore Zoning Ordinance" adopted as of October 1977, together with all changes and amendments thereto is hereby repealed and declared to be of no effect.
- (2) Chapter 73 of the Code of the Town of New Baltimore, entitled "Mobile Home Law of the Town of New Baltimore", Chapter 89 of the Code of the Town of New Baltimore, regulating all on-premise signs currently existing or yet to come into existence within the Town of New Baltimore, and Chapter 90 of the Code of the Town of New Baltimore, entitled "Town of New Baltimore Site Plan Review Law", are hereby repealed and declared to be of no effect.

Section 13.

This local law shall take effect immediately upon filing in the Office of the New York Secretary of State.

Supervisor read a resolution to set public hearing date.

**RESOLUTION  
NOVEMBER 10, 2008**

**RESOLUTION SETTING PUBLIC HEARING DATE FOR  
PROPOSED AMENDMENTS TO ZONING  
ORDINANCE**

WHEREAS, the Town Board has been presented with proposed revisions to the Town Zoning Ordinance, as adopted pursuant to Local Law 4 of 2008, and

WHEREAS, the Town Board, in accordance with the Town Law of the State of New York, is required to schedule a public hearing for the purpose of providing members of the public to be heard regarding this proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED, as follows:

The Town Board of the Town of New Baltimore will hold a public hearing on December 8, 2008 at 7:00 p.m. at the Town Hall, Rt. 51, Hannacroix, New York, to hear those members of the public who wish to be heard regarding Local Law No. 6 of 2008, a Local Law Enacting Revisions to Zoning Ordinance and Zoning Map for the Town of New Baltimore; and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Baltimore is directed with the assistance of the attorney for the Town to provide the required publication and notice of said public hearing.

Councilwoman McKeon moved, seconded by Councilman Kuenster.

**Adopted**    Ayes- 5    McKeon, Kuenster Louis, Norris, Byas  
              Nays- 0

**PUBLIC COMMENT**

Kevin Kennah said he had come the night of the scheduled Agriculture Committee meeting and there was no meeting; Mr. Kennah asked when the Town had considered an action and had received 300 signatures in opposition. Supervisor apologized to Mr. Kennah, pointing out that his complaint about not being permitted to park his mobile home in his driveway, brought up at public hearing, was part of the 30-year zoning ordinance. Mr. Kennah said that at the public hearing none of the Town Board responded to all the questions and complaints. Supervisor explained that the purpose of a

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public hearing was for the Board to sit and listen, not debate; Supervisor offered to sit with Mr. Kemnah to listen and answer, recalling that he had said he had been out of town for four months. This is a living document and will continue to be amended.

[unknown individual], on the Internet, did not see the 28 permitted uses. Supervisor responded that was the total on the use table and would speak to him after the meeting. Tony Rago commented that it was healthy to have great turnout, but sad that attendees had not engaged in other processes. He posts the information on the Town's website where there is even more information. The Town should not asked to give more time and did not understand a Board member request for more. There should be community involvement regardless of whose backyard it is; he supports the Town Board and Comprehensive Plan Committee.

Ellie Alfeld agreed with the gentleman, great that so many came out, adding that there are many things that come before the Board, please come more and it does not have to be adversarial. Ms. Alfeld asked if it was known that the property Greene County Legislator Jim Van Slyke had gotten back onto the tax rolls was going into foreclosure.

Trudy Litto, living in the Town for a long while, said they didn't buy on speculation and love the Town. She said that they think of themselves not as owners but as stewards of the land she wants to see it remain the same. She looks at the Town of Coeymans, who gave a big portion to a dump, and would hate to see it happen in New Baltimore, adding that we have a Town Board that would not allow that to happen.

Don Ogden appreciated the opportunity to say that the Town should have been asked before [unable to understand]. Mr. Ogden said it should have been put to a vote.

Supervisor responded that it [the local laws] has been in front of the public since June, 7 meetings with the public input, and added that it is difficult to guarantee that anyone will read a particular paper at a particular time. Supervisor feels that the Town now has a starting point and can deal with a particular section and modify; adding the biggest problem is hearing concerns so general as to suggest don't do anything. Supervisor feels there is no evidence to suggest that land values will be impacted and has faith in the Planning Board be cooperative and helpful; it wasn't always that way. [unable to understand] Councilwoman McKeon pointed to opportunities to make change, said to get involved and don't wait until the final hour. Councilman Norris said, about the process, that people felt they were behind an eightball, they're not on the Internet and felt uninformed; he likes to bring two sides together and make consensus.[unable to understand]

#### **MONTHLY REPORTS**

Supervisor Louis reported that vouchers, appearing on the abstracts prepared for this meeting, were being approved by the Town Board; also that the year-to-date expenditures had been distributed to the Town Board.

County Legislator Jim VanSlyke reported the Greene County 2009 Budget shows an increase in expenses of 5.6%, and a tax levy increase of \$20,038,000, or 11.57%. The proposed budget includes small increases in Highway, hoping that will finish County Route 54 and north section of County Route 61. Only 6.2 miles of County Highway were done this year and 3 were in Town of New Baltimore; they Department is supposed to do 26 miles per year or 10 percent. The Legislature is in negotiations now with the bargaining unit; employee health insurance has driven costs up by \$1,000,000, with a choice of 5 or 6 programs for County employees. The County has an offer from Blue Shield whereby if 70% join the program, there can be a 6% savings on the tax levy increase. November 25 at 7:30 pm is the public hearing at Catskill High School. Greene County passed a resolution to request legislative assistance to pursue municipal home rule legislation for local share mortgage recording sales tax; the Town receives .5%, New York State gets .75%. Greene County desires the same as the Town; currently receives nothing and could save \$2.2 or 2.3 million dollars. Passage of the Greene County 2009 Budget by year's end looks impossible due to the turmoil in Albany with the State budget. Councilman Norris asked for progress on the college chargebacks; answer no.

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Councilman Norris asked for the sales tax; Legislator VanSlyke said that \$28 million was budgeted for 2009, adding that every dollar spent in Greene County will decrease the increase in the tax levy. People aren't going to Albany and aren't filling their gas tanks.

Town Clerk Brooks reported 1 Certificate of Occupancy search; 1 park permit, 14 building permits, 1 demolition permit; 1 excavation permit/culvert under driveway; 1 major and 1 minor subdivision; 3 new and 17 renewal dog licenses, 9 conservation fees; 18 certified copies, 16 photocopies, recycling fees \$29.00; for total revenue to Town Supervisor of \$6,473.24 and non-local revenue disbursed of \$743.21.

Highway Superintendent Denis Jordan reported: Mixed up sand and salt and put in big shed; Scraped and painted all plows; Replaced 2 air brake lines on 85 Oshkosh; Painted frame on 89 International; Patched holes with crusher run on dirt roads; Checked over 80 Oshkosh for winter; Replaced alternator on Samsung Loader; Hauled in more road sand; Put sander on 89 International; Finished mowing along roads; Drained water at all parks; Painted frame on 80 Oshkosh; Picked up used motor from Greene County Highway for 85 International 10-wheeler; Put wings on all trucks; Washed and waxed all trucks; Removed Engine from 85 International 10-wheeler and replaced with used one purchased from Greene County Highway; Removed beaver dam from culvert pipe on West Deans Mill Road; Painted dump body on 89 International; Installed leaf box on 93 ford and got leaf vacuum ready to clean leaves in Hamlet; Painted 2 plows for f350 & f550; Cut dead tree on West Deans Mill Road; Replaced master cylinder on Champion Grader; Replaced injector pump gasket on 91 International; Scraped and painted wheels on Samsung loader; Cleaned up leaves in hamlet and other areas with leaf vacuum; Cut dead tree that fell across Highmount Road; Installed 18"x 50' culvert on Staco Road; Installed 15"x 30' culvert on Shady Lane.

Regarding the Jennings Road survey, Attorney Wukitsch reported the Town Board should have received October 17 letter re survey, done by Phillip J. Massaro and Son, and the report analysis that he did. Wukitsch examined it in the context of applicable New York law, and summarize that the macadam surface is well within the 3 rod limitation set for in Section 189 of Highway Law. It appears there has been a slight shift in historical center line; road bed and center line are well within that. The research is now completed; Highway Superintendent is acting within his rights. Statute reads the Highway Superintendent shall open every highway to that width; however, case law says that not every road is that width, the *user road* is the historical roadbed. There has been some dispute; Highway Superintendent is well within his right to supervise the Town roads and highways.

Wastewater Treatment Plant James Polverelli reported for October: Oct 6: ultraviolet system off line, remove and cleaned bulbs; Oct 10 cleaned flow meter PT; Oct 23 serviced fire extinguishers; Oct 24 preventative maintenance on rain gauge; Oct 27 high flow due to rain event; Oct 28 cleaned influent PT and removed grit from channel, calibrated flow meter.

Town Historian Clesson Bush reported: Toured two local cemeteries with Councilman Byas, Allen Bedell, and Jean Bush, photographed the tombstones, and recorded the information on them; neither of the burial grounds had been documented before now; one of the tombstones is for Simeon Garrett, one of the founding settlers in the central part of Town; reviewed and took photos of a number of official records of the Stanton Hill Cemetery, courtesy of Councilman Byas; continued to digitize the New Baltimore articles from the Greene County Historical Society quarterly journal; took some photos of the repaving of Main Street; responded to some local history/genealogy questions, including one about a reference to what the writer called a Civil War encampment at New Baltimore (this probably was a camp of men about to enter military service).

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Code Enforcement Officer/Building Inspector John Cashin and Christian Larsen summarized Building Inspector/Code Enforcement Officer activities for October as follows: New Building Permit Applications Received – 15; Building Permits Issued – 8 Building Permits Re-Opened – 1; Building Inspections – 34; Mobile Home Permits Issued – 1; Demolition Permits Issued – 2; Certificates of Occupancy granted – 6; Temporary Certificates of Occupancy granted – 1; Certificates of Compliance Granted – 5; Stop Work Orders issued – 1; Junk Vehicle Complaints – 2; Court Appearances – 3; Zoning Violation Investigations – 6; Code Violation Investigations – 10; Application Fees Received for October: \$ 5,862.45; Total Fees Year to Date: \$28,931.84

Newsletter Chair Councilman Kuenster stated the current issue should have been received during last couple of weeks and the New Baltimore Reformed Church occupied the Spotlight on Business section.

Assessor Gordon Bennett reported Town Data Collector Donald Daoust is authorized and will be collecting data for annual review of all of the Tax Map Sections within the Town until completion. Digital pictures will also be taken of new construction as a result of filed building permit applications.

Agriculture Committee Chair Councilman Kuenster reported not having met this month.

Public Memorial Committee will meet prior to Town Board Work Meeting in January.

Planning Board Chair Lee Davis reported not having met since its last report to the Board.

Zoning Board of Appeals Chair Meave Tooher reported not having met, as there were no applications to come before the Board.

Recycling Center Operator Spencer Sebert received 2 water heaters, 2 microwaves, 3 tires for a total of \$29.00 to the Town. Also, 33 60-gallon bags of plastic, 13 55-gallon drums of cans, 76 bundles of magazines, 104 bundles of newspaper, 10 bags of shredded paper, 51 bundles of cardboard, and 1.5 ton of metal. Spencer reported maintenance activities of mounting and adjusting solar light at office door, removal of solar light at office door, purchase and install motion detector on existing office entry door fixture, repair shed door, replace air and water filters, and clean UV light glass. Supervisor asked Councilman Byas when the light pole might be relocated, Councilman Byas had already spoken with Joe Hetzler, Central Hudson's Commercial Manager, and expects him in the next week and will inform Supervisor Louis.

Animal Control Officer Joe Tanner had no report.

For Fire/EMS/Law Enforcement, Councilman Norris reported: at the October 21<sup>st</sup> Greene County EMS meeting a vote had been taken to retain a grant writer to help obtain funds through local, state, and federal grants. A draft employee handbook was presented to the Board for review. The purposed of the booklet is to help new and present employees get acquainted with Greene County EMS and define policies and benefits. The number of ALS calls for September was 6 and the year-to-date total is 45 calls. Additional funding has been provided by the Town to help with the Sheriff's substation. Four people have responded to the Emergency Management Plan survey in the Newsletter and information has been forwarded to appropriate fire chiefs.

For Parks, Councilwoman McKeon had no report.

For Promotion/Economic Development Councilman Kuenster had no report.

Grants had no report.



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For Website and Technology, Councilwoman McKeon had no report.

For Personnel, Supervisor Louis had no report.

With no more from the Town Board or the public, Councilwoman McKeon moved to adjourn, seconded by Councilman Norris.

Motion Carried     Ayes-5 McKeon, Kuenster, Louis, Norris, Byas  
                             Nays-0

The meeting was adjourned at 9:32 p.m.

Respectfully,

Janet A. Brooks  
Town Clerk