

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
MONDAY, DECEMBER 8, 2008-Page 1**

Supervisor Louis called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was said. Also attending: Councilwoman McKeon, Councilmen Kuenster, Norris, and Byas, Attorney for the Town Wukitsch, Highway Superintendent Jordan, Town Clerk Brooks, and 9 members of the public. Absent: Tax Collector Stuart.

Supervisor Louis welcomed all attending,

MINUTES

The minutes of the **November 3, 2008 Public Hearing on Local Law 4 of 2008, November 3, 2008 Public Hearing on Local Law 5 of 2008, November 5, 2008 Public Hearing on Local Law 4 of 2008, and November 5, 2008 Public Hearing on Local Law 5 of 2008** were presented for approval. A Board member has asked for time for further review; these will be held over to January, at which time the minutes of the **November 10, 2008 Regular Town Board Meeting** will also be considered.

CORRESPONDENCE

From the **Greene County Legislature** came a Notice of Hearing on request for inclusion of lands in Agricultural District 124, public hearing to be held by the County Legislature in the Legislative Meeting Room, County Office Building, 411 Main Street, Catskill, on December 17, 2008, at 6:45 p.m. on the **Greene County Consolidated Agricultural District 124**, to consider the recommendations of the Greene County Agricultural and Farmland Protection Board and Greene County Planning Board as pertaining to lands requested for inclusion in the district. A description and map may be examined in the office of the Clerk of the Greene County Legislature during regular business hours.

From **NYS Office of Parks, Recreation, and Historic Preservation** came notice of the **Croswell Parsons Paper Mill** Ruin's placement on National Register of Historic Places. In addition, income-producing properties may qualify for federal income tax benefits and properties owned by municipalities and not-for-profit organizations may be eligible for state historic preservation matching grants. Contact field representative at the NYS Historic Preservation Field Service Bureau.

OLD BUSINESS

Local Law 6 of 2008 Enacting Revisions to Zoning Ordinance and Zoning Map for Town of New Baltimore

Supervisor stated this issue had been brought to his attention of Eric Schultz. In the Scheller Park area, in redrafting the zoning map to bring previous commercial properties back into the Commercial District, a green triangle was omitted south of the NYS Thruway; this is a valid point that may be addressed by revising the map tonight and the new public hearing to be held in January. [Supervisor passed out maps.] Any property formerly in that district *in its entirety* would be placed back in that Commercial District; one property was bisected; it would not go into Commercial District. Councilman Byas asked, south of Scheller Park Road, is it Warren property or TGIF property? Supervisor said that was a house. Councilman Norris said it had been Commercial, was accidentally omitted, and without objection it will be set as an additional public hearing.

**RESOLUTION
DECEMBER 8, 2008**

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

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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, held a public hearing for the purpose of providing members of the public to be heard regarding this proposed Local Law on December 8, 2008, and

WHEREAS, an additional change has been proposed to the Zoning Map to address public comment, and

WHEREAS, the Town Board, in accordance with the Town Law and the Municipal Home Rule Law of the State of New York, hereby finds that an additional public hearing should be held 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 January 5, 2009 at 7:15 p.m. at the Town Hall, Rt. 51, Hannacroix, New York, to hear those members of the public who wish to be heard regarding 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 New 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 to adopt, seconded by Councilman Kuenster.
Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
Nays-0

Lease for Hannacroix Preserve/Hudson River Interpretive Trail Parking Area
Discussed at a previous meeting, the New Baltimore Conservancy made a request through Councilman Byas for the Town to assist with plowing the parking lot during winter. A legal mechanism, a lease arrangement, gives the Town a real property interest and a determination that the lot's condition would be suitable for plowing with no risk to Town Highway equipment. Highway Superintendent Jordan inspected and determined that a number of items needed attention; the owner has secured materials and labor in order to make improvements. Highway Superintendent Jordan agrees it is suitable, and it is understood that this is a one-year agreement. Attorney Wukitsch added that with minor changes it is protective of the Town's interest.

**RESOLUTION
DECEMBER 8, 2008**

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE
ONE YEAR LEASE FOR HANNACROIX PRESERVE AND
HUDSON RIVER INTERPRETIVE TRAIL PARKING AREA**

WHEREAS, the New Baltimore Conservancy's volunteers have contributed hundreds of hours of volunteer time to maintain the properties known as the Hannacroix Preserve and the Hudson River Interpretive Trail in the Town of New Baltimore, and

WHEREAS, these areas are used for year round recreational purposes, and

WHEREAS, the New Baltimore Conservancy has requested the Town Highway Department's assistance in keeping the parking area serving these properties cleared during the winter season to allow for their enjoyment by town residents, and

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WHEREAS, the owner of the parking area has provided materials, and the New Baltimore Conservancy has arranged for the equipment and labor to improve the condition of the parking area, and

WHEREAS, the owner of the parking area is willing to enter into a lease with the Town to allow for a legal means to provide for plowing by the Highway Department, and

WHEREAS, the Town Superintendent of Highways has inspected the parking area and has determined that the Town Highway Department may plow the parking area without risk of damage to Town equipment.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a one year lease, as lessee, for the parking area used for the Hannacroix Preserve and the Hudson River Interpretive Trail, at annual rental cost of one dollar.

**LEASE AGREEMENT
Hannacroix Creek Preserve Parking Area**

This Lease Agreement is made this 8th day of December, 2008, between **Open Space Conservancy, Inc.** (hereinafter the "Lessor"), a New York not-for-profit corporation with offices at 307 Hamilton Street, Albany, New York, 12210, and the **Town of New Baltimore** (hereinafter the "Lessee"), having an address of 3809 County Route 51, Hannacroix, New York, 12087.

In consideration of the mutual promises and covenants set forth herein, Lessor and Lessee agree to lease the Premises described herein on the following terms and conditions:

1. Premises. The demised premises (hereinafter the "Premises") shall include a parking area which adjoins the Hannacroix Creek Preserve and provides access thereto, located along Route 144 in the Town of New Baltimore.

2. Term. The term shall be one year, commencing on the date set forth above and expiring December 7, 2009.

3. Rent. Rent shall be One Dollar (\$1.00) per year, payable upon signing of this Agreement.

4. Use. Lessee agrees to use the Premises solely for the purpose of providing public parking for access to the adjoining Hannacroix Creek Preserve, Hudson River Interpretive Trail, and the Paper Mill site. Any other use of the Premises shall require Lessor's prior approval, which approval may be granted or denied in Lessor's sole discretion.

5. Lessee's duty to obey laws and regulations. Lessee shall, at Lessee's sole cost and expense, promptly comply with all laws, orders, rules, requests, and directions of all government authorities, Lessor's insurer(s), the Board of Fire Underwriters, or similar entities. Notices received by Lessee from any such entity shall be promptly delivered to Lessor. Lessee shall not take any action that may increase Lessor's insurance premium(s); if Lessee does, Lessee shall pay such increase as additional rent.

6. Maintenance and repairs. Lessee shall contact Lessor at the above address and discuss all necessary maintenance and repair needs to the Premises. Lessor and Lessee may agree that Lessee shall make such repairs and provide Lessor with copies of invoices for materials, to be paid by Lessor. The foregoing Lessee's responsibilities shall not include damage or destruction caused by fire or other casualty, unless caused by the negligent or willful acts or omissions of Lessee or Lessee's guest(s). Lessee shall

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promptly undertake maintenance and/or make repairs or contact Lessor with repair and maintenance expense requests when the need arises. Notwithstanding the foregoing, at the end of the Term Lessee shall not be required to leave the Premises in a better condition than it was in at the beginning of the Term.

In the event of a major structural failure that renders the Premises unusable, Lessee shall not be required to make repairs. In such event, Lessor shall have the option of either making repairs or canceling this Lease Agreement. Lessor shall not be liable for any loss or damages incurred by Lessee as a result of such failure.

7. Alterations. Lessee shall not alter or improve the Premises without Lessor's prior approval, which approval may be granted or denied in Lessor's sole discretion. Any alteration or improvement approved by Lessor shall be at Lessee's sole cost and expense, and shall remain on the Premises and become the property of Lessor upon termination of this Lease unless Lessor agrees otherwise. Lessor shall have the right to demand the removal of any alteration and/or improvement prior to the termination of this Lease, in which case Lessor shall provide notice in writing at least 30 days prior to such termination. Such removal shall be at Lessee's sole cost and expense.

8. Assignment and sublease. Unless allowed under State law, Lessee shall not (i) assign this Lease; (ii) sublet the Premises or any portion thereof; or (iii) allow any other person(s) or entity(ies) to use the Premises or any portion thereof, without Lessor's prior approval, which approval may be granted or denied in Lessor's sole discretion. If Lessee does any of the foregoing without Lessor's approval, Lessor may treat such action as a default and cancel this Lease as provided below. Any approval by Lessor shall be limited to the specific assignment or sublease in question. Assignee(s) and/or sublessee(s) do not become lessees of Lessor, and Lessee shall remain bound to the terms of this Lease even if Lessor accepts rent from an approved assignee or sublessee.

9. Fire, accident, defects and damage.

(a) Lessee shall promptly notify Lessor of any fire, accident, damage, or dangerous or defective condition in or on the Premises. If the Premises cannot be used as a result of fire or other casualty, Lessee shall not be liable for rent during such period, provided, however, that Lessee shall remain liable for rent for any useable portion(s) of the Premises. In such event, Lessor shall determine which portion(s) of the Premises are useable.

(b) In the event of loss due to fire or other casualty, Lessor may, in its sole discretion, repair structural damage and may, in its sole discretion, replace those furnishings, equipment, appliances and fixtures originally installed by Lessor. Lessor shall not be held responsible for delays in settling insurance claims, obtaining estimates, performance of work by contractor(s), or any other matter beyond Lessor's direct control.

(c) If (i) the fire or other casualty is the result of any negligent or willful act or omission by Lessee or any guest(s) of Lessee or (ii) if the fire or other casualty occurs when Lessee is in default regarding any provision of this Lease, Lessee shall be solely responsible for the cost of repairs and shall remain fully liable for the payment of rent, regardless of whether the Premises or any portion thereof is useable. Such cost of repairs shall be additional rent.

10. Waiver; severability.

(a) Lessor's acceptance of rent or failure to enforce any provision of this Lease shall not be deemed a waiver of Lessor's rights.

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(b) The provisions of this Lease shall be severable, and in the event any provision(s) is or are determined to be illegal, the remaining provisions shall remain in full force and effect and be binding on both Lessor and Lessee.

11. Lessee's default.

(a) Lessor may give Lessee ten (10) days' written notice to correct any of the following defaults:

(i) assignment of this Lease, sublease of the Premises or any portion thereof, or allowing others to use the Premises or any portion thereof, without Lessor's prior approval; or

(ii) failure to comply with any provision(s) of this Lease.

(b) If Lessee fails to correct the default(s) within ten (10) days from receipt of notice, Lessor may cancel this Lease by giving Lessee written notice stating that this Lease shall terminate three (3) days following receipt of such notice. In such event, this Lease shall terminate on the date so specified, and Lessee's rights shall automatically end. Lessee shall leave the Premises and return the keys to Lessor. Lessee shall continue to be responsible for rent, damage, expenses, and losses.

(c) If Lessor cancels this Lease, rent and added rent for the unexpired term shall be due and payable. Lessee shall be responsible for Lessor's costs of re-renting the Premises, including without limitation realtor's fees, attorney's fees, advertising, and preparation for renting. Provided, however, that any rent received by Lessor from re-renting shall be applied against any money owed by Lessee.

(d) Lessee waives all rights to return to the Premises after possession of the Premises is given to Lessor by a Court.

(e) In the event Lessee vacates the Premises or is dispossessed, any clothing, furniture, or other personal property left behind by Lessee shall be deemed abandoned and may be disposed of by Lessor by any means without any liability or obligation toward Lessee.

12. Lessee's additional obligations. Lessee shall keep the Premises and surrounding grounds neat and clean. Lessee further agrees to be responsible for snowplowing of the Premises, as is necessary to allow for year-round parking access to the public.

13. Lessor's indemnity. Lessee agrees to indemnify and hold Lessor harmless from any and all costs, claims, or liability, including reasonable attorneys' fees, arising from any personal injury, accidents, or damage relating to the use of the parking lot if such injury, accidents, or damage is the result of negligence on the part of the Town or its Employees. Lessee also agrees that Lessor shall have no obligation to maintain the parking lot or keep such area free of ice, snow, rubbish, and obstructions and hazardous conditions.

14. Quiet enjoyment. Lessor agrees that if Lessee pays rent and complies with the provisions of this Lease, Lessee shall peaceably and quietly have, hold and enjoy the Premises for the term of this Lease.

15. Parties bound by Lease. This Lease shall be binding on Lessor and Lessee and their respective successors and assigns.

16. Premises taken "as is". Lessee has had full opportunity to inspect the Premises and accepts the Premises "as is". Lessor makes no warranty or representation regarding the condition of the Premises.

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17. Proof of insurance. Lessee must provide Lessor with a certificate of general liability insurance listing Lessor as an additional insured.

18. Notice. If Lessee wishes to breach Section 2 of this Lease Agreement and vacate the premises prior to the expiration of the rental term, Lessee must provide Lessor with 30 days notice of intent to vacate premises.

19. Effective date. This Lease shall become effective on the date signed above. Lessor shall provide Lessee with a fully signed copy of this Lease.

LESSOR:

LESSEE:

Open Space Conservancy, Inc.

Town of New Baltimore

By:
Title:

Councilwoman McKeon moved to adopt the resolution to authorize Supervisor to execute the one-year lease, seconded by Councilman Norris.
Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
Nays-0

NEW BUSINESS

Appointment of Assessor's Clerk

Assessor Gordon Bennett reviewed that the position had been advertised for one week and yielded 12 qualified applicants; interviews were held over 4 days and a difficult choice was made. Of the 4 top candidates who live in New Baltimore, Julie Fisk is the recommended candidate. Assessor Bennett has recommended the beginning salary for the 6-month probationary period; re-evaluation of salary will occur at the end of the probationary period.

**RESOLUTION
DECEMBER 8, 2008**

RESOLUTION APPOINTING PART TIME ASSESSOR'S CLERK

WHEREAS, a vacancy in a position of Assessor's Clerk will occur in the Office of the Assessor, and

WHEREAS, the Town has advertised for the position of Assessor's Clerk, and

WHEREAS, the Assessor has reviewed the applications submitted and conducted interviews with prospective candidates for this position in response to this advertisement, and

WHEREAS, the Assessor has discussed the prospective candidates with the members of the Town Board who serve on the Assessment Committee and this Committee has recommended that this position be filled by Julie Fisk, a Town of New Baltimore resident who meets the qualifications for this position.

NOW THEREFORE, BE IT RESOLVED, that Julie Fisk is hereby appointed to a position as a part time Assessor's Clerk for the Town of New Baltimore Office of the

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Assessor, effective December 15, 2008, at an hourly wage of \$10.50 per hour, provided that said appointment shall be on a probationary basis for six months.

Councilman Kuenster moved to adopt, seconded by Councilman Norris.

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

Supervisor noted that no one on the Board is certain that Carol McBride, the person Julie Fisk will be replacing, is replaceable and added, on behalf of all present and those who have been blessed by her years of service, Carol was a great deal of the spirit of the Town Hall and will be sorely missed in that capacity by all of us.

Planning Board and Zoning Board of Appeals Reports on Zoning and Subdivision Changes

After the November meeting Councilman Norris asked for a resolution to provide the Town Board with input from Planning Board and Zoning Board of Appeals regarding how the changes actually work in the matters that come before them. With a sketch from Councilman Norris, Councilwoman McKeon drafted a resolution.

**RESOLUTION
DECEMBER 8, 2008**

**RESOLUTION DIRECTING PLANNING BOARD AND
ZONING BOARD OF APPEALS TO REPORT ON
THE IMPACT OF ZONING AND SUBDIVISION CHANGES**

WHEREAS, the Town Board has enacted revisions to the Town's Zoning Ordinance and to the Town's Subdivision Regulations, and

WHEREAS, any potential impacts resulting from these changes in the Zoning Ordinance and Subdivision Regulations will involve matters that are brought before the Town Planning Board and/or the Town Zoning Board of Appeals, and

WHEREAS, it is important that while applying the newly revised ordinance and regulations by the Planning Board and Zoning Board of Appeals any impact that may occur that is injurious or detrimental be brought to the attention of the Town Board, along with appropriate findings and recommendations from the Planning Board and Zoning Board of Appeals to assist the Town Board in its consideration of any future actions to amend said ordinance and regulations. Further, it is of import for the Town Board to be advised of positive impacts realized from the practical application of said revisions by the Planning Board and Zoning Board of Appeals.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby directs the Chair of the Planning Board and the Chair of the Zoning Board of Appeals to provide a report no later than June 30, 2009, and every six months thereafter as requested by the Town Board, on the impacts of the changes made to the Zoning Ordinance and Subdivision Regulations based on matters brought before each Board and stating in detail the significance, whether detrimental or beneficial, these impacts have had to property owners and business owners; whether any detrimental impact creates any compensating benefit that may outweigh any such detrimental impact and recommendation for amendments to said Zoning Ordinance and Subdivision Regulations to address those impacts that are deemed to be detrimental that are not outweighed by any compensating benefits; and shall further include any positive and beneficial impacts said revisions have had to property owners and business owners; and

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BE IT FURTHER RESOLVED that all reports issued pursuant to this Resolution shall be approved for submission to the Town Board by a majority vote of the Board making such report to the Town Board, and

BE IT FURTHER RESOLVED that the Chair of the Planning Board and the Chair of the Zoning Board of Appeals, or a representative member, shall be present at the meeting of the Town Board when said report shall be given.

Councilman Norris moved to adopt, seconded by Councilwoman McKeon.

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

Request of Town Justices for Renovations to Town Hall Offices and Meeting Room

Justices Cosenza and Farrell distributed the original resolution (August 2007) authorizing their application for a Justice Court grant; Justices have met with Councilwoman McKeon and Councilman Byas modifying the changes requested and considering the views of the Town Historian Cless Bush. A grant for \$14,560 was received and the Justices have put forth 13 resolutions so that if one or 2 modifications were not made the rest could move forward; Supervisor said that one summary resolution had been written that listed the items. Justice Farrell explained that they all work in conjunction with each other.

Number 5 could mean swapping the Justice Clerk door with a bathroom door which has no glass window to create the dutch door.

For number 8 a model was shown of the table adjustments: 2' x 4' cut-out with hinges, creating knee space and a 14 inch rise, to prevent individuals from leaning over the Town Justice, with a hinged footrest that swings back and lays flat, held by a pin in the existing platform/dais.

Number 9 allows for a structure/partition for a witness box; a 3 foot square is comfortable. Jean Bush asked if the structure was handicapped accessible; answer: no change to current elevation.

Number 11 would run behind the Town Justice, would not block exhaust, and flags would stand in front of the curtain. Councilwoman McKeon asked about wiring. Answer: wiring would come up the table legs. Wraparound fluorescent fixtures are proposed with lens that goes up on each side of the fixture. Historian Cless Bush offered that Rocky Store School was the last active one-room schoolhouse in Greene County and may be designated on National Register of Historic Places, the original ceiling is still up there, wainscoting below and white walls above would be a traditional look although quite a bit of work to get back to original, and that light fixtures of an older style may be affordable. Supervisor thought about \$60 each, no cost to taxpayers, and more energy efficient.

Justice Cosenza added that the light switches would be moved to just inside the doorway from the offices. Rich Guthrie asked if, while improving lighting, spotlights might be mounted behind the Town Board. With current wattage, the same could be done with 8 fixtures. Ceiling painting was discussed as a means to provide more light. Councilman Byas asked if the lighting fixtures would be old-style rod and globe. Justice Cosenza did not want to wait a year to find old style lights, the maximum to drop a globe would be 12 inches and a 12 inch globe. The money is not granted to bring back the historic character and if the money is not spent, Office of Court Administration will take it back. The Town of New Baltimore is ranked in the top 15% of New York State courts. Town Clerk Brooks asked to consider painting the lower 4 feet of the wall, mount chair rail typical of old the historic wainscoting, then prime and paint the upper wall white. Future plans include replacing chairs and lighting.

With no objection, Supervisor asked to waive the reading of the resolution.

**RESOLUTION
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**RESOLUTION AUTHORIZING RENOVATIONS TO TOWN HALL
PROPOSED BY TOWN JUSTICES TO BE FUNDED BY
GRANTS RECEIVED FOR THE TOWN JUSTICE COURT**

WHEREAS, the Town of New Baltimore Justice Court has received grant monies from the New York State Office of Court Administration, a portion of which are proposed to be used to fund renovations to improve the operation and efficiency of the Town Justice Court, and

WHEREAS, the Town Justices have proposed specific renovations to the Town Board which involve work to be done in the Town Hall offices and meeting room, and

WHEREAS, the renovations being proposed are to be entirely funded from grant monies received by the Town Justice Court in March, 2008.

NOW THEREFORE, BE IT RESOLVED, that the following renovations proposed by the Town Justices to be made to the Town Hall offices and meeting room, to be funded entirely from grant monies received in March, 2008 by the Town Justice Court from the New York State Office of Court Administration, are hereby approved:

- 1) Removal of a section of the wall between the current Court Clerk's office and the current Supervisor's Office in order to expand the Court Clerk's office.
- 2) Sealing the door of the current Supervisor's office to create more wall space for the expanded Court Clerk's office.
- 3) Creation of a storage closet in the alcove created by sealing off the door of the current Supervisor's office for items currently stored on the floor outside of the current Supervisor's office.
- 4) Sealing off the hall window of the current Court Clerk's office for security purposes.
- 5) Converting the existing Court Clerk's office door to a dutch door style for security purposes.
- 6) Relocation of the Supervisor's office to a portion of the Conference Room.
- 7) Modifying the existing table in the Meeting Room to incorporate the needs of the Town Justices, by allowing for a center portion of the table to be raised during court proceedings to allow for the appropriate seating of the Town Justices and to provide for an electrical outlet to provide for a connection to the Town Justice computers that are used to record court proceedings.
- 8) Installation of a raised platform on the existing platform in the Meeting Room to allow for the elevation of the Justice's chair to fit into the modified table.
- 9) Construction of an area at the western end of the existing table in the Meeting Room for a witness box, to include a skirting across the entire table.
- 10) Purchase of stanchions and velvet roping for the jury box area.
- 11) Installation of a curtain and curtain rod behind the Justices.
- 12) Replacement of existing lighting in the Meeting Room to a wrap around fluorescent fixture to increase lighting in the Meeting Room.

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13) Painting the ceiling of the Meeting Room.

Councilwoman McKeon moved to adopt the resolution, seconded by Councilman Kuenster.

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

Nils Backlund [unable to hear]. Councilwoman McKeon [unable to hear]. Councilman Byas asked if it was necessary to put the work out to bid. The Justices will talk to the contractor about the timeline, adding that as part of the grant they acquired new computers and new scanners; the old equipment will be purged and given to the Town of New Baltimore.

Purchase of Highway Department Equipment

Highway Superintendent Jordan asked to advertise for bids for purchase of F350 one ton cab and chassis, used, to replace the old one ton. Supervisor asked for an estimated range; Superintendent Jordan answered he will not go over \$20,000, and under state contract the new item is \$28,275. Councilwoman McKeon asked what jobs it would accomplish; answer: patching roads, applying crusher run, picking up leaves and there are 137,000 miles on current truck. Needed one previously for hamlet plowing; but the sander can't be taken on and off rapidly. He hopes for 2004 or 05 model with 15-20,000 miles, adding that items are being sold now very competitively because of the economy. Supervisor asked Attorney Wukitsch, as it is necessary to request competitive bids, if a specification would be included offering the Town an opportunity to reject bids; Request For Proposal, answered Attorney Wukitsch. Rich Guthrie asked can it be done in time for winter season. Supervisor answered that the Board will open bids in early January, a new ordered truck would require 12-week lead time and state bid this year is Ford.

**RESOLUTION
DECEMBER 8, 2008**

**RESOLUTION TO AUTHORIZE ADVERTISEMENT
FOR BIDS FOR PURCHASE OF USED CAB AND CHASSIS/DUMP TRUCK
FOR TOWN HIGHWAY DEPARTMENT**

RESOLVED, that the Town Clerk is hereby authorized to advertise for bids for the purchase of a used cab and chassis/dump truck to be used by the Town Highway Department, in accordance with specifications to be prepared by the Town Superintendent of Highways, said bids to be submitted to the Town Clerk's Office no later than 4:00 p.m. on January 5, 2009 and to be publicly opened at 7:30 p.m. on January 5, 2009.

Councilwoman McKeon moved to adopt as amended, seconded as amended by Councilman Norris.

Supervisor added that the purchase if it occurs will be funded by Highway Capital Reserve. Councilman Norris and Supervisor have met with Highway Superintendent Jordan and the Highway inventory is in good shape right now; in a couple of years a loader will be needed. Nils Backlund felt that the odds of finding a cab with a dump are better, **cab and chassis/one-ton dump** will be the wording. This is not a specific seasonal need and would be used year round.

Councilwoman McKeon moved to adopt with amendment, seconded by Councilman Norris.

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

Adoption of Sewer District Tax Roll for 2009

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Two changes: one, a home has been disconnected from the Sewer District, and two, a new house has been added to the Sewer District.

**RESOLUTION
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RESOLUTION TO ADOPT SEWER DISTRICT TAX ROLL FOR 2009

RESOLVED, that the Town Board hereby adopts the Sewer District Tax Roll for 2008, as may be updated for changes in ownership, as the Sewer District Tax Roll for 2009, with the following changes:

- 1) Tax Map ID 7.16-3-39, James Glynn, previously listed on the 2008 Sewer District Tax Roll as a total of 20 Points Debt Service, 20 Points Operation and Maintenance, is hereby listed on the 2009 Sewer District Tax Roll as 10 Points Debt Service, 10 Points Operation and Maintenance, to reflect the disconnection of one home on the property from the sewer system.
- 2) Tax Map ID 7.00-4-15.111, John Schroeder, added to 2009 Sewer District Tax Roll as 10 Points Debt Service, 10 Points Operation and Maintenance, to reflect a newly subdivided parcel with a home connected to the sewer system.

Councilwoman asked, 2008 for 2009 with the changes? **With that, Councilwoman McKeon moved to adopt, seconded by Councilman Kuenster.**

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

Proposed Local Law Establishing 2009 Sewer Use Fees

Also required for 2009, to set a public hearing for the Local Law establishing 2009 Sewer Use Fees, \$ per point \$24.96, increased to \$33.36, yielding a net change of \$.52.

**RESOLUTION
DECEMBER 8, 2008**

**RESOLUTION SETTING PUBLIC HEARING DATE
FOR PROPOSED LOCAL LAW ESTABLISHING 2009 SEWER USE FEES**

BE IT RESOLVED, that the Town Board of the Town of New Baltimore will hold a public hearing on January 5, 2009 at 7:30 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. 1 of 2009, a Local Law Establishing Sewer Use Fees for 2009 for New Baltimore Sewer District No. 1.

PROPOSED LOCAL LAW 1 OF 2009

**A LOCAL LAW ESTABLISHING SEWER USE FEES FOR 2009
FOR NEW BALTIMORE SEWER DISTRICT NO. 1**

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

Section 1 - PURPOSE

The purpose of this Local Law is to establish the sewer use fees to be levied in 2009 for debt service and operation and maintenance for the New Baltimore Sewer District.

Section 2.

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In accordance with the 2009 Budget adopted for the New Baltimore Sewer District, and the Sewer District Tax Roll adopted by the Town Board for the New Baltimore Sewer District for 2009, the following are the per point charges to be levied as Sewer Use Fees for 2009:

Debt Service: \$24.9648 per point

Operation and Maintenance: \$33.6567 per point

Councilman Norris moved to adopt the resolution setting public hearing date for Local Law 1 of 2009, seconded by Councilwoman McKeon.

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

Purchase of Used Laptop for Town Clerk and Town Hall Staff

The Town Clerk has requested use of a laptop for covering meetings and Supervisor has found at auction that is 2 years old and available. Supervisor will inspect it for proper operating condition and the price is \$330.00, contingent upon good working order.

**RESOLUTION
DECEMBER 8, 2008**

**RESOLUTION TO AUTHORIZE PURCHASE OF USED LAPTOP COMPUTER
FOR USE BY TOWN CLERK AND TOWN HALL STAFF**

RESOLVED, that the Supervisor is hereby authorized to purchase a used laptop computer for the use of the Town Clerk and Town Hall staff, as may be needed, provided that the cost of said computer shall not exceed \$330.00 and shall be determined to be in good working order prior to any payment being made by the Town for said computer.

Councilman Kuenster moved to adopt, seconded by Councilwoman McKeon. The equipment has not been refurbished and has been purchased as is.

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

Transfer of Funds from General Fund to Capital Reserve Funds

When 2009 Budget was prepared, it acknowledged an anticipated surplus for 2008 to be set aside into several different Capital Reserve Funds.

**RESOLUTION
DECEMBER 8, 2008**

RESOLUTION TRANSFERRING FUNDS TO CAPITAL RESERVE FUNDS

WHEREAS, the 2008 Budget includes various appropriations for the transfer of funds to Capital Reserve Funds, and

WHEREAS, the Supervisor, in preparing the 2009 Budget, has recommended additional transfers of projected surplus funds to Capital Reserve Funds to plan for the future specific needs of the Town without impacting taxes.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to transfer the following amounts:

1. \$45,000 from the General Fund to the Capital Reserve Fund for Buildings.

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- 2. \$15,000 from the General Fund to the Capital Reserve Fund for Highway Equipment.
- 3. \$1,500 from the General Fund to the Capital Reserve Fund for Parks Equipment.
- 4. \$10,000 from Sewer District 1 to the Repair Reserve Fund for Sewer District 1

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

Transfer of Funds from General Fund to Highway Fund
In 2008 Town Budget there is a \$70,000 transfer from the General Fund to Highway Fund and given higher fuel prices this year Supervisor recommends increasing that by \$4,000 to \$74,000 total.

**RESOLUTION
DECEMBER 8, 2008**

**RESOLUTION AUTHORIZING TRANSFER OF FUNDS
FROM GENERAL FUND TO HIGHWAY FUND**

RESOLVED, that the Supervisor is hereby authorized to transfer \$74,000 from the General Fund to the Highway Fund to provide sufficient funding for the Highway Fund in accordance with the current 2008 Town Budget.

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

Budget Amendments
Without objection, Supervisor did not read this resolution in its entirety. There is a total of \$6,500 net increase in General Fund expenditures, increase in Revenues of \$6500 to balance that. In Highway Fund there is a total expenditures increase of \$4,000 balanced by \$4,000 in Revenues from transfer from General Fund from previous resolution. In Sewer District, there is a transfer but no net change in total. There is a second part of the resolution that accounts for the Capital Reserve transfers in previous resolution.

**RESOLUTION
DECEMBER 8, 2008**

RESOLUTION TO AMEND 2008 BUDGET

RESOLVED, that the following amendments to the 2008 budget are hereby adopted:

GENERAL FUND EXPENDITURES:

ACCOUNT	CURRENT BUDGET	AMENDED BUDGET	CHANGE
A1110.4 Justice Contractual	7,000	9,500	2,500
A1620.4 Buildings Contractual	22,000	26,000	4,000
A1680.4 Data Processing Contractual	1,100	1400	300
A3620.4 Building/Code Enforce. Contractual	3,000	5,000	2,000
A7140.4 Parks Contractual	13,000	13,300	300
A8160.4 Refuse and Garbage Contractual	3,300	3,400	100
A9010.8 State Retirement	19,000	19,039	39
A9060.8 Health Insurance	63,250	56,511	(6,739)
A9901.9 Transfer to Highway Fund	70,000	74,000	4,000

TOTAL CHANGE			6,500
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GENERAL FUND REVENUES:

A2555 Building Permits	16,000	20,000	4,000
A2610 Justice Court Fines	95,000	97,500	2,500

TOTAL CHANGE			6,500
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HIGHWAY FUND EXPENDITURES:

DA5110.1 General Repairs PS	189,700	207,400	17,700
DA5140.1 Brush and Weeds PS	18,600	3,500	(15,100)
DA5142.1 Snow Removal PS	67,700	56,888	(10,812)
DA5110.4 General Repairs Contractual	217,000	218,000	1,000
DA5130.4 Machinery - Contractual	95,000	102,000	7,000
DA5140.4 Brush and Weeds Contractual	2,000	2,350	350
DA9010.8 State Retirement	19,300	22,362	3,062
DA9080.8 Uniforms	8,000	8,800	800

TOTAL CHANGE			4,000
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ACCOUNT	CURRENT BUDGET	AMENDED BUDGET	CHANGE
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HIGHWAY FUND REVENUES:

DA5031 Transfers In	83,000	87,000	4,000
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TOTAL CHANGE			4,000
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SEWER DISTRICT 1 EXPENDITURES

ACCOUNT	CURRENT BUDGET	AMENDED BUDGET	CHANGE
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SS 8110.4 Administration Contr.	3,500	4,100	600
SS 8130.1 Treatment/Disposal PS	30,500	27,866	(2,634)
SS 8130.2 Treatment/Disposal Equip.	4,000	1,100	(2,900)
SS 8130.4 Treatment/Disposal Contr.	23,000	27,500	4,500
SS 9010.8 Retirement	2,400	2,834	434

TOTAL CHANGE			0
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AND BE IT FURTHER RESOLVED, that the following amendments to the 2008 budget are hereby adopted to provide for transfers of anticipated 2008 budget surplus amounts to reserve funds for future uses:

GENERAL FUND EXPENDITURES:

ACCOUNT	CURRENT BUDGET	AMENDED BUDGET	CHANGE
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A7140.2 Parks Equipment	1,500	0	(1,500)
A9901.91 Transfer to Parks Equipment Reserve Fund	0	1,500	1,500
A9901.92 Transfer to Highway Equipment Reserve Fund	0	15,000	15,000
A9901.93 Transfer to Capital Reserve Fund - Buildings	0	45,000	45,000

TOTAL CHANGE			61,500
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GENERAL FUND REVENUES:

Use of Accumulated Fund Balance	90,000	151,500	61,500
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TOTAL CHANGE			61,500
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Councilwoman McKeon moved, seconded by Councilman Kuenster.

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

Regarding scheduling, Supervisor proposed cancelling Work Meeting slated for December 22, 2008.

**RESOLUTION
DECEMBER 8, 2008**

**RESOLUTION SETTING DATE AND TIME FOR 2009 ORGANIZATIONAL
MEETING AND JANUARY REGULAR TOWN BOARD MEETING**

RESOLVED, that the Town Board shall hold its 2009 Organizational Meeting on Monday, January 5, 2009 at 6:45 pm at the New Baltimore Town Hall, 3809 County Route 51, Hannacroix, NY, and

BE IT FURTHER RESOLVED, that the Regular monthly meeting of the Town Board for the month of January shall be held on Monday, January 5, 2009, at 7:45 pm at the New Baltimore Town Hall, 3809 County Route 51, Hannacroix, NY.

Councilman Kuenster moved to adopt, seconded by Councilman Byas.

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

PUBLIC COMMENT

Bernie Jones asked whether a Town Road goes to the Schultz property discussed earlier in the evening. Hunter Bus Garage is on Scheller Park Road, although the property goes all the way to Twisted Tree Lane, off Circle Drive Extension private. Bernie asked isn't part of that parcel in Town of Cocksackie? Answer no. Map was viewed.

Rich Guthrie commended Greene County Highway Department who took their time to do County Route 61 well. Nils Backlund asked if the lease for Hannacroix Preserve is with Open Space Conservancy, a land-owning corporation. Bob Knighton confirmed that this is a part of the Open Space Institute. Answer: yes.

Ellie Alfeld commented about Senior get-togethers, that a plan is moving forward by Pastor Susan Kerr, of the New Baltimore Reformed Church. Councilman Kuenster asked for anything to put in Newsletter for week from today.

MONTHLY REPORTS

Supervisor Louis reported that the Town Board was approving vouchers that appeared on the abstracts prepared for this meeting by the Town Clerk.

County Legislator Jim Van Slyke was not present.

Town Clerk Brooks reported for the month of November: 1 C/O search; Permits: building permits 7, septic replacement permit 1; conservation fees 10, dog licenses 13; marriage licenses 3; minor subdivisions 1, photocopies 79, non-commercial variance 1; and recycling fees with revenue to Town Supervisor of \$1,510.47 and non-local revenue disbursed of \$636.28. Also, the Highway Department was solicited to move the contents of the Conference Room on Dec 4 to prepare for painting on Dec 6; 12 more boxes were inventoried, bringing the total to 141 cartons retained. Thank you to Jim Matera for wreath on Rocky Store School, Diane Louis for wreath over office entry door and paint.

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Highway Superintendent Jordan reported for the month of November 2008: Picked up bagged leaves in hamlet; Cleaned leaves from drains & culverts with leaf machine; Finished mowing & cutting brush along roads; Cut dead trees along roads with County bucket truck; Replaced leaking pinion seal on 93 International; Cleaned beaver dams from culvert pipes; Installed 2 26'x15" culvert pipes on Jennings Road, this was our last incomplete FEMA project; Replaced street signs where missing; Took electronics from Town Hall to Catskill for recycling; Found and fixed air leaks on all trucks; Patched holes with crusher run & winter mix; Picked up garbage along some roads; Changed oil and filter on 2002 Ford pickup & 1993 Ford 1 ton.

Wastewater Treatment Plant Jim Polverelli reported: pumped sludge to beds; checked outside equipment for winter season; replaced timer control for generator at Pump Station; removed grit from influent pit; cleaned drying bed #1; Francisco Equipment serviced generators at Plant and Pump Station.

Town Historian Clesson Bush reported for December: Christy French of Hillcrest Press donated a handful of old Town assessment roll booklets; thanked her personally and by a written note; previously undocumented cemetery was documented; A donation was secured to the Vedder Research Library of a variety of genealogy materials about some local families; Final notification was received of the designation of the Croswell paper mill site on the National Register of Historic Places; Had a couple of chats about the Justice Court project.

Code Enforcement Officer/Building Inspector John Cashin and Christian Larsen reported for July as follows: New Building Permit Applications Received – 14; Pool Permit Applications – 5; Building Permits Issued – 4; Building Permits Re-Opened – 3; Building Inspections – 28; Mobile Home Permits Issued – 1; Pool Permits Issued 3; Stop Work Orders issued – 2; Junk Vehicle Complaints – 1; Court Appearances – 1; Zoning Violation Investigations – 3; Code Violation Investigations – 7; Septic Replacement Permits – 2; Certificates of Occupancy Granted – 4; Certificates of Compliance Granted – 4; Application Fees for Month: \$2,113.52; Total Fees Year to Date: \$.

Newsletter Chair Councilman Kuenster reported proposed deadline one week from Dec 15, 2008. Code Enforcement Officer would like to have an “Ask the Building Inspector” column that will be emailed to Councilman Kuenster. Also, the Highway Department notice to not park on the street.

Assessor Gordon Bennett reported for December: STAR Enhanced Exemption renewals are ongoing. Aged and other exemption renewals: property owners participating will be receiving renewal forms by the end of December. All applications need to be filed before March 1, 2009. Data Collection 2009: Town Data Collector Don Daoust is in the field for annual review of the 2009 Roll. Don is conducting reviews on 28 reopened 2008 Building Permits and remaining incomplete projects from last year. Commission on Property Tax Relief: a summary is attached for review. Assessor Bennett asked about Senior Citizen exemption for 2009 as the County is going up 1,000; Supervisor will recommend a draft, meeting on 1/26 and take action in February; COLA from Soc Sec was something like 5.7%. Tax Collector Diane Stuart asked when Newsletter is being mailed to the public/sent to printer end of following week, and asked Town Clerk for the press release relating to on-line banking services that was published last year.

Agriculture Committee Chair Councilman Kuenster reported having met on December 4, 2008, at 7:00 pm at Town Hall. Present: Alma, Ted, Kevin, Ross, Chris and Maggie. Minutes were read. Discussed Coxsackie Supervisor Betke and the Towns jointly applying for Farmland Protection Grant. Committee will pursue Greene County Legislature Chair Wayne Speenburgh's offer for Right to Farm signage for Town of New Baltimore. Chris was given the proposal for a winter event by the Agriculture Committee and to approach Town of Coxsackie and their interest. Also there is interest in digitally

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putting together a calendar or book of New Baltimore's barns, collaboration of old and new photos, advertise in the Newsletter to determine if there is interest in having barns in such a book. Consider a professional photographer to take photos of New Baltimore Barns; book would be for sale at the Farmers' Market.. Town Historian Cless Bush recommended they contact local attorney Ted Hilscher who has previously published such a book. Liz is investigating the process of applying for a grant. Spoke about the "Friends of Agriculture", a committee of citizens demonstrating community interest and involvement. Thank you letters to go out to those instrumental in helping. Discussed how to extend the Farmers' Market, even with sufficient vendors, better to diversify vendors. Want cheese, beef and chickens; now looks like chickens will be there but cheese and beef are doubtful; good chance for free range chickens. With the Farmers' Market growth the concern is whether we may run out of room for vendors. Locations were discussed. First Farmers' Market meeting: Dec. 11, 2008, at 7:00 pm.
Next meeting of Committee: January 8, 2009.

Public Memorial Committee will meet prior to January Work Meeting on January 26, 2009.

Planning Board Chair Lee Davis reported the Planning Board met on November 13, 2008, with the following business transacted:

Public Hearings scheduled for the Susan Mulhern minor subdivision and Package Pavement Site Plan had to be re-scheduled for 7:30 and 7:45 p.m. respectively on December 11, 2008, because the required Public Hearing Notices to be placed in the Town's official newspaper, The Greenville Press, submitted electronically were not received by the newspaper and therefore the required notice was not published.

In the regular monthly meeting, the following business was transacted:

Received a Minor Subdivision Application from Timothy and Christina Walsh for a two-lot subdivision of their property located on High Mount Road. Required Public Hearing was scheduled for 8 p.m., December 11.

Received a Minor Subdivision Application from John & Michelle Hebda for a two-lot subdivision of their property located on Shady Lane. Required Public Hearing was scheduled for 8:15 p.m., December 11.

Zoning Board of Appeals Vice Chair Meave Tooher reported the monthly meeting was held on December 3 and heard the application of Emmanuel and Jane Philipps for an Area Variance to allow them to keep the existing shed on their property that does not meet the required setback from 9W and side lot line. Since the shed has existed in the same location for approximately 20 years, the Board discussed and opted to waive the Public Hearing on this application. Resolution was then passed granting the Variance.

Recycling Center Operator Spencer Sebert reported receiving 1 microwave, 4 tires, with revenue to Town of \$ 10.00. Additionally, 29 60-gallon bags of plastic, 8 55-gallon drums of cans, 75 bundles of magazines, 85 bundles of newspaper, 13 bags of shredded paper, 45 bundles of cardboard, and 1.5 ton of metal. During the month, the New Baltimore Conservancy brought in 20 tires and the Highway Department brought 3 tires. For Town Hall Maintenance, Spencer installed shrink film insulation on Meeting Room windows.

Animal Control Officer Joe Tanner had no report.

Fire/EMS /Law Enforcement Chair Councilman Norris reported for the Greene County EMS November 18 meeting, the draft employee handbook was voted on and is now part of the training manual- to help new and present employees become acquainted with Greene EMS and policies and benefits; 18 ALS calls in October for a total of 83 year to date. A grant writer was hired last month to look into grants for electric patient care reporting system, making data gathering and billing easier. Walmart donated 5 global positioning system devices that will be installed in flycars. Next meeting in January 2009

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For Parks, Councilwoman McKeon had no report.

Promotion/Economic development Chairman Kuenster had no report.

Grants had no report.

For Website and Technology, some equipment is being ordered for renovations to the downstairs. Jeff Broadhurst facilitated the work done and has set up a wireless unit upstairs making internet possible from the conference room/Supervisor office.

Personnel had no report.

Councilman Byas and Jean Bush need to be thanked as Stanton Hill cemetery is now on Greene County Historic Register.

With no more from the Board or the public and with warm wishes for the holiday season, Councilman Norris moved to adjourn, seconded by Councilman Byas.

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

The meeting was adjourned at 9:35 p.m.

Respectfully,

Janet A. Brooks
Town Clerk