

**TOWN OF NEW BALTIMORE, COUNTY OF GREENE
WORK MEETING**

**FEBRUARY 24, 2014
AGENDA**

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Reports

Insurance (Chair Benway/Member VanEtten)

- Presentation by Nolan Pazin from Marshall & Sterling Concerning Insurance Coverage for 2014
- Resolution to Approve Property and Casualty Insurance Coverage from Marshall & Sterling for 2014

Supervisor

- Resolution to Adopt Rules Pertaining to Public Access to Records (FOIL) of the Town of New Baltimore
- Resolution to Authorize the Highway Superintendent to Purchase Diesel Fuel and #2 Heating Oil for Highway Use by State Contract for 2014
- Resolution to Authorize the Highway Superintendent to Purchase Washed Stone Dust for Highway Use by County Contract for 2014, Resolution No. 183-13

County Legislator (Invited)

Town Clerk

Tax Collector

Historian

Agriculture (Chair Norris/Member Benway)

Ag Fest Liaison (Member Ruso)

Animal Control (Chair Ruso/Member Norris)

Assessment (Chair Dellisanti/Member Norris)

Audit and Control Committee (Chair Ruso/Member Dellisanti)

- Resolution for a Special Work Meeting on March 31 at 6 PM for Presentation by Tal Rappleyea to the Town Board and Department Heads on the Procurement Policy at a Rate of \$150 Per Hour

Buildings & Grounds/Recycling (Chair Ruso/Member Norris)

Building Inspector/Code Enforcement (Chair VanEtten/Member Benway)

Fire, EMS & Law Enforcement (Chair Dellisanti/Member VanEtten)

Greene County EMS (Representative Dellisanti/Deputy Norris)

Grants/Promotions/Economic Development (Chair Ruso/Member VanEtten)

Highway (Chair Dellisanti/Member Ruso)

Memorial (Chair Benway/Member Norris)

Personnel (Chair Ruso/Member Dellisanti)

Planning Board/Zoning Board of Appeals (Chair VanEtten/Member Dellisanti)

- Resolution for a Special Work Meeting on March 31 at 7 PM for Presentation by Tal Rappleyea to the Planning Board and Zoning Board of Appeals on the Environmental Assessment Form at a Rate of \$150 Per Hour, Said Training to be Included in Annual Training Requirement for Planning Board and Zoning Board of Appeals Members

Seniors and Veterans (Chair VanEtten/Member Benway)

Technology/Website (Chair Benway/Member VanEtten)

Town Courts Liaison (Member Ruso)

Wastewater Treatment (Chair Norris/Member Benway)

Youth, Parks and Recreation (Chair VanEtten/Member Dellisanti)

Public Comment Period/Community Events

Adjournment

****** Agenda Subject to Change******

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION
FEBRUARY 24, 2014**

**RESOLUTION TO APPROVE PROPERTY AND CASUALTY INSURANCE
COVERAGE FROM MARSHALL & STERLING**

WHEREAS the Town of New Baltimore received proposals for Property and Casualty Insurance which were reviewed by the Insurance Committee

THEREFORE BE IT RESOLVED that the Town Board of the Town of New Baltimore hereby authorizes the Supervisor to take the necessary actions to coverage with through Marshall & Sterling Agency effective March 5, 2014.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION
FEBRUARY 24, 2014**

**RESOLUTION TO ADOPT RULES PERTAINING TO PUBLIC ACCESS TO
RECORDS (FOIL) OF THE TOWN OF NEW BALTIMORE**

WHEREAS, pursuant to Public Officers Law, Article 6, Section 84-90, all town records belong to our citizens and it is our duty to make them available.

THEREFORE BE IT RESOLVED, that the Town of New Baltimore adopts the attached FOIL Policy regarding public access to records and their timely availability to the public.

RULES PERTAINING TO PUBLIC ACCESS TO RECORDS (FOIL) OF THE TOWN OF NEW BALTIMORE

1. Purpose and Scope
2. Designation of Records Access Officer
3. Location
4. Hours for Public Inspection
5. Requests for Public Access to Records
6. Subject Matter List
7. Denial of Access to Records
8. Fees
9. Severability

§ 1 Purpose and Scope.

(a) The State Legislature finds that a free society is maintained when government is responsive and responsible to the public. The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. The more open a government is with its residents, the greater the understanding and participation of the public in government. All Town records belong to our citizens and it is our duty to care for them properly and make them available. See generally Public Officers Law, Article 6, §§ 84-90 *and Chapter XXV 21 NYCRR Part 1401*.

(b) Any New York State or municipal department or government entity performing a governmental or proprietary function is subject to the Freedom of Information Law, most commonly referred to as "F.O.I.L." or "FOIL." Each governmental entity is an "agency." The Town Justice Court is outside its coverage but often must disclose records under other provisions of law. Set forth herein are the procedures to be followed when individuals seek access, pursuant to the Freedom of Information Law, to records in the custody of and maintained by the Town of New Baltimore.

(c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law. In this regard the term "records" is defined to include all information kept, held, filed, produced or reproduced by, with or for the Town of New Baltimore in any physical form whatsoever and applies to Town records generated, received, or maintained electronically, including, but not limited to, all records and data kept on Town servers, individual computers, e-mail logs, private e-mail messages, text messages, etc.

§ 2 Designation of Records Access Officer.

The New Baltimore Town Clerk is responsible for insuring compliance with FOIL and with the policies and procedures established by the Town of New Baltimore for responding to release of information requests. The Town Clerk is designated as Records Access Officer.

§ 3 Location.

Unless otherwise specified, records shall be available for public inspection and copying at:

New Baltimore Town Clerk's Office
3809 County Route 51
Hannacroix, NY 12087

§ 4 Hours for Public Inspection.

Requests for public access to records may be made by appointment with the Town Clerk's Office.

§ 5 Request for Public Access to Records.

(a) A written request shall be required. A standard request form will be generally used, although it will not be an absolute requirement to use that form when filing a Freedom of Information Law request. All FOIL requests should be directed and/or submitted to the Town Clerk. It shall be the responsibility of the Town Clerk to make the decision as to how each FOIL request should be responded to.

(b) An acknowledgement letter will be sent to the requestor within five (5) business days of receipt of a request by the Town Clerk.

(c) A decision and response will be made by the Town Clerk, which shall not be denied unless the records responsive to the request fall within one of the exceptions in the FOIL Law or relevant NYS case law.

(d) The records will be provided on the medium requested by a person if the Town can professional service.

(e) If records are maintained on the internet, the requestor shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.

(f) Once the Town Clerk has obtained the records that have been requested, the requestor will be contacted to either review the records, or pick up the copies of the records. The Town Clerk will inform the requestor of the times and places the records are available, from whom the records may be obtained, and the fees for the copies of the records requested. While in most cases, the records will be forwarded to the ***Town Clerk's Office***, in some cases, the requestor will be asked to view or pick up the records at the respective department. ***Such records will be made available within 20 (twenty) business days following the initial acknowledgement letter unless additional time is required by the Town Clerk to obtain and reproduce same. In that event, the Clerk shall advise the requestor in writing of the reason for the need for such additional time and an estimate of when the records shall be reasonably available.***

(g) The Town Clerk will close the FOIL request once it is satisfied and paid or it is denied.

(h) A failure to comply with the time limitations described herein may result in the request being deemed denied and subject to appeal.

(i) The Town Clerk shall forward a copy of all FOIL requests and any subsequent correspondence to or from the requestor to the Town Board within five days thereof.

(j) Attorney Review of the FOIL Package, once all requisite material is compiled for the satisfaction of any individual FOIL request, and there are no outstanding payments from the requestor, the Records Management Officer will deliver the complete FOIL package to the New Baltimore town attorney for a final review.

§ 6 Subject Matter List.

(a) The Town Clerk shall maintain a reasonably detailed current list by subject matter of all records maintained by the Town of New Baltimore, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.

(b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

§ 7 Denial of Access to Records and Appeal of Denial.

(a) Denial of access to records shall be from the Town Clerk and shall be in writing stating the reason therefore and advising the requestor of the right to appeal in writing, within thirty (30) days of the denial, to the New Baltimore Town Supervisor, 3809 County Route 51, Hannacroix, NY 12087.

(b) The time for deciding an appeal from the New Baltimore Town Clerk shall commence upon receipt of the written appeal that identifies the following:

(1) the date and location of requests for records;

(2) a description, to the extent possible, of the records that were denied; and

(3) the name and return address of the person denied access.

(c) A failure to determine an appeal within ten (10) business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

(d) The New Baltimore Town Supervisor shall inform the appellant and the Committee on Open Government of its determination in writing within ten (10) business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government at the following address:

Committee on Open Government Department of State
41 State Street
Albany, NY 12231

§ 8 Fees.

(a) There shall be no fee charged for:

(1) inspection of records;

(2) search for records; or

(3) any certification pursuant to this part.

(b) Fees for copies may be charged, provided that:

(1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches;

(2) the fee for copies of records not covered by paragraph (1) of this subdivision, such as fees for the actual cost of reproducing any other records in varying forms of media such as a computer disk, flash drive or similar mechanism, will also be charged; the cost of reproducing a record may include the hourly salary paid to the lowest paid agency employee able to reproduce the record if at least two hours of agency employee time is needed to prepare a copy of the record requested, the cost of the storage device or media provided to the person making the request and the cost of engaging an outside organization to produce a copy of the record.

(d) The requestor will be instructed to pay the Town Clerk for the fees incurred.

(e) In the event the requestor has requested records in which photocopying fees will be in excess of \$10.00, the requestor will be required to pay a deposit of \$10.00 prior to the photocopying of documents. This will ensure that the requestor is serious in the request to receive the information and avoid the risk of time being wasted by employees making photocopies of records that are never claimed.

§ 9 Severability.

If any provision of these rules or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these rules or the application thereof to other persons and circumstances.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION
FEBRUARY 24, 2014**

**RESOLUTION TO AUTHORIZE HIGHWAY SUPERINTENDENT TO
PURCHASE DIESEL FUEL AND #2 HEATING OIL FOR HIGHWAY USE BY
STATE CONTRACT FOR 2014**

WHEREAS the Town Board hereby authorizes the Highway Superintendent to purchase for the year 2014 Ultra-low Sulfur Diesel at the contract price offered by State Contract PC 66159 for an amount not to exceed 7,700 gallons. The current price per gallon per state contract is \$3.45. Therefore, the Highway Superintendent is authorized to expend in an amount not to exceed \$26,565 for Diesel Fuel in 2014. The Highway Superintendent will inform the Town Board of cumulative expenditures and unused balance for this product.

WHEREAS the Town Board hereby authorizes the Highway Superintendent to purchase for the year 2014 #2 Heating Oil at the contract price offered by State Contract PC 66172 an amount not to exceed 1,500 gallons. The current price per gallon per state contract is \$3.2152. Therefore, the Highway Superintendent is authorized to expend in an amount not to exceed \$4,822.80 for #2 Heating Oil in 2014. The Highway Superintendent will inform the Town Board of cumulative expenditures and unused balance for this product.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION
FEBRUARY 24, 2014**

**RESOLUTION TO AUTHORIZE HIGHWAY SUPERINTENDENT TO
PURCHASE WASHED STONE DUST FOR HIGHWAY USE BY
COUNTY CONTRACT FOR 2014**

WHEREAS the Town Board hereby authorizes the Highway Superintendent to purchase for the year 2014 Greene County Product No. 1337 for Washed Stone dust at the contract price offered by Greene County Resolution No. 187-13 for an amount not to exceed 1,800 tons. The published price per ton is \$7.50. Therefore, the Highway Superintendent is authorized to expend in an amount not to exceed \$13,500 for Washed Stone Dust in 2014. The Highway Superintendent will inform the Town Board of cumulative expenditures and unused balance for this product.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION
FEBRUARY 24, 2014**

**RESOLUTION FOR SPECIAL WORK MEETING ON MARCH 31 AT 6 PM FOR
PRESENTATION BY TAL RAPPLEYEA TO THE TOWN BOARD AND
DEPARTMENT HEADS ON THE PROCUREMENT POLICY**

WHEREAS the Town Board of the Town of New Baltimore adopted a new Procurement Policy on January 1, 2014 in response to an audit of highway purchases in 2013 and a training session was requested to discuss this policy,

WHEREAS a Special Meeting has been scheduled for March 31 at 6 PM and the Town Clerk is requested to notice this meeting,

THEREFORE BE IT RESOLVED that Tal Rappleyea, Attorney for the Town, is hereby authorized to provide training to the Town Board and Department Heads at a rate of \$150/hour.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION
FEBRUARY 24, 2014**

**RESOLUTION FOR SPECIAL WORK MEETING ON MARCH 31 AT 7 PM
FOR PRESENTATION BY TAL RAPPLEYEA TO THE PLANNING BOARD
AND ZONING BOARD OF APPEALS ON THE ENVIRONMENTAL
ASSESSMENT FORM, SAID TRAINING TO BE INCLUDED IN ANNUAL
TRAINING REQUIREMENT FOR PLANNING BOARD AND ZONING
BOARD OF APPEALS MEMBERS**

WHEREAS the Town Board of the Town of New Baltimore has been requested by the Planning Board and Zoning Board of Appeals to hold a training session to discuss the Environmental Assessment Form,

WHEREAS this training will be included in the annual training requirement for Planning Board and Zoning Board of Appeals Members,

WHEREAS a Special Meeting has been scheduled for March 31 at 7 PM and the Town Clerk is requested to post notice for this meeting,

THEREFORE BE IT RESOLVED that Tal Rappleyea, Attorney for the Town, is hereby authorized to provide training to the Planning Board and Zoning Board of Appeals at a rate of \$150/hour.