

Public Hearing 0on Local Law 1 Authorizing Participate in a Community Choice Aggregation Program at 6:30 PM

Public Hearing on Local Law 2 Establishing Process and Regulation of Lot Line Adjustments at 7 PM

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

JULY 25, 2016

AGENDA

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Reports

Supervisor

- Resolution to Adopt Local Law 1 of 2016 Authorizing Participation in a Community Choice Aggregation Program
- Resolution to Adopt Local Law 2 of 2016 Regarding Altered Lot Lines and Boundary Line Adjustments

County Legislator

Town Clerk

- July 11, 2016 Regular Town Board Meeting Minutes

Tax Collector

Historian

Agriculture (Chair Irving/Member Briody)

Ag Fest Liaison (Member Irving)

Animal Control (Chair Ruso/Member Dellisanti)

Assessment (Chair Dellisanti/Member VanEtten)

Audit and Control Committee (Chair Ruso/Member Dellisanti)

Buildings & Grounds/Recycling (Chair Irving/Member Briody)

- Resolution to Authorize the Purchase of Propane from Nolan Bottle Gas Company, Inc.

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

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

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

Greene County EMS (Representative Dellisanti/Deputy Ruso)

Greene County Planning Board (Member Irving)

Highway (Chair Dellisanti/Member Ruso)

- Resolution to Transfer Funds Between Highway Fund Accounts
- Resolution to Accept Bid for Purchase of Zero-Turn Commercial Mower

Insurance (Chair Ruso/Member Briody)

Personnel (Chair Ruso/Member Dellisanti)

Planning Board/Zoning Board of Appeals (Chair Irving/Member Ruso)

Seniors (Chair VanEtten/Member Irving)

Technology/Website (Chair Briody/Member VanEtten)

- Resolution Authorizing Purchase of Philips Recording System and Transcription Kit for Town Meetings

Town Courts Liaison (Chair VanEtten/Member Briody)

- Resolution Authorizing Expenditures Proposed by Town Justices to be Funded by Grants Received for the Town Justice Court

Veterans and Memorials (Chair VanEtten/Member Irving)

Wastewater Treatment (Chair Irving/Member Briody)

- Resolution to Approve Emergency Repair of Motor at the Wastewater Treatment Plant

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

- Resolution Appointing Summer Recreation Program Substitute Counselors

Public Comment Period/Community Events

- July 29, 2016 Veterans Committee Meeting at 11 AM
- August 2, 2016 Zoning Board of Appeals Meeting If Needed at 7:30 PM
- August 8, 2016 Town Board Regular Meeting at 7 PM
- August 11, 2016 Planning Board Meeting at 7 PM
- August 24, 2016 Comprehensive Plan Committee at 7 PM
- August 22, 2016 Town Board Work Meeting at 7 PM
- August 28, 2016 Veterans Committee Picnic at District 2 Park at 12 Noon
- September 17, 2016 Townwide Yard Sale from 9 AM-4 PM

Audit of Claims

Adjournment

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

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION #132-2016

JULY 25, 2016

**RESOLUTION TO ADOPT LOCAL LAW 1 OF 2016 AUTHORIZING
PARTICIPATION IN A COMMUNITY CHOICE AGGREGATION PROGRAM**

WHEREAS the Town Board of the Town of New Baltimore has held a Public Hearing on July 25, 2016 at 6:30 PM regarding proposed Local Law 1 of 2016, a Local Law Authorizing Participation in a Community Choice Aggregation Program at which time the public was given an opportunity to speak regarding this proposed local law.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore does hereby adopt Local Law 1 of 2016 Authorizing Participation in a Community Choice Aggregation Program.

**TOWN OF NEW BALTIMORE
LOCAL LAW # 1 OF 2016
AUTHORIZING PARTICIPATION IN A
COMMUNITY CHOICE AGGREGATION PROGRAM**

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

ARTICLE I

§1. Legislative Findings; Intent and Purpose; Authority

A. It is the purpose of this Local Law to seek to reduce the cost of natural gas and electricity to its residents.

B. The purpose of this CCA Program, as set forth in a certain agreement between the Town of New Baltimore and Good Energy, L.P., is to allow participating local governments including the Town of New Baltimore to procure energy supply service for their residential and commercial customers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program that will allow the [Town of New Baltimore or its designated agent for that purpose, to put out for bid the total amount of natural gas and/or electricity being purchased by their residential and Commercial customers. Bundled Customers will have the opportunity to have more negotiating strength and consequential potential to lower their overall energy costs, and to improve customer choice and value, by providing an additional alternative source for electricity and natural gas; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.

C. The Town of New Baltimore is hereby authorized to participate in a COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs, Order Authorizing Framework for Community Choice Aggregation Opt-Out Program (issued April 20, 2016), including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 24-M-0224 (collectively, the “Order”).

D. This Chapter shall be known and may be cited as the “COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM Law” of the Town of New Baltimore.

§2. Definitions

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission’s Uniform Business Practices or, if not so defined there, as indicated below:

Administrator – Good Energy, LP, a New York State not-for-profit corporation.

Bundled Customers – Residential and Commercial customers of electricity or natural gas (“fuels”) who are purchasing the fuels from the Distribution Utility.

Commercial – Non-residential customers as permitted in the Order.

Community Choice Aggregation Program or CCA Program – A municipal energy procurement program, which replaces the incumbent utility as the default Supplier for all Bundled Customers within the Town of New Baltimore.

Distribution Utility – Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.

Public Service Commission – New York State Public Service Commission.

Suppliers – Energy service companies (ESCOs) that produce electric power and natural gas for Bundled Customers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§3. Establishment of a COMMUNITY CHOICE AGGREGATION (ENERGY) Program.

A. A Community Choice Aggregation (Energy) Program is hereby established by the Town of New Baltimore, whereby the Town of New Baltimore shall cooperate with the Administrator by participating in the CCA Program to the full extent permitted by the Order, as set forth more fully herein. The Town of New Baltimore’s role under the CCA Program involves the aggregating of the electric and/or natural gas supply for its residents, and the entering into a contract with one or more Suppliers, through the Administrator, for the procurement of electricity and/or natural gas supply for its residential and Commercial customers. Under the CCA Program, the operation and ownership of the utility service shall remain with the Distribution Utility.

B. The Town of New Baltimore’s procurement of energy supply through a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Town of New Baltimore will not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers through the Administrator on behalf of participating residential and Commercial customers.

C. In order to implement the CCA Program, the Town of New Baltimore shall adopt one or more resolutions that outline the process of and conditions for participation in the CCA Program, as consistent with the Local Law and the Order. The Town of New Baltimore shall adopt the following policies and agreements consistent with the Order: (i) an Implementation Plan; (ii) a Data Protection Plan; (iii) a Data Security Agreement; and (iv) a Certification of Local Authority

(collectively, the “Policies”). The Policies shall be adopted, submitted, amended, supplemented and filed in accordance with the Order.

D. The Public Service Commission supervises retail markets and participates in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

§4. Customer Eligibility.

A. Residential and Commercial customers, regardless of size, shall be eligible to participate in the CCA Program.

B. The Administrator shall apply opt-in and opt-out status to customers in accordance with the Order.

§5. Supplier Selection; Supplier Contracts.

A. The Administrator, on behalf of the Town of New Baltimore, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award a contract in accordance with the CCA Program.

B. The terms of the Supplier contracts (“CCA Contract”) shall comply with the Order.

§6. Opt-Out Notice and Procedures.

A. The Administrator shall provide information and education to potential CCA customers over no less than a two (2) month period.

B. The Town of New Baltimore shall mail opt-out letters to eligible opt-out customers provided: (i) the Policies have been filed; and (ii) the opt-out letters have been deemed compliant.

C. The opt-out letter shall comport with the requirements set forth in the Order.

D. The initial opt-out period shall be thirty (30) days after notification is sent to the customer.

§7. Customer Data Sharing.

A. The Administrator may request the Distribution Utility’s aggregated customer information on all Bundled Customers in the Town of New Baltimore provided the Public Service Commission has approved the Policies.

B. Provided the Administrator has complied with the requirements of (A), the Distribution Utility shall transfer the aggregated customer and usage data within twenty (20) days of a request from the Administrator in accordance with the Order.

C. Customer-specific information may be requested for all eligible customers once the Administrator demonstrates that the requisite contracts with ESCOs have been entered into and executed. Detailed customer information may be requested for eligible customers who did not opt-out once the initial opt-out period has closed.

D. After the Administrator has entered into a CCA Contract with an ESCO, the Distribution Utility shall transfer customer-specific data to the Administrator within five (5) days of a request in accordance with the Order.

E. The Administrator, the contracted Supplier, and the Town of New Baltimore will protect customer information as required by law, subject to the Order and the limitations of the New York State Freedom of Information Law.

Section 2. This local law shall take effect upon filing with the Secretary of State.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION #133-2016

JULY 25, 2016

**RESOLUTION TO ADOPT LOCAL LAW 2 OF 2016 REGARDING ALTERED
LOT LINES AND BOUNDARY LINE ADJUSTMENTS**

WHEREAS the Town Board of the Town of New Baltimore has held a Public Hearing on July 25, 2016 at 7:00 PM regarding proposed Local Law 2 of 2016, a Local Law Regarding Altered Lot Lines and Boundary Line Adjustments at which time the public was given an opportunity to speak regarding this proposed local law.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore does hereby adopt Local Law 1 of 2016 Regarding Altered Lot Lines and Boundary Line Adjustments.

TOWN OF NEW BALTIMORE
LOCAL LAW #2 OF 2016
Altered Lot Lines and Boundary Line Adjustments

1. Short title.

This article shall be known as the “Lot Line Law of the Town of New Baltimore.”

2. Purpose.

- A. The purpose of this local law is to amend the existing Town of New Baltimore Subdivision Regulations such that lot line alterations and boundary line adjustments are considered separately from subdivision of land.
- B. Where this article conflicts or is inconsistent with the Town of New Baltimore Subdivision Regulations, this article shall supersede said regulations.

3. Definitions.

As used in this article, the following terms shall have the meaning indicated:

ALTERED LOT LINE – The process whereby the owner of one parcel of land conveys a portion of land to an adjacent landowner merely for purposes of increasing the size of the neighbor’s land or to accommodate a natural feature of the premises or the local zoning law without creating a new lot. However, this lot line law shall not be applicable where any lot affected by the proposed new lot line creates a new subdividable parcel and the applicant must, in that case, submit a full minor or major subdivision application, as the case may be.

BOUNDARY LINE ADJUSTMENT - A change in the boundary of two adjoining, lots, which may be utilized to correct error(s) in deed(s) or to fulfill a shared desire of the property owners involved wherein no more than one acre is to be conveyed or at the discretion of the Planning Board.

SUBDIVISION – The division of any parcel of land into two or more lots, blocks or sites, with or without streets, and including resubdivision. Specifically excluded from this definition, however, is an “altered lot line.”

4. Application and procedure for creating an altered lot line.

- A. A map and survey of the portion of land to be conveyed by a grantor to his/her adjacent landowner shall be prepared showing any existing buildings within 100 feet of all boundary lines.
- B. A map or survey of the adjacent landowner’s property shall also be prepared, if required pursuant to the provisions of Subsection G below; said map or survey shall show both the adjacent landowner’s parcel and the parcel to be acquired as a single parcel of land.
- C. The grantor shall convey the parcel of land in issue by way of a proper deed and shall record the same.
- D. The adjacent landowner shall prepare and record a deed which describes, as a single parcel, his/her existing property and the parcel being acquired from the grantor. In the event, however, a survey of the adjacent landowner’s property is not used, then the

adjoining landowner shall prepare and record one deed which describes both his/her existing parcel being acquired from the grantor as two separate parcels. In such case, however, the deed shall contain a clause stating that the purpose of acquiring the additional parcel is merely to increase the size of the existing parcel and that no new building lot is created by the conveyance.

E. Review and approval.

(1) Prior to approving an altered lot line, the New Baltimore Planning Board shall review;

- a. The map and survey of the land to be conveyed by the grantor.
- b. The map or survey showing both the adjacent landowner's property and the land to be conveyed by the grantor as a single parcel of land.
- c. The deed conveying the parcel in issue to the adjacent landowner.
- d. The deed of the adjacent landowner which describes his existing property and the parcel being acquired from the grantor, either as a single parcel or as two separate parcels in accordance with the provisions of Subsection D above.

(2) Upon approving an altered lot line, the New Baltimore Planning Board Chairman shall mark the adjacent landowner's survey map "accepted for filing by the New Baltimore Planning Board," and it shall be properly signed and dated by the duly designated officer of the planning Board. In the event the approved survey map and the receptive deeds are not filed in the office of the Greene County Clerk within 30 days of the date upon which they are approved, the altered lot line shall become null and void as though it had never been approved. The thirty-day time period, however, may be extended upon request of the grantor or the adjacent landowner and upon approval of the Planning Board.

- F. Unless a variance is granted, an altered lot line shall not be approved where such conveyance would cause a parcel to fail to meet the minimum lot size or setbacks required by any Town of New Baltimore local law or regulation.
- G. The New Baltimore Planning board may in its discretion require a survey map of the adjacent landowner's property with just cause.
- H. The Town of New Baltimore shall charge a fee as shall be set from time to time by resolution of the Town Board for each lot line application submitted.

5. Application and procedure for creating a boundary line adjustment.

The following items shall be submitted to the Planning Board:

- A. A filing fee in an amount as shall be set from time to time by resolution of the Town Board,
- B. A map and survey of the portion of land to be conveyed by a grantor to his/her adjacent landowner shall be prepared showing any existing buildings within 100 feet of all boundary lines.
- C. A map or survey of the adjacent landowner's property shall also be prepared, if required pursuant to the provisions of Subsection 4. G above; said map or survey shall show both the adjacent landowner's parcel and the parcel to be acquired as a single parcel of land.

- D. Deeds describing the new boundaries of the properties;
- E. A brief written description of the purpose of the proposed transaction; and
- F. A public hearing is not mandatory, however the Planning Board may require a public hearing if in its discretion there may be substantial environmental or community impacts associated with the application.

6. Approval.

The decision of the Planning Board shall be rendered in writing within 62 days of the date all items set forth above were received by the Clerk of the Planning Board. The Planning Board shall deny any boundary line adjustment which violates existing Town of New Baltimore local law or regulation or is inconsistent with the stated purpose of such law or regulation. In the event the boundary line adjustment is approved, the Chairperson shall affix the date and stamp of the Town upon the map submit

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 134-2016

JULY 25, 2016

**RESOLUTION TO AUTHORIZE THE PURCHASE OF PROPANE
FROM NOLAN BOTTLE GAS COMPANY, INC.**

RESOLVED the Town Board hereby authorize the purchase of Propane from Nolan Bottle Gas Company, Inc. at the contract price offered by Greene County Resolution 215-16 at a fixed price of \$0.68 per gallon from September 1, 2016 through August 31, 2017.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION #135-2016
JULY 25, 2016**

**RESOLUTION TO TRANSFER FUNDS BETWEEN HIGHWAY
FUND ACCOUNTS**

WHEREAS the Highway Superintendent requested additional road paving in the 2016 paving cycle.

WHEREAS the Town received \$142,248.39 from CHIPS funding and \$32,469.61 from PAVE NY for a total of \$174,718.

RESOLVED that \$21,000 be transferred from Highway Department Account DA5110.4 (Road Repair) to DA 5112.4 (CHIPS) for this additional paving.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION #123-2016
JULY 25, 2016**

**RESOLUTION TO ACCEPT BID FOR PURCHASE OF
ZERO-TURN COMMERCIAL MOWER**

WHEREAS the Town Board by Resolution 118-2016 dated June 27, 2016 authorizing the Town Clerk to advertise for bids for a Zero-Turn Commercial Mower to be submitted to the Town Clerk's office no later than 4 PM on Monday, July 11 and to be publicly opened at 7 PM on July 11, and

WHEREAS two bids have been received and opened at the Town Board Meeting on July 11 at 7 PM pursuant to the Town Board's authorization, and

WHEREAS a lower bid of \$9,335.48 was received by Keil Equipment Co. Inc, however, according to the Highway Department it did not meet the specifications in the Notice for Bidders.

WHEREAS, another bid was offered by Max S. Wood in the amount of \$9,700 that did meet the specifications in the Notice for Bidders.

NOW, THEREFORE, BE IT RESOLVED, after consultation with the Highway Superintendent and Highway Department, the Town Board does hereby accept the bid of Max S. Wood pursuant to publicized bid in the amount of \$9,700. .

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION #136-2016

JULY 25, 2016

**RESOLUTION AUTHORIZING PURCHASE OF PHILIPS RECORDING
SYSTEM AND TRANSCRIPTION KIT FOR TOWN MEETINGS**

WHEREAS the cassette recording equipment at Town meetings has become antiquated, obsolete, and in need of an upgrade and the Technology Committee has made a recommendation for replacement.

RESOLVED that the Town Board approves the purchase of a Philips Digital Conference Recording System LFH0955 (Item PH-D-LFH0955-12) for \$698 and Transcription Kit LFH7277 (Item PH-LFH7277-05) from Executive Communication Systems for \$997.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION #137-2016

JULY 25, 2016

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

WHEREAS the Town of New Baltimore Justice Court received grant monies from the New York State Office of Court Administration in 2012-13.

RESOLVED the Town Justices have proposed the expenditure for a bulletproof vest from said grant from Rosen Uniforms for \$783.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 138-2016

JULY 25, 2016

**RESOLUTION TO APPROVE EMERGENCY REPAIR OF A MOTOR
AT THE WASTEWATER TREATMENT PLANT**

WHEREAS , the Town Board of the Town of New Baltimore adopted a Procurement Policy on January 1, 2016 concerning the procurement of goods and services.

WHEREAS, Wastewater Treatment Operator Louis Betke determined that the bearings on the rotor had failed causing the motor to fail and it was critical to have this repair made as soon as possible and said repair could not be completed in-house.

WHEREAS, due to the emergency condition of this repair and according to Procurement Policy 6 b, Section 103 (4) of the General Municipal Law, this service had to be performed immediately and an alternate proposal might threaten the life, health, safety or welfare of the residents.

BE IT RESOLVED, that the Town Board of the Town of New Baltimore approve said emergency repair by Flach Industries, Invoice No.14150, Purchase Order No. W-2016-21, Town Voucher No. 2015b-07- for \$1,585.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION #139-2016

JULY 25, 2016

**RESOLUTION APPOINING SUMMER RECREATION PROGRAM
SUBSTITUTE COUNSELORS**

RESOLVED that William Linger and Ryan VanWormer are appointed Substitute Summer Recreation Counselors on an as-needed basis at a salary of \$9 per hour.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 140-2016

JULY 25, 2016

RESOLUTION TO AUTHORIZE SUPERVISOR TO PAY AUDITED CLAIMS

WHEREAS the Town Clerk has presented claims to the Town Board for audit and review, and

WHEREAS the Town Board has audited claims 2016b-07-01 to 2016b-07- it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2016b-07-01 to 2016b-07-.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until September 30, 2016.