

**Public Hearing on the Updates to the Comprehensive Plan has been postponed.**

**AGENDA  
TOWN OF NEW BALTIMORE, COUNTY OF GREENE  
TOWN BOARD REGULAR MEETING**

**JULY 11, 2016**

**AGENDA**

*Please turn off all cell phones and electronic devices.*

**Pledge of Allegiance**

**Bid Opening for Zero-Turn Commercial Mower**

**Approval of Minutes**

- June 27, 2016 Town Board Work Meeting

**Public Comment Period**

**Correspondence**

- New York State Department of Public Service Notice to Public Hearings and Information Sessions on 518 Area Code Relief

**New Business**

- Motion for Cornell Hook and Ladder Fire Company to Use Highway Garage for Drill on July 18 and July 25 from 7-10 PM
- Resolution to Accept Bid for Purchase of Zero-Turn Commercial Mower
- Resolution to Go Out to Bid for Surplus Equipment and Other Goods Auction Services
- Resolution to Set the Salary for Summer Recreation Counselors
- Resolution to Schedule a Public Hearing for the Enactment of a Local Law Establishing a Community Choice Aggregation (CCA) Program
- Resolution Setting Public Hearing for Local Law #2 of 2016 Establishing Process and Regulation of Lot Line Adjustments
- Resolution Setting Public Hearing for Local Law #3 of 2016 Establishing Process and Regulation of Solar Arrays
- Motion to Accept the Resignation of Court Clerk Annette Muller Effective August 19
- Resolution to Place Advertisement for Part-Time Justice Court Clerk
- Audit of Claims

**Discussion on Sewer Usage Fee Complaint**

**Upcoming Meetings**

- July 14, 2016 Planning Board Meeting at 7 PM
- July 14, 2017 Friends of New Baltimore Recreation at 7 PM
- July 20, 2016 Comprehensive Plan Meeting at 7 PM
- July 25, 2016 Town Board Work Meeting at 7 PM
- August 3, 2016 Zoning Board of Appeals Meeting at 7:30 PM (If Needed)
- August 8, 2016 Town Board Regular Meeting at 7 PM
- August 11, 2016 Planning Board Meeting at 7 PM
- August 22, 2016 Town Board Work Meeting at 7 PM
- August 28, 2016 Veterans Committee Picnic at District 2 Park
- September 17, 2016 Townwide Yard Sale 9 AM-4 PM

**Public Comment Period/Community Events**

**Adjournment**

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

**TOWN OF NEW BALTIMORE**                      **Draft 7/12/16**  
**COUNTY OF GREENE**                              **Approved 7/25/16**  
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**OPENING OF REGULAR MEETING**

Supervisor Dellisanti opened the meeting at 7:00 PM and the Pledge of Allegiance was said. Also attending Deputy Supervisor Ruso, Councilmembers Briody, Irving, and VanEtten, Ralph Ambrosio, Esq, Town Clerk Finke, and 2 members of the public who signed the attendance book. Absent: Tax Collector Jordan and Highway Superintendent Jordan

**Pledge of Allegiance**

**Supervisor Dellisanti:** The Public Hearing on updates for the Comprehensive Plan has been postponed. The information has not gotten to the Greene County Planning Board as yet; we're hoping that happens this week. When that does take place and we get their response, we will call a Public Hearing at that time.

**Bid Opening for Zero-Turn Commercial Mower**

**Supervisor Dellisanti read** *"Notice to Bidders, The Town of New Baltimore is soliciting bids for the Purchase of a Zero-Turn Commercial Mower, Specification for Mower, Rear Coil-Over Shocks, Front Independent Adjustable Shocks, Electric PTO, 31 to 36 HP Motor Gas or Diesel, Fuel Tank 10 to 12 Gallons, Cutting Width 60" to 62", Cutting Height 1.5" to 6", Drive Tires 26" x 12" x 12", Caster Tires 13" x 6.5" x 6", Speed 0-14 MPH, Speed Rev. 0-8 MPH, Dry Weight 1480 lbs. to 1550 lbs., Parking Brake Internal Transaxles, Warranty Engine 3 Year Limited, Machine 4 Year or 500 Hours Warranty. All bids must be received by the New Baltimore Town Clerk at the New Baltimore Town Hall, 3809 County Route 51, Hannacroix, NY, no later than 4:00 PM on July 11, 2016 and to be publicly opened by 7:00 PM on July 11, 2016. The Town of New Baltimore reserves the right to reject any and all bids. By Order of the New Baltimore Town Board, Barbara M. Finke, Town Clerk"*

**Town Clerk Finke:** Two bids were received today.

Keil Equipment Company Inc: John Deere Z960M Commercial ZTrak \$9,335.48  
Max S. Wood Equipment – Ferris 3200 32HP Big Block, 61" Deck \$9,700

**Supervisor Dellisanti:** Do you have anything from Max Wood on the bid?

**Town Clerk Finke:** Just three pages and this one.

**Supervisor Dellisanti:** John Deere broke down the details; Max Wood just gave us a price. This is John Deere, do you have anything from Max Wood?

**Town Clerk Finke:** No, that was the only thing in this envelope.

**Supervisor Dellisanti:** That was the only thing that was in there? The one from Max Wood is a Ferris 3200 for \$9,700. The one from John Deere is \$9,335. The problem I have is I don't have a breakdown from Max Wood like we do for the John Deere and I wish Denis was here so we could go over it with him. I'd like to move that we postpone picking the commercial tractor until we can get Denis at the next meeting. I wouldn't want to pick the wrong one. We are only looking at a \$365 difference so let's make sure we get the right one. Motion from Supervisor Dellisanti seconded by Councilmember VanEtten that we postpone the purchase until Denis can give us some insight on these two machines. Any questions or comments?

**Ralph Ambrosio, Esq:** Supplement the information on the bid for clarification; he can't change his bid.

**Supervisor Dellisanti:** The bids are not going to change, we just want to make sure we are getting the right machine. Any questions or comments on that?

Motion made by Supervisor Dellisanti seconded by Councilmember VanEtten for that supplemental situation.

AYES: Dellisanti, Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

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**APPROVAL OF MINUTES**

The June 27, 2016 Town Board Work Meeting submitted by Town Clerk Finke, moved by Supervisor Dellisanti, seconded by Councilmember Ruso. The adoption of the foregoing Motion was duly put to a vote and the vote was as follows:

AYES: Dellisanti, Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Public Comment Period**

None

**Correspondence**

New York State Department of Public Service Notice of Public Hearings and Information Sessions on the 518 Area Code Relief.

**Supervisor Dellisanti:** We received a letter today from the Department of Public Service and read, “Dear Community Leader/Elected Official: In May 2016, the New York State Public Service Commission (Commission) instituted a proceeding to investigate and evaluate options for making additional telephone numbers available in the 518 area code. The area code services all or part of seventeen counties in eastern upstate New York, including Albany, Clinton, Columbia, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, St. Lawrence, Warren and Washington. The North American Numbering Plan Administrator (NANPA), the entity that administers area codes throughout the United States, had advised that the 518 area code could be out of assignable telephone numbers by the first quarter of 2019. Staff of the Department of Public Service prepared a White Paper examining the potential relief options available. To ensure full public participation in this proceeding, the Department will conduct a series of informational sessions and public statement hearings to seek input and comments from your community on Staff’s White Paper and proposed relief options. At the information session, Staff will provide an overview of the available options and will be available to answer questions. The information session will be immediately followed by a public statement hearing at which all those who wish to comment on the 518 area code relief proceeding and the Staff White Paper will have an opportunity to make a statement on the record, for the Commission to consider in its deliberations. It is the Department’s intention to facilitate and encourage active and meaningful public participation throughout the entire 518 Area Code Relief Proceeding. If you cannot attend one of the hearings, I encourage you and your constituents to comment using one of the methods described in the attached factsheet. Additional information regarding the 518 Area Code Relief Proceeding, including Staff’s White Paper, is available on the Department’s website at [www.dps.ny.gov](http://www.dps.ny.gov) under Case Number 16-C-0297.’ The hearings are set for Tuesday, July 26 at Crandall Library in Glens Falls; Thursday, July 28 at Colonie Town Hall; Thursday, July 28 at Ichabod Crane High School; Tuesday, August 2 at Gloversville City Hall, Wednesday, August 3 Town of Plattsburg Town Hall, and Thursday, August 4 at the Olympic Regional Development Authority Conference Center at Lake Placid.

**New Business**

Motion by Supervisor Dellisanti seconded by Councilwoman VanEtten for Cornell Hook and Ladder Fire Company to Use Highway Garage for Drill on July 18 and July 25 from 7-10 PM.

**Supervisor Dellisanti:** They have used the back of the Highway Garage before; they have their insurance attached to their request in the amount of \$8 million. Any other questions or comments?

AYES: Dellisanti, Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Resolution 123-2016 Tabled

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

**RESOLUTION 124-2016**  
**JULY 11, 2016**

**RESOLUTION TO GO OUT TO BID FOR SURPLUS EQUIPMENT AND OTHER  
GOODS AUCTION SERVICES**

*WHEREAS*, the Town of New Baltimore often has surplus equipment and other goods for which it no longer has a use or which have become obsolete, and

*WHEREAS*, the Town Board wishes to maximize any return it may receive from the sale of such surplus items, and

*WHEREAS*, the Town Board has received interest from surplus auction service companies to obtain the best return for such items.

*RESOLVED*, that the Town of New Baltimore shall go out to bid in accordance with the General Municipal Law Article 5-A to receive bids from all interested parties to provide auction services for surplus items.

Motion by Supervisor Dellisanti seconded by Councilwoman VanEtten

**Supervisor Dellisanti:** Any questions or comments on this? This company that came to us, there is no charge to the Town at all and the only way they get a fee after reading through all their documents is that they charge the person purchasing a percentage of the equipment that the Town is selling. We'll put this in the paper like we do all the other bids and we'll see what comes in and we'll discuss it in the next two weeks.

AYES: Dellisanti, Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT

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

**RESOLUTION 125-2016**  
**JULY 11, 2016**

**RESOLUTION TO SET THE SALARY FOR SUMMER RECREATION  
COUNSELORS**

*WHEREAS* the Appointment of the Summer Recreation Program Staff was made by Resolution 101-2016 on May 9, 2016.

*RESOLVED* due to a change in the Minimum Wage, Julianna Trombley, Jacob Litchko, and Marisa Rosario will receive a salary of \$9 per hour.

Motion by Supervisor Dellisanti seconded by Councilwoman VanEtten

**Supervisor Dellisanti:** Any questions or comments?

AYES: Dellisanti, Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT

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

**RESOLUTION 126-2016**  
**JULY 11, 2016**

**RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR THE  
ENACTMENT OF A LOCAL LAW ESTABLISHING A COMMUNITY  
CHOICE AGGREGATION (CCA) PROGRAM**

**WHEREAS**, New York State Law and the New York State Public Services Commission (“PSC”) have established and promulgated Community Choice Aggregation (CCA) rules and procedures, and

**WHEREAS**, it is the sense of the Town Board that participation in a CCA is appropriate and in the best interest of the residents of the Town of New Baltimore, and

**WHEREAS**, such State rules and procedures require the enactment of Local Law #1 of 2016 to authorize the establishment of a CCA program.

**RESOLVED**, that a public hearing shall be scheduled and conducted on the 25<sup>th</sup> day of July, 2016 at 6:30 PM to accept public comment upon a local law to establish a CCA, as attached.

Motion by Supervisor Dellisanti seconded by Councilmember Ruso

**Supervisor Dellisanti:** Any questions or comments? We all heard from Javier and Ed Carey from Good Energy. They’ll be here on the 25th to answer any questions from the community they have on the program. At that point we will do the Local Law that evening.

**Ellie Alfeld:** You said 6:30 start of the Public Hearing. Is that also on a meeting night where the Town Board meets?

**Supervisor Dellisanti:** Yes

**Ellie Alfeld:** So you’re only allowing 30 minutes for a Public Hearing.

**Supervisor Dellisanti:** If we run over, we’ll run over. We haven’t had a Public Hearing that lasted more than 30 minutes yet in the last 2 ½ years.

**Ellie Alfeld:** I’m just concerned.

**Supervisor Dellisanti:** Okay, thank you. Any other questions?

AYES: Dellisanti, Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT

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**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.

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**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.

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- 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.

**§8.** This local law shall take effect upon filing with the Secretary of State.

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

**RESOLUTION 127-2016**  
**JULY 11, 2016**

**RESOLUTION SETTING PUBLIC HEARING FOR LOCAL LAW #2 OF 2016**  
**ESTABLISHING PROCESS AND REGULATION OF LOT LINE ADJUSTMENTS**

*WHEREAS*, the Town Board of the Town of New Baltimore has received much public comment requesting a simplified process for subdivisions involving small portions of land or a simple boundary line movement.

*THEREFORE IT IS HEREBY RESOLVED*, that the Town Board of the Town of New Baltimore hereby schedules a public hearing to accept public comment on proposed local law #2 of 2016 Establishing Lot Line Adjustment Process and Regulations, as attached. The public hearing shall occur on July 25, 2016 at 7:00 pm

Motion by Supervisor Dellisanti seconded by Councilmember VanEtten

**Supervisor Dellisanti:** Any questions or comments? We have been discussing this for quite some time; we are going to get to the point where the public is going to have their input.

- AYES: Dellisanti, Ruso, Briody, Irving, VanEtten
- NAYS:
- ABSTAIN:
- ABSENT

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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.

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- 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 128-2016**  
**JULY 11, 2016**

**RESOLUTION SETTING PUBLIC HEARING FOR LOCAL LAW #3 OF 2016**  
**ESTABLISHING PROCESS AND REGULATION OF SOLAR ARRAYS**

*WHEREAS*, the Town Board of the Town of New Baltimore has received much public comment requesting a process for review and regulation of solar arrays.

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***THEREFORE IT IS HEREBY RESOLVED***, that the Town Board of the Town of New Baltimore hereby schedules a public hearing to accept public comment on proposed local law #3 of 2016 Establishing a Process and Regulation of Solar Arrays, as attached. The public hearing shall occur on August 8, 2016 at 7:00 pm.

Motion by Supervisor Dellisanti seconded by Councilmember Irving

**Supervisor Dellisanti:** Any questions or comments on this resolution?

AYES: Dellisanti, Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT

**TOWN OF NEW BALTIMORE**  
**LOCAL LAW #3 OF 2016**  
**REGULATION AND APPROVAL STANDARDS FOR SOLAR COLLECTION**  
**SYSTEMS**

§1. Title. This law shall be known and cited as the "Town of New Baltimore Regulation and Approval Standards for Solar Collection Systems."

§2. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Expedited process: The application, review and approval process for any solar collector system with a rated capacity of 12 kW or less, as set forth in §3 below.

Small-scale solar collector system: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use which is intended for and used solely by an individual/home purpose and which have a rate capacity of greater than 12 kW.

Utility scale solar collector system: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use which is intended to be utilized for any purpose other than private residential or agricultural use.

§3. Expedited process for solar collector systems with a rated capacity of 12 kW or less

A. Purpose and intent.

The expedited solar permitting process uses a unified permit across participating municipalities in New York State. A combined building and electrical permit for a grid-tied solar electric system will be issued pending proper completion of forms, submission of approved plans and approval by municipality. All applicants must submit:

B. Applicability.

The expedited solar permitting process shall be applicable to all solar collector system with a rated capacity of 12 kW or less, whether intended for personal use or commercial use.

C. Application, Review and Permitting.

(1) Items to be submitted.

(a) Unified Solar Permit for Small-Scale Solar Electric Systems and an Eligibility Checklist; and

(b) A set of plans which must include the Project address, section, block and lot number of the property and the Owner's name, address and phone number and the name, address and phone number of the person preparing the plans;

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(c) A Site Plan showing location of major components of solar system and other equipment on roof or legal accessory structure. This plan should represent relative location of components at site, including, but not limited to, location of array, existing electrical service location, utility meter, inverter location, system orientation and tilt angle. This plan should show access and pathways that are compliant with New York State Fire Code, if applicable.

(d) One-Line or 3-Line Electrical Diagram as required by and shall include:

[1] Specification Sheets for all manufactured components. If these sheets are available electronically, a web address will be accepted in place of an attachment, at the discretion of the Code Enforcement Officer.

[2] All diagrams and plans must be prepared by a PE or RA as required by New York State law and include the system capacity in kW-DC.

(2) Upon receipt and verification of each of the above items, the Code Enforcement Officer shall issue a building permit for the construction and completion of the system.

§4. Regulation and approval standards for small-scale solar collector systems.

A. Purpose and intent.

(1) The purpose of these regulations is to balance the potential impact on neighbors where solar collectors may be installed near their property while preserving the rights of property owners to install solar collection systems without excess regulation. These regulations are not intended to override the New York State Agriculture and Markets Law.

(2) Solar energy is a renewable and nonpolluting energy resource that can prevent fossil fuel emissions and reduce energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid when excess solar power is generated.

B. Applicability.

(1) The requirements herein shall apply to small-scale solar collector system installations modified or installed after the effective date of this section with a rate capacity of greater than 12 kW.

(2) Solar collector system installations for which a valid building permit has been properly issued, or for which installation has commenced before the effective date of this section, shall not be required to meet the requirements of this section, except in accordance with Subsection D, Safety, found herein this section. Any modification, expansion or alteration to an existing solar collector system shall only be permitted in accordance with §§201-70 and 201-71 of the Town of New Baltimore Zoning Law.

(3) All small-scale solar collector systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Building Code.

C. Permitting.

(1) Rooftop and flush-mounted solar collectors are permitted in all zoning districts in the Town of New Baltimore subject to the following conditions:

(a) Building permits shall be required for installation of all rooftop and flush-mounted solar collectors.

(b) Height limitations for structures found in this zoning law, shall apply.

(c) Rooftop and flush-mounted solar collector systems are permitted on the following structures:

[1] All principal structures.

[2] All accessory structures that meet the principal structure setbacks as required in each zoning district.

(d) Rooftop units must be three feet from any chimney and shall not be permitted on any roof overhangs.

(e) Any solar collector system attached to a pitched roof shall not extend more than three feet from the surface of the angle of the roof.

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(2) Ground-mounted racks and freestanding solar collectors are permitted as an accessory structure in all zoning districts in the Town of New Baltimore subject to the following conditions:

(a) Building permits shall be required for installation of all ground-mounted and freestanding solar collectors except in the Hamlet and General Commercial Districts, where freestanding solar collectors shall not be allowed.

(b) Special use permit from the Planning Board is required for all ground-mounted racks and freestanding solar collectors greater than 10 feet in height or greater than 20 feet in length or if the solar array surface area is greater than 200 square feet in the aggregate in all residential zoning districts. All other ground-mounted racks and freestanding solar collectors shall follow the standard building permit process.

(c) All ground-mounted racks and freestanding solar collectors shall have a maximum height of 20 feet from ground elevation.

(d) All ground-mounted racks and freestanding solar collectors installed in the side or rear yards shall comply with the setback requirements for a principal structure found in this zoning law.

(e) Solar collectors may be installed in any front yard but shall not be less than 75 feet from the front property line and shall require a special use permit.

(f) Solar collectors shall be located in a manner that reasonably minimizes shading of adjacent property while still providing adequate solar access for collectors.

**D. Safety.**

(1) All solar energy systems and solar collectors must obtain a building permit and shall be designed to be and installed to be in conformance with the New York Uniform Fire Prevention and Building Code Standards that are applicable when the building permit is issued.

(2) If solar storage batteries are included, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use. When they are no longer in use, they shall be disposed of in accordance with the laws of New York State Fire Prevention and Building Code and local laws of the Town of New Baltimore and any other applicable laws or regulations.

(3) Glare and heat. No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.

**§5. Regulation and approval standards for utility-scale solar collector systems.**

**A. Purpose and intent.**

(1) The purpose of these regulations is to provide utility-scale solar collector systems through performance criteria that balance the unique characteristics of each site. Utility-scale solar collector systems are allowed in all zones in the town, subject to site plan review approval pursuant to Article VII of the Town of New Baltimore Zoning Law.

(2) In any instances where specific permitted uses, area, or height standards, development guidelines and/or review procedures specifically set forth in this section conflict with any other general provision or requirements of the Zoning chapter, the particular provisions set forth herein shall take precedence and control.

**B. Bulk and area requirements. The following dimensional requirements shall apply to all utility-scale solar collector systems:**

**(1) Height.**

(a) All solar collectors shall have a maximum height of 20 feet from ground elevation.

(b) All buildings and accessory structures associated with the utility-scale solar collector system shall have a maximum height of 35 feet, excluding the solar collector.

(2) Setback. All utility-scale solar collector systems and associated buildings, accessory structures and equipment shall have a minimum setback from any property line of 100 feet.

(3) Lot coverage. The maximum percentage of coverage of a parcel in each zoning district shall be determined by Article V of the Town of New Baltimore Zoning Law.

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C. General provisions.

(1) Site plan. All utility-scale solar collector systems shall provide a site plan in accordance with Article VII. of the Town of New Baltimore Zoning Law.

(2) Signage. All signage shall be provided as part of site plan review and shall be in accordance with Article VI. of the Town of New Baltimore Zoning Law.

(3) Visual.

(a) Utility-scale solar collector systems shall be sited in a manner to have the least possible practical visual effect on the environment.

(b) A visual environmental assessment form (Visual EAF), landscaping plan and visual assessment report, including appropriate modeling and photography assessing the visibility from key viewpoints identified in the Visual EAF, existing tree lines, surrounding topography, and proposed elevations shall be required.

(c) Landscaping, screening and/or earth berming shall be provided to minimize the potential visual impacts associated with the utility-scale solar collector systems and its accessory buildings, structures and/or equipment. Additional landscaping, screening and/or earth berming may be required by the Town Board and/or the Planning Board to mitigate visual and aesthetic impacts.

(d) Any associated structure shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility.

(4) Lighting. A lighting plan shall be required. No utility-scale solar collector system shall be artificially lighted unless otherwise required by a federal, state or local authority. Exterior lighting may be provided for associated accessory structures and access entrances as may be determined appropriate for security purposes only.

(5) Utilities. The applicant shall provide written confirmation that the electric grid has the capacity to support the energy generated from the utility-solar collector system. Electrical and land-based telephone utilities extended to serve the site shall be underground.

(6) Access. The applicant shall indicate on a site plan all existing and proposed access to the site, including road, electric power, emergency access, land-based telephone line connection, and other utilities existing and proposed within the property boundaries of the proposed location. Existing roadways shall be used for access to the site whenever possible and determined acceptable by the Planning Board through site plan review.

(7) Glare and heat. No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.

(8) Ownership. In the case of an application for a utility-scale solar collector system to be located on private lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner shall be filed with the Building Department.

(9) Proof of insurance. The applicant and the owner of the property where the utility-scale solar collector system is to be located shall file with the Building Department proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with construction and operation thereof.

(10) Security provisions. Each site shall have a minimum of an eight-foot security fence to prevent unauthorized access and vandalism to the utility-scale solar collectors and a security program for the site as approved by the Planning Board during site plan review.

(11) Noise. Noise-producing equipment shall be sited and/or insulated to minimize noise impacts on adjacent properties as approved by the Planning Board during site plan review.

(12) Documentation from the utility company, verifying that the utility-scale solar collector system is active, shall be provided annually to the Town of New Baltimore Building Department.

(13) Required sureties for construction, maintenance and removal of utility-scaled solar collector systems.

(a) Construction and maintenance. Prior to the issuance of a building permit for the utility-scale solar collector system and any associated accessory structures, the applicant shall post a surety in an amount and form acceptable to the Town for the purposes of construction and maintenance. The amount shall be up to 20% of the construction value. Acceptable forms shall include, in order of preference: cash; letter

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of credit; or a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee compliance with the conditions of the approval for the utility-scale solar collector. If the owner of the site fails to comply with any conditions of the approval during construction or as part of the long-term maintenance of the site, all costs of the Town incurred to comply with conditions of the approval shall be paid using the surety provided by the applicant. Failure to comply with the conditions of the approval or to maintain an acceptable level of surety will result in revocation of the certificate of occupancy.

(b) Removal. The utility-scale solar collector system, including any accessory structures and/or equipment, shall be dismantled and removed from the site when the utility-scale solar collector system has been inoperative or abandoned for two years. As a condition of the certificate of compliance, applicants shall post a surety in an amount and form acceptable to the Town for the purposes of removal or abandonment. The amount shall be up to 20% of the construction cost. Acceptable forms shall include, in order of preference: cash; letter of credit; or a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee removal of the utility-scale solar collector system should the system be abandoned. Abandonment shall be assumed by the Town if the annual documentation as required in C. (12) above, is not provided by the owner, applicant or lessee for two consecutive years to the Town of New Baltimore Building Department. The Town Building Inspector shall then provide written notice to the owner to remove the utility-scale solar collector system, and the owner shall have two years from written notice to remove the utility-scale solar collector system, including any associated accessory structures and/or equipment, and restore the site to a condition approved by the Planning Board. If the owner, applicant or lessee fails to remove any associated structures or restore the site to the condition approved by the Planning Board, all costs of the Town incurred to comply with this condition shall be paid using the surety provided by the applicant.

§6. Fees.

The Town Board may set application, review and/or approval fees by resolution, from time to time, as it deems appropriate.

§7. Severability.

If any clause, sentence, paragraph, word, section or part of this Code shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

§8. Effective Date.

This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**Supervisor Dellisanti:** Today I received a copy of a letter from our part-time Court Clerk Annette Muller, ‘Dear Judges, Thank you again for allowing me the opportunity to work for the New Baltimore Town Court. Unfortunately, I will be moving out of state the end of August. My resignation will take effect August 19, 2016. I have enjoyed working for the court. If it was not for the move I would still continue to work for the court.’

Motion by Supervisor Dellisanti seconded by Councilmember Briody to accept the resignation of Court Clerk Annette Muller effective August 19, 2016

**Supervisor Dellisanti:** Any questions or comments? I understand that Annette was here before, she worked for the Town prior to this short stint that she had. She is very pleasant to work with, a very nice person. It’s tough to see her go.

AYES: Dellisanti, Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

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

**RESOLUTION 129-2016**  
**JULY 11, 2016**

**RESOLUTION TO PLACE ADVERTISEMENT FOR PART-TIME  
JUSTICE COURT CLERK**

*WHEREAS* an opening exists for a part-time Justice Court Clerk and the Town Board approves advertisement for that position.

*RESOLVED* the wording for the advertisement has been approved by the Attorney for the Town and following approval from the Town Board, the advertisement will be submitted to the Town Clerk for publication in *The Daily Mail* for one week.

Justice Court Clerk – Part-Time position in Town Court (25 hrs/wk) at \$10 per hour. Assists Town Justices in processing cases from initial filing to conclusion. Excellent computer and organizational skills required. Similar experience and ability to interact well with public helpful. Deadline July 28, 2016. For information contact Court Clerk Dawn Palmateer at 756-2079 Ext. 302. Application can be obtained at Town Hall, 3809 CR 51, Hannacroix, NY 12087.

Motion by Supervisor Dellisanti second by Councilmember Ruso

**Supervisor Dellisanti:** Any questions or comments?

AYES: Dellisanti, Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

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

**RESOLUTION 130-2016**  
**JULY 11, 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 2016-07-01 to 2016-07-38, it is

*REVOLVED* that the Supervisor is hereby authorized to pay claims 2016-07-01 to 2016-07-38.

*BE IT FURTHER RESOLVED* that the Town Clerk will prepare an abstract and hold it for public review until August 31, 2016.

Motion by Supervisor Dellisanti seconded by Councilwoman VanEtten

AYES: Dellisanti, Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT

General \$6,245.37, Highway \$13,852.25, Sewer 1 \$491.92, Sewer 2 \$31.35, Lighting 1 \$1,572.89, Lighting 2 \$123.99 Total \$22,317.77

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**Discussion on Sewer Usage Fee Complaint**

**Supervisor Dellisanti:** At this time I'd like to bring up our Town Assessor to have a discussion on the sewer usage fee complaint that we had.

**Assessor Gordon Bennett:** She's not here again tonight?

**Supervisor Dellisanti:** No.

**Assessor Gordon Bennett:** Have you settled anything with her?

**Supervisor Dellisanti:** No, we're waiting for your report actually.

**Assessor Gordon Bennett:** We have 20 vacant parcels in the sewer district. The last time that I can remember that there was accommodation, there was a couple quite a few years ago, Cless Bush did one and Alta Turner did another. The focus of their desire to combine was to get rid of the sewer fee so one of the first questions that they asked was 'how do I get rid of the sewer fee?' So they went down that path on the front side of this whole combination thing. So as they were doing the combination, they went before the Town Board, got the other sewer fee dismissed or taken off and once the combination went through then they were good to go. This one didn't happen that way. The property owner never, I'm sure they probably thought about getting rid of the sewer fee. I don't know what the reason was for the combination, but they never approached us about getting rid the sewer fee. Out of those 20 lots, there's about half of them that are lots that are next to the house that the person owns, so they own house and a vacant lot next to it. The other half, and I'm not sure it's exactly half but around that, the other half are like Peter Wolfe owns a vacant lot all by itself. That's all he owns so there's no, I don't want to say risk, but there's no possibility of him combining with something else because he doesn't own the house next door. So the likelihood of this causing a problem down the road is pretty minimal because there's just not that many out there. We can be more proactive in making sure that when we discover that there's going to be two lots in the sewer district that are going to be combined, we could also maybe send a letter out to the property owner and say this is the direction that you need to go in to get rid of the other sewer fee. I'm sure they're not going to be unhappy with getting rid of the other sewer fee. That's a bonus for combining them. There's a small assessment reduction when you combine a lot and a house so they're probably looking for that, but I don't think that there is going to be a real great issue down the road with the kind of thing happening en masse. Even if half of them did it, there would be three more, and like I said I'll make sure that Julie as best we can tries to keep track of the combinations as they come through and if we see one that may cause this kind of an issue. But we only see the combinations after the deeds have been filed so at that point it could actually be too late by the time we even get the combination form for us to avoid them having sewer fees that could have been avoided if they would have gone to the front side, the front side you guys, but it wouldn't go as far as this one did.

**Supervisor Dellisanti:** Your recommendation is to approve her request then, that's what you're telling us.

**Assessor Gordon Bennett:** No, I don't think so.

**Councilwoman VanEtten:** Going forward.

**Assessor Gordon Bennett:** Going forward yes, we've already as soon as you tell me that you've gotten rid of the other sewer fee, then I'll audit my records, but the property owner should find out how that whole process works. The onus should be on the property owner. So, no, I wouldn't go retroactive, prospectively yes. I can't change the sewer rolls, that's up to you guys. When you tell me what direction you want to in, if you want to get rid of the thing going forward, then we'll audit our records as best we can.

**Councilmember Ruso:** I think that there are issues above and beyond just this particular request. I think theoretically many changes in the sewer district such as those lots you described someone could build a house on it. The points assigned would be different.

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There could be more of these, there could be people that put in a two-family property that has different sets of points.

**Assessor Gordon Bennett:** That's true.

**Councilmember Ruso:** My thought is on it, do we want as a Board to have a resolution such as this if every time there is a change in our property because if we are going to do it for this one, would we want to do that for each one as they come along, not that there's been a lot of changes.

**Assessor Gordon Bennett:** If someone was going to build a house they would get a building permit. That would be way before we would need to and then doesn't the sewer guy have to go out and inspect or do all that kind of stuff so on the front side we'd catch most of that stuff.

**Supervisor Dellisanti, Councilmember Ruso and Councilmember VanEtten:** Correct.

**Councilmember Ruso:** My point was about property changes, that could very well happen in the future, one direction or the other.

**Assessor Gordon Bennett:** The one-family to two-family, that would require a building permit as well I would suspect, so that would get caught. So you're saying that...

**Councilmember Ruso:** Should the Town Board be doing a resolution every time there is a point change on a property is my question. Again I don't know if that is going to be onerous, there's not a rush of them happening here and so we should do that either way if we're going to do this in the case where we're going to dismiss some of the points because of the combination.

**Assessor Gordon Bennett:** I always thought that the only body that had the authority to do that was the Town Board. I can't change it and neither can...

**Councilmember Ruso:** Honestly in all the Board meetings I've been to over the years prior to now and previously, I don't recall ever seeing this resolution. I've been to almost all of them in the past six-seven years.

**Assessor Gordon Bennett:** The two that I mentioned earlier, Alta Turner's was the last one and that had to be I'm guessing ten years ago and that was the only change. Didn't the restaurant's points change at one point? That argued over that. The restaurant points are like 40. They have a big sewer bill.

**Councilmember Ruso:** The Boathouse has 84.7 points associated, the property Shady Harbor.

**Assessor Gordon Bennett:** Wasn't there some negotiation on that at the end result?

**Councilmember Ruso:** Not since I've been here. Maybe that's the result of the finalization of that.

**Assessor Gordon Bennett:** I think that the number we have now was negotiated, changed in some fashion because either they were unhappy with it or the Town was unhappy with it or something happened, but at the end of the conversation you guys, whoever was sitting in those chairs, made the resolution.

**Councilmember Irving:** The lot that has no sewer available and a lot that has sewer available, what is the difference in assessed valuation?

**Assessor Gordon Bennett:** You mean on the points or on the assessment?

**Councilmember Irving:** On the assessment.

**Assessor Gordon Bennett:** It would depend on the lot.

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**Councilmember Irving:** Would there be an increase in the assessed value with availability for sewer hookup?

**Assessor Gordon Bennett:** I would say that the reason that it was unable to be hooked to sewer probably would be the same reason that it had a lower assessment than a normal lot would have.

**Councilmember Irving:** I understand that if a buyer buys the property with the knowledge that there is an available sewer hookup, there is a line running past the property where they're available to hook up to it at any point in time is that correct? So if you were to negate the fee would the evaluation change on the assessment?

**Assessor Gordon Bennett:** You mean if it was determined that that lot could not have sewer?

**Councilmember Irving:** What we're saying here in this resolution is that we're going to negate the charge. The availability is never going to change.

**Assessor Gordon Bennett:** But that's second, it's not a second lot anymore.

**Councilman Irving:** I think I only asked one question, is the evaluation going to change on the piece of property?

**Assessor Gordon Bennett:** As a result of this?

**Councilmember Irving:** Yes.

**Assessor Gordon Bennett:** They've combined the lot so, yes, I'm not going to add the two assessments together.

**Councilmember Irving:** But at a future date they could still sell that lot.

**Councilmember VanEtten:** They combined it onto one deed.

**Councilmember Briody:** They'd have to subdivide it again.

**Assessor Gordon Bennett:** They would have to go through subdivision again.

**Councilmember Briody:** So I guess one of the things that we had talked about was we're in agreement that it's not a retroactive type of thing; it has to be proven that it had been combined through...

**Councilmember VanEtten:** Going forward.

**Supervisor Dellisanti:** We have that documentation.

**Councilmember Briody:** Through the County and at that point then the two properties would then become one and it would only have one fee for sewer unless it's a multiple dwelling.

**Councilmember Ruso:** Just to get to the budgeting process, in the fall we consider and determine as a Board the operating costs of the sewer district. Those total costs are then divided by the total number of points so retroactive even to today's date, 2016 was set last fall so it is only from 2017 forward we can really do this because it's all baked in. The total number of points at the end of the day it all comes out the same. If there's fewer points in the district because of lot adjustments 1, 2, and 3.

**Assessor Gordon Bennett:** And their rate goes up a little bit.

**Councilmember Ruso:** So instead of there being 2,430 points which is roughly what is it, then there's 2,400 whatever the case is and that's divided into the budget and that's the determination of the charges.

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**Assessor Gordon Bennett:** Per point.

**Councilmember Ruso:** The point valuation will go up subtly not significantly, but that's what will happen, there is no free lunch basically, not in the sewer department anyway.

**Councilwoman VanEtten:** But I agree with Scott moving forward we just can change it; retroactively, we can't. That's just the way it is.

**Ellie Alfeld:** The only question I have pertaining to this, according to Gordon I think you stated so far now there has been three.

**Assessor Gordon Bennett:** On top of my head, yes.

**Ellie Alfeld:** And then tonight would be maybe four and each time this is done the remaining people have to pay more because they're becoming fewer and fewer of the participants.

**Supervisor Dellisanti:** Kind of similar to the Conservancy taking over land in the Town and going off the tax rolls.

**Ellie Alfeld:** And we end up suffering in the end and the people that will remain in the sewer district will suffer because now this hole has been cut down and that's not what they've bargained to go into when they first joined the sewer system and voted to get sewers there.

**Councilmember Ruso:** Each piece of the pie gets bigger

**Ellie Alfeld:** And it could be a hardship for them, I mean a big hardship for some of our residents.

**Councilmember VanEtten:** On the other hand if they combined them under one deed, how can you legally charge them.

**Supervisor Dellisanti:** I agree.

**Councilmember Briody:** I think the next step would be is let's take a look at what the total amount of points adjusted would be if you looked at the three so far plus this fourth one and what the distribution would be on the other people that are still in the district.

**Assessor Gordon Bennett:** It would be 1/2400<sup>th</sup>.

**Councilmember Ruso:** If I can add to that, a typical home is 10 points for debt service and 10 points for operations. A two-family home is 20 points or a multi-family, a vacant lot that has hookup or the ability to be hooked up has only 5 points on the debt service and 0 on the operation.

**Councilmember Briody:** Makes sense.

**Councilmember Ruso:** So again I believe it's roughly 2,434; something to that effect. Now you're taking 5 points off, now it's 2,429. And again others perhaps as they arise we don't know anything about, I still don't know as I review things whether there should be some increases to some of the sewer pieces. I'll have that ready for budget season when we do the sewer budget. There might be some increases though.

**Town Clerk Finke:** But you have a precedent and you have to follow that.

**Supervisor Dellisanti:** You already have two people that have gone through the process

**Councilmember VanEtten:** That's the problem.

**Councilmember Ruso:** In which case you're right, exactly we've already done this ten years or how many years ago it was.

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**Supervisor Dellisanti:** And she did it legally, she went legally through the process of combining the two lots and we had Lou Betke check the sewer line out there, there was no connection on the second lot. I have a Resolution 131-2016:

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

**RESOLUTION 131-2016**  
**JULY 11, 2016**

**RESOLUTION AUTHORIZING THE MODIFICATION OF SEWER BILLING  
FOR PROPERTY OWNED BY SHARON LOCKE**

**WHEREAS**, a Town of New Baltimore resident, Sharon Locke was the owner of two parcels of land located at 15 Cedar Lane, bearing tax map numbers 7.08-2-4 and 7.08-2-5, respectively and

**WHEREAS**, both of such parcels were and are within the Town Sewer District and have been billed for such service, and

**WHEREAS**, said parcels have been formally merged both at the County and Town levels into one parcel bearing the tax map number of 7.08-2-17, still containing only one residence, but the parcel has been continued to be charged Sewer rents and costs as if still two parcels, and

**WHEREAS**, said landowner has requested that the Town modify the Sewer billing to reflect one user/connection and for the refund of the extra billing retroactive to the date of the merger of the subject parcels.

**THEREFORE IT IS HEREBY RESOLVED**, that the Town Board of the Town of New Baltimore hereby authorizes a modification of the Sewer billing to be changed one user/connection commencing ~~immediately~~ January 1, 2017, and it is further

**RESOLVED**, that the Town Board must deny the request for retroactive refund to date of the merger due to the budgetary requirements of debt service and operation and maintenance of the Sewer system.

Motion by Supervisor Dellisanti seconded by Councilmember VanEtten

**Supervisor Dellisanti:** Let's have a conversation.

**Assessor Gordon Bennett:** I have a question. What are the billing dates for 2016?

**Supervisor Dellisanti:** The next bills are supposed to go out this month for August 15<sup>th</sup> payment.

**Assessor Gordon Bennett:** Didn't that resolution say effective immediately?

**Supervisor Dellisanti:** Yes, it did so I think we should change that to December 31.

**Assessor Gordon Bennett:** To coincide with your next year's billing cycle.

**Councilmember Ruso:** January 1, the same thing.

**Assessor Gordon Bennett:** If you say immediately she's going to look for a reduction on the bill and you're going to be short.

**Supervisor Dellisanti:** That's why I wanted to read the resolution as Tal put it together and also get the comments from everybody first. So we will put January 1<sup>st</sup> there.

**Councilmember Ruso:** 2017

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**Supervisor Dellisanti:** So I would like to amend my Motion to change immediately to January 1, 2017 seconded by Councilwoman VanEtten

**Supervisor Dellisanti:** Any other questions or comments on this resolution? (To Ralph Ambrosio) Does that sound okay with you that modification?

**Ralph Ambrosio, Esq.:** Yes, that's your billing cycle or what do you call that 1/1/17?

**Supervisor Dellisanti:** That's when the new sewer rates would go into effect. The sewer rates for 2016 were already established way prior to any of this.

**Assessor Gordon Bennett:** Based on the number of points from last year, if you change the points, then you're going to be short on...

**Supervisor Dellisanti:** From last year, then we are going to be short on the sewer funding. So it makes sense to do it that way. Any questions down there, hearing none...

AYES: Dellisanti, Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Supervisor Dellisanti:** Thank you, Gordon, for coming in tonight; I appreciate it.

#### **Upcoming Meetings**

- July 14, 2016 Planning Board Meeting at 7 PM
- July 14, 2016 Friends of New Baltimore Recreation at 7 PM
- July 20, 2016 Comprehensive Plan Meeting at 7 PM
- July 25, 2016 Town Board Work Meeting at 7 PM
- August 3, 2016 Zoning Board of Appeals Meeting at 7:30 PM (If Needed)
- August 8, 2016 Town Board Regular Meeting at 7 PM
- August 11, 2016 Planning Board Meeting 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 9 AM-4 PM

#### **Public Comment Period/Community Events**

**Ellie Alfeld:** Is there a Veterans Committee meeting in the works?

**Councilmember VanEtten:** Yes, I have it, I'll have to call you with it, it's at home on my calendar. I just talked to Dan, he's having surgery and we changed it at the last minute so I'll give you a call.

**Town Clerk Finke:** I think at the last meeting there was a question about the Agenda not being available. I just wanted to let everyone know the Agenda is on the website no less than 72 hours before the meeting. It's also available on the signboard and it's also available right out here, the board we have right out here (parking lot). So anyone doesn't have to even get out of their car, they can drive up and they can see it, take it, look at it. Anyone that wants a copy, they can always call me. My father-in-law was on the Board years ago and he was also a Town Supervisor, this is business-as-usual what they did. They were elected by the people, they come in, they do the peoples' business as best they can and he told me that's their job. So you are doing nothing than what other Boards have done. So it's available, anyone can call me, I'm here all the time, you know I'm here all the time, I was here late on Friday night, and call me at home too, I don't care.

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**Supervisor Dellisanti:** Any other business to come before the Board tonight? Hearing none, Motion by Councilmember Briody seconded by Councilmember VanEtten to adjourn the meeting at 7:42 PM.

AYES: Dellisanti, Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Supervisor Dellisanti:** Thank you everyone for coming.

Respectfully Submitted,

Barbara M. Finke  
Town Clerk