

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

**MAY 13, 2019**

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

**Pledge of Allegiance**

**Approval of Minutes**

- April 8, 2019 Town Board Regular Meeting
- April 22, 2019 Town Board Work Meeting

**Public Comment Period**

**Correspondence**

- 2019 Greene County Household Hazardous Waste Collection Event
- Village of Ravena Pool Passes Available to New Baltimore and Coxsackie Residents, Single Pass \$90, Two-Person \$100, Family Pass \$125

**New Business**

- Resolution Approving Agreement for Expenditure of Highway Monies
- Resolution to Authorize the Highway Superintendent to Advertise for Bids for 2019 Paving Season
- Resolution to Authorize the Town Highway Superintendent to Purchase Replacement Dump Body for 2016 F-350
- Resolution to Approve Emergency Purchase at the Wastewater Treatment Plant
- Discussion of InSite Rent Settlement
- Audit of Claims

**Upcoming Meetings**

- May 28, 2019 Grievance Day with the Board of Assessment Review 4-8 PM
- May 29, 2019 Town Board Work Meeting at 7 PM
- June 1-2 2019 AgFest at the VanEtten Farm
- June 4, 2019 Senior Committee Picnic at District 2 Park at Noon, Raindate June 6
- June 5, 2019 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- June 8, 2019 Greene County Household Hazardous Waste Collection Event for Greene County Residents Only, Greene County Highway Garage, 67 Scott Lane, Athens, by Last Name 7:30-8:30 AM (A-F), 8:30-9:30 AM (G-K), 9:30-10:30 AM (L-P), 10:30-11:30 AM (Q-U), 11:30 AM-12 PM (V-Z)
- June 10, 2019 Town Board Regular Meeting at 7 PM
- June 13, 2019 Planning Board at 7 PM
- June 24, 2019 Town Board Work Meeting at 7 PM

**Public Comment Period/Community Events**

**Adjournment**

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

## **GUIDELINES FOR PUBLIC CONDUCT DURING TOWN BOARD MEETINGS**

1. The Supervisor shall preside at the meetings of the Town Board. In the absence of the Supervisor, the Deputy Supervisor shall be the acting Supervisor. In the event both the Supervisor and the Deputy Supervisor are absent, the other members shall designate one of their members to act as temporary chairman. A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.
2. Town residents who wish to speak shall fill out a card at the entrances of the meeting room listing their name, contact information, and the subject matter in which they would like to speak. These cards will be collected prior to the beginning of the Town Board meeting and given to the Town Supervisor or Deputy Supervisor in the absence of the Supervisor.
3. Speakers must be recognized by the presiding officer and then proceed to the lectern and state their name and address. They must limit their remarks on official town business to up to three minutes on a given topic and may not yield any remaining time to another speaker. They must address their remarks to the Board as a body and not to any member thereof and not to other members of the audience in the form of a debate.
4. Speakers should present their remarks in a courteous manner and may not make disparaging remarks or personal comments about public officials, town residents, or others. All speakers will observe the commonly accepted rules of courtesy, decorum, dignity, and good taste with no cursing, swearing, clapping, booing, finger pointing, bullying, whispering, or talking that disrupts the proceedings of the business of the Town Board.
5. Any speaker who disregards the directives of the presiding officer in enforcing the rules, disturbs the peace at a meeting, makes impertinent or slanderous remarks, or generally conducts themselves in an inappropriate manner shall be barred from further participation and will forfeit any balance of time remaining for their comments.
6. After a final warning, if a speaker willfully refuses to step down, the Town Supervisor shall contact the appropriate authorities to remove the speaker from the meeting room and to restore order.
7. The Town Supervisor, or in their absence the Deputy Supervisor, shall ensure compliance with these rules.

**This policy will be amended by Majority vote of the Town Board.**

**TOWN OF NEW BALTIMORE**                      **Draft 5/24/19**  
**COUNTY OF GREENE**                              **Adopted 6/10/19**  
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**OPENING OF REGULAR MEETING**

Supervisor Ruso opened the meeting at 7:00 PM and the Pledge of Allegiance was said. Also attending Councilmembers Briody, Downes, Irving, and VanEtten; Aline D. Galgay, Esq.; Town Clerk Finke; Highway Superintendent VanWormer; and 5 members of the public who signed the attendance book. Absent: Deputy Supervisor Dellisanti and Tax Collector Jordan

**ADOPTION OF MINUTES**

The April 8, 2019 Town Board Regular Meeting submitted by Town Clerk Finke, Moved by Councilmember VanEtten and was seconded by Councilmember Briody. The adoption of the foregoing Motion was duly put to a vote and vote was as follows:

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

**ADOPTION OF MINUTES**

The April 22, 2019 Town Board Work Meeting submitted by Town Clerk Finke, Moved by Supervisor Ruso and was seconded by Councilmember Downes. The adoption of the foregoing Motion was duly put to a vote and vote was as follows:

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

**Public Comment Period**

None

**Correspondence**

Greene County Household Hazardous Waste Collection Event 2019 Available to Greene County Residents Only, Proof of Residency Required, Saturday, June 8, 2019, 7:30am-12:00pm, Greene County Highway Department, 67 Scott Lane, Athens, New York In order to properly manage this event, reduce traffic and minimize waiting time we request participants arrive during these suggested times according to the first letter of your last name:

<b>A-F</b>	<b>G-K</b>	<b>L-P</b>	<b>Q-U</b>	<b>V-Z</b>
7:30-8:30 am	8:30-9:30 am	9:30-10:30 am	10:30-11:30 am	11:30-12:00 pm

Questions? Please call (518)943-4600 or email [solidwaste@discovergreene.com](mailto:solidwaste@discovergreene.com)

**Supervisor Ruso:** I have a message from the Village of Ravena. Once again they’re offering to the residents of the Town of New Baltimore the use of their pool with certain limitations.

Village of Ravena Trustee Linda Muller: ‘Dear Jeff and Mark, I understand that because of budget limitations our pool share offer will not work for your communities this year. At our last village board workshop we decided that we would like to offer your residents a pool pass program for the Ravena pool for the summer of 2019. Included is the information on the program. If you would pass this information on to your residents, we will post it on our website and Facebook page as well. Pool Pass Program single pass – 90.00 two-person pass-100.00 family pass- 125.00 Passes can be picked up at the Village of Ravena offices starting June 1, 2019. Check or cash only. If you have any questions please feel free to contact me.’

**Supervisor Ruso:** So the residents of the Town can use it. They had initially offered the Town to pay Ravena a chunk of money for everybody. When they made the offer, it was just a short time ago, for \$5,000, but how many people will use it, how many people won’t use it, how many people of the Town should pay for this that very few people that we know of are going to use it? Besides it was never ever implement into our budget and never considered back last fall so it was prohibitive at that time.

**Councilmember Downes:** Are we going to check with them at the end of the season to see how many of our residents use it?

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**Supervisor Ruso:** Yes, I did ask her to tell us how many take advantage of it. I don't know to what extend the Town should pay for the neighbor up the road kids use the pool or not. That's a debate we have to discuss.

**Councilmember Downes:** Right.

**Supervisor Ruso:** But to know how many people are taking advantage of it is a good idea.

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

**RESOLUTION 91-2019**  
**MAY 13, 2019**

**RESOLUTION APPROVING AGREEMENT FOR EXPENDITURE OF  
HIGHWAY MONIES**

*RESOLVED*, that the attached Agreement for Expenditure of Highway Monies submitted by Highway Superintendent Alan VanWormer (Highway 284 Agreement) is hereby approved.

**AGREEMENT FOR THE EXPENDITURE  
OF HIGHWAY MONIES**

AGREEMENT between the Town Superintendent of the Town of New Baltimore, Greene County, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$74,490 shall be set aside to be expended for primary work and general repairs upon 64 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of Town highways:
  - (a) On the road commencing at County Route 51 and leading to Albany-Greene County Line, a distance of 1.87 miles, there shall be expended not over the sum of \$217,540.

**Supervisor Ruso:** What road is that Alan?

**Highway Superintendent VanWormer:** Shady Lane.

Type	Paving
Width of traveled surface	20'
Thickness	2 ½"
Subbase	

1" of True and Level Course Shady Lane  
1.5" of Top Course (All in Place)

(b) On the road commencing at County Route 26 and leading to Albany-Greene County Line, a distance of 2.92 miles, there shall be expended not over the sum of \$33,737.80.

Type	Chip Seal
Width of traveled surface	20'
Thickness	¼"
Subbase	

**Highway Superintendent VanWormer:** It's very similar to when you seal your blacktop driveway, but, unfortunately, we have to put stone over top of it so the road is still usable when we get done. So they put down a sealer, we put a coating of ¼" stone over top of it to make a driving surface so they can still drive on it when we're done sealing it.

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**Ellie Alfeld:** And the name of that road?

**Highway Superintendent VanWormer:** Alcove Road.

**Supervisor Ruso:** I'm getting there now. I was just about to say that.

Chip Seal Alcove Road with Single Course in Place and	
Rolled Asphalt in Place.....	\$ 27,482.80
Stone 450 Tons at \$13.90/Ton.....	\$ 6,255.00
Total.....	\$ 33,737.80

Executed in duplicate this 13th day of May 2019

_____	_____
Supervisor	Councilman
_____	_____
Councilman	Councilman
_____	_____
Councilman	Town Superintendent of Highways

\_\_\_\_\_

County Superintendent of Highways

NOTE: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent. Both copies must be approved by the County Superintendent. One copy must be filed in the Town Clerk's office and one in the County Superintendent's office. COPIES DO NOT HAVE TO BE FILED IN ALBANY.

Motion by Councilmember VanEtten seconded by Councilmember Irving

**Councilmember Downes:** We need to change the sum of to \$74,490 instead of \$74.490.

**Supervisor Ruso:** I saw that. They put a period instead of a comma up above on section 1. That's a comma not a period. Any other points to be made, discussion?

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

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

**RESOLUTION 92-2019**

**MAY 13, 2019**

**RESOLUTION TO AUTHORIZE THE TOWN HIGHWAY SUPERINTENDENT TO ADVERTISE FOR BIDS FOR 2019 PAVING SEASON**

**RESOLVED** the Town Board of the Town of New Baltimore hereby authorizes the Town Highway Superintendent to advertise for bids for in place paving for the 2019 paving season. All work will be performed per the 2019 Highway 284 Agreement between the Town Board and the Highway Superintendent.

Town of New Baltimore

Request for Bids for 2019 Paving Projects

The Town of New Baltimore will be receiving bids for the following paving projects for the 2019 season.

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Shady Lane    Approximately 9875' x 20'

Furnish and Install 1" T&L Course

Furnish and Install 1.5" 12.5mm Top Course

The Town will be responsible for the following:  
Cut keyways as necessary for smooth transitions  
Clean (sweep) roadway prior to paving  
All necessary maintenance and control of traffic  
Water Supply for rollers

Bids will be accepted at the Town Clerk's Office located at 3809 County Route 51, Hannacroix, NY 12087 until 4pm on Friday, May 24. All bids must be in a sealed envelope at time of delivery. Bids will be opened at the Town Board Work Meeting on ~~Monday~~ Wednesday, May ~~27~~29.

Please address any questions to Highway Superintendent Alan VanWormer at (518)756-2078, Ext. 3 Monday-Thursday from 6am-3:30 pm, cell (518)567-4961, or email at highway@townofnewbaltimore.org.

**Highway Superintendent VanWormer:** Barb, do you think that's sufficient time if we get that bid out by midweek? That will give folks sufficient time right?

**Town Clerk Finke:** I think so. I'll send it tomorrow and it will get in on Wednesday.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

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

**RESOLUTION 93-2019**

**MAY 13, 2019**

**RESOLUTION TO AUTHORIZE THE TOWN HIGHWAY SUPERINTENDENT TO PURCHASE REPLACEMENT DUMP BODY FOR 2016 F-350**

*WHEREAS* the 2002 F-350 will be retired due to rusting of the spring saddles not available for replacement, safety issues, and almost 200,000 miles of service to the Town.

*WHEREAS* the Highway Superintendent desires to install a new aluminum dump body on the 2016 F350 to replace said retired equipment and has procured three quotes.

*RESOLVED* the Town Board approves the recommendation of the Highway Superintendent to approve T&T Body King for \$6,910 that includes installation and will reuse the current hoist saving approximately \$1,500 to the Town.

Motion by Supervisor Ruso seconded by Councilmember Downes

**Supervisor Ruso:** Alan brought this to my attention a couple, three weeks ago and we put it out to bid and including installation they were the lowest bidder. And consistent with our Procurement Policy of cost under \$10,000, that's the process.

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AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: VanEtten

**Motion Carried**

**Supervisor Ruso:** If anyone wants to see the quotes they can.

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

**RESOLUTION 94-2019**  
**MAY 13, 2019**

**RESOLUTION TO APPROVE EMERGENCY PURCHASE**  
**AT THE WASTEWATER TREATMENT PLANT**

*WHEREAS* the Town Board adopted a Procurement Policy on January 1, 2019 concerning the procurement of goods and services.

*WHEREAS* the Wastewater Treatment Plant Operator noticed that the aerator bearing failed and determined that although the rotor was still working, it would have failed when the bearings fully locked up. As this is the only rotor the Wastewater Treatment Plant has, he subsequently called to get the rotor repaired as soon as possible.

*WHEREAS* due to the emergency condition of this purchase and according to Procurement Policy 6 b, Section 103(4) of the General Municipal Law, this repair had to be performed immediately and an alternative 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 approves said emergency purchase from Flach Industries for \$2,100.00, Purchase Order No. WWT-2019-20, and Voucher No. 2018-05-58.

Motion by Supervisor Ruso seconded by Councilmember Irving

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

**Discussion of InSite Rent Settlement**

**Supervisor Ruso:** I think we want to get into a discussion of InSite rent settlement. Some years ago we've been using the tower located on Sunset Hill.

**Highway Superintendent VanWormer:** School Hill.

**Supervisor Ruso:** School Hill Road for the repeaters for the Town Highway Department vehicles for the radios. This discussion went on for a good number of years and we got that for rent-free on the unwritten agreement if we would plow their access road, they would give tower space to us. Those things changed a number of years ago. We sat in this room with the owner five years ago that's because the Fire Companies also use this tower for their repeaters. We had come to some level of conversation and then they sold the tower. And then they sold the tower again I think is this on the third or fourth owner?

**Highway Superintendent VanWormer:** Third or fourth owner.

**Supervisor Ruso:** Third or fourth owner.

**Highway Superintendent VanWormer:** Started out with State Tel and went to so many other people from there.

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**Supervisor Ruso:** Here what we have now is a conversation that entails they want their back rent including moving forward. (To Aline Galgay, Esq.) I know that you spoke with them. Have I characterized it correctly?

**Aline Galgay, Esq.:** Yes, the people that we're dealing with now are very nice. Basically, there is no written agreement so when we stopped plowing and the new owner took over, they decided they were going to plow themselves. They started charging the Town \$150 a month. That has never been paid, but they charged twice. The new company was under the impression that there were two sets of equipment – one for the fire companies and one for the Highway Department. They did not realize that the fire company used the Highway Department's equipment. Am I correct, Alan?

**Highway Superintendent VanWormer:** Yes.

**Aline Galgay, Esq.:** And so we received two bills and we've been receiving them probably for five years or so amounting to about \$7,000 each because they've gone unpaid because nobody could really get to the bottom of how this started. So I've been talking to them. There's also a chance that maybe we aren't going to continue with this because of the possibility of moving that equipment, but in the meantime there's two outstanding balances. Alan got all the equipment pictures to prove that it's only one set of equipment. So they have indicated they are going to wipe away and eliminate the one bill because it was mistaken. They have offered to settle this for the use of the tower for the last however many years after the plowing stopped for a certain sum and that's basically where we're at. I mean the goal when I came in in January it was an open bill that had kind of been floundering out there for years. And so the question is how could we resolve it? So we were able to get them to eliminate the one that shouldn't have been billed and we were able to get them to come up with a number that would satisfy them for the prior years and then go forward either negotiating out a new rent amount, a monthly rent amount depending on what your status is with respect to moving the equipment.

**Ellie Alfeld:** Is this a lease agreement so that you would have to sign for a full year?

**Aline Galgay, Esq.:** Well, there is no agreement.

**Ellie Alfeld:** Okay.

**Aline Galgay, Esq.:** What happened was is when the old owner sold, they said it was sold several times, and so it was basically this informal thing and the last owner, two owners ago I believe, had indicated they no longer needed the Town services to plow and so it started getting billed apparently.

**Ellie Alfeld:** What I'm asking is if we go forward for next month...

**Aline Galgay, Esq.:** There would be a lease.

**Ellie Alfeld:** There will be a lease and can we sign it so that it's only like on a six month to give them the opportunity to search other towers?

**Aline Galgay, Esq.:** Yes, I've explained to them that we may not even stay there so they're aware of it. They're interested in coming up with something that is...

**Ellie Alfeld:** Agreeable.

**Aline Galgay, Esq.:** Agreeable and palatable to us to stay so it might be less than what they're charging, but I haven't gone into that discussion because Alan's been trying to figure out whether this is even viable and what the cost of moving that equipment would be anyway. So the question we're really at this point I'd like to get us to \$0, so we could start fresh with a written agreement, understanding what we're paying, understanding what we're doing, and how long it's going to be.

**Supervisor Ruso:** Alan, do you want to talk about movement or potential movement of this equipment?

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**Highway Superintendent VanWormer:** My suggestion would be we've been offered, Greene County has a brand new tower right over here on High Rock Road. We've been offered free space, no charge. We can put our antennas over there, we can put our equipment over there and they will charge us nothing. My suggestion would be once we get this whatever we owe them straightened out, let's move as quickly as we possibly can to get our equipment out from up there and moved over here.

**Supervisor Ruso:** What type of a cost is that?

**Highway Superintendent VanWormer:** You're probably looking at \$3,000-\$3,5000.

**Supervisor Ruso:** To move.

**Highway Superintendent VanWormer:** To move because we have to buy an antenna, we have to buy wire. The antenna that we're currently hooked into is not ours. Ours went bad and they had a spare one up on their tower and they just hooked us into that one. That's what we've been using ever since, but it's not ours so we can't take it. The rest of the equipment we own.

**Councilmember Downes:** So we'd only need the antenna?

**Aline Galgay, Esq.:** So it's only \$1,800 a year.

**Highway Superintendent VanWormer:** And the wire and depending on how high up the tower has to go, if it can go up the tower as far as the bucket truck can reach, then we can do that. But if we have to hire a climber because the antenna has to go up higher, then that's going to cost money. The County has one that they use, but I don't know how much he charges.

**Supervisor Ruso:** So you're saying the minimal cost to move is...

**Highway Superintendent VanWormer:** Around \$3,000-\$3,500 I would say.

**Supervisor Ruso:** And the annual cost is \$1,800.

**Aline Galgay, Esq.:** \$1,800 for InTel. Now obviously it...

**Supervisor Ruso:** So in two years' time roughly it pays for the move.

**Councilmember Downes:** But that's as of today, the \$150 is as of today.

**Aline Galgay, Esq.:** Right.

**Supervisor Ruso:** Correct.

**Councilmember Downes:** Who knows what's going to happen.

**Supervisor Ruso:** Who knows in five years what's...

**Councilmember Downes:** Not just that, but we haven't negotiated going forward so who knows what they're going to do with that.

**Aline Galgay, Esq.:** Well, I would suspect it would go down.

**Highway Superintendent VanWormer:** So that's our normal monthly fee?

**Supervisor Ruso:** The way this has been, there's been no normal.

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**Highway Superintendent VanWormer:** When we first started out, well not when we first started out, but we were paying \$75 and then I think when Crystal Clear took it over, I think it went up. They did the same thing to the Fire District. The Fire District had their own equipment and they paid for all the while, then the County took it over paying them. That's why it didn't appear under the Fire Company anymore.

**Aline Galgay, Esq.:** Right and I think that's why they still generated and when the new company came in and the old owner sat down and explained everything they said 'oh, there's Fire Company has one set of equipment, Town has another.' They sent it all to us and I said 'well, we shouldn't even be getting the fire company's bill anyway whether it's correct or not, you shouldn't be billing the Town for it.'

**Highway Superintendent VanWormer:** Right. It would be under the Fire District.

**Supervisor Ruso:** It was both Fire Companies by the way were using it.

**Highway Superintendent VanWormer:** Yes.

**Supervisor Ruso:** That one issue just in terms of transitions you have to remove the old equipment and put it on the old one...

**Highway Superintendent VanWormer:** No, put on the new tower.

**Supervisor Ruso:** Put it in the new one excuse me and what length of time does that take?

**Highway Superintendent VanWormer:** Besides the antenna it could take awhile, but moving the equipment from up there to over there could be done in an hour. Just a matter of unplugging it from up there, taking it over there and plugging it back in.

**Supervisor Ruso:** Because obviously you wouldn't want to have service down for our fire departments.

**Councilmember Briody:** I would almost envision if we made that decision, we'd have the antenna put up in the new tower, move the equipment when that's ready to be hooked in, and they would be one hour down if that.

**Supervisor Ruso:** And everybody'd be aware.

**Ellie Alfeld:** I don't think you can avoid it.

**Supervisor Ruso:** No, I think in the long haul, we have to think over the next hill here.

**Aline Galgay, Esq.:** And is, Alan, the County saying that you could use it for free, is that for life?

**Highway Superintendent VanWormer:** Yes, because there's also fire antennas up there, EMS antennas up there, so it's not going away.

**Councilmember Briody:** And I would think that they would give us some sort of documentation on that.

**Aline Galgay, Esq.:** I'm sure. I hate to be...

**Councilmember Briody:** No, I'm sure they would.

**Councilmember Downes:** So are the Fire Companies going with us?

**Highway Superintendent VanWormer:** Yes.

**Councilmember Downes:** They're going to go with us.

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**Highway Superintendent VanWormer:** Theirs is already there. The Fire Companies' is already there. They share our frequency so we can talk to them and they can talk to us. But their equipment is already over there; it's been there for awhile.

**Councilmember Downes:** So the outstanding balance, is that going to be split between us and the Fire Companies or is it straight?

**Aline Galgay, Esq.:** See now that's up to you because the Fire Company has shared our equipment for all those years so in essence they wiped away the separate bill thinking there were two sets of equipment. There's one set of equipment so we have one bill, But that piece of equipment serviced multiple parties so under normal circumstances, each party utilizing it should contribute towards that bill. I don't know what the Town's position is on that, but the answer to the question is should they 'yes,' will you require that? I don't know what the answer to that is. Do they still use the equipment at the Intel site, Alan, or no?

**Highway Superintendent VanWormer:** Fire Company?

**Aline Galgay, Esq.:** Yes. Do you know how long?

**Highway Superintendent VanWormer:** No, they share ours.

**Aline Galgay, Esq.:** Correct.

**Highway Superintendent VanWormer:** Their equipment is no longer there. That was moved a long time ago, but they share our frequency.

**Aline Galgay, Esq.:** Correct.

**Supervisor Ruso:** And that's on the Intel site, our equipment.

**Aline Galgay, Esq.:** Correct. Correct.

**Supervisor Ruso:** We have not had that dialog yet because we have been focusing on getting a settlement agreement with Intel so that would be the first step.

**Councilmember Downes:** And would it be us and Medway or us, Medway, and New Baltimore?

**Highway Superintendent VanWormer:** All three.

**Supervisor Ruso:** Three parties. But in any event we have to resolve this outstanding bill. Their settlement offer is for a total of \$5,500 and that's at 75% of the balance that they had billed us for.

**Aline Galgay, Esq.:** For the one bill.

**Supervisor Ruso:** After eliminating the one bill, in essence it's 75 percent of half the bills in essence so I guess I'm going to make a Motion and have some further discussion I suppose to... I am going to make a Motion, let me think this through here.

**Ellie Alfeld:** Jeff, excuse me, before you do has anybody or has the Town Board had representation with the Fire Company as a sit-down to see if they are agreeable, the Fire Company, to pay some of this?

**Supervisor Ruso:** No, we have not.

**Councilmember VanEtten:** No, we haven't done that yet.

**Ellie Alfeld:** And so if you make a resolution now that the Town pays it, will you go to the Fire Company and ask them to contribute some toward that outstanding bill?

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**Supervisor Ruso:** That's the plan.

**Ellie Alfeld:** I don't know, I'm trying to figure out ...

**Supervisor Ruso:** I don't know the share that each party would have is certainly of question. That's one of the conversations that you and I have to have before we go on.

**Highway Superintendent VanWormer:** The Highway Department certainly uses it a lot more.

**Aline Galgay, Esq.:** Well, legally it's our equipment, so it doesn't matter who we let use it. We're still responsible. I'll try to get this as far down as possible. It took me a long time to get it to there, but from the standpoint of legal obligation, it's our equipment. We're the ones who have it here, but who we let, we could be subletting this and collecting a fee from others.

**Supervisor Ruso:** And if you go back further they have been using our equipment yet it was the Town Highway Department that was doing the plowing and so it benefits everybody in Town to have the Fire Company, both our Fire Companies, using this and so that has been there all along and they didn't share in the cost of our plowing of that driveway.

**Highway Superintendent VanWormer:** When we bought this equipment, originally when we bought it, it was split three ways. Both Fire Districts pitched in when we first bought the equipment.

**Supervisor Ruso:** Oh, my. How long ago was that?

**Highway Superintendent VanWormer:** Twenty years at least.

**Councilmember Downes:** The other thing on that, too, is the Town lawyer has been drafting this so we've been putting money towards this on top of the \$5,500 you know what I'm saying. So for us to go to them and say to them 'can you split it, can you contribute' I don't think is an awful thing.

**Supervisor Ruso:** Oh, heavens no.

**Councilmember Downes:** Because we've done the legwork on it.

**Aline Galgay, Esq.:** They would be fighting that other bill because that other bill would have just been turned around and sent to them.

**Supervisor Ruso:** Would they have known the difference?

**Aline Galgay, Esq.:** No.

**Highway Superintendent VanWormer:** We're not talking about a lot of money. I don't think they would have an issue with the bill.

**Councilmember Briody:** Let me ask something from a businessowner's point of view. Three years and ten months has gone by on a past due bill. Did we ever get a past due notice?

**Aline Galgay, Esq.:** We got monthly bills. I mean I have to say that I agree because that's one of Nick's questions. They've also spoken to the previous Town Attorney. They have not been avoiding communication.

**Councilmember Briody:** So it didn't just all of a sudden somebody caught it.

**Aline Galgay, Esq.:** No.

**Supervisor Ruso:** No, we're looking to find resolution to this.

**Aline Galgay, Esq.:** No. It was handed to me as an open yet unresolved matter.

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**Councilmember Briody:** Because I know I don't let my accounts go three years and ten months delinquent before I collect on them.

**Aline Galgay, Esq.:** Here's what they were going to do to be perfectly honest and I'm not defending them, but they realized that the Fire Department equipment's was up there, but what their legal department said was to take the equipment down. Six months ago they wanted to take it down because the bill had been unpaid. When they knew that the Fire Department was up there as well, they felt that it would be a safety issue so they kept trying to do this and it was the first thing Barb handed to me when I started with 'look, we need to take care of this.' So it's not as if they were negligent, they were very much aware. They were owed money and they tried to figure it out, but they were also very cognizant of the potential health, safety, and welfare issue if they just decided to do what they would typically do which would be remove the equipment from the tower.

**Supervisor Ruso:** Well, I think moving forward we will have a resolution to pay the settled amount and we also need to look forward to how much they're gonna charge us this date forward and in the meantime I think we should be upfront and tell them that we're looking at moving.

**Highway Superintendent VanWormer:** I'll make some phone calls to see prices we can get on the antennas.

**Supervisor Ruso:** Could you do that while we're in conversation with Intel?

**Councilmember Briody:** I would think that they would also entertain a month-to-month for right now when you go through your transition period so that it doesn't put you in any type of bind.

**Aline Galgay, Esq.:** Well, because this is up to the date of, what did I say we discussed, this conversation I had with them was the beginning of May so figure through until the end of the month to pay them and then I would assume that as of next month it would go along \$150/month basis that we would pay until we no longer utilized it.

**Supervisor Ruso:** But, I think in the long haul it will save money for the Town after two years it pays for itself roughly.

**Councilmember Downes:** And are we going to put in this resolution that we'll be discussing with the Fire Companies who utilize it for paying a portion?

**Town Clerk Finke:** You could have a discussion with them and come back next meeting.

**Councilmember VanEtten:** That's what we should do. I think we should go have a discussion with them first before we.

**Councilmember Downes:** We say we're gonna pay it?

**Supervisor Ruso:** Well, we have to pay it. The question is how much of the balance are they willing to share and again that's going to be based upon I think we ought to discuss the usage ratio. That's just my thinking unless someone has some other variable on which they want to apply the balance.

**Highway Superintendent VanWormer:** So correct me if I'm wrong. The Town is going to pay what we're behind \$5,500.

**Supervisor Ruso:** Correct.

**Highway Superintendent VanWormer:** And then from there the monthly fee will be split between three.

**Supervisor Ruso:** That needs to be a conversation with the fire companies, both the back bill and moving forward.

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**Highway Superintendent VanWormer:** We will go to the District not the Company, the two Fire Districts -- Medway I think meets on Monday and ours meets the second Thursday of the month. I'm not sure which (unable to understand) I can find out.

**Councilmember Downes:** That's the Commissioner's meeting right?

**Highway Superintendent VanWormer:** Yes.

**Supervisor Ruso:** So what's the pleasure of the Board here? I can make a resolution to pay this bill, but I'm not sure I'm confident that you folks want me to.

**Councilmember Downes:** I think we have the discussion first with the Fire Companies and find out what they're willing to pay because if we say that we're going to pay it, they can turn around and say right to us 'well, you already said you would pay it so.'

**Supervisor Ruso:** Yeah, I know. Then they're off the hook.

**Councilmember Downes:** Then they're off the hook.

**Aline Galgay, Esq.:** The only think I'm gonna say is that I don't know how long it will take before you're able to come up to a resolution so it may be that there's another month on there. When we had this discussion I indicated to them I needed a number before this meeting so that I could give it to you. Not that it's that much longer.

**Supervisor Ruso:** One more month isn't gonna add...

**Aline Galgay, Esq.:** No, but...

**Supervisor Ruso:** Another \$150 on top is not going to hurt us any. I don't know what they're level of expectations are. There doesn't seem like there's any move to disconnect.

**Aline Galgay, Esq.:** No, but they have expressed the fact that they've let this sort of linger on and they need to bring it to closure.

**Ellie Alfeld:** But I think by your actions it proves that you are now more than willing to settle this and get it all behind us.

**Aline Galgay, Esq.:** And I will contact them if you're not able to come up with a resolution tonight and I will contact them and say that in concept you are willing to settle. We're just trying to get a pro rata distribution of payment.

**Highway Superintendent VanWormer:** We're going to be looking to the Fire District to pay part of that \$5,500?

**Councilmember VanEtten:** Right.

**Highway Superintendent VanWormer:** Not the Town's gonna pay \$5,500 and then from this day on the two Fire Districts and the Town will split the monthly fee.

**Councilmember VanEtten:** No, we're looking at them to pay part of the \$5,500.

**Supervisor Ruso:** Actually, we're looking at both. The \$5,500 and moving forward if Intel is not interested in billing three separate parties for one equipment. They're looking at sending the bill to us and then we bill the...

**Ellie Alfeld:** Then you have an agreement.

**Highway Superintendent VanWormer:** Two Fire Districts.

**Supervisor Ruso:** Subordinate users. Correct. On the monthly basis.

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**Highway Superintendent VanWormer:** Right.

**Ellie Alfeld:** What's your feeling as far as the Fire Company representative?

**Highway Superintendent VanWormer:** I don't think it will be an issue with the monthly payment. I just don't know how they're gonna feel about paying a part (unable to understand). I can't even speculate on that because I don't know where they stand budget-wise.

**Ellie Alfeld:** Well, they've got a good size reserve.

**Supervisor Ruso:** I think what we will do is we'll present this in the form of a resolution at our next Board meeting. I don't know what level ... I mean one way or the other we have to pay the bill and it's up to them say 'yeah, we'll pitch in or we won't.' What it comes down to it gives me two weeks to have some contact with them. So we'll hold off until the next board meeting on the 27th and we'll have a resolution prepared. Is that fair with everybody? Remember that's Memorial Day.

**Many Responded:** 29<sup>th</sup>.

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

**RESOLUTION 95-2019**  
**MAY 13, 2019**

**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 2019-05-01 to 2019-05-64, it is

*REVOLVED* that the Supervisor is hereby authorized to pay claims 2019-05-01 to 2019-05-64.

*BE IT FURTHER RESOLVED* that the Town Clerk will prepare an abstract and hold it for public review until June 30, 2019.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Briody, Downes, Irving

NAYS:

ABSTAIN:

ABSENT: VanEtten

**Motion Carried**

General \$31,850.28, Highway \$11,746.62, Sewer 1 \$4,985.77, Sewer 2 \$241.81, Water 2 \$3,017.56, Water 3 \$82.18, Lighting 1 \$2,008.16, Lighting 2 \$258.71, Total \$54,191.09

**Upcoming Meetings**

- May 28, 2019 Grievance Day with the Board of Assessment Review 4-8 PM
- May 29, 2019 Town Board Work Meeting at 7 PM
- June 1-2 2019 AgFest at the VanEtten Farm
- June 4, 2019 Senior Committee Picnic at District 2 Park at Noon, Raindate June 6
- June 5, 2019 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- June 8, 2019 Greene County Household Hazardous Waste Collection Event for Greene County Residents Only, Greene County Highway Garage, 67 Scott Lane, Athens, by Last Name 7:30-8:30 AM (A-F), 8:30-9:30 AM (G-K), 9:30-10:30 AM (L-P), 10:30-11:30 AM (Q-U), 11:30 AM-12 PM (V-Z)
- June 10, 2019 Town Board Regular Meeting at 7 PM
- June 13, 2019 Planning Board at 7 PM
- June 24, 2019 Town Board Work Meeting at 7 PM

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**Supervisor Ruso:** At this particular moment, I've got something to ask the Board. I would like to have a Motion to go into Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation, on matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Motion by Councilmember VanEtten seconded by Councilmember Downes to enter Executive Session at 7:43 PM

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

On a Motion by Councilmember VanEtten seconded by Supervisor Ruso, the Town Board reconvened the Regular Meeting at 7:58 PM

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

**Supervisor Ruso:** No decision was made so there's no report to be made to the public. So let's go back to Resolution 92. We've made some changes to that and I'm going to amend the resolution to read 'Bids will be opened at the Town Board Work Meeting on Monday, May 27' and that date is in error. The 'Bids will be opened at the Town Board Work Meeting on Wednesday, May 29.' So I'm going to amend that Motion, I'll take a Motion to make amendments as indicated.

**Councilmember VanEtten:** I will make that Motion.

**Councilmember Downes:** I'll second.

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN

ABSENT:

**Motion Carried**

**Supervisor Ruso:** So now we have our approval for our Highway 284 Agreement and it needs to be signed by each of us here. There's two copies for each. Thank you everybody.

On a Motion by Councilmember Briody seconded by Councilmember VanEtten, the meeting was adjourned at 8:01 PM

AYES: Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Downes

**Motion Carried**

**Supervisor Ruso:** Good night everybody.

Respectfully Submitted,

Barbara M. Finke RMC  
Town Clerk