

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

AUGUST 12, 2019

AGENDA

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Adoption of Minutes

- August 2, 2018 Town Board Special Meeting

Correspondence

Public Comment Period

New Business

- Resolution to Authorize Justice Thomas Meacham to Attend the New York State Magistrates Association Annual Conference
- Discussion of Liquor License Request for the Truck Stop
- Audit of Claims

Upcoming Meetings

- August 26, 2019 Town Board Work Meeting at 7 PM
- September 4, 2019 Zoning Board of Appeals Meeting at 7:30 PM (If Needed)
- September 9, 2019 Town Board Regular Meeting at 7 PM
- September 12, 2019 Planning Board Meeting at 7 PM
- September 21, 2018 Townwide Yard Sale 9 AM, Maps Available at Town Hall at 8 AM
- September 22, 2019 Honor of Service Ceremony at 2 PM
- September 23, 2019 Town Board Work Meeting

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.

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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 Deputy Supervisor Dellisanti, Councilmembers Briody, Downes, Irving and VanEtten, County Legislator Linger, Deputy Town Clerk Jordan, and 6 members of the public who signed the attendance book. Absent: Highway Superintendent VanWormer

Public Comment Period

Ellie Alfeld: I went out this morning to CVS, came home and there was a message on my answering machine that I had to call this particular number with a serial number so that they could identify me when I returned the call. When I returned the call they told me that they needed permission from me to go into my billing because they were going to guarantee me that I would get a \$0.05 whatever it is kilo whatever reduction. And I said, 'excuse me, are you from Central Hudson?' 'Well, we're working with Central Hudson.' I said, 'are you one of the energy companies that have come to Greene County and in the Town of New Baltimore?' 'Well, what it is is Central Hudson will still have your lines and your poles and your whatever.' I said, 'I'm well aware of that.' Well, as you know I have a slight temper and when push came to shove I said, 'wait a minute, you people are trying to pull a fast one. You don't get information off of my file, you don't go near my Central Hudson. I've already told the people that had come to the Town Board meetings and the Planning Board Meetings that I blocked it out. Now don't you call this number again, don't you dare go and invade my privacy and go through any of my files because I've given the notice you are not permitted to do it.' They would not identify themselves. She finally gave up and she said, 'Well, I guess it's useless talking to you.' I said, 'you're right honey so back off because...'

Supervisor Ruso: You don't think it was Good Energy?

Councilmember VanEtten: No, it wasn't Community Choice.

Ellie Alfeld: They would not identify who they were.

Supervisor Ruso: Sounds just like a robo-call.

Ellie Alfeld: Oh, no, this was a person because she was responding to what I was talking about.

Councilmember VanEtten: It sounds like it's just a con because didn't the Community Choice guy say they never call?

Ellie Alfeld: Shelly, that's the word I wanted to be brought out. It's a con and the worst part is she said, 'well, you seem to know a little bit about what's going on.' I said, 'you're damn right.'

Councilmember VanEtten: We get those calls all the time.

Ellie Alfeld: I called Central Hudson after that. They had no knowledge whatsoever of who this outfit is, but as I said to them and I'm going to say to you it's always been my thing that the seniors sometimes are well aware of what's going on and sometimes they're not and if they get phone calls like this promising them they're gonna get lower rates and all this other bs, they're gonna get taken so be prepared if some of your seniors along the lines do get roped in because this sounds like a scam.

Councilmember VanEtten: Here's the thing. They just had a report on the news the other night warning people that this con was going around. It has nothing to do with Community Choice. They don't call.

Ellie Alfeld: I'm not including anybody, but I'm not omitting anybody.

Supervisor Ruso: I'll tell you what I'm going to do. I don't know how, obviously what people do and what they read I can't help, I don't know how well-read *The News Herald* is.

Ellie Alfeld: It's not.

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Supervisor Ruso: Not as well as we'd prefer. I can get an article put into their paper regarding this very point. If I knew the name of the company, I could get more information.

Ellie Alfeld: I wish she would have given it to me, Jeff. She would never acknowledge who she represents.

Supervisor Ruso: I'll see if I find out from others.

Councilmember VanEtten: Can we get it put on the website, just a warning.

Ellie Alfeld: I don't know how you could do that.

Supervisor Ruso: A warning against who?

Councilmember VanEtten: We don't know, but just watch out for... but it is a scam.

Councilmember Downes: What is the number, the phone number?

Ellie Alfeld: I've got it on my caller id.

Councilmember Downes: Maybe we can turn that into the Sheriff's Department or something.

Ellie Alfeld: It's on my caller ID.

Councilmember Downes: That's what I would do.

Supervisor Ruso: Good thought.

Councilmember VanEtten: Yeah, but a lot of times they can't even, I mean they get these numbers and they're not...

Councilmember Downes: Right, but at least it's somewhere's to start.

Ellie Alfeld: All I'm saying is you know we've got to protect the people that can't protect themselves and that's my main objective with bringing it before your people because it's so easy to pull a scam on somebody that's living on social security.

Supervisor Ruso: I, myself, received a call probably a year, year-and-a-half ago and I know the name of the company because I looked them up and the name was Ambit or something like that which they didn't have a great reputation.

Councilmember VanEtten: I get calls about electric, my energy bill all the time. I just hang up on them. This is the way of the world.

Supervisor Ruso: Next we have Mr. Guthrie and it's regarding Liquor License.

Richard Guthrie: I've word from that an individual has been going door-to-door requesting information from the homeowners about their energy uses and their energy preferences and the like. He claimed to have been from Central Hudson. Another neighbor called Central Hudson with this information and they denied any knowledge of an individual authorized

Supervisor Ruso: They'll have ID.

Councilmember VanEtten: Did anyone call the police?

Richard Guthrie: I don't know. I just heard about this just the other day and I agree with you and I agree with you that we need to follow up on this. Apparently this business, I'm thinking it has to do with a green light going on in the Town of New Baltimore since some of these energy companies are knocking on their door that other people feel that it's an opportunity to come into the Town and try to pull a scam based on the expectation that the residents are

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expecting something relating to energy to happen soon. They don't know what and these people are coming forward with this perhaps a bogus package.

Councilmember VanEtten: Have you been to any of the informational meetings because it was clearly explained that no one comes to the door?

Richard Guthrie: I understand.

Councilmember VanEtten: And this is happening all over the place.

Richard Guthrie: Our neighbors have not been to these and they are vulnerable to this sort of sucker game.

Councilmember VanEtten: I suggest you call the police.

Richard Guthrie: Where a little bit of information is presented as if authentic and all it is is a foot in the door to get information from our neighbors.

Supervisor Ruso: To what extent we need to get an alert out there I'd like to have them contact the proper authorities. I think the call to Central Hudson was a good move, that's the first step and pass it on. Give me a call. I don't mind presenting it and if I could figure out who it is and if they're active, they're actually walking door-to-door then maybe we can have the Sheriff's officer who's substation is right here, go down and see who are you guys?

Ellie Alfeld: I've not seen people...

Supervisor Ruso: Neither have I, I've not heard that people were seen.

Richard Guthrie: You know what I'll do, I'll ferret out some additional information and bring it up to you. I'll forward it on to you just so we can have a clear understanding as best we can.

Supervisor Ruso: We don't need any scam artist regardless of what they're trying to shuck off. We don't need them wandering Town knocking on peoples' doors.

Richard Guthrie: By the way do we have a vendor's license requirement in the Town, solicitor's license requirement?

Supervisor Ruso: No, never have.

Richard Guthrie: You see it in some Town entrances as permits required, soliciting license required. Perhaps at some point, if nothing else we'll have a chargeable offense if there is unlicensed or unsolicited people in Town. Anyway, let me move on.

Supervisor Ruso: Okay, please do.

Richard Guthrie: I saw on the Agenda that their license renewal, a liquor license for the Truck Stop. I'm not quite sure which Truck Stop you're referring to. Is that down there Fox Run or whatever that's called now?

Ellie Alfeld: It's called Trucker's something or other.

Supervisor Ruso: Truckers Paradise.

Richard Guthrie: I have no real say in the matter other than to ask a couple of questions. First of all are we bringing it up later this evening because we have a say in the granting of this renewal? Do we have a voice in this?

Supervisor Ruso: We have to follow the regulations. And to tell you I want to make sure the Board members knew is that there's a new owner of the property who has made claims that they're going to clean the place up.

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Richard Guthrie: Well, that's okay. You don't have to address those now...

Supervisor Ruso: However, I'm going to tell the Board members as well as the rest. So they're going to clean the place up, they are preparing a restaurant for food service that they claim is an upgrade. Again, these people's claims...

Richard Guthrie: There's plenty of opportunity for that.

Supervisor Ruso: There's not much trouble reaching that bar. Nevertheless, I know that our Code Enforcement Officer has been on the job, been down there. They will not have a Liquor License until they have surpassed the inspections for the restaurant and their beverage service. Right now, or the last knowledge he had, they have not complied with codes. So in a sense their Liquor License is a bit premature. We are not going to go forward until he's had approval or he's given his approval, but there's not a whole lot we can do to change that once they've met the codes. I have our Attorney here if you want to add anything to this.

Aline Galgay, Esq.: So typically when someone applies for a Liquor License, they have to give Notice to the Town and then there's a 30-day period in which the Town can provide comments to New York State Liquor Authority. And so again as Jeff said I know some of this was sort of put on the back burner because there were all of these code issues that have not been addressed, but the Town while they have to follow the regulations, the Town certainly can put forth recommendations regarding hours, lighting, things that may have to do with the liquor part of it which is separate and apart from any kind of a Special Use Permit that would have to deal with the other things – the operation itself – and usually there are some pretty stringent requirements with respect to what the Board can suggest because there are many, many requirements on the Liquor License application itself.

Richard Guthrie: To the State Liquor Authority.

Aline Galgay, Esq.: They ask you how far from the school, how far from a church, how many other Liquor Licenses, how many other liquor establishments are in the area. You have to go through all of that when you do your application.

Richard Guthrie: And included in that is there any background investigation or record of history of potential violations, or police activity, or bad behavior?

Aline Galgay, Esq.: Yes, there's a couple of things. First of all when you apply for a Liquor License you have to have a main applicant and that applicant has to provide whether they're a felon, whether they've had any other prior convictions. They're going to ask if it's a transfer of a Liquor License that's already there, if this place has been closed for awhile, they can't transfer...

Supervisor Ruso: Well their license expired so.

Aline Galgay, Esq.: Right, so there's not an automatic transfer.

Richard Guthrie: Is it a renewal or is it a new license?

Aline Galgay, Esq.: No, if it's new people, the regulations for the Liquor Authority have changed. It used to be that you could transfer a Liquor License from one party to the next. That's no longer the case. You have to apply brand new and provide all of the documentation. So when they look they're going to ask 'was this location ever licensed, what is the license number of the location?' The Liquor Authority is going to pull up any State Liquor Authority violations there. They will ask were there any police complaints. There's a whole questionnaire, there's an establishment questionnaire, there's a personal questionnaire, there's a financial questionnaire.

Richard Guthrie: That this is apparently a new owner, will he be carrying the sins of the father, the prior owners be it bad behavior?

Supervisor Ruso: I would hope not.

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Richard Guthrie: As part of this investigation or for granting or denying a license by the State Liquor Authority do we have a say in that? He's coming in presumably with a clean slate and if this results in a nice, new, clean restaurant in the Town, I'm all for it.

Supervisor Ruso: If you're asking if the Town does a background check on these folks, that's the job of the State Liquor Authority so that's not typically an option that the Town, however, I think that our options are to make sure they follow the Code – proper heating, ventilation systems for cooking, water service and of the like.

Richard Guthrie: That's the restaurant portion.

Supervisor Ruso: Septic system. I know they had a problem there, the whole building has a problem with their septic system. Has for many years. Then, of course, we do have our discretionary hours of operation, days of the week even. I know there's limited Sunday hours and all of those things. And so that's where we get into, what's our preferences.

Aline Galgay, Esq.: As part of the Liquor License application you have to provide and this is I think the back end of what Jeff was saying you have to supply a Certificate of Occupancy, you have to supply formal written notification from the Code Enforcement Officer of what your maximum occupancy is. You have to supply a layout of what the building is going to look like, where your ingress and your egress is. And you have to show where you are going to segregate...

Richard Guthrie: Compliance with local regulations.

Aline Galgay, Esq.: Well, not just compliance with local regulations, but compliance with the Liquor Authority's regulations with respect to that, but, yes, compliance. If they need a special use permit, the application says 'Do you need any special licensing from the Town? Yes, you need a Special Use Permit.' We need to know that the Planning Board, you reviewed the application and granted that.

Supervisor Ruso: I know that we jumped into New Business, thank you very much.

Councilmember Irving: One more thing on the Truck Stop so there isn't confusion, that in the past that's been a sublease. Has the Truck Stop completely changed hands or is it just sublease for the restaurant.

Supervisor Ruso: The rest of the property, I don't know.

Councilmember Irving: Well, that's my question so we don't get bogged down in technicality.

Ellie Alfeld: It is better to talk to the Assessor's office.

Supervisor Ruso: The Liquor License is in the hands of the man or the woman who operates the liquor establishment. If it's a rental property or a leased property...

Councilmember Irving: Sublease of the Truck Stop.

Supervisor Ruso: That's usually not the option that we're looking at; we're looking at the person who holds the license. There's a lot of bars in rental property throughout many communities.

Aline Galgay, Esq.: But as part of your application, what you're getting at, as part of your Liquor License application, you have to have, the landlord has to complete certain information and also has to provide a letter of authorization and authority to allow them to ...

Councilmember Irving: What I think I'm hearing is I'm hearing some conversation, though, that we're under the consideration that the entire Truck Stop has changed hands and I don't believe that's the case.

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Supervisor Ruso: I don't know if it has. I know the operation of the restaurant and the liquor service is under new ownership. Is it a related entity? I can't tell you that. I don't know.

Councilmember Irving: Well, that's something that maybe we need to know.

Supervisor Ruso: Is there any other comments or this was supposed to be discussion amongst the Board.

Chris Frey: Talking about this restaurant potentially as new business, the only significant new business in Town is the Visitors Center. I'm interested to know because it just occurred to me have we been able to track visitor counts, any other sort of head counts the Thruway people do on how the Visitors Center is doing because it's like the major new thing in Town?

Supervisor Ruso: I've personally have gone there myself and talked to the site manager and told her who I was and she said 'oh, that's very nice.' I said 'well, how many people are coming by.' 'Well we don't really have much of a count, but I do have a bit of a count' is how she said it. Which means it's kind of half-done or half-baked is what I took from that and she said 'I'll talk to my supervisor who maybe they'll give you a call.' Other than that I am not getting much from the State Thruway Authority.

Councilmember Downes: Was that an HMS host-person or was it a Thruway employee?

Many speaking at once.

Ellie Alfeld: I can give you the name of somebody up the ladder on that.

Supervisor Ruso: I do have someone who's up the ladder who gave me a call and asked me to give a public release saying the Town of New Baltimore welcomes the Welcome Center. I have his name. Of course, it's an introduction to the Town, sure, but they don't focus, if you look in there, you don't see anything much about New Baltimore in that whatsoever. It's the Capital Region Welcome Center

Ellie Alfeld: We can't even get there if we don't pay the tolls.

Supervisor Ruso: That's a good point. I mean you can climb the fence, but I wouldn't recommend it. Nevertheless it doesn't have much linkage to the Town. There is no sales tax advantage for the Town as you all well know. They pay no property taxes. In fact they are a net consumer of services although I don't know if many emergency services at the new area, but at the existing Rest Area we have numerous each month and the Town pays for each one of those. So it's tax-exempt land, no sales tax, we get the costs which I'm not a fan of and I've spoken about here this in times gone by, but there's not a thing I can do about it except to opine some.

Ellie Alfeld: And they didn't have to apply for permits.

Supervisor Ruso: No, they did not. They told us it was coming.

Chris Frey: Well, the one thing that I did do is try to deal with them and the Conservancy and very specifically they said we thought we could sell merchandise there. They said if the merchandise is made in New York you can sell it and that was it. And we had some things, but it just wasn't worth it.

Supervisor Ruso: I do know a local farmer who wanted to have his honey sold there and he's not in New Baltimore, he's in Coeymans Hollow which is pretty local. Nope.

Audience Member: That's all bid it out.

Supervisor Ruso: Nope. Somebody from I don't know where else, but not from here. Well, thank you for your time.

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 123-2019
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**RESOLUTION TO AUTHORIZE JUSTICE THOMAS MEACHAM
TO ATTEND THE NEW YORK STATE
MAGISTRATES ASSOCIATION ANNUAL CONFERENCE**

RESOLVED that the Town Board does hereby authorize Justice Thomas Meacham to attend the New York State Magistrates Association Annual Conference to be held in Lake Placid, New York from September 15-18, 2019 and will be reimbursed the Registration Fee and lodging (includes meals) estimated at \$650.25 and mileage.

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 124-2019
AUGUST 12, 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 2019-08-01 to 2019-08-11, it is

REVOLVED that the Supervisor is hereby authorized to pay claims 2019-08-01 to 2019-08-11,

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

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

General \$1,599.89, Highway \$71.74, Sewer \$120.20, Lighting 1 \$1,890.57, Lighting 2 \$200.59, Total \$3,882.99

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Public Comment Period/Community Events

Richard Guthrie: I want to half-apologize for usurping your prerogative in bringing the Agenda item before you sooner than you intended and the only reason for that is to the makeup of the Agenda and the protocol here. I could have waited until your discussion started, but then I would have been foreclosed from speaking. So I needed to get my opportunity while I had the chance and I appreciate that. Again, I apologize for bringing it up before you intended.

Ellie Alfeld: At 1 PM the Seniors, October 24 we're going to meet at the Town Hall to go over the plans for the Christmas Party for Seniors.

Councilmember VanEtten: What time?

Ellie Alfeld: 1 PM. We have a tentative date and it looks like we're going to be going to Pegasus. I neglected to note it down, but I think it's Thursday the 5th of December and I will back that up. It'll give you plenty of time.

Richard Guthrie: I want to thank Shelly and the Town Veterans Committee for bringing the picnic together last Saturday at Hallock Park. It was well-attended, the weather was beautiful. We had a welcoming light soft day welcome and the food was terrific, it was an abundance of food, a lot of good conversation and socializing. Again, thank you very much.

Councilmember VanEtten: I might want to add this is our seventh or eighth year and our Committee works very hard to put these events on.

On a Motion by Councilmember Briody seconded by Councilmember Downes, the meeting was adjourned at 7:28 PM

AYES: Ruso, Briody, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: Good night everybody. Thank you.

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk