

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

**AUGUST 10, 2020
AGENDA**

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Opening of Sealed Bids for Improvements to the Sand Storage Structure at the Highway Garage

Approval of Minutes

- July 13, 2020 Town Board Regular Meeting
- July 27, 2020 Town Board Work Meeting

Correspondence

- Town of Coeymans Notice of Adoption of Local Laws 5&6 of 2020, 7,8&10 of 2020, 9 of 2020

New Business

- Resolution to Seek Posted Speed Limit Sign for Schoolhouse Lane
- Resolution Approving Amendment to Agreement for Expenditure of Highway Monies
- Resolution to Allow the Supervisor to Sign Easement Agreement with Central Hudson Gas & Electric Corporation to Serve the Properties of 3809 and 3801 with Overhead Conductor
- Resolution Authorizing the Supervisor to Renew a Management Agreement with the New Baltimore Conservancy
- Resolution to Approve Invitation to Bid for Silver Lake District 3 Park and Joseph Wyche District 1 Park
- Audit of Claims

Upcoming Meetings

- July 27, 2020 Town Board Work Meeting at 7 PM

Public Comment Period

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 Councilmembers Boehlke, Downes, and VanEtten, Deputy Supervisor Dellisanti, Aline Galgay, Esq., Town Clerk Finke, and 4 members of the public who signed the attendance book. Absent: Councilmember Irving, Highway Superintendent VanWormer, and Tax Collector Jordan

Supervisor Ruso: I've just been informed we have no sealed bids to open tonight.

ADOPTION OF MINUTES

The July 13, 2020 Town Board Regular Meeting submitted by Town Clerk Finke, Moved by Supervisor Ruso and was seconded by Councilmember VanEtten. The adoption of the foregoing Motion was duly put to a vote and the vote was as follows:

AYES: Ruso, Boehlke, Downes, VanEtten

NAYS:

ABSTAIN:

ABSENT: Irving

Motion Carried

The July 27, 2020 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 the vote was as follows:

AYES: Ruso, Boehlke, Downes, VanEtten

NAYS:

ABSTAIN:

ABSENT: Irving

Motion Carried

Correspondence

Town of Coeymans: Notice of Adoption of Local Laws 5 (Unsafe Buildings) & 6 (Abandoned Vehicles) of 2020, 7 (Peace and Good Order), 8 (Garbage and Garbage Receptacles) & 10 (Allow for Transfer Station) of 2020, 9 (Definitions of Transfer Station and Transportation Terminal) of 2020

Supervisor Ruso: If you have any consideration of finding out exactly what the details of these local laws, I would recommend that you would contact the Town of Coeymans. We don't have the entirety of that.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 106-2020

AUGUST 10, 2020

**RESOLUTION TO SEEK POSTED SPEED LIMIT SIGN
FOR SCHOOLHOUSE LANE**

WHEREAS a number of families with young children live on Schoolhouse Lane and Highway Superintendent VanWormer has received numerous requests for a posted 35 MPH speed limit sign.

WHEREAS without said sign, the speed limit will remain 55 MPH.

RESOLVED the Town of New Baltimore supports this safety concern for families on Schoolhouse Lane, forwards support to the Greene County Highway Superintendent, and requests that said proposal be transmitted to the New York State Department of Transportation for a lower maximum speed on said road.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Boehlke, Downes, VanEtten

NAYS:

ABSTAIN:

ABSENT: Irving

Motion Carried

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 107-2020
AUGUST 10, 2020

RESOLUTION APPROVING AMENDMENT TO AGREEMENT FOR EXPENDITURE OF HIGHWAY MONIES

RESOLVED that the attached Agreement for Expenditure of Highway Monies (Amendment 1) of the 284 Agreement is hereby approved.

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS
Section 284 OF THE HIGHWAY LAW
AMENDMENT #1

AGREEMENT between the Town Superintendent of Highways of the Town of New Baltimore, of Greene County, State of New York and the undersigned members of the Town Board. Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aide for the repair and improvement of highways, shall be expended as follows:

1. **GENERAL REPAIRS.** The sum of \$125,000 shall be set aside to be expended for primary work and general repairs upon 63.18 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or 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 54 and leading to School Hill Road, a distance of .08 miles, there shall be expended not over the sum of \$40,000
Type: Blacktop Overlay
Width of Traveled Surface: 20'
Thickness: 1"
Subbase: N/A
Place a Blacktop overlay on Highmount Road from County Route to School Hill Road

3. All work and materials utilized in the above projects shall be obtained in accordance with the Town of New Baltimore Procurement Policy and public bidding requirements pursuant to New York State General Municipal Law Article 5A.

Executed in duplicate this _____ day of August, 2020.

Supervisor Jeffrey R. Ruso

Councilmember William J. Boehlke Sr.

Councilmember Kelly Downes

Councilmember Charles A. Irving Jr.

Town Superintendent of Highways
Alan VanWormer

Councilmember Shelly VanEtten

County Superintendent of Highways Scott Templeton

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

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Boehlke, Downes, VanEtten

NAYS:

ABSTAIN:

ABSENT: Irving

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 108-2020

AUGUST 10, 2020

RESOLUTION TO ALLOW THE SUPERVISOR TO SIGN EASEMENT AGREEMENT WITH CENTRAL HUDSON GAS & ELECTRIC CORPORATION TO SERVE THE PROPERTIES OF 3809 AND 3801 WITH OVERHEAD CONDUCTOR

WHEREAS for the purpose of pole 186614, including all attachments, Central Hudson Gas & Electric Corporation wishes to serve the properties of 3809 and 3801 with overhead conductor.

RESOLVED the Town Board of the Town of New Baltimore allows the Supervisor to sign an easement agreement with Central Hudson Gas & Electric Corporation 30' in width throughout its extent, in, upon, under, over and across the lands of the undersigned, including roads and highways thereon and adjacent thereto, situated in the Town of New Baltimore, County of Greene, State of New York.

Motion by Supervisor Ruso seconded by Councilmember Downes

Councilmember Boehlke: Well, can you explain what this is about.

Supervisor Ruso: I'll tell you exactly what it is. The property behind us here owned by Jamie Davis, they have an easement already in existence signed in 2006 by previous town supervisor that allows them to put in electrical lines once they develop it. Well, the request is they have the right right now to dig up our parking lot, it was signed to them 14 years ago. Was it 2006?

Aline Galgay, Esq.: About then, yes.

Supervisor Ruso: Well, we don't want them digging up our parking lot so we're gonna run a telephone line across us. Now there's a telephone pole right there and the plan is for the line that needs to go in there, we're 3809, the plan is for the line to also, she's gonna have her own pole on her own property, to run down that driveway behind us here and serve her home that they're in the process of building. The easement for Central Hudson is for them to maintain trees, make sure the branches, that's all that Central Hudson is acquiring from us. Jamie Davis' easement already exists. This is for maintenance of the overhead power lines. We did get a few things from them. One is that pole that you can see out there, the Town of New Baltimore rents that pole for \$17 a month as well as the one here which is not in question. Now that it's going to serve two properties, the pole will no longer be charged to us. So that's \$17 a month we're not going to have to pay. Furthermore, I got them to replace the current bulbs out there with LEDs so we can save some electricity. So that's what we have, but that's what it's about in case you guys want to know any more.

Councilmember Boehlke: Sounds good, sounds like a winner.

Supervisor Ruso: I have an Agreement here to give them an easement to cut the trees basically, maintain it and it will have to be notarized. Is there anything to add, Aline, I mean I know you had some...

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Aline Galgay, Esq.: No, that's pretty much... It's a much more positive, better, less intrusive way of getting the electricity back to that house than what is currently in place and we did a lot of research and they have the right.

Councilmember Boehlke: It's a win-win for both parties which is good.

Aline Galgay, Esq.: Absolutely.

Supervisor Ruso: And, of course, it has to be maintained, you know the power lines.

AYES: Ruso, Boehlke, Downes, VanEtten

NAYS:

ABSTAIN:

ABSENT: Irving

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 109-2020
AUGUST 10, 2020

**RESOLUTION AUTHORIZING THE SUPERVISOR TO RENEW
A MANAGEMENT AGREEMENT WITH THE
NEW BALTIMORE CONSERVANCY**

RESOLVED the Town Board of the Town of New Baltimore agrees to renew a Management Agreement for the Hudson River Interpretive Trail with the New Baltimore Conservancy for approximately 40 acres of land for recreational and other public use.

MANAGEMENT AGREEMENT

HUDSON RIVER INTERPRETIVE TRAIL

THIS MANAGEMENT AGREEMENT (hereinafter the "Agreement"), is made this 10th day of August, 2020, between the Town of New Baltimore (hereinafter the "Town"), and the New Baltimore Conservancy (hereinafter the "Conservancy").

WITNESSETH:

WHEREAS, the Town owns approximately 40 acres of land (hereinafter the "Premises") bounded by the Hannacroix Creek to the north, Route 144 to the west and the Hudson River to the east; and

WHEREAS, the Premises contains outstanding natural resource features, has abundant wildlife, and is predominantly a wetland of statewide significance; and

WHEREAS, the Premises has significant value for passive recreational use, as a link with the Hannacroix Creek Preserve and has access to the Hudson, and American Heritage River; and

WHEREAS, the Conservancy is desirous of managing the Premises on the Town's behalf for public recreation and enjoyment at no cost to the Town; and

WHEREAS, the Town is desirous of entering into this Agreement with the Conservancy so that it manages the Premises, in cooperation with the Town, for recreation and other public uses;

NOW THEREFORE, the parties mutually agree as follows:

1. PREMISES

The Premises subject to this Agreement are more fully described by the Map annexed hereto as Exhibit "A".

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2. TERM

The term of this Agreement shall be for ten (10) years effective 10 August, 2020. This Agreement shall automatically renew for two additional ten-year terms, provided that the Conservancy has complied with the terms and conditions of this agreement. During the renewal terms, either party may cancel this agreement on sixty (60) days notice.

3. CONSIDERATIONS

The consideration payable under this Agreement by the Conservancy shall be the sum of \$1.00 and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged by the Town.

4. MANAGEMENT OF THE PREMISES

- A. The Conservancy agrees, at their sole cost and expense and within the limits of available resources, to operate, manage and maintain the Premises for open space, recreation and other public uses such as hiking, fishing, horseback riding, cross country skiing and camping as permitted by law. In particular, the Conservancy agrees to: (1) maintain existing paths and trails on the Premises; (2) periodically remove trash and debris from the Premises; (3) generally keep the site open, and accessible to the public from dawn to dusk; (4) post the boundaries of the Premises with signs and maintain such signs; and (5) provide directional signs to assist users of the Premises.
- B. Subject to written approval by the Town, the Conservancy is authorized to construct improvements on the Premises such as new trails and kiosks at the Conservancy's sole expense.
- C. The Premises shall be open and available to the public for day use, whether residents of the Town or otherwise.

5. INSURANCE

The Conservancy agrees to maintain a Commercial General Liability Insurance Policy with a \$1,000,000 per occurrence/\$2,000,000 aggregate. Furthermore, the Conservancy agrees to add the Town as an additional insured on such policy for liability resulting from the Conservancy's actions. Any such policy shall provide thirty (30) days written notice of cancellation to the Town. The Conservancy shall provide the Certificate of Insurance when executing the Agreement.

6. COMPLIANCES WITH LAWS, ORDINANCES, ETC.

The Conservancy agrees throughout the term of this Agreement to comply promptly, at its sole cost and expense, with all laws and ordinances and the orders, rules, regulations and requirements of all governmental departments, commissions, boards and officers thereof, foreseen and unforeseen, which may be applicable to the Premises, or to the use or manner of use of the Premises.

In WITNESS THEREOF, the parties hereto have set their hands and seals the day and year first above written.

TOWN OF NEW BALTIMORE

By: _____
Jeffry R. Ruso, Supervisor

NEW BALTIMORE CONSERVANCY

By: _____
Peter Melewski, President

Motion by Supervisor Ruso seconded by Councilmember Downes

Councilmember VanEtten: So what does the Management Agreement include?

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Supervisor Ruso: Well, currently the Hudson River Interpretive Trail is managed by the Conservancy and that's a 40 acre plot of Town land on the east side of Route 144 between 144 and the River and they maintain the trails there and that's pretty much it.

Councilmember Boehlke: I assume it's off the tax rolls.

Supervisor Ruso: Oh, it's Town property. They lease it to us I believe the agreement is for...

Aline Galgay, Esq.: They lease it for \$1.

Ellie Alfeld: What about the parking area?

Supervisor Ruso: The parking area is a separate agreement. That agreement is not in effect right now. That has to be renewed because last year when we renewed it, they forgot to tell us that Open Space Institute no longer owns it. When we renewed, it was renewable with the old owners, so when we renewed it, we renewed it with a person who doesn't own the property anymore. So it is not in effect right now, but we're working on one at a time because everything was shut down because of the virus stuff.

Councilmember Boehlke: So we're not paying any fees on this property?

Supervisor Ruso: No, we own it. The Town owns it.

Councilmember Boehlke: I know we own it, are we paying any fees?

Supervisor Ruso: They are going to send us \$1.

Councilmember Boehlke: That's gonna be clear profit.

Supervisor Ruso: So the other one is in the works is what I mean to say.

Ellie Alfeld: And we still maintain the plowing and what have you?

Supervisor Ruso: That's the other property.

Ellie Alfeld: Right, I just want that out in the open.

Supervisor Ruso: The other property we're renewing the lease on the other side of the road, on the west side of Route 144 is where the parking lot is. The Town has been leasing that property from Open Space Institute, but since the Open Space Institute turned it over to New Baltimore Conservancy, they're now the owner. We have to renew a new lease basically, but that's in the works. We probably can have that by this time next month I think. (To Aline Galgay, Esq.) Don't you?

Aline Galgay, Esq.: Yeah, it's pretty much...

Supervisor Ruso: It's not major changes.

Aline Galgay, Esq.: The only thing that I want to just remind Barb. Barb, when we get the New Baltimore Conservancy's signature, we have to collect the certificate of insurance at the same time because it's not effective and per the agreement, the way I changed it, it's not effective until we have that certificate of insurance in. So we just want to know that they have the adequate insurance.

AYES: Ruso, Boehlke, Downes, VanEtten

NAYS:

ABSTAIN:

ABSENT: Irving

Motion Carried

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 110-2020
AUGUST 10, 2020

**RESOLUTION TO APPROVE INVITATION TO BID FOR
SILVER LAKE DISTRICT 3 PARK AND JOSEPH WYCHE DISTRICT 1 PARK**

RESOLVED the Town of New Baltimore wishes to advertise for sealed bids for improvements to Silver Lake District 3 Park and Joseph Wyche District 1 Park by www.debiddocuments.com, or at the office of Delaware Engineering, D.P.C., 28 Madison Avenue Extension, Albany NY, 12203.

INVITATION TO BID

Notice is hereby given that sealed bids for the purchase of Storm Water construction materials will be received by the Clerk until **3:00 P.M., Wednesday, August 19, 2020**, at the Town Clerks office, Town of New Baltimore, 3809 County Route 51, Hannacroix, New York 12087. All sealed bids received before 3:00 P.M. will be publicly opened and read aloud at that time.

The construction materials are to be delivered to the Town of New Baltimore Parks Department for installation by Town forces at Wyche Park and Silver Lake park.

Contract Documents, including Advertisement For Bids, Information For Bidders, Additional Instructions, Bid Documents, General Requirements, Specifications, Contract Drawings and any Addenda, may be examined at no expense on line at the following website: www.debiddocuments.com, or at the office of Delaware Engineering, D.P.C., 28 Madison Ave Extension Albany NY, 12203.

Digital copies of the Contract Documents may be obtained online as a download from the website: www.debiddocuments.com. Complete hardcopy sets of bidding documents may be obtained from REV, 330 Route 17A, Suite #2, Goshen, NY 10924, Tel: 1-877-272-0216, Any Bidder requiring documents to be shipped shall make arrangements with REV and pay for all packaging and shipping costs.

All Questions should be sent to Kevin Schwenzfeier via email at kschwenzfeier@delawareengineering.com or Fax at (518) 452-1335.

Please note that www.debiddocuments.com is the designated location and means for distributing and obtaining all bid package information. All Bidders are urged to register to ensure receipt of all necessary information including bid addenda. All bid addenda will be transmitted to registered plan holders via email and will be available at www.debiddocuments.com. Plan holders who have paid for hard copies of the bid documents will need to make the determination if hard copies of the addenda are required for their use, and coordinate directly with REV for hard copies of addenda to be issued. There will be no charge for registered plan holders to obtain hard copies of the bid addenda.

No Bidder may withdraw his bid within Thirty (30) days after the actual date of opening thereof.

This is an exempt capital improvement project, and Bidders shall not include in their bid sales and compensating use taxes on the cost of materials which are to be incorporated into the work.

The Town of New Baltimore reserves the right to waive any and all informalities in the Bid and to reject any or all Bids. By Order of the Town Board. Barbra M. Finke, Town Clerk

Motion by Supervisor Ruso seconded by Councilmember Boehlke

Supervisor Ruso: Just to let you know, this is a total of \$150 000 grant that is going to be applied to restore those two parks.

Ellie Alfeld: Is it a state grant?

Supervisor Ruso: Yes, ma'am.

Councilmember Downes: What's the timing of it?

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Supervisor Ruso: It's not 'til next spring. Well, when the work starts next spring. Is that right, Nick?

Deputy Supervisor Dellisanti: Depending on how quick they get the bid out and the contractors to do the job. Looks like possibly September, October.

Supervisor Ruso: Actually do the work this year?

Deputy Supervisor Dellisanti: Possibly.

Councilmember Downes: And what do we have 18 months on that?

Deputy Supervisor Dellisanti: Yes.

AYES: Ruso, Boehlke, Downes, VanEtten

NAYS:

ABSTAIN:

ABSENT: Irving

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 111-2020

AUGUST 10, 2020

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 2020-08-01 to 2020-08-34, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2020-08-01 to 2020-08-34.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until October 31, 2020.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Boehlke, Downes, VanEtten

NAYS:

ABSTAIN:

ABSENT: Irving

Motion Carried

General \$16,463.06, Highway \$8,359.12, Sewer 1 \$30,872.67, Sewer 2 \$36.11, Lighting 1 \$1,708.64, Total \$57,439.60

Public Comment Period

Supervisor Ruso: Based upon conversations today with Delaware Engineering about Sewer District #2 that the bids are out and there's a bidder who's been awarded part of where they're replacing the piping. That bid alone has come in \$22,000 above estimate. So the last engineering estimates were at \$281,000. This is already and that's just one component, that's \$22,000 above. So we're going to look like we're gonna break \$300,000 on the cost of this project.

Councilmember Boehlke: Does that include the retaining wall?

Supervisor Ruso: That includes everything A-Z. No, no, you're talking about the Sewer Plant. Did I say Sewer, I meant to say Water. That's the Water District. The work, they don't expect to get done or even started until probably the middle of September and they're anticipating everything done and bills submitted somewhere by the end of October. So the water should be

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restored in total by that point and then we have to figure out the finances. The Village of Coxsackie is going to pay this bill and all bills associated with it. They will then send to us an itemized bill for us to reimburse them and then we have to start the conversation about a BAN or a long-term bond based upon how much money if we get from grants and emergency funds from the State. I'm already informed that the federal government will have none. So we have to hold out hope that the State has extra money this year. So I just thought I'd give you folks that update.

Councilmember Boehlke: I have yet to understand why, Jeffry, that this water district is responsible for a portion of a line that the Town of Coxsackie is basically being billed for. They're negotiating or not negotiating a price.

Supervisor Ruso: It was bid out.

Councilmember Boehlke: I mean what's the incentive for Coxsackie to say 'no, this is too high.' I mean they're just passing the bill to us right?

Supervisor Ruso: There's no incentive for them to say 'no,' but it was properly bid. I mean they still have to follow the same procurement rules everyone else does. So the lowest bidder is still \$22,000 more than what they expected, but that was the lowest bidder and I'm told there was more than one. I wasn't in the room at the time

Ellie Alfeld: Jeff, does Coxsackie add anything to the handling of this?

Supervisor Ruso: No, it is going to be at cost. I've had multiple conversations with Mark Evans and that's exactly how they plan on doing it.

Councilmember Downes: Now keep in mind that Coxsackie didn't have to do that. They could have just had the bills sent to us and we could have figured it out.

Supervisor Ruso: It actually backs up our payment a little further out which gives us more time to get the bond and all of that.

Councilmember Boehlke: But, that's not going to impact our ability to go legally and dispute this bill with the...

Supervisor Ruso: Dispute it with who?

Councilmember Boehlke: Well, we already know that the State of New York did not make any provision to protect this water line when they came through.

Supervisor Ruso: You're talking about the Thruway Authority. There is and will be conversations with the Thruway Authority. How much that will deduct from the bill we can't say.

Councilmember Boehlke: I'm saying the bill's been handed to Coxsackie so are we gonna be in the driver's seat negotiating this bill using...

Supervisor Ruso: There's no negotiations. It's a bid.

Councilmember Downes: Who going to talk to the Thruway Authority to try to get money back?

Supervisor Ruso: Myself and Marybeth.

Councilmember Boehlke: That's what I'm after, that's what I'm getting at.

Supervisor Ruso: To help pay the bill that Coxsackie is going to send to us. We're not negotiating beforehand. Until we get the bill, we cannot ask any state agency for any money. There's no ask if you don't know how much to ask for.

Councilmember Boehlke: That doesn't impact us in any way, Aline?

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Aline Galgay, Esq.: You mean after the bill comes to us?

Councilmember Boehlke: Yeah.

Aline Galgay, Esq.: No, Jeff's saying is that they're gonna pay it so now the vendor has been paid. The Village of Coxsackie is going to ask us for reimbursement basically and we're gonna go to the Thruway Authority. The Thruway Authority we can only ask them when we have standing which means we're now a debtor. Do you know what I'm saying? We now owe somebody money so now we can go to the Thruway Authority.

Councilmember Boehlke: And that's what I'm getting at.

Supervisor Ruso: Let's not forget that the part that the Thruway Authority is involved with is for the restoration and repair of the Thruway lanes of traffic. The piping was always our responsibility going back 100 years or whatever it was we heard the engineers say.

Councilmember Boehlke: But it wouldn't been had it been protected correct? They admit they didn't line or protect it.

Supervisor Ruso: No, it was put in 100 years ago.

Many speaking at once.

Aline Galgay, Esq.: I think it's the structural integrity of the part that sank.

Supervisor Ruso: Yeah, it just wore out. And the Thruway did not take any ownership of this plumbing when they put the Thruway in back in 1952. They didn't take ownership, they just went over it like it wasn't there or like it was there and I have not heard anything that suggested that the Thruway's placement caused the demise of that piping.

Councilmember Boehlke: Well, yeah, that's what we heard at the meeting right? They x'd out that right-of-way saying it was abandoned on the original prints. That was the word that was given to us.

Supervisor Ruso: But the pipe didn't deteriorate because of the Thruway. The pipe deteriorated because it was put in there what in the 1880's.

Councilmember Boehlke: It was explained to us, Jeffry, that if it was an active pipe had it been recognized as being used it would have been reinforced and to protect it. So it wouldn't have been impacted by...

Councilmember Downes: The road travel.

Councilmember Boehlke: The highway base and the travel.

Supervisor Ruso: This is what we're at right now and so maybe there's things that we can sort out along the way.

Councilmember Boehlke: Well, I mean we're getting stuck with the bill so my concern is that we just don't want to be cut out of this equation. If Coxsackie is paying the bill, making sure we don't get cut out the equation by that virtue. I mean that's my interest in it.

Supervisor Ruso: Well, the most important thing was to get these people water.

Councilmember Boehlke: Of course, of course.

Supervisor Ruso: So we have to find a way in the after-effect to get funding and whatever you want to suggest about disputes, but in the meantime we have to get these people water. That's the A#1 goal.

Councilmember Boehlke: I agree. We just don't want to hand this Water District of what 47 houses for a bill for \$300-and-some-thousand.

TOWN OF NEW BALTIMORE **Draft 8/11/2020**
COUNTY OF GREENE **Adopted 8/24/2020**
TOWN BOARD REGULAR MEETING
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Supervisor Ruso: Thirty-four and they do have water, but they're hydrants are not usable and, of course, all the fire districts know this.

Councilmember Boehlke: Well, I think they got a 2" line in there temporarily for now right

Supervisor Ruso: I think it was 2, yeah.

Councilmember Boehlke: That's not going to feed a hydrant.

Supervisor Ruso: No, no, heavens, no.

Upcoming Meetings

- **August 13, 2020 Planning Board Meeting at 7PM**
- **August 24, 2020 Town Board Work Meeting at 7PM**

Motion by Councilmember Downes seconded by Councilmember VanEtten to adjourn the meeting at 7:31 PM

AYES: Ruso, Boehlke, Downes, VanEtten

NAYS:

ABSTAIN:

ABSENT: Irving

Motion Carried

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk