

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

**MARCH 9, 2020  
AGENDA**

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

**Pledge of Allegiance**

**Approval of Minutes**

- February 24, 2020 Town Board Work Meeting Minutes

**Public Comment Period**

**New Business**

- Resolution Authorizing Supervisor to Execute Memorandum of Understanding with AgFest Committee
- Resolution Authorizing Supervisor to Execute Lease Agreement with the VanEtten Family for AgFest
- Resolution to Adopt Supervisor's 2019 Annual Financial Report Update Document Submitted to the State Comptroller and on File in the Town Clerk's Office for Public Inspection
- Resolution to Approve Annual Review of Accounts for Town Court
- Resolution to Authorize Purchase of Property and Casualty Insurance
- Motion to Accept Resignation of Heavy Motor Equipment Operator
- Resolution to Approve Advertisement for Full-Time Heavy Motor Equipment Operator for the Highway Department
- Resolution to Authorize the Highway Superintendent to Attend a Cornell Local Roads Program
- Resolution to Seek Sealed Bids for Improvements to the Sand Storage Structure at the Highway Garage
- Resolution to Authorize the Tax Collector to Keep Retired Laptop for Office Use
- Audit of Claims

**Upcoming Meetings**

- March 23, 2020 Town Board Work Meeting at 7 PM
- March 25, 2020 Rabies Clinic at Medway Grapeville Firehouse from 6-8 PM
- April 1, 2020 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- April 9, 2020 Planning Board Meeting at 7 PM
- April 13, 2020 Town Board Regular Meeting at 7 PM
- April 27, 2020 Town Board Work Meeting at 7 PM
- June 6-June 7, 2020 AgFest at VanEtten Farm

**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 7:03 PM and the Pledge of Allegiance was said. Also attending Councilmembers Boehlke, Downes, Irving, and VanEtten, Aline 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

**APPROVAL OF MINUTES**

The February 24, 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 vote was as follows:

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

**Public Comment Period**

None

**New Business**

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

**RESOLUTION 59-2020**

**MARCH 9, 2020**

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE  
MEMORANDUM OF UNDERSTANDING WITH AGFEST COMMITTEE**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the attached Memorandum of Agreement with the AgFest Committee for 2020.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Boehlke, Downes, Irving

NAYS:

ABSTAIN:

RECUSE: VanEtten

ABSENT:

**Motion Carried**

**Supervisor Ruso:** I will sign it right now.

**MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement entered into this 9th day of March, 2020 by and between the Town of New Baltimore, a municipal corporation organized under the laws of the State of New York, and New Baltimore Antique Machinery and Agricultural Festival Association, aka AgFest Committee, a New York not-for-profit corporation ("AgFest Committee").

**WHEREAS**, the New Baltimore Antique Machinery and Agricultural Festival, aka AgFest, is an event sponsored by the Town of New Baltimore, and the Town wishes to contract with the AgFest Committee, to plan, stage and run the event commonly known as AgFest.

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*FOR GOOD AND VALUABLE CONSIDERATION*, the receipt of which is acknowledged, the parties agree as follows:

1. There shall be an AgFest in the Town to be held on June 6-June 7, 2020 at the VanEtten farm, New Baltimore, New York.
2. The Town shall be responsible for providing at its expense the following: a) general liability insurance in favor of the Town and AgFest, their officers, elected officials, etc.: b) picnic tables; c) electricity; d) trash collection; and e) porta-sans.
3. The AgFest Committee will be solely responsible for organizing and running the festival and for any necessary clean-up after the festival ends.
4. The AgFest Committee will coordinate the provision of electric service, trash pick-up, and arrange for porta-sans with vendors.
5. The AgFest Committee will pay all expenses associated with AgFest not otherwise paid by the Town as set forth above.

Dated: \_\_\_\_\_, 2020                      Dated: \_\_\_\_\_, 2020  
**TOWN OF NEW BALTIMORE**                      **NEW BALTIMORE ANTIQUE**  
**MACHINERY AND AGRICULTURAL**  
**FESTIVAL ASSOCIATION**

By: \_\_\_\_\_                      By: \_\_\_\_\_

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

**RESOLUTION 60-2020**  
**MARCH 9, 2020**

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE**  
**LEASE AGREEMENT WITH THE VAN ETTEN FAMILY FOR AGFEST**

*RESOLVED*, that the Town Board does hereby authorize the Supervisor to sign attached lease agreement with Robert and Shelly VanEtten for 2020 AgFest.

Motion by Supervisor Ruso seconded by Councilmember Boehlke

**Supervisor Ruso:** For those that don't know, the agreement has been largely unchanged for as long as I can remember.

AYES: Ruso, Boehlke, Downes, Irving  
NAYS:  
ABSTAIN:  
RECUSE: VanEtten  
ABSENT:  
**Motion Carried**

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**LEASE AGREEMENT**

THIS LEASE AGREEMENT (the "Lease") is made as of the Memorandum of Agreement entered into this 9th day of March, 2020, by and between the Town of New Baltimore, a New York municipality, with an address of 3809 County Route 51, Hannacroix, New York 12087 (hereinafter called the "Tenant"), and Robert and Shelly VanEtten, with an address of 1314 Saw Mill Road, Ravena, New York 12143 (hereinafter called the "Landlord").

**WITNESSETH:**

WHEREAS, Landlord is the owner of the real property, and improvements thereon, located at 1314 Saw Mill Road, Ravena, New York 12143 (the "Property");

WHEREAS, Tenant desires to lease a portion of the Property from Landlord for the annual Antique Machinery and Agricultural Festival ("AgFest"), and

WHEREAS, Landlord is willing to lease a portion of the Property to Tenant on the terms and conditions set forth herein,

NOT, THEREFORE, in consideration of the foregoing mutual covenants herein contained, and for One Dollar and 00/100 (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto mutually covenant and agree as follows:

1. Description of the Leased Premises. The property to be leased to Tenant is real property located at 1314 Saw Mill Road (the "Leased Premises").
2. Term. The term of the Lease shall commence on June 4, 2020 and end on June 8, 2019 at midnight.
3. Lawful Possession. The Landlord covenants that it is lawfully seized and in possession of the Leased Premises above described, and that it will put and keep Tenant in the peaceable possession thereof during the term of this Lease
4. Business Use Termination. The Leased Premises shall be used and occupied by the Tenant and Tenant's invitees solely for the AgFest, and such use is in compliance with

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all applicable laws, ordinances and governmental regulations. Landlord and Tenant hereby expressly acknowledge and agree that the Lease shall be immediately terminated, and the parties shall be released from any and all obligations hereunder, in the event that Tenant ceases to use the property for the aforesaid purpose.

5. Tenant's Return of the Leased Premises. Tenant shall, at Tenant's expense, return the Leased Premises in a clean and sanitary condition, and in compliance with applicable laws, ordinances, regulations and code.
6. Indemnification. Tenant shall protect, indemnify and save harmless the Landlord and its successors and assigns, and Landlord's agents from and against all claims, damages and suits arising directly or indirectly, in whole or in part, from any activity, work or thing done, permitted, suffered or omitted to be done by Tenant, or by any of Tenant's agents, employees, or invitees in or about the Leased Premises.
7. Insurance. Tenant agrees to maintain appropriate liability insurance for the AgFest to name Landlord as an Additional Insured.
8. Assignment and Subletting. Tenant may not sublet or assign this Lease to any person or any corporation, partnership, or other entity, without obtaining the prior written consent of Landlord, which consent may be unreasonably withheld.
9. Waiver. No mention in this Lease of any specific right or remedy shall preclude Landlord from exercising any other right or from having any other remedy or from maintaining any action to which it may be otherwise entitled either at law or in equity. The waiver of any breach, covenant, condition or agreement herein contained must be in writing. The failure of Landlord to insist in any one or more instances upon a strict performance of any covenant of this Lease or to exercise any option or right therein contained shall not be construed as a waiver or relinquishment for the future of such

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covenant, right or option, but the same remain in full force and effect unless the contrary is expressed in writing by Landlord.

10. Termination. This Lease may be terminated by written agreement of the parties.

11. Complete Agreement. This Lease contains the entire understanding among the parties with respect to the transactions contemplated hereby and supersedes all other agreements and understandings among the parties. Except as expressly set forth in this Lease, none of the parties has relied upon any oral representation or oral information given to it by any representative of either party. This Lease can only be modified pursuant to a written agreement signed by both parties.

12. Governing Law. This Lease shall be governed by, and construed in accordance with, the laws of the State of New York.

IN WITNESS WHEREOF, Landlord and Tenant have executed and delivered this Lease, intending to be bound hereby, as of the date and year first above written.

TENANT, TOWN OF NEW BALTIMORE

LANDLORD

\_\_\_\_\_  
Name: Jeffrey R. Ruso  
Title: Supervisor

\_\_\_\_\_  
Robert VanEtten

\_\_\_\_\_  
Shelly VanEtten

**Supervisor Ruso:** Resolution 61-2020, Resolution to Adopt Supervisor's 2019 Annual Financial Report Update Document Submitted to the State Comptroller and on File in the Town Clerk's Office for Public Inspection, I'm going to defer this to the next meeting. I have the AUD here and that's 60 some-odd pages and I have a copy for each of you to take with you when you leave tonight. Just to give you the bottom dollar type of thing, in the General Fund we had a deficit of \$32,000 and in the Highway Department we had a surplus of \$80,000. Townwide General, obviously if you subtract one from the other, we have a Townwide surplus of \$48,000 and part of the issue as to why one's in deficit and one's in surplus -- not that we didn't have surplus otherwise -- was the budgeting of health care expenses into the Highway account that turned out not to come out of the Highway account. So the Town General had the health insurance costs that weren't budgeted for and the Highway did not have health insurance costs that they were not budgeted for. So more money came out of the General Fund than was otherwise budgeted and that happens when there's a retirement because when they're working for the Highway Department the cost of their insurance is in the Highway Department, but when they retire the cost goes to the Town General because they're no longer Highway employees. And we did not know a few employees that were going to have a retirement at the beginning of the year. So that's what happens. So, nevertheless, we're going to approve this in our next Board meeting and I hope with two weeks reviewing all 62 pages you'll be well up on everything in there.

**Councilmember Boehlke:** Is all the insurance figures in there too, Jeffrey?

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**Supervisor Ruso:** Yes, every expenditure in the Town.

**Councilmember Boehlke:** Total cost?

**Supervisor Ruso:** Yes, and we will be discussing insurance in a moment here.

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

**RESOLUTION 62-2020**  
**MARCH 9, 2020**

**RESOLUTION TO APPROVE ANNUAL REVIEW OF ACCOUNTS**  
**FOR TOWN COURT**

**WHEREAS** Town Law Section 123 requires each town officer or employee who has received or disbursed any monies to produce all supporting books, records, receipts, warrants, vouchers and cancelled checks as authorized by Section 29 of the General Municipal Law.

**WHEREAS** Councilmember Kelly Downes, Member of the Audit and Budget Committee, completed the Annual Review of the financial records of the Town Court on Tuesday, February 11.

**RESOLVED** the Town Board accepts the Annual Review for said departments for the period of January 1, 2019 to December 31, 2019.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

**Councilmember Downes:** They were all in good shape. These are, just so everybody's aware, for the Judges who are going out. So the new Judge that just came in, he sat in so he knew what to expect going forward. But they were in good shape. They keep everything tight and neat and I think we're in good shape there.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

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

**RESOLUTION 63-2020**  
**MARCH 9, 2020**

**RESOLUTION TO AUTHORIZE DISCONTINUANCE OF CURRENT**  
**BOTTLED WATER SUPPLIER AND ALLOW SUPERVISOR**  
**TO SIGN NEW AGREEMENT**

**RESOLVED** the Town Board of the Town of New Baltimore authorizes the discontinuance of the current bottled water supplier for Town Hall and the Highway Department and allows the Supervisor to sign an agreement with Rainbow Distributing at the current cost of \$6.99 per bottle.

Motion by Supervisor Ruso seconded by Councilmember Irving

**Councilmember Downes:** And these are so many gallon right?

**Supervisor Ruso:** Yeah, I think they're what five gallon jugs? The big jugs, not a little...

**Councilmember Boehlke:** That's a good price.

**Councilmember Downes:** No, I know, just...

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**Councilmember Boehlke:** Just to clarify, though.

**Councilmember Downes:** Yeah, let's get it out there so...

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

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

**RESOLUTION 64-2020**

**MARCH 9, 2020**

**RESOLUTION TO AUTHORIZE PURCHASE OF PROPERTY  
AND CASUALTY INSURANCE**

**RESOLVED** the Town Board of the Town of New Baltimore hereby authorizes the Supervisor to renew coverage with Trident Insurance Co., through Marshall & Sterling effective March 5, 2020 for one year at a cost of ~~\$34,767.08~~ **\$37,694.08**.

Motion by Supervisor Ruso seconded by Councilmember Boehlke

**Ellie Alfeld:** Is this approximately the same amount we paid last year or was...?

**Supervisor Ruso:** No, it's a little bit higher.

**Ellie Alfeld:** How much is a little bit?

**Supervisor Ruso:** About \$800. In fact just so you know we budgeted for 2020 not knowing this back in September, we budgeted for \$34,500 and that's throwing a dart on the wall based upon what we know and what we don't know and it came out to be \$267 more. Instead of \$34,500 it came to \$34,767 and some of that has to do with increased value of property and assets.

**Ellie Alfeld:** And has this outfit that we've used have they made a presentation at the public meeting.

**Supervisor Ruso:** No, I had it in my office with the representative.

**Ellie Alfeld:** There was a time when they would come once every three or four or five years.

**Town Clerk Finke:** It's not that period yet.

**Councilmember Downes:** The expiring premium on our backups, there's \$34,767.08 and it says the proposed premium is \$37,694.08.

**Supervisor Ruso:** You're in the wrong, it's over here. You've got the cyber premium and that's another add-on. The other part of this that I have to point out here is that the property values themselves went from \$2,022,928 to \$2,103,845. So, of course, there's an increased valuation of our property as well as the including of a cyber attack premium. Those are the other changes. You gotta have it these days.

**Aline Galgay, Esq.:** I think what Kelly is saying that's the expiring premium and this is the proposed premium,

**Supervisor Ruso:** Oh yeah, I'm sorry. You're right \$37,694.

**Aline Galgay, Esq.:** So you want to change it on the resolution because the resolution the amount is wrong.

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**Councilmember Downes:** We need to change it.

**Supervisor Ruso:** It's \$37,694.08. I beg your pardon everybody. So I'll have to restate that. The one-year cost of \$37,694.08 and we'll have to have a new Motion. So I'll make that Motion. Do I have a second?

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

**Supervisor Ruso:** I'm sorry, I read from the wrong column.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

**Supervisor Ruso:** I'm going to sign that now.

**Supervisor Ruso:** The Town Highway Superintendent notified me on Monday, March 2, 2020 that Tavis Stupplebeen, a Highway employee, has submitted his resignation as a Heavy Motor Equipment Operator. I would like to make a Motion to accept his resignation. Do I have a second?

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

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

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

**RESOLUTION 65-2020**

**MARCH 9, 2020**

**RESOLUTION TO APPROVE ADVERTISEMENT FOR FULL-TIME  
HEAVY MOTOR EQUIPMENT OPERATOR FOR THE HIGHWAY DEPARTMENT**

*WHEREAS* the Highway Superintendent is seeking one full time operator for the Highway Department.

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

The Town of New Baltimore Highway Department is accepting applications for a full time CDL driver/heavy motor equipment operator. Applicants must have a minimum of a clean CDL Class B license. Applicant must be able to perform labor duties including but not limited to shoveling, raking, weed whacking, lawn mowing, operating chain saws, and brush clipping. Heavy equipment operation such as front end loader, backhoe, tractors, etc. a plus. Experience plowing snow with a large truck with plow and wing preferred. Must be willing and able to work long hours, including nights and weekends, during winter months for snow and ice removal. Applicant must pass pre-employment drug screen and alcohol test and random drug and alcohol testing at any time and authorize driver's license check. The successful candidate will be considered probationary for six months beginning at hire date. For further information please contact Highway Superintendent Alan VanWormer at (518)756-2078, Ext. 3 M-Th 6AM-3PM and F 6-10AM. Applications are available at the Town Clerk's office Monday-Friday from 9AM-4PM until April 3.

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**Supervisor Ruso:** So we're losing one, we need to get one is basically what it is.

Motion by Supervisor Ruso seconded by Councilmember Boehlke

**Ellie Alfeld:** Are we mentioning what the salary will be?

**Supervisor Ruso:** No, depends upon experience.

**Ellie Alfeld:** Do we have a starting amount?

**Supervisor Ruso:** We have a range. That will be discussed with the applicant.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

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

**RESOLUTION 66-2020**

**MARCH 9, 2020**

**RESOLUTION TO AUTHORIZE THE HIGHWAY SUPERINTENDENT TO  
ATTEND A CORNELL LOCAL ROADS PROGRAM WORKSHOP**

*WHEREAS* the Cornell Local Roads program will be holding a workshop entitled 'Running Your Highway Department' at the Bethlehem Parks & Recreation in Delmar, New York.

*RESOLVED* that Highway Superintendent Alan VanWormer is authorized to attend said workshop at a cost of \$50.

Motion by Supervisor Ruso seconded by Councilmember Boehlke

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

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

**RESOLUTION 67-2020**

**MARCH 9, 2020**

**RESOLUTION TO SEEK SEALED BIDS FOR IMPROVEMENTS TO THE  
SAND STORAGE STRUCTURE AT THE HIGHWAY GARAGE**

*WHEREAS* the Highway Superintendent is seeking sealed bids for improvements to the sand storage structure at the Highway Garage.

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

The Town of New Baltimore Highway Department is seeking sealed bids for the replacement of the fabric cover and end panel on our 50'x70' sand storage structure. Bidder will supply cover, and all equipment, labor, and travel expenses required to install. The successful bidder will also remove old fabric from site. Labor should be at prevailing wage, proof of workers' compensation coverage is required, and the bidder must provide a certificate of insurance naming the Town as additional insured. The Town of New Baltimore reserves the right to reject any and

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all bids. All bids must be received by the Town Clerk at 3809 County Route 51, Hannacroix, NY by March 23 at 4 PM. Please address any questions to Highway Superintendent Alan VanWormer at 518-756-2078 Ext.#3, or email highway@townofnewbaltimore.org  
By Order of the Town Board,  
Barbara M. Finke  
Town Clerk

Motion by Supervisor Ruso seconded by Councilmember Boehlke

**Highway Superintendent VanWormer:** What it is is we have a dome, we call it a dome, that we store our sand and our salt in and it has a vinyl cover and the vinyl cover that's on there had a 15 year warranty and we got about 22 years out of it so it's outlived itself. It's got holes in it now, it's starting to rip and it pulls apart so we need to replace it. Due to the cost that we're figuring it's gonna cost, we had to go out and get competitive bids for it.

**Councilmember Boehlke:** And Alan invited me over to the Garage a month or two ago and we inspected it together also. I mean it's beyond it's useful life, they stretch it out like for seven years.

**Highway Superintendent VanWormer:** We put it back on best we could for this year, but it won't make another year.

**Councilmember Boehlke:** It's in rough shape. I'm surprised at what held up under this last wind that we've had here.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

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

**RESOLUTION 68-2020**

**MARCH 9, 2020**

**RESOLUTION TO AUTHORIZE THE TAX COLLECTOR  
TO KEEP RETIRED LAPTOP FOR OFFICE USE**

*WHEREAS* the Tax Collector received a new laptop computer per Resolution 151-2019 on November 13, 2019 and desires to use the retired model as an office spare for letters and research.

*RESOLVED* that the Town Board authorizes the use of the old laptop for the Tax Collector at a rate of \$10 a month.

Motion by Supervisor Ruso seconded by Councilmember Boehlke

**Ellie Alfeld:** Is that \$10 coming out of the Tax Collector's budget or...?

**Supervisor Ruso:** Yeah.

**Ellie Alfeld:** How old is this laptop do you know?

**Supervisor Ruso:** No, I don't, but she wants a backup.

**Councilmember Boehlke:** It was old enough to retire.

**Supervisor Ruso:** She wants a backup and the cost of one that's already working, it gets retired not because it went defunct so for \$10 a month as a backup, sometimes those things are well worth it if the one you get goes bad and then in the middle of tax season you don't want to be...

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**Ellie Alfeld:** I understand that, Jeff. I also understand the Tax Collector's office doesn't get a huge budget so I was wondering why we're worrying about \$10.

**Supervisor Ruso:** We're not, no one's worried. If we vote it down, you can see we're worried.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

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

**RESOLUTION 69-2020**

**MARCH 9, 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 2020-03-01 to 2020-03-40, it is

*REVOLVED* that the Supervisor is hereby authorized to pay claims 2020-03-01 to 2020-03-40.

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

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

General \$17,607.17, Highway \$11,221.17, Sewer 1 \$52,710.80, Sewer 2 \$33.34, Water 1 \$312.50, Lighting 1 \$1,809.81, Lighting 2 \$175.08, Total \$83,869.87

**Upcoming Meetings**

- March 23, 2020 Town Board Work Meeting at 7 PM
- March 25, 2020 Rabies Clinic at Medway Grapeville Firehouse from 6-8 PM
- April 1, 2020 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- April 9, 2020 Planning Board Meeting at 7 PM
- April 13, 2020 Town Board Regular Meeting at 7 PM
- April 27, 2020 Town Board Work Meeting at 7 PM
- June 6-June 7, 2020 AgFest at VanEtten Farm

**Public Comments/Community Events**

**Ellie Alfeld:** We have the New Baltimore Church having it's annual corned beef and cabbage dinner. It's open to anyone that wants to attend, donation dinner, starts at noontime and there will be music to entertain as well.

**Supervisor Ruso:** This will be on what date?

**Ellie Alfeld:** It will be Wednesday the 11<sup>th</sup>. In other words in two more days. One other thing I'd like to pass along for anyone who remembers. At one point in time Jack Ablett was a member of the Board of Assessment Review here for a number of years and he did pass away.

**Supervisor Ruso:** Two weeks ago.

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**Highway Superintendent VanWormer:** Some of these Highway resolutions are very short notice and I just want to thank Barb for getting them in so quick so we could deal with them tonight.

**Town Clerk Finke:** Hopefully I'll get them in tomorrow. I'm trying.

**Alfred Suwara:** My name's Alfred Suwara. I bought the land over by the Thruway on East Hawley Lane at the tax sale in 2016, September. So I was in there today. It was quite a job to get there because I have to actually go across a log and try not to fall in the creek because I have no access to my property. You know everybody else has access to railroad, to the telephone, and the power and gas pipe, everybody has access except for me. So thank you for your public service, I appreciate it. I understand it's not necessarily an easy problem for the Town to help me with. I was approved by the Planning Board last year to put in a road across my neighbor's property, but they fell into bankruptcy before I could get the title clearance so that whole deal fell apart for now. I haven't given up on that idea either. Everybody tells me that I could still go down East Hawley Lane, but then I'm told by neighbors they don't really want anybody on East Hawley Lane whatever so I'm still not exactly sure if I can use East Hawley Lane and get across the creek or if I can't. It's all a gray area. I haven't really hired an attorney to really try and clarify that. So I just wanted to kind of say hello to everybody and tell you I'm still having a problem, it's been over three years now, I guess '16, '17, '18, '19, now we're into '20. I'm doing my best to pay up on the taxes, I'm a little behind, but for me it's a heavy lift. You know I'm just a retired civil servant.

**Councilmember Boehlke:** Did you have a survey, a surveyor with you?

**Alfred Suwara:** The survey is actually down in the Santos office, but they wouldn't release it to me. I did go over, they did show it to me, but they want to be paid for a copy. So they never registered it at the Courthouse whatever, but I was able to receive from the previous owner about 30 years ago they did a vast number of engineering reports on the property so I do have copies of that. It's extensive study for various projects that started and failed over the years and some from what I understand were good reason. I mean I live over by Cornwallville and I wasn't really happy about the idea of a New York City dump in the County myself at that time. However, I'm in conversation with Scenic Hudson about trying to access the property and maybe do a conservation easement. I have a big wood lot in there that I'd like to get the logs out and I'd like to try and put the land to good use. So I've been approached by various people with different interests to use the land and so far I haven't really settled on any ideas. I would like to be able to drive my tractor in there for instance and do a little, chop some wood which I'm not really even able to do that.

**Councilmember Boehlke:** I mean you could do some of your own research at the County Courthouse checking on the deeds and any related matters with it, but I mean if you don't have that kind of expertise. You're gonna need a surveyor and possibly an attorney.

**Alfred Suwara:** The Fasinelli's did some extensive work. Actually I was just at my friend's house with John Halsted and he was telling me about at one time he was gonna do a contract to put a road and a bridge over at East Hawley Lane over the Sickles Creek and at that time and I think it was about \$125,000. However, you know I'm told, I've actually brought this up in Albany at the DEC meeting last week at the forest plan. I said that I'm frustrated because Scenic Hudson has the easements all around me and they're actually not making it real easy for me to get to my property and I brought that up and actually some of the comments I made may even be included in the New York State Forest Action Plan for the next ten years because it was reinforced by some other people there who said 'yeah, access is a big issue' and I brought up the fact that if I don't pay my taxes my property will be sold at auction, but New York State is very aggressively buys up peoples' land all over to make parks and preserves and all this, but if I don't pay my taxes I'll be evicted. So I'm not necessarily feeling that's the fairest system in the world as New York State has more parkland than any other state from what I understand and I was reprimanded by some Adirondack Park representatives who was there like 'we always go to the local towns and talk to them.' So anyway I don't want to take up too much of your time I just wanted to kind of stay on your radar that I'm trying to look for a solution to this. You know I spoke to the Highway Superintendent about it briefly on the phone and I'd like to see the Town open East Hawley Lane and get me access to my property. That would be my ideal dream on

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my wish list is that somehow the Town would foster an effort to get me to my property and I'd be able to access it. Other than that it's still an ongoing problem.

**Supervisor Ruso:** You still have an issue with the bridge or with no bridge.

**Alfred Suwara:** Yeah, there's no bridge. The bridge washed out in Hurricane Irene. I've had the DEC there. I actually had an argument with the Army Corps of Engineers. I reprimanded them.

**Councilmember VanEtten:** Just refresh my memory. The bridge washed out before you bought the property right? There was no access before you bought it.

**Alfred Suwara:** Yes, yes, and the Army Corps of Engineers explained to me all the things I had to do and I says 'if you were so concerned about all the things I need to be done, why didn't you do it. You're the Army Corps of Engineers. The bridge washed out, why didn't you replace it. Why are you breaking my shoes?' But anyway my engineer hit me in the ribs and said 'be quiet, Al.'

**Aline Galgay, Esq.:** Sir, may I just ask a question. When you bought it at the tax sale, did you have a title search done?

**Alfred Suwara:** I raised my hand at the tax sale and the map that was represented to me showed East Hawley Lane as being a road right through my property.

**Aline Galgay, Esq.:** But did you have a title search done?

**Alfred Suwara:** I think my lawyer did a title search possibly.

**Aline Galgay, Esq.:** So if you go back to your lawyer, your lawyer can advise you whether or not your title gives you access through East Hawley Lane.

**Alfred Suwara:** Well, from what I understand is Scenic Hudson has it pinched down to 12' or 14' is what I was told by the previous supervisor.

**Aline Galgay, Esq.:** But your attorney would have a title report and the title report would set out very clearly where your access to the property is, where your easements are. And so that seems to be the place that you would want to start.

**Alfred Suwara:** Okay. I could speak to my attorney about it.

**Aline Galgay, Esq.:** That's assuming you did a title search. That's what a title search is for when you buy it.

**Alfred Suwara:** I'm not sure if we did a title search or not or I just took the deed from the County.

**Aline Galgay, Esq.:** But if that's the case, then please understand if you didn't do a title search and there's no deeded access, there's nothing anyone can do about that.

**Alfred Suwara:** Well, my understanding is that Governor Patterson signed a law that said that you cannot landlock property in New York State.

**Aline Galgay, Esq.:** Unless a piece was landlocked already. We cannot create new landlocked pieces, but we have a situation in front of us right now where there's appropriately landlocked parcel. It's been in existence since the '30s. So, you're correct, but if was already landlocked. I don't know the history, I'm just saying to you that the first place you should go to is your title search from when you bought it.

**Alfred Suwara:** Well, from what I understand is even the hunters drove down East Hawley Lane and went over the bridge into the property as well as the Zacek's when they were farming it when they were younger.

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**Aline Galgay, Esq.:** Then you might have an easement, but you would only know that if you look at the title search that was done when you bought it. If you didn't have one then my suggestion as our other Councilperson said to have a title search before you. That's what's going to answer your questions.

**Alfred Suwara:** Okay. As far as a creative project for the Town as well as my land is about five or six or seven hundred acres, there's easily 500 acres landlocked as well as me. There's the Manion property, there's the Sterritt property, there is the Benish Heckim property. So it's not just me at 320 acres. I mean we've talking about 500 acres of the Town that is landlocked and I don't know if it's such a great thing for the Town to have that much land just not put to a good use. So I'm just wondering if there's anybody who has a creative idea to help me with this or...?

**Ellie Alfeld:** I think she gave your one.

**Alfred Suwara:** That's one, yes.

**Supervisor Ruso:** East Hawley Lane was abandoned back how long ago, Alan?

**Highway Superintendent VanWormer:** I have no idea.

**Alfred Suwara:** 1937.

**Councilmember VanEtten:** It was an abandoned road.

**Highway Superintendent VanWormer:** I almost think the bridge was gone well before Irene.

**Aline Galgay, Esq.:** But East Hawley Lane was a Town road that was abandoned.

**Highway Superintendent VanWormer:** Way before me. Actually I think it was abandoned. It was cut in half when the Thruway and the railroad came in.

**Ellie Alfeld:** Right.

**Alfred Suwara:** Well, it was abandoned in 1937 according to one of the papers that Mr. Manion brought up in FOIL. One of the documents from the Town here. I don't know when the railroad went through. I don't know what year that was.

**Supervisor Ruso:** The railroad's been around long.

**Ellie Alfeld:** Before the 1900's.

**Aline Galgay, Esq.:** Sir, you actually have a couple of legal options none of which I can give you because I'm the Attorney for the Town not your attorney.

**Alfred Suwara:** Okay, well, thank you. I appreciate it.

**Aline Galgay, Esq.:** But you might want to talk to your attorney about such things as easement by necessity, prescriptive easement, there could be a deeded easement, there's rights of ways based on abandoned roads. None of which this Board can assist you with, but it would probably be best if you reached out to a real property attorney or whoever assisted you in the purchase and they would be able to work through those potential legal ways of resolving this because that's not something this Board can be involved in.

**Alfred Suwara:** Well, for me personally and I appreciate your time and I won't take up too much of it and thank you very much, again it's a financial thing. I mean I'm literally running my credit cards to the wall just to pay the taxes literally. So at this point I've had the property for sale, I had it listed with a real estate agent, I've had some interest in it. I really would like to keep the land for my grandchildren so I'm looking for a way to put the land to good use and to make it accessible. It was suggested to me by someone in this room last year or two ago about the Town is looking for senior housing and I spoke to a gentleman today, an engineer we were on the property and I even said 'you know the Town wants senior housing' and he says 'well, we

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can do that. That's a great idea.' So I mean I'm looking for an avenue where I can use the property to keep it in my family's name for my grandchildren and be able to survive in the meantime. So just that's more or less the news I have for your guys and I appreciate your help and I just would just like to stay on your radar in case something you guys come up with it might be like 'hey this is what we can do.' You know Scenic Hudson has these restrictive boundaries on East Hawley Lane that are cutting it down to about 12 or 14 feet and they're telling me because of the nature of the tax abatements that Mr. Zacek has and his brother, that it's very hard to turn those around because it has to do with federal income tax and all this stuff. It's not so easy for them to say 'okay, yeah, just go ahead and get in there.' But Scenic Hudson promised me a deal at the end of this year, in '19 but they're too busy. Right now they're building a state park in Kingston on the Hudson (unable to understand).

**Councilmember Boehlke:** Well, our Town Attorney has given you good advice.

**Supervisor Ruso:** I think so.

**Councilmember Boehlke:** But the fact that a good attorney is a good investment when you're in a position with what you have. You could burn through a lot of money trying to do things on your own and not being able to pursue them on the level that you need to pursue them with an attorney.

**Alfred Suwara:** Well, I was really excited I got to take a walk in there today. I didn't fall in the creek. But on the other hand I think it's gonna be out of my hands because it's above my paygrade this kind of challenge.

**Councilmember Boehlke:** It may be. And it may be. You may need that advice from an attorney. Sometimes you have a \$50 cup of coffee.

**Alfred Suwara:** I would like to be a good member of the Town and I like to do something that's in the best interest of everybody so that's why I'm here to say hello. I don't want to take up too much of your time, but thank you very much.

**Supervisor Ruso:** Thank you, Mr. is it Suwara, is that right?

**Alfred Suwara:** Suwara, yes, thank you.

**Supervisor Ruso:** Suwara, thank you, and we wish you luck.

**Councilmember Boehlke:** Yeah good luck.

**Alfred Suwara:** Well, if you guys think of anything let me know. Do you guys have my numbers?

**Supervisor Ruso:** And you email address.

**Alfred Suwara:** Yes, thank you.

Motion by Councilmember Boehlke seconded by Councilmember VanEtten to adjourn the meeting at 7:43 PM

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

**Motion Carried**

**Supervisor Ruso:** Good night everybody.

Respectfully Submitted,

Barbara M. Finke RMC  
Town Clerk