

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

SEPTEMBER 28, 2020

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Reports

Supervisor

County Legislator

Town Clerk

- Resolution to Adopt Retention and Disposition Schedule for New York Local Government Records (LGS-1)
- Approval of September 14, 2020 Town Board Regular Meeting Minutes

Tax Collector

Historian

Agriculture/AgFest (Chair Boehlke/Member Irving)

Animal Control (Chair Irving, Member Ruso)

Assessment (Chair VanEtten/Member Ruso)

- Resolution to Appoint Board of Assessment Review Member

Audit and Budget (Chair Ruso/Member Downes)

- Distribution of 2021 Tentative Budget
- Motion to Schedule a Budget Workshop and Presentation of the 2021 Tentative Budget on October 14, 2020 at 7PM

Buildings & Grounds/Recycling (Chair Irving/Member Boehlke)

Building Inspector/Code Enforcement Officer (Chair Downes/Member Ruso)

Fire, EMS & Law Enforcement (Chair Dellisanti/Member Downes)

Grants/Promotions/Economic Development (Chair VanEtten/Member Ruso)

Greene County Planning Board (Boehlke)

Highway (Chair Ruso/Member Downes)

- Resolution to Authorize the Highway Superintendent to Purchase Abrasives (Dry Screened and Washed) Used in Snow and Ice Control Until September 19, 2021

Insurance (Chair Ruso/Member Downes)

Personnel (Chair Ruso/Member VanEtten)

Planning Board/Zoning Board of Appeals (Chair Boehlke/Member Irving)

Seniors (Chair VanEtten/Member Downes)

Technology/Website (Chair Downes/Member Boehlke)

Town Courts (Chair VanEtten/Member Ruso)

Veterans and Memorials (Chair VanEtten/Member Irving)

Wastewater Treatment (Chair Irving/Member Boehlke)

Youth, Parks and Recreation (Chair VanEtten/Member Boehlke)

Public Comment Period/Community Events

- October 7, 2020 Zoning Board of Appeals Meeting at 7:30 PM (If Needed)
- October 8, 2020 Planning Board Meeting at 7 PM
- October 14, 2020 Town Board Regular Meeting at 7 PM
- October 26, 2020 Town Board Work Meeting at 7 PM

Audit of Claims

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 WORK MEETING

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

Moment of Silence for Bill VanWormer

Supervisor Ruso: We had a recent loss of a long-time Town employee; his son happens to be with us today. Bill VanWormer worked for the Town of New Baltimore and retired after 26 years and he recently passed. He also was a past member of the Cornell Hook and Ladder Fire Company and was a Fire Police Officer and Assistant Chief. If we could have a Moment of Silence on his behalf and remember him fondly. Thank you everybody.

Supervisor Jeff Ruso

The monthly financial reports for August have been forwarded to all Board members. Have you had a chance to review them? I would like to make a Motion to accept those reports, seconded by Councilmember Downes

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: I have an update that was sent to me this afternoon regarding District 2 water. The casing pipe was pulled through successfully on Saturday. The operation went well and they plan on having it installed by the end of business today. If all goes well, the current schedule is to have the new piping pressure tested, chlorinated, and bacteria tested and operational by the end of this week. So I thought I'd give you guys the update. I only got it today so it didn't make it to the Agenda. Nevertheless I thought I'd point that out. I know that Mr. Boehlke made mention of the Central Hudson, the new pole has been delivered today and it's gonna be installed. The old pole will be coming down rather shortly. For me the interesting point is that old pole which is 35'tall, we're paying rent on. The new pole that's 45' tall we don't pay rent on.

Councilmember Boehlke: Sounds like a good deal.

Supervisor Ruso: So it's okay by us. It's only \$16 on a monthly basis. Nevertheless that work has continued.

County Legislator Pat Linger

September brings the transition of summer into fall, and many meetings and workshops to my schedule. We continue to work on the 2021 budget with a goal of no increase in the County tax levy. Tax rates, however, are dependent on equalization rates of individual Towns. I do believe we're well on our way to accomplishing this lofty goal, and are trying to minimize impacts to our residents as best as we can. I'm sure not everyone will be happy, but this board is committed to doing the best job possible for our County's future. We passed a resolution this month to consolidate our Civil Service and Human Resources offices into one department with a single Director. The Directors of these two departments both retired this year, affording an opportune time to reorganize two departments performing some similar duties, into a single, more efficient operation. Nicole Maggio has been appointed Director. We also reorganized our Highway and Solid Waste operations following the retirement of Bob VanVaulkenburg in June. Scott Templeton has been appointed Highway Superintendent, and Paul Vosburgh will fill a new position of Director of Solid Waste. Moving forward, we are looking at a paint reclamation program and organic composting to reduce the amount of waste going to the landfill. In 2016, we made a commitment to reduce maintenance and breakdown costs by investing in equipment prior to its end of life. Each year, we put money into reserves to facilitate this goal. With our reduction in revenue during 2020, we had to consider holding off on many purchases. Given the downtime and expense of maintaining older equipment, we decided to continue with our replacement as scheduled. We passed a resolution to purchase four single axle 4x4 with snow and ice equipment. These will replace obsolete dedicated plow trucks and will be used for year round operations. The total cost was just under \$756,000 with

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no bonding necessary. We appointed members to the “Police Reform and Reinvention Committee”, as required by Executive Order. These members include representatives from the Sheriff, Public Defender, Chamber of Commerce, Affordable Housing, Religious groups, community not for profits, and Mobile Crisis. We have also appointed partners from the local Town and Village Police departments to serve with the hope it will enhance continuity of policies. We have designed a web page for the public to view any documents and post suggestions for the committee. That website will go live after the committee meets for the first time later this week. The Legislature will need to ratify any recommendations from this committee by April 1, 2021. Interestingly, the NYSP are exempt from this requirement. Last Friday, the Notice to Proceed was issued to Jackson Demolition to perform the demo of the old jail and Sheriff Office. Asbestos abatement and Ohio Sandstone block removal will begin October 5, and the contractor will have 90 days to complete the contract. Some of the block will be donated to the Stanton Hill Cemetery in New Baltimore to construct benches on that Historic site. The rest will be stored by the County for potential use in new construction behind the Courthouse. The new jail continues to progress on schedule. Policies and procedures are approximately 90 percent complete and will be reviewed by the NYS Commission on Correction prior to the jail completion. We issued two Proclamations this month. The first was to honor Sheriff’s Week, which was held last week. The second was to honor National 4-H Week 2020, which takes place next week. Due to Executive Orders in place, we have postponed the InRem Auction for this year. While COVID remains a concern, especially with flu season beginning and schools again in session, we continue to hold very manageable levels of both positive cases and hospitalizations in Greene County.

Supervisor Ruso: One question is there anyone on this review board from New Baltimore being sought to be on that board?

County Legislator Linger: I don’t believe from the Town of New Baltimore specifically. We didn’t look at Towns, we looked more at community groups. So people who would have a representation as a group of people. So like a church it wouldn’t matter theoretically if it’s a church in New Baltimore or a church in Catskill or a church in Windham. They would probably bring the same ideas to the table.

Supervisor Ruso: I know that we did not have a request to submit any names and (unable to understand) community groups had New Baltimore resident on them?

County Legislator Linger: No, we had a few requests by individuals, but those individuals didn’t really have any community outreach so they weren’t reaching a bigger portion of the population. It was just they wanted their own things to put forward and we do have an avenue for that, for people to do that, and get to the committee or one of the committee members to bring those ideas forward.

Councilmember Irving: This web page, is this gonna come out shortly in a week for so?

County Legislator Linger: Yeah, it’s already designed. They’re just waiting on the committee to meet and come up with their action plan and there’s a whole host of documents.

Councilmember Irving: You’ll find that on the County web page.

County Legislator Linger: Right.

Ellie Alfeld: This Helping Hands program, the seniors have been notified. I loved the fact that again New Baltimore is excluded. What are they base their choices on as far as Towns? We have to have some seniors here that might need help with small repairs.

County Legislator Linger: Yeah, they can call.

Ellie Alfeld: Well, not according to this. It’s only for Greene County seniors living in Catskill, Coxsackie, Athens, or Greenville.

County Legislator Linger: I don’t think that’s right. I can check on it for you.

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Ellie Alfeld: I don't want New Baltimore to be excluded first and I think that would be very helpful like the different churches in Town are aware of this because fixing somebody's blinds or a shade or a handrail. I know they would be capable of doing it and I don't think here people would ask for hell of a lot more.

County Legislator Linger: I'll get with Terry and find out. It may just be the...

Ellie Alfeld: Terry didn't retire right?

County Legislator Linger: No. It may just be the towns where they have volunteers right now.

Councilmember Downes: And how's our schools making out with the COVID?

County Legislator Linger: Good so far, haven't had any issues.

Councilmember Downes: Because everybody's doing a little differently.

County Legislator Linger: Everybody's doing something different. All six districts that we have in the County are doing something different. Catskill I don't think is back in person yet. I think it's next week or the week after.

Councilmember Downes: I think like Columbus Day they start back up.

County Legislator Linger: They're all kind of doing different things, but no issues so far.

Councilmember Downes: That's good to hear.

Town Clerk Barb Finke

11 Building Permits \$1,319.43, 1 Building Permit Chimney & Woodstove \$40, 4 CO Search \$60, 3 EZ Pass Tags \$75, 14 Fishing Licenses \$68.24, 30 Dog Licenses \$222, 4 Late Dog Licenses \$20, 1 Junkyard License \$100, 4 Marriage License \$70, 2 Beer Permits \$40, 1 Demolition Permit \$75, 3 Park Rentals \$75, 2 Minor Subdivisions \$60, 22 Certified Copies \$220, 4 Photo Copies \$1, Recycle Fees \$14, Site Plan Review Up to 10 Acres \$300, 1 Zoning Non-Commercial \$40, State, County & Local Revenues \$4,044.43, to New York State Department of Agriculture and Markets for Spay/Neuter Program \$44, to New York State Department of Health for Marriages \$90, to New York State Department of Environmental Conservation for Hunting/Fishing Licenses \$1,110.76, Total to Supervisor \$2,799.67. I received 5 FOILs in August for a total of 13 for 2020. Two have been satisfied and the Building Department is working on three that were just received one day apart. Diane and I receive web training on the new LGS-1 Schedule on the General Administration of all Local Governments which contains the retention and disposition schedules of records. I participated in the webinar on Municipal Ethics 101 by Sarah Brancatella from the Association of Towns.

ADOPTION OF MINUTES

The September 14, 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, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 125-2020
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**RESOLUTION TO ADOPT RETENTION AND DISPOSITION SCHEDULE FOR
NEW YORK LOCAL GOVERNMENT RECORDS (LGS-1)**

RESOLVED, by the Town Board of the Town of New Baltimore, that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

RESOLVED, that in accordance with Article 57-A:

- (a) Only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;
- (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods;

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of New Baltimore shall furnish a certified copy of this Resolution to the State Archives, New York State Education Department.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

Town Clerk Finke: I just wanted to say it replaces the MU-1 that we've used for a number of years and it's designed to make it easier.

Ellie Alfeld: Does this pertain to the records that you keep for the Town Board meetings, Planning Board meetings, and stuff like that?

Town Clerk Finke: It's all records. It's vouchers, you keep them for seven years, but it's kind of classifying and categorizing them. Sometimes you have a hard time trying to put them in one category. This is supposed to be easier.

Councilmember Downes: Just a side note just from my audit experience, the heads of the departments should be made aware of that. They should be following this. They should not be keeping records for well over the amount of time.

Town Clerk Finke: They don't, not here. They're more than happy to get them out of their office into mine.

Councilmember Downes: Well, just what we had going on with the Courts and stuff like that.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Tax Collector Diane Jordan

No Report

Historian Ted Hilscher

No Report

Agriculture/AgFest

No Report

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Animal Control

No Report

Assessment

Sale Transfers: 10 Building Permits: 13 Notes: Continuing to work on BAR Grievances and settlements. It looks like Kathy will be leaving us in the very near future. Do not be afraid to contact me with any questions or concerns.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 126-2020
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RESOLUTION TO APPOINT BOARD OF ASSESSMENT REVIEW MEMBER

RESOLVED that Faye VanDyke is appointed to the Board of Assessment Review until September 30, 2025.

RESOLVED that the Assessor will contact said member within seven days of appointment and advise of the Oath of Office filing with the Town Clerk by October 28, 2020.

BE IT FURTHER RESOLVED that the Assessor will contact all members of the Board of Assessment Review to advise of the date and time of the Annual Grievance Day at least 30 days before said date.

Motion by Councilmember VanEtten seconded by Supervisor Ruso

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Audit and Budget

Supervisor Ruso: The budget is proceeding along. I would like to make a Motion to Schedule a Budget Workshop and Presentation of the 2021 Tentative Budget on October 14, 2020 at 7PM. Do I have a second?

Councilmember Downes: I'll second.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: So we'll have that at our next meeting on October 14 which is different than typical. The 14th is a Wednesday right? So because of the Columbus Day holiday, it is on Wednesday the 14th so don't show up on Monday the 12th. Being handed out here is the Tentative. We have three budgets. The Tentative largely presented for discussion purposes amongst the Board. The Preliminary is a further developed budget and then, of course, the Final is, well, the Final. So this is the opening salvo so to say and I'm sure there are other issues. I do need to say that the budget this year, I just had a meeting with Alan, the Highway Superintendent and the Deputy Highway Superintendent on Saturday and 2020 is everybody's weirdest year that we've had in a long time and undoubtedly based upon what I see, we are going to have a deficit for the year 2020. Who know maybe something else will happen, but I don't know how to come about that because revenues are down particularly. Our expenses are down subtly here and there, but revenues have fallen more so. So our budget, we're gonna have a deficit for 2020. That being said, the experience of 2020 is not going to be a very good one to base our budget of 2021 on. Are things gonna be different? Are they gonna be better? I don't know if there's somebody out there with a crystal ball that can help me on that question so we're taking it very cautiously. We're not jumping to conclusions in any way, shape, or form, but it's difficult to see that we're going to... I don't want to increase expenses and not have the revenue there. We don't know what's gonna happen unfortunately. This is gonna be

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one of the most difficult budget years I've been involved with. So we're kind of gauging our expenses on what happened in '18 and '19, not in '20 and wish us luck please.

County Legislator Linger: Jeff, your County Chargebacks line still has zero there. Is that gonna change?

Supervisor Ruso: No, sir. I wasn't going to get into the particulars of this, however, there is a line item called Other Government Support. It's called A1989.4 and you'll see that we're looking at putting \$12,000 in there and that's a rough estimate of the County chargebacks so that we have it in our budget so that we have an idea as to what that's all about.

County Legislator Linger: A189...

Supervisor Ruso: A1989.4. I hope you see it there. The Tentative Budget is \$12,000 and I can get into further description of that when we get past the Tentative. And there are some other factors in conversations I've had with the County because that figure is merely a guess from what last year's figures were. Can I say that's what this year figures are gonna be? I don't know. You can perhaps answer that better than I, but I know that's not finalized.

County Legislator Linger: Last year you didn't have the training on the new poll books, the new machines so all that's going to be added on to this year.

Supervisor Ruso: Yes, for those that don't know, the County charges your towns for all costs of elections, right? I mean is that pretty much it, based on population significantly. So they can increase the cost to whatever they want in the County. I mean that's not what their goal is by no means, I don't mean it like that, but whatever it cost them it's not of concern. It's gonna be handed off to the towns anyway. One of the things that we didn't like it in the chargeback because when you get your bill and subsequent at the beginning of the year, we say our budget's this, but the County takes our tax bill and adds their charges to it after our budget is submitted. So we prefer to have it in our budget. That's what we want. I'm characterizing as best as I can.

County Legislator Linger: Yeah, that's probably a fair assessment. They take your budget summary sheet and then between now and that point, total assessments may change, they'll plug in any new numbers that are there and then the chargebacks are added by the County above and beyond what your budget is approved at.

Supervisor Ruso: For those that don't know, when I present a budget, those chargebacks are not in there and because it's kind of like a bill, not in essence exactly the same, it's not in your County budget either. So where is this money come from? Well it comes from you folks. I mean really at the end of the day, but because of the way it is, it wouldn't be presented in either budget. We're trying to solve that this year, I wasn't going to get into that tonight, but we're trying to solve that by putting it into A1989.4 so it's budgeted.

County Legislator Linger: It shows up as part of your tax cap calculation if it's in your budget.

Supervisor Ruso: Right, but people say 'what's that all about' and I just tell them what it is.

County Legislator Linger: And for the record I did vote against that.

Supervisor Ruso: I know you did. I know you did thankfully.

County Legislator Linger: And I was the only one that voted against it so.

Supervisor Ruso: So it's a hidden thing that's not in either the County, in years gone by, either the County and/or the Town budget. It's not in either of them, but it costs our taxpayers I mean at the end of the day it does. That's what that is so in case anyone needs explanation. You guys up there, we've been through that conversation throughout the year. Anything more anybody? So review it please. This is primarily presented to the Board for their consideration, thoughts, and so forth and certainly you know my phone number.

Building & Grounds/Recycling Coordinator Kirk Trombley

14 Tires Up To and Include 16” without Rim \$28, 60 Gallon Bags of Plastic (No Hard Plastic) 11, 14 Bundles of Magazines and Phone Books, 68 Bags and Bundles of Newspaper, 61 Boxes and Bundles of Cardboard, August 26 1 Air Conditioner, 1 Dryer and 1 Microwave Oven, September 9 1 Air Conditioner, September 12 1 Stove, and September 26 1 Washer, Total Income \$28.

Town Clerk Finke: Sandy has been working out front and built a rock wall around the message board outside the Meeting Room. I’m not sure if anyone noticed. She has also removed the overgrown garden around the building at Cornell Park. She planted 100 bulbs with more to plant this week.

Ellie Alfeld: It is so clean looking out there in comparison to what I bitched and griped about with the cigarette butts and everything else.

Supervisor Ruso: I agree with you.

Councilmember VanEtten: She’s done a good job. She really has.

Building Inspector/Code Enforcement Officer Alan Jourdin

Summarization of Code Enforcement Officer activities for August, 2020, is as follows:
Building Inspections: 30, Building Permits Issued: 6, Building Permits Renewed: 4, Certificates of Compliance Issued: 4, Certificates of Occupancy Issued: 1, Certificate of Occupancy Searches: 4, Demolition Permit Applications Received: 3, Demolition Permits and New Building Permit Applications Received: 7, Renewal Letters (1st Notice) Sent: 4, Zoning Compliance Letters: 2, Application Fees for August, 2020: \$1,434.43 Total Fees for Year to Date: \$7,679.85

Fire, EMS & Law Enforcement

No Report

Grants/Promotions/Economic Development

No Report

Greene County EMS Representative Nick Dellisanti

The regular monthly meeting was held on Tuesday, September 15, 2020. There were 11 EMS calls in the month of August for a total of 53 for this year, 2020. We had a total 90 calls for all of 2019.

Supervisor Ruso: It seems like we’re running below what we could expect.

Greene County Planning Board Representative Jean Horn

Sept. 16, 2020 1. Catskill, former Agway Site to commercial and residential units Approved with local decision 2. Prattsville subdivision and construction of Dollar General site plan review Approved with local decision 3. Catskill, Gasland Petroleum and Convenience Store proposed on 9W. Approved with local decision 4. Town of New Baltimore, Scenic Hudson Land Trust Park Entrance Sign Local Decision 5. Catskill, Ballone variance subdivision Approved 6. Catskill, VanTassel variance for placement of manufactured home Approved 7. New Baltimore, Opportunity Developments Self Storage Buildings Approved 8. Catskill, Grasse automobile repair shop Approved local decision 9. Catskill, 30’ side yard variance for shed Approved

Highway Superintendent Alan VanWormer

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 127-2020
SEPTEMBER 28, 2020**

**RESOLUTION TO AUTHORIZE THE HIGHWAY SUPERINTENDENT TO
PURCHASE ABRASIVES (DRY SCREENED AND WASHED) USED IN SNOW AND
ICE CONTROL UNTIL SEPTEMBER 19, 2021**

RESOLVED the Town Board hereby authorizes the Highway Superintendent to purchase Abrasives (Dry Screened and Washed) used in Snow and Ice Control per Greene County Resolution 250-20 until September 19, 2021. The Highway Superintendent will inform the Town Board of cumulative expenditures and unused balance for this product.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 128-2020
SEPTEMBER 28, 2020**

**RESOLUTION TO APPROVE CHARGES FOR INSTALLATION
OF NEW ANTENNA FOLLOWING LIGHTNING STRIKE**

WHEREAS with the installation of the repeater system upgrade, it was determined that the antenna system had lighting damage and repairs were necessary for successful operation.

RESOLVED the Town Board approves charges for installation of new antenna from River Valley Radio Inc., Purchase Order H-2020-148, Voucher No. 2020b.09.41 at a cost of \$1,194.72.

Supervisor Ruso: You'll see it's attached, it was in our box earlier and you looked to sign it.

Motion by Supervisor Ruso seconded by Councilmember Irving

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 129-2020
SEPTEMBER 28, 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.

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The Town of New Baltimore Highway Department is accepting applications for a **two** full time CDL driver/heavy motor equipment operators. Applicants must have a minimum of a clean CDL Class B license. Applicants must be able to perform labor duties including but not limited to shoveling, raking, weedwhacking, 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 candidates 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-4PM 3:30 PM and F 6AM-10AM. Applications are available at the Town Clerk's office, 3809 County Route 51, Hannacroix, NY 12087 Monday-Friday from 9AM-4PM until October 14, 2020.

Supervisor Ruso: Before I make the Motion, I just want to ask our Deputy Highway Superintendent aren't those hours that we have posted are they not different than what you started this week?

Deputy Highway Superintendent VanWormer: Yes, we started back today to our normal hours which are Monday-Thursday 6-3:30 and Friday 6-10.

Supervisor Ruso: So I'm going to amend this to read M-TH 6AM-3:30 PM and Fri 6AM-10AM. There was also another change. I was contacted earlier today, actually at about 6:15 thereabouts, one person we had planned to have discuss possible hiring has indeed backed out. So it's not seeking one full-time, we're seeking at least two, but the advertisement would still apply regardless. So I think the advertisement is the most important part. So I would like to change that from seeking two anyhow; we'll take on all comers.

Councilmember Boehlke: So we're gonna change that where it has 'Highway Superintendent is seeking one full time position.'

Supervisor Ruso: Well, it was one so...

Councilmember Boehlke: Change it to two.

Supervisor Ruso: So the one guy backed out so that brings it to two. So like I said we need to get somebody in. So anyway, that's the resolution. I'm make the Motion as amended.

Councilmember VanEtten: I'll second.

Ellie Alfeld: That's the \$15 starting salary an hour correct?

Supervisor Ruso: No, it's \$17.81.

Ellie Alfeld: That's, I'm sorry, maybe Scott will tell different, but that's not a hell a lot of money for what you're expecting. Just telling you. This is what, Barb, the third advertisement.

Town Clerk Finke: Well, there's been a number of reasons why, it's not just because...

Supervisor Ruso: Right, there's been other things. I mean we advertised the week before the COVID shut down so that was one of them anyhow.

Ellie Alfeld: I think you're gonna have a hard time.

Supervisor Ruso: Yeah, we are. We're having a hard time.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

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Insurance

Supervisor Ruso: I've been in contact with Marshall & Sterling, our broker for our health insurance, and it's actually better than I had expected, but our health insurance increases for next year, for 2021, is looking at being about 4% increase. Now that's across all product lines. It could be a little different on this one, on that one. The one for the employees at the same plan as what we've had is a 4%. The exact figures for the retirees' plan, the dental plan, and the vision plan have not been received yet, but I've been told to expect similar increases in the other health insurance products. So it's better than we expected. I was thinking more around 6 or 7 based upon my readings elsewhere. So we'll take a 4% increase, but we're not done yet with all those things. That will be in a future board meeting

Personnel

Supervisor Ruso: I do want to step back and have the approval of the Board to go into Executive Session regarding the following 'the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.' That's the basis behind our Executive Session. I'll entertain a Motion to go into Executive Session.

Motion by Councilmember Boehlke seconded by Councilmember VanEtten to enter Executive Session at 7:30 PM.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: I was anticipating the Highway Superintendent being here, I didn't know he wasn't coming. (To Deputy Highway Superintendent VanWormer) Are you prepared to represent the Highway Superintendent tonight?

Deputy Highway Superintendent VanWormer: Yes.

Supervisor Ruso: Let's go.

Motion by Supervisor Ruso seconded by Councilmember VanEtten to return to regular session 8:09 PM.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: We had a rather lively discussion. We didn't have a formal Board vote, but we came to an agreement on how to proceed going forward. Is that a fair characterization here? So having said that, there are a few other points, one of the things that brought up the conversation that we had, actually reflecting back on the Agenda here that goes to Highway, and so Mr. Alan VanWormer brought to myself the attention of this which I had not seen before. It is The Office of the Town Highway Superintendent which was put out by the Association of Towns in 2017. I've got my own copy very recently and (to Deputy Highway Superintendent VanWormer) you guys have had it for awhile?

Deputy Highway Superintendent VanWormer: I have that same one that all you have.

Supervisor Ruso: Yeah, Alan had one that he showed us. I mean he waved it at us last time. So just to get to some of the things that we have, the conversation we had was about Highway hiring and terminations was a better way to put it that we had a long discussion about and so I beg your pardon everybody, but again I think we came to a bit of an agreement on how to proceed forward. There's a number of other things here that I know that the Highway Superintendent and I will discuss. It need not go to the Board. I will make a copy of this if anyone wants it, the Board wants it, and there's some things that we have to do. There is one thing that's coming up rather soon and I'm looking for it here. On Page 7 of Section 1-5 Q the Highway Superintendent 'shall annually make a written inventory of all machinery, tools,

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implements and equipment, including each article, stating the value and the estimated cost of necessary repairs, and deliver the same to the town board on or before September 30 in each year with his or her written recommendations as to machinery, tools, implements...’ Well, since I’ve given this to you guys like at this date, September 28, I think we’ll be okay if you guys make that presentation let’s put it off until the second meeting of October. This is something to my recollection has not been done. If it was in years gone by, prior to my involvement, I’ve never seen it.

Deputy Highway Superintendent VanWormer: We do have a list of inventory with an estimation also our insurance company requires that.

Supervisor Ruso: I’m sure, but it has to be a formal presentation to the Board that kind of thing and there’s a host of other things in here that some of which I’ve already... At the end of the year, the Superintendent of Highways must file with the Supervisor’s office a list of unpaid obligations at the close of the year. So if there’s something that was bought on December 23rd that doesn’t get paid until January X... There’s a number of different things. I think that the book has been a good guide as it relates to the employment and the other details. It’s probably wiser to follow the details of this thing than what we’ve been doing. I don’t know what you guys think, but I found the book to be very enlightening. I found the book to be very enlightening. I actually was glad that he brought it to my attention.

Councilmember Boehlke: I agree. It will clear up a lot of misunderstandings, too.

Supervisor Ruso: Well, I think that’s a good idea, yes, honestly. So I know that we’re going on at a longer pace than we typically do, but this is probably been a long since overdue that we really sat down and went over it and I wish that I had read it at length as of Saturday when I had a meeting with yourselves. I really read some of this yesterday mostly because I had some time because they wouldn’t put the Buffalo Bills game on tv so I had a little more time. But, nevertheless, so I’ll share this with you guys anyhow so you know where I’m coming from, but you’re also welcome to review the book in it’s entirety because I think that all the Board, we all should have been reviewing this. I didn’t even know it was put out. It wasn’t out when I came on to this Board. It didn’t exist. This is the first edition, but it was put out in 2017. Isn’t that about the time that you stepped into the job, Scott?

Deputy Highway Superintendent VanWormer: ’18.

Supervisor Ruso: It was ’18, I beg your pardon. We didn’t decide anybody specific to personnel. We did already approve the advertisement for the Highway employees so having said that let’s move on to Planning Board.

Planning Board Chair Rob VanEtten

The Planning Board met on September 10, 2020, with the following business transacted:
...Public Hearing was held on the Site Plan Application submitted by Opportunity Developments, LLC for the addition of two more storage buildings at their Flatbush Road Thruway Storage location. ...Public Hearing was held on the Minor Subdivision Application submitted by Pieter and Amanda Wolfe for a two-lot subdivision of their property on School Hill Road. ...Public Hearing recessed on July 9 was continued and completed on the C.A. Albright & Sons, LLC Site Plan and Special Use Permit Applications for a Bulk Propane Plant Installation. In Regular Monthly Meeting that followed: ...Site Plan Application for Opportunity Developments, LLC was approved. ...Minor Subdivision Application for Pieter and Amanda Wolfe was approved. ...Special Use Permit Application and Site Plan Application for C.A. Albright & Sons, LLC were approved

Zoning Board of Appeals Chair Pat Linger

The Zoning Board of Appeals met on September 2 with the following business transacted:
Public Hearing was held on the Scenic Hudson Land Trust, Inc. Variance Application for sign in excess of size permitted in R/A District to be placed at the entrance to Long View Park at 1886 County Route 61. In the Regular Monthly Meeting that followed: ...Variance Application for Scenic Hudson Land Trust, Inc. was approved. ...As a result of a Code interpretation request from the Planning Board in conjunction with applications that Board had before them, the ZBA proceeded with a review of sections in question, Section 112-16 Light Industry

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Standards, versus 112-9, Article IV, Use Regulations, and Use Table contained therein. It was determined that Section 112-16, makes reference to Zoning Districts, LC and SC no longer in existence in the Town, the definitions section does not contain a definition for “light industrial” nor is there such a district designated in the Town. As a result, the ZBA rendered determination as follows: *That the Zoning Board of Appeals, in the matter of the C. A. Albright & Sons, LLC Applications, hereby submits its determination to the Planning Board that it has been deemed to be a Commercial Use in a Commercial Zone with further recommendation being made to the Town Board that the Board proceed with review of or repeal of Section 112-16 of the Code to remove existing confusion and discrepancies.*

Seniors

No Report

Technology/Website

No Report

Town Courts

In July, Court fees were \$6,823 of which \$5,168 was sent to the State Comptroller and the Town retained \$1,655.

Supervisor Ruso: I’m gonna reflect on that for a second. When I sat on this Town Board, our budget for our Court receipts was \$160,000 a year. Now we’re getting maybe \$16,000. Well, that was a suppressed amount because of this year so the consideration for our budget year is being reviewed, but they picked up in August.

Justice Melewski \$2,729 Justice Rikard \$4,094 In August, Court fees were \$13,608 of which \$7,703 was sent to the State Comptroller and the Town retained \$5,905. Justice Huff \$4,860 Justice Melewski \$8,748

Councilmember Boehlke: When did Jim actually start?

Supervisor Ruso: July.

Councilmember Downes: Took the office, right? He didn’t have any money in July.

Councilmember VanEtten: Take the training.

Supervisor Ruso: It was the end of July, thank you, and he didn’t actually sit until August.

Veterans and Memorials

No Report

Wastewater Treatment

Supervisor Ruso: That based upon the presentation I had with Robert Flores at the last meeting, I went down and spoke with Lou Betke, our plant operator, and I reviewed the site where the stairs are being considered and I welcome the Board members to go down and come up with a similar review. But I think there’s no way in this world I’d pay \$10,000 for a 4’ high set of steps, about desk-high. About the size of that desk. And so aluminum steps would last us 70 years and the plant is expected to last 40 until it’s updated again. So I don’t think I’m recommending, and I’ll let Robert Flores know today, that come up with another plan and it might be done by a pressure treated lumber which will last 25 years, 30 years and I expect the cost to be significantly less than that, if not 80 percent less. So the ball’s in his court to come up with another solution and it just adds to the cost of the sewer district users and why bother to do that. I do want to welcome both Mr. Irving and Mr. Boehlke to please go down and review and see what I saw.

Youth, Parks and Recreation

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 130-2020
SEPTEMBER 28, 2020**

**RESOLUTION TO APPROVE WELL REHABILITATION AND
CONCESSION STAND AT SILVER LAKE DISTRICT 3 PARK THROUGH
GRANT RECEIVED FROM SENATOR GEORGE AMEDORE**

WHEREAS COVID 19 is greatly affecting businesses and the construction schedule and Delaware Engineering has recommended the following to the Town Board.

WHEREAS two proposals for well rehabilitation were requested from two companies and only one was received due to their current workload.

WHEREAS three proposals for a concession stand were requested and only one was received.

RESOLVED upon the recommendation of Delaware Engineering, the Town Board approves proposals for well rehabilitation from Geothermal Tech Inc./D. Stewart Well Drilling in the amount of \$4,900 and a concession stand from Backyard Sheds of Selkirk, New York in the amount of \$9,200. Anticipated Delivery is eight to ten weeks from date of order.

Motion by Councilmember VanEtten seconded by Councilmember Boehlke

Councilmember Downes: Since we're so late in the season, are we gonna hold off getting that shed until the spring?

Councilmember VanEtten: You have to ask Nick. Nick is the one...

Supervisor Ruso: I think it will be put in. It will be sooner than that.

Councilmember VanEtten: I'm not sure. Nick would know that.

Councilmember Boehlke: I think Kelly's point is is setting it up in the fall and having it over winter instead of getting it fresh in the spring

Councilmember VanEtten: I don't know. Nick is doing that and he's not here tonight so we really need to ask him.

Supervisor Ruso: I would also say that I hope the well can be accomplished soon. That well has not been operational in ten years maybe longer. Fifteen years. I don't know how long since that well has been working so it really is a shame that there's been no water for all this time.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

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Audit of Claims

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 131-2020
SEPTEMBER 28, 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 2020b-09-01 to 2020b-09-42, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2020b-09-01 to 20120b-09-42,

BE IT FURTHER RESOLVED that the Town Clerk will prepare and abstract and hold it for public review until November 30, 2020.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

General \$27,377.72, Highway \$3,218.02, Sewer 1 \$1,928.28, Sewer 2 \$146.78, Total \$32,670.80

Public Comment Period

James Eckl: Mr. Supervisor, Ladies and Gentlemen: We all realize that the general election is five weeks away. We all realize that there are a number of candidates running for a variety of offices and I'm sure we all understand that a very popular method of campaigning is the so-called yard sign or lawn sign and I said zoning because I couldn't think of what else to say. The Zoning chapter contains a provision, Section 112-22, with respect to signs. It establishes a regulatory scheme. It creates exemptions to the regulatory scheme whereby among others temporary signs such as political signs do not have to be permitted and it contains the general prohibition that signs may not be placed so as to obstruct the view of traffic. My particular question involves the case of a sign placed at or near the roadside. On the one hand it's a very attractive location because it enables you to reach the greatest possible audience – all the passing motorists. On the other hand that's the location that creates the greatest risk of inadvertently obstructing motorists' view of traffic. And my question to you is whether or not there is a Town policy on the enforcement of the temporary signs. It's specifically political signs. There are more questions here I'm afraid than there are answers. I mean does the Town think that the restrictions on temporary signs only apply in the Town highway system or does the Board think it's enforceable on the right-of-way of any public highway in the Town which would include highways maintained by the County or the State. And wherever it's enforceable, by whom is it enforceable? Is it enforceable by the building inspector? Does the Town Highway Superintendent have a part to play in all this? And I do not have answers, I don't even have an argument just a question. Is there a policy because naturally enough you'll want to avoid...

Supervisor Ruso: Those are all questions that there are to my knowledge no answers because the topic has not been brought up in that context prior to that. The only topic I can recall as it relates to temporary signs was in relation to the size of the signs. That's the only conversation I remember before or involving the Town government.

Councilmember VanEtten: In our Code Book it does not really even say anything about temporary signs. Only permanent signs. So political signs would be temporary and I think exempt.

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Supervisor Ruso: Nor is there an enforcement role that I'm aware of.

Councilmember Boehlke: Well I think it would be reasonable to assume that if it's a highway safety issue where it could interfere with vision on a highway and an intersection or something, I think it's just common sense that it should be reported to the Highway Superintendent to be looked at.

Supervisor Ruso: Well, be careful because what if the person whose sign it is is running in opposition to the Highway Superintendent? I wouldn't put him in that spot either.

Councilmember VanEtten: You know, I don't think we've ever had a problem with this either.

Supervisor Ruso: I mean I understand the question.

Councilmember Boehlke: I mean you don't take it down, you just move it to a safer location.

Town Clerk Finke: You can't touch it.

Supervisor Ruso: You're not supposed to touch it.

Councilmember VanEtten: You're not supposed to touch it, but we have never had an issue. I mean I don't even think we've ever had one phone call in all the years.

Ellie Alfeld: The only thing we've ever discussed was removing them after the election.

Supervisor Ruso: That's been always held as an encouraged process. I don't think we've ever considered these questions. I think they're fine questions I just wish I had a better answer to give you, but I've not had this topic brought to our attention.

Councilmember Downes: Is there a specific location?

James Eckl: No.

Councilmember Downes: That there's a problem.

Councilmember VanEtten: So you're just talking in general.

Supervisor Ruso: Just a conceptual, rhetorical question.

James Eckl: A general question about the rights and the wrongs of erecting temporary signs along the highway. Can I just make one more observation in closing please? The Town's sign local law in the Zoning chapter considers various sorts of temporary signs and there are temporary signs and then there are temporary signs. A sign advertising some citizen's garage sale is a temporary sign. That isn't part of our civic life, but a political campaign sign is and a political campaign sign because it's speech within the meaning of the Constitution...

Supervisor Ruso: Adds another wrinkle, you're right.

James Eckl: Is entitled to greater protections and can I just presume to tell you I did find on the State Department of State website a memorandum of counsel regarding very, very general terms of the powers of local governments to regulate political signage and I can't recite the link from memory, but I will certainly send it to you if you like.

Supervisor Ruso: I would like to see it. I would really like to read it.

James Eckl: It's one page, it's an overview. As far as I can tell I do not know the date which is important because if it's ten years old, who knows perhaps there have been intervening court decisions. It does exist. I will send you the link, Mr. Supervisor.

Supervisor Ruso: Thank you.

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James Eckl: Distribute it as your will, it's a matter of public record -- no secret from you or anybody.

Supervisor Ruso: Thank you for stepping forward tonight and giving us your point of view. I appreciate it.

James Eckl: Yes, sir. Thank you for your time. Good evening.

Community Events

- October 7, 2020 Zoning Board of Appeals Meeting at 7:30 PM (If Needed)
- October 8, 2020 Planning Board Meeting at 7 PM
- October 14, 2020 Town Board Regular Meeting at 7 PM
- October 26, 2020 Town Board Work Meeting at 7 PM

Motion by Councilmember Downes seconded by Councilmember VanEtten to adjourn the meeting at 8:33 PM

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: Good night.

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk