

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

**JANUARY 10, 2022
AGENDA**

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Approval of Minutes

- December 27, 2021 Public Hearing on Local Law 2
- December 27, 2021 Town Board Work Meeting
- January 1, 2022 Town Board Organizational Meeting

Public Comment Period

New Business

- Resolution to Adopt Provisions of Executive Order 11 Suspending the Requirements of Renewal Applications for Senior Citizens and Individuals with Disabilities and Limited Income as a Condition to Granting Exemptions Under Section 459-C and 467 of the Real Property Tax Law
- Resolution Setting Public Hearing for a Proposed Local Law to Impose a Moratorium on the Processing of Applications for, and the Issuance of any Permits, Certificates of Occupancy and Approvals for Certain Lane Uses Relating to Solar Energy, Including but not Limited to Solar Farms
- Resolution to Establish Water District #2 Use Charges for 2022
- Resolution to Establish Water District #3 Use Charges for 2022
- Resolution to Authorize Grant Application from the Bank of Greene County
- Audit of Claims

Upcoming Meetings

- January 13, 2022 Planning Board Meeting at 7 PM
- January 17, 2022 Town Offices Closed for Martin Luther King Day
- January 24, 2022 Town Board Work Meeting at 7 PM
- February 2, 2022 Zoning Board of Appeals Meeting at 7:30 PM (If Needed)
- February 10, 2022 Planning Board Meeting at 7 PM
- February 14, 2022 Town Board Regular Meeting at 7 PM
- February 21, 2022 Town Offices Closed for President's Day
- February 28, 2022 Town Board Work Meeting at 7 PM

Public Comment Period/Community Events

Adjournment

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

GUIDELINES FOR PUBLIC CONDUCT DURING TOWN BOARD MEETINGS

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

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

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OPENING OF REGULAR MEETING

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

ADOPTION OF MINUTES

The December 27, 2021 Public Hearing on Local Law 2 of 2021 submitted by Town Clerk Finke Moved by Supervisor Ruso and was seconded by Councilmember VanEtten. The adoption of the foregoing Motion was duly to a vote and the vote was as follows:

AYES: Ruso, Downes, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

The December 27, 2021 Town Board Work Meeting submitted by Town Clerk Finke Moved by Supervisor Ruso and was seconded by Councilmember Boehlke. The adoption of the foregoing Motion was duly to a vote and the vote was as follows:

AYES: Ruso, Downes, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

The January 1, 2022 Town Board Organizational Meeting submitted by Town Clerk Finke Moved by Supervisor Ruso and was seconded by Councilmember Downes. The adoption of the foregoing Motion was duly to a vote and the vote was as follows:

AYES: Ruso, Downes, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Public Comment Period

Judy Felsten: I'm reading a communication that I have the author's permission to read and I want your comment on it which is why I'm here and it's about a Board action that robbed the Town of two capable employees. I think what I'm reading is not about a personnel matter. It doesn't discuss why the action was taken, it just discusses what happened. But I will say it's an angry letter. The reason I'm reading it is that it shows that there's a line separating Town Board and Town Court jurisdiction that I believe was crossed.

Councilmember VanEtten: So you're gonna read a letter from someone? From who?

Judy Felsten: From Peter Melewski. It's a January 5th memo to Jeff and I would guess that you've seen it. It says: 'Re November 19, 2021 Ruso letter to Ruby. On November 15, 2021, Ms. Kimberly Russo sent you a letter regarding her inappropriate dismissal. You responded to her on November 19, 2021, but failed to copy me even though I was one of her immediate supervisors as Town Justice. Consequently I only recently became aware of your letter. I will get right to the point. The egregious actions of the Town Supervisor and Deputy Town Supervisor (unable to understand) resulted in a blatant and unjustified firing of a life-long New Baltimore resident who was well-respected in the 3rd Judicial District community by all stakeholders, District Attorney's office, Public Defender's Office, State Police, Greene County Sheriff, Attorneys and defendants. All of them she interfaced with during her time as the head Court Clerk. I found your letter to Ms. Ruby to be insulting. You failed to address items in her letter and you make attempts to pass the buck. Her letter as well as prior communications between you and the two justices clearly show that you were (unable to understand) to take a

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simple hour modification which is under the purview of the justices not the Town Supervisor as a window of opportunity to dismiss her without cause. Town Law, this is state law §21A, I looked at it this evening, says that a town court clerk shall be employed and discharged from employment only upon advice and consent of the town justice or justices. That is where I would like your comment.

Supervisor Ruso: Alright, thank you. She resigned from her position, that's my comment. Thank you very much. That's my comment. You asked for it and I told you she resigned from her position.

Judy Felsten: Sir, to be continued.

Supervisor Ruso: Fine. Actually, I'm going to point out that she was appointed as the full-time Court Clerk in December of 2018. You cannot and none of our employees can come to me today and say 'I'm gonna work part-time tomorrow' when you are appointed as a full-time employee. That is not what I'm going to allow happen. And that's exactly what she has suggested. And when I had written back and said this is not appropriate. She is appointed if you read the minutes from December of 2018; she is appointed as the full-time court clerk and you give me one day notice to say 'I'm going part-time tomorrow.' That's what she did so I conferred with the others. Her position is full-time, not an adjustment of hours. She wants to work part-time. She gets health care benefits when you're full-time. It changes when you're part-time. One day notice. I have to contact the health insurance company and they ask me 'what's going on up there? People give you no notice?' I said 'well it happens.' Secondly you accrue benefits based upon your full-time status and part-time status. She wrote a letter on the 29th, I received it on the 29th in the afternoon at 3:30 telling me that as of Monday she is part-time. That is not her choice. So having looked at this I recommended that you revise your letter with proper notification and I sent that to Mr. Melewski and I sent it to Mr. Huff and they said 'no.' That's what they said.

Judy Felsten: And as I understand the law, it's under their jurisdiction.

Supervisor Ruso: She was appointed. Here's the way the law works. When you are going to be appointed, the justices submit a name. It is approved by the Town Board and if the justices say we want, I think the illustration I got from the training, if the justices say they want Mickey Mouse and the Town Board says they want Minnie Mouse, you better find Daffy Duck because it has to be both parties agree. Nevertheless, you cannot leave a position for which you were appointed for. That was a resignation. Whether she used the word resignation or not, she did say 'I will no longer be the full-time clerk.' That's the position she was appointed to. When you say 'I will not be the full time clerk,' what are you? There is no other part-time position even available. There is a part-time clerk and a full-time clerk. That's how this Town has operated for I don't even know how long, well before I have even had any knowledge of it. You had one and then the other. You can't say 'I'm gonna take a part-time position when there is no part-time position. The other one would have to resign to free up the part-time position and I recommended that. I said 'if one resigns and the other switch, you can do that.' I recommended that. They said 'no, the other one's not gonna resign her position.' You have two positions period. So you can continue spreading Mr. Melewski's perspective fine and it will be continued because I don't care where they go with it, she resigned the position. I couldn't go to my boss and say 'hey, by the way tomorrow I'm gonna be part-time.' I can't do that. I don't know where in this world you can do that with no notice. I mean a two-week notice, I asked them for a two week notice. They said 'no.' She verbally said and we deem it appropriate based upon conversation. This is a government. You gotta put it in writing. 'No, we don't have to.' That's what was told to me. And I said 'well, I don't want to go the course that you're suggesting, but there's only one course. She is leaving a position and going to take another position. We talked about it at length. I said 'I don't know what to do.' It would have been nice if they had spoken to us. Mr. Melewski suggested that he knew about this weeks beforehand or some time beforehand, I can't say weeks.

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Judy Felsten: It seems to me that they viewed it as notification (unable to understand).

Supervisor Ruso: There are Town regulations as well which do have a place here. There is in the Town Handbook that Mr. Melewski was provided, Mr. Huff was provided, Kim Ruby was provided that says a two week notice is standard, but it's written in writing. Two week notice. It was not provided and I asked them 'please, I recommend (I think that was the word I used) that you revise this to give us a proper notification period. No, I didn't get anything. In fact I got a letter that says 'no' or correspondence anyway.

Eileen Vosburgh: First, I'd like to comment on this issue. Right here in the Town Handbook it says that the work hours can be 'employees are not allowed to alter their work hours without the approval of the Town Supervisor or for court employees the Town Justices.'

Supervisor Ruso: She had done that, yes. She had done that.

Eileen Vosburgh: Right and she had gotten the approval from the Town Justices.

Supervisor Ruso: No, wait a minute. She was working from 1:00 until 8:00; next day she'd work from 9:00 until 4:00, and the next day after that she would work from 7 am to 11 am. I mean she altered her hours not her work standards. She is a full-time employee. She was appointed as a full-time employee. Since you looked that up, I recommend you look up the information on December 2018 whichever Board meeting it was, first one or second. I mean you failed to look that up that she was appointed as the full-time clerk.

Eileen Vosburgh: But I can see that it is the justices that can change her hours.

Supervisor Ruso: With no notification?

George McHugh, Esq.: But not her status.

Supervisor Ruso: Not her status. Her work hours she can change, but not her status.

Eileen Vosburgh: So do you have a full-time clerk now?

Supervisor Ruso: No, I do not.

Eileen Vosburgh: Did you hire a full-time clerk?

Supervisor Ruso: We hired a part time clerk. We created a part-time position.

Eileen Vosburgh: So why didn't you let her do it?

Councilmember VanEtten: She could have applied but she didn't.

George McHugh, Esq.: She didn't apply.

Councilmember VanEtten: She didn't apply.

Supervisor Ruso: She didn't apply. We sent her a letter asking her to apply. If you're going to bring outside opinions in, that's fine. That's what you're here for.

Judy Felsten: Point of information. Do you now have two part time clerks?

Supervisor Ruso: Yes, ma'am. Yes, we do. The Court is financed, the number of hours are 52.5 per week. It has been that. It remains that and I'm really surprised that anyone in this world can say that someone can come in here with no notification and change their status at their will with no notification. I would never have someone from the Highway say 'hey, tomorrow I'm

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going part-time.’ Nobody. Our Highway people are appointed as either a full-time person or a part-time person. If they change status the Highway Superintendent needs to let me know and the Board approves it. But they have to leave one position and go to the other. You just don’t have those kind of options, folks.

Judy Felsten: What I said was disagreement about jurisdiction.

Supervisor Ruso: No, the Town Board has the jurisdiction.

Judy Felsten: Well, that’s where the disagreement is.

Supervisor Ruso: Unfortunately it’s all unfortunate absolutely.

Eilleen Vosburgh: And we lost a very good employee for the town.

Councilmember VanEtten: She could have applied.

Supervisor Ruso: We asked her in our letter ‘please reapply’ I think was the words. I’m trying to remember the words.

George McHugh, Esq.: Something like that.

Eilleen Vosburgh: Her health insurance was cancelled immediately was it not?

Supervisor Ruso: Correct.

Eilleen Vosburgh: Even though she was still working in November?

Supervisor Ruso: She notified us that she was...

Eilleen Vosburgh: She wanted to change her hours. She repeatedly said that she wanted to change her hours. At the Work meeting you thought there was gonna be like a guesstimated surplus of \$200,000 something like that.

Supervisor Ruso: Townwide, yes.

Eilleen Vosburgh: And you mentioned different places you would put that money aside for, but you know I’m wondering if maybe Mr. McHugh can help us with this because could some of that money be invested in a grant writer? I know Town of Coeymans has a grant writer and they’ve done a pretty good job haven’t they?

George McHugh, Esq.: The grant writer in Coeymans does a very good job.

Eilleen Vosburgh: I mean they brought in a lot of grants correct?

George McHugh, Esq.: Definitely been instrumental in that, yes.

Eilleen Vosburgh: And about how much does that cost?

George McHugh, Esq.: A grant writer?

Eilleen Vosburgh: Yeah.

George McHugh, Esq.: It’s \$10,500 is what we pay them in Coeymans. She’s a part-time person.

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Supervisor Ruso: I don't think there's anything wrong with considering that. I know that Highway funds must stay in Highway.

Councilmember VanEtten: And we have written all the grants and we've actually gotten more grants that I think ever before.

George McHugh, Esq.: The grant writer we have, this comes out of the General Fund, the A fund.

Supervisor Ruso: I suppose that if they were working on behalf of a Highway grant, charge those accounts. That's minor.

Eileen Vosburgh: I mean Coeymans is getting a lot of grants and so was Coxsackie and granted they have a Main Street so called, but can we try to look at that option and invest some money in a grant writer?

Supervisor Ruso: I think that's not a bad idea, but I will look at some other places. Now the Highway funds, we are looking to buy a new plow so that's pretty much most of the Highway Reserve funds. The truck will cost \$208,000 just so you know.

Councilmember VanEtten: And I think that in the last eight years we've gotten over \$100,000 for the parks in grant money.

Supervisor Ruso: Yeah, we did get \$150,000 last year. Of course, I haven't seen the check yet.

Councilmember VanEtten: That takes awhile, so it's over \$200,000 completed.

Deputy Supervisor Dellisanti: \$200,000 altogether.

Judy Felsten: Toward which project?

Councilmember VanEtten: The parks, all of the parks.

Supervisor Ruso: The parks, parks.

Councilmember VanEtten: And we do the grants for the children's program. I just sent them in today.

Supervisor Ruso: But it's not a bad idea to look for some other grants out there.

Eileen Vosburgh: Last week there was a resolution for the Itax web portal and the resolution said that the Town would be 'the Town of New Baltimore wishes to include 2022 and future tax information on the town website.' That was the reason to invest in this company software. What kind of information would be on the Town website?

Supervisor Ruso: Well, it's gonna be put on by our Assessor's department is what we were talking about. Is that the same one you're talking about? The new software. It's only individual, it's not you're information is not gonna go on there.

Town Clerk Finke: Yeah, it is.

Supervisor Ruso: Yeah, you have to access yours. It's not for everyone to see.

Councilmember VanEtten: Well, everyone can see that's why...

George McHugh, Esq.: Everyone can see it.

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Town Clerk Finke: Everyone can see it. When you sell property and someone buys a piece of property, usually the title people call and want to know what the taxes are because they have that amount in escrow and they will send it to you. Additionally, people who want to know how much taxes they paid for their income taxes, they can go on there. Otherwise they have to call in and sometimes people work nights and sometimes they want it when they want it. So it just makes it easier to access.

Supervisor Ruso: I was mixing up with another software program.

Eilleen Vosburgh: Does that take the place of software that we have now?

Town Clerk Finke: We don't have any now.

Eilleen Vosburgh: I'm just asking you.

Supervisor Ruso: Can't say it replaces what we don't have.

Eilleen Vosburgh: People can see their assessed value right?

Supervisor Ruso: Yes, based upon assessed value.

Eilleen Vosburgh: And at some point I think you said, Barbara, or I asked the question, people will be able to pay online?

Town Clerk Finke: We're trying to determine, but right now I got a quote of \$1,200 to pay online for dog licenses and there's no way that will be financially feasible.

Supervisor Ruso: We pull in \$3,000 and we're gonna pay \$1,200.

Town Clerk Finke: Yeah, right. Absolutely.

Eilleen Vosburgh: My last question was how many Highway employees can drive a snowplow?

Town Clerk Finke: That would be a good question for Alan.

Supervisor Ruso: All of them.

Ellie Alfeld: It's a Class B license.

Supervisor Ruso: All of them have a Class B.

Eilleen Vosburgh: Is there a woman that is also working for the Town? Does she have a Class...

Supervisor Ruso: In the Highway, no.

Eilleen Vosburgh: She doesn't have a CDL.

Town Clerk Finke: We don't have one.

Councilmember VanEtten: We don't have a woman working.

Ellie Alfeld: She's retired.

Eilleen Vosburgh: Oh, okay, that's what I'm asking, that's what I asked.

Supervisor Ruso: She's gone.

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Town Clerk Finke: In August.

Eilleen Vosburgh: How many people?

Town Clerk Finke: That's a question for Alan.

Supervisor Ruso: Five plus four part-timers.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 38-2022
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**RESOLUTION TO ADOPT PROVISIONS OF EXECUTIVE ORDER 11
SUSPENDING THE REQUIREMENTS OF RENEWAL APPLICATIONS
FOR SENIOR CITIZENS AND INDIVIDUALS WITH DISABILITIES AND LIMITED
INCOME AS A CONDITION TO GRANTING EXEMPTIONS UNDER
SECTION 459-C AND 467 OF THE REAL PROPERTY TAX LAW**

WHEREAS, on December 26, 2021, Governor Kathy Hochul issued Executive Order No. 11, declaring a State disaster emergency for the entire State of New York due to the COVID-19 pandemic; and

WHEREAS, this State disaster emergency has resulted in limited hours in municipal offices in the Town of New Baltimore and rendered senior citizens and individuals with disabilities residing in the Town of New Baltimore homebound. These factors combined have made it difficult, if not impossible, for many in these populations to file their real property tax exemption applications in person and many, further, lack the ability to file such applications online; and

WHEREAS, in recognition of the above problems caused by the pandemic, Governor Hochul issued Executive Order No. 11.1 on December 26, 2021, thereby extending Executive Order No. 11. This extension of the Governor's Executive Order modifies subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, the effect of which permits the governing body of an assessing unit (i.e., the Town Board of the Town of New Baltimore) to adopt a Resolution directing the Assessor to grant exemptions on the 2022 assessment roll to all property owners who received such exemptions on the 2021 assessment roll (i.e, senior citizens and individuals with disabilities with limited income), thereby dispensing with the need for such person to file renewal applications to request such exemptions, and further dispensing with the requirement that assessors mail renewal applications to such persons; and

WHEREAS, Executive Order 11.1 further allows the governing body of said assessing unit, in any such Resolution, at its option, to include procedures by which its Town Assessor may require a renewal application to be filed if he or she has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner or died; and

WHEREAS, pursuant to said Executive Order, the Town Board of the Town of New Baltimore wishes to adopt such Resolution directing the Town Assessor of the Town of New Baltimore to grant exemptions on the 2022 assessment roll to all eligible senior citizens and individuals with disabilities with limited income, and granting the Town Assessor of the Town of New Baltimore the authority to require renewal applications for due cause, as discussed above, utilizing procedures outlined below;

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NOW THEREFORE, BE IT RESOLVED, pursuant to the authority granted by Executive Order No. 111.1, issued by the Governor of the State of New York, that the Town Board of the Town of new Baltimore hereby directs the Town Assessor of the Town of New Baltimore to:

1. Grant exemptions on the 2022 assessment roll to all individuals who received the senior exemption on the 2021 assessment roll and all individuals who received the exemption on the 2021 assessment roll because they were recognized as a person with disabilities and limited income, thereby dispensing with the need for any such individuals to file renewal applications for such exemptions, except that;
2. The Town Assessor may, in her sole discretion, require a renewal application to be timely filed with her office if she has reason to believe that any such individual, who qualified for the aforementioned exemption on the 2021 assessment roll, may have since changed their primary residence, added another owner to the deed for the relevant property, transferred such property to a new owner or died. If the Town Assessor requires such renewal application be filed, she shall notify the owner of the subject property of such requirement by regular mail, with such notice shall containing instructions on how to file the renewal application. Said renewal application may be returned by mail or by making an appointment to drop same off at the Town Assessor's office, 3809 County Route 51, Hannacroix, NY 12087.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

YES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 39-2022
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**RESOLUTION SETTING PUBLIC HEARING FOR A PROPOSED LOCAL LAW
TO IMPOSE A MORATORIUM ON THE PROCESSING OF APPLICATIONS FOR, AND
THE ISSUANCE OF ANY PERMITS, CERTIFICATES OF OCCUPANCY AND
APPROVALS FOR CERTAIN LAND USES RELATING TO SOLAR ENERGY,
INCLUDING BUT NOT LIMITED TO SOLAR FARMS**

BE IT RESOLVED, that the Town Board of the Town of New Baltimore will hold a Public Hearing on Monday, January 24, 2022 at 6:30 PM at the Town Hall, 3809 County Route 51, Hannacroix, New York to hear those members of the public who wish to be heard regarding proposed Local Law 1 of 2022, a Local Law to Impose a Moratorium on the Processing of Applications for, and the Issuance of any Permits, Certificates of Occupancy and Approvals for Certain Land Uses Relating to Solar Energy, Including But Not Limited to Solar Farms

PROPOSED LOCAL LAW 1 OF 2022

**A LOCAL LAW TO IMPOSE A MORATORIUM ON THE PROCESSING OF
APPLICATIONS FOR, AND THE ISSUANCE OF ANY PERMITS, CERTIFICATES OF
OCCUPANCY AND APPROVALS FOR CERTAIN LAND USES RELATING TO SOLAR
ENERGY, INCLUDING BUT NOT LIMITED TO SOLAR FARMS**

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SECTION 1. PURPOSE AND INTENT

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of New Baltimore and to maintain the status quo as to certain solar energy uses, as the present zoning regulations in the Town do not adequately address this type of use. The moratorium will stop the processing of applications for, and the issuance of any permits, certificates of occupancy and approvals for certain land uses relating to solar energy, including but not limited to solar farms. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of New Baltimore Zoning Code concerning this use.

SECTION 2. LEGISLATIVE FINDINGS

The Town of New Baltimore Town Board does hereby find that without a temporary halt on the processing, permitting, and approvals for certain solar land uses there is the potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of and lack of proper dimensional regulations for, such uses would have materially adverse and irreversible impacts on the Town.

The Town Board also finds that it is in need of time to perform the necessary analysis of the potential types of solar energy facilities that could be located in the Town. By maintaining the status quo regarding such uses the Town Board can provide for the planned orderly growth and growth development of the Town.

SECTION 3. MORATORIUM IMPOSED; APPLICABILITY

For a period of time of six (6) months following the effective date of the adoption of this Local Law no application may be processed, and no permits, certificates of occupancy, approvals, denials, determinations or interpretations may be issued or granted for any land uses relating to solar energy, including but not limited to solar farms.

The term "land uses relating to solar energy" shall be broadly construed to include any facility designed to generate electric power to be marketed, sold or used for other than the power demands of the improvements on the property on which such facility is located. Not included within the scope of this moratorium are solar energy facilities designed to generate electric power solely for the use of the improvements located on the same property.

The term "solar farm" shall mean "a collection of solar panels covering one-quarter (1/4) acres or more of land that are designed to capture sunlight and transform it into electricity. This definition includes freestanding and ground pole-mounted photovoltaic and parabolic solar installations. This definition does not include photovoltaic panels that are mounted on or affixed to residential dwellings for their use, or municipal buildings, or existing panels mounted on commercial or industrial buildings.

This Local Law shall be binding on the Town Board, Planning Board/Zoning Board of Appeals, Building Inspector, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy or approval in the Town of New Baltimore.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of New Baltimore Code. During the period of the moratorium, no applications will be accepted, nor permits, certificates of occupancy or approvals issued, which would authorize development within the Town for land uses relating to solar energy as described above.

SECTION 4. TERM

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date.

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This Local Law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution(s) of the Town Board.

SECTION 5. EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law ordinance, rule or regulation.

SECTION 6. WAIVER

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability. However, the Town Board may, but is not obligated to, promulgate regulations by a Resolution of the Board authorizing a hardship waiver process to this moratorium.

SECTION 7. SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.

Motion by Councilmember VanEtten seconded by Supervisor Ruso

Supervisor Ruso: We just want to take a cooling off period. We have so many projects and we need to try to see some of them to their end and before we jump into that pool any further. So that's really what this is about. I think we had minor conversations. Anyway we're going to have a public hearing for the public to have a right to be heard before we address this issue so the Public Hearing will be on the 24th at 6:30. So that's what we're going to have that for public comments. See what's out there. Give the public the right to say what they want to...

Ellie Alfeld: I make a suggestion only. While you're contemplating this, would you also contemplate the thought of increasing the permit fees for anyone making an application or solar farm.

Supervisor Ruso: I think that will all be on the table. I mean what we have here is a moratorium. That's the first step and a lot of those other details and the zoning and codes and all that stuff would be accommodated during that moratorium period.

Ellie Alfeld: And if it required even investigation, I'm sure that there are enough Towns around here that have had solar farms that can give you an idea of what their charges were. And, in fact, I bring up the Town of Westerlo.

Supervisor Ruso: Westerlo charges almost nothing just so you know.

Ellie Alfeld: Well, originally they had made other...

George McHugh, Esq.: Ours is one of the highest in the area.

Supervisor Ruso: Ours apparently, as I've been informed, are higher than almost everybody.

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George McHugh, Esq.: They are only because I compared it when we were looking at our fees. Ours were way low like Westerlo. So we compared with Bethlehem and to you and our solar farm in Coeymans, the fee would have been \$400,000. In Bethlehem it would be have \$1 million in New Baltimore for 400 acres.

Supervisor Ruso: So anyway we're looking to having a hearing on Local Law 1. That's on the 24th.

YES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 40-2022

JANUARY 10, 2022

**RESOLUTION TO ESTABLISH WATER DISTRICT #2
USE CHARGES FOR 2022**

BE IT RESOLVED that the Town Board hereby establishes the following fees in accordance with the 2022 Budget for Water District #2:

Water Usage	As Per Meter
Debt Payment	\$157.00 Quarterly
Repair Reserve	\$20 Quarterly

Motion by Supervisor Ruso seconded by Councilmember Irving

YES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 41-2022

JANUARY 10, 2022

**RESOLUTION TO ESTABLISH WATER DISTRICT #3
USE CHARGES FOR 2022**

BE IT RESOLVED that the Town Board hereby establishes the following fees in accordance with the 2022 Budget for Water District #3:

Operation and Maintenance (Commercial)	\$300 Annually/\$75 Quarterly
Operation and Maintenance (Residential)	\$80 Annually/\$20 Quarterly

Motion by Supervisor Ruso seconded by Councilmembers VanEtten and Boehlke

YES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

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Councilmember Downes: Jeff, how many people do we have in that Water District?

Supervisor Ruso: There are 12 parcels.

Councilmember Downes: Commercial or residential? Both?

Supervisor Ruso: There's both. There's only one operating commercial site and that would be the SERTA plant. They're the ones paying the money.

Councilmember Downes: And have we continually taken residential money from them for the Operation and Maintenance or is this something...?

Supervisor Ruso: There are some things that I didn't want to mix up problems here. Barb and I and Nick, we talked about this. We already have a Public Hearing on the moratorium for the next meeting. My plan was for the meeting after the next meeting to have a Local Law on reestablishment of Water District #3 based upon the results of the recommendations from Delaware Engineering. This needs to be settled. We learned a lot from the problems with Water District #2. We don't want to repeat them with Water District #3. They should have been set up long ago in '05, but I will admit that I didn't know what was going on until I learned the lessons on District 2 and I dare say my predecessors didn't know and there are a lot of complicating factors with Water District #3. So we have to have them resolved including some help from the Town and Village of Coxsackie. So we're in the process of doing that, so we're not quite ready to have that firmly established to go to your question.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 42-2022
JANUARY 10, 2022

RESOLUTION TO AUTHORIZE GRANT APPLICATION
THE BANK OF GREENE COUNTY

RESOLVED that Supervisor Jeffry Ruso and Councilmember Shelly VanEtten are authorized to submit a grant application to The Bank of Greene County on behalf of the Summer Recreation Program for 2022.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

YES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 43-2022
JANUARY 10, 2022

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 2022-01-01 to 2022-01-29, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2022-01-01 to 2022-01-29,

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BE IT FURTHER RESOLVED that the Town Clerk will prepare an Abstract and hold it for public review until February 28, 2022

Motion by Supervisor Ruso seconded by Councilmember Downes

YES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

General \$20,137.87, Highway \$1,442.10, Sewer 1 \$1,956.20, Sewer 2 \$330.56, Total \$23,866.73

Upcoming Meetings

- January 13, 2022 Planning Board Meeting at 7 PM
- January 17, 2022 Town Offices Closed for Martin Luther King Day
- January 24, 2022 Town Board Work Meeting at 7 PM
- February 2, 2022 Zoning Board of Appeals Meeting at 7:30 PM (If Needed)
- February 10, 2022 Planning Board Meeting at 7 PM
- February 14, 2022 Town Board Regular Meeting at 7 PM
- February 21, 2022 Town Offices Closed for President's Day
- February 28, 2022 Town Board Work Meeting at 7 PM

Public Comment Period

None

Supervisor Ruso: There is a point before we go to Adjournment that the Town Board needs to, I did wait until the end so people wouldn't have that problem here, I'm gonna call for a motion to go into Executive Session to discuss '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' So I'll make the Motion to go into Executive Session at 7:42 PM.

Councilmember VanEtten: I'll second.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Motion by Supervisor Ruso seconded by Councilmember VanEtten to reenter the regular session at 7:52 PM

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: For informational purposes there were no decisions made in our Executive Session.

On a Motion by Councilmember Downes seconded by Councilmember Irving, the meeting was adjourned at 7:53 PM

AYES: Ruso, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Downes

Motion Carried

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Supervisor Ruso: Thank you everybody.

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk