

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

SEPTEMBER 25, 2023

Please turn off all cell phones and electronic devices.

Reports

Supervisor

County Legislator

Town Clerk

- September 11, 2023 Town Board Regular Meeting Minutes

Historian

Agriculture/AgFest (Chair Boehlke/Member Irving)

Animal Control (Chair Irving, Member Russo)

Assessment (Chair VanEtten/Member Russo)

- Resolution to Appoint Board of Assessment Review Member

Audit and Budget (Chair Russo/Member Downes)

- Presentation of 2024 Tentative Budget

- Resolution to Set Public Hearing for 2023 Preliminary Budget

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

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

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

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

Greene County Planning Board (Boehlke)

Highway (Chair Russo/Member Downes)

- Resolution to Approve New Heavy Motor Equipment Operator Pay Rates as Approved in the Collective Bargaining Agreement

- Resolution to Approve New Part-Time Heavy Motor Equipment Operator Pay Rate

- Resolution to Authorize the Highway Superintendent to Purchase Abrasives (Dry Screened and Washed) Used in Snow and Ice Control per Greene County Resolution Until September 19, 2024

- Resolution to Approve the Repairs on 2002 International Plow Truck

- Resolution to Seek 2023-2024 Snow Plowing/Removal Request for Proposals

Insurance (Chair Russo/Member Downes)

Personnel (Chair Russo/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 Russo)

Veterans and Memorials (Chair VanEtten/Member Irving)

Wastewater Treatment (Chair Irving/Member Boehlke)

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

- Resolution to Award General Construction Contract for New Ballfield Facility at Silver Lake Park

Upcoming Meetings

- October 4, 2023 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- October 11, 2023 Town Board Regular Meeting at 7 PM
- October 12, 2023 Planning Board Meeting at 7 PM
- October 23, 2023 Public Hearing on the 2024 Preliminary Budget
- October 23, 2023 Town Board Work Meeting at 7 PM

Public Comment Period/Community Events

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.

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 1**

**Draft 10/5/2023
Adopted 10/16/2023**

OPENING OF WORK MEETING

Supervisor Russo opened the meeting at 7:00 PM and the Pledge of Allegiance was said. Also attending Councilmembers Boehlke, Downes, Irving and VanEtten; Deputy Supervisor Dellisanti; George McHugh, Esq; and Absent: Supervisor Russo, County Legislator Linger, and Highway Superintendent VanWormer; and 5 members of the public who signed the attendance book. Absent: Supervisor Russo, George McHugh, Esq., and County Legislator Linger

Supervisor Jeff Russo

Monthly financial reports for the month of August have been submitted to all Board members. I hope everyone's had the chance to review them. If so, I'll make a Motion to accept the financial reports for August.

Councilmember Downes: I'll second.

AYES: Russo, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Russo: We also had a very successful Senior's picnic. The weather was good, I wish we had more folks but we still had over 50. And thank you, Councilwoman VanEtten, for organizing this. And I will be having a meeting on the 28th, Thursday, out in the field with Champlain Hudson Power Project. For those that don't know what that is it's that transmission line that's going all the way from Quebec, Canada down to New York City and they're cutting through the middle of New Baltimore along the railroad tracks primarily and...

Councilmember Boehlke: Jeff, what time is this gonna be?

Supervisor Russo: 10:30.

Ellie Alfeld: In the morning? Well, I never know around here.

Supervisor Russo: Yes. Nevertheless, it's at 10:30 AM. We are not sure we're gonna meet either on New Baltimore Road or on Kreitmeier maybe VanGurpin. We haven't set that exact time.

Councilmember Boehlke: Let me know

Ellie Alfeld: Is it open to the public?

Supervisor Russo: No, it's not.

Ellie Alfeld: And then how do we get information? This is the main thing I've been asking about.

Supervisor Russo: I'm telling you here at this meeting. We're having a meeting out in the field with the Town officials including the Highway and it's not a public hearing okay. It's not.

Ellie Alfeld: No, it's not okay.

Supervisor Russo: It's not. No, it's not, but we're going to talk about potential issues on those roads. That's all with their construction.

Ellie Alfeld: What about private ownership people (unable to understand)?

Supervisor Russo: That is between the private ownership and Champlain Hudson.

Ellie Alfeld: And they don't get in touch with us.

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 2**

**Draft 10/5/2023
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Councilmember Boehlke: Well, you know what Ellie, we can raise the possibility of them when we meet with them about coming to the Town and doing a public presentation.

Supervisor Russo: I've already discussed that with them.

Ellie Alfeld: You know it's like everything. The public doesn't know what's going on half the time until after the fact and if we don't know how we're being impacted, we're the one's paying the taxes on this property.

Supervisor Russo: It's the Road Use Agreement is what we're talking about. That's the topic.

Ellie Alfeld: Well, I have the agreement you're coming through my property to get where you're going. How's that?

Supervisor Russo: I think it's the other way around. They're coming down from the north across New Baltimore Road.

Ellie Alfeld: And does my property not come south of the New Baltimore Road?

Supervisor Russo: Yes, of course it does.

Ellie Alfeld: And is it projected to be on their destruction letter?

Supervisor Russo: They don't discuss the properties with me.

Ellie Alfeld: Right, right, and they don't discuss it with general public either. Thank you very much.

Supervisor Russo: They can't go on your property without your permission.

Ellie Alfeld: Oh, yes they can.

Supervisor Russo: No, not approved by us.

Ellie Alfeld: We'll see.

Harold Vadney: Didn't you ever hear of Eminent Domain?

Supervisor Russo: That's on them, that's not us. That's a state thing.

Harold Vadney: They can go on your property without your permission.

Councilmember Boehlke: Well that's done through the Courts before it's enforced.

Unable to Understand

Councilmember Boehlke: They don't just walk on your property (unable to understand).

Supervisor Russo: Until there's such a thing ever happens, they can't go on your property. They need to knock on your door and ask you. That's what they need to do.

Ellie Alfeld: I'll submit to you a copy of the email I was sent by their chief of surveyors. How's that telling me exactly where this (unable to understand)?

Supervisor Russo: That would be good. I'd like to see it. Well, nevertheless, year one they are going to give us, the Town, and we're expecting 2025 \$267,734 and every year it goes up by a few thousand dollars. You know it will be \$270,000 the next year, then \$272,000 and so forth.

Ellie Alfeld: Is this a PILOT?

Supervisor Russo: A combination PILOT and Host Agreement, yes.

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 3**

**Draft 10/5/2023
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Ellie Alfeld: Thank you.

Harold Vadney: Certainly the Town will know which parcels this project is impacting wouldn't it?

Supervisor Russo: Their surveyors haven't decided every parcel.

Harold Vadney: Which parcels would be the purview of the township.

Supervisor Russo: I don't have discretion over individual parcels and I don't know which one's they are.

Harold Vadney: I'm not saying that you do (unable to understand).

Supervisor Russo: Okay, this is not a dialogue and it's not a confrontational session.

Many speaking at once.

Supervisor Russo: Nevertheless, if people have a card they can step up okay because we're getting out of control here. I can't answer every parcel. I don't even know what parcels. They haven't informed me of which parcels. I have a rough idea of the map that you have seen and it doesn't say her property, his property, your property. It doesn't tell me property lines.

Ellie Alfeld: No, you can't even read it.

Councilmember Boehlke: We'll have a lot more information after the meeting.

Councilmember VanEtten: After the meeting I would think.

Councilmember Boehlke: The meeting with them, that's the purpose of it so.

Ellie Alfeld: I would like to see a meeting between the public and the Board after that then.

Councilmember Boehlke: They may go for it, Ellie.

Supervisor Russo: I would like to have them come down. Let's carry on.

Councilmember Boehlke: We can only ask.

Town Clerk Barb Finke

1 CO Search Compliance Residential \$125, 9 Building Permits \$1,861.53, 1 Deck and Porch \$132.25, 1 New Septic System \$50, 4 CO Searches \$300, 13 Hunting/Fishing Licenses \$86.29, 16 Dog Licenses \$102, 5 Late Licenses \$25, 2 Marriage Licenses \$35, 1 Excavation Culvert Under Driveway \$35, 3 Minor Subdivisions \$225, 1 Mobile Home-Double \$225, 1 Solar Residential \$100, 1 Swimming Pool-Inground \$100, 2 Certified Copies \$20, Recycle Fees \$8, Total State, County & Local Revenues \$4,839.78, \$18 to New York State Department of Agriculture and Markets for the Spay/Neuter Program, \$45 to the New York State Department of Health for Marriages, to the New York State Department of Environmental Conservation for Hunting/Fishing Licenses \$1,346.71, Total to Supervisor \$3,430.07.

ADOPTION OF MINUTES

The September 11, 2023 Town Board Regular Meeting submitted by Town Clerk Finke, Moved by Supervisor Russo 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: Russo, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 4**

**Draft 10/5/2023
Adopted 10/16/2023**

Assessment

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 109-2023
SEPTEMBER 25, 2023**

RESOLUTION TO REAPPOINT BOARD OF ASSESSMENT REVIEW MEMBER

RESOLVED that Ellsbeth Finke is reappointed to the Board of Assessment Review until September 30, 2028.

Motion by Supervisor Russo seconded by Councilmember Downes

AYES: Russo, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Audit and Budget

Supervisor Russo: So now the first thing we want to do is I need to present some issues on the budget. Just some general points before we proceed. The process and the approach is significantly to address the Revenue and Expense side based upon our experience of this year and next year and the year beforehand excuse me. And so we have a rough idea as to where our costs will be if all things stay the same. Department Heads have been contacted and the question is what is different this year in terms of expenses and/or revenue if that's the case then what we've experienced in years gone by. So anyway the Tentative Budget is based upon previous years and occurrences. So if you look at the very first page for instance, we're not going line item by line item, but there's a lot of pages here, our taxable amount on Page 1 of 5 of the New Baltimore General Fund is \$505,000 taxable amount and it's various ancillary revenue accounts are described below. There are a few worrisome points that we have. For instance in 2022 we had \$107,000 in Court Fines and Fees and in terms of revenue, our budget for '22 is \$87,000. However, in 2023 our actual is way down. Now mind you that's through June 30th, we only have \$25,000 in Court Fines and Forfeited Bail. Nevertheless, we've brought our estimated budget down from the 2023 figure of \$95,000, we brought it down – we don't know how far this trend will go downwards, but it's a concerning trend. There are some things where we have improved in terms of our income. If you look at the line item for Interest and Earnings, in years gone by if you look across, you'll see we had \$560 in '21. We have \$1,464 in '22 and we have \$13,193 in '23 and that's only through half of the year. I don't know if anyone recalls, but back then I sat and went to each of the banks around here and talked about interest we get on our accounts and we went from .05 of a percentage point to 3 and/or 4 percentage points. So that has much to do with that greater increase. So, through June 30, we have \$13,000, one can anticipate we could have up to \$26,000 for a full year. I don't want to go too high, that's why we budgeted \$22,000. So on the Summary page our overall taxes to be raised is \$505,000 for the General and \$547,000 for the Highway. And again there's offsets to all of that. The way we budget we usually budget first the ancillary income and then we budget our expected expenses and what happens is the expected expenses subtracting the ancillary income is the basis of our taxes. So that's where we are and, of course, every line item is a guess based upon past practices -- what is the cost of fuel next year? I don't know. We have rough ideas but we really don't know.

What's the cost of lighting? I know last year the lighting went up significantly -- 2022 particularly and early '23. So these are estimates based upon past practices with knowledge of any things that may be new or different this year that need to be inserted into the budget. So I guess you guys get to study it for awhile. Our Preliminary Budget, we're gonna address that shortly and then our Final budget and all that will be scheduled. So any thoughts guys? I know Kelly was one of our budget officers that worked on this a great deal and I know that we have tried to keep you guys in the loop as much as possible. So let me go then to Resolution 110, we're gonna set a Public Hearing for the 2024 Preliminary Budget, the second step of three.

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 5**

**Draft 10/5/2023
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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 110-2023
SEPTEMBER 25, 2023**

**RESOLUTION TO SET PUBLIC HEARING FOR
2024 PRELIMINARY BUDGET**

WHEREAS the Town Board has established the 2024 Preliminary Budget and the Town Law of the State of New York requires that Public Hearing be held regarding the Preliminary Budget.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore hold a Public Hearing on October 23, 2023 at 6:30 PM at the Town Hall, 3809 County Route 51, Hannacroix, NY 12087 to hear those members of the public who wish to be heard regarding the 2023 Preliminary Budget.

**TOWN OF NEW BALTIMORE
NOTICE OF PUBLIC HEARING**

A copy of the proposed budget is available for public inspection in the Town Clerk's Office at the Town of New Baltimore, 3809 County Route 51, Hannacroix, NY 12087.

Proposed Salary Figures of Elected Officials are as Follows:

Town Council (4)	\$ 5,253.25
Town Justices (2)	12,608.00
Town Supervisor	12,608.00
Town Clerk	42,025.00
Superintendent of Highways	59,886.00

By Order of the Town Board

Barbara M. Finke
Town Clerk

Motion by Supervisor Russo seconded by Councilmember VanEtten

Supervisor Russo: So in terms of discussion, everybody inclusive of the ones I just mentioned and other staff throughout the place – Highway, Town General, everybody -- is scheduled for a 2 1/2 percent raise in the beginning of the year.

AYES: Russo, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Recycling Center Operator Kirk Trombley

August 30, 2023-September 25, 2023 2 Tires Up To And Include 16" Without Rim \$8, 60 Gallon Bags of Plastic (No Hard Plastics) 10, 12 Bundles of Magazines and Phone Books, 43 Bags and Bundles of Newspaper, 71 Boxes and Bundles of Cardboard, Total Income \$8

Code Enforcement Officer Allan Jourdin

Summarization of Code Enforcement Officer activities for August, 2023, is as follows: Building Inspections: 27, Building Permits Issued: 10, Building Permits Renewed: 2, Building Permit Renewal Letters Sent: 6 *First Notice*; 2 *Second Notice*, Certificates of Compliance Issued: 1, Certificates of Occupancy Issued: 1, Certificate of Occupancy Search Requests: 6, Demolition Permit Applications Received: 1, Demolition Permits Issued: 1, Manufactured (Mobile) Home Permits Issued: 1, New Building Permit Applications Received: 11, New Building Permit Applications Awaiting Permit Issuance: 17, Open Building Permits: 207, Pool Permit Applications Received: 1, New Septic System Applications: 1, New Septic System Permits Issued: 1, Roof-Top Solar Applications: 3, Roof-Top Solar

TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 6

Draft 10/5/2023
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Permits Issued: 2, Application Fees for August, 2023: \$2,468.78, Total Fees for Year to Date: \$16,810.26

Greene County EMS Representative Nick Dellisanti

The regular monthly meeting was held on Tuesday, September 19, 2023. There were 16 EMS calls in July, 18 EMS calls in August, for a total of 109 for this year 2023. We had 180 calls for all of 2022.

Supervisor Russo: Well, we have Alan's report. I was hoping to see Alan here.

Councilmember Downes: Isn't he out to the Highway Superintendent's Conference?

George McHugh, Esq.: I think he is because it starts tomorrow.

Highway Superintendent Alan VanWormer

Highway Report August 28 to September 25th 2023 Mixed up more sand and salt and put in shed, Welded broken part on Roadside boom mower, Checked culverts on Independence Lane for Debris, Finished backing up driveways with blacktop where we paved, Repaired two washed out driveways on Valley View Drive, Installed small blacktop berm on Jennings Road to keep road water from running against a residents foundation, Mowed all parks and Town Hall as needed, Mowed along roads, Hauled in washed screenings for winter, Cleaned up debris along roads after storms, Cleaned up very large fallen tree limb on Scheller ark Road, Hauled in millings from County Highway milling project to our shop for future use, Mowed cemetery on Main Street, Washed and greased zero steer mowers, Sunday 9/17 cleaned up fallen tree on Beaver Lane, Picked up boom mower purchased from Town of Gallitan, Cleaned up fallen tree on Swezey Road, Got 2012 F350 inspected, 9/19 cut dead trees with help from Town of Athens bucket truck, Cut and removed two fallen tree limbs from Jennings Road, Moved 3 pieces of equipment to Medway Grapeville firehouse for community day ** I will be away from Tuesday September 26 to Friday September 29 attending the New York State Association of Town Superintendents of Highways convention ** I currently have two pending applications which I will complete paperwork for when I return, one already has a class A CDL and the other has a Class B permit. ** The new OGS salt contract has been awarded, and the new vendor will be Apalachee Salt out of the port of Coeymans at a price of \$60.79 per ton which is .23 less than last year. ** Greene County no longer has a bucket truck available to us at this time, they have awarded bids to two different tree companies to do tree work throughout the County, Grand Arbor Tree Service will cover the eastern portion of our Town, and K. Hughes Expert tree service will cover the Western half with Route 51 being the dividing point. We are still able to get a smaller bucket truck from the Town of Athens when available, but large trees will have to be contracted out, and this will be an added expense to our Town. Update on Chips All paperwork for Staco Road has been submitted, reviewed, and is in order in the amount of \$121,357.70, All paperwork for High Rock Road and Roberts Hill Road is completed and awaiting cancelled check in the amount of \$190,043.29, Total from Chips, PaveNY, EWR, and POP \$311,400.99, Balance to be paid from 5110.4 \$24,577.95 \$24,577.95 Total \$335,958.94

Councilmember Downes: And I just want to clarify that total from CHIPS is \$311,400.99.

Supervisor Russo: Yes.

Councilmember Downes: You said \$499 so I just wanted to clarify it.

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 7**

Draft 10/5/2023
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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 111-2023
SEPTEMBER 25, 2023**

**RESOLUTION TO APPROVE NEW HEAVY MOTOR EQUIPMENT OPERATOR PAY
RATES AS APPROVED IN THE COLLECTIVE BARGAINING AGREEMENT**

RESOLVED that Scott VanWormer is appointed as Forman/Deputy Highway Superintendent at a base rate of \$23.25, Forman rate \$1.50 per hour, Longevity rate \$2 per hour, with the total per hour rate of \$26.75 effective August 31, 2023.

RESOLVED the rate for Timothy Mayo is \$23.25 per hour effective August 31, 2023.

RESOLVED that Scott VanWormer as Forman and Timothy Mayo as Heavy Motor Equipment Operator and is required to file an Oath of Office with the Town Clerk within 30 days.

Motion by Supervisor Russo seconded by Councilmember Boehlke

Councilmember Downes: I thought we no longer had a Deputy Highway Superintendent.

Supervisor Russo: We technically do but the Deputy Highway Superintendent does not have a pay. There is no pay associated with that any longer.

Councilmember Downes: Okay because that's why I thought he was moved to Foreman.

Supervisor Russo: He can hold both titles but the Foreman is the one that pays.

Town Clerk Finke: And Tim did come in today and file his Oath.

Supervisor Russo: Did he? Good.

AYES: Russo, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 112-2023
SEPTEMBER 25, 2023**

**RESOLUTION TO APPROVE NEW PART-TIME
HEAVY MOTOR EQUIPMENT OPERATOR PAY RATE**

RESOLVED the pay rate for Part-Time Heavy Motor Equipment Operators in the Highway Department is \$23.25 per hour.

RESOLVED that William Spurdis and Hugh Sterritt were appointed as Part-Time Heavy Motor Equipment Operators on August 14, 2023 and February 8, 1994 and they are reappointed as of September 25, 2023, and is required to file an Oath of Office with the Town Clerk within 30 days.

Motion by Supervisor Russo seconded by Councilmember VanEtten

Councilmember Downes: And these will be our snowplow drivers when needed?

Supervisor Russo: These are part time as needed yeah.

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 8**

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Councilmember Downes: But they can work during the summer too or is this just for snowplowing.

Supervisor Russo: In the absence of some staffing, I don't have objections to that. If we have all our positions filled, then they wouldn't be there. This would be focused mostly on the heavy snows or someone's out ill or something to that affect when the emergency exists.

Ellie Alfeld: What's that total on the Highway Department?

Supervisor Russo: \$23.25.

Ellie Alfeld: No, no, no, bodies. How many now will we have?

Supervisor Russo: We have to review the qualifications of the people he has yet to submit. So right now there are two full-timers and three part-timers right now and he's looking at two people, but we haven't reviewed their qualifications.

AYES: Russo, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 113-2023
SEPTEMBER 25, 2023**

**RESOLUTION TO AUTHORIZE THE HIGHWAY SUPERINTENDENT TO
PURCHASE ABRASIVES (DRY SCREENED AND WASHED) USED IN SNOW AND
ICE CONTROL UNTIL SEPTEMBER 19, 2024**

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 291-23 until September 19, 2024. The Highway Superintendent will inform the Town Board of cumulative expenditures and unused balance for this product.

Motion by Supervisor Russo seconded by Councilmember Downes

AYES: Russo, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 114-2023
SEPTEMBER 25, 2023**

**RESOLUTION TO APPROVE THE REPAIRS ON 2002 INTERNATIONAL
PLOW TRUCK**

WHEREAS the Town Highway Superintendent has notified the Town Board of the need to repair the 2002 International Plow Truck, and

WHEREAS the Highway Superintendent has indicated that he has received one estimate for approximately \$9,000 from Coffey's Heavy Repair.

THEREFORE the Town Board authorizes the Town Highway Superintendent to proceed with the needed repairs for said truck for \$9,000.

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 9**

**Draft 10/5/2023
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Motion by Supervisor Russo seconded by Councilmember Downes

Councilmember Boehlke: So he's saying there's antifreeze in the oil.

Supervisor Russo: Correct.

Councilmember Boehlke: Which could be a head gasket.

Supervisor Russo: Yes, it could.

Councilmember Boehlke: We're gonna drop \$9,000 possibly to repair a head gasket?

Supervisor Russo: Well, what's the inframe rebuild kit? What's that mean? It's on the last page.

Councilmember Boehlke: Cylinder head replacement or rebuild while it is apart.

Supervisor Russo: Yeah, and that's included in the \$9,000.

Councilmember Boehlke: Well, he's recommending it and hasn't looked at it yet.

Supervisor Russo: Ah, so it could be more.

Councilmember Boehlke: Or it could be whole lot less.

Supervisor Russo: Alright, so this estimate is for up to \$9,000 am I right? It doesn't quite say that though.

Councilmembers VanEtten and Downes: No, it doesn't.

Councilmember Boehlke: Well, it says a rough estimate for a basic inframe rebuilt is about \$9,000 which he's saying is including the kit, the oil pump, a water pump, 40 hours of labor. That's high. That's very high. I'm just saying and he's only got one bid on this thing.

Supervisor Russo: Yeah, I know.

Councilmember Downes: He didn't even put it out for bid. He only got estimates. He tried to get estimates so we didn't really have...

Supervisor Russo: What do you guys want to do?

Councilmember Boehlke: Well, let him try again. Right. Let him try to get estimates again. I mean we did this before. Well, we got one estimate and we had him rebid again right so let's do it again because that's a lot of money.

Supervisor Russo: Well, do we want to table this or do we want to vote it down and have him proceed again?

Councilmember Boehlke: Well, let's table it and talk to him. I mean he's not here.

George McHugh, Esq.: You have a Motion and a Second so you have to do something.

Supervisor Russo: Right, we have to do something.

George McHugh, Esq.: You can vote it down.

Councilmember Boehlke: Let's 'Nay' it.

TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 10

Draft 10/5/2023
Adopted 10/16/2023

AYES:

NAYS: Russo, Boehlke, Downes, Irving, VanEtten

ABSTAIN:

ABSENT:

Motion Does Not Carry

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 115-2023
SEPTEMBER 25, 2023

**RESOLUTION TO SEEK 2023-2024 SNOW PLOWING/REMOVAL
REQUEST FOR PROPOSALS**

NOW, THEREFORE, BE IT RESOLVED that the New Baltimore Town Board hereby authorizes advertisement and publication of the 2023-2024 Snow Plowing Removal Request for Proposal with contractor's packets to be delivered to the Town Clerk at Town Hall, 3809 County Route 51, Hannacroix, NY 12087 in sealed envelopes marked as to the contents or emailed to clerk@towofnewbaltimore.org by 11 AM on Monday, October 23, 2023.

Motion by Supervisor Russo seconded by Councilmember VanEtten

Supervisor Russo: This is a proposal in the event we don't have employees for emergency snowplowing and we have a couple that are on the docket apparently according to Alan's report. So we'll see where that goes. This may be a moot point. We will might not need it.

Councilmember Boehlke: It's good to have something extra in your back pocket right?

Supervisor Russo: That's kind of what the thinking was, yeah, just in case we don't have anybody.

Councilmember Downes: Especially since of what happened in '20. You get three or four people down. This should have been in place a long time ago.

Supervisor Russo: So the roads need to be plowed and that's what that's about.

AYES: Russo, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Planning Board Chair Rob VanEtten

The Planning Board met on September 14, 2023, with the following business transacted: ...Public Hearing was held on the Dorie E. Myers' Minor Subdivision Application for a three-lot subdivision of property owned on Staco Road. In the Regular Monthly Meeting that followed: ...The Myers' Minor Subdivision Application was approved. ...Discussion was continued with property owner's representative regarding the option for the changing of boundary line between two parcels when the transfer of more than two acres would be involved. ...Discussed with property owner's attorney, the desire to subdivide a parcel into two lots. Depending on the final determination of how much acreage will be wanted in each parcel, one or both of the proposed parcels would require an Area Variance. The Planning Board is denying the presented Minor Subdivision Application and referring applicant to the Zoning Board of Appeals. Appearance date before Zoning Board of Appeals yet to be determined. ...Very brief discussion was held on the status of Site Plan Application for the New Baltimore Solar Project. Our Town authorized Engineer and applicant have been in communication regarding Engineer's review of submitted documents for the project. Our engineer will be present at October meeting to review the application progress with the Board. Following this meeting, the Board will set a time to continue discussion with the applicant.

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 11**

**Draft 10/5/2023
Adopted 10/16/2023**

Seniors Committee

Councilmember VanEtten: I would just like to thank the rest of the Board for making all the food and Barb a lot for helping with all the shopping and the flyers and all of that stuff. I really appreciate it. Thank you.

Zoning Board of Appeals Chair Pat Linger

The Zoning Board of Appeals did not meet on September 6, 2023, since there were not applications to come before the Board.

Town Court

The following is the Town of New Baltimore Court monthly report for August 2023.

- Total August monies received was \$15,772.00
 - Judge Huff \$8,531.00
 - Judge Konsul \$7241.00
 - State/County Share* Town Share*
- Total 2023 (January-August) monies received \$119,687.00
 - State/County Share * Town Share *
- Total New Cases Received 85

*State report not available

Supervisor Russo: For those that aren't aware, all that money goes to the State and they pretty much tell us how much we get back. That's why our figures are not so good and the other parties take the lion's share.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 116-2023
SEPTEMBER 25, 2023**

**RESOLUTION TO AWARD GENERAL CONSTRUCTION CONTRACT
FOR NEW BALLFIELD FACILITY AT SILVER LAKE PARK**

WHEREAS the Town of New Baltimore received a State Aid to Municipalities Grant from Senator George Amedore in 2017.

WHEREAS an Invitation to Bid for a new Ballfield Facility at Silver Lake Park was advertised in the *Times Union* and one proposal was opened and read at the Town Board Work Meeting on August 28, 2023.

RESOLVED that the bid from Bycomp Inc. for \$82,150 is awarded and the certificate of insurance is received.

Motion by Supervisor Russo seconded by Councilmember Downes

AYES: Russo, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Councilmember Downes: How long do we have for that money, that grant?

Supervisor Russo: Maybe next year, maybe in the spring. We'll be fine.

Town Clerk Finke: They keep changing the forms.

Supervisor Russo: Yes, they changed all the forms, but we'll just have to catch up to it.

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 12**

Draft 10/5/2023
Adopted 10/16/2023

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 117-2023
SEPTEMBER 25, 2023**

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 2023b-09-01 to 2023b-09-39, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2023b-09-01 to 2023b-09-39.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until October 31, 2023.

Motion by Supervisor Russo seconded by Councilmember Downes

AYES: Russo, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

General \$17,091.49, Highway \$14,928.94, Sewer 1 \$83.29, Sewer 2 \$37.75, Lighting 1 \$2,158.83, Total \$34,300.30

Upcoming Meetings

- October 4, 2023 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- October 11, 2023 Town Board Regular Meeting at 7 PM
- October 12, 2023 Planning Board Meeting at 7 PM
- October 23, 2023 Public Hearing on the 2024 Preliminary Budget at 6:30 PM
- October 23, 2023 Town Board Work Meeting at 7 PM

Public Comment Period/Community Events

Steve Pilatich: I've lived up on Jennings Road for over 40 years and one area of the road there is about a lane-and-a-half wide and the Town plow knocked over one of the trees and it still lays there. They took the limbs off where it lays along the road. People stop there to pull off, let the other lane to by and then come back out. So it's an obstruction. A while ago the neighbor across the street blacktopped his driveway and, of course, everything pitches to the house and they put some berms and stuff by the house to divert the water. Then the Town came, blacktopped the road, and as they were blacktopping the road, I happened to be out there and that narrow spot where the erosion was they were starting to fill the ditch in and I said 'whoa, what are you doing?' and we were told to fill the ditch in and I says 'well, you're not filling it in.' So Alan came. I spoke with Alan. He said he didn't tell 'em so they put the road where it belonged. They did still come over. Alright now Alan now put a berm across Hamilton's driveway diverting water all to me. I don't need that erosion. I spoke with Alan about it and he says 'let me know if it don't go through the stone wall.' Well, it's not gonna go through because the stone wall's plugged and on the other side is a flower garden and the way that it's laid out there the water is going there, coming down along inside along the road, hits by my mailbox across from the road. It does it at low flow and it does it now on high flow. Also ahead of that berm is a blob of, I don't know what it is. Alan said 'I didn't put that there.' But what that's done is pushing the water onto the road as it comes down the grade, hits that, takes it out. I get it, okay? Highway Law as I know it says you can't do this. You can't dump water on somebody else's property and I think in the Highway Law the Town Board has some authority there okay? Spoke with Alan, I get no results and putting that blob is illegal to divert it out. Would like the Board to resolve the issue. Now he built the stone wall there and we had a court case and a lot of lies were done and he won his case. There was never a wall there. However now since the road is narrow, two mirrors on my truck have been broke by other trucks going by and we're hitting

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 13**

**Draft 10/5/2023
Adopted 10/16/2023**

mirrors, \$611 a mirror. So that takes care of that. Again, I'd like to resolve it. Now you had a resolution on a 2002 plow truck, \$9,000 for a head gasket. I think that's a 2012 and that motor was overheated so I don't think \$9,000 is gonna fix it unless they pulled the head and checked it, but when you overheat a motor, usually the head get warped so thank you.

Councilmember Downes: This plow truck that you were talking about, you think that's a 2012 not a '2?

Steve Pilatich: Yeah, I believe it's a 2012 not a 2002. I could be wrong, that's what I heard a 2012.

Supervisor Russo: The information we have... We can confirm that.

Councilmember Downes: It said 2002 on here so I just wanted to make sure we were talking at the same.

Steve Pilatich: I think that's the one that's a 2012.

Councilmember Downes: You believe it's a 2012.

Steve Pilatich: Because it said they were gonna put a head gasket on it. It was overheated so, but I heard it was a 2012. I'm not sure.

Supervisor Russo: As a thought maybe yourself and myself could try to resolve the issue I mean with Alan. The three of us meet. Can we set up a meeting where Alan, you and I?

Steve Pilatich: Okay.

Supervisor Russo: Can we do that?

Steve Pilatich: Sure.

Supervisor Russo: I'll give you a call and after Alan's back obviously okay.

Steve Pilatich: Okay, thank you.

Supervisor Russo: Alright, thank you.

Harold Vadney: To be very, very brief for a change I would note that this situation with the berm's diversion of natural flow off of properties, screwy louie construction and paving activities is turned into a patterned and perennial problem in this Town. Almost to the day I submitted to this Town Board a memorandum of law in which I summarized Town Law most principally Highway Law 140, 284, and Town Law 64 and 32. Almost to the day on September 26, 2017 I submitted to this Town Board a memorandum of law which summarized Town Law, Highway Law, and various advisory opinions of the Office of the Comptroller on these very, very same issues and this is over six years ago. The memorandum of law was based on events that happened well before and during this time and you are very familiar with this and so is Dellisanti, at the time it was Denis Jordan Superintendent, then it was Scott VanWormer, and then finally Alan was elected to be Highway Superintendent. So we have an entire group of people who are intimately familiar with this issue and other issues of almost exactly the same type. In the meantime we've been paving, berthing, and putting up retaining walls with no rationale whatsoever. This is being done by the Highway Department under the direction of the Highway Superintendent and under the eyes and auditing authority of the Town Board. Now Town Law provides, as does Highway Law, that the Town Board supervises and uses their auditing and their other authorities that they have over the Highway Department -- not only purse strings, but also supervisory authorities -- to monitor the operations of the Highway Department. This doesn't seem to be happening and I'm particularly, I'm particularly concerned that tonight we've discussed several issues of fairly grave import that concern operations of the Highway Department and the Highway Superintendent is absent. You've just discussed at length a repair proposal for a head gasket or whatever and this had to be voted down because he's not here to answer the many questions that you people had. I recall the last meeting there was again another

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 14**

**Draft 10/5/2023
Adopted 10/16/2023**

bid problem. Well, it wasn't a problem it was the purchase of a pickup truck and Mr. VanWormer managed to get only one single bid. Now I find that incredible especially in economic situation that we find ourselves now that he couldn't find two other vendors to provide bids for this thing and I'm further surprised that the Board approved that expenditure without instructing Mr. VanWormer to get out there and get several other bids at least to cover your own butts. I don't know, you know I don't know how this is working, but this is very, very odd to me. In my organizational experience this is very odd. We just closed an investigation on certain allegations made by members of this Board regarding falsified payroll documents. There are several other outstanding issues that involve not only state law but federal law. Such issues as the obstruction of government administration, official misconduct, misuse of position, personal use of government property, use of nonpublic information, use of nonpublic information which happens to be the information that was shared by the publishers of the allegations accusations made against the Highway Superintendent, and misuse of official time. All of these are going to be investigated. I just don't understand why the Town Board has not used it's authorities to monitor these situations and to correct them. I think I'm finished here.

Councilmember Downes: Well, let's just think about this. First of all if you had, wait you want answers...

Harold Vadney: Yes, I do.

Councilmember Downes: But you don't want to hear from us. That's the problem.

Harold Vadney: Oh, excuse me. I do want to hear from you.

Councilmember Downes: First of all they got three different bids and we told them they had to be closed bids because it was over amount. They sent it out for closed bid. The only company that put back in was DePaula. So he did get three bids and if you were here at that meeting you would have heard him say the three places and the dollar amounts.

Harold Vadney: That may very well be, but you voted on one...

Councilmember Downes: Okay, so don't say that we didn't try.

Harold Vadney: Okay, my mistake. I apologize for my inaccuracy then.

Councilmember Downes: That's number one.

Harold Vadney: However, you voted on one single bid right that was submitted.

Councilmember Downes: Because we had a closed bid. When the closed bid came in that was the only one.

Harold Vadney: You had one closed bid. You could have done the same thing then that you did tonight with this head gasket thingamajiggle here.

Councilmember Downes: Once again he had already gotten three different quotes. We told him because it was over the dollar amount it had to be a closed bid so it was put out, it was advertised for this truck. The other two people chose not to bid. That is nothing we can do. So that's number one. Number two these allegations that he has been absolved from. He did it, but because of the Town Board diligently checking time records, we found it so, therefore, it didn't get paid.

Harold Vadney: That's not what is reflected in the...

Councilmember Downes: That's true.

Councilmembers VanEtten and Downes: That is true.

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 15**

**Draft 10/5/2023
Adopted 10/16/2023**

Councilmember Downes: But you keep saying that we did not do our job. We did our job because if we had not done our job there would have been charges. You're not nice to the Town people first of all. All issues you bring...

Harold Vadney: Your position is not to judge my conduct. Your position is to respond to my questions.

Councilmember Downes: Yes, it is when it brings to me... When it comes to me I am.

Harold Vadney: When it comes to you, okay, fine. You're sitting at the table up there. If you have a personal beef you should take it away from the council table...

Councilmember Downes: Then you shouldn't have said the rude comments you did last week about myself.

Councilmember VanEtten: Well, you know if I could just say something, Kelly, and I'm sorry to interrupt, but you know I have a company and we've tried to buy trucks and let me tell you it is really difficult to buy trucks now. It's like pulling the trigger. Nobody wants to give you prices, nobody wants to bid.

Harold Vadney: I understand that. I understand that. I understand that it's difficult to buy trucks, my only question was, my question was it came across as being very, very, how shall I say...

Councilmember Downes: No, you're insinuating.

Harold Vadney: Will you please let me speak.

Councilmember Downes: Why, you speak.

Councilmember VanEtten: You've had your three minutes.

Councilmember Downes: You speak all the time. You've had your three minutes on this issue and I (unable to understand).

Harold Vadney: I've had my three minutes but I refuse to be interrupted by you. I'm addressing Ms. VanEtten at this point okay so please be silent.

Many speaking at once.

Councilmember Downes: Who do you think you're talking to.

Harold Vadney: Ms. VanEtten, I understand that it's very, very difficult to buy trucks, but even so it's a very, very big responsibility that's on the Board's shoulders to insure that taxpayer treasure is spent properly.

Supervisor Russo: Let's try to sum this up, sir.

Councilmember VanEtten: And I think we do a good job of that.

Harold Vadney: Maybe you do think that. That's my opinion and that's my comment. If you like I'll resubmit that.

Supervisor Russo: What I'll like to do, please sit down, if Ms. VanEtten or Ms. Downes or anyone else wants to say something more I think that...

Councilmember VanEtten: No, let's finish it.

Supervisor Russo: I don't want to keep interrupting, but after he's done is what I'm saying.

Harold Vadney: Yeah, yeah that would probably be better procedure.

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 16**

**Draft 10/5/2023
Adopted 10/16/2023**

Supervisor Russo: Just as a matter of point, and Ms. Downes alluded to it, the errors in the payroll were discovered during audit and corrected so that did happen and so that's where that... That was a question.

Harold Vadney: Well there's a big difference between submitting falsified payroll documents and a misunderstanding.

Councilmember Downes: It wasn't a misunderstanding. He signed off on overtime that was ineligible. That is falsifying documents.

Harold Vadney: The investigation report that I read express an entirely different verbiage, okay. That is the verbiage I have from the Sheriff's Department, from the District Attorney. That's the language that I understand. You're telling me one thing. I read differently alright.

Supervisor Russo: That's fine. So that was one issue. Does anyone else want to... Again, I don't want to keep interrupting.

Councilmember Downes: But it's a continual thing that gets brought up.

Supervisor Russo: The one case was, I'll just describe one case. The Highway employees are supposed to get eight hours, all employees, maximum of eight hours of holiday pay. Yet when the holiday comes we put in for ten hours. Well, max is eight so on Fourth of July you get eight hours, but it was put in for 10. It was caught in the process and paid accordingly.

Harold Vadney: But, Mr. Russo, certain members of this Board published accusations publicly available not only to this community, but it was nonpublic information, it was privileged information. The payroll statements about conduct of employees and payroll submissions...

Supervisor Russo: I'm following up to your point about the Sheriff's Department's investigation. Any community events going on in the near future that anyone wants to bring up?

Ellie Alfeld: I remind you that the second week in October the Church luncheons start again and it's open to the public. It's a donation luncheon and all are welcome.

Supervisor Russo: Do you know what's on the menu?

Ellie Alfeld: Roast Pork.

Jeff Etu: The entrance to the pavilion and to the baseball field needs to be addressed. Some of the senior citizens are having a problem. There's rocks that stick up.

Supervisor Russo: Right, right. We're talking about paving that.

Jeff Etu: Some people are having a problem getting in. It needs to be addressed. It needs to be either leveled out, paved, or tarred, or cemented.

Supervisor Russo: We're looking at putting perhaps cement in.

Ellie Alfeld: Jeff and I discussed this at the picnic.

Supervisor Russo: Rough ground.

Ellie Alfeld: It is, you can't get a wheelchair through.

Councilmember VanEtten: Yeah, that's a problem.

Ellie Alfeld: Anyway, if Alan has any leftover blacktop or screenings of the free...

Councilmember VanEtten: Milling.

Ellie Alfeld: Milling that they do.

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 17**

**Draft 10/5/2023
Adopted 10/16/2023**

Jeff Etu: It needs to be graded and leveled out properly so that...

Ellie Alfeld: Tampered down.

Jeff Etu: You don't have runoff going into the pavement, into the playground, or... I mean the baseball field looks great. Let's keep it that way. Let's start using these parks.

Supervisor Russo: Well, we're gonna have to address that but I don't think it will be done before the end of... It will probably be springtime.

Jeff Etu: No, but I'm just saying if they just throw something on there it's gonna make it worse.

Supervisor Russo: Springtime project. Anything else anybody?

Harold Vadney: One other question is Stanton Hill Cemetery. You know where that is right? It's a national historic site. Speaking of baseball fields and this sort of thing and access, the Stanton Hill Cemetery driveway access out there is deplorable. It's a disgrace. When you drive into that thing, you're really risking your axle. We need to get somebody to get up there with some blacktop or some stone, crusher stone, and level that thing off, grade it out. It's a national historic site.

Town Clerk Finke and Councilmember VanEtten: That's privately owned.

Harold Vadney: Oh, it is?

Supervisor Russo: I think that one is. Most of them are owned by the Town, but there are still that remain. Chestnut over here on 9W.

Harold Vadney: Do we know who owns it so we can approach them?

Ellie Alfeld: Art Byas is the one to go to at one point.

Councilmember Boehlke: They have a committee, a Town-like. It's not a Town committee, it's a private committee.

Supervisor Russo: A not-for-profit board.

Harold Vadney: I see. So Art Byas would be the man to contact.

Councilmember VanEtten: I think so. He was.

Supervisor Russo: He has been very active with them.

Harold Vadney: I know his wife did a number of grants to restore that cemetery.

Supervisor Russo: He's been very active with them so I can't say he still is.

Harold Vadney: Okay, fine. I thought it was a Town cemetery.

Supervisor Russo: No, it's not. Not yet. If it's abandoned, then it becomes a Town cemetery and we get to take care of it.

Harold Vadney: I see.

**TOWN OF NEW BALTIMORE
COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
SEPTEMBER 25, 2023 – Page 18**

**Draft 10/5/2023
Adopted 10/16/2023**

Adjournment

Motion by Councilmember Downes seconded by Councilmember VanEtten, the meeting was adjourned at 8:00 PM

AYES: Russo, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Respectfully Submitted,

Barbara M. Finke RMC CTO
Town Clerk