

DRAFT

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 13, 2012- page 1

OPENING OF MEETING

Supervisor O'Rorke called the meeting to order at 7:30 pm and the Pledge of Allegiance was said. Also attending: Councilwomen Benway and Finke, Councilmen Meredith and Norris, Highway Superintendent Jordan, Town Clerk Brooks, and 20 members of the public who signed the attendance sheet. Absent:.

APPROVAL OF MINUTES

Although not appearing on agenda, Supervisor asked for objections to adding January 1, 2012 meeting. Hearing none, **Councilman Norris moved and Supervisor seconded the approval of Minutes of January 1, 2012, Organizational Meeting** (distributed 1/20/12 at 2:34pm) submitted by the Town Clerk. No discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE

Motion Carried

Regarding the approval of **Minutes of January 9, 2012, Regular Town Board Meeting** (distributed 2/8/12 at 12:39pm) submitted by the Town Clerk, Councilwoman Finke asked whether her question, answered by Councilman Norris in middle of page 8 after Resolution #17, needed to be added; Supervisor asked if the response given was not to the question she asked. Councilwoman Finke said it was, and wanted to be sure her question was in there, about the cost of the EMS contract. Supervisor asked if she needed that to be added; Councilwoman Finke said no, and to move on. **Supervisor noted, bottom of page 8, "upon roll call", there was no roll call; no further discussion. With that change, Supervisor moved and was seconded by Councilwoman Benway.** The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE

Motion Carried

PUBLIC COMMENT PERIOD

Ellie Alfeld announced Food 'n Fun Luncheon was great success, Bob and Lynda Knighton were head chefs, about 45 served; also, Seniors' core group meeting will be Thursday, March 15 at 1:30pm. Supervisor reminded to book space at Town Hall with the Town Clerk's office. Next Food n Fun is second Wednesday, March 14; menu is traditional corned beef and cabbage. Rob VanEtten announced that Wednesday is a meeting for Ravena-Coeymans-Selkirk Central School taxpayers to discuss ways to close budget gap. He asked for purchase price of cab and chassis; to be taken up later in agenda.

CORRESPONDENCE

From Association of Towns- an updated schedule of the annual meeting in New York City.
From Greene County Legislature- update of agricultural districts within the county.
From Main Care Energy- announcement that the federal ethanol excise tax changed on December 31, 2011.

From Greene County Legislature- workers' compensation program, in which the Town participates, annual contribution is \$5,844; Town's annual share of unfunded liability is \$19,302.56.

From Greene County Legislature- resolutions (include removal of one Maurer property from tax rolls; Town will receive no reimbursement from county; county has not revealed plans).

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From Watershed Assistance Program- announcement to let Town's Code Enforcement Officer know of anyone who may be interested in buyout program where 50% or more of property was damaged in the flood plan.

From Cornell Cooperative Extension's Liz LoGiudice- notice of their ongoing program for Catskill Creek Watershed, and an offer to present it to the Town Board.

From NYS Tax and Finance- notice of Tentative Special Franchise full values for assessment roll to be filed in 2012, a public hearing in Albany on March 8. Several properties listed with increases and decreases, to be reviewed with Assessor Gordon Bennett.

From Community Action Agency of Greene County- offers of volunteer engineering services (driveways, electrical, erosion, water), even where FEMA claims have been submitted.

From Association of Towns- a condensed Digest of Laws of 2011 affecting NYS towns.

OLD BUSINESS

Update on Justices' Accounts

At January Work Meeting, Court liaison/Councilwoman Benway introduced that there were problems with justices' accounts; Key Bank's new fees have caused court to move accounts to National Bank of Coxsackie. Councilwoman Benway and Supervisor met with Town's accountant who reports math errors; he can be engaged for minimum of \$2,500 to finish the task; Councilwoman Benway and Supervisor also met with Pattison, Koskey, CPAs, who also charge a minimum of \$2,500 to identify errors. The total for bank fees and math errors is \$1,786.

Justice Joe Farrell said their long history with Key Bank included an unwritten courtesy agreement with no fees or interest; bank fees appeared and then would be backed out upon request. That changed in beginning of June, but fees were not taken from Justice Farrell's accounts until 2012. A bail account and fine account for each justice totaled 4 accounts; there was an old bail account from previous justices that was never reconciled.

Justice Farrell came in 1991; found a couple that had not been reconciled; closed bail account due to problems; bank took its fees, resulting in negative balance, and total fees in last three months are \$1,054.37. One Town account has \$19, believed to be the bicentennial account. Bank fee codes are difficult to interpret; the justices don't have [the balance], Comptroller's office wants it. Justice Farrell's fine account is short \$695.03; Justice Cosenza's fine account is short \$38.46. Justice Farrell has gone through the books, court clerks' 5's look like 3's and 8's; sometimes a handwriting problem, but not on the (+) plus side.

Those accounts are now closed, transferred all to National Bank of Coxsackie, with a shortage. Justices have been in touch with NYS Comptroller's office and understand New Baltimore is not the only court hit with bank fees that have come with today's economics. NYS Comptroller's office believes the \$695 is a clerical error and is not concerned; it is here and we have the problem, and the way out is to have the Town pay the overdrafts and bank fees and shortage/overdraft to make it right with the Comptroller's office. Justice Farrell asked if there were any questions.

Supervisor asked, regarding negative balance in old bail account, she thought it was in Farrell's account. Supervisor reminded that Dawn Palmateer, new court clerk, is present tonight and gets a lot of credit as she inherited a situation that is not her doing and brought the problem to Town Supervisor's attention. Justice Farrell said they've been fighting this awhile. Supervisor said it has been ongoing, she looked to 2004 annual reviews by accountant for the Town; bank accounts have not been reconciled; Joe Farrell has tried, but if they are wrong, what to do. Supervisor asked was a fine payment was too small or was revenue over-reported to Comptroller? Supervisor said, in 2005's annual review, accountant Brian Fitzgerald found \$1,900 error after 5 months; because it was caught, the money was gotten back. Annual reviews back to 2004 report the bank accounts have not been reconciled. If reconciled, we'd know where \$600 went. Justice Farrell has asked for accountant's help, Supervisor said accountant has directed them to turn over their monthly statement and use the form to reconcile it. Supervisor said Dawn has reconciled in the time she has been in the office; Justice Farrell said they are still not done. Supervisor asked if

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there was another problem? Justice Farrell said there's a shortage in Justice Cosenza's fine account. Supervisor asked if they were bank fees; Justice Farrell is not certain. Councilman Norris asked whether the taxpayers should pay the shortage and, going forward, what will alleviate problem? Justice Farrell said changing banks should right the accounts and added, in past, whoever was in the office could take the mail and the checks, put it in book, and make deposit; with 3 clerks, no one has sole authority to do all; there are 'checks and balances'; that has not been the case in the past.

Supervisor asked what the justices themselves are doing; Justice Farrell goes through monthly reports; he does not review bank accounts. Supervisor related that accountant's annual reviews read that bank statements were sealed; do the justices open the statements? Farrell said the ledger is on the computer. Supervisor asked Attorney Wukitsch to review Town Board's responsibilities regarding oversight.

Attorney Wukitsch did not want to minimize the complexity; the law provides the justices are responsible for insuring the accuracy of monthly records and there is a monthly reporting to NYS Comptroller's office, but that is only part of review. Insuring bank statements are up-to-date, the court staff plays important part, with justices ultimately responsible.

Councilman Norris asked if the new clerks played a role; Justice Farrell said staff with math difficulty, staff transitions, the caliber of staff, and some problems have been long-term. Councilman Norris said it took 8 months to close out those accounts, two issues: fees and missing money. They thought some fees would be waived; for the Bicentennial account the bank waived some fees and then would not waive other fees. Justice Farrell didn't want to move accounts until had figured out where shortages were by running years of bank statements, handwritten ledgers, determining check numbers and whose work. Where did money go? Justice Farrell thought bank would honor original agreement with no fees and no interest and wanted 'clean' accounts. Councilwoman Finke asked if justices talked to staff at the bank? Did their office workers go to magistrates training to learn their jobs? Some did go and some you cannot teach. Supervisor said Town Board received notices that all these staff were satisfactorily performing jobs and were recommended for raises; accountant reported bank statements were not being reconciled. Justice Farrell is making effort to move forward.

Supervisor asks the Board's view on how the fees will be paid; she asks for report of monthly bank reconciliations signed off by justices. Justice Farrell will ask for a yearly independent audit; Supervisor said audit will cost \$2,500/year. Justice Farrell said that's why it wasn't done for years and added after 20 years there is a \$700 discrepancy; Supervisor added, that is known, but how much of the rest is due to bank fees or another discrepancy and could have been dealt with sooner by reconciling. Justice Farrell is not sure what is going on with the items the bank has sent. Supervisor is aware of Dawn's stress over last few months; the fees appear on the statements. Justice Farrell said the bank is challenged to give the fees names.

Supervisor said there is no Town Board action required until the claims resolution later. Councilman Norris asked how the Court can recoup the fees? Justice Farrell asked subtract from pay and added, going forward, a new account must be opened when a new justice comes; past practice has been to inherit old accounts.

Councilman Norris asked justices to send the Town Board an action plan.

Attorney Wukitsch said, under Town Law, each year books and records must be made available for review; Supervisor said accountant performs annual review, not audit, for Town Clerk, Tax Collector, and Town Justices; Supervisor has reviewed past years' reviews. Attorney Wukitsch is not sure the \$1700 are proper Town charges. Justice Farrell said they could submit what they have to the Comptroller's office, describe the fees, and wait for response.

Supervisor said the Justices have not paid Town for November, December and January due to these money problems. Justice Farrell said NYS Comptroller's office has been informed; Councilwoman Finke asked if they have someone who can do an audit? Supervisor said NYS Comptroller's office can do audit.

Supervisor asked Attorney Wukitsch what the Town Board can do and can they vote to reimburse; Attorney Wukitsch wants to determine first if this is a proper charge. Now 3 months behind submitting to Supervisor, Attorney Wukitsch said Town Board could authorize payment tonight but, if word comes back that it should never have been paid, there is only one other place to look for reimbursement: the justices. If Attorney to the Town knows what has been proposed is not proper he must advise the Town Board accordingly. Councilwoman Finke asked what

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Attorney Wukitsch does in the town in which he serves as a justice; answer: he reads the statements every month and reconciles, making certain there are no unexplained fees or charges and doesn't bank where there are such fees. Attorney Wukitsch said, taking on the job of justice, you take on the responsibility- including mistakes. Fees have been taken from the accounts; the accounts are now closed out. Supervisor said justice clerks' petty cash has been stretched.

Attorney Wukitsch reminded that monthly reporting to NYS Comptroller's office, previously done by justice clerk, must be done personally by justice. Supervisor said, in paying the claims tonight, already 3 months behind with remitting to Town Supervisor; Attorney Wukitsch said to catch up now and learn final determination of legality of the reimbursement; Supervisor asked Attorney Wukitsch to research to find out if they have illegally reimbursed and to be done by the 10th of the month. Justice Farrell said he's unsure about the old bail account, whether that money belongs to a person, the state, or the town. Councilman Norris asked what suggestion the justices have for paying back the Town.

Ellie Alfeld is unsure of 3 people handling the court's money; not necessarily a good idea. The justices selected justice clerks that this Board had a tough time confirming; didn't these people have basic skills? Ellie asked whether justices have a letter from NYS Comptroller's Office stating that fees that might be forgiven; Justice Farrell repeated that all could be submitted and see what Comptroller's office responds. Ellie believed \$1700 won't be forgiven. Justice Farrell suggests sending monies with note stating reasons for shortage, and wait for reply. Ellie believes everyone on Board reconciles statements and thanked Dawn for her work. Supervisor asked the justices to send the Board their 'game plan' including that statements are being reconciled and signed by justices; Supervisor thanked Dawn Palmateer for all her work.

Resolution to Approve Budget Amendments

RESOLUTION FEBRUARY 13, 2012

RESOLUTION AUTHORIZING SUPERVISOR TO MAKE THE FOLLOWING AMENDMENTS TO THE 2011 BUDGET

RESOLVED, that the following amendments to the 2011 Budget are hereby adopted:

Highway Fund	Increase- Appropriations Decrease-Est. Revenue	Increase-Est. Revenues Decrease- Appropriations
DA2655 SALE OF EQUIPMENT		1,047.00
DA3501 STATE AID CHIPS		13,703.00
DA5110.4 GENERAL REPAIRS		97,117.00
DA5142.1 SNOW REMOVAL		11,518.00
DA5110.1 GENERAL REPAIRS	11,364.00	
DA5112.2 IMPROVEMENTS	51,976.00	
DA5130.2 MACHINERY	1,047.00	
DA5130.4 MACHINERY	47,480.00	
DA5142.4 SNOW REMOVAL	11,518.00	
	<u>123,385.00</u>	<u>123,385.00</u>

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The Town Board authorizes the Supervisor to make the preceding budget amendments to the 2011 budget.

Supervisor moved and was seconded by Councilman Norris. Councilwoman Finke asked what DA5110.1 was before. Supervisor said it is an increase on that line. [unable to hear] asked what is that for; Supervisor said it was an increase under Appropriations for General Repairs and reminded that past practice has been to be under-budget both General Repairs and what was expected in CHIPS (Consolidated Highway Improvements). The increase in Machinery Repairs ends up being a gain, and then no need to use Fund Balance. Accountant Fitzgerald prepares the budget resolutions for Supervisor. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**
Adopted

NEW BUSINESS

Resolution to Authorize Supervisor to Pay Audited Claims

Supervisor asked had all Board members reviewed the claims; all answered yes. Supervisor asked if it is the Board's wish to approved the Court's claims with the caveat that, although they will be paid and can get their statements in, she asked Attorney Wukitsch to respond to the Board with any opinions he is able to gather whether the Board cannot make those payments; Attorney Wukitsch said the Board may then be in a position to look for reimbursement from the justices, Supervisor asked do we need to add that to the resolution's wording, "Subject to an inquiry by the Attorney for the Town regarding the payment of the deficiency to the Comptroller for the Justice Court". Supervisor asked for the voucher numbers.

Bob Knighton asked regarding fees, he pays fees occasionally as a business expense; they are simply deducted from the account balance. If it results in the Town getting less, the Comptroller's office wants that full amount and doesn't pay business expenses. [member of public] asked whether the justices have been to the bank; answer: yes. Councilwoman Finke asked whether they had written a letter spelling out the fees. Supervisor said the bank notified them in April of the fees in a very confusing letter. Justices felt they could talk their way out as they have in the past. Shelly VanEtten asked what portion of the fees were overdraft fees. Councilwoman Benway and Supervisor went to two accountants who both recommended audit for \$2500. Councilwoman Finke said that was less than \$1700. Justices reported that Key Bank doesn't provide online account; the Town's accounts are available online with Bank of Greene County.

RESOLUTION FEBRUARY 13, 2012

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 2012 02/01-98, it is

RESOLVED that the Town Supervisor is hereby authorized to pay claims 2012 02/01-98.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until February 29, 2012.

Supervisor moved, and was seconded by Councilman Norris. Councilwoman Finke believes they should pay for it themselves, pull vouchers, and resign. Councilman Norris believes we

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need to get this part done now and that they should pay the Town back. The old bail account is about \$700; the fees started in June or July. Arlene McKeon asked, acknowledging bail accounts are trust accounts, where does Key Bank stand? Adding, the monies are deposited are only to be distributed, isn't it illegal to charge fees?; Attorney Wukitsch said for a customer, the bank proposes an arrangement, doesn't hear many justices using Key Bank since they are 'loaded' with fees, and the person establishing the account determines the arrangements of the account and accept or reject them; both parties must be informed and understand the arrangements, adding that he is surprised they would not waive the fees, at least the \$1,000. There is shortage on another account; Councilman Meredith suggests pay it and move forward, then request reimbursement; Attorney Wukitsch will report any legal issue, if there is an improper charge on the Town, they have to give the money back; Supervisor said resolution should reflect this. Attorney Wukitsch hears the majority of the Board asking for reimbursement. Councilman Norris said to pay this tonight and ask for reimbursement. **Supervisor withdrew motion as** Attorney Wukitsch works on the wording.

Town Clerk asked Supervisor to comment after the Town Board's incomplete audit of claims in January and late fees were incurred; Supervisor said that the Town Board members must audit claims, the Town could not pay all accounts on time last month, additional fees were incurred, and time was spent making phone calls regarding late payments and getting fees removed. Supervisor thanked the Town Clerk's office for that follow-up to vendors.

Resolution to Renew Contract with Ravena Rescue Squad

Supervisor met with Ravena Rescue Squad twice, and with Town of Coxsackie Ambulance. There is a bit of dispute between Town of Coeymans and Ravena Rescue; Supervisor questioned Ravena's service to Town Coeymans and 1/2 of the Town of New Baltimore; they shared their budget, they've ordered another ambulance and begun putting away for the next one; they are still in discussion with Town of Coeymans. Supervisor has issue with Town of Coxsackie with regard to their billing of the Ambulance District No. 2, now 2-3 years in arrears; would EMS Committee tackle this and meet with them? A problem would result if Town of Coeymans pulls out of Ravena Rescue Squad contract; and Supervisor doesn't want to pull out of Town of Coxsackie due to the established relationship. Their costs are very different; Town of Coxsackie is billing \$380/call and Ravena Rescue is billing \$78/call. Five-year contract with Coxsackie is up next year. Ravena Rescue appears to be asking a fair price, but does not include return of insurance billings, that may be \$5,500. Councilman Norris said all-professional Town of Coxsackie gathers all their expenses, subtracts the insurance, and then divides by number of calls. Councilman Norris said all-professional Ravena brought the price per call down when more volunteer and believes we are getting a bargain now. Supervisor believes it will be impacted by what Coeymans decides. There is difference in billing rates by the county line; Supervisor said it is an acceptable contract and asked if they would be willing to take over entire Town.

RESOLUTION FEBRUARY 13, 2012

RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT WITH RAVENA RESCUE SQUAD FOR AMBULANCE SERVICE PROVIDED TO NEW BALTIMORE AMBULANCE DISTRICT NO. 1

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an agreement with Ravena Rescue Squad for the period January 1, 2012 - December 31, 2012 for basic ambulance service provided to New Baltimore Ambulance District No. 1, at a total cost of \$20,400.

Councilman Norris moved, and was seconded by Supervisor. Amount budgeted for 2012. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

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ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE
Adopted

Resolution to Renew Contract with ITS

Presented with a couple of options, Councilwoman Benway and Councilman Meredith recommend the less expensive. The tax collector needs a new computer and Councilwoman Benway said response time can be bought 5hr blocks for \$350, Councilwoman Finke asked how much to buy time, answer: 10 hrs for \$700. Supervisor said if we do pay, and don't use, we do not get it back. Councilman Norris said many problems have been resolved with new Clerk's computer.

**RESOLUTION
FEBRUARY 13, 2012**

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT WITH
INTELLIGENT TECHNOLOGY SOLUTIONS, INC.**

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an agreement with Intelligent Technology Solutions Inc. for the period of January 1, 2012 - December 31, 2012 for computer services under basic plan for \$2000.

Supervisor moved and was seconded by Councilman Meredith. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE
Adopted

Resolution to Purchase Trucks for Highway Department

**RESOLUTION
FEBRUARY 13, 2012**

RESOLUTION TO AUTHORIZE PURCHASE OF A FORD 350 4x4 TRUCK

WHEREAS, the Town's 2002 Ford 350 has over 110,000 miles,

WHEREAS, the Town Board has planned for the replacement of this vehicle in 2012, and

WHEREAS, the Town Highway Superintendent has prepared specifications for a new truck to meet the Town's current needs, and

WHEREAS, the Highway Superintendent has found a vehicle meeting those requirements on State Contract.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby find that it is in the general interest of the taxpayers of the Town of New Baltimore to purchase a 2012 Ford 350 4X4 truck with Fisher Plow at a cost of \$27,343.04 per the proposal presented to the Town Board on February 13, 2012.

Councilman Norris moved, and was seconded by Supervisor. There are over 126,000 miles on current truck, 2012 Budget has \$30,000 allocated for Equipment Purchases, specifications were supplied to the Board at January Work Meeting. White is only available color. The

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adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE: BENWAY-AYE FINKE-Abstain-(family member)
MEREDITH-AYE NORRIS-AYE O'RORKE-AYE

Adopted

Highway Superintendent Jordan thanked the Town Board.

Highway Superintendent Jordan had planned to replace the 1985 International next but 1989 International, bought used, has a crack in its frame; cost to repair is \$10,000+. Discussed at Work Meeting, Superintendent Jordan negotiated, from \$170,000, down to \$120,739 for a cab and chassis; Highway crew will apply the dump body, sander and wing, saving \$22,000. Having no Town-wide debt for the past two years, going out for bonding for 5 years will cost 2.42% from Bank of Greene County. Supervisor contacted previously-engaged Bond Counsel. International truck was on State contract through 2011; it is not known if it will be re-upped for possibly 9 months. The Highway Committee desires to keep International fleet for common parts. Superintendent Jordan contacted Ben Funk at end of September; they will hold open state contract price for the Town through this meeting. Bond counsel Rappaport and Meyers have done work for Town of New Baltimore; they helped put tonight's resolution together; resolution for \$122,500 does include their fee of \$1,750. A separate resolution next is for the purpose of engaging Rappaport Meyers.

Councilman Norris said Highway Superintendent attempted to find used vehicle; this vehicle is used winter and summer.

Supervisor said Town's past practice is to purchase used equipment; Town of Coxsackie finds better to buy on state contract and sell out to the market after a couple of years and realize a profit; the Town's John Deere loader is worth more currently on the open market and could be sold at a profit. These items are typically kept for over 20 years; Councilwoman Finke asked how many miles on it? 270,000 miles. Buying used you don't know exactly what you are getting, and this is lengthy resolution. Financing would be 3.7%; bonding at 2.42%.

**RESOLUTION
FEBRUARY 13, 2012**

BOND RESOLUTION DATED FEBRUARY 13, 2012

A RESOLUTION AUTHORIZING THE ACQUISITION OF A 2013 INTERNATIONAL 7400 CAB AND CHASSIS, AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF NEW BALTIMORE, GREENE COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$122,500 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

BE IT RESOLVED, by the Town Board of the Town of New Baltimore, Greene County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the acquisition of a 2013 International 7400 Cab and Chassis for Highway Department purposes. The estimated maximum cost of said purpose is \$122,500 and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen years.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQRA not to have a significant impact on the environment.

SECTION 3. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five years from the original date of issuance of such obligation.

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SECTION 4. The Town Board plans to finance the cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$122,500, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(I) of the Code.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in The Catskill Daily Mail, being a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 12. This resolution shall take effect immediately.

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The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor moved and was seconded by Councilman Norris. Councilwoman Finke asked if this was in the Budget; Supervisor said \$88,000 in Highway Fund Balance, leaving enough for dump box, plow, wing, hitch, and hydraulic; or about \$25,439 from Highway's surplus; eliminating the labor (action would be taken on those purchases at the March meeting) and using Fund Balance in 2013 Budget to make first payment on the bond. Supervisor said a typical yearly transfer from General Fund into Highway Fund is \$70,000; it will be \$28,000 less in 2013. Councilman Norris said payments are coming out of 2013 Budget? Councilman Meredith asked how much to bond? Supervisor includes that \$1,750 in bond, also Ben Funk estimated the sale of surplus truck will yield \$6,000-8,000. Councilman Norris said Highway Committee recommends this action after getting all the numbers, facts and figures. Supervisor appreciates all the time to pare down the numbers and take the opportunity to get newer fleet/inventory.

**Council Lisa Benway VOTING AYE
Council Barbara Finke VOTING AYE
Council Michael T. Meredith VOTING AYE
Council Christopher Norris VOTING AYE
Supervisor Susan O'Rorke VOTING AYE**

ADOPTED

**RESOLUTION
FEBRUARY 13, 2012**

**RESOLUTION AUTHORIZING SUPERVISOR TO SIGN PROPOSAL FROM
RAPPORT MEYERS, LLP**

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the attached proposal from Rapport Meyers, LLP for the purpose of representing the Town as bond counsel.

Councilman Norris moved, and was seconded by Supervisor. No discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Adopted

DRAFT

LAW OFFICES OF

LAW OFFICES OF
RAPPORT MEYERS LLP

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CARMEL RAPPORT
BENICH COUNSEL

SHEILA HILLEY
CHRISTY A. ROBERTS
OF COUNSEL

February 10, 2012

Town of New Baltimore
3809 County Route 51
Hannacrois, New York 12087
Attn: Supervisor Susan O'Rourke

Re: Bond Counsel Services

Dear Supervisor O'Rourke:

The purpose of this letter is to set forth the role and responsibilities we propose to assume as bond counsel in connection with the issuance by the Town of New Baltimore (the "Issuer") of its obligations under New York State Local Finance Law.

Bond counsel is engaged as a recognized independent expert whose primary responsibility is to render an objective legal opinion with respect to the authorization and issuance and tax-exempt status of obligations of a governmental issuer. As bond counsel, we will examine applicable law, prepare authorizing and operative documents, consult with the parties to the transaction prior to the issuance of any of the obligations, review certified proceedings, and undertake such additional duties as we deem necessary to render an opinion with respect to the Issuer's obligations. We do not undertake (unless separately engaged) to provide continuing advice to the Issuer or any other party concerning any actions necessary to assure that interest paid on the obligations in question will continue to be not includable in gross income for federal income tax purposes.

As bond counsel, unless otherwise agreed, we will not assume or undertake responsibility for the preparation of or investigation with respect to an official statement or any other disclosure document with respect to the Issuer's obligations. If a disclosure document will be adopted or approved by the Issuer, we will endeavor to review any description therein of New York State and federal law pertinent to the validity of the obligations and the tax treatment of interest paid thereon, the terms of the obligations, and our opinion.

In performing our services as bond counsel, the Town of New Baltimore will be the Issuer and we will represent its interests. Our representation of the Town of New Baltimore does not alter our responsibility to render an objective opinion as bond counsel.

DRAFT

RAPPORT MEYERS LLP

February 10, 2012

Page 2

Based upon our current understanding of the terms, structure, size and schedule of the financing of the Project, the duties we will undertake pursuant to this letter, our fees as bond counsel will be billed as set forth on the attached schedule.

Our fee may vary if material changes in the structure of the financing occur, or if unusual or unforeseen circumstances arise which require a significant increase in our time or responsibility. If we believe that circumstances require an adjustment of our fee, we will consult with you. In addition, we will expect to be reimbursed for our necessary disbursements.

If, for any reason, the financing is not consummated or is completed without the rendition of our opinion as bond counsel, we will expect to be compensated at our hourly rates (but not in excess of the fee set forth above) plus out-of-pocket expenses. Our fee for services relating to the issuance of obligations is usually paid at the closing, and we customarily do not submit any statement for such services until the closing unless there is a substantial delay in completing the financing.

You have the right to discharge this firm for any reason or without any reason upon giving reasonable notice. If you do discharge the firm, you remain responsible for payment for all amounts set forth in our statements for services and disbursements rendered up to and including the date of discharge. In the event of such discharge, we will provide you with a copy of your file only upon payment of all outstanding invoices for services and disbursements and the cost of copying the file. In the event that a dispute arises between us relating to our fees, you may have the right to arbitration of the dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which will be provided to you upon request. A copy of the Statement of Client's Rights and the Statement of Client's Responsibilities is enclosed for your review and reference.

Please indicate your acceptance of this proposal by signing and returning the attached copy of this letter. We look forward to working with you.

Very truly yours,


Christine M. Chale

CMC:kj

Agreed and Accepted this
____ day of _____, 2012

Town of New Baltimore

By: _____
Its: Supervisor

DRAFT

Bond Counsel Fee Schedule-2012

Short-term Borrowings (Bond Anticipation Notes; Tax Anticipation Notes; Budget Notes; and Revenue Anticipation Notes): \$1,250 plus \$0.60 per \$1,000 principal amount, plus \$3,750 for public offerings.

Serial Bonds: \$4,750 plus \$.75 per \$1,000 principal amount up to \$1,000,000, plus \$.60 per \$1,000 principal amount above \$1,000,000, plus \$450 per resolution. Statutory Installment Bonds up to \$1,000,000 - \$1,750 to \$2,750; Statutory Installment Bonds up to \$5,000,000 - \$2,750 to \$3,250.

(Fees for EFC SRF, Rural Development and other specialized financings to be quoted on a case by case basis.)

Additional Hourly Fees for Additional Services:

The fees quoted above do not include legal services with respect to preparation of disclosure documents (other than review of specified portions of documents prepared by the issuer or its financial advisor); attending public sales and/or closings out of our offices; researching extraordinary questions of tax, state and securities law; preparation or review of Fiscal Agent Agreements; preparation of arbitrage yield and rebate calculations; or responsibility for overseeing compliance with SEQR requirements relative to environmental review, and preparation of multiple authorizing resolutions, proceedings for referenda, insurance, or district proceedings.

Legal fees for the above-referenced services if requested will be billed at the hourly rates listed below:

Partner	\$250.00
Associates & Counsel	\$190.00-\$230.00
Legal Assistant/Clerk	\$ 85.00-\$125.00

No such additional services will be performed, and no legal fees will be billed, without prior consultation and authorization from the client.

Disbursements:

The fees set forth above are not intended to cover disbursements such as travel expenses, courier charges, photocopying, long-distance telephone, printing of bonds or notes by a bank note printer, rating agency charges, etc. Expenses incurred on behalf of clients will be charged separately as disbursements in accordance with our then-current schedule, a copy of which is available on request. Disbursements will be billed on a monthly basis or at the time fees are payable.

COUNTY OF GREENE TOWN OF NEW BALTIMORE REGULAR TOWN BOARD MEETING FEBRUARY 13, 2012- page 13

Resolution to Approve Scott Alarm Services for Town Hall

Supervisor reminded that Scott Alarm services the Highway Garage; Wastewater Treatment Plant and Mill Street Pump Station were added last year. Councilman Norris contacted them for Town Hall and was given price of \$1,600, \$800 deposit, includes smoke detectors. Joe Sacchetti explained two detectors were needed in meetingroom, not 8; other smoke detector money is for any room with a door; including basement rooms where CO2 monitor will be added since sheriff's deputy is here 24/7. A new panel can handle many codes; each keypad can operate a different part of building; satellite keypad will turn on and off only at satellite; records vault will turn on and off at vault for a select few. Every keypad and every code is event-log driven; system will store 100 events. If a door is left open, system will reveal the code that last disarmed it. The unsightly siren will be moved where it cannot be seen from road. Councilman Norris asked how long it will take to convert; Joe said it will be a March project and involve two full days. Supervisor said service problems have been trouble, although Councilman Meredith is now accustomed to 3am phone calls [laughter]; Clerk Brooks commented that we've all shared the load of the phone calls. Councilman Norris reminded that this local company will service all sites.

DRAFT

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 13, 2012- page 14**

**RESOLUTION
FEBRUARY 13, 2012**

**RESOLUTION AUTHORIZING SUPERVISOR TO CONTRACT WITH SCOTT
ALARM SYSTEMS, INC.**

WHEREAS, Safe Home Security currently provides monitoring service at Town Hall, and

WHEREAS, Safe Home no longer maintains local service providers which has caused service problems leaving town hall unalarmed at times, and

WHEREAS, current smoke detectors are over ten years old and in need of replacement and additional smoke detectors are needed in the court and basement offices, and

WHEREAS, the current main alarm panel does not hold enough user codes to meet existing needs.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby authorize the Supervisor to contract with Scott Alarm Systems, Inc. to install items listed on attached proposal for a deposit of \$800 and total contract cost of \$1,600 in addition to a monthly monitoring service of \$21.95.

Councilman Norris moved and was seconded by Councilwoman Benway. No discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE
Adopted**

Resolution to Attend Annual Meeting of Association of Towns

Supervisor had not heard that any other Board member wished to attend and prepared the following:

**RESOLUTION
FEBRUARY 13, 2012**

**RESOLUTION TO AUTHORIZE ATTENDANCE BY COUNCILMAN NORRIS AT
ASSOCIATION OF TOWNS ANNUAL MEETING**

RESOLVED, that the Town Board does hereby authorize Councilman Norris to attend the Annual Meeting of the Association of Towns of the State of New York to be held from February 19-22, and authorizes reasonable expenses for transportation, lodging and meals.

Supervisor moved, and was seconded by Councilwoman Benway. No discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE
Adopted**

Resolution to Authorize Town Board Member to Audit Bank Account and Abstract

Continuing the discussion with Town Court and reassuring taxpayers that the Town Board has proper controls on the Town's accounts, Supervisor makes deposits and the Town's accountant

DRAFT

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 13, 2012- page 15**

does the bank reconciliation. Town's accountant suggests a Town Board member reconcile the abstract with the bank account, to be certain no checks are written to someone who is not a legitimate vendor; Councilman Meredith performed this duty in 2011. Supervisor suggests the appointment not be her or Deputy Supervisor Norris (who also has check-writing authority). As Councilman Meredith wished to step down, Councilwoman Benway offered.

**RESOLUTION
FEBRUARY 13, 2012**

**RESOLUTION TO APPOINT TOWN BOARD MEMBER TO AUDIT MONTHLY
ABSTRACTS**

WHEREAS, the Town Board recognizes the importance of internal controls to ensure the protection of Town assets,

WHEREAS, the Town Supervisor is responsible for making deposits in the Town bank accounts, and

WHEREAS, the Town's accounting firm performs the reconciliation of the Town bank accounts,

WHEREAS, the Town's accounting firm has recommended that a third person reconcile the bank account with the monthly abstract for claims.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby appoints Lisa Benway to perform this duty. Lisa Benway will be provided electronic access to the Town Bank accounts for the purpose of this monthly audit.

Supervisor moved and was seconded by Councilman Norris. Town Clerk Brooks asked Councilman Meredith to report on 2011, but he is leaving on vacation. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**
Adopted

Resolution to Approve Six Month Pay Increase for Justice Clerks

Supervisor said past practice for new hires is a small increase following 6-month probation. Councilwoman Benway was contacted by justices regarding July 11, 2011 resolution and would it be a dollar or \$.50 per hour; answer: \$.50 and the justices believe they deserve the increase.

**RESOLUTION
FEBRUARY 13, 2012**

RESOLUTION ADJUSTING SALARY FOR JUSTICE CLERK ANNETTE MULLER

WHEREAS, the Town Board, by Resolution dated July 11, 2011, appointed Annette Muller to the position of part time Deputy Justice Clerk for the Town of New Baltimore, and

WHEREAS, said appointment was made on a probationary basis that concluded on January 11, 2012 and

WHEREAS, the Town Justices have indicated in writing that Annette Muller has successfully completed her probationary period, and

DRAFT

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 13, 2012- page 16**

WHEREAS, in recognition of her performance, the Justices have recommended an increase in the hourly salary for the Deputy Justice Clerk from \$10.00 to \$10.50 at the end of the probationary period.

NOW, THEREFORE, BE IT RESOLVED that Resolution adopted on July 11, 2011, is hereby amended to increase the hourly salary for Annette Muller from \$10.00 to \$10.50 effective January 16, 2011.

Councilman Norris moved, and was seconded by Councilwoman Benway. Supervisor spoke with full-time clerk Dawn Palmateer; although not the best timing tonight for the justices, the clerks are doing a good job and had nothing to do with prior problems. Dawn has done an excellent job. Councilman Norris said the record reads a \$.50/hour increase. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE
Adopted**

**RESOLUTION
FEBRUARY 13, 2012**

RESOLUTION ADJUSTING SALARY FOR JUSTICE CLERK KATRINA MILLER

WHEREAS, the Town Board, by Resolution dated July 11, 2011, appointed Katrina Miller to the position of part time Deputy Justice Clerk for the Town of New Baltimore, and

WHEREAS, said appointment was made on a probationary basis that concluded on January 11, 2012 and

WHEREAS, the Town Justices have indicated in writing that Katrina Miller has successfully completed her probationary period, and

WHEREAS, in recognition of her performance, the Justices have recommended an increase in the hourly salary for the Deputy Justice Clerk from \$10.00 to \$10.50 at the end of the probationary period.

NOW, THEREFORE, BE IT RESOLVED that Resolution adopted on July 11, 2011, is hereby amended to increase the hourly salary for Katrina Miller from \$10.00 to \$10.50 effective January 16, 2011.

Supervisor moved, and was seconded by Councilman Meredith. No discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE
Adopted**

Resolution to Approve Engineering Quote for Planning Board

Supervisor said the next resolution has a little history: in 2007, the Planning Board asked permission to hire an engineer for the purpose of stormwater runoff for the proposed assisted living. As allowed for under Town Code, the Planning Board may request engineering services; the applicant pays for the service rendered and the Town escrows that same amount from the applicant. On October 8, 2007 the Town Board gave permission to do this; Planning Board had to come back to the Town Board to ask.

DRAFT

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 13, 2012- page 17**

**RESOLUTION
FEBRUARY 13, 2012**

**RESOLUTION AUTHORIZING SUPERVISOR TO SIGN PROPOSAL FROM
CREIGHTON MANNING**

WHEREAS, Section 112-13 of the Code of the Town of New Baltimore allows the Planning Board to require an applicant for any review, permit or approval to deposit in an escrow account an amount established by the Planning Board to pay the fees and/or costs of any consultant, engineer or attorney designated by the Planning Board to review such application; and

WHEREAS, Section 112-13 of the Code of the Town of New Baltimore requires that the Planning Board seek the approval of the Town Board before requiring an applicant to make such deposits into escrow; and

WHEREAS, the Town Board approved the request of the Planning Board on October 8, 2007 to deposit into escrow the amount sufficient to pay the fees of a Town-designated engineer, and

WHEREAS, the Planning Board has sought proposals from the Town-approved engineering firms for this project, and,

WHEREAS, Creighton Manning has presented the lowest proposal.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes to the Town Supervisor to sign attached proposal for service from Creighton Manning not to exceed \$1,000.

Supervisor moved and Councilman Norris seconded. No discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Adopted

Appointments to Planning Board

Supervisor asked if there were recommendations from the committee; Councilwoman Benway said quite a few applications were received and the committee was not in complete agreement on appointments.

**RESOLUTION
FEBRUARY 13, 2012**

RESOLUTION TO APPOINT PLANNING BOARD MEMBER

RESOLVED, that Arlene McKeon is hereby appointed to the New Baltimore Town Planning Board, said term expiring on December 31, 2014.

RESOLVED, that David Serosky is hereby appointed to the New Baltimore Town Planning Board, said term expiring on December 31, 2014.

Supervisor moved, and Councilman Norris seconded. Councilwoman Finke asked if the spouse of an appointee to the Planning Board wanted to serve on Zoning Board of Appeals, is there legal precedent; Attorney Wukitsch confirmed two different appointed Boards? Answer: yes. Councilwoman Finke asked whether there were any conflicts; Attorney Wukitsch said there would be no voting in common; it would be different if on same Board. Supervisor asked whether she had understood Attorney Wukitsch correctly; her understanding if the Planning Board voted on something that went to the Zoning Board of Appeals there could be a conflict.

DRAFT

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 13, 2012- page 18

Attorney Wukitsch said coordinated review situations could arise, on its surface to have spouses involved in same review process could raise an issue, the purpose of having an alternate would be someone who could step in. Councilwoman Finke said they had talked about someone coming on the Board to cover for them if they couldn't vote. Councilwoman Benway said nothing is currently in effect for alternates; Supervisor confirmed it has been discussed, we do not have it now. Councilman Meredith asked if someone didn't show; Attorney Wukitsch said, no, alternates only perform in 'conflict of interest' cases. Supervisor asked if there was further discussion; Councilwoman Finke feels the most qualified candidate is not on list. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-NAYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Adopted

Clerk Brooks asked to clarify terms expiring; Supervisor said 2014.

**Appointments to ZBA
-TABLED-**

Discussion of East Van Gurpin Road Abandonment

Supervisor and Highway Superintendent Jordan were made aware there is a part of an old road, original Van Gurpin ran along the Thruway, the Town has not maintained a majority of the road for over 20 years, has not officially abandoned that road. A conversation with Attorney Wukitsch raised the need for an official letter; also notification of adjacent property owners. Once abandoned, owners' property line will run down the center of the road.

To Town Supervisor O'Rorke
Town Councilwoman Benway
Town Councilwoman Finke
Town Councilman Meredith
Town Councilman Norris
From Highway Superintendent Jordan
RE Van Gurpin Lane East and Van Gurpin Lane West
Date February 3, 2012

Regarding two sections of Town road known as Van Gurpin Lane East and West:

The Town Highway has maintained West Van Gurpin Lane from the Antique Center to the NYS Thruway and serves approximately 3 parcels of land.

The Town Highway has maintained Van Gurpin Lane East from County Route 61 west for 730 feet and serves one house and an old farmhouse, currently for sale.

The attached map shows a section between the above named sections that is proposed for abandonment by the Town of New Baltimore. For the 14 years I have served the Town as Superintendent of Highways, it has not been maintained by the Town and no one can recall when it was last maintained by the Town.

and
§ 205. Highways abandoned. 1. Every highway that shall not have been opened and worked within six years from the time it shall have been dedicated to the use of the public, or laid out, shall cease to be a highway; but the period during which any action or proceeding shall have been, or shall be pending in regard to any such highway, shall form no part of such six years; and every highway that shall not have been traveled or used as a highway for six years, shall cease to be a highway, and every public right of way that shall not have been used for said period shall be deemed abandoned as a right-of-way. The town superintendent with the written consent of a majority of the town board shall file, and cause to be recorded in the town clerk's office of the town a written description, signed by him, and by said town board of each highway and public right-of-way so abandoned, and the same shall thereupon be discontinued. And Any action or proceeding involving the abandonment (or qualified Abandonment) of a highway made pursuant to this section must, in the case of abandonment, be commenced within one year from the date of filing by the town superintendent as provided in subdivision one of this section.

I respectfully request the Town Board make this determination in effect as soon as possible. Thank-you.

Supervisor said this will appear on March Regular Meeting agenda. Councilman Norris asked why now; brought to Supervisor's attention by IDA and Water Park project and the liability

DRAFT

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 13, 2012- page 19

issues. Councilman Norris asked if there were any other roads to look at; Bill Johns asked is it the unpaved portion; answer: yes, the east and west.

Renewal of Property Casualty Insurance

Board members have blue folders, Supervisor and Councilwoman Benway met with Marshall and Sterling, compared 2009-12 quotes, determined to staying with same company, Trident, since coverages are pretty much the same. Previously the Town had an exclusion for water utilities; the Town does maintain water utility at WD2/Scheller Park and WD3/Kalkberg, so that exclusion will be eliminated; by adding Failure to Supply the Town is covered. Also, Supervisor said Town had not carried sufficient crime for the various undertakings (tax collector, supervisor); Insurance Committee recommends optional quote with Hanover; the premium is lower than 2009 even with 4% inflation, there is an automatic increase. Ellie Alfeld remembered when Nolan Pazin presented to Board, no one knew how much pipe or usage there was in Scheller Park; Supervisor added that a revision has been sent to Village of Cocksackie regarding the contract.

MOTION FEBRUARY 13, 2011

MOTION TO RENEW INSURANCE

Supervisor moved to renew insurance with Marshall and Sterling and Trident, add the additional \$656 (\$1million coverage) for Failure to Supply, and the additional crime coverage from Hanover Insurance; Councilwoman Benway seconded the motion.

AYES- 5 BENWAY, FINKE, MEREDITH, NORRIS, O'RORKE

NAYS- 0

Motion Carried

Greene County Legislator

Supervisor asked for update on Water Park; county's vote meeting is February 29, Mr. Van Slyke said additional meeting on Wednesday, February 22; a survey has been done, a written proposal will be received on Wednesday, and a week later will be the vote regarding bonding. Town Work Meeting is February 27 for update, nothing earthshattering is expected but the report is dense, most seem to be in favor, there are a few negative votes. Councilman Norris asked why some are negative; Mr. Van Slyke said some don't feel comfortable investing taxpayers' money and trusting the numbers. The county will not make much money on first project, more on the secondary growth. This vote will provide new wastewater treatment plant. Greene County Household Hazardous Waste Day is tentatively scheduled for Saturday, June 23, 2012, renewing the prior contract.

Councilman Meredith asked for Members Youth Grant; Mr. Van Slyke said to make the application and he has \$5,000 for all the youth programs; AgFest receives about \$1,200. Supervisor will ask Tax Collector Taylor to forward any county tax money. Legislature is looking at bond for repairs, storm Irene wiped out working capital, and tax money is needed; the bond rate is not established in low 3's; NY State Comptroller is holding approved SEMA and FEMA money.

Discussion of Recent Changes to Open Meetings Law

Effective February 2, 2012, Open Meetings Law requires that, prior to Town Board meetings, certain documents pursuant to FOIL that will be discussed during the meeting be made available as practicable. Attorney Wukitsch reminded to look at the intent of the law; as an attendee,

DRAFT

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 13, 2012- page 20**

watching Board members refer to a document, like the insurance contract, and make an attempt where practicable to make it available.

Possible Special Town Board Meeting for February 29, 2012

The scheduling of a Special Meeting had to do with joint Planning Board and ZBA meeting, 3 Town Board members involved, and who may want to attend the county meeting on February 29; Clerk Loux will get an email out to inquire for another date.

**RESOLUTION
FEBRUARY 13, 2011**

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 2012 02/01-98, it is

RESOLVED, that the Supervisor is hereby authorized to pay claims 2012 02/01-98.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until February 29, 2012, subject to the review of the Attorney for the Town of claims numbering 2012 02/63-67, and 71 that will be paid subject to reimbursement by Town justices.

Supervisor moved and was seconded by Councilman Norris. No discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-NAYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Adopted

ADJOURNMENT

With no further business to come before the Board, with one tabled resolution, Supervisor moved to adjourn, Councilman Norris seconded. No discussion. The adoption of the foregoing Motion was duly put to a vote, and upon roll call, the vote was as follows:

**BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Motion Carried

The meeting was adjourned at 10:12 pm.

Respectfully,

Janet A. Brooks
Town Clerk