

DRAFT

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
MAY 14, 2012 – page 1**

Supervisor O'Rorke called the meeting to order at 7:29 pm and the Pledge of Allegiance was said. Also attending: Councilwoman Benway and Finke, Councilman Meredith and Norris, Highway Superintendent Jordan, Town Clerk Brooks, and 23 members of the public who signed the attendance sheet. Absent:

APPROVAL OF MINUTES

Regarding the approval of **Minutes of February 27, 2012 Work Meeting** (distributed 4/20/12 1:55pm) submitted by the Town Clerk, **Supervisor moved and was seconded by Councilman Norris**. 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 March 26, 2012 Work Meeting** (distributed 5/4/12 11:20am) submitted by the Town Clerk, Supervisor asked for correction at executive session, "potential litigation", with audio file verified by Town Clerk, page 5; **Councilman Norris moved and was seconded by Supervisor**. 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 April 9, 2012 Regular Meeting** (distributed 5/8/12 9:56am) submitted by the Town Clerk, **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-Abstain MEREDITH-Abstain
NORRIS-AYE O'RORKE-AYE**

Motion Carried

Regarding the approval of **Minutes of April 16, 2012 Special Meeting** (distributed 4/17/12 3:43pm) submitted by the Town Clerk, **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-Abstain
NORRIS-AYE O'RORKE-AYE**

Motion Carried

Following the public hearing, Supervisor moved to reopen the Regular Meeting at 7:34pm, and was seconded by Councilwoman Benway. 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

PRESENTATIONS (1 of 2)

New Baltimore Farmers' Market 2012 Update

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President of the Farmers' Market Karla Flegel, on behalf of the Board, stated their appreciation of the Town Board grant to the Market of \$250 that will be applied toward the cost of their insurance. The intention of the Market is to serve the community with quality homegrown products, locally homemade foods, 6 vendors to date, and an underlying goal to create an environment conducive to learning and to strengthen community. First at June 2nd AgFest, and then 9am-12n June 9-Sept 22, with musicians every other week, free coffee to keep the community knit. Supervisor noted the amount decreases; the Market becomes more self-sustaining each year and the Market is very much appreciated. Councilman Norris said \$500 initially, then \$400; then \$300, and this year \$250; this is the fifth season of the Market and its third year at District 2. Someone asked if there was a budget line for this; yes, Cultural Programs, included \$300. Ellie asked whether tee-shirts would be sold; Councilman Norris said yes, and Bicentennial shirts will be sold at 50% and proceeds will go to the Market.

PUBLIC COMMENT PERIOD

Steve Pilatich, Jennings Road, said April 10 road sweeping created dust cloud, engulfing his property and barns, west side was all wet, east side received no water. Dust contains hazardous silica, and showed photos to Town Board. Attorney Wukitsch said it would be looked into. Ellie Alfeld, Independence Lane, asked for progress on junk vehicles problem since last month's meeting; Councilman Norris said action is being taken on several; Supervisor added several are moving in direction of Town Court and cannot be discussed. Ellie asked the Board to enforce the laws on the books before enacting new laws.

Bonnie Mion, Mill Street, said there is a hamlet problem: dog owners not cleaning up after dogs and leaving excrement for homeowners to clean daily. With a 10'x12' lawn, more dogs than ever in her 18 years. Town has ordinance for owners to pick up after dogs on roads, parks, and public spaces; she asks the Board to expand this to include the hamlet for a 'poop-free zone'; child in England in 2011 fell into feces, wiped face and eyes, ran her to doc, antibiotics, child is now blind in that eye. Town needs this now to keep community nice, keep from groundwater, stormwater and roads. Discussion later on this agenda, Supervisor noted Bonnie is not first person who has contacted animal control committee.

Jeff Ruso, SR 144, said he submitted FOIL to know topic of executive session, read an advisory opinion, an executive session for purpose of litigation expects more detail, and the body must identify litigation to be discussed. In April another Executive Session regarding litigation, and wants to know if town is being sued or if the town is considering suing. [unable to hear] Daily Mail article on this topic, he is concerned that it seems the application process and subsequent appeal goes to same person. Mr. Wukitsch was involved; an email was in back. Attorney Wukitsch said it has been done both ways, Boards convene executive sessions for many reasons and in most cases the name is given, Jeff could be told the name, but the purpose of FOIL is to request documents, not to submit a question to the Town Board. Attorney Wukitsch clarified that according to advisory opinion, the Board did not specify on March 26 the lawsuit. Jeff said he didn't need a document. Supervisor believed the proposed litigation regarding a FOIL request; Jeff asked if he was FOILing a FOIL. Not Jeff's, Attorney Wukitsch said, but the appeal letter regarding employment records included a threat to take further legal action.

Rich Guthrie, Mill Street, came from Coeymans public hearing defining Local Law 109 using term "solid waste and recyclables", and if implications extend beyond town line into New Baltimore, please consider the wording change and intent behind it and what it means to the residents of Coeymans and New Baltimore. He is concerned that they are considering increasing heavy truck traffic through hamlet, safety and law enforcement issues and quality of life in hamlet and asked Town Board to consider taking a position.

Bob Krug, Madison Avenue, stated there is a law for control of dogs, he was bitten and his dog attacked by an unlicensed and unvaccinated dog. The owner was warned on another issue, similar to Bonnie's point, and he proposes adding clarity to "control" language, Chapter 42-5, adding that dogs in close proximity hamlet are to be on leash. A lot more dogs are unlicensed, therefore possibly without rabies vaccination and, one week prior, he heard there was a rabid raccoon in hamlet disposed of by NYS Department of Environmental Conservation. Other issues

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and liabilities urge Town Board to consider. Supervisor reminded Board is tackling dog issues at end of agenda.

CORRESPONDENCE

From Greene County Council on the Arts, their continuing program has received Town's donations.

From NYS Department of Environmental Conservation, notice of their recent visit to Wastewater Treatment Plant, all was well, they noted the Town having gone out for RFP and they want us to get back to them on status of RFP and improvements.

From NYS Department of State, NYS Consolidated Funding applications are available for environmental protection fund, locale waterfront and revitalization programs, forwarded to Councilwoman Finke, grants committee.

From Public Service Commission, Champlain-Hudson Power Express updates and public hearings; see Town Clerk.

From NYS Office of State Comptroller, a notice of their upcoming visit to New Baltimore.

From Greene County Legislature, resolution regarding of chargebacks, \$1,485; \$891 is Town's share and \$594 is paid by the county.

From NYS Ag and Markets municipal shelter program, 4 dog shelters were rated satisfactory, no recommendations noted on the inspections.

PRESENTATIONS (2 of 2)

Ravena-Coeymans-Selkirk School District Budget Presentation

District Superintendent Elizabeth Smith distributed her school budget presentation; the challenge is having a balance of 'needs versus affordability'. The tax cap legislation, not 2% cap for us, our tax levy is 8.6%. The Payment in Lieu of Taxes of Selkirk CoGen is ending and will come back onto tax roll by law in fall 2013; the district's fiscal year runs from July to June, so for half of the year, no money from CoGen Selkirk, causing loss of \$1.2 million that must come from somewhere. The State of NY allows district to go to 8.6; school board felt that was too much and could make reductions, to reach 6.8%. District hopes to normal next year at 2% when taxes will be received from CoGeneration Plant. See Slide 8 for loss of state aid. Budget is actually \$780,000 less than this year, 2011-12. Slide 10 reflects cost of living. Slides 11 and 12 list reductions that have been made, relating to changes in health insurance, workers' compensation, bonds, and bringing back some special education into district and reducing BOCES costs. Turning off lights and computers has saved \$1.8 million over past six years. District has joined with other districts in purchasing. How will this budget affect each of you? In RCS are 4 towns, trying to estimate towns' tax rates, set levy, the towns set the rate per \$1000/assessed value. In Town of New Baltimore, increase will be \$4-6/month for house assessed at \$141,000. Difficult to vote on budget when a person is not sure of impact, would be nice to know towns' tax rates before school budgets are done. If budget does not pass, choices are to bring it back as it is, bring it up again with reduced levy, or go out at 0% tax increase (resulting in many lost positions, cutting \$1.5million more), slide 17 and 18. The district is proud of accomplishment in music, art, athletes, students going to college, graduation rate has increased from 76% to 80%; 95% of graduates earn a regents diploma.

Rich Guthrie asked about pool; the program is open to public and students, costs about \$44,000/yr to operate including salary of aquatics director; Ellie Alfeld asked aquatics salary, \$30,000+ then add chlorine and more. Jim VanSlyke asked its energy cost.

Arlene McKeon asked what charge; adult ed and district residents have varying costs to participate. Arlene said if pool is closed, the revenues would stop; \$44,000 represents all costs less lost revenue, after survey was done. Rich Guthrie asked list of considerations, teaching positions and the like, the biggest criticism is of top end administrators, duplicated in building. Over 6 years have taken steps to reduce administration; her predecessor earned \$23,000 more, and she's accepted a 'freeze' for following year. Ms. Smith was assistant superintendent for

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instruction for 5 months; then made one principal into a director of instruction at lesser salary. The human resources director left the year before and has not been replaced.

Ellie has phoned, asking how many students come from New Baltimore to RCS; Coxsackie Athens can provide how many students, how many are homeschooled and how many are special ed; she has a problem with RCS being unable to provide answers, adding 5pm bus on her road is empty; it is being eliminated. Ellie feels there are not enough cuts, understands free individual music lessons are given and believes it is up to parents to pay, adding that Doane Stuart could compete cost-wise. Mrs. Smith did not bring numbers; will have in two days.

Kathy Buono asks to explore health needs, especially with special needs children coming into the district, and don't cut school nurses.

Rob Van Etten said regarding the teachers' give back, guaranteed 2.5% down the road, more personal days, no cuts in staff, proposed a math teacher teaching 2 classes a day at a possible \$250/hour. Mrs. Smith said the agreement with teachers next year saves \$130,000, the following year a little more, and took their 2.5% increase and next year and year after get 1.25%. In 2014-15 they receive 2.5%. Rolling out the budget cannot sustain raises.

Bob Krug commented regarding school board members who do not pay taxes and yet come up with school budgets.

Jeff Ruso said 6.8% is based on CoGen PILOT going away, what happens next year and will we see a reduction, notwithstanding the reinsertion of that dollar figure; 2012-13 will lose about \$1.5 million revenue from the Selkirk plant, they are negotiating to come up with a tax assessment on their property, they will return to tax roll in spring of 2013 but will not pay until fall of 2013, or the 2013-14 school year. Typically, when PILOTS are put together you get less tax revenue up front than on the back end. Jeff wants the programs.

Ellie feels it is not up to teachers to give and give, finds it hard to believe we can cut the positions, what were they doing that they can be let go. Regarding CoGen, she cautions the new assessment will probably be contested, money collected may have to be set aside in an escrow fund and not be gotten til 2014-15 or later; there is good possibility money will not be available until the courts are done.

Supervisor asked regarding use of \$100,000 of Fund Balance. Ms. Smith said district may have up to 4% by law in Fund Balance, is now quite a bit under that, trying to look at cost effectiveness, expects to end year with \$700,000 to apply to surplus, with some left for emergencies. She added that some districts will be moving toward insolvency in next couple of years.

Supervisor asked when CoGen comes on, how will that affect state aid? Will it be reduced? Ms. Smith said state aid has been quite steady for RCS (unlike others) and anticipate that will continue.

Rich Guthrie asked who oversees a budget vote? Ms. Smith said the county sends poll watchers, following procedures. The school district maintains registration list, Arlene McKeon added, RCS maintains the results of that list.

With Town Board's indulgence, Supervisor asked to skip to...

NEW BUSINESS

Resolution to Honor Rebecca Buono

Supervisor commented that the Board is always happy to hear about the accomplishment of the young people of the Town and, just a year ago, Kathy and Jim Buono's son James received an Eagle Scout award from the Town Board.

**RESOLUTION
MAY 14, 2012**

**CONGRATULATING REBECCA BUONO UPON THE OCCASION
OF RECEIVING THE GIRL SCOUT GOLD AWARD**

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WHEREAS, Rebecca Buono, a resident of the Town of New Baltimore, will be receiving the Girl Scout Gold Award, the highest award in Girl Scouting; the Awards Ceremony to be held on May 21, 2012, and

WHEREAS, the Girl Scouts of the USA and its members are dedicated to the development of courage, confidence, and character in our youth to prepare them for success in the real world, and

WHEREAS, the Gold Award is the highest achievement of leadership in Girl Scouting, earned by those young women who are recognized for their leadership, organizational skills and commitment to improving the world around them, and

WHEREAS, Rebecca Buono has been involved in Girl Scouting for eleven years and is actively involved in Troop 1406, and

WHEREAS, Rebecca planned and implemented a project that reached beyond the Girl Scout organization and provides a sustainable, lasting benefit to her community, and

WHEREAS, this outstanding achievement brings great pride to her family and our community, and warrants special recognition.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore does hereby extend its congratulations to Rebecca Buono on the occasion of her receipt of the Girl Scout Gold Award.

Supervisor moved and was seconded by Councilwoman Finke. 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**

OLD BUSINESS

Update on the Abandonment of VanGurpin Lane

This item is still being researched. –TABLED–

Resolution to Approve Memorandum Of Agreement with AgFest Committee

Tabled from last month, Councilwoman Benway and Supervisor were happily surprised to come with this quote. Rob Van Etten discussed with AgFest Committee to pick up this cost, \$581.00, for \$1 million in coverage.

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement entered into this fourteenth day of May, 2012, by and between the Town of New Baltimore, a municipal corporation organized under the laws of the State of New York, and New Baltimore Antique Machinery and Agricultural Festival Association, aka AgFest Committee ("AgFest Committee").

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

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

1. There shall be an AgFest in the Town to be held on June 2 through June 3, 2012, at the Van Etten farm, Hannacroix, New York.

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2. The Town shall be responsible for providing at its expense the following:
- a) general liability insurance in favor of the Town and AgFest, their officers and elected officials, covering the AgFest activities including the tractor pull event; b) picnic tables; c) electricity; d) trash collection; and, e) portajohns.
3. The AgFest Committee will be solely responsible for organizing and running the festival and for any necessary clean-up after the festival ends.
4. The AgFest Committee will coordinate the provision of electric service, trash pick-up and arrange for portajohns with vendors.
5. The AgFest Committee will pay all expenses associated with AgFest not otherwise paid by the Town as set forth above.

By: _____
Dated: _____, 2012
TOWN OF NEW BALTIMORE

By: _____
Dated: _____, 2012
NEW BALTIMORE ANTIQUE
MACHINERY AND AGRICULTURAL
FESTIVAL ASSOC.

**RESOLUTION
MAY 14, 2012**

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the attached revised Memorandum of Agreement with AgFest Committee for 2012.

Councilwoman Benway moved and was seconded by Supervisor. No further 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 Renew Contract with Van Etten Family for AgFest

**RESOLUTION
MAY 14, 2012**

**RESOLUTION AUTHORIZING SUPERVISOR TO SIGN LEASE AGREEMENT WITH
THE VAN ETTEN FAMILY**

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the attached lease agreement with the Van Etten family for the 2012 AgFest.

Supervisor moved and was seconded by Councilman Meredith. No further 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**

NEW BUSINESS

Resolution to Approve Grant Request for New Baltimore Farmers' Market

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Supervisor thanked Karla Flegel for presenting to the Board.

**RESOLUTION
MAY 14, 2012**

**RESOLUTION AUTHORIZING FUNDING FOR
NEW BALTIMORE FARMERS' MARKET**

RESOLVED, that the Town Board does hereby authorize the amount of \$250.00 to be paid from the budgetary appropriation for Cultural Programs to the New Baltimore Farmers' Market to assist in funding the operation of the New Baltimore Farmers' Market for its 2012 season.

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 Approve Purchase of Special Events Insurance Coverage for AgFest

**RESOLUTION
MAY 14, 2012**

**RESOLUTION TO AUTHORIZE PURCHASE OF SPECIAL EVENTS LIABILITY
INSURANCE FOR AGFEST**

RESOLVED, that the Town Board of the Town of New Baltimore hereby authorizes the Supervisor to take the necessary actions to purchase special events liability insurance with a limit of \$ 1,000,000 per occurrence/\$2,000,000 aggregate for the annual AgFest event to be held on June 2 and 3, 2012. The premium amount for this coverage will be \$830.00.

Councilwoman Benway moved and was seconded by Councilman Norris. Supervisor noted that the premium is same as 2011. 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
MAY 14, 2012**

**RESOLUTION TO AUTHORIZE PURCHASE OF AIRPORT OWNERS AND
OPERATORS LIABILITY INSURANCE FOR AGFEST**

RESOLVED, that the Town Board of the Town of New Baltimore hereby authorizes the Supervisor to take the necessary actions to purchase Airport Owners and Operators Liability insurance with a limit of \$1,000,000 for the annual AgFest event to be held on June 2 and 3, 2012. The premium amount for this coverage will be \$581.00.

Councilwoman Benway moved and was seconded by Councilman Norris. Councilwoman Benway reminded this doesn't cover the care, custody or control by person flying the plane; if the plane damages property it is covered. Rob Van Etten said this would be paid by the AgFest Committee. 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 Approve Site Plan and Planned Development District (PDD) Fees
Supervisor reminded that only the items in bold are being changed.

**RESOLUTION
MAY 14, 2012**

RESOLUTION TO REVISE TOWN FEE SCHEDULE

RESOLVED that the Town Board does hereby amend the Fee Schedule as last revised on November 14, 2011 and hereby adopts the following changes and additions to the fee schedule:

BUILDING FEES

One and Two Family Homes (new homes and additions)	\$25 per 100 sq. ft. floor area
Non-residential or Combined Use	\$35 per 100 sq. ft. floor area
Utilities (permitted towers, substations, etc.)	\$1,500 up to 3,000 sq. ft.
	\$35 per 100 sq. ft. over
	3,000 sq. ft.
Renovations (where building permit is required)	\$150
Garages	\$20 per 100 sq. ft. floor area
Decks and Porches	\$75
Chimneys, Wood Stoves and Gas Heaters	\$40
Mobile Homes – Single	\$150
Mobile Homes – Double Wide	\$225
Demolition Permits	\$75
Swimming Pools - Above Ground	\$60
Swimming Pools - In Ground	\$100
Sheds 144 sq. ft. and up to 300 sq. ft.	\$25
Sheds over 300 sq. ft.	\$20 per 100 sq. ft. floor

SEWAGE DISPOSAL FEES

Septic Systems – New (Professional Engineering Perc Test and Design Required by New York State Department of Health)	No Fee
Septic System Replacement or Repair	\$40
Sewer Hookup to Town Sewer District:	
Hookup and Inspection	\$75
Sewer Repair Inspection	\$40
Fitting (if needed)	\$30

EXCAVATION FEES

Culverts Under Driveways (Highway Dept. Inspection)	\$35
Culverts Across Roads (Highway Dept. Inspection)	\$100

ZONING AND PLANNING FEES

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Planned Development District Application Fee (incl 10 acres)	\$500.00
Over 10 acres and under 25 acres	add \$125.00/acre
Over 25 and under 50 acres	add \$100/acre
Over 50 Acres	add \$75/acre
(conservation lands will be excluded for the acreage calculations)	
Amendments to the Planned Development District	One half of the original fee
Special Use Permit or Variance – Non Commercial	\$40
Special Use Permit or Variance – Commercial Use	\$200
Renewable Special Use Permit or Variance – Commercial Use *	\$100
Site Plan Review	
Up to 10 acres	\$300.00
More than 10 acres and less than 25	\$1000.00
More than 25 acres and less than 50	\$2000.00
50 acres and more	\$4000.00
(undeveloped lands will be excluded from the acreage calculations)	
Renewal Fees	One half of the original fee
Subdivision Application – Minor Subdivision	\$30 per lot
Subdivision Application – Major Subdivisions	\$100 plus \$30 per lot for initial application; \$50 plus \$10 per lot for Final Plat approval

MISCELLANEOUS FEES

Building Permit Renewal	½ original permit cost
Temporary Certificate of Occupancy	\$10
Certificate of Occupancy Search/Prior to Zoning	\$15
Certified Copies/Genealogy Searches	\$10
Park Usage (day usage)	\$25 plus a refundable \$25 deposit that is returned to applicant if park is left in good condition following inspection)
Festivals or Public Gatherings	\$5
Beer Permit	\$20
Dog Licenses	
Spayed or neutered	\$7
Unspayed or unneutered	\$15
Late fee if not renewed within 30 days of expiration	\$5
Tag Replacement fee	\$2
Signs subject to Sign Ordinance	\$25
Fee will be waived if sign permit is part of a site plan approval	
Billboards	\$50
Photocopies, letter or legal	\$.25

* Any other annual town fees associated with the commercial use of the property will be waived upon payment of the fee for a Renewable Use Permit or Variance.

** Prior fee schedule revisions as follows: November 14, 2011, August 10, 2009; October 9, 2006.

Supervisor asked Attorney Wukitsch what qualifies as an amendment to the Planned Development District; answer: the Board uses its discretion. Amendments would be half the fee,

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at Board's discretion. Topic was discussed at Work Meeting and at Special Meetings. Arlene McKeon asked if the conservation acreage is excluded; yes. Regarding site plan- if only 10 acres of a much larger lot, the land not being developed would not have a fee applied to it; could come forward at a later date, just a base fee. Renew fees are ½ of original fee. Councilman Norris asked why is wording different for site plan: "up to 10, more than 10 and less than 25". If Board determines they must come with new plan; they pay new fee and have credit for what was paid. Application is renewable after 1 year and will expire after 2 years.

Councilwoman Benway raised issue of Town park rental deposits when cash is left in Town Clerk's office, it cannot be mailed. Add notation "Cash deposit is non-refundable after 90 days".

Supervisor moved and was seconded by Councilwoman Benway. No further 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 Proposed Local Law No.1 of 2012, a Local Law Local Law Authorizing the Town Board to Provide for Collection of Late Fees for Sewer District No. 2 and Water Districts No. 2 and No. 3

Surplus funds are not kept in these special districts, so if those benefiting from water and/or sewer do not pay on time, money is borrowed from the General Fund.
Having heard no public comment, Supervisor read.

**RESOLUTION
MAY 14, 2012**

RESOLUTION TO ADOPT LOCAL LAW 1 of 2012 AUTHORIZING THE TOWN BOARD TO PROVIDE FOR COLLECTION OF LATE FEES FOR SEWER DISTRICT 2 AND WATER DISTRICTS 2 AND 3

WHEREAS the Town Board of the Town of New Baltimore has held a public hearing on May 14, 2012 regarding proposed Local Law 1 of 2012, a Local Law Authorizing the Town Board to Provide for Collection of Late Fees for Sewer District 2 and Water Districts 2 and 3, at which time the public was given an opportunity to speak regarding this proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby adopts Local Law 1 of 2012, a Local Law authorizing the Town Board to provide for collection of late fees for Sewer District 2 and Water Districts 2 and 3.

Councilman Norris moved and was seconded by Councilwoman Benway. Supervisor noted at next meeting the Board will vote on fee resolution for these districts; Sewer District 1, the hamlet, already has a provision for late fee penalty. 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 Agreement with Town of Coxsackie for Annexation of Property Located in Kalkberg Business Park

· Nine acres previously assessed in Town of Coxsackie, but that sit in New Baltimore; assessment committee reached out to Town of Coxsackie to have that 9 acres assessed, Town of Coxsackie

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could not show any maps indicating property sat in Town of Cocksackie, the owners deeds all indicated Town of Cocksackie, owners are not willing to stipulate that they are in Town of New Baltimore, expensive survey is possible. Suggestion was made to swap land: 4 acres in front of Empire Merchants, split in half by town line, only a few of Empire's parking spaces lie in New Baltimore, if building is built on that acreage, it would be split by the Town line, necessitate two planning boards, town boards and logistical problem, thus suggestion to swap. Although not an equal number of acres, the land in industrial park is potentially more valuable (with water, sewer infrastructure), Town of Cocksackie has been depending on the other assessment, and this resolves a couple of issues. Town board of Town of Cocksackie passed the resolution to swap and annex at last Tuesday's meeting.

Supervisor contacted surveyor who did the Kalkberg subdivision survey work, \$500 estimate, and legal costs for annexation, \$3-4,000, no one currently located on that lot, and there is potential for significant value. Councilman Norris asked regarding emergency services; once annexed, Cocksackie would apply and 2.2 in front of Empire would be added to New Baltimore's special districts. Fire company, due to close proximity, had made agreement with E911 that all trailers get called to Cocksackie, and anything occurring at house and shop are called to New Baltimore; the annexation will change that. Rich Guthrie asked about the 2.2 acres, is it buildable, someone has considered purchase and contacted IDA, and it is where the little house is. The Town of New Baltimore pays for annexation of 2.2, Cocksackie pays for annexation of 9 acres; if New Baltimore doesn't do the annexation, the 9 acres are in 'no man's land', show on New Baltimore tax maps, zoning is not enforced on 9 acres and buildings. Boundary line survey alone would be approximately \$25,000 and may reveal more.

Bob Knighton commended Town Board for taking this on, for coming up with solution, and a smart solution. Supervisor was not serving at the time Empire Merchants came in but the project came before both towns' boards; with two different town and planning boards, coordinated review, building inspectors, straddling town lines; results in not much incentive to build.

**AGREEMENT BETWEEN TOWN OF NEW BALTIMORE AND
TOWN OF COXSACKIE REGARDING ANNEXATION OF PROPERTIES**

WHEREAS, a dispute has arisen concerning the taxation of property claimed to be located in either the Town of New Baltimore and/or the Town of Cocksackie, and

WHEREAS, the Towns wish to resolve this matter in accordance with the terms set forth herein;

NOW, THEREFORE, IT IS HEREBY AGREED by and between the Town of Cocksackie and the Town of New Baltimore as follows:

1. The Town of Cocksackie will annex property located in the Town of New Baltimore tax map ID # 40.04-2-9. This property is approximately 9 acres.
2. The Town of New Baltimore will annex property located in the Town of Cocksackie tax map ID # _____. This property is approximately 2.2 acres.
3. Each Town will commence an annexation proceeding in accordance with New York State Law in the New York State Supreme Court, Greene County, and neither Town will contest the relief requested in the other Town's annexation proceeding.

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4. Each Town will be responsible for any expenses incurred in the annexation proceedings including, but not limited to, survey and legal costs.
5. The annexations proceedings will proceed simultaneously to a final judgment which shall provide that each Town will be allowed to assess the annexed properties on their respective tax rolls.

Dated: May __, 2012

Dated: May __, 2012

TOWN OF COXSACKIE

TOWN OF NEW BALTIMORE

By: _____
Hon. Alexander Betke

By: _____
Hon. Susan O'Rorke, Supervisor

**RESOLUTION
MAY 14, 2012**

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT WITH
TOWN OF COXSACKIE FOR ANNEXATION OF PROPERTIES**

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the attached agreement for the annexation of properties in the Town of Coxsackie and the Town of New Baltimore.

BE IT FURTHER RESOLVED, that the Town Board requests the Assessor to remove the property located at 12319 US 9W from the Town Assessment Roll for 2012.

Supervisor moved and was seconded by Councilman Meredith. Councilman Norris thanked the assessment committee for resolving this issue. 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 Pay Claims

**RESOLUTION
MAY 14, 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 05/01-98, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2012 05/01-98.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until May 31, 2012.

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:

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

Discussion regarding dog issues

Supervisor said there are recent disconcerting issues, bites by unlicensed dogs, and local law reads 'under control'. Animal control committee, Councilwoman Benway and Supervisor O'Rorke, met with ACO Tanner about bringing forth an amendment to law, for hamlet dogs to be leashed, Councilwoman Benway added "and must be licensed", a little much for entire town; also enacted in Villages of Cocksackie and Ravena. Councilwoman Benway said if dog is leashed, an owner notices where animal is going to bathroom. Supervisor asked for comments from the Board. Councilman Meredith asked for more signs paid out of Highway budget [laughter]. Also, Supervisor said local law gives ACO authority to take action on public parks, property or roads but does not include private property. ACO Tanner issues violations like nuisance, barking, same fee attached to it and must be able to improve, but no DNA testing. In conversations with justices, Supervisor learned they will consider photos as evidence and, if Board is agreeable, will put some local laws together.

Rich Guthrie suggests moving freely and swiftly, but consider control over homeowners free-roaming cats. Supervisor has several free-roaming cats that visit her home; difficult to tackle. Councilwoman Benway reminded that legally if you strike a dog with your car, you are supposed to make effort to contact owner, make offer to cover veterinarian bill. Supervisor said committee is seeing actions of many unlicensed dogs, the Town does not have all dogs licensed, and working with ACO Tanner toward performing a census, not fair to those who are licensed and pay their fees, using those fees to pay for ACO.

Mr. Kemnah didn't want leash required for whole town and asked what 'under control' meant; Supervisor said if it bites it is not under control; in front of justices the question is whether it was under control. 'Under control' is Town-wide; 'leash law' is proposed for the hamlet. Jeff Ruso said he has a dog, bought something that smells like garlic and stray does not come around anymore.

Motion to Approve Cancelling May 28, 2012 Work Meeting in Observance of Memorial Day

With no large item looming for agenda, Supervisor moved to approve the cancellation of the Work Meeting that falls on the observance of Memorial Day and was seconded by Councilman Meredith. Committee reports will be shared amongst the Board members. No further 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

Supervisor stated that the Ford F350 truck, previously approved by the Town Board, had arrived, was available for delivery on Friday, the approved amount was the exact amount of required check, and asked Attorney Wukitsch whether a motion was called for; answer: no.

Councilwoman Finke asked whether the Town had gotten its CHIPS (Consolidated Highway Improvement) notification; answer: yes.

Bob Krug asked if dog issue will continue to be a discussion; Supervisor anticipates crafting a Local Law, a Proposed Local Law on the agenda for June Regular, Public Hearing at June Work

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or July Regular to listen to comments and to take action at the meeting following. The agendas are posted on the website.

ADJOURNMENT

With no further business to come before the Board, with **Supervisor moved to adjourn, Councilwoman Benway 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 9:28 pm.

Respectfully,

Janet A. Brooks
Town Clerk