

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
JUNE 11, 2012- page 1**

DRAFT

Supervisor O'Rourke called the meeting to order at 7:33 pm and the Pledge of Allegiance was said. Also attending were: Councilwomen Benway and Finke, Councilmen Meredith and Norris, Town Clerk Brooks, and 16 members of the public who signed the attendance sheet. Absent: Highway Superintendent Jordan (paving was completed at 6pm).

APPROVAL OF MINUTES

Regarding the approval of **Minutes of April 23, 2012 Work Meeting** (distributed 5/25/12 3:33pm) 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 May 14, 2012 Public Hearing on proposed Local Law 1 of 2012** (distributed 5/25/12 3:33pm) 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-AYE
NORRIS-AYE O'RORKE-AYE**

Motion Carried

Regarding the approval of **Minutes of May 14, 2012 Regular Meeting** (distributed 5/25/12 3:33pm) 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-AYE
NORRIS-AYE O'RORKE-AYE**

Motion Carried

PUBLIC COMMENT

Ellie Alfeld announced Seniors' picnic will be Wednesday, June 20, Cecil C Hallock/District 2 Park, 12-3pm, dish to share, lawn chairs. Hot dogs, hamburgers, sausages, and beverage will be provided. All seniors are welcome.

Rob Van Etten asked about agenda; Comprehensive Plan Committee appears and how many people will be on it; how will they interact with the already-existing Zoning Committee. Supervisor answered the Town Board will be discussing tonight.

Jeff Ruso asked about the February 13, 2012 Town Board minutes, saw purchase of Ford F350 truck under state contract. At Organizational Meeting, the procurement policy was voted on, suits state contract requirement; but no state contract for 7400 International no bid, nothing in minutes was purchased under state contract, the old state contract expired December 31, 2011; how is that consistent with the procurement policy. Supervisor would have to look at the minutes.

Councilman Norris noted a Recycling event on Saturday, June 16, at National Bank of Coxsackie, US Route 9W branch at Route 81 from 12-4pm, free, and sponsored by Chamber of Commerce.

Town Clerk Brooks delivered item to the Board from neighbor Mary Giannetto; Supervisor will read under Correspondence.

CORRESPONDENCE

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From NYS Department of Public Service Consumer Outreach and Education's Debra La Belle- request for help with summer campaign to inform public to use less electricity, protect environment, spread energy efficiency, flyers and publications (see Town Clerk).

From NYS Agriculture and Markets' Janet Collier- letter regarding no response from Animal Control Officer Joe Tanner to schedule an inspection appointment for Town of New Baltimore. An important part of oversight under Article 7 Section 113.4 requires DCO to make disposition records available, failure will to arrange will result in regulatory action; said meeting occurred today with Joe Tanner, Janet Collier, and Supervisor O'Rorke.

From Town Clerk Brooks- letter stating pleased to have Town Hall offices' hours posted to website, dismayed to have those office hours edited for publication in recent newsletter; requests copy of policy followed by the committee, is there a limit to number of lines?; originally submitted in summer 2011, asks whether items are held for next issue; asks Board if it is desirable to publish office hours in local newspapers, or in Town newsletter for which residents pay \$1200 per issue.

From US Army Corps of Engineers- Shady Harbor owners Brian and Kathy Donovan have received permit to replace docks damaged by Hurricane Irene and tropical storm Lee; new docks look very nice.

From Greene County Highway Superintendent Gary Harvey- a list of supplies and materials as per bid approved by Greene County Legislature Resolutions 174-12, 175-12; pursuant to county law Town may participate in bids. Each successful bidder will be sent list of municipalities, as municipalities are sent this information.

From Greene County Legislature- mortgage tax payment of \$33,809, total budget for 2012 is \$45,000.

From Greene County Legislature- notice of awarding of bids for fuel oil, number 2 diesel, gasoline, and washed and screened crusher run.

From Greene County Legislature- notice of Town of New Baltimore of chargebacks is \$0.

From Mary Gianetto, 35year resident of Main Street, comment and research regarding noise and noise ordinances; found small audience for recent band performance at the restaurant at the marina, contacted NYS Police, trooper said most towns have noise ordinances, appeals to Town Board to adopt a noise ordinance, and supplied attachments. Councilwoman Finke asked has [Mary] spoken to owners of restaurant; Supervisor met with property owners who have reached out to one party, there is dialogue.

[Attorney Wukitsch arrived.]

OLD BUSINESS

Update on the Abandonment of VanGurpin Lane

Attorney Wukitsch has communicated with attorney representing Mr. Butler, landowner in the area of VanGurpin, explaining a road closing is on record from 1934 and, based on highway superintendent interview, certain evidence that the Town has not continuously maintained as a User Road. Having corresponded and traded phone calls, Attorney Wukitsch sees no impediment to Board's moving forward at July Regular Meeting.

Ellie Alfeld asked Attorney Wukitsch for Mr. Butler's response; Butler's theory is that unless there is a common grantor with properties adjoining, you cannot abandon. But the road has been closed for decades, there may not be need for abandonment but, given tendency with development in that area, the Town will dot "i's" and make record clear.

Councilman Norris asked how Highway Law reads; is it abandoned if not maintained for certain number of years? Attorney Wukitsch said the road was closed in 1934, no maintenance since 1934, nothing to create a User Road from, and technically may not need to be abandoned. Supervisor summarized that with motion by the Board there is no liability for the Town.

NEW BUSINESS

Resolution to Pay Claims

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Supervisor asked if all Town Board members had had opportunity to review and approve claims.

**RESOLUTION
JUNE 11, 2012**

RESOLUTION TO AUTHORIZE SUPERVISOR TO PAY 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 06/01-82, it is

RESOLVED, that the Supervisor is hereby authorized to pay claims 2012 06/01-82.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until June 30, 2012.

Supervisor moved and was seconded by Councilman Norris. 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**

Update on Summer Recreation Program

Councilman Meredith met with Greene County Youth Bureau Director Terry McGee Ward; she has just gotten youth money and is determining the distribution for last year. He reports that information has been sent in for this year 2012; June 15 is chicken barbeque fundraiser by the fire company at CA Albrights; Summer Recreation is July 9-August 3. Councilman Meredith attended an Averill Park summer recreation golf fundraiser and a Sunny Hill golf fundraiser, with many businesses involved. Supervisor asked whether he would do such a fundraiser for the Summer Recreation program; he will talk to Antonia [Toni] Campbell and plan for an August event. Supervisor clarified that all of these are fundraising actions taking place outside of jurisdiction of Town Board.

Supervisor asked whether the parks committee wanted to include Town of Greenville children for a fee; fees suggested were \$25/child, up to maximum of \$50/family. Supervisor said appointment of Summer Recreation staff must occur at the Board's next meeting, since the next Regular Meeting will be the evening following the first day of the program (July 9). Supervisor asked Attorney Wukitsch if there was any reason to not take children from other towns to support program; answer: no. Supervisor asked Councilman Meredith to confirm that receipt of that fee would not affect county grant; he believes it would not. Councilman Meredith said Toni had 7 applications and he had 2 for counselor positions; Clerk Brooks added that Toni has distributed applications to the 3 school districts. Shelly Van Etten added that a fundraiser was held at AgFest. Arlene McKeon offered that it might be called a donation to cover supplies from the Greenville children. Councilman Meredith said the bowling alley would work with Summer Rec, if a band was gotten they would donate revenue that came in.

Jean Horn asked how much the Summer Rec budget is down from last year; Supervisor believed about \$4,700. Councilman Meredith said that, with the grants and yield from chicken barbeque fundraiser, the program should be fine.

Discussion on Park Vandalism

A few issues at Joseph Wyche/District 1 Park; portajohn attracts vandals and has been tipped 4 times; provider may ask Town to pay for unit vandalized \$500.. Councilwoman Benway added also at Silver Lake/District 3, unit top was pushed in (was 'popped out' again) and mud. Regarding unit at Wyche, does the Board want to keep it there? There is an event this weekend, portajohn could be removed, and individual could make own arrangements. Supervisor

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described that it is difficult for the provider to drop and pick up before and after an event; Councilwoman Benway expects portajohn rental agreement has some mention of that. Portajohn is not covered under Town's liability insurance; Supervisor spoke with sheriffs who have not seen any suspicious activity. Councilman Meredith asked about cameras; a wildlife camera starts @ \$100-150, Councilwoman Benway questioned how long before a camera is vandalized or stolen, some have LED laser, camouflaged, @\$150-500. Arlene McKeon reminded of cameras in Hallock/District 2 Park; table was set afire, the camera captured only the legs due to shading by pavilion; vandal climbed onto prior burn barrel and took camera. Ellie Alfeld asked how often Silver Lake Park was used, perhaps take that unit out; Councilwoman Benway reminded the Silver Lake unit was only vandalized once, Wyche Park unit was now vandalized 4 times. Town Clerk Brooks suggests moving Wyche portajohn to the roadside parking lot, instead of being deep in shade beside pavilion; Supervisor said if committee plans to remove unit, Clerk's office needs to know to be able to tell possible renters. Councilwoman Benway sees situation not getting better, Councilman Meredith suggests trying the move to roadside, there is one light at Wyche pavilion, could put in another light. Councilwoman Benway offered to call provider and move to roadside, take it out of Silver Lake/District 3; also, add words, "no water". Supervisor reminded that for Silver Lake/District 3, renter could have portajohn and change the Park Rental Form to reflect "we are not responsible for any loss, damage" wording.

Discussion on Proposed Local Law 2 of 2012

Following complaints and issues of control and bites, correspondence from Greene County Public Health, and canine waste in Joseph Wyche/District 1 and Cornell Parks, discussions ensued.

PROPOSED LOCAL LAW NO. 2 of 2012

**A LOCAL LAW ESTABLISHING A LEASH LAW FOR THE HAMLET OF NEW
BALTIMORE AND PROVIDING FOR THE DISPOSAL OF CANINE WASTE
THROUGHOUT THE TOWN**

Be it enacted by the Town Board of the Town of New Baltimore, County of Greene, as follows:

Section 1. Purpose

The Town Board finds that dogs running at large in the hamlet of New Baltimore pose a risk to the health and safety of its residents. Further evidence demonstrates that canine waste may cause serious health problems throughout the Town.

Section 2. Unleashed Dogs Prohibited

No person keeping, owning or having possession, charge, custody or control of any dog shall cause, or permit, suffer or allow the dog to stray, run, be or go, in any manner at large, in or upon any public street, way, sidewalk, school yard or grounds, park or private property of others without express consent of the owner of such private property, except such dog that may be on public property under control by means of a chain or leash, not longer than six (6) feet in length. This prohibition shall only apply in the hamlet of New Baltimore.

Section 3. Violations and Penalties for Leash Law

A violation of this law shall be punishable by a fine of \$50 for the first offense, \$100 for the second offense, and \$250 for the third or subsequent offense.

Section 4. Removal and Disposal of Canine Waste

A. Removal/Disposal

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It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, gutter, street, park or other public area, or on any private property neither owned nor occupied by said person. No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, gutter, street, park or other public area, or on any private property neither owned nor occupied by said person, without the means of removal of any feces left by such dog. For the purpose of this section, the means of removal shall be any tool, implement or other device carried for the purpose of picking up or containing such feces in a manner that such feces shall be unexposed to said person in public. Disposal shall be accomplished by transporting such feces to a suitable place.

B. Penalties for Failure to Remove/Dispose

Any person who violates or permits a violation of this law shall be subject to a fine of two hundred fifty dollars (\$250) to be assessed for each and every violation.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

Fine of \$250 is consistent with fine for cleaning up Town parks, and with for dog not under control. The enforcement authority lies with Animal Control Officer {Tanner}. A member of public may take a photo to identify an offender.

Bob Knighton asked for the definition of hamlet; Supervisor said definition lies in Zoning Chapter Chapter 112-8 and Historic District; Bob suggests putting something in to reference that.

Bob Krug questioned number 2 line 4. Attorney Wukitsch modified.

Jean Horn asked can a person have dog off leash at Town park; law now states 'under control' Townwide, hamlet could be removed from this law and replaced with Town-wide.

Bob Knighton asked whether Scheller Park is Hamlet zoning; answer: yes. A public hearing is still required for this proposed law.

Resolution to Establish Public Hearing for Local Law 2 of 2012

**RESOLUTION
JUNE 11, 2012**

**RESOLUTION SETTING PUBLIC HEARING DATE
FOR PROPOSED LOCAL LAW NO. 2 OF 2012 ESTABLISHING A LEASH LAW FOR
THE HAMLET OF NEW BALTIMORE AND PROVIDING FOR THE DISPOSAL OF
CANINE WASTE THROUGHOUT THE TOWN**

BE IT RESOLVED that the Town Board of the Town of New Baltimore will hold a public hearing on July 9, 2012 at 7:30 p.m. at the Town Hall, County Rte. 51, Hannacroix, New York, to hear those members of the public who wish to be heard regarding Local Law No. 2 of 2012, a Local Law establishing a leash law for the hamlet and disposal of canine waste throughout the town.

Councilwoman Benway moved and was seconded by Councilman Norris. 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 Establish Late Fees for Sewer District 2, Water Districts 2 and 3

Last month public hearing was held and the Board passed Local Law No. 1 of 2012, giving the Town Board authority to collect late fees. Supervisor consulted with Tax Collector Taylor,

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present at this meeting, on best way to handle this and together they suggest to the Board a penalty of 2% per month; 1% per month on the sewer bills may not be enough incentive; some users pay late every year, the Town needs to pay its own bills on time, and this provides a sense of fairness. Property tax penalty is 1% per month. Supervisor asked for suggestions and reminded that, if Town Board adopts 2% per month for these three districts, it would be a good idea to change Sewer District 1's penalty to match when that roll is set in the fall.

**RESOLUTION
JUNE 11, 2012**

**RESOLUTION SETTING LATE FEES FOR SEWER DISTRICT #1 AND WATER
DISTRICTS #2 AND #3**

WHEREAS, the Town Board adopted Local Law 1 of 2012 authorizing the collection of late fees for Sewer District #2 and Water Districts #2 and #3 to encourage the payment of bills on time.

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes the Tax Collector to charge a late fee on any payment not received within 30 days from the billing date.

BE IT FURTHER RESOLVED that the late payment fee will be 2% per month.

Supervisor moved and was seconded by Councilwoman Benway. Hearing 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 Change Sewer Roll for Sewer District 1

Supervisor thanked Tax Collector Taylor and Assessor's Clerk Fisk for their assistance, with no single electronic file, in reviewing the Sewer 1 Roll. Two Town residents were listed on Sewer Roll as One Family, actually Two Family on assessment roll.

**RESOLUTION
JUNE 11, 2012**

RESOLUTION TO ADOPT CHANGES TO SEWER DISTRICT 1 ROLL FOR 2012

RESOLVED, that the Town Board hereby adopts the following changes to the 2012 Sewer Roll adopted on November 28, 2011:

- 1) Tax Map ID 7.12-3-10, Gregory Thompson, previously listed on the 2012 Sewer District Roll as 10 Points Debt Service, 10 Points Operation and Maintenance, is hereby changed to 20 Points Debt Service and 20 Points Operation and Maintenance to accurately reflect parcel status as a two family home.
- 2) Tax Map ID 7.16-3-3, Roger Cook, previously listed on the 2012 Sewer District Roll as 10 Points Debt Service, 10 Points Operation and Maintenance, is hereby changed to 20 Points Debt Service and 20 Points Operations and Maintenance to reflect parcel status as a two family home.

Supervisor moved and was seconded by Councilman Norris. Member of the public asked if residents are aware; listed on assessment roll as two family for quite some time, a letter will be sent. If untrue, it must be changed on tax roll. Bob Krug asked if they've been delinquent for some time; Supervisor explained the error was the Town's, their tax bill was, we believe, what they've paid. Katherine Rundberg asked who to contact about the sewer line

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hookup; Supervisor said the Town line contact would be Jim Polverelli. If it were a home hookup issue that would be an individual's issue; the Town controls the Town-owned sewer lines, Jim Polverelli could be clearer on whom to contact with questions. 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 Santo Associates for Annexation Survey

At the May Regular Meeting the Town Board tackled the matter of property in New Baltimore but being assessed and paying taxes to Coxsackie; Town of New Baltimore will annex the parcel in Kalkberg that was in Coxsackie, and Town of Coxsackie will annex the parcel previously referred to; the annexation will require description and survey. Santo Associates previously did that survey for Greene IDA for Kalkberg; IDA released that information to us via Santo.

**RESOLUTION
JUNE 11, 2012**

RESOLUTION AUTHORIZING SUPERVISOR TO SIGN PROPOSAL FROM SANTO ASSOCIATES

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the attached proposal from Santo Associates for the purpose of supplying the Town with a map and legal description of the IDA property to be annexed by the Town of New Baltimore.

Supervisor moved and was seconded by Councilman Norris. Supervisor said legal description of the IDA property to be annexed by Town of New Baltimore would be \$500, taking advantage of work already done, and \$40 for Mylar for the county. Ellie Alfeld felt that was a lot of money for 15 minutes of work; while legally responsible for the work, the charge could potentially include a new survey. 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 Surplus Highway Equipment

Highway Superintendent was not present as paving was completed about 6pm; he has requested that the Town surplus two items since the new International truck has left the manufacturer. Puckett paver is no longer required.

**RESOLUTION
JUNE 11, 2012**

**RESOLUTION TO AUTHORIZE ADVERTISEMENT FOR BIDS
FOR SALE OF USED EQUIPMENT NO LONGER NEEDED
BY TOWN HIGHWAY DEPARTMENT**

RESOLVED, that the Town Clerk is hereby authorized to advertise for bids in the Catskill Daily Mail for the sale of the following surplus equipment, as is, no longer needed by the Town Highway Department:

1989 International Single Axle Dump, minimum bid \$2000
Puckett Paver, minimum bid \$1500

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Said bids are to be submitted no later than 4 pm on Monday, July 9, 2012 at the Town Clerk's Office, New Baltimore Town Hall, 3809 County Route 51, Hannacroix, NY 12087, and opened at 7:15 pm on July 9, 2012.

The Town reserves the right to reject any and all bids.

Councilman Norris moved and was seconded by Councilwoman Benway. Attorney Wukitsch asked to insert final sentence. Bids are opened just prior to meeting and read into minutes. Councilwoman Finke asked what the pieces are worth; Supervisor said items vary on open market and no Blue Book exists. Jeff Ruso said on February 13 Superintendent Jordan estimated \$4-6,000; Attorney Wukitsch reminded he would expect, given minimum bids, the Board would accept the high bid; no law governs disposal of surplus, just 'commercially reasonable'. 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**

Discussion of Repairs Needed to old Highway Garage, east of Town Hall

[Superintendent Jordan is not present as paving was not done til after 6pm on this night.]The Town owns the old garage, east of Town Hall, that sits on postage stamp lot, needs quite a bit of repair, leaking roof, sills are rotted, no electric, will require a lot of money to make it saleable or useable. Ideally, all equipment would be stored at Highway Garage. Private residence sits on the east side of it. Highway investigated cost of new pole barn [about \$5000 for materials and built by crew], with a tin roof, put up in Highway's yard. It could be torn down; there would be tipping fees for debris. Contacting owners next door revealed interest in selling or swapping property beside Town Hall, for future parking lot expansion or addition, and Highway crew could clear the land as they have time. Supervisor asked for thoughts. Councilwoman Benway felt more secure to have all Highway structures together. Councilman Meredith clarified is the barn on their land; Councilman Norris showed little circle in their property belonging to Town. Owners interested? Answer: yes. Supervisor suggests an Executive Session to discuss the topic of real estate acquisition.

Land Acquisition for Property Next to Town Hall

Supervisor moved to adjourn to executive session for the purpose of [land acquisition discussion] and was seconded by Councilman Norris.

**Motion Carried Ayes- 5
Nays-0**

The Town Board entered executive session at 8:41 pm; executive session began at 8:45 p.m.

Motion to close executive session was made by Supervisor O'Rorke and was seconded by Councilman Norris.

**Motion Carried Ayes-5
Nays-0**

Executive session was closed at 8:55 p.m.

Motion to reopen the Town Board meeting was made by Supervisor and seconded by Councilman Norris.

**Motion Carried Ayes-5
Nays-0**

The Regular Meeting was reopened at 8:57 p.m.

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2011 Year End Review

After the extension and the subsequent submission of the Annual Financial Update, Supervisor provides the Town Board with review. This year, an extension was filed to allow Town Justices to take care of issues. The Board has a summary report. Supervisor cautioned there will be health insurance expenses from 2011 and carried over into in 2012; 6 months of Health Reimbursement Account bills did not arrive due to an email address problem.

Adopted 2011 Budget Year End for 2011

GENERAL FUND

EXPENDITURES

Personal Service	\$297,937	\$283,807
Benefits	123,389	108,668
Deptl Non Personal Services	41,645	34,704
Professional Services	23,974	23,391
Centralized Services	86,526	79,732
Programs	15,397	8,035
Total Expenditures	659,868	608,337

REVENUES

Non Property Tax Revenues	366,291	314,658
Total with Property Taxes	659,928	608,295

Appropriated Fund Balance	101,000	32,300
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HIGHWAY FUND

EXPENDITURES

Total Appropriated Expenditures	976,379	947,234
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REVENUES

Total Revenues (incl FEMA)	976,019	1,015,955
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SEWER DISTRICT 1

EXPENDITURES

Total Appropriated Expenditures	140,997	130,000
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REVENUES

Total Revenues	140,997	140,402
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SEWER DISTRICT 2

EXPENDITURES

Total Appropriated Expenditures	4,426	4,295
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REVENUES

Total Revenues (incl IDA reimbursement)	4,426	4,860
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AMBULANCE DISTRICT 2

EXPENDITURES

Total Appropriated Expenditures	29,333	6,336
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(Town of Cocksackie Ambulance did not bill the Town in 2011)

REVENUES

Total Revenues	27,814	27,633
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Supervisor noted that regarding the Fund Balances as of December 31, 2011, the use was not \$101,000 but rather \$32,000 resulting in a balance of \$425,410. Hearing no further questions from the Town Board,

Review of Recent FOIL Issues

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Supervisor had her first appeal to a FOIL in April, requesting email from one Board member, questions to potential planning board members, Town Clerk denied original FOIL and was sent on to Town Supervisor, Town law sets up appeal process. Supervisor felt uncomfortable and, after conferring with Attorney Wukitsch and Association of Towns who both felt information requested should be withheld, brought it to attention of full Town Board. The Town Board as a whole agreed to not release; a tough decision for a Town Board who believes in open government to weigh privacy issues for employees; it would be easy to release information, but they weighed their decision with the privacy issue.

After denial, Supervisor continued to research because once records are out there they cannot be gotten back for potential public domain, whether individual had intent or not. Supervisor contacted other supervisors and mayors; none had the experience of a FOIL for interview questions. Public Sector HR works with over 300 municipalities and has not run into this. Supervisor contacted Civil Service, who had really no assistance to give; planning and zoning board of appeals positions are not classified, regulated or described by Civil Service. Continuing to search FOIL's Bob Freeman posts thousands of advisory opinions, Supervisor found one to answer this dilemma: an individual requested the resumes of planning board employees. Citing 18105 May 14, 2010, to decide on resumes, Town Law 271 states the qualifications for serving on a planning board is that you must be willing to complete 4 hours of training; Public Officers Law 87 Sec 2 Part K contains all the exceptions. In other court decisions in cases of no particular qualifications, portions of resume referencing other public employment and licenses need to be disclosed; all other records should be withheld except relating to the training. New Baltimore's Town Board has never written a job description for Planning Board.

Attorney Wukitsch indicated there was evidence that FOIL's Bob Freeman had given a contrary opinion; even though there is access to information relative to town government, under the unwarranted invasion of privacy exception the Town should withhold planning board application information with the exception of prior certification and public employment, what the Town originally said. In trying to give out the information requested, Supervisor reminded that soon summer rec staff applicants will be interviewed; Supervisor asked Public Sector HR whether board applicants should be notified that their information is subject to FOIL. Based on this research, Attorney Wukitsch stated that if someone is applying for a planning board position, any job with job description, any public employment and any certifications that they may hold are subject to disclosure upon request.

Town Supervisor recommends, based on this research, the Town Board could release the one question about required training; any qualifier would need to be redacted. Councilman Meredith asked if the county had questions; in private sector, the same questions are asked of every applicant, no one else sees that by the OCCP; asked whether county has [oversight] regarding the questions that are asked; answer: no, not for planning and zoning board of appeals.

Shelly Van Etten didn't see these as personal or private questions, as Bob Freeman. Jeff Ruso asked if a person has never held a public job they don't have to say where they've come from, only public background; answer: yes. Shelly Van Etten asked if it had been discussed with the other Town Board members;

Supervisor said this is the discussion with the Town Board, and it had been previously discussed; based on this Bob Freeman opinion that seems to be in line with this situation, and her recommendation to the Board, that any information regarding ability to comply with the training, any public certification or licensing that was disclosed if used in an answer to those questions, public employment.

Councilman Norris asked, if released, could a person sue the Town under Article 78 for information that was released; Supervisor said probably a liability lawsuit. Attorney Wukitsch said could bring a claim, claiming information had been released without their permission and that's what the whole invasion of privacy exception is for; even public sector employees have some expectation of privacy, in terms of details of life and views, it would discourage people, if they knew that everything they said was open to public review, from being forthright; if you feel that someone is not appropriate, then challenge the people who appoint them; the Town Board has the power of appointment, if feeling that it is not exercised properly, do not vote for them when they run again.

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Supervisor continued, not living another person's life, she does not know what may be considered an invasion of privacy; age impressions; espouse political views neighbors or customers don't know and cause retribution in business, it is easy for this Town Board to release everything but, at the end of the day, is it the right thing to do, get as much information out to public and protect information of employees.

Ellie Alfeld has served on Planning Board, Board of Assessment Review, if it ever got to a point where a Town Board member asks a question she is afraid to answer, should not be afraid to give answers, and who will worry before willing to serve on Board. Supervisor does not disagree.

Supervisor reviewed it is not the questions that were asked that determine what information can be released; what FOIL allows to give out is: 4 hours of training. If the Town Board had a planning board job description, which some towns have that defines the years of land use training required, the Town Board could establish a philosophy and a residency, but this Town Board has never established that. Councilman Meredith asked if all the names of applicants were released. Supervisor said the information sought was on one Town Board member's email.

Ellie Alfeld feels, if applying to Planning Board or Zoning Board of Appeals, there should be standardized questions that are the only questions asked; Supervisor reminded must have job description to go with that and that's something the Town Board would have to look at. Councilman Norris said we're talking about releasing the answers; Supervisor added, and without a job description.

Supervisor moved to release the information of, if given in one of the questions, answers given to as to ability to complete the 4 hours of mandatory training and any prior public experience, seconded by Councilman Norris. Councilwoman Finke asked if there was nothing in 2 years; Supervisor and Attorney Wukitsch answered that this opinion relates to planning board. Councilwoman Finke asked whether an opinion should be requested; Supervisor said it would be another opinion, having gone to Civil Service, Public Sector HR, Bob Freeman, Association of Towns, Attorney for the Town, adding that this is not statute, this is his opinion. Attorney Wukitsch reminded that Association of Towns had expressed a different opinion. Supervisor reminded of the extent of her research. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

Motion Carried

Establishment of Comprehensive Plan Review Committee

Supervisor introduced discussion of the establishment of a Comprehensive Plan Review Committee; it has been 5 years since Plan was put into place, recommendation of planning officials to review every 3-5 years. Both initiatives were released; FEMA wants to be incorporated; also, Council for Economic Development requires submission of a Comprehensive Plan in line with economic growth in order to be put in line for grants. Question was posed earlier in this meeting how Zoning Revisions Committee ties in with the Comprehensive Plan to bring suggestions to the Town Board. Depending on those recommendations, if small, may not require changes to Plan. If there are recommendations that the Town Board wished to act on, we could have the Comprehensive Plan Review Committee up and running. Supervisor talked to Deputy Supervisor/Councilman Norris and will cochair a Comprehensive Plan Review Committee and zoning committee is working with Zoning Update Committee. Councilman Meredith asked who would be on Comprehensive Plan Review; Supervisor suggests individuals from Planning Board and ZBA and reach out to community at large to get folks in different occupations, locations, and interests for wide spectrum representation of the Town, 10-12, incorporating other Town employees, zoning clerk, highway superintendent, Jim Polverelli, assessor, code enforcement officer, Greene County IDA, Greene County Economic Development Warren Hart, fire companies, and Greene County Soil and Water.

Supervisor will put together a resolution for next Board meeting. Councilwoman Finke said zoning committee has worked very, very hard discussing conservation subdivision, discussing many issues and should come forward to bring thoughts to the Board.

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Rob Van Etten asked how does the left foot know what the right foot is doing. Supervisor reminded that Comprehensive Plan is set first; input from the public drives the Plan; may want to do another public questionnaire to see if/how public's views have changed over past 5 years; hold several public hearings on the Plan; establish the Plan, then put the zoning in place.

Shelly Van Etten said after two years just working on zoning will we start on the Comprehensive Plan without working with the zoning committee at all? Supervisor answered, no, not at all, and the longer [the Town Board] wait to start work on the Comprehensive Plan makes it that much longer, depending on the depth of the zoning, and summarized that any land use regulation should be arrived from the starting point of the Comprehensive Plan. Attorney Wukitsch said that any work done on zoning needs to be consistent with the Comprehensive Plan.

Shelly Van Etten understands how it works, but thinks someone from the Zoning Committee should work with them. Ellie Alfeld asked isn't that the point of representation to get a broad picture.

Councilman Norris said the Town Board is not trying to undermine; Shelly Van Etten does need a member of her committee to work with the Board and if you want to do it then go ahead. Supervisor said that doesn't need to be done tonight, added that there may be joint meetings, and she will work on a resolution for the July Regular Meeting; a comprehensive plan is not done overnight, it will take time, and asked whether the Town Board is agreeable? Councilman Norris said we don't have to change the Comprehensive Plan, we do need to review and look and hopefully by then we'll see how the zoning committee recommendations fit with the current plan, maybe we don't have to change it.

Supervisor said the number is not predesigned, not 13 people from hamlet or just business owners; a wide representation is desirable to represent the Town. Councilman Norris has asked some folks if they were interested and some have said yes, this was discussed a year ago. If someone is interested, contact Supervisor or Councilman Norris. Councilwoman Finke said but it's only 10-12 people. Zoning committee will continue. Supervisor will draft resolution to establish the Comprehensive Plan Committee, will reach out to some people and come back with some names.

Supervisor said discussion had occurred about changing Work Meeting; Thursday, June 21, 6:30 pm, will be Special Meeting to interview the engineers for the Wastewater Treatment Plant. Councilman Meredith is available on June 21, had written June 20. Supervisor is available June 21; is not in town on June 25. Councilman Norris suggests move Work Meetings to June 21, he may be away on June 25; there would there be a quorum for June 21 Special Meeting. Councilwoman Finke is not available on June 21 [graduation]; she is available on June 25. Councilwoman Benway had understood Work Meeting would follow Special Meeting on June 21 and may not be available June 25; Councilman Meredith said he is not available June 25 [laughter].

Special Meeting will be June 21; engineers have been scheduled. With 48 hours needed to cancel the June 25 meeting, Town Clerk is authorized to post Special Meeting for June 21, 2012 for the purpose of interviewing engineers. Councilman Meredith asked the time of the meeting on June 21; answer: 6:30pm; and June 25? Supervisor answered 7:30pm; let her know if there was plan to do something different.

Ellie Alfeld heard rumor that CSX is putting in a second track, surveyors working during last month; this would maybe double the rail traffic and interfere with emergency services on State Route 144.

Bob Knighton feels surveyors are involved with power lines following the tracks.

ADJOURNMENT

With no further business to come before the Board, **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

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The meeting was adjourned at 9:28 pm.

Respectfully,

Janet A. Brooks
Town Clerk