

DRAFT

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
JULY 9, 2012- page 1**

OPENING OF MEETING

Supervisor O'Rorke called the meeting to order at 7:40 pm and the Pledge of Allegiance was said. Also attending: Councilwoman Benway, Councilmen Meredith and Norris, Highway Superintendent Jordan, Deputy Town Clerks Loux and Jordan, and 16 members of the public who signed the attendance sheet. Absent: Councilwoman Finke, Attorney for the Town Wukitsch, Town Clerk Brooks (attending training). Supervisor asked that any electronic devices be turned off as they interfere with the digital recorders.

PRESENTATION – Mega Municipal Electric & Gas Alliance Cancelled

APPROVAL OF MINUTES

Regarding the approval of Minutes of **June 11, 2012 Town Board Regular Meeting** (distributed 6/26/12 at 4:16pm) 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-Absent MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Motion Carried

Regarding the approval of Minutes of **June 21, 2012 Town Board Special Meeting** (distributed 6/29/12 at 2:28pm) submitted by the Town Clerk, **Councilwoman Benway 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-Absent MEREDITH-Abstain
NORRIS-AYE O'RORKE-AYE**

Motion Carried

Regarding the approval of Minutes of **June 21, 2012 Town Board Work Meeting** (distributed 7/2/2012 3:07 PM) submitted by the Town Clerk, **Councilwoman Benway 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-Absent MEREDITH-Abstain
NORRIS-AYE O'RORKE-AYE**

Motion Carried

PUBLIC COMMENT PERIOD

Hal Rathbun, High Rock Road since 1977, submitted a speed reduction petition of 37 signatures and heard many stories of close calls with the current 55mph speed limit; would like to see 30mph from Roberts Hill Road to County Route 51. Letter and petition on file, more signatures submitted later in week.

CORRESPONDENCE

From NYS Agriculture and Markets- receipt of annual Dog Control Officer inspection report (on file).

From NYS Department of Public Service- announcement of change effective June 1, 2012 to LifeLine telephone program; providers are required to annually certify that subscribers are eligible for the discount.

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From Medway-Grapeville Fire District- request for a letter of support as they apply to FEMA for \$37,000 grant to purchase an air compressor for the fire company. Supervisor offered to write letter unless Board has objection; no objections.

From Jyoti Sai/Raj Sai - Notice of Discontinuance on assessment matter; had requested Best Western and Holiday Inn 90% reduction in Town assessment and Town had chosen to litigate.

From Greene County Public Health- notice of availability of free sheet-metal signs publicizing tick-borne disease prevention; available to the Town as well as other civic groups, New Baltimore Conservancy also ordered.

From New Baltimore Truck Stop- notification of renewal of liquor license.

From Greene County Legislature- notifications of awarded fuel oil bids and community college chargebacks, of which \$316 is Town's share.

OLD BUSINESS

Resolution to Appoint Engineering Firm

Supervisor clarified for the record the Town is not building a new sewer plant; the plant is 30 years old, starting to show age, NYSDEC would like to see changes in repetitive process, some equipment becoming or already obsolete, plant has no automation and could be more efficient. Wastewater committee, rather than piece-mealing tasks to be done, put forth a Request for Proposal to current engineering firms used by Town for engineering to have a Preliminary Engineering Report done, in preparation for funding sources and grant application. Cost spread from \$44,000-16,000; deleted highest for failing to follow directions. Mary Beth Bianconi, Delaware Engineering, and Robert Flores, C.T. Male, presented excellently at June 21 Special Work Meeting. Delaware has done some Town work recently, Mary Beth has attended many meetings to take care of Sewer District 2 pump station matter. Robert Flores, CT Male waited in 95', a testament to their endurance, and a tough choice for the Town to have two excellent candidate firms. Supervisor read Delaware letter outlining offer to submit application and secure external funding at no cost to the Town and will expect no payment unless successful. Councilman Norris, also on committee, added with 30 year mark there were certain needs and grants needed for them, without engineering report cannot pursue grants. Ellie Alfeld asked whether that no-fee offer if grants are not successfully gotten, really no cost. C. T. Male, \$15,960, could not match Delaware by 'no fee if no grant received'. Robert Flores, attending, thanked the Board for opportunity to participate, to present, and for their consideration; cannot offer revised or similar and clarified that, per their RFP, the Consolidated Funding Application was included in their scope of work.

Supervisor phoned Town of Coeymans supervisor who gave CT Male's Robert 'high marks', and phoned Town of Catskill regarding Delaware's similar offer there. Town of Catskill received \$30-40,000 in free assistance from Delaware before billing, and supervisor there spoke highly of Delaware and Mary Beth. Mary Beth spoke earlier with Liz Tedford about how they have been able to do this work for Athens and Catskill, when money is spent on marketing it is spent on a community to open a door for funding opportunities, not conferences and brochures to promote the firm. CT Male's folks are extremely good and do great work, RFP process causes towns to pursue good engineering work. Councilwoman Benway played devil's advocate; what if no grants are gotten. Mary Beth answered time is carefully logged, giving municipality record of costs needed to be covered, and CFA is needed next week, and this is the work Delaware does. Councilwoman Benway added, having made some of her own calls, that both firms come highly recommended. Councilman Norris asked for clarification of unless our efforts are unsuccessful, Mary Beth answered, if successful, the grant covers those carefully logged costs. Mary Beth reviewed there was an income survey done and, since the current 2010 census did not include income for this community, the income information is projection. That projection indicates a \$56,000 median income, ½ above that, and ½ below that, with \$11,000 margin of error. Between 2006-08, an income survey was done, for a possible water system in the hamlet, showing a lower income [Supervisor believed \$44,000]. Mary Beth also wanted to determine if New Baltimore was on 'Impaired Water Bodies' list, a list created if, because of pollution, water

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could not be used; Hudson River from southern end of Houghtaling Island to the Troy Dam is on the list. The Clean Water application will take some work. Supervisor said to get good engineers interested in the RFP was excellent; Councilman Norris felt Delaware's report had a little more scope and with no additional cost, recommends Delaware. Councilwoman Benway cannot argue with no cost, and two excellent recommendations. Supervisor read.

**RESOLUTION
JULY 9, 2012**

**RESOLUTION AUTHORIZING SUPERVISOR TO ENGAGE AN ENGINEERING
FIRM FOR THE A PRELIMINARY ENGINEERING REPORT FOR SEWER
DISTRICT #1**

WHEREAS, Sewer District #1 is in need of repairs and upgrades to continue efficient operations and to meet current DEC guidelines, and

WHEREAS, grants and low interest programs exist to provide funding for these projects, and

WHEREAS, Comprehensive Performance Evaluations on current plant operations and scope of work for proposed repairs and upgrades are needed when applying for funding.

NOW THEREFORE BE RESOLVED that the Town Board authorizes Town Supervisor to engage Delaware Engineering for the purposes of preparing a Preliminary Engineering Report for the fee of \$0.00

Supervisor moved and was seconded by Councilman Norris. Discussion ensued over wording. Supervisor moved to add the following to the last sentence, "...or any applicable grant monies received in relation to the Preliminary Engineering Report," 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-Absent MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Adopted

Ellie Alfeld added that, while East Greenbush has been allowed to dump into the Hudson River, New Baltimore's Sewer District No.1 is so 'in tune' with what's good for the river and the country and [we're] doing everything we can to make it right. Supervisor added that it has a lot to do with the plant operator we have and the time and energy he invests in the plant. Councilman Norris added that it is prudent to be proactive when we don't know what's coming. Supervisor thanked Robert Flores again.

Councilman Norris asked if Mary Beth had all the information that she needed; she will need more information from the town clerk than anyone else. Supervisor reminded the audience that Town Clerk Brooks was at training at Cornell University; Councilwoman Benway added that she has access to her email, and has been emailing at breaks; Councilman Norris has received her emails, too.

Mary Beth described some of what will be needed: why [we] need this improvement, why is it helpful to the community, and location information.

International Truck Arrival

The new International truck has arrived. Questions were raised about the purchase process and Supervisor reviewed: highway committee notified Town Board at end of 2011 of cracked frame, Highway Superintendent Jordan contacted International, Town Board could not make a decision quickly enough to satisfy the time frame of state contract/end of year, and International dealer agreed to hold the contract price for the Town. Supervisor said Councilwoman Finke had asked

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in March 2012 meeting whether resolution had to be in place, Supervisor pulled minutes and consulted Attorney Wukitsch regarding that protocol, that was not necessary, and, to make everyone feel better, Supervisor contacted Ben Funk, dealer, for 2012 prices. The Town purchased International for \$120,739, now sells for \$130,000. Supervisor said Mack was also contacted; they are selling cab and chassis for \$170,000. Supervisor believes Board made a good decision on how to acquire, worked within regulation of Comptroller's Office, and did the right thing for the taxpayers. Councilman Norris said originally it was talked about as a whole truck; Superintendent Jordan then suggested only cab and chassis realizing a big savings of \$27-30,000. Now it will be valued at approximately \$130,000 with everything on it. The plow has not been received yet. Councilman Norris reminded that truck was gotten at state bid price with contract held.

NEW BUSINESS

Surplus Highway Equipment

Regarding the surplus Puckett paver, one bid was received. The minimum bid was \$1500. Highway Superintendent Jordan would like to put it back out to bid to try for higher bid; Councilman Meredith agreed. Councilman Norris asked whether to adjust minimum. Supervisor asked when to send back out; answer: immediately, adjust minimum to \$2,000.

For the surplus 1989 International Single Axle Dump truck, two bids were received; the minimum bid was \$2,000. Highway Superintendent hoped to get much more; had been told it was worth \$6-8,000, some plow parts were removed and switched to other trucks. Supervisor asked if ebay was considered; Councilman Norris thought craigslist, having had success the first time craigslist was used. Highway Superintendent suggests new minimum bid at \$3500 or \$4000; Councilman Norris agreed with \$4000. Craigslist is free; Catskill Daily Mail circulation has been tested with this advertisement. Councilwoman Benway asked for rate for Want Ad Digest online; do not have to have a commission ad, can include photo. Supervisor asks to give Highway Superintendent authority to put on Want Ad Digest and return to Daily Mail. Supervisor believes having honored our commitment with these minimums, if could find \$4000 bid, could sell; Highway Superintendent has seen 'minimum bid of' ads. Supervisor said to put same ad in both, adding that piece of equipment is available for sale. Supervisor will call Association of Towns to confirm, having put it out to bid once, that Town may put out with new minimums identified. [speaker is inaudible] (Nothing for the Town Clerk to do unless decides to advertise in paper again.)

Six-Month Update for the Planning and Zoning Board of Appeals

ZBA Chair Tooher reports nothing has come before the Board in the last 6 months that has been affected by the zoning changes enacted in 2008; therefore, the Board has nothing to report at this time.

Planning Board Chair Rundberg reports July 1 Semi-Annual Report: Planning Board members discussed at their June Meeting whether there was any activity during the prior six months affected by the 2008 zoning changes. The addition of the board's option to consider a Site Plan a minor Site Plan continues to benefit Commercial applicants coming before the board. Planning Board has again taken up what has been found to be a deficiency in the Town's Sign Legislation, the lack of guidelines for signage placed near and viewed by those traveling on the Thruway. The Board will be submitting suggested Code changes/additions to the Town Board in the near future. Due to the continued economic conditions, the board has not yet had an opportunity to really put the zoning changes to the test. Supervisor believes that since Town law is more restrictive than the NYS Thruway Authority's legislation.

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Summer Recreation Update

Four-week program began today with 29 children, excellent considering a late start. Personnel paperwork was gotten from staff this day by Deputy Town Clerk Jordan. Registrations for attendees continue to arrive; Deputy Town Clerk Jordan reported many phone calls in office asking whether program will occur. Supervisor asked how children's addresses are verified; Deputy Jordan reported inquiry calls from Town of Greenville which no longer has a program. Councilman Norris asked where we are with funding; Supervisor asked how much from barbeque; Councilman Meredith reports \$1600; New Baltimore Conservancy President Janet Angelis stood and gave a check to the Town for \$500 for the Summer Rec program. Supervisor thanked the Conservancy and added that Rich Guthrie will be teaching the children about birds one day. Councilman Meredith asked about county youth grant application, must spend the money, must show receipts, not for payroll, could be for Zoom Flume or other trip, and added that this money will be in in next day or two. Councilman Norris asked whether there will be a shortage; Supervisor said if no other funds come forward, think it was \$2100, fire department will be making a donation, no other grants for the past are included in the Summer Rec budget. Supervisor explained if same program was run, there are less counselors this year, cost of Zoom Flume, fundraising completed, the program was short \$2100; any grants gotten would be applied to that shortfall. Councilman Meredith will talk numbers with Supervisor on Saturday.

Leash Law – Proposed Local Law 2 of 2012

Supervisor sees no issue under Section 4a, 'to be accomplished immediately after it occurs'. Other suggestions were read that had been provided by Town resident Bob Krug; draft was written by Attorney for the Town. [Member of the public] asked if there was a definition of public property; answer: no, no definitions within the proposed law. Councilman Norris expressed concern to make the number of offered changes without the Attorney Wukitsch's review. Supervisor wanted to gather Bob Krug's intent of all the offered changes, and wanted to know if the Board was in agreement with the intent. Bob Krug said that much was discussed by not put down, so difficult to know what would be voted on this evening, and tried to write what the Board spoke about and the attorney and to make it clear. Supervisor tried to incorporate changes from prior meeting, highlighted. Bob asked whether it could be revised after vote this night; Supervisor asks to have it correct before vote, avoiding a second public hearing and Code changes. Councilwoman Benway is concerned about changing wording so much without Attorney Wukitsch's input. Ellie Alfeld felt to change things this much after public hearing, the public won't know what the Board is voting on this night, and to give this more thought. Supervisor wanted to have this discussion, not to simply review Bob's wording, but to discuss and go back to Attorney Wukitsch, was it a change to intent or clarification. Bob offered to withdraw ideas, had hoped to clarify with suggested wording. Councilwoman Benway agreed with Bob regarding 'disposal shall be accomplished at the time..', and hadn't considered something that obvious. Supervisor does not want to come back and revisit law this in one or two months. Councilwoman Benway asked to include the line about disposal. Bob Krug imagines an attorney looking for possible loopholes, and his suggestions aim to clarify them, he's in this situation. Councilwoman Benway said most laws are really there to keep honest people honest. Supervisor believes with intent that the change may be made this night, no legal obligation, and offers using wording with the changes as read to Section 4, Part A. Supervisor read:

**RESOLUTION
JULY 9, 2012**

RESOLUTION ADOPTING LOCAL LAW 2 OF 2012

WHEREAS the Town Board of the Town of New Baltimore has held public hearing on July 9, 2012 regarding Proposed Local Law 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, At which time the public was given an opportunity to speak regarding the proposed local law.

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NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby adopts Local Law 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 with the exception of the change as read in Section 4, Part A, last sentence, "at such time immediately after it occurs".

Councilwoman Benway moved, seconded by Councilman Meredith. Supervisor said, regarding the parks, it is new to require dogs to be leashed in the parks. Planning Board Chair Kathy Rundberg offered that District 1/Wyche Park is not in the hamlet, and nor is her pasture, per the zoning map. Supervisor said then the Board has a problem, since this was definitely intended to be in effect for Wyche. Member of the public said it should be in effect for District 2/Hallock and 3/Silver Lake Parks as well. Supervisor is concerned about passage without another public hearing to comment regarding Cecil C. Hallock and Silver Lake Parks, and asked whether HRIT was separately posted, NBC's President Janet Angelis answered it is a discussion item in the Conservancy: what to do about dogs in the preserves. **Councilwoman Benway withdrew her motion;** Supervisor determined must go back to 'drawing board' with the law. Councilwoman Benway asked to set another public hearing date; Supervisor said the law must be read first, at July Work Meeting, then set public hearing for August Regular Meeting night, and thanked Kathy Rundberg for making a 'good catch' regarding the zoning.

Approve Engineering Firm for Bridge Work at HRIT

Supervisor reminded Hudson River Interpretive Trail is on Town lands and managed by the New Baltimore Conservancy with whom the Town has a contract. Several years ago the Conservancy was able to build at no cost to the Town a recycled-product bridge, a one-of-a-kind in the area. It was damaged by hurricane *Irene* and needs work done. The Conservancy worked with the Town and submitted a FEMA application, FEMA funds were \$30,000, McLaren was the original engineering firm on this project and they have agreed to come back with a lot of volunteer time donated, also the Conservancy will donate time and energies.

Supervisor spoke with Malcolm McLaren, the principal, with concerns with the contract, under the insurance would be added as additional insured under Additional Liability and, going through Limit of Liability, it states, if we were responsible, to indemnify McLaren. Told this was standard wording for their contracts, Supervisor stated the Town would not be responsible for any negligence where they may also be partially responsible. Reading together, they took off sections; 'Upon receipt, must pay' portion has been deleted; the Town will not pay until receipt of FEMA reimbursements. Supervisor was certain that was the previous agreement Conservancy had with McLaren.

RESOLUTION
JULY 9, 2012

RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT WITH
MCLAREN ENGINEERING FIRM

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the attached agreement with McLaren Engineering Firm for the repairs needed to restore the Recycled Plastic Bridge on the Hudson River Interpretive Trail. All funds needed to pay for this contract will be offset by reimbursements from FEMA payments.

Supervisor moved and was seconded by Councilman Norris. Councilman Norris asked if cost includes the heavy equipment portion by Rob Van Etten; Supervisor explained that was a separate and satisfied invoice and confirmed with Rob (in audience). 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-Absent MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE

Adopted

Supervisor said that would be signed and mailed to Mr. McLaren.

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Resolution to Pay Claims [2]

Supervisor explained there would be two resolutions this month, with a separate resolution paying S&L Benway [\$35], in compliance with Town's Ethics Policy.

**RESOLUTION
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RESOLUTION #1 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 07/01-62 and 2012 07/64-71, it is

RESOLVED, that the Supervisor is hereby authorized to pay claims 2012 07/01-62 and 2012 07/64-71

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until July 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:

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

**RESOLUTION
JULY 9, 2012**

RESOLUTION #2 TO AUTHORIZE SUPERVISOR TO PAY AUDITED CLAIMS

WHEREAS, the Town Clerk has presented Claim 2012 07/63 to the Town Board for audit and review, and

WHEREAS, the Town Board has audited said Claim 2012 07/63,

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor is hereby authorized to pay Claim 2012 07/63; and

BE IT FURTHER RESOLVED that this Claim #2012 07/63 will be included in abstract prepared by the Town Clerk and held for public review until July 31, 2012.

Supervisor moved and was seconded by Councilman Norris. 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-Absain FINKE-Absent MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE
Adopted**

Discussion of Mega Municipal Gas Alliance

An aggregator, not a supplier, of electricity and natural gas, Supervisor hoped a representative would be present tonight, but had commitment earlier in day in Corning, NY. Mega's mission is to achieve the most competitive price for electricity and natural gas, reducing the cost of energy. If Town were to go out on open market to purchase, we would have to go through bid process. Mega follows the municipal bid process, so have already done this on behalf of all municipalities. The supplier who holds contract currently is Hess; others who use Mega are Villages of Athens and Cocksackie and Supervisor met with them. Both are very happy with

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service and savings from Hess. Purchasing is only metered service (Town Hall, Town Garage, Sewer Plant, and Pump Station); streetlights do not qualify. Mega reviewed Town's Central Hudson usage from July 2011 to July 2012; for same usage, the savings with Mega would be \$1,335. If we go with a floating price (not a fixed price) there is no contract needed and Town could return to Central Hudson in a subsequent month. Councilman Meredith asked whether they could possibly be more expensive; possible, said Supervisor, but look at track record, endorsement by New York State Association of Counties, and Central Hudson's MFC fee. Supervisor will include on August agenda. Councilman Norris asked whether both Villages have experienced savings; Supervisor said yes. Ellie Alfeld added that there will be a new owner of Central Hudson. Councilwoman Benway added knowing folk who have done this with personal electricity and ended up going to Public Service Commission seeking refunds. Supervisor said it seemed worthy of Town Board's review, but no guarantee.

Supervisor asked to schedule a Special Town Board Meeting for long-range, five-year planning discussion 6:30 pm on July 23, 2012, prior to July Work Meeting 7:30pm.

Councilwoman Benway called a meeting of Memorial Committee for July 19, 2012, at 6:30pm at Town Hall. All are welcome, no committee is appointed yet, and a list of names will be submitted for the July Work Meeting.

Ellie Alfeld asked whether we have a contract with the Town of Coeymans Police Department, do we have any services being provided by the Town of Coeymans Police in the Town of New Baltimore; answer: no. Ellie asked then why are they 'drifting' into the Town of New Baltimore, in the vicinity of the quarry, parked on the Town road, behind Petrapoli Storage Units facing north and south, and has heard complaints from residents. Supervisor said in front of quarry, there may be cooperation with the Greene County Sheriff's Office, there was a 'sting' last week with 25 trespassers.

Prior to tonight's meeting, Supervisor added that she and Councilman Norris attended a joint special meeting with the Town of Coeymans Town Board and the Ravena Rescue Squad who is struggling with funding, using surplus to stay afloat, will finish 2012 and 2013, and needs to do something about their revenue.

Ambulance District 1, which includes the hamlet of New Baltimore, is served by Ravena Rescue. Alex Betke, Town of Coxsackie Town Supervisor, was present as an attorney and a supervisor who runs an ambulance district, as well as fire commissioners from Cornell Hook and Ladder. An ongoing dispute with the Town of Coeymans regarding rates, New Baltimore will have to decide whether we are getting good value from Ravena Rescue.

ADJOURNMENT

With no further business to come before the Board, **Councilman Norris 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-Absent	MEREDITH-AYE
	NORRIS-AYE	O'RORKE-AYE

Motion Carried

The meeting was adjourned at 9:20 pm.
Respectfully,

Janet A. Brooks
Town Clerk