

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
MARCH 11, 2013- page 1**

DRAFT

OPENING OF MEETING

Supervisor O'Rorke called the meeting to order at 7:01 pm and the Pledge of Allegiance was said. Also attending: Councilwomen Benway and Finke, Councilman Norris, Attorney for the Town Wukitsch, Highway Superintendent Jordan, Town Clerk Brooks, and 48 members of the public who signed the attendance sheet. Absent: Councilman Meredith.

APPROVAL OF MINUTES

Regarding the approval of Minutes of February 11, 2013 Public Hearing on Local Law #1 of 2013 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-Absent
NORRIS-AYE O'RORKE-AYE
Motion Carried**

Regarding the approval of Minutes of February 11, 2013 Public Hearing on Local Law #2 of 2013 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-Absent
NORRIS-AYE O'RORKE-AYE
Motion Carried**

Regarding the approval of Minutes of February 11, 2013 Regular Meeting 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-Absent
NORRIS-AYE O'RORKE-AYE
Motion Carried**

Regarding the approval of Minutes of February 25, 2013 Work Meeting 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-Absent
NORRIS-Abstain O'RORKE-AYE
Motion Carried**

PUBLIC COMMENT PERIOD

Supervisor believed many attendees may want to comment on items on the agenda and reminded that the Board will hear public comment at various points of agenda. She read Meeting Rules in effect. She gave courtesy to Sheriff Greg Seeley who must leave for another meeting.

Sheriff Seeley thanked Supervisor and Town Board for the opportunity to speak. With New Baltimore satellite 5-6 years, loves the Town of New Baltimore and believes in serving the towns. He came this night regarding New York State's Safe Act, urging attendees to support Town Board and Greene County Legislators opposing SAFE act. When elected six years ago, he took oath on Bible to uphold United States Constitution and Constitution of the State of New York; believes the act is against 2nd Amendment rights and asks the public, 'was it done properly?' He was elected to work for public, would not push something down someone's throat, will listen to the county resident majority, and feels that is proper government. He added that any pistol permit holder, who does not wish to have his/her name released, should complete

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form, return it to GC Sheriff's Office; it will be forwarded to NYS Police. Without form, upon FOIL, pistol permit information will be released. Sheriff's Office has been FOILED for Greene County pistol permit information. Off to Greenville on another issue, Town of Greenville is considering tonight's resolution as well, as 95% of NYS counties have as he understands from contact with other sheriffs.

Sheriff Seeley asks to rescind act, hear the pros and cons, proceed professionally, and added the Sheriff's Office is not coming for the guns of law-abiding citizens, will come for illegal guns or rifles used in crimes. A domestic or barking dog dispute when guns enter the picture is bigger than what is going on; he hopes the state will rectify and hopes that judicial system will do the right thing. Reminding attendees to submit form, he added that someone (not the Greene County Sheriff's Office) released names of pistol permit holders in Greene County to Facebook in 2011; he wants to hear if any problems arise with the Sheriff's Office.

Supervisor thanked Sheriff Seeley, expressed having the deputies here as an asset to the Town and to Town Hall. Sheriff Seeley answered that they love being here, they are professionals, and added that if someone sees something inappropriate, he will look into it and take care of it, wants taxpayers to be proud of his and their service.

Jeff Ruso thanked the Board and Councilwoman Benway for putting the resolution on the web, asked to note second page, 'demand and repeal' paragraph, and end it there. He notes an Assembly Bill AO 3908 suggests liability insurance be required on every firearm, at \$2-3,000/person cost; he distributed that to the Board. Jeff said he owns firearms; son became proficient with M4 in service in Afghanistan, bought civilian version, legal and registered, left with dad while deployed, son is returning to Kuwait; by law, dad will be a felon and cannot hold gun for safekeeping.

Dot Davis asked why netting was left in park over winter; eyesore, ripped, why wasn't it removed.

CORRESPONDENCE

Supervisor has in hand the official survey of recent annexation, filed with and approved by county and Department of State; Supervisor has corresponded with Town of Coxsackie for copy of their map.

From Greene County Cornell Cooperative Extension- notice of new website.

From Greene County Legislature - chargeback and roll assessments; Town of New Baltimore's share is \$476.68.

From Greene County Legislature- community college chargebacks; Town of New Baltimore share \$0, \$534.11.

From NYS Department of Environmental Conservation- State Environmental Quality Review Act regarding CSX's proposal to construct a second mainline track for 7.6 miles from Town of Coxsackie/Greene County to Village of Ravena/Albany County; proposed for 15 feet east of existing mainline as measured from center line to center line. Also proposed are two new universe crossovers (short connecting track by which train can be transferred from one track to another) while working on existing culverts, removal of existing turnouts at the north and south ends of the project area, removal of one private crossing, and the re-decking and maintenance of bridges, including full replacement of the Coxsackie Creek and Hannacroix Creek bridges. The stated project purpose is to improve railroad fluidity and capacity and improve connectivity with US and world manufacturing and distribution centers along CSX's river line. Maps will be scanned and put to website, disk in Town Clerk's Office.

Ellie asked, as an affected property owner, who was instrumental in completing the SEQR, alerting the Town Board that one time we had to complain the train lengths; after that complaint they limited the time the 144 crossing was tied up.

Supervisor suggests reaching out to the fire company for comment, info regarding the SEQR will be available on website.

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Supervisor reminded the appearance of Emerald Ash Borer (EAB) in Greene County meeting will be Wednesday, 1pm, at an infestation site; Cornell University's Mark Whitmore will speak.

OLD BUSINESS

There is no old business for this night.

NEW BUSINESS

Resolution Calling for Repeal of Enactment of the New York State Safe Act

Supervisor stated the next resolution has been proposed by Councilwoman Benway. Councilwoman Benway said the Act has good and bad attributes, described the procedure as the issue, Bill of Rights give freedoms, procedures protect us from abuse of powers, procedure was not followed and need to send message, as residents, we want elected officials to follow same to protect our Constitutional rights. One Board member requested remove 'demand', to 'strongly recommend', Councilwoman Benway received request that Paragraph 13 be removed, and the resolution requests review.

**RESOLUTION
MARCH 11, 2013**

**RESOLUTION CALLING FOR REPEAL OF THE ENACTMENT OF THE NEW YORK
SAFE ACT**

WHEREAS the Right of the People to Keep and Bear Arms is guaranteed as an Individual Right under the Second Amendment to the United States Constitution and that this right is regarded as an inalienable right of the people of the Town of New Baltimore; and

WHEREAS the lawful ownership and use of firearms is, and has been, a valued tradition in the Town of New Baltimore and that the right to bear arms is exercised by many Town residents for which the Town derives economic and environmental benefits from safe forms of recreation involving firearms which includes hunting and target shooting; and

WHEREAS our New York State representatives could not and did not have the time to request and receive the input of their constituents regarding this matter which is the stand by which the Town of New Baltimore holds itself to when it comes to the enactment of such a controversial law and is a matter of simple due process; and

WHEREAS the crafting of the New York SAFE Act resulted in complex policy changes, many subject to interpretation and are confusing to a vast number of public officials as well as the law enforcement officials who are required to enforce and explain them; and

WHEREAS in our opinion, there was no reason for the Governor to use a message of necessity to bring this bill to vote immediately and bypass the three-day maturing process for all legislation; and

WHEREAS requiring law-abiding firearms owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now must also be renewed every five years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS the only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

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WHEREAS requiring documentation of all ammunition sales in New York State, as provided for in this legislation, is a significant unfunded mandate on businesses and is a back-door approach to all firearms registration; and

WHEREAS this legislation fails to offer any meaningful solution to firearms violence and places increased burdens where they do not belong, square on the backs of law-abiding citizens; and

WHEREAS while there some areas of the legislation that the Town of New Baltimore finds encouraging, such as addressing glaring shortcomings in the mental health system, the strengthening of Kendra's Law and Mark's Law (which provides additional penalties for assaulting first responders), as well as privacy protections for pistol permit holders, by and large, we find the legislation does little more than negatively impact lawful firearms ownership;

NOW, THEREFORE, BE IT RESOLVED that the Town of New Baltimore Town Board does hereby strongly recommend the repeal of all the sections of the New York SAFE Act which we believe infringes upon the right of the people to keep and bear arms; and is, in our opinion, unconstitutional under both the Federal and State Constitution; and

BE IT FURTHER RESOLVED that the Town of New Baltimore strongly encourages the members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and

[paragraph was stricken and restored by amendment- see * **BE IT FURTHER RESOLVED..** below]

BE IT FURTHER RESOLVED that copies of this resolution will be sent to Governor Andrew Cuomo, Senator Cecelia Tkaczyk, Assemblyman Peter Lopez and the New York State Association of Towns.

Councilwoman Benway moved and was seconded by Councilwoman Finke. With motion and second, Supervisor asked the Board if they wished to open for public comment before their own discussion? Hearing yes, she reminded of the Meeting Rules.

William Dippe, Earlton- asked Board to pass the resolution; a police officer, he wishes to protect self, Bill of Rights written by wise people long ago; if you've had your life threatened, has had that experience in his job; preserve privacy.

Jeff Schoenig, New Baltimore- such a rush, forgot police agencies may be in violation, then allowed Hollywood-type use. To have more than 7 bullets in magazine considered a class D felony, please note Class E includes certain rapes, luring a child to sexual act, and negligent homicide.

Bob Knighton, New Baltimore- folk feel strongly about a lot of issues, this is largest crowd seen in a board meeting, important to people, but Town Board has no direct role in this and not making this law. This is 'slippery slope' setting precedent for Board to take action, folk have come before Board with issues before and the Board has not taken action where Board had no direct role, and urges Board not to pass. Bill of Rights was written long ago by wise men; what those men had in mind were muzzleloading muskets.

Ellie Alfeld, New Baltimore- reminded attendees to complete form for your own benefit. Supervisor reminded that the provisions of the Meeting Rules require comment to be addressed to the Board as a whole.

Bill Albright, New Baltimore- poor bit of legislation from the beginning, addresses law-abiding citizens, with a cost burden. US Constitution was written a long time ago when muskets were weapon of consequence; they are not now. The framers of US Constitution meant not certain type of gun, but protection from a tyrannical government. *Washington D.C. v Heller* states we have right to defend self. As far as Town Board having no say in this matter, did [Town Board] not take oath of office to support Constitution?

Supervisor reminded the Meeting Rules were enacted by the Board and attendees must abide by them.

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Dick Strauss, New Baltimore- reading the resolution, that one or more Board members objected to 'demand', suggests 'REQUEST' if a substitution must be made.

Lee Van Etten- hears about defending self against other people, this is a tool to protect against predators, he shared experience of two coyotes 'rounding up' his wife and dog.

Councilwoman Finke answered a comment just made; has another life nearly 30 years in assembly, getting resolutions daily from girl scouts, boy scouts, grange, and responds to every resolution, needs our legislators to know our views; we have shooting clubs in Town to support. Councilman Norris thanked all for coming; last time he saw this turnout was zoning; zoning issue required holding of a lot of public hearings; there were no public hearings on this issue. No 'three-day rule' on this; there are good pieces in this but need to be addressed by the public, that's why he is in favor of moving it forward; he suggested changing 'demand', and asks to keep the last paragraph.

Councilwoman Benway asked to amend: remove 'strongly recommend', restore 'demand', and return the stricken paragraph [below] to above-indicated place.

****BE IT FURTHER RESOLVED** that the Town of New Baltimore Town Board requests that the member of the New York State Senate and Assembly who represent all or part of the Town of New Baltimore, to reply in writing, with their views on, actions taken, in support of, or opposition to, the New York SAFE Act; and*

Attorney Wukitsch clarified this was exactly as originally written and put to website.

With amendment Councilwoman Benway moved and was seconded by Councilwoman Finke. There was 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-Absent
NORRIS-AYE O'RORKE-AYE
Adopted**

Resolution Appointing Planning Board Members

Supervisor thanked all who sent in their names to become part of Planning Board, ZBA, or Greene County Planning Board. In past years, Town Board has twisted arms and grabbed folk from street; over past several years many have stepped forward to serve. Two positions are paid and one is unpaid. The committee has interviewed.

**RESOLUTION
MARCH 11, 2013**

RESOLUTION TO APPOINT PLANNING BOARD MEMBERS

RESOLVED, that Dan Kelly is hereby re-appointed to the New Baltimore Town Planning Board, said term expiring on December 31, 2015.

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

Supervisor moved and was seconded by Councilwoman Benway. One is a full term and one is fulfilling a term previously held by the new Town justice. 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-Absent
NORRIS-AYE O'RORKE-AYE
Adopted**

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Resolution Appointing ZBA Member

Supervisor said the committee had two very qualified individuals, difficult to come to unanimous decision; Jeff Ruso and Kingsley Greene have lived in Town for same amount of time, have experience with management and budgeting, and one has been before ZBA in other towns, the other is a business owner, farmer, involved in AgFest and Coxsackie Area Chamber. To afford the Board's weighing in on decision, Supervisor will put forth a name, if fails, will put forth the second name, and moved to appoint Kingsley Greene as candidate to the New Baltimore Town Zoning Board of Appeals, 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-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE**

Adopted

Upon advice of Attorney Wukitsch, Supervisor reread.

**RESOLUTION
MARCH 11, 2013**

RESOLUTION TO APPOINT ZONING BOARD OF APPEALS MEMBER

RESOLVED, that Kingsley Greene is hereby appointed to the New Baltimore Town Zoning Board of Appeals, said term expiring on December 31, 2017.

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-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE**

Adopted

Resolution Recommending Greene County Planning Board Member to Greene County
Legislature

Supervisor recused herself as she is related to an applicant for this position, will not be involved in discussion or decision.

Deputy Supervisor Norris read.

**RESOLUTION
MARCH 11, 2013**

**RESOLUTION TO RECOMMEND APPOINTMENT TO
GREENE COUNTY PLANNING BOARD**

RESOLVED, that the Town Board of the Town of New Baltimore does hereby recommend to the Greene County Legislature that John Cashin be appointed as the Town of New Baltimore's representative to the Greene County Planning Board, with said term to expire on December 31, 2015.

Councilwoman Benway moved and was seconded by Councilman Norris. Councilwoman Benway and Deputy Supervisor Norris performed the interviews together, good qualified applicants, good options. Deputy Supervisor supports candidate with particular strengths of building code and zoning options. 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-Absent
NORRIS-AYE O'RORKE-Abstains**

Adopted

Supervisor thanked Deputy Supervisor Norris.

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Resolution to Authorize Purchase of Property & Casualty Insurance

Supervisor reports that the insurance committee is proposing the Town stay with provider under Marshall and Sterling, the amount is still less than 2009 price by about \$5000, a good program for us and under which all have been satisfied.

**RESOLUTION
MARCH 11, 2013**

**RESOLUTION TO AUTHORIZE PURCHASE OF PROPERTY AND CASUALTY
INSURANCE**

WHEREAS, in an effort to control cost for the town and provide the broadest coverage for the town, the Insurance Committee investigated alternative proposals for insurance, and

WHEREAS, the Insurance Committee has reviewed the renewal proposal, and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore hereby authorizes the Supervisor to take the necessary actions to renew coverage with Trident Insurance Co, through Marshall & Sterling Agency effective March 5, 2013.

Councilwoman Benway moved and was seconded by Councilman Norris. Councilwoman Benway asked if they are working on the flood insurance for wastewater plant; Supervisor reminded of work to be done on an elevation certificate. Councilman Norris thanked the committee for its work and subsequent savings of quite a bit of money; the costs rise but if the Board had stayed with original carrier it would be even more. 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-Absent

NORRIS-AYE O'RORKE-AYE

Adopted

Resolution to Approve Town Clerk's Attendance at Annual Training Conference

Supervisor was not able to attend last year due to scheduling. An excellent opportunity for her as she provides more than statutory duties with human resources, accounts receivable and payable, and a multitude of other hats, seeing that she gets necessary training is great benefit to the Town.

**RESOLUTION
MARCH 11, 2013**

**RESOLUTION TO AUTHORIZE ATTENDANCE AT THE NEW YORK STATE TOWN
CLERK'S ANNUAL TRAINING CONFERENCE**

RESOLVED that the Town Board does hereby authorize Town Clerk Brooks to attend the Annual Conference and Training School of the New York State Town Clerks to be held from April 28 - May 1, 2013 and authorizes reasonable expenses for transportation and meals.

Supervisor moved and was seconded by Councilman Norris. Supervisor noted, to save money, she is sharing hotel room with another clerk; Buffalo is the rotation city this year. 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-Absent

NORRIS-AYE O'RORKE-AYE

Adopted

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Resolution to Pay Audited Claims

Supervisor asked if all had audited claims and were there any vouchers to pull prior to approval of resolution? Hearing none, she read.

RESOLUTION
MARCH 11, 2013

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 2013 03/01-92, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2013 03/01-92, and

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until March 31, 2013.

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-Absent

NORRIS-AYE O'RORKE-AYE

Adopted

Town of Coeymans' Zoning Changes

In the process of changing their zoning, Supervisor met with Town of Coeymans Town Supervisor on Wednesday. In redrafting, she has not received latest update which should be available on their town website, State Route 144 (Residential 2-family dwellings will change to Residential Agricultural, abutting our Hannacroix Preserve) and US Route 9W (no changes proposed). Their public hearings started tonight, town supervisor anticipates holding hearing over to April 8 Board Meeting, allowing additional time for public to comment.

Emerald Ash Borer Regarding Emerald Ash Borer (EAB), the March 13 event location will be an infestation site; interested persons must phone to learn site; a follow-up discussion will occur indoors at the Town of Catskill Town Hall. Town Clerk has more information.

ADJOURNMENT

Hearing no other business to come before the Board, **Supervisor moved for adjournment, seconded by Councilwoman Benway.** 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-Absent

NORRIS-AYE O'RORKE-AYE

Motion Carried

The meeting was adjourned at 8:00 pm.

Respectfully,
Janet A. Brooks
Town Clerk