

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
JUNE 10, 2013- page 1**

DRAFT

OPENING OF MEETING

Supervisor O'Rorke called the meeting to order at 6:46 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 5 members of the public who signed the attendance sheet. Absent: Councilman Meredith.

NEW BUSINESS

Resolution and Order After Public Hearing Approving District Improvements for Sewer District #1 Mill Street Pump Station Improvements

**RESOLUTION
JUNE 10, 2013**

**RESOLUTION AND ORDER AFTER PUBLIC HEARING, APPROVING INCREASE
AND IMPROVEMENT OF FACILITIES OF TOWN OF NEW BALTIMORE SEWER
DISTRICT NO. 1 IN THE TOWN OF NEW BALTIMORE, IN THE COUNTY OF
GREENE, STATE OF NEW YORK, PURSUANT TO SECTION 202-b OF THE TOWN
LAW**

WHEREAS, the Town Board of the Town of New Baltimore (herein called "Town Board" and "Town", respectively), in the County of Greene, New York, on behalf of its Town of New Baltimore Sewer District No. 1 in the Town, requested Delaware Engineering, P.C., engineers duly licensed by the State of New York (herein called "Engineer") to prepare a preliminary engineering report for the increase and improvement of facilities of the Town of New Baltimore Sewer District No. 1, consisting of upgrading the Mill Street Pump Station, and including land or rights in land, original furnishings, equipment, machinery and apparatus required therefor; and pursuant to the direction of the Town Board, the Engineer has completed and filed with the Town Board such preliminary engineering report for the increase and improvement of facilities of Town of New Baltimore Sewer District No. 1, entitled "Wastewater System Evaluation" dated December 2012, Revised May 2013; and the Engineer has estimated the total cost of the Mill Street Pump Station Upgrade project not to exceed \$230,808; and

WHEREAS, the Engineer completed such engineer's report and filed the same with the Town Board, and the Town Board thereafter adopted an order describing in general terms the proposed increase and improvement of facilities, specifying the estimated total cost thereof and stating that the Town Board would meet to hear all persons interested in said increase and improvement of facilities on June 10, 2013 at 6:30 o'clock p.m. (Prevailing Time) at the Town Hall in the Town; and

WHEREAS, notice of such order, was published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 10th day of June, 2013 at 6:30 o'clock p.m. (Prevailing Time) at the Town Hall in the Town, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities; and

WHEREAS, the aforesaid purpose constitutes a Type II Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR (*New York Code of Rules and Regulations*) Part 617, which are determined under SEQR not to have a significant impact on the environment; and

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WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of New Baltimore as follows:

1. On the basis of the information given at such hearing, it is hereby determined that it is in the public interest to increase and improve the facilities of the Town of New Baltimore Sewer District No. 1 as hereinabove described and referred to as the Mill Street Pump Station Upgrade Project at the estimated total cost of \$230,808.
2. It is hereby ordered that the facilities of the Town of New Baltimore Sewer District No. 1 shall be so increased and improved.
3. This Resolution shall take effect immediately.

The following resolution was offered by Supervisor, and was seconded by Councilman Norris, to wit. Supervisor reviewed that the Board has been working on this for some time, this option seems the most prudent, and this could be rolled into such funds as may be received. With no further discussion, the question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

| | |
|---------------------|------------|
| Susan O'Rorke | VOTING Aye |
| Lisa Benway | VOTING Aye |
| Barbara Finke | VOTING Aye |
| Michael T. Meredith | Absent |
| Christopher Norris | VOTING Aye |

The foregoing resolution was thereupon declared duly adopted.

Bond Resolution Authorizing Issuance of Serial Bonds for Sewer District #1 Mill Street Pump Station Improvements

Supervisor reviewed that the Board has been looking at this option, and an agreement has been made with bond counsel, Rapport Meyers, with whom the Town has worked in the past. Ellie Alfeld asked how the Board can act not knowing the rate; Supervisor reminded, looking at BAN, renewable yearly, conservative 2.5% interest rate was quoted in conversation with Bank of Greene County, but rate is not definite until the closing and Supervisor added it could be lower. Mary Beth Bianconi confirmed that was correct.

**BOND RESOLUTION
JUNE 10, 2013**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS
OF THE TOWN OF NEW BALTIMORE, GREENE COUNTY, NEW YORK
IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$230,808
PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE AN INCREASE
AND IMPROVEMENT OF FACILITIES OF THE TOWN OF NEW BALTIMORE
SEWER DISTRICT NO. 1
IN THE TOWN OF NEW BALTIMORE, NEW YORK,**

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**(cont.) AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO
THE TOWN SUPERVISOR**

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

SECTION 1. The improvement to the facilities of the Town of New Baltimore Sewer District No. 1, consisting of upgrading the Mill Street Pump Station, and including land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, is hereby authorized at an estimated maximum cost of \$230,808, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph A of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years.

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

SECTION 3. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years from the original date of issuance of such obligation.

SECTION 4. The Town Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$230,808, hereby authorized to be issued therefor pursuant to the Local Finance Law.

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

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

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

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delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

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

SECTION 10. The Supervisor is further authorized, in his or her discretion, to execute a project financing and loan agreement and any other agreements with the New York State Environmental Facilities Corporation and/or the New York State Department of Environmental Conservation and/or the New York State Department of Health, and amendments thereto, and to take such actions and execute such documents as may be necessary to provide for the financing or refinancing of the specific object or purpose set forth herein, or a portion thereof, by a serial bond and/or bond anticipation note issue of the Town and the sale of such issue or issues to the New York State Environmental Facilities Corporation.

SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Town Finance Law, in Catskill Daily Mail, being a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 13. This resolution shall take effect immediately.

The following resolution was offered by Supervisor, and was seconded by Councilman Norris, to wit: the obligation is taken by the Town Board, but obligation is only paid by the Sewer District No. 1 residents; Supervisor reviewed for those who just arrived that the Board held a public hearing at 6:30pm, lightly attended, and has just taken care of the business regarding the Town taking out bond anticipation notes, renewable yearly, interest about 2.5%, giving 5 consecutive years to roll into a low-interest bond, allowing the Board time to decide what to do about the other proposed improvements for the Sewer Plant in Sewer District No. 1 which are larger in scope. An income survey is proposed for this summer, application for a hardship to follow. If the other improvement project doesn't take shape, this may be turned over into a bond and stand on its own. Ellie asked whether payments may be made on principal during the BAN so that if a bond must be gotten, the principal may be lowered; answer: yes.

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Rich Guthrie asked whether the proposed income survey will be of the District or the Town; answer: District, per Mary Beth; one firm Rural Community Assistance Program (RCAP), funded by the USDA, providing services to communities that qualify, populations of less than 10,000 and mean household income of \$55,000 or less based on the last census; because the District is on the cusp, Delaware made it fit. Because they provide the services free, they are popular, Delaware Engineering applied to be first on their list when they do receive additional funding, which they will get, it always happens and is just a matter of time. Delaware recently showed Town Board the major difference between hardship funding and traditional financing, it takes time and is well worth the time. Regarding rolling into larger project, the proposal looked at doing this roll into a larger project.

Supervisor talked about previously getting District to fit for preliminary engineering study; Mary Beth said service area is the hamlet District, but census looks at the Town due to the hamlet not having enough people to qualify, to qualify for the [planning] grant, Delaware went back to the work done on a potential water project in early 2000's, updated in '06 or '08, took historical census data, significant difference between what the census data household income is and hamlet median household income, which was enough evidence to demonstrate that the hamlet is a place where there is certainly environmental and economic need. Supervisor commented that is a good indication that we could qualify for future funding.

Rich Guthrie asked who will be surveyed, i.e. full- and part-time resident, property owners? Supervisor believed any property owner. Mary Beth explained it as a target population survey, in some communities there is the situation where owner lives elsewhere, renter lives in District; the person who fills out the survey is the renter who will benefit by the reduction of the interest rate; if it is an owner-occupied property, then the owner will be surveyed; the intent is to assist homeowners, commercial customers are not included in the income survey, and just users. Mary Beth explained from the tax roll, the survey will go to everybody, 'vacant property' tax code will be pulled, and they are not paying a check for the sewer use. Completely anonymous, the data goes to a processing center in Massachusetts; a letter is prepared for the survey that comes to town board for approval, a public document, confidential and why it is okay to talk to RCAP, survey asks for honesty. The Town Board would approve letter and list, that mailing goes out, then the survey goes into a preaddressed envelope to MA. Once the returns are known, after a certain date the local newspaper is asked to publish something about the letter, door-to-door volunteers are needed who go, with same form and same letter, to a list of houses that didn't respond, ask them to fill it out privately, seal, and hand it to them. Sometimes folks need help and community volunteers are more trustworthy as opposed to strangers.

Rich Guthrie asked about absentee landowners who may live in the city and earn big city dollars, residing in the hamlet in leisure and not voting residents of the community. Mary Beth said although significant in Windham and Hunter, that is less of an issue here, we can look at where tax [bills] are sent, then look at the [spectrum] of the numbers that come back, we can see the groups that are similar. There is a large population in the District who pay bills and need this help, we worked thru that in summer golf communities where it applies to about 1/2 the town. Regarding the survey, Ellie Alfeld asked what, in her estimation, would be lowest acceptable response; Mary Beth answered it depends on funding source, for USDA we would look for 80% for USDA; Environmental Facilities Corporation would love 80%, will accept a lower number but would have to justify a lower response rate; not 10 of 200. Mary Beth added 30% from first mailing is typical; with a large survey, maybe second mailing won't get more than 10%, then would knock on doors; 'word of mouth' is very important. Valatie is bigger than Sewer District No.1 but their initial mailing gained a 45% response because the village board made a very big deal of it: *how important it is, how it will cost this much, and if you fill this out it may cost this much; if you don't fill this out, it will cost this much.* Many apartments in Valatie have been made from old Victorian homes; with knocking on doors, an 80% response rate was gotten in Valatie. The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

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| | |
|---------------------|------------|
| Susan O'Rourke | VOTING Aye |
| Lisa Benway | VOTING Aye |
| Barbara Finke | VOTING Aye |
| Michael T. Meredith | Absent |
| Christopher Norris | VOTING Aye |

The foregoing resolution was thereupon declared duly adopted.

To the Town Board's attention, Supervisor distributed the estimates gotten by Delaware for surveying proposals. Part of the project requires a survey be done; during storm *Irene*, the Town had 'sandbagged' a close call and, timely, to get a National Flood Insurance Plan, NFIP, for a high hazard area a town must have an elevation certificate; Supervisor emailed with Brock who assured Supervisor that the survey proposals would also get elevation certificates for the Town. Delaware gathered 4 quotes ranging \$10,250-\$5,750; Santo Associates was used last year for the Towns of Cossackie and New Baltimore annexations and for the property east of Town Hall providing for the new parking lot. Attorney Wukitsch added that they'd done a nice job. Supervisor asked Delaware to request a proposal contract for professional services, which is not included in tonight's agenda. Supervisor asked whether July is soon enough to act on a proposal; Mary Beth Bianconi answered that sooner is better if the Town wants to stay on schedule. Supervisor read.

MOTION
JUNE 10, 2013

**MOTION AUTHORIZING TOWN SUPERVISOR TO ENTER INTO AN AGREEMENT
WITH SANTO ASSOCIATES SURVEYORS**

Supervisor moved to authorize town supervisor to enter into an agreement with Santo Associates for the purpose of surveying the Wastewater Treatment Plan and the Mill Street Pump Station, not to exceed \$5,750, and was seconded by Councilman Norris.

Councilwoman Benway said in the context of her job she sees elevation certificates and this is a very good price; Supervisor reminded that the firm was used prior and has a good track record. Mary Beth added they did the work in Athens and all the work for Greene IDA. Councilman had worked closely with them regarding the land exchange east of town hall. Rich Guthrie asked to explore funding from FEMA to improve flood protection with the outcome of the survey and needs that may be discovered. Supervisor said there are mitigation programs to work with but, without an elevation certificate, there is not much to work with; Councilman Norris brought this up with Greene County Emergency Services John Farrell regarding grant eligibility; the Town Board's timeline is to get project going before winter. Ellie Alfeld believes Scenic Hudson completed a report on lower Hudson and Capital District. **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

Mary Beth said she would ask for a contract; Supervisor thanked Mary Beth for attending the meeting this night.

APPROVAL OF MINUTES

Regarding the approval of Minutes of May 13, 2013 Town Board Regular Meeting submitted by the Town Clerk, the Town Clerk provide two corrections: to insert on page 1, "*Supervisor stated Donald Tanner had passed away this week, asked for a moment of silence and would like to read.*" and on page 24, the *RESOLUTION TO PAY AUDITED CLAIMS* should read *MAY 13, 2013*; Supervisor asked to correct on page 17, under *ROAD UPGRADE DISCUSSION*, 4th line

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down, GENERAL REPAIRS, Hass Hill Road \$14,458.27. With those corrections, **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

PUBLIC COMMENT PERIOD

No comment this night.

CORRESPONDENCE

From Champlain Hudson Power Express- a certificate of environmental compatibility pursuant to Article 7, construction operation and maintenance of a high voltage current circuit from the Canadian border to New York City, a notice regarding energy partition for hearing, they did not meet needed requirements and a re-hearing is scheduled (available from Town Clerk's office).
From New York Rural Water Association – a letter honoring 10 years of membership by the Town, given to Jim Polverelli as he attended his annual training conference, proud to have that support.

From New Baltimore Reformed Church's Pat Monks- a letter of thanks for closing Church Street for the annual church plant swap, making a difference to keep road and children safe, with gratitude for the Highway's cooperation.

From CSX Transportation- a SEQR, a full environmental assessment review, quite lengthy.

From Senator Cecilia Tkaczyk- a letter of thanks for recent news of Town's passage of resolution of support of two resolutions A88 and A824, both bills address important issues of vacant structures in New York and will help to insure that these properties are properties maintained by mortgage foreclosure plaintiffs. In this way we can protect our communities from falling into disrepair, a common problem from financial crisis a few years ago, she plans to vote for Senate 3655 and 4277, please inquire about their progress, and continue to update her of Town's affairs by letter, email or phone.

From New Baltimore Farmers' Market Board's Karla Flegel- a letter of thanks for \$300 toward liability insurance cost; reaching beyond for food, entertainment, local businesses serving as sponsors, and valuing healthy living.

From New Baltimore American Legion Post Commander Dan LaMora – a letter updated the Board on their activities for God and country, contributed to lounge at Albany airport offering respite to military service personnel respite, Chestnut Lawn Cemetery flags, Wounded Warrior program, Blue Star mothers program, and weekly visits to Stratton VA Center and mailing of cards. Post funding is in tonight's vouchers, from the Adopted Budget.

From Judge George Pulver- a signed scheduling order regarding progression of Shady Harbor litigation, within next 2-3 weeks case will be fully submitted to judge, and decision in due course. Rich Guthrie asked if the Town has counsel; yes, Attorney Wukitsch. A trial is unlikely; determination by the judge based upon written submissions.

SPECIAL PRESENTATION: HUDSON ESTUARY WATERSHED RESILIENCY PROJECT, LIZ LOGIUDICE

Columbia and Greene Counties Cornell Cooperative Extension Natural Resources Educator Liz LoGiudice spoke regarding this educational program related to streams and flooding. Cornell Cooperative Extension, a partnership between federal, state, local government entities and Cornell University, offering services in every county of New York State, delivering the 4-H youth development, farmers, low- income, nutritional, parents of children in danger of abuse or

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neglect, and natural resources programming. The AgroForestry Resource center, located in Acra, teaches about forests, healthy forests, clean water, and flood mitigation. With NYS Water Resources Institute, NYSDEC Hudson River Estuary Program, Cornell University, and other CCE's, to provide outreach for flood resiliency and run a variety of programs throughout the year.

Historically, settlement has occurred near streams and rivers, providing transportation, food, water, and power; communities develop infrastructure near rivers and streams, too, and even over them, or in flood plains are flat areas on either side of waterways that allow water to spread out and slow down. Building in flood plains can have a negative effect; we have paved surfaces that do not allow water to infiltrate the surface and do cause runoff into ditches and back into streams, making matters worse. Some of our practices have made us more vulnerable, as *Irene*, *Lee* and *Sandy*. Combinations make our communities more vulnerable to flooding. We learn more about programs to reduce vulnerability.

HEWRP was developed to provide information and for CCE to gather info, many Hudson Valley communities have wastewater treatment plants near stream, many on the river, and many are precarious due to precipitation and storm surges like *Sandy*. CCE is trying to find out needs, completed a needs assessment, Supervisor O'Rorke gave a recorded interview, all are being transcribed and analyzed at Cornell University; assessments are now being done with streamside landowners and highway personnel.

HEWRP worked with Greene County Soil and Water Conservation early on to provide post-flood stream intervention training, covering how streams work including how they react to human built infrastructure.

HEWRP is learning more about steps that may be taken to minimize damage to infrastructure, loss of life, and impact on the streams, and yet continue to provide all the functions and services that they do every day. Last month a flood forum, collaborating with Carey Institute in Millbrook, and offering more in different places through the Hudson Valley, this week on Thursday in Catskill will be US Geological Service program on stream gauges (they measure the amount of water flowing past a stream gauge in a stream); helpful to downstream communities, the class will be given a field tour and learn why it is important and how it can help. In July a class by NYSDEC's director of flood plain management will focus on the National Flood Insurance Program's significant changes and the community rating system (recent webinar was recorded and a link is available) to work with FEMA to reduce flood risk and therefore reduce flood insurance rates, July 25 from 6:30-8:30pm at Greene County Emergency Services and July 17 in Dutchess County.

Liz asked what is best way to inform the Town Board and highway superintendent; town clerk will forward and print. Liz asked if other to include in these offerings; fire companies, New Baltimore Conservancy, Agriculture Committee. Liz asked for topics desired; Supervisor asked to put her email address in a link? Yes. Town of Ashland also completed process of participating in the community rating system.

Rich Guthrie asked if there were any stream gauges in New Baltimore; no, not present on as many streams as USGS would like; 2 on Catskill Creek.

Liz asked for days and times most likely to be chosen for trainings; Supervisor believed too many variables.

Liz left packet (summary of project; handouts as to why the streams should be protected; restoration tactics for heavily eroded streams; a description, prepared by Rene VanSchaack, on the Catskill Creek and its watershed that includes portions of Town (including where Liz lives); a recommendation for stream and flood management; fact sheets on changing climate; and a booklet on stream stewardship. Website is www.Hudsonestuaryresilience.net. Supervisor thanked Liz for attending this night.

OLD BUSINESS

Resolution to Approve Advertising for Highway Paving Material

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In the past, Town has taken highway paving material from county or state contract; however, the amount of RAP we wish to use differs from state and county standard of 18-30%; we'd like less RAP 10%. Town would like to do own advertisement for bid; if bids come in less than favorable, we can always go back to state or county contract. When they put 18-30% RAP, it means more frequent paving (7-10 years); Town has to have more (15-20 years per road). So Town must do more roads more frequently to stay within the budget we have. As it is Town is considering stone and oil for more dirt roads, difficult to keep up within the budget we have. Supervisor said she looks at other funding sources, bonding or increasing taxes, so Town is looking to decrease the RAP.

Ellie Alfeld asked if better quality stone; no, better quality paving, not stone and oil. Ellie asked what is RAP; answer: ground blacktop, less aggregate.

Bob Knighton asked what is RAP; answer: recycled ground up pavement; Councilman Norris added we get a better quality blacktop. The blacktop company gets the RAP practically for no cost, and why they add it to their blacktop, and why they keep increasing it. Councilman Norris believes it saves money due to its lasting longer.

**RESOLUTION
JUNE 10, 2013**

**RESOLUTION TO AUTHORIZE ADVERTISEMENT FOR BIDS FOR PURCHASE OF
PAVING MATERIAL**

RESOLVED that the Town Clerk is hereby authorized to advertise for bids for the purchase of paving material for use by the Town Highway Department for roads as follows:

Medway-Earlton Road – Approximately two miles from County Route 26 to the Cocksackie Town Line.

21 feet wide, two inch thick Type 6 Blacktop with 10% rap

Old Kings Road – Approximately one-half mile

20 feet wide, 1 ¾ inches thick Type 6 Blacktop with 10% rap

Deadline for receipt of sealed bids, 4 p.m. June 24, 2013

Supervisor moved and was seconded by Councilman Norris. Supervisor clarified June 24 because Town knows the vendor who will respond to proposal, want responses because we're in the paving season. Clerk Brooks asked to add, "Sealed bids must be received in the Town Clerk's Office by Monday, June 24, 4 p.m." **Supervisor moved and Councilman Norris seconded to add Clerk's wording.** Councilwoman Finke said her copy had all votes recorded; Supervisor explained that was Clerk's template to revise, as Clerk Loux is on vacation. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

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

Adopted

Resolution to Approve Purchase of Lawn Tractor for Parks Mowing

Supervisor reminded that Highway crew is currently using a 'tired' 2006 tractor without an hours record and with balding tires for Town parks, Cornell, abandoned cemeteries, and Town Hall.

**RESOLUTION
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**RESOLUTION TO APPROVE PURCHASE OF TRACTOR FOR MOWING OF PARKS
AND OTHER TOWN OWNED PROPERTY**

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RESOLVED that the Town Board hereby authorizes the Highway Superintendent to purchase one John Deere Select Series X300 Tractor with 48X Edge Xtra Deck at a purchase price of \$2,787.18 for purpose of mowing the Town Parks and other Town owned property.

Councilman Norris moved and was seconded by Councilwoman Benway. Per Town Procurement Policy, Highway Superintendent gathered three bids; John Deere model is lowest (Roger Wood, Max Wood and Lowe's/Hudson River Tractor) and the bids remain attached. Councilwoman Finke asked what happens to the old equipment; Superintendent answered it is used until it no longer runs; Supervisor added it could be put out for bid for surplus if thought there was resale value. Superintendent said this old tractor (also a John Deere) will continue to be used in the cemeteries where the worst damage occurs, saving the John Deere and the Allis Chalmers. Councilman Norris clarified this model was used for the Town's parks, this year done every week, previously the mowing of which was bid out to save this cost to the Town and the mower did not get that use. Highway has mowed the abandoned cemeteries; Ellie believed at one point they had a maintenance fund. Superintendent Jordan confirmed Chestnut Lawn was only plowed by the Highway crew one winter; Councilman Norris explained the Town wanted to help Chestnut Lawn so they wouldn't have to abandon it. 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 Revised 284 Agreement for Expenditure of Highway Monies

Supervisor said last 284 had \$150,000 in General Repairs, Superintendent Jordan is asking for another \$50,000, we have taken off Roberts Hill Road, wait for bids to determine further. Superintendent Jordan said Peckham no longer has contract on oil, now Gorman is vendor. Mirror Lake and Haas Hill are still on list to be done. Councilwoman Finke asked whether these aren't the dirt roads; no, the parts that are already stoned and oiled, not adding. Councilman Norris explained these are the roads maintained every year, a portion is maintained each year, no additional paving.

**AGREEMENT FOR THE EXPENDITURE
OF HIGHWAY MONIES**

AGREEMENT between the Town Superintendent of the Town of New Baltimore, Greene County, New York, and the undersigned members of the Town Board. Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. **GENERAL REPAIRS.** The sum of \$200,000 shall be set aside to be expended for primary work and general repairs upon 30 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. **PERMANENT IMPROVEMENTS.** The following sums shall be set aside to be expended for the permanent improvement of Town highways:

(a) On Mirror Lake Road, a distance of 700 feet, there shall be expended not over the sum of \$3,273.22.

Type: Stone and oil. Width of traveled surface: 12 feet
Thickness: One-inch Sub-base: Stone & oil

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(b) On Haas Hill Road, a distance of 1,900 feet, there shall be expended not over the sum of

\$14,458.72.

Type: Stone and oil. Width of traveled surface: 20 feet

Thickness: One-inch Sub-base: Stone & oil

Executed in duplicate this 10th day of June, 2013

Supervisor

Councilman

Councilman

Councilman

Councilman

Councilman

Councilman

Councilman

County Superintendent of
Highways

Town Superintendent

NOTE: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent. Both copies must be approved by the County Superintendent. One copy must be filed in the Town Clerk's office and one in the County Superintendent's office. *COPIES DO NOT HAVE TO BE FILED IN ALBANY.*

Original: 5/13/2013

1st Revision: 6/10/2013

**RESOLUTION
JUNE 10, 2013**

**RESOLUTION APPROVING AGREEMENT FOR EXPENDITURE OF HIGHWAY
MONIES (First Revision)**

RESOLVED, that the attached Agreement for Expenditure of Highway Monies (a/k/a 284 Agreement) bearing revision date of June 10, 2013, is hereby approved.

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

Adopted

Clerk Brooks reminded the Board not to leave without signing two copies.

Resolution Designating Person to Receive Notices of Claim

NYS Legislature recently passed new law allowing plaintiffs to file claims directly with state, rather than directly with the towns, takes effect June 15, municipalities have 30 days after the filing of that law to designate a person to be the recipient of notice from Department of State. Also, this law requires that any plaintiffs who want to file with DOS pay a fee of \$250; if Town acts within the 30 days, town can be recipient of half of that \$250 if a claim is filed with the DOS. Supervisor believes this stems from attorneys downstate looking for an easier way to file;

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she has not heard any changes for 50H hearings; Attorney Wukitsch believes no. Supervisor believes it is important that DOS notify us promptly so we don't lose any time on the 50H hearing. Typically, notices of claim are served on town clerk or town supervisor, here served on the town clerk, and Supervisor is nominating her as such.

**RESOLUTION
JUNE 10, 2013**

RESOLUTION DESIGNATING PERSON TO RECEIVE NOTICES OF CLAIM

WHEREAS General Municipal Law, Section 53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS General Municipal Law, Section 53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the Town's agent; and

WHEREAS pursuant to General Municipal Law, Section 50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW, THEREFORE, IT IS RESOLVED that the Town Board of the Town of New Baltimore, County of Greene, designates Janet Brooks, in her capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 3809 County Route 51, Hannacroix, New York, and e-mail at jbrooks@townofnewbaltimore.org.

BE IT FURTHER RESOLVED that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the Town's designation and applicable time limitation for filing a notice of claim with the Town on or before July 14, 2013.

Supervisor moved and was seconded by Councilwoman Benway. Supervisor believes that the AOT is recommending the name actually be used, not the office; the Town must remember going forward. Councilman Norris asked, if not done, Town wouldn't be entitled to it; Supervisor added would not be on notice with the DOS of who the correct party is. Attorney Wukitsch agreed not as large an issue in this part of the state. 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**

The Standard Work Day and Reporting Resolution was removed and added to agenda at the Work Meeting.

Resolution Authorizing Supervisor to Change Payroll Frequency & Establish Direct Deposit

Supervisor's and Attorney Wukitsch's competitive research revealed that the statute specific to laborers, and discussed at previous meeting, applies to private sector (must pay weekly); that statute doesn't apply to public sector municipalities. Supervisor reminded it was held to be certain the Town Board could enact such a change.

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RESOLUTION
JUNE 10, 2013

**RESOLUTION AUTHORIZING SUPERVISOR TO CHANGE PAYROLL
FREQUENCY AND TO ESTABLISH DIRECT DEPOSIT**

RESOLVED, that the Town Board does hereby authorize the Supervisor to change the weekly payroll to a bi-weekly payroll and to further authorize the Supervisor to establish direct deposit for all employees' paychecks.

Supervisor moved and was seconded by Councilwoman Benway. Councilwoman Benway reports having received some emails asking when and if it would happen. Supervisor reminded they'd been given advance notice. With the four-week Summer Rec program, Supervisor asks that they may be kept on a weekly payroll; Attorney Wukitsch foresees no issue with that specific program. Councilwoman Benway asked whether an effective date should be included in the resolution. **Supervisor suggests August 1, and moved to amend said resolution with "Effective with pay period ending August 1," and was seconded by Councilwoman Benway.** No further discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

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

Resolution Appointing Summer Recreation Program Staff

Regarding Summer Recreation Program, Supervisor noted that Councilwoman Benway and Summer Rec Director Desirea Chamberlin have a lot of great ideas, and asked for counselor names. Councilwoman Benway said not yet, and there is a named assistant director.

RESOLUTION
JUNE 10, 2013

RESOLUTION APPOINTING SUMMER RECREATION PROGRAM STAFF

BE IT RESOLVED that the following assistant director is hereby appointed to the Summer Recreation Program for a period of four weeks, from July 15, 2013 through August 9, 2013:

| <u>Name</u> | <u>Position</u> | <u>Weekly Salary</u> |
|---------------|--------------------|----------------------|
| Kelsey Lenney | Assistant Director | \$312.50 |

Councilwoman Benway moved and was seconded by Supervisor. Councilwoman Benway said not all applicants have been contacted; Clerk Brooks added that there had been many applicants; probably 5 or 6 will be named counselors at June Work Meeting. Ellie asked if there was a per person ratio of counselors to children, is this efficient? Councilwoman Benway said if not as many kids apply, then the counselors would be reduced, also, if they're not there, they will not be paid. Supervisor said that is reason for having quite a few substitutes. 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**

Notified of another Eagle Scout, Supervisor offers another resolution.

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RESOLUTION
JUNE 10, 2013

**CONGRATULATING DYLAN SMITH UPON THE OCCASION
OF RECEIVING THE DISTINGUISHED RANK OF EAGLE SCOUT**

WHEREAS Dylan Smith, a resident of the Town of New Baltimore, through his diligence and rigorous efforts has achieved Scouting's highest and most prestigious rank,

WHEREAS the Boy Scouts of America and its members are dedicated to the development of character and leadership in our youth,

WHEREAS the highest achievement of leadership in Scouting, earned by less than four percent of all Boy Scouts, is the distinguished rank of Eagle Scout,

WHEREAS Dylan has been involved in Scouting for many years, has lived up to Scouting's ideals, and has attained all of the necessary achievements including an extensive project that Dylan planned, organized and managed that included the widening and leveling of a hiking trail at Columbia- Greene Community College,

WHEREAS this outstanding young man's perseverance in rising through the ranks to Eagle Scout is a strong indication of his ability to master difficult tasks and will enable him to emerge a leader who will be ready to meet the challenges facing us all in the future, and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore does hereby acknowledge this meritorious honor and extends its congratulations to Dylan Smith on the occasion of his achieving the rank of Eagle Scout.

Supervisor moved and was seconded by Councilwoman Benway. Supervisor added the Board is very proud of these individuals, Eagle Scouts and Star Scouts (Girl Scouts). 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**

State Comptroller's Visit Update

Supervisor reviewed that a month or two ago the New York State Comptroller's Office examiners completed their audit of retirement, much of what was addressed will be accomplished by the new bookkeeper. One thing affected was highway procurement and vouchers; some things done for the past 16 years with prior supervisors and prior town board members need now to be done differently. Supervisor mentioned the Town did find a local vendor for procurement of fuel oil, not on state contract but who met the price of state contract; examiners explained the state contract vendors are willing to meet the requirements of the bid and offer statewide or regionally and this is not fair to those state/county contract bidders. Also, in the past the Town has found a state/county contract vendor, and then approached those vendors and negotiated an even lower price; examiners explain that these state/county contract bidders have agreed to do this statewide or regionally and this is not fair to those state/county contract bidders, even though the vendor who was approached may be local and willing to provide item at a lower price. The examiners have a list of vouchers they'd gone through, Town created a lengthy response, they had a hard time finding contract numbers; Town is sending those and the full contract information for International Salt and for Peckham. Town had been told by International Salt, the state contract provider, that their price will vary a little (\$18 on one invoice), and Town has asked them in writing to clarify, in writing, what is not clear in the bid, they stated there are allowances for changes in pricing. Comptroller's Office examiners say that is not the case, so Town has asked vendor to clarify.

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Comptroller's Office frequently takes an aspect of town government and does a project. The Comptroller's Office has just sent out the monitoring of town asphalt projects, surveying about 10 fairly large towns, and learned that towns are not monitoring whether prevailing wage is being paid if the paving is being put in place by the vendor and not by the town itself. Comptroller's office wants Town to do core sampling- making sure the material received is actually what we asked for. The Town would have to send samples out to a laboratory; Superintendent Jordan was given verbal price of \$750 for each testing but is waiting for written pricing. Councilwoman Benway finds it crazy that if something is on state contract, but can be gotten cheaper for the town, why the Town must pay the state contract price. Superintendent added we should put it out to bid ourselves. [Member of the public said we could get a lower price.]

Supervisor, in going through the vouchers, created a two-page worksheet to accompany those appropriate vouchers to double check that the Board is following its procurement policy. The Board will go through the vouchers again before leaving this night; it is the Town Board's responsibility to make sure all the proper documentation and process is followed; quotes have been given at meeting, but quotes are not retained in writing and attached to the vouchers. A process has been established in the Clerk's office. Eight different vendors were quoted for the newsletter. Councilwoman Benway is gathering quotes on the portajohns. Even if a vendor is paid from different funds; for example, Waste Management is a vendor used by both the Highway and the Sewer, and must be coordinated.

The Comptroller's Office would love to see Town go to a purchase order system; Supervisor believes we can handle this without that route. Supervisor said Town will be getting a final report out soon; Councilman Norris and Superintendent Jordan and Clerk Brooks have spent time with the Comptroller's office staff and were asked for additional comments.

Councilman Norris commented that any changes in procedure increase workloads; the way things have been done in the past are not quite right for 2013. Councilwoman Finke asked whether they had sent anything in writing. Supervisor said Town will be getting a report in the next month or so. Ellie said that will be comprehensive. Councilman Norris added that some of the things they suggest we have already put into place, like the asphalt and the tractor bids; they are already in motion.

Supervisor asked to keep in mind that we have the approval process in place for resolutions for purchases; we forget our highway superintendent wears a variety of hats for the Board, as highway superintendent he may purchase up to \$5000 without board approval, but as parks superintendent his purchasing benchmark is \$2500. For timely purchases, special meetings may be required of the Board. Councilman Norris asked whether resolution for spending funds in an emergency situation for the highway superintendent may be done by email? Attorney Wukitsch answered it must be done in a public meeting. Supervisor said there may be a few more special meetings to accomplish timely purchases.

Supervisor said the Town Board will be reviewing vouchers.

Resolution to authorize supervisor to pay audited claims

**RESOLUTION
JUNE 10, 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 06/01-89, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2013 06/01-89, and

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until June 30, 2013.

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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-Absent

NORRIS-AYE O'RORKE-AYE

Adopted

Supervisor informed the Board that she will be out of Town for July 8 Regular Meeting. Councilwoman Benway stated she was agreeable to make the July 22, 2013 Work Meeting into a combination with the Regular Meeting.

**MOTION
JUNE 10, 2013**

Due to scheduling concerns, Councilman Norris moved to hold the July 8, 2013 Town Board Regular Meeting on July 22, 2013, a regularly-scheduled Work Meeting; his motion was seconded by Councilwoman Benway. No further discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-Absent

NORRIS-AYE O'RORKE-AYE

Motion Carried

Councilwoman Benway stated that Summer Rec Director Desirea Chamberlin hopes to have everything done by the June 24, 2013 Work Meeting.

ADJOURNMENT

Hearing no more from the Board or the public, 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

The meeting was adjourned at 8:51pm.

Respectfully submitted

Janet A. Brooks
Town Clerk