

AGENDA
TOWN OF NEW BALTIMORE, COUNTY OF GREENE
REGULAR TOWN BOARD MEETING

AUGUST 10, 2015

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Approval of Minutes

- July 27, 2015 Town Board Work Meeting

Public Comment Period

Correspondence

- Primary Election on Thursday, September 10 from 12-9 PM
- New York State Department of Agriculture and Markets Municipal Shelter Inspection Report

New Business

- Resolution to Increase Pay Rate for Recycling Center Operator/Laborer Following Successful Probationary Period
- Resolution to Authorize Justice Joseph Farrell to Attend the New York State Magistrates Association Annual Conference
- Audit of Claims

Upcoming Meetings

- August 13, 2015 Planning Board Meeting at 7 PM
- August 13, 2015 Friends of New Baltimore Recreation Committee at 7 PM
- August 19, 2015 Comprehensive Plan Committee at 7 PM
- August 24, 2015 Town Board Work Meeting at 7 PM
- September 2, 2015 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- September 3, 2015 Veterans Committee at 10 AM
- September 7, 2015 Town Board Work Meeting at 7 PM
- September 9, 2015 Senior Committee Meeting at 1 PM
- September 14, 2015 Town Board Regular Meeting at 7 PM
- September 19, 2015 Townwide Yard Sale 9AM-4 PM

Public Comment Period/Community Events

Adjournment

****** Agenda Subject to Change******

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COUNTY OF GREENE
TOWN BOARD REGULAR MEETING
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**Draft 8/12//15
Approved 8/24/15**

OPENING OF REGULAR MEETING

Supervisor Dellisanti opened the meeting at 7:00 PM and the Pledge of Allegiance was said. Also Attending Deputy Supervisor Ruso, Councilwomen Benway and VanEtten, Tal Rappleyea, Esq., Town Clerk Finke, and 6 members of the public who signed the attendance sheet. Absent: Councilman Norris, Tax Collector Jordan, and Highway Superintendent Jordan

APPROVAL OF MINUTES

A Motion to approve the July 27, 2015 Town Board Regular Minutes submitted by Town Clerk Finke was made by Supervisor Dellisanti seconded by Councilwoman VanEtten. The adoption of the foregoing Motion was duly put to a vote and the vote was as follows:

AYES: Dellisanti, Ruso, Benway, VanEtten

NAYS:

ABSTAIN:

ABSENT: Norris

PUBLIC COMMENT

Supervisor Dellisanti introduced Ellie Alfeld on a couple of things.

Ellie Alfeld began the first thing I wanted to discuss was Independence Lane. Now I do not believe anybody on the Board has been down there lately. If you have...

Councilman Ruso and Supervisor Dellisanti each announced I have.

Ellie Alfeld asked when was the last time you were there?

Supervisor Dellisanti responded two weeks ago.

Ellie Alfeld continued and have you seen what has now become on the Road? I had a meeting with John Halstead and as you know and it is public record I complained bitterly when he was doing the work on Independence Lane and we were not satisfied. Well, now I am here to compliment John, he had a meeting with me face-to-face before any repairs were done. Initially the Railroad was only going to pay him for a patch job. Well, he went above and beyond; he had his men dig out to a depth of at least a foot the troubled areas. He then filled them with the proper fill and even rented I believe a roller in order to make it so that it actually looked like somebody cared. He took care of the problems on Independence Lane. So I have to give John credit where it's due.

Councilwoman VanEtten inquired so everything is good?

Ellie Alfeld replied it looks great, it really does. The second thing of course is 51 out here. It was a long time coming it seemed, but thank God I'm not hitting, but I'm not bottoming out in some of those ruts that we had. And the last thing and Tal is in on this one. Initially in the beginning of the year the Seniors were told that any donations that we received would have to be turned to the Town and it goes into the General Fund.

Councilwoman VanEtten clarified and then it is moved into the Seniors fund I explained when you need it.

Ellie Alfeld said I don't know how you can move money into the Senior fund when there is a line item amount listed in the budget for the proper organization or committee. Can you explain that to me because I understand donations are made on behalf of the youth, the Fire Company, at the AgFest, and I think that as the legal representative, we need a clarification as to how we can exceed what was on the line item in the budget for these monies. Thank you.

Councilwoman VanEtten noted Tal, can I just say something quick before you start. The AgFest is not a Town Committee; it is a separate complete entity with its own bank account.

Ellie Alfeld interrupted excuse me but I believe I was told that donations are collected there.

Councilwoman VanEtten added they are, but it's not the same thing. It is a 501(c), Ellie, applied for it. But, go ahead, Tal.

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Tal Rappleyea, Esq. explained it's very simple. The budget is basically the framework of the monies that you expect to come in and the monies you expect to spend. If you receive more revenue than you expect, then you have to do a budget amendment which is a very simple resolution that the Board does on a monthly basis based on what's occurred as the time goes on. And if that occurs and then there are additional expenses that may be made or need to be made on that particular line, then again you do a budget amendment, you change the line, you move the money from the General Fund to that line and it's done by resolution.

Ellie Alfeld interrupted what timeframe, Tal, are we talking about that it takes to move this from one item back, because we have a Veterans Committee now that is accepting donations as well and we'll need the funding and if it has to go by virtue back to the General Fund, then back to the Veterans, I need to know in my own heart how available that money is going to be for the expenses that we are going to incur.

Councilwoman VanEtten pointed out it would just take a Board meeting.

Tal Rappleyea, Esq. and Supervisor Dellisanti replied yes.

Ellie Alfeld stated well that's every two weeks.

Councilwoman VanEtten agreed right, so that's the point.

Supervisor Dellisanti confirmed the resolution will be done at the next available Board meeting.

Councilman Ruso reported it is hard to anticipate what someone out there may donate, are they going to give \$100 or are you going to raise \$200, it is hard to budget for donations. On the other hand, if someone donates \$20 today and someone else does \$20 in a month's time, it is not necessarily something we want to do a resolution every Board Meeting. I suppose we could. I know that we've done budget amendments. We usually do them on an annual basis or when something gets exceedingly high. I think that's how we've done it in the past; that how we've done it with the Parks program.

Ellie Alfeld continued one thing I will point out to you too is you have a line item listed as donations and there is \$0 put in there. Now I think two years in a row and yet you accept donations from outside entities and so how do you account for that? I'm just trying to keep my apples and oranges straight here.

Supervisor Dellisanti observed our Bookkeeper has told us what codes we are going to put in as soon as the checks come in and she deposits it in whatever code it is going to go into and then when we need the money we transfer it to that account.

Ellie Alfeld interrupted who audits the accounts?

Councilman Ruso and Councilwoman VanEtten answered we do.

Councilman Ruso clarified the Board, it is a Board function.

Councilwoman VanEtten added Jeff does, you are the Audit.

Ellie Alfeld asked are you a bookkeeper or an accountant?

Councilman Ruso replied no, I am none of those things.

Tal Rappleyea, Esq. concluded it is the Town Board's statutory obligation to audit those books and they do it.

CORRESPONDENCE

Greene County Board of Elections notifying us that there will be a Primary Election in the Town of New Baltimore on Thursday, September 10, 2015 from 12 Noon to 9 PM.

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New York State Department of Agriculture and Markets, Municipal Shelter Inspection Report, Completed on July 24, 2015. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website. As the report indicates, dog shelter services were rated "Satisfactory." Please make note of any comments listed on the report. Municipal dog shelters are subject to inspection by this agency on a regular basis. Please notify this office within 30 days of any changes in municipal shelter services.

Supervisor Dellisanti noted so we did well on our dog inspection.

Tal Rappleyea, Esq. explained and you shouldn't be disappointed with a Satisfactory rating because I understand that's the highest that they give.

Supervisor Dellisanti added that's nice to know, thank you.

NEW BUSINESS

**RESOLUTION 116-2015
AUGUST 10, 2015**

**RESOLUTION TO INCREASE PAY RATE FOR
RECYCLING CENTER OPERATOR/LABORER FOLLOWING
SUCCESSFUL PROBATIONARY PERIOD**

WHEREAS Kevin Pacuk was appointed Recycling Center Operator/Laborer on January 12, 2015 by Resolution 45-2015 to be reviewed after satisfactory completion of a six-month probationary period.

RESOLVED the rate of pay for Kevin Pacuk will increase to \$11.50 per hour effective immediately.

Motion by Supervisor Dellisanti seconded by Councilwoman Benway

AYES: Dellisanti, Ruso, Benway, VanEtten

NAYS:

ABSTAIN:

ABSENT: Norris

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 117-2015
AUGUST 10, 2015**

**RESOLUTION TO AUTHORIZE JUSTICE JOSEPH FARRELL TO ATTEND
THE NEW YORK STATE MAGISTRATES ASSOCIATION
ANNUAL CONFERENCE**

RESOLVED that the Town Board does hereby authorize Justice Joseph Farrell to attend the New York State Magistrates Association Annual Conference to be held in Niagara Falls, New York from September 27-30, 2015 and will be reimbursed the Registration Fee and lodging (includes meals) estimated at \$621.00.

Motion by Supervisor Dellisanti seconded by Councilwoman Benway

AYES: Dellisanti, Ruso, Benway, VanEtten

NAYS:

ABSTAIN:

ABSENT: Norris

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**RESOLUTION 118-2015
AUGUST 10, 2015**

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 2015-08-01 to 2015-08-43, it is

REVOLVED that the Supervisor is hereby authorized to pay claims 2015-08-01 to 2015-08-43,

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until September 30, 2015.

Motion by Supervisor Dellisanti seconded by Councilwoman Benway

AYES: Dellisanti, Ruso, Benway, VanEtten

NAYS:

ABSTAIN:

ABSENT: Norris

General \$8,305.41, Highway \$4,062.45, Sewer 1 \$100.94, Sewer 2 \$31.23, Lighting 1 \$1,604.93, Lighting 2 \$128.88, Total \$3,654.57

Supervisor Dellisanti asked for any other New Business.

Councilman Ruso responded under Audit of Claims, I'm not sure how to proceed on this, but I'll just start from the beginning. There were some concerns starting back in the first meeting of July where some vouchers were presented to us -- H-2015-128, H-2015-138, and H-2015-140 -- were submitted to the Town and they did not have the, actually it was deferred at that time for more information. Prior to the second meeting of July, what was the date on that?

Supervisor Dellisanti replied July 27.

Councilman Ruso explained it was pointed out that there was a contract number for the purchase of those items. The total cost of those items -- and asking Councilwoman VanEtten, who don't you take this and pass to everybody if you don't mind -- the total cost of those items was \$26,938.76. Come to find out that that is not a contract. Come to find out that there is no State contract for that purchase item; it was not bid out and there is no County contract for that item.

Councilwoman VanEtten corrected there is a State, there's not a County.

Councilman Ruso continued there is a State contract with a different provider at \$6 less/ton and it would have been about a \$3,200 or \$3,300 difference in the price of this. There is no State contract for this company for this price. There is no County contract for this company at of July which is attached here asking for more information. We've yet to receive any, except we did get a letter today from Peckham Industries that has indicated that there is a contract with Dutchess County and furthermore they realize that they charged us the wrong price even from the Dutchess County bid. They charged us \$68/ton and it was supposed to be \$67 and the State contract with Callanan up here in Coeymans is \$62.04. I am concerned about the following because I was heavily involved with the writing of the CAP with the Comptroller's Office from 2013 and we wrote it in 2014 for those that don't remember, I think it happened in the first meeting of 2014, and I have a copy of it here and, unfortunately, I'm thinking it really sounds too resembling and I'll read from some of the points and it says in the Audit from the Comptroller's office that, "*The Board did not ensure that Town officials followed statutory bidding requirements.*" NYS "*GML requires that purchases and public work contracts in excess of \$20,000 and \$35,000 respectively*" "*be publicly bid or use contracts awarded by New York State OGS or the county in which the local government resides.*" Dutchess County, we do

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not reside in Dutchess County. So Peckham is telling us that our contract is the one from Dutchess County and Dutchess County contract is \$6 more per ton, actually \$5.94 per ton, than the State contract. Secondly *"Town officials stated that items were purchased through State or county contract but they did not"* the Town Board did not; they faulted the Town Board in this document *"confirm that they received the appropriate contract pricing and did not have documentation to that effect."* We are requesting documentation and it's been over a month now; we don't have documentation. Furthermore, upon inquiry they changed the price.

Councilwoman VanEtten pointed out but it's still not equal with what the State contract is.

Councilman Ruso agreed yes and I'm glad Tal is here because I don't know where to go on this so let me get to the last point. *"Further, the required prior Broad approvals of purchases exceeding policy thresholds were not obtained."* We did not get prior Board approval for purchases; in fact it's well in excess because we have a half a dozen more at this point that actually hasn't even been presented to us. So I'm not sure where we are going to go on this. There is one thing that I want to add that when we were informed there was a contract, we were given the numbers for the contract, the contract number and it's on the purchase order, on the voucher rather, that number does not exist.

Councilwoman VanEtten added it's on the bill, invoice.

Councilman Ruso reiterated that contract does not exist from anywhere from the State, from Greene County, we asked for Peckham to give us the one from Dutchess County. We've received nothing. I don't know what to do on these things, this is a lot of money and if we follow the State contract, we are talking approximately for the number of tons just on these bills and not for the ones that are coming up, we are talking \$3,200.

Supervisor Dellisanti pointed out that was on one bill

Councilwoman VanEtten agreed that was on one bill, one-half of one bill.

Councilman Ruso noted that was on the one bill, the \$18,996 bill.

Councilwoman VanEtten advised that was only the first bill.

Councilman Ruso asked Tal, what do you recommend we do here because we are going to need some help?

Councilwoman Benway observed I know since Denis is obviously highly involved in this, he's not here to....., because I know I had a conversation with him after I had gotten the email and he said there seems to be some confusion and I know he had paperwork and I could have sworn he said he brought it in here and that was after the email.

Councilman Ruso reported I've not seen anything; this was the only thing we received from Peckham today.

Councilwoman VanEtten added that's not true.

Councilwoman Benway said without Denis being here I can't confirm that.

Councilwoman VanEtten suggested he got the mail also, didn't he?

Councilwoman Benway answered right.

Councilwoman VanEtten continued so he had a choice whether to come or not so we have to get this resolved.

Councilwoman Benway stated I don't see this on the Agenda for tonight.

Councilman Ruso clarified I didn't know it was going to be because I didn't get letter until today. I was hopeful that we were going to get a document. I don't know where we are going to go on this. I talked to Tal earlier today and said Tal, I don't know what to do, what do we do?

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Tal Rappleyea, Esq. observed you definitely need to talk to Denis and make sure he has all the documentation, you have to make sure that we are following both our Procurement Policy and the requirements of the Comptroller and the State law. I'm sure that Denis has this and he'll produce it and maybe it's here somewhere we don't know, but in the meantime, I think you have to hold on paying those bills.

Councilman Ruso asked what about the ones we signed already?

Tal Rappleyea, Esq. answered you can still hold it. Just because they are approved for payment at this moment, you don't have to.

Councilwoman VanEtten pointed out but they were approved with the understanding that that was the contract number and it wasn't so can we then say no?

Tal Rappleyea, Esq. suggested you can if you want strike your signatures from the voucher or just hold it until the proper document is provided.

Councilman Ruso reported I'll talk to him either way, I'm not troubled by that.

Councilwoman VanEtten advised I think we should just hold it and this is a lot of money and I haven't seen any documentation.

Supervisor Dellisanti explained one of the problems that I have is that all of these vouchers and bills including the ones we received today are the ones that I have on my desk have already been completed, the materials have already been used, the Board hasn't approved anything. That's the issue that I have.

Tal Rappleyea, Esq. observed there is another gap there that because there is an expenditure greater than \$1,000 and under the Procurement Policy, you are required to bring it to the Board for preapproval. Those things should have been done before.

Supervisor Dellisanti advised I don't get these vouchers and purchase orders until two weeks sometimes longer.

Councilwoman Benway questioned prior approval is part of the 294 Agreement isn't it?

Supervisor Dellisanti pointed out this isn't about the 284 Agreement.

Councilwoman VanEtten agreed it's about the Procurement Policy.

Supervisor Dellisanti reported the 284 Agreement went out to bid the way it was supposed to and Callanan won the bid. These are just patch work.

Councilwoman VanEtten noted he did take the training that you gave on the Procurement Policy.

Councilman Ruso added that was early last year.

Councilwoman VanEtten confirmed and he has several copies of it.

Councilman Ruso clarified none of this was brought to our attention prior to the purchase. Again I am at a loss because I know there has been communication. I wish he was here this evening. It was indicated in the letter that that we sent him on the 30th of July and I don't know if I want to read all this, but it says please give us information by Thursday so there will be enough time prior to the Board meeting on August 10th which I know it didn't explicitly say it would be discussed then but it does imply that it will be discussed because I did reference the meeting of tonight or you did, excuse me.

Councilwoman VanEtten questioned how do you justify spending \$6 more per ton for this material when there is a ton of it being bought, hundreds of tons?

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Councilman Ruso concluded I don't know what to do Tal, that's where I think we need to rely upon yourself to tell us what options. I think holding any payments for Peckham for any of this has to be done. If we are going to pay them anything, I would actually recommend we don't pay them anything higher than what the State contract is. I don't know if that is appropriate, you tell me.

Tal Rappleyea, Esq. suggested we will cross that bridge when we get to it, but first we have to make sure there is proper documentation and then we can talk about whether there needs to be concessions made.

Supervisor Dellisanti noted we have probably 6-8 more of these on my desk, not only for blacktop but for crusher run as well, all with Peckham and I think we are going to have to put this whole package together.

Councilwoman VanEtten reported the crusher run I want to add the price difference is \$6.25 versus \$10.90 per ton.

Councilman Ruso suggested how about we have a resolution to request that Denis be at our next meeting? Can we at least do that, so we can resolve it by then?

Councilwoman Benway stated I don't think we need a resolution for that, we can just ask him to be at the next meeting.

Councilman Ruso agreed I suppose, I just wanted to suggest it be official.

Supervisor Dellisanti said we will ask Denis to be at the net meeting.

Councilwoman VanEtten advised if he doesn't come, we still have to resolve this.

Councilman Ruso suggested I'll give him all their material we have here because we are at a loss right now. We are probably in the \$40,000 worth of bills that we have to have and we were already cited for this almost exact same thing for those that have recollection from 2013, January 1, 2012-March 1, 2013. If it didn't resemble the same thing I don't know where I would be on this. Maybe you could say people may have made a mistake, but this doesn't seem like the first time through the loop

Supervisor Dellisanti confirmed we'll ask Denis to be here at the nest meting to go over these and whatever ones I have on my desk.

Tal Rappleyea, Esq. added and to bring the backup documentation.

Councilman Ruso mentioned you're not going to be at the next meeting. It wouldn't hurt to have our Attorney with us in terms of what we do with Peckham. You usually don't come to the second meeting, am I right, Tal?

Supervisor Dellisanti noted two weeks from today is the 24th.

Councilwoman VanEtten agreed the 24th.

Tal Rappleyea, Esq. observed I can be here, I can either not go or just have somebody cover that meeting. I have to be in Germantown that night.

Supervisor Dellisanti remarked excellent. Anything else you want to bring up on this?

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UPCOMING MEETINGS

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Supervisor Dellisanti asked for any other public comments for this evening and hearing none, the meeting adjourned at 7:23 PM on a Motion by Councilwoman Benway seconded by Councilwoman VanEtten.

AYES: Dellisanti, Ruso, Benway, VanEtten

NAYS:

ABSTAIN:

ABSENT: Norris

Supervisor Dellisanti concluded thank you all very much.

Respectfully Submitted,

Barbara M. Finke
Town Clerk