

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

**MARCH 8, 2021
AGENDA**

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Mary Beth Bianconi to Update Town Board on Water District No. 2

Approval of Minutes

- February 22, 2021 Town Board Work Meeting Minutes

Public Comment Period

New Business

- Resolution to Adopt Supervisor's 2020 Annual Financial Report Update Document Submitted to the State Comptroller and on File in the Town Clerk's Office for Public Inspection
- Resolution to Reimburse the Village of Coxsackie for Repairs to a Water Main Break in Water District No. 2
- Resolution to Authorize the Town Clerk to Attend the New York State Town Clerks Association Virtual Annual Conference
- Resolution to Authorize the Supervisor to Execute an Agreement with County Waste & Recycling
- Resolution to Adopt Updated Employee Handbook
- Resolution to Approve Emergency Repair of Highway Vehicle
- Audit of Claims

Upcoming Meetings

- March 11, 2021 Planning Board Meeting at 7 PM
- March 22, 2021 Town Board Work Meeting at 7 PM
- April 7, 2021 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- April 8, 2021 Planning Board Meeting at 7 PM
- April 12, 2021 Town Board Regular Meeting at 7 PM
- April 26, 2021 Town Board Work Meeting at 7 PM

Public Comment Period/Community Events

Adjournment

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

GUIDELINES FOR PUBLIC CONDUCT DURING TOWN BOARD MEETINGS

1. The Supervisor shall preside at the meetings of the Town Board. In the absence of the Supervisor, the Deputy Supervisor shall be the acting Supervisor. In the event both the Supervisor and the Deputy Supervisor are absent, the other members shall designate one of their members to act as temporary chairman. A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.
2. Town residents who wish to speak shall fill out a card at the entrances of the meeting room listing their name, contact information, and the subject matter in which they would like to speak. These cards will be collected prior to the beginning of the Town Board meeting and given to the Town Supervisor or Deputy Supervisor in the absence of the Supervisor.
3. Speakers must be recognized by the presiding officer and then proceed to the lectern and state their name and address. They must limit their remarks on official town business to up to three minutes on a given topic and may not yield any remaining time to another speaker. They must address their remarks to the Board as a body and not to any member thereof and not to other members of the audience in the form of a debate.
4. Speakers should present their remarks in a courteous manner and may not make disparaging remarks or personal comments about public officials, town residents, or others. All speakers will observe the commonly accepted rules of courtesy, decorum, dignity, and good taste with no cursing, swearing, clapping, booing, finger pointing, bullying, whispering, or talking that disrupts the proceedings of the business of the Town Board.
5. Any speaker who disregards the directives of the presiding officer in enforcing the rules, disturbs the peace at a meeting, makes impertinent or slanderous remarks, or generally conducts themselves in an inappropriate manner shall be barred from further participation and will forfeit any balance of time remaining for their comments.
6. After a final warning, if a speaker willfully refuses to step down, the Town Supervisor shall contact the appropriate authorities to remove the speaker from the meeting room and to restore order.
7. The Town Supervisor, or in their absence the Deputy Supervisor, shall ensure compliance with these rules.

This policy will be amended by Majority vote of the Town Board.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 1

OPENING OF REGULAR MEETING

Supervisor Ruso opened the meeting at 7:00 PM and the Pledge of Allegiance was said. Also attending Councilmembers Boehlke, Downes, Irving, and VanEtten; Deputy Supervisor Dellisanti; Town Clerk Finke; and 4 members of the public who signed the attendance book. Absent: Highway Superintendent VanWormer and Tax Collector Jordan

Supervisor Ruso: I just want to bring up a couple important points. We're continuing our discussion of Water District 2. We've been discovering more and more information along the way. Things that are right, things that aren't right. We're going to have to have a Public Hearing in April. I talked to Mary Beth. There's a number of things that have to be prepared. We don't have time to repair them in March, however, April will be the timeframe. And it's a Public Hearing. Well, of course, everybody is invited to it, but it's of particular interest for those in Water District No. 2. So it's going to be publicly-noticed. I only had this conversation Thursday last week.

Mary Beth Bianconi: You and I? Yeah, I think so, yeah.

Supervisor Ruso: Thursday and Friday and I've been in contact with Mark Evans from the Village of Cossackie and, again, we discovered a lot of things. So Mary Beth has, because she really knows this stuff better than I ever will, has offered to come tonight and at least give information to the Board and those of the public who are available. So if you would please proceed.

Mary Beth Bianconi: So I know there have been questions about the District and why people are paying for this, why it's just the District and not other users and those kinds of things so I thought we could talk about where the water lines are first of all which I know is revelatory to everyone and where the current District is, I actually have the records from when the District was originally created in '51 and when it was updated in '74, so we can go over that. We'll talk a little bit of, and I know that George will appreciate this, a little bit of Town Law and what Town Law says about all this stuff, and we can kind of talk about what we need to do going forward. So if that all makes sense to everybody. So where are the water lines? I know this is kind of confusing for folks in terms of how are people served with water? This one, which I know is really far away, I can pass it around. this is what we think of as Sheller Park – so this is Circle Drive, this is that area that is served that's part of the District, this little dash line is the water line that broke down here, here's the Thruway. Unfortunately the way this map was made, it's right off the edge of the map. This is that waterline that's providing water from the Village up to serve this area. So that's one part of water service. This is the other part. So this is down on 9W. So the Village is that way. Up is north toward me. This is that dash line crossing, I don't know what the formal name – Dederick's Trailer Park, Slater's whatever you want to call it -- crossing and you'll notice it crosses right through and comes in here where it brothes underneath the Thruway, crosses up and Scheller Park is actually up here. So I know there were some questions about there's some folks down here on what this map calls Scheller Park Extension. I realize a lot of the names of the roads around here are all different depending on where you made your map. It is actually, that is served by the water line from Scheller Park extending down to this area. The waterline that's on 9W, this is Serta, the big white box. So the waterline extends, this is the Antique Shop, it extends right up to just before the bridge and stops so it does not cross the Thruway. If folks who remember, we talked about this water line. When this water line broke, we talked about is there another way to get water to the neighborhood without repairing this water line and possibly without crossing the Thruway. The answer is no, not really. We could, and the idea when this was installed, was that you could possibly hang the water line on the bridge. This is the 9W bridge over the Thruway, hang the water line to get up into this area. This is the Dentist Office, get up to this area so keep going and you've got Gander Mountain now, the interchange, but this was more costly even to come here and go this way than it was to do this repair. So that's where the water comes from.

Supervisor Ruso: Those properties on 9W as you just described are in Water District #2?

Mary Beth Bianconi: Here is Water District # 2. So the blue is Water District # -- the geography of Water District #2, those properties that people think of as being on 9W are these and the water line comes from up here, Circle Drive area, and comes down and stops right here and serves these properties.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 2

Deputy Supervisor Dellisanti: How many properties do you have on 9W, up on the right-hand corner, right there?

Supervisor Ruso: That's not where I'm referring to. I was looking at the Antique Center area.

Mary Beth Bianconi: So this is the Antique Center.

Supervisor Ruso: Yes.

Mary Beth Bianconi: They're served off the Town of Coxsackie. They're served this way.

Councilmember Downes: So they're not in Water District 2. They have nothing to do with that pipe. Nothing.

Mary Beth Bianconi: Correct. Totally separate.

Councilmember Downes: That's why I didn't know why we were bringing this in. Now what happens to the Dentist Office? Are they on a well?

Mary Beth Bianconi: They're on a well.

Supervisor Ruso: What happens when because I need to stick on 9W here, if there's a break on 9W let's say by the Antique Center or whatever properties that are along there, who pays for it?

Mary Beth Bianconi: Well, now that's interesting. I'm glad you asked that question. So one of the questions I have for you guys is is the Antique Center on the water system?

Supervisor Ruso: Yes.

Mary Beth Bianconi: We know that for a fact?

Supervisor Ruso: I know there's a property owned by Mr. William Johns who's the owner of that site. So the answer is he's being billed.

Mary Beth Bianconi: And he's being billed by you guys?

Supervisor Ruso: Billed by us. And there's another guy next door to him, by the name of Marsilio, who owns whatever that car thing I think it is and they are also being billed by the Town of New Baltimore.

Mary Beth Bianconi: So what I will have to do and I didn't do this for tonight, but I will do this. This is Water District #2, Water District #1 is the one up by Ravena. This is Water District #3. So there's a possibility that they are in Water District #3. They should be in Water District #3.

Supervisor Ruso: Agreed.

Mary Beth Bianconi: Which is a totally separate cost base, totally separate everything from Water District #2. That's the thing about Water Districts, it's like School Districts, you can only be in one and you're only paying for one and you're paying whatever the cost base is of that one. So these guys, Water District #3, have and that basically that was created when Serta was put there. It was done by the IDA and all of this was done by the IDA, the water line coming out here was all paid for by the IDA. There was never any assessment against these properties for the debt. It was paid for by grant funds that they got when they built the business park that now has Serta in it on the one side, on the New Baltimore side, and it has the Liquor Distributor on the Coxsackie side.

Ellie Alfeld: If they're in District 3, the same as Serta or what have you, when Serta was developed wasn't the contract for the price of the water line itself set differently than the cost of water say for Sheller Park or District 1 is?

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 3

Mary Beth Bianconi: It was.

Ellie Alfeld: So they're benefitting.

Mary Beth Bianconi: That's now been changed.

Ellie Alfeld: It has been changed.

Mary Beth Bianconi: Because I work for everybody so I said 'this is not fair.' So that has now been changed. In the changes that the Village of Coxsackie made probably five years ago now to the water structure that has now been changed so that what I call parity in all of this. So there's a lot of history here right and I was looking at the records. Water District #2, what we think of Scheller Park, and I mentioned this the last time I was here, the original concept was it was gonna be all these houses and Mr. Scheller and development and all these things and that fell through leaving a system that basically would not provide water to any of these homes. There were plastic pipes on the ground, there were families without water, it was a disaster. So the original petition for the Water District was actually in 1951 was to put fire hydrants up here. Now it's interesting because they did that at the grand cost of \$8,000 in 1951, but there shouldn't have been pressure up here to run those fire hydrants so I'm not really sure how that worked out. The 1974 action was to create this and that was when that development, there were plastic pipes in the ground, we have hearing notices, they said there were nine families that didn't have water for like eight months. Those kinds of things and that cost to install the water lines we still have in place today from 1974, ductal iron pipes underneath the ground was about \$80,000. That got assessed back against the properties, but it was 1974 so it's whatever that bonding period was, 20-30 years, is done. So that's why folks have not been paying capital costs here because there haven't been any capital costs to be charged. All they're paying for is the cost of water and then the fee that the Town charges just to maintain the system,

Ellie Alfeld: But we had a new family applied to be included there within the past ten years.

Supervisor Ruso: 2012, she's pointing it out now.

Mary Beth Bianconi: So it's these two properties right here because this is the map that we used when we did that. That is where this map came from and this is where I got all the records from in case anybody's wondering. All of these records came from the Town and I don't remember, Barbara, if it was you or who did a lot of research to find all the records for us, but lots of records, so that's because we didn't have a map so we needed to create a map. So we created the map which was these two properties right here that were added in 2012, 2013.

Councilmember Downes: Those are up on the hill right coming out of Scheller Park? They sit over to the right?

Supervisor Ruso and Mary Beth Bianconi: Yes.

Supervisor Ruso and Mary Beth Bianconi: On Roberts Hill.

Mary Beth Bianconi: On Roberts Hill, exactly. So I can look into what's going on with District #3, but what should have happened and this District #3 happened right before I started working with all of you nice folks. I came here in 2004 -- just yesterday would you believe -- but this was done -- Jeff, I think you and talked about when this was done -- no provisions were made at the time for the Town to assess the maintenance fee for the lines even though you own them. So we actually corrected that when Susan O'Rorke was the Supervisor. We actually amended that agreement so there is an amendment for that, but I believe that this is all part of District #3.

Supervisor Ruso: That's what was unclear in some of the documents I have found. So I'm glad to hear that.

Mary Beth Bianconi: And I have these formation documents as well because they're right 2002, 2003.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 4

Supervisor Ruso: I have them.

Deputy Supervisor Dellisanti: And the cards that come out of Cocksackie, the Village, those two properties are labeled District #2. That's why they're getting billed by us.

Supervisor Ruso: It should be labeled District #3 is what we're pointing out.

Mary Beth Bianconi: District 3.

Deputy Supervisor Dellisanti: That's what I'm saying.

Supervisor Ruso: Cocksackie could label it wrong, but we need to label it right.

Mary Beth Bianconi: And we can correct it with them too. It took a while to recreate all this history and figure out what was done and by whom and when and all that kind of stuff. So that is the story with, this is the John's property, the property next door, and the water line ends right here.

Supervisor Ruso: He owns two properties side by side.

Mary Beth Bianconi: He does and I don't know if it's this one and that one or this one and that one, but it's some combination of those.

George McHugh: How many properties are in 3, Mary Beth?

Mary Beth Bianconi: In District 3 like 10.

George McHugh: But those lines were all put in by the IDA.

Mary Beth Bianconi: Yes.

George McHugh: Were they ever formally dedicated to the Town?

Mary Beth Bianconi: Yes.

George McHugh: So they are all under public streets?

Mary Beth Bianconi: Yes, and/or right-of-way. I believe there's one right-of-way and some public right-of-way or public streets.

Councilmember Downes: So are we putting a capital fund on that?

Supervisor Ruso: We're going to have to.

Mary Beth Bianconi: You should be.

Councilmember Downes: So we don't have any right at this point?

Mary Beth Bianconi: So the water was less of an issue because it's really, it's a water line with a thrust block, there's no mechanical parts. It was built in very recent times so there really should be very minimal maintenance to it.

Councilmember Downes: There should be, but that's kind of where we ran into the problem with Scheller Park.

Mary Beth Bianconi: Totally understood. The focus when I got asked to look into this was that the sewer down here which is Town Sewer...

Supervisor Ruso: District #2.

Mary Beth Bianconi: District 2 I think.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 5

Supervisor Ruso: I know. Water District #3, Sewer District #2.

Mary Beth Bianconi: I think. Not to be confusing, but this was another one of those like sort of it was the donut hole, it was the forgotten part. So if you go down that road, it's a cul-de-sac, you have the Liquor Distributor on your right and Serta on the left. The Liquor Distributor here is all in Coxsackie, Serta in part in Coxsackie part in New Baltimore, just a tiny little sliver of the property, but the Pump Station is all in New Baltimore.

Supervisor Ruso: Correct.

Mary Beth Bianconi: So when the IDA built it, they all signed like a very simple sheet of paper that said 'and now it's yours.' The problem was that the Town didn't have a recognition that that meant they were gonna start getting bills for power, start getting bills, there's an electronic system here that sends signals back to the Village to tell us what's going on at the Pump Station so in case there's a problem. Those all cost money and there was never a structure put in place to allow the Town of New Baltimore Sewer District #2 to charge the users for that. When the Liquor Distributor went in because I was like 'well, who's paying for it now?' and everyone just looked at each other and said 'what do you mean?' And I was like 'well, someone must be paying for it, the power's on, and all that' and it turned out that it was actually coming from General Funds which it shouldn't have been. It should have been assessed against the District. So that got corrected for the Sewer, but Sewer does not come all the way up here. The Sewer ends at the bottom of the cul de sac. So this is water and it only comes up here.

Supervisor Ruso: I know that the water lines, the road itself seems to be almost entirely in the Town of New Baltimore, that little road that goes back to Serta according to the map, and the water lines go along the road and the water lines are entirely in the Town of New Baltimore. Now the Empire Merchants tap into that line but they're not billed by New Baltimore.

Mary Beth Bianconi: Correct.

Supervisor Ruso: However, if something goes wrong with that line, New Baltimore has to pay for it and they've not put any into the capital fund.

Mary Beth Bianconi: I think the water line, have a look, is dedicated to the Town of Coxsackie regardless of where it's located. The sewer line is dedicated to the Town of New Baltimore. And, again, all this happened before I came here. I wouldn't have done it that way.

Supervisor Ruso: We'll sort out District #3.

Mary Beth Bianconi: We'll sort that stuff out.

Supervisor Ruso: District #2 is the matter at hand.

Mary Beth Bianconi: #2's our matter at hand. So folks have asked about why are we paying for this right? So back when District #2 was created in 1974, I think it was 1974, May 31, 1972, sorry I was off a couple of years, this is the District formation document which, again, I got from I think Barbara who kindly gave us all of this material, but when you create a Special District you have to have one of these map, plan, and report -- things that says what is it, who's in, who's not in, how are we gonna charge them, and all those kinds of things. Once you do that and you say this is who's in and this is how we're gonna charge them, now forever and a day you have to charge them under the same method of charges as long as the District exists. So in this particular District, this was a proposal to construct New Baltimore Water District #2, total maximum cost of \$80,000 which will include estimated costs and right-of-way, legal fees, miscellaneous other costs, expenses involving connection with construction of new District, proposed improvements. 'The should be financed by the issuance of a serial bond not to exceed \$80,000 payable with interest over a period of 30 years. Cost of construction of said water system shall be assessed by the said Town Board in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom.' Lawyers. That language actually comes from Town Law. So in Town Law for Sewer Districts under Town Law 202A this is expenses of a District once it's maintained and it says 'After the improvement is constructed and completed it shall be maintained by the Town Board and expenses of such maintenance shall be a charge upon the

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 6

District or upon the lots or parcels of land against which the expense of the improvement was charged. If the expense of such improvement is required by Section 202 to be apportioned and assessed upon several lots and parcels of land, in proportion to the amount of benefit which the improvement shall confer upon the same, expenses of maintenance for such improvement shall be apportioned and assessed in like manner.' That all basically says if you're in a Water District, it's on a benefit basis, when we do maintenance, you have to pay it back on a benefit basis. So that's the reason why everybody's being charged. Does that make sense? So that's the story.

Deputy Supervisor Dellisanti: In 1972 did those people pay for the \$80,000?

Mary Beth Bianconi: They did. They did.

Deputy Supervisor Dellisanti: They didn't know anything about it.

Mary Beth Bianconi: Well, so 1972 plus 30, so '82, '92, '2002, that debt -- and I kind of remember this -- the debt came off not that long ago. So that's how it was paid for, there's only one way it was paid for. The bond was paid off. So what I think we have happening now that we need to discuss is you can see, the black lines are parcels and these are tax lots. One of the things that happens in a Special Improvement District and this could be in a School District or in a Fire District or any District, if a parcel is subdivided the original parcel is called the Mother Parcel, all of the subdivided lots are called Daughter Parcels. Whatever Special Districts the Mother Parcel is in, all the Daughter Parcels are in the same one. So if you have a piece of land and you're in the Cocksackie-Athens School District and you subdivided, all of the subdivided parcels are also in the Cocksackie-Athens School District. The same thing happens here. What I think has happened with some of these properties, and I believe it might be this particular property right here, is that this property has been subdivided and where the line, what happens is you create a Water District, you have to make a finding that says that every parcel that's inside the District boundary is benefitted and every parcel that's not benefitted is outside the District boundary. And in this case what's happened is we had a real property subdivision.

Supervisor Ruso: A number of them by the way.

Mary Beth Bianconi: A bunch of them. This is Circle Drive Extension. This property was originally all one thing. It got subdivided into this one, this one, this one, that one, and that one. We know this because we can look at the tax lots and that's how they get all those little decimals at the end. So these are the Daughter Parcels, this is that line that's serving the District that comes across, here's the other lines. Our problem is we now have properties in our District that aren't served.

Supervisor Ruso: That's Twisted Tree, that bottom...

Mary Beth Bianconi: Twisted Tree.

Supervisor Ruso: There's no line that comes from Circle Drive down Twisted Tree to those lots.

Mary Beth Bianconi: Correct. They were in because the original parcel was in.

Councilmember Downes: Are they lots or houses?

Supervisor Ruso: Right. There's homes.

Mary Beth Bianconi: They're houses.

Councilmember Downes: So they have wells on them?

Supervisor Ruso: Correct.

Councilmember Downes: And on top of that they have to pay.

Mary Beth Bianconi: So that's what we're gonna talk about.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 7

Supervisor Ruso: That's one of the conversations. First off, we cannot just waive and say 'you know it those people don't have sewer lines, forget about charging them part of the debt.' That has to be a Public Hearing...

George McHugh: Local law.

Supervisor Ruso: And we have to vote on that with the input of the public. So I would just sit here and tell you that the three parcels we're talking about where the homes are, they're gonna want to be out of the debt.

Mary Beth Bianconi and Councilmember Downes: They're not benefitted by it.

Supervisor Ruso: However, that makes -- the pie is still the same size pie, it's just less slices -- so what do you think the rest of the people in that District would want? You'd want to have them cut in and there's plenty of other parcels where that argument could be made.

Councilmember Boehlke: This can't be an isolated case here in these Water Districts.

Supervisor Ruso: We can talk about other Districts and I think it requires a bit of review such as what Mary Beth has suggested about District #3, but right now we've got to cross this bridge first.

Councilmember Boehlke: But we can set precedence.

Supervisor Ruso: Unfortunately, there has been troublesome precedence. I mean, Mary Beth, if you want to proceed I think it would be helpful, but go ahead.

Mary Beth Bianconi: So we have, because of the kind offices of Barbara, we have the descriptions from when the Districts were created. They're written, say thenceforth from such and such a point on a bearing of going this far and going here and there. That is how we created this map. We went back and read that and we had our cartographer, who's a mapmaker, make this map. There were few things that were unclear. One of the things that you see is this kind of big gap because these are road right-of-ways. The description is a little unclear about some of these properties. I don't know if you guys can see this 'Z', this white 'Z.' Here a 'Z' means that that parcel and this parcel are actually the same tax parcel. That's what that means. But when the District was done, they did not include this parcel and it made sense. It's across the Thruway. So they cut the parcel line through here, did that in a couple of cases, it's not super uncommon, it's a little difficult from a mapping perspective, but it's not that difficult to understand why they did it. So we can go back through the records and look at 'okay which properties,' like this is a list from 1993 of everybody who was being billed in the District. So we can kind of try to figure out 'okay what was in here, what's been subdivided, we know this was a subdivision, this is Twisted Tree, we know this was a subdivision, we can figure that out.' But where we stand now, so once you create a District -- and I mentioned this -- the Board when they're creating the District has to say every property that's in is benefitted, every property that's not in is not benefitted, we now run into the case where we have properties that are in that are not benefitted. And, as Jeff said, the net effect of taking them out is we're gonna take our 43-44 properties and reduce that number of properties to pay back this debt for the waterline. It's gonna increase the cost to everybody a little bit. So the process I believe, and George should jump in, but we do the same thing. We create a map, plan, and report. We explain all of this stuff, you guys adopt that map, plan, and report, we schedule a Public Hearing, we conduct the Public Hearing, we can make a finding. My understanding is because there's no money, we're not borrowing any money, you already did your 202B proceeding for your bond for paying back the Village, is just conduct the Hearing and then adopt the Final Order. You'll need to file that with the Comptroller's Office and you file it with Greene County so that the tax records are correct.

George McHugh: Kind of like just redefining the boundaries and making sure that the ones that are in it are benefitting.

Supervisor Ruso: How do we pick which ones are benefitting and which ones are not?

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 8

George McHugh: Who can or is getting water.

Mary Beth Bianconi: Correct. So it's based on your ability to be served.

George McHugh: So if there's no water line that they can access, they have no benefit.

Mary Beth Bianconi: So what we'll do is we know where the water lines are. We know who can be served. Say the situation was different and these folks had very poor performing wells, they could come and say 'hey we want to extend this water line down here so that we..' and they can do that sometime in the future. Competition and say we want to get water. In this case to say that they would have to, force them to pay for a line down to them when they already have wells, they already have... You know, Jeff, you and I talked about how back when this was subdivided and these houses were built, shouldn't there have there been some kind of a process by which these property owners should have been notified that they were in a Water District? The answer is yes, there should have been when the real property subdivision was done. It's possible that it was. It's very possible that when it went through the Planning Board and they filed and they said 'okay, you're in a Water District,' but then it could have been years later someone came and pulled a building permit to build something on one of these things -- which didn't go to the Planning Board because building permits for single family homes don't unless the Code Enforcement Officer looked it up and said 'oh, hey, you're in a Water District -- but, obviously, that didn't happen because we have one, two, three, four houses that have wells that are in the Water District.

Councilmember Downes: When were those houses approximately, I'm not asking for definite dates, but were they built in the '80s? Were they built in the '90s?

Mary Beth Bianconi: So this little list is dated September 14, 1993, which by the way is my daughter's birthday exactly, I was very busy this day, and what I can see is that that property is listed here as a residence with a well. So the Mother Parcel is 40.04-2-12, it was owned by someone called Martin.

Ellie Alfeld: Torchie Martin.

Mary Beth Bianconi: It says water hookup 'no' and then it says residents with a well being subdivided. And then the Daughter Parcels are all listed as to be owned by Carlson, Yonkers, and Colburn. Residences no hookups. So in 1993 it had already been subdivided and people owned the land. Now just because it says the word 'residences' means it was built there and we could do some more research to find it out, but it seems like that's kind of where we went awry.

Supervisor Ruso: Were they being charged anything?

Mary Beth Bianconi: It would seem as though the answer is no.

Councilmember Downes: No because we haven't been, right? You guys went through that whole thing with them when you wanted them to pay \$100 a year or something right?

Supervisor Ruso: We're talking about different parcels.

Councilmember Downes: I understand that, but what I'm saying to you is when you guys wanted them to pay a capital fund a few years ago and they refused to pay it. Now they're paying like \$10 a quarter.

Supervisor Ruso: The charges are \$3.33 a month and they came in here and complained about that.

Councilmember Downes: Right, but what I'm saying is if those people were being charged because they were in the Water District, they'd be screaming because they're like 'I don't have water, I have my own well' if we were charging them anything.

Mary Beth Bianconi: If they were getting a meter card from the Village then they were being charged. If you weren't getting a meter charge, you weren't getting charged anything.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 9

Supervisor Ruso: The correct answer is that notwithstanding the Twisted Tree properties, but there's others there that are undeveloped and perhaps even have a well. If there wasn't a water charge, you didn't get any charges even though the District suggests that you must charge all parcels. So empty parcels have not been charged anything going back maybe to '93. Who knows. There's people who subdivided their property. There's a house that burned down that no longer is being charged, but the lines are still hooked up to the burned-out building that they didn't rebuild and so they are not getting what we call O&M charges, which is the maintenance, and they're certainly not getting the debt. I can't see how they won't get the O&M and the debt moving forward.

Mary Beth Bianconi: So I think, right, George, right, legally if you're in, you're supposed to be charged. You're also supposed to be benefitted. So we have two questions right. We have to go back and correct for those who are not benefitted. We have a little bit of a tortured history here, but that's okay, we can fix it. But then going forward if you're benefitted, you're gonna pay -- Jeff and I talked about this earlier -- you're gonna pay the debt service because you're benefitted, your property is improved by the provision of water whether you connect or not, right. You can access it. You're also gonna pay for the maintenance because, again, the property improved from having it there. What you would not pay if you were not connected is for the purchase of water from the Village of Coxsackie because you're not buying any water so you wouldn't pay for that part. The Town has three charges. We said it's on a benefit basis so it has nothing to do with your assessed value or how big your property is or any of those kinds of things. It's basically that's the structure of the charges.

Supervisor Ruso: And notwithstanding whether you are actually getting water, there is a consideration of benefit. If I have a house that's on a well, but there's a fire hydrant 100 yards from my house, one can make a point that you're benefitting by having some level of...

Ellie Alfeld: Protection.

Supervisor Ruso: Protection, yeah. And I suppose the same could be said about a vacant parcel because brush fires happen too. If you had an orchard, you wouldn't want your trees burning down.

Councilmember Boehlke: And the parcel that's sitting in this district that's not getting water right now could change that.

Mary Beth Bianconi: Exactly.

Supervisor Ruso: Yes, yes.

Councilmember Boehlke: And they have the option to do that right?

Supervisor Ruso: But if it's a vacant parcel, why would you do it.

Councilmember Boehlke: It's a benefit, it makes sense.

Mary Beth Bianconi: It absolutely is. I mean I think there's been, George can probably chime in, but there's been numerous Court cases over the years that say that having a water line or sewer line run by a property, it improves your property.

Councilmember Boehlke: Potential's there.

Mary Beth Bianconi: Just simply the ability to access is an improvement.

George McHugh: On these lots it doesn't run by their house.

Mary Beth Bianconi: Correct.

George McHugh: How many are there? About four of them?

Mary Beth Bianconi: Well, four that I know of.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 10

George McHugh: And how far would it be to extend the mains to get them water? I'm just wondering how many feet.

Supervisor Ruso: I don't think it's more than 50 yards.

Mary Beth Bianconi: It's not very far.

George McHugh: So the other alternative instead of redefining is to improve the water mains and give them the water mains and then pass that on to the District as well as a cost.

Mary Beth Bianconi: Correct. That was the other option.

George McHugh: And now everybody that's in the District is got the benefit of water whether they have a well or they don't.

Supervisor Ruso: I don't want to spend any more money.

Mary Beth Bianconi: Well, then, that's the problem is we would need to bond for that.

George McHugh: You would.

Mary Beth Bianconi: So we'd need to do a 202b proceeding and have a hearing.

Ellie Alfeld: And those people are up in arms for what they're being charged now. You hit them with the idea they're gonna have to pay more, it'll be like double-whammy.

Supervisor Ruso: Well, those northern parcels, yes. That is clear, has water access. By the way, even subsequent to your drawing of that map, there's been some subdivision of that big property that you just put your hand on.

Mary Beth Bianconi: Yeah, Mr. Rebusmen has five lots in there.

Supervisor Ruso: No, the other one's next to it to your... Yeah, those are next to Mr. Rebusmen's. He subdivided four lots off of his original and I see that three of them are kind of tucked in there. Are they benefitted?

Mary Beth Bianconi: I believe when he did the subdivision because to show, because remember this is sort of subdivision standards right, and that's to show that they all have access, all those kinds of things. So he somehow, and I don't remember the configuration, had a road that goes up there to get everybody frontage and all that kind of stuff. They're in the District. I believe that subdivision was approved with the idea that there would be a water line.

Supervisor Ruso: That other property that looks kind of like a knife that sticks up there, that's Niagara Mohawk, the one that looks like a knife pointing at you. But there's another property. It belongs to Sam Anderson that's not even on your map. That was subdivided to Sam and Dennis Anderson. There's two parcels, I think one's the father, one's son. So there's two more parcels there that aren't even in there. Well, one more parcel.

Mary Beth Bianconi: That are not in the District, but are on the water system?

Supervisor Ruso: No, that subdivision off that big parcel that you have there, yes, has been subdivided and it's not even shown on your map.

Mary Beth Bianconi: Yeah, because again this is again from 2012. This is the one when we did the District extension to get these two guys in. So this is fixed in time. I didn't do a new map. So we would do a new map to include those. But if the Mother Parcel's in, then they're in the District. It's the same thing as Twisted Tree.

George McHugh: Mary Beth, the ones on Twisted Tree, was that one subdivision or was that over a period of time?

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 11

Mary Beth Bianconi: I don't have records on that subdivision.

Supervisor Ruso: I think it was all at once.

Mary Beth Bianconi: It looks like it was because they're consistent.

George McHugh: I just wonder what the subdivision records might reveal. Most times you make the developer pay for that improvement.

Mary Beth Bianconi: I agree, but who knows, it was done before 1993 because they show up in this.

Supervisor Ruso: I've read where people do not have the option of saying 'no, I think we'll do a well instead.' You are in the District and you pay for the line.

George McHugh: And that's a condition of the subdivision approval.

Mary Beth Bianconi: Right, so that could be subdivision condition and it can also be, and I know, Jeff, you and I talked about, you guys need to modernize your Water Law and most of the time that ends up in your local law. You have a local law. It governs the use of your Water Districts and most of the time you put in there something along the lines of 'you're in a District, you are connecting, and that's that and you can't opt out and have your own well.'

Supervisor Ruso: Particularly for future development. Yeah, wells that you have are wells that you have.

Councilmember Downes: Mary Beth, the Twisted Tree, that parcel, the Mother Parcel, did that have a well on it?

Mary Beth Bianconi: It did, but the reason it was considered serviceable is because...

Supervisor Ruso and Mary Beth Bianconi: The water line goes through it.

Supervisor Ruso: Right smack dab though it.

Mary Beth Bianconi: It sure does.

Supervisor Ruso: You look at the barn, that will be interesting.

Mary Beth Bianconi: So this was the original parcel and here's the water line with service connections.

Deputy Supervisor Dellisanti: It goes under the barn.

Councilmember Downes: It goes under the barn.

Mary Beth Bianconi: It does. It goes under the barn which is not good, but it goes under the barn but that's why it was originally in was because it had access to water even though in the records from '93 it says it has a well. It was in the District because it had access to water. And back to your point it's improved, it had access to water. What happened was when this subdivision occurred and this water line did not get extended down Twisted Tree...

George McHugh: That's what should have happened.

Mary Beth Bianconi: And to provide service to those folks. So now we have one, two, three, four with no access.

Supervisor Ruso: Well, let's go back, actually there's more than that. You see here the barn is, the water line goes under, south of that has been further developed. There's two lots there, one right where you finger is, right where the bend is, one to the east of that.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 12

Mary Beth Bianconi: This is all one parcel.

Supervisor Ruso: No, not anymore.

Mary Beth Bianconi: More subdivision off of the...?

Supervisor Ruso: Yes, and so that water line that you say goes through the barn, goes through the Twisted Tree parcel, right at the end of that little circle or cul de sac. It goes through both properties. Now I have a question about the one that is right at the bend, north of the bend. Now that is kitty-corner to the line.

Mary Beth Bianconi: That would be served. It's served. That's served.

Supervisor Ruso: So that parcel would be in the District.

Mary Beth Bianconi: If they could come up here.

Supervisor Ruso: That's an improved district. I didn't know if that was close enough to be an improved parcel.

Mary Beth Bianconi: It is.

George McHugh: Touching someplace on the parcel

Mary Beth Bianconi: It is and, again, we usually rely on a local law for this and we often would say if your property boundary is in 'x' feet of a line, usually 'x' is around 150-200 feet is considered a reasonable distance. You guys don't have that here, it would be a different story, but you don't have a local code that says that.

Supervisor Ruso: Alright, so there's a number of vacant parcels that have never been charged Operation & Maintenance. I did ask our Tax Collector, who's familiar with this stuff going back only 12 years, 10-12 years, since she's been involved with it at all, they have never been charged. Now when did they stop? We don't have that and maybe they stopped in '93, maybe they never started for all I know.

Mary Beth Bianconi: It's hard to say. So it's whenever they defease the debt. So that \$80,000, now just because we read in the formation documentation it said 30 years, what that is is that there's this lovely schedule in Local Finance Law that says here's a schedule of stuff you can build and here's how long the maximum period of probable usefulness is. It was probably 30 years. That doesn't mean that they went to the bank and took out a 30-year loan. They could have taken out a 20-year loan, take a 15-year loan, they could have taken any term they wanted to. Somewhere along the line these nice people paid off that \$80,000. It was long enough ago that the people who live there today don't ever remember paying off the \$80,000 which is part of the reason why they're so surprised because they've never had a capital charge.

Supervisor Ruso: What we're going to have is for those vacant lots who have never, prior to today, received a bill for anything as it relates to Water District #2, not for the Operation & Maintenance, certainly not for usage if they're not tapped in, and certainly not for debt according to how I understand Article 12-A. I've read through it a lot and some of the other things. They who've never received a bill yet are going to be getting a bill.

Mary Beth Bianconi: Correct. They're going to be a little surprised.

Supervisor Ruso: And it looks like it's going to be in the neighborhood of \$130-\$150 per quarter. The payment due on February 23, 2022 is \$25,090 and whatever the number of cents were. That's due on February 23 and one would think that 'okay, the payment per, divide, that by whether it's 43 or 42 or 40' – we're not perfectly sure yet, that's why it's a range. The problem is the first quarter that the bills need to go out for would normally have been April 1. We won't have this.

Mary Beth Bianconi: We won't be able to get through this process that quickly.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 13

Supervisor Ruso: We won't get this process done in time. So for the first year it's going to be divided by three.

Mary Beth Bianconi: So they're going to pay even more.

Supervisor Ruso: Because that money has to be there for February 23 so that would say July's, October's, January's.

Mary Beth Bianconi: Correct.

Supervisor Ruso: That's it. No other way around it because April's is not going to happen.

Mary Beth Bianconi: Correct.

Supervisor Ruso: So 2021 into 2022 is going to be more costly and then thereon it will be quarterly. And, again, I'm not trying to put people in the District, but they should have been charged this O&M going back. I told Diane that she's gonna get a lot of phone calls, she's the one that sends the bills out. Of course, I'll get some myself.

Councilmember Downes: Is there a way for us to put on a reasonable maintenance fee? I mean how do we figure?

Supervisor Ruso: It's up to us.

Councilmember Downes: I know it's up to us. I understand the fact that, yes, we've tried to raise it, but \$3.33 per parcel per month is ridiculous.

Mary Beth Bianconi: It's a quarter, it's even less than that. It's a quarter.

Councilmember Downes: So it's a quarter. We cannot be able to maintain and fix anything that burst at that level. So is there a place we can look at, can you give us a figure that we'll say it may not cover your whole cost, but at least it's gonna give us a balance that's reasonable.

Mary Beth Bianconi: So what we do is we look at the length of pipe, we look at materials of construction, so looking for the ones that are most vulnerable, the ones that we think are gonna be okay, maybe less so. We look at things like the number of fire hydrants, we look at the number of valves, those kinds of things and we come up with, we don't say 'okay assume everything breaks all at one time we'll fix all.' So we say 'let's at least understand what we have and then let's say that we want to have the ability to -- it would not be unreasonable to assume that we might have one or two water main breaks that we would need to repair. What's a reasonable cost that we would want to have that money in the bank? What about something like a fire hydrant?' Did you guys just replace some fire hydrants?

Supervisor Ruso: We replaced one in '15.

Deputy Supervisor Dellisanti: It was \$9,500.

Mary Beth Bianconi: I was gonna say we usually tell people to budget around \$10,000. Now if it's a fire hydrant on a riser, we're gonna tell you you need \$15,000. So I think to your point, Kelly, this is a small District. We can absolutely know what the assets are up here, we can absolutely come up with a reasonable cost. What we suggest to every Board we work with is annually you should be looking at that cost and you should be saying 'okay last year we didn't spend anything so we'll keep it the same. The year before, oh my gosh we had five water main breaks.' So you should be evaluating on an annual basis actually. Section 202 of Town Law pretty much told you you're supposed to do that on an annual basis for these costs. But you're right and it should be tied to real things in the real world so that people can understand what they're paying for.

Councilmember Irving: Did you say that we weren't looking at any costs on District #3 also that they have to be figured in?

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 14

Supervisor Ruso: That would have to be separate though.

Councilmember Irving: It would have to be separate, but they should be the same townwide.

Supervisor Ruso: They're not going to be subject to the debt. Well, it also depends upon how many hydrants they have. There's other factors.

Councilmember Irving: That's what I'm bringing up.

Mary Beth Bianconi: But you kind of do it on a District-by-District basis. Like District #1 up Ravena way, I think has the same situation so we probably ought to look at them all and say 'what should the maintenance charges be?'

Ellie Alfeld: I would like to make a suggestion. I think what I'm suggesting is now that you know the circumstances of this water fiasco, I think you should make the Planning Board aware of some of this so that they can be on the lookout on future subdivisions that come before them whether it's District #2 or District #3 because I cannot really tell you other than SEQR where any discussion was ever made.

Supervisor Ruso: I agree 100%. It doesn't even have to limit it to water, but there's Lighting Districts and there's Sewer Districts and of the like.

Ellie Alfeld: Unless they're made aware of what this entails, I don't think you can prepare for it.

Mary Beth Bianconi: I think that's an excellent point. We do this for a lot of people. You know how your Planning Board has to have a couple hours of training? We actually create a custom training for them to talk about all this stuff. You guys can say 'this fits for training' and we can do training for them for this. We do training for lots and lots of Boards everything from SEQR to you name it, but this is an important topic that does get overlooked a lot and particularly, you guys are in a Town where there are large tracts of land that get subdivided and the subdivision process if there's no site plan accompanying it can kind of be just a rubber stamp. 'Oh. I'll come in and it's done and everybody goes home happy,' but that can create these kinds of challenges.

Supervisor Ruso: Where barns can be built over water lines.

Councilmember Irving: Especially in a Town where you have some wells and some Water Districts. It's easy when you have one or the other and that's it.

Mary Beth Bianconi: Exactly.

Supervisor Ruso: Does anybody have any questions? It's been almost an hour and she's been talking and she needs to come up for air. Anyone else?

Deputy Supervisor Dellisanti: Mary Beth, are we going to get together -- you, me, Jeff, and Mark -- about the number of people in the Water District?

Mary Beth Bianconi: So, yes, where we would go from here. So you guys will need to hire us just like we did back in 2012 to do this process. George, I'm assuming we'll work with you on doing a map, plan, and report. What we would do is we would start by -- just one thing I will do, this one's from 2012 and this one's from whenever -- we'll put these on the same map so that we have where are the lines, where's the District. We'll put them on the same map. Then we'll go through and say okay, here -- and we'll get the current tax rolls so we'll have all the subdivisions that have been filed with the County to-date. Then we'll go through and say 'okay, these are the ones that we say are benefitted based on the reasonable ability to access, here's the ones that appear not to be benefitted' Then we would come talk to you about that and show you what that looks like so that we see what that is, and the number of properties, and all that kind of stuff. But one of the really important things that when this process is done is that the billing has to line up with what the District stuff says and I think in the past what's happened is that the District said here's the District, but then billing was not done on the basis of the District. Billing was done on

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 15

the basis of who gets a card from the Village of Coxsackie or whatever. That is our past and now going forward we need to clarify that.

Supervisor Ruso: The mistake of the past does not justify the mistake tomorrow clearly so we have to get it right.

Councilmember Downes: There was a young lady who bought in November. She did not realize which is a lot of them didn't, with that being said, she bought two parcels.

Mary Beth Bianconi: Correct.

Councilmember Downes: So she will get two bills.

Supervisor Ruso: Correct.

Councilmember Downes: But can she turn those two parcels into one or no?

Mary Beth Bianconi: She could

Councilmember Downes: What happens then?

Mary Beth Bianconi: She has an interesting circumstance down here. She's one of these down on Circle and I'm not sure exactly which one.

Supervisor Ruso: Yeah, you're right there.

Mary Beth Bianconi: She's two of these right. So she apparently bought the neighboring parcel with the idea that she would go and purchase the building lot and sell it and make some money on the deal which is fine. She did apparently go to the Planning Board or maybe the Code Enforcement Officer, I'm not sure which, and was told 'oh, you can't build a house there' and that was where her story ended at least what she told me. So when I looked into it, the issue was that the zoning requires a substantially larger lot than she has so she can't build on it. She needs to go to the Zoning Board of Appeals and get an Area Variance to do so, but her problem was 'why am I paying for two water assessments for something I'm being told I can't build on?' So I had to explain to her that you can build on it there's just a process you would have to go through in order to do so. To your question as far as I know another option for her would be to do a delete and combine where the property lines would simply go away and she would now have a larger parcel. My sense is that that wasn't in her game plan because she was looking to sell this other property and make money to pay for the first one in the first place and so she's in a bit of a challenging situation just from where she started with what her thought process was. But that's the story there. That is something that probably, I know you got a lot on your plate, someday should be looked at. You do have some zoning that essentially prevents people from building stuff that I think was unintentional.

Councilmember Irving: How small is it, Mary Beth? What kind of variance is she looking for?

Mary Beth Bianconi: Substantial.

George McHugh: Really.

Mary Beth Bianconi: Substantial.

George McHugh: So there's a chance she might not get that anyway.

Mary Beth Bianconi: Exactly.

Councilmember Downes: Because those houses are tight in there anyways in Scheller Park.

Supervisor Ruso: In that District, future building is half-acre minimum.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 16

Mary Beth Bianconi: So I believe, and I'd have to look at it again, but I think this side is zoned one way, this side is zoned another way and I think these are really small and so to George's point, it would be a substantial relief. Now if you look at it and say 'it's no different than anybody around it and it has water but it does not have sewer,' soils here are not good. If she was to ask for relief, and I told her all of this, she would need to demonstrate that she could put a septic system on there and that it would be okay. Work with your Planning Board, but per your Zoning Board of Appeals that's going to be tough for her regardless of the zoning because these are really small lots.

Ellie Alfeld: Perc before you even do anything.

Mary Beth Bianconi: We know what the soil conditions are up here so to have a septic system on these tiny little properties is tough. That's zoning aside just a practical perspective.

Supervisor Ruso: Anybody else with thoughts or questions? Anybody on the Board? I thank you and we have lots more to do between now and when our Public Hearing is going to be. Do we have a date identified or that you would want us to shoot toward?

Mary Beth Bianconi: So since we're gonna miss this billing obviously, you need to have it done by July. So what I would do if this makes sense is I'm gonna put together a Scope of Work for what we need to do. I'd like to send it to Jeff and George to review and make sure we're all on the same page about process and all going forward. Whenever the Board can approve that Scope of Work, frankly for us from a work standpoint, we have all the data. It's really pulling the information together and getting it on a map.

Ellie Alfeld: Updating.

Mary Beth Bianconi: Coming up with a list showing everybody what it means, we're losing two, we're adding two, we're doing this, we're doing that because as Jeff said if there's some more subdivisions in there and they're eligible for being in the Water District, then it may balance out to the couple, that kind of thing. We would do that then process-wise, that comes before the Board, you would adopt that, schedule a hearing, conduct the Hearing, this is a matter subject to SEQR, it would be an unlisted action and you're the only ones that have any authority over it so there's no coordinating and all that other goodness.

George McHugh: We still have to send it to the Planning Board in Greene County?

Mary Beth Bianconi: Greene County Planning Board, I don't think so.

Supervisor Ruso: I don't think so either.

Mary Beth Bianconi: It's all Town roads so I don't think we trigger anything for the County Planning Board, we'll double-check that.

Supervisor Ruso: Those are entirely Town roads.

Mary Beth Bianconi: I think we're okay. And these kinds of things...

Supervisor Ruso: Except for the Thruway.

Mary Beth Bianconi: We don't count the Thruway.

Supervisor Ruso: Listen, I think the bills go out and don't hold me to this, and I will confirm, I believe they go out June 15.

Mary Beth Bianconi: June 15, okay. Then we need to get moving quickly.

Supervisor Ruso: I believe the due date is July 1, but the bills go out June 15.

Mary Beth Bianconi: I'll get you guys something.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 17

George McHugh: We have to have the Public Hearing by May probably.

Mary Beth Bianconi: The good news is, so if you could confirm this, I don't think this is subject to referendum because you're not spending any money.

George McHugh: Right, I don't think so either.

Mary Beth Bianconi: We would just file it, but you just file it.

Supervisor Ruso: We're just dividing we up the money we spent.

George McHugh: Well, you're really, you're just changing the boundaries in your District is really what you're doing. You're just taking a few people out of it that are in it right now.

Mary Beth Bianconi: So, and this is all, if anybody's really bored and has nothing better to do, Section 202 of the Town Law if anybody wants to read up.

Supervisor Ruso: We have a lot of work to do.

Mary Beth Bianconi: So I would think we need to, if I send you guys a Scope and we get hired at the April Board meeting, then we will need to do the work, get our staff together so that we could have it for adoption at the May Board meeting and then have the Hearing.

Supervisor Ruso: Well, we do have a Board meeting two weeks from tonight.

Mary Beth Bianconi: Okay, so there's one every two weeks.

Supervisor Ruso: Yes, twice a month.

Mary Beth Bianconi: Okay, well then that helps.

Supervisor Ruso: Sometimes there's a third week in there so.

Mary Beth Bianconi: I'll get you the Scopes that you can (unable to understand) at your next Board Meeting which is in two weeks and then we can get going. That will help a lot because I was wondering if we need a Special Board Meeting to get accomplished, but...

Councilmember Downes: It's the second and fourth.

Supervisor Ruso: Second and fourth and when there's a fifth, we get a week off.

Mary Beth Bianconi: Unless folks have different thoughts?

Supervisor Ruso: No, full speed ahead. Thank you, we're gonna get to the rest of our program. Thank you, Mary Beth. I appreciate it as always.

Mary Beth Bianconi: You're welcome.

ADOPTION OF MINUTES

The February 22, 2021 Town Board Work Meeting submitted by Town Clerk Finke, Moved by Supervisor Ruso and was seconded by Councilmember Downes. The adoption of the foregoing Motion was duly put to a vote and the vote was as follows:

AYES: Ruso, Boehlke, Downes, Irving

NAYS:

ABSTAIN:

ABSENT: VanEtten

Motion Carried

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 18

Public Comment Period

James Eckl: Mr. Supervisor, Madam, Gentlemen, I'll be brief. The Directory page of the Town website includes contact information for elected officials and when I last checked -- and that was this morning the link that's given for our new State Senator -- seems to be broken. Click on it and get a screen that recites that it can't be found and, of course, her constituents are equally your constituents and so I'm pleased to be able to present to the Town this miniature poster suitable for display in some prominent location in the Town Hall. There the correct contact information. There are two offices I understand. The office that is listed on the Town website has the correct phone number and street address. That's the Legislative office as I understand and the District Office is a separate location altogether in Kingston. This is the contact information that she puts on so that her constituents can contact her for needed constituent services. Thank you.

New Business

Supervisor Ruso: You have before you the AFR or AUD as both the same document is referred to. The Annual Financial Report from the Town Supervisor's office has been prepared and subject to be presented to the Town Clerk by February 28 of every year. It was so presented and this is our first meeting subsequent to that. Have you guys had a chance to review it?

Many Responded: Yes.

Supervisor Ruso: I think as I pointed out our surplus was \$43,000 for the year, that's the Town General Funds. So we did end the year in a surplus, so nevertheless you guys have reviewed it I trust, it's gotta get approved so I'll read the resolution.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 65-2021
MARCH 8, 2021

**RESOLUTION TO ADOPT SUPERVISOR'S 2020 ANNUAL FINANCIAL REPORT
UPDATE DOCUMENT SUBMITTED TO THE STATE COMPTROLLER AND ON
FILE IN THE TOWN CLERK'S OFFICE FOR PUBLIC INSPECTION**

WHEREAS the Supervisor shall submit to the Town Clerk, within ninety (90) days after the close of the fiscal year, a copy of the Annual Financial Report to the State Comptroller, and that the Town Clerk shall place a notice that the report is on file in the Office of the Town Clerk, to be so published within ten (10) days after receipt thereof, in the official newspaper of the Town of New Baltimore. Said report was submitted by the Town's Bookkeeper in a form approved by the State Comptroller on February 26, 2021.

Motion by Councilmember Downes seconded by Councilmember Irving

AYES: Ruso, Boehlke, Downes, Irving

NAYS:

ABSTAIN:

ABSENT: VanEtten

Motion Carried

Town Clerk Finke: It will be in the paper tomorrow.

Supervisor Ruso: Beautiful, thank you.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 19

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 66-2021
MARCH 8, 2021

**RESOLUTION TO REIMBURSE THE VILLAGE OF COXSACKIE
FOR REPAIRS TO WATER MAIN BREAK IN WATER DISTRICT NO. 2**

WHEREAS a water main break occurred on June 2, 2020 beneath the southbound lane of the New York State Thruway which feeds Water District No. 2 and the Village of Coxsackie coordinated contractors and staff to perform the necessary repairs to restore water service.

RESOLVED the Town of New Baltimore reimburses the Village of Coxsackie for the costs incurred on said project at a total cost of \$320,729.94 from a bond secured through The Bank of Greene County, Purchase Order SW-2021-506 and Voucher 2021-03-50.

Motion by Councilmember Downes seconded by Councilmember Boehlke

AYES: Ruso, Boehlke, Downes, Irving

NAYS:

ABSTAIN:

ABSENT: VanEtten

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 67-2021
MARCH 8, 2021

**RESOLUTION TO AUTHORIZE THE TOWN CLERK TO ATTEND
THE NEW YORK STATE TOWN CLERKS ASSOCIATION
VIRTUAL ANNUAL CONFERENCE**

WHEREAS the New York State Town Clerks Association has scheduled their Virtual Annual Conference from April 26-28, 2021.

RESOLVED that Town Clerk Barbara Finke is authorized to attend said training virtually at a cost of \$125 for registration.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Boehlke, Downes, Irving

NAYS:

ABSTAIN:

ABSENT: VanEtten

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 68-2021
MARCH 8, 2021

**RESOLUTION TO AUTHORIZE THE SUPERVISOR TO
EXECUTE AN AGREEMENT WITH COUNTY WASTE & RECYCLING**

WHEREAS the current service agreement has expired and two quotes were received.

RESOLVED the Supervisor is authorized to sign an agreement with County Waste & Recycling at the monthly cost of \$75 which includes all fuel and fees.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 20

Motion by Supervisor Ruso seconded by Councilmember Boehlke

AYES: Ruso, Boehlke, Downes, Irving

NAYS:

ABSTAIN:

ABSENT: VanEtten

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 69-2021

MARCH 8, 2021

RESOLUTION TO ADOPT UPDATED EMPLOYEE HANDBOOK

WHEREAS the Employee Handbook has been updated to correct typographical errors and clarify that those who retired before October 14, 2014, the Town will pay 100 percent of the full premium.

RESOLVED the Employee Handbook originally adopted by the New Baltimore Town Board by Resolution on November 24, 2014 and updated as needed is in full force and effect for 2021.

Motion by Supervisor Ruso seconded by Councilmember Irving

Councilmember Downes: What's the full premium for?

Supervisor Ruso: What was left out it had pointed out that the retirees have a premium payment to make if they retired after October 14.

Councilmember Downes: Right, but what's the premium for though?

Supervisor Ruso: However, it had not been clarified that those who retired beforehand that the Town would pay 100% of the premium for health insurance.

Councilmember Downes: Thanks, that's what I was looking for. It says full premium and it doesn't say premium for what.

Supervisor Ruso: For health insurance I beg your pardon and there were a couple little typos. I found the word 'too' when it should have said 'to.'

AYES: Ruso, Boehlke, Downes, Irving

NAYS:

ABSTAIN:

ABSENT: VanEtten

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 70-2021

MARCH 8, 2021

RESOLUTION TO APPROVE EMERGENCY REPAIR OF HIGHWAY VEHICLE

WHEREAS the Town Board adopted a Procurement Policy on January 1, 2021 concerning the procurement of goods and services.

WHEREAS it was determined that the front and rear drive axels on the 1998 International were damaged and needed to be repaired for continued use during snowplowing.

WHEREAS due to the emergency condition of this purchase and according to Procurement Policy 6 b, Section 103(4) of the General Municipal Law, this repair had to be

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 21

performed immediately and an alternative proposal might threaten the life, health, safety or welfare of the residents.

BE IT RESOLVED that the Town Board of the Town of New Baltimore approves said emergency repair from Heavy Duty Automatics for \$11,005.46, Purchase Order No. H-2021-56, and Voucher No. 2021-03-33.

Motion by Supervisor Ruso seconded by Councilmember Downes

Councilmember Downes: Not questions, but I just want to be out there which is always my big beef on this. The Highway Department has got to get some kind of plan in place so that to replace these two things that was a lot of money for a truck that's almost 23 years old now. I mean they really need to get some kind of plan where we're replacing trucks instead of this hodgepodge all the time. It's not a benefit and, yeah, we know we needed it fixed, but we shouldn't be in that predicament and we've been in that predicament a lot this winter. They have gotta get some kind of plan.

Supervisor Ruso: I can't tell you exactly how many rear drives or front drive axles have been broken just this winter season, some of it's in 2020. We keep coming up with them and I can't tell you why. I do have to say that the age of our equipment is well up there.

Councilmember Boehlke: Probably a combination of equipment and drivers.

Supervisor Ruso: I expect there might be some of that.

Councilmember Downes: Yeah, but a rear axle and a front axle are not gonna go out because of a driver unless he's driving it over the rocks. You know what I mean? That's the age of the equipment.

Councilmember Boehlke: It's you hit snowbanks sometimes.

Supervisor Ruso: It's not funny, of course.

Councilmember Downes: If the equipment was where it needed to be it wouldn't be...

Councilmember Boehlke: I mean you could do that with new equipment, Kelly.

Councilmember Downes: But you'd have to hit it like the hammers. I know, I've been in this whole situation.

Councilmember Boehlke: I've seen it. You hire new drivers and it's like you don't have big pool of people to hire from in their defense and you know a lot of times it's the cost of doing business because you have a turnover of people and we had a little major couple major snowstorms that they kind of broke it. The first one we had they were like brand new on and we had a couple mishaps as you know.

Supervisor Ruso: Yeah, we do know that.

Councilmember Downes: We do know that, but that's not my point. My point is we should be replacing. They have some money, let's keep going forward.

Supervisor Ruso: Just to let you know that we have in the recent years have an equipment fund that I can only speak of the past two years, we had increased that fund from \$20,000 to \$95,000. A plow of this nature is gonna cost close to \$200,000. In fact, maybe more.

Deputy Supervisor Dellisanti: \$250,000.

Supervisor Ruso: \$250,000 maybe.

Councilmember Downes: Yeah, because I used to purchase them for the Thruway so I know how much they cost.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 22

Councilmember Boehlke: Well, I mean that's why we went with the truck from Catskill.

Supervisor Ruso: For \$29,000 if I recall correctly.

Councilmember Boehlke: It does the job and it's a little bit lighter of a vehicle than what we use on the main roads, but there's a lot of side roads that we do with the medium size trucks.

Supervisor Ruso: Right, there's some small little hard to maneuver roads especially down in the hamlet.

Councilmember Boehlke: But you know in their defense they are putting a new engine in one of the Internationals themselves. We haven't farmed that job out.

Councilmember Downes: I just wonder how come you're in constant contact when those are things that should be going through me.

Councilmember Boehlke: That's something that happened before, Kelly. They've been waiting on an engine to put in and I am a Board member. I am responsible for many of these things. It's not strictly a committee.

Councilmember Downes: You are, but it's not, but it should at least be brought to my attention.

Councilmember Boehlke: You should make some trips down and make an effort to contact them.

Councilmember Downes: I have. It's been a constant problem.

Supervisor Ruso: Sometimes I am included on the routing of the text message or the emails. Sometimes I'm not I will admit it. Well, I think the more we all know, the better we all are. Nevertheless, \$11,000, I got the phone call and was told it cost money and we have a snowstorm coming and I said 'well, it's an emergency purchase.' I had no idea it was going to be \$11,000. When I said 'okay,' I had no idea it would be this much. Of course, what do I know about repairing axels of big trucks.

Councilmember Downes: No, but there was nothing we could do at that point.

Supervisor Ruso: No, it had to be done.

AYES: Ruso, Boehlke, Downes, Irving

NAYS:

ABSTAIN:

ABSENT: VanEtten

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 71-2021
MARCH 8, 2021

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 2021-03-01 to 2021-03-50, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2021-03-01 to 2021-03-50.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until April 30, 2021.

TOWN OF NEW BALTIMORE **Draft 3/3/2021**
COUNTY OF GREENE **Adopted 3/22/2021**
TOWN BOARD REGULAR MEETING
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
MARCH 8, 2021 – Page 23

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Boehlke, Downes, Irving

NAYS:

ABSTAIN:

ABSENT: VanEtten

Motion Carried

General \$52,885.39, Highway \$34,291.19, Sewer 1 \$5,554.28, Sewer 2 \$257.60, Water 2 \$325,888.84, Total \$418,877.30

Upcoming Meetings

- March 11, 2021 Planning Board Meeting at 7 PM
- March 22, 2021 Town Board Work Meeting at 7 PM
- April 7, 2021 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- April 8, 2021 Planning Board Meeting at 7 PM
- April 12, 2021 Town Board Regular Meeting at 7 PM
- April 26, 2021 Town Board Work Meeting at 7 PM

Public Comment Period

None

Community Events

Ellie Alfeld: We have another luncheon on Wednesday.

Supervisor Ruso: Wednesday, two days from now?

Ellie Alfeld: Yes, sir. Last month's luncheon was the maximum we have ever served of 120 meals of chicken parm with ziti and tossed salad and dessert and I want to tell you the food was fantastic. It was Frese's Bakery that helped us with it and provided the cooking. Big success.

Motion by Councilmember Downes seconded by Councilmember Irving to adjourn the meeting at 8:21 PM

AYES: Ruso, Boehlke, Downes, Irving

NAYS:

ABSTAIN:

ABSENT: VanEtten

Motion Carried

Supervisor Ruso: Thank you all for coming, appreciate it.

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk