

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

**MAY 24, 2021
AGENDA**

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Reports

Supervisor

County Legislator

Town Clerk

Tax Collector

Historian

Agriculture/AgFest (Chair Boehlke/Member Irving)

Animal Control (Chair Irving, Member Ruso)

Assessment (Chair VanEtten/Member Ruso)

- New York State Department of State Notice of Filing of Local Law 1 of 2021

Audit and Budget (Chair Ruso/Member Downes)

Buildings & Grounds/Recycling (Chair Irving/Member Boehlke)

- Resolution to Approve Initial Deep Clean of Town Hall
- Resolution to Authorize the Supervisor to Sign a Professional Services Agreement with Delaware Engineering, D.P.C. for Entranceway Improvements to Town Hall

Building Inspector/Code Enforcement Officer (Chair Downes/Member Ruso)

Fire, EMS & Law Enforcement (Chair Dellisanti/Member Downes)

Grants/Promotions/Economic Development (Chair VanEtten/Member Ruso)

Greene County Planning Board (Boehlke)

Highway (Chair Ruso/Member Downes)

- Resolution Approving Amended Agreement for Expenditure of Highway Moneys
- Resolution to Authorize Highway Superintendent to Purchase Materials and Supplies by Greene County Resolution 129-21

Insurance (Chair Ruso/Member Downes)

Personnel (Chair Ruso/Member VanEtten)

Planning Board/Zoning Board of Appeals (Chair Boehlke/Member Irving)

Seniors (Chair VanEtten/Member Downes)

Technology/Website (Chair Downes/Member Boehlke)

Town Courts (Chair VanEtten/Member Ruso)

Veterans and Memorials (Chair VanEtten/Member Irving)

Wastewater Treatment (Chair Irving/Member Boehlke)

Youth, Parks and Recreation (Chair VanEtten/Member Boehlke)

- Discussion of Bid Received for Silver Lake District 3 Park Renovation

Upcoming Meetings

- June 2, 2021 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- June 10, 2021 Planning Board Meeting at 7 PM
- June 14, 2021 Town Board Regular Meeting at 7 PM
- June 28, 2021 Town Board Work Meeting at 7 PM

Public Comment Period/Community Events

Audit of Claims

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.

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OPENING OF WORK MEETING

Supervisor Ruso opened the meeting at 7:00 PM and the Pledge of Allegiance was said. Also attending Councilmembers Downes, Irving, and VanEtten; Deputy Supervisor Dellisanti; County Legislator Linger; Town Clerk Finke; and 6 members of the public who signed the attendance book. Absent: Councilmember Boehlke, Highway Superintendent VanWormer, and Tax Collector Jordan

Supervisor Ruso: The wearing of the mask is optional if you've been vaccinated. I'm not gonna ask for proof. Nevertheless, new days new ways. Well, thank you everybody.

Supervisor Jeff Ruso

The monthly financial reports for the month of April have been forwarded to each and every one of you. I hope you've had a chance to review them? I would like to make a Motion to accept those financial reports, seconded by Councilmember Downes

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Boehlke

Motion Carried

County Legislator Pat Linger

I will keep this month's report short. From a Covid and Public Health standpoint, we have begun to wind down the mass vaccination clinics. We will finish 2nd dose clinics next week and unless we have a sudden need for more, any additional vaccine distribution will be left for the "retail" businesses and medical facilities to handle. I'll be attending a recognition event tomorrow night to thank our reserve medical corps volunteers for the thousands of hours they have volunteered for, and continue to provide during the pandemic. We have begun vaccinating both the 16-17 year olds and now the 12+ year olds by going directly into the schools to vaccinate. While Emergency Planning will still be active in the office and in the field, the Emergency Operations Center will be closing as the need for that service has dissipated. This is a normal transition from emergency services to more standard operations. We hope to have the DMV office open for walk-ins soon as well. NYS has not yet given approval to do that, despite repeated requests. We recognized Barbara Caldera of Earlton as the 2021 GC Senior Citizen of the Year, and recognized Duncan Macpherson of Freehold with the 2021 GC Outstanding Contribution by a Senior Citizen Award. We unanimously passed Local Law No. 1 of 2021 opting into the NYS pilot program allowing 12 and 13 year old to hunt deer with firearms under specified conditions. The Public Hearing was held on the GC Solid Waste Management Plan and the plan is posted to the County website. Public comments will be accepted until July 3, 2021. We authorized the purchase of four new 6x4 trucks for plowing, one new 4x4 one ton service truck, and three 3/4 ton 4x4 trucks. Once again, no bonding will be necessary for these purchases. We awarded the medical service contract for the new jail, increasing services provided over historical norms. This is a 3-year contract with 2 additional 1-year options, at a cost of \$611k annually. One notable authorization was the increase in the mortgage tax distribution, which was more than double the same reporting period last year. Our real estate market continues to be one of the hottest in the State. As a reminder, I do have Wayne C. Speenburgh grant funding available for civic groups and not-for-profits for use in community projects.

Councilmember Downes: Pat, does the County now own the old bank?

County Legislator Linger: The Greene County Bank on Mansion Street in Coxsackie? Yes, we bought that two years ago roughly.

Councilmember Downes: I just wasn't sure if we were renting that or if that was actual...

County Legislator Linger: No, we had started out with a lease. We wound up purchasing it, it was gonna be cheaper over the time that we were gonna need it to purchase the building. So we did that, we retrofitted it for the Sheriff's operations that were in there. The Administrative side and the Investigators are now out of there into the new building and we're just waiting on the CoC approval to be able to do jail intake at the new building and the rest of them will be out of there.

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Councilmember Downes: And then what are we gonna do with that building?

County Legislator Linger: The plan is to put it back on the market. We may have another interim need for it.

Supervisor Ruso: My question is about the mortgage tax. What is the County share versus the Town's share? Is it a percentage?

County Legislator Linger: Offhand I could not tell you. I think we have a 1%. I'm not sure what the Town's cut is on that. I will find out.

Ellie Alfeld: Those pickup trucks I did note them. Did we have that much reserve funds that we could afford to buy these outright?

County Legislator Linger: We have. We actually do that in a purposeful manner every year. We put funding aside each year for equipment purchases. So probably the last five or six years that we've been putting funding aside and depending on the year it might be \$400,000 or it might be closer to \$1 million depending on what's coming up on the ten-year plan to be replaced.

Ellie Alfeld: I'm just amazed, Patrick, that the County can buy these trucks brand new. The Town of New Baltimore, I mean I don't even know how many years I have to go back. We've had to make due a lot of times with some of the oldest things I think that are on the Highway and then we have to bond them because we don't have sufficient funds and stuff to them pay off.

County Legislator Linger: I won't say that we still don't have some of the oldest things on the highway, but with over 140 vehicles in the Highway Department, there's a lot of them that just they have to be replaced. We're still running a couple early '90s or late '80s Oshkoshes up on the Mountain. I think two of these will replace those. We bought four last year at \$750,000 I think they were and they were cash as well.

Supervisor Ruso: \$750,00 each?

County Legislator Linger: No, just over \$200,000 each. We bought four of them.

Supervisor Ruso: Just for your knowledge we have built our Reserve Fund to just under \$100,000 for Highway.

Ellie Alfeld: For Highway Equipment.

Supervisor Ruso: Yes, it is now up to \$95,000-\$100,000.

Ellie Alfeld: I'm glad to see it because I'd rather be that way than at the last minute when we need to replace we're hunting for money.

Supervisor Ruso: Still we're not even halfway there, but we're still better than nothing.

County Legislator Linger: We had a significant reserve left over from last year. Those books were just closed out in April, it was a little over \$4 million.

Supervisor Ruso: In surplus.

County Legislator Linger: That we had. Our sales tax did much better than we expected and, of course, we cut spending during COVID thinking that our reserves were gonna be down. So we wound up gaining on both sides. It wound up in a very good position for us. We took a lot of that reserve and just plugged it into different reserve accounts.

Eileen Vosburgh: What's the mask mandate for the County Building?

County Legislator Linger: Basically, the same as what you have here. It's a voluntary, it's not mandated for anybody who's vaccinated other than in Public Health and Mental Health because those are health facilities.

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Councilmember Downes: Pat, you said last time we talked that there were shortages in your staffing. Is that coming back around yet or not really?

County Legislator Linger: Not yet. No, not yet and I'm actually seeing it move more out into the businesses now in the community who are trying to open back up and can't find adequate staffing either.

Councilmember Downes: The Maple Inn up in Berne, they had to shut down because they didn't have back staff.

Councilmember VanEtten: It's a huge problem.

Councilmember Downes: Is there any end in sight of the \$300 from the state? Do you think they're gonna...

County Legislator Linger: That's actually from the federal stimulus.

Councilmember Downes: Because I know some states, right, have cut that out. They haven't given it as an unemployment...

County Legislator Linger: I believe some have.

Councilmember Downes: But we're not looking to do that.

County Legislator Linger: It's one issue that I've discussed with Congressman Delgato was to get rid of that unemployment stimulus because it is harming the economy right now and then the other one was on rent relief for landlords because that's a big, big issue as well.

Councilmember Downes: Because people were making more money, there was no reason that they shouldn't have been paying their rent.

County Legislator Linger: But they weren't required. We're expecting kind of a boomerang affect when those Courts open back up. We do believe that without some significant changes in what they're doing that there's gonna be a lot of people that are going to be evicted and probably wind up on our homeless rolls.

Town Clerk Barb Finke

3 Building Permits \$45, 3 Chimney & Woodstoves \$120, 5 CO Searches \$75, 1 EZ Pass Tag \$25, 7 Fishing Licenses \$7.91, 38 Dog Licenses \$288, 5 Late Dog Licenses \$25, 1 Marriage License \$17.50, 2 Demolition Permit \$150, 1 Park Rental \$25, 3 Above Ground Swimming Pools \$180, 1 Renovation \$75, 41 Certified Copies \$410, 2 Photo Copies \$0.50, Recycle Fees \$30, 1 Commercial Zoning \$300, State, County & Local Revenues \$2,041.50, to New York State Agriculture and Markets for Spay/Neuter Program \$58, to New York State Department of Health for Marriages \$22.50, to New York State Department of Environmental Conservation \$187.09, Total to Supervisor \$1,773.91 There was one FOIL in April for a total of 9 for 2021. The request has been fulfilled and we are awaiting payment. I attended the virtual 38th Annual Conference for the New York State Town Clerks Association which included our Annual Business Meeting and sessions on NYS Bingo and Games of Chance; Association of Towns: Tales from the Field; Municipal Ethics; NYS Comptroller's Office: Policies and Procedures to Manage Your Town; Lessons Learned from the Pandemic; Records Management; Trends in Zoning: Putting Users First; NYS Comptroller's Office: Town Audit of the Town Clerk's Books; Harassment and Discrimination in the Workplace; NY Division of Cemeteries: Cemeteries 101; and NYSDEC Sporting License Sales. Thank you to the Town Board for approving my attendance and I look forward to the 2022 Conference in Colonie.

Tax Collector Diane Jordan

Property/County Tax – There is a 4% penalty added to unpaid bills until the May 31, please have bills to the post office and post marked on or before the 31 of May. After this date there will be a 5% penalty added to the bills that are still due. Second Notice bills have been sent out and I am collecting the payments till July 31, Sewer District # 1 January Sewer District #1 now has an 8% penalty added to the bills that have not been paid to date and are due by June 15, after this

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date there will be a 10% penalty added to the unpaid bill. Water District # 2 Also Water District #2 bills for February and May payments have been sent out. February bills now have an 8% penalty added to the bill and the May 15, bill now has a 2% penalty added to the bill until June 15, then another 2% penalty will be added to the bills that are outstanding. Anyone with questions please call me at (518)756-6671 x2 and I will be happy to help you any time.

Assessment

Grievance Day is scheduled for Thursday 5/27 from 4pm to 8pm. To date it looks like it will be a quiet night, with only a couple of taxpayers deciding to file a Grievance and speak before the BAR. Last year there were a few walkups so we will see if that happens again. I have not had any angry taxpayers so far, knock on wood, so hopefully it will be a smooth meeting.

New York State Department of State ‘RE: Town of New Baltimore, Local Law 1 2021, filed on May 4, 2021 Dear Sir/Madam: The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Buildings & Grounds

Recycling Coordinator Kirk Trombley

60 Gallon Bags of Plastic (No Hard Plastics) 6, 12 Bundles of Magazines & Phone Books, 44 Bags & Bundles of Newspaper, 34 Boxes & Bundles of Cardboard

Supervisor Ruso: Have you spoken to Kirk lately?

Councilmember Irving: Yes.

Supervisor Ruso: I think we need to call and get that metal bin emptied because it’s pretty full.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 102-2021

MAY 24, 2021

RESOLUTION TO APPROVE INITIAL DEEP CLEAN OF TOWN HALL

WHEREAS the Town Board of the Town of New Baltimore adopted Resolution 88-2021 on April 12, 2021 to Authorize the Supervisor to execute a weekly cleaning services agreement at Town Hall with The Best by Farr Cleaning Services LLC.

RESOLVED the Town Board authorizes an initial charge of \$100 for deep cleaning and sanitation in addition to the \$100 weekly charge.

Supervisor Ruso: This is a one-time cost folks.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Boehlke

Motion Carried

Code Enforcement Office Allan Jourdin

Summarization of Code Enforcement Officer activities for April, 2021, is as follows: Building Inspections: March – 28; April – 28 Total Building Permits Issued: 10 Building Permits Renewed: 2 Building Permit Renewal Letters Sent: Second Notice: 1 Certificates of Compliance Issued: 3 Certificates of Occupancy Issued: 1 Certificate of Occupancy Search Requests: 4 Commercial Permits Issued: 1 Demolition Permit Applications Received: 4 Demolition Permits Issued: 2 Manufactured (Mobile) Home Permits Issued: 1 Total New Building Permit Applications Received: 19 New Building Permit Applications Awaiting Permit Issuance: 17 Open Building Permits: 159 Pool Permit Applications Received: 3 Pool Permits Issued: 2 Application Fees for April, 2021: \$570.00 Total Fees for Year to Date: \$3,238.60

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 103-2021
MAY 24, 2021

**RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN A
PROFESSIONAL SERVICES AGREEMENT WITH
DELAWARE ENGINEERING D.P.C. FOR ENTRANCEWAY
IMPROVEMENTS TO TOWN HALL**

WHEREAS the front entrance to Town Hall is in need of renovation due to the effects of times and weather; and

WHEREAS the current front entrance renovation would require that the new design comply with current ADA codes, necessitating a complete redesign; and

WHEREAS the Town of New Baltimore has been notified that it will receive Federal grant funds targeted toward infrastructure;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore authorizes the Town Supervisor to enter into a Professional Services Agreement with Delaware Engineering, D.P.C. for the redesign of the entrances to Town Hall that will comply with all current codes and regulations at a cost not to exceed \$25,000.

Motion by Supervisor Ruso seconded by Councilmember Irving

Councilmember Downes: This \$25,000, does that come out of the grant?

Supervisor Ruso: Yes.

Councilmember VanEtten: It will be grant money right?

Councilmember Downes: It will.

Supervisor Ruso: Yeah, it will be grant money. And, of course, the repair itself will be grant money as well.

Councilmember Downes: Right, I just didn't know if the initial would be.

Councilmember VanEtten: And it's all gonna be outside, Jeff?

Supervisor Ruso: There might be some at doorway entrances and stuff, but significantly outside. The current ramp was put in when the ADA was 1' for 8' slope. Every foot up, you have to have 8' out. Now you have to have 12' and that's not gonna cut the cake. If you can just repair something that's one thing, but if it's beyond repairing you have to replace, you have to follow new codes. So that entranceway is one, this entranceway right here is also one because that steps are deteriorating and the current cement steps don't have the rise and the width of each step to comply with current codes. So they're gonna design it within all caveats of the ADA, current ADA.

Ellie Alfeld: This is not considered a historical building in any shape or form?

Supervisor Ruso: Yeah, it is.

Ellie Alfeld: Will we have to meet certain standards?

Supervisor Ruso: Yes, of course, but I still have to have a ramp. So that part is not by the way, this is more so, but that part's not historical.

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AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Boehlke

Motion Carried

Fire, EMS & Law Enforcement Representative Nick Dellisanti

The regular monthly meeting was held on Tuesday, May 18, 2021. There were 12 EMS calls in April for a total of 37 for this year, 2021. We had 89 calls for all of 2020.

Deputy Supervisor Dellisanti: We're kind of exceeding where we were for 2020 so our budget numbers may change for next year. I also want to add that Greene County EMS did 17,000 COVID shots in cooperation with Greene County. So very proud that our guys took care of this.

Councilmember Downes: Nick have we had any more telemedicine?

Deputy Supervisor Dellisanti: Two. We're up to three so far.

County Legislator Linger: We doubled in a month.

Highway Superintendent Alan VanWormer

Highway Report April 26 to May 24, 2021 Picked up sweeper from A Montano, and started sweeping Roads; Hauled washed 1a stone from Peckham for chip sealing; Cleaned beaver debris from culvert pipe on West Deans Mill Road.; Replaced leaking transfer case seal on 2012 International truck number 13 in house.; Hauled in dry screenings and #1 stone from Callanan to mix item 4; Looked at trees to cut on Flatbush Road; Replaced sweeper brooms on rental sweeper; Took Gorman Brothers to look at roads to chip seal; Got 2002 International truck number 3 inspected; Washed sweeper and returned to Montano; Picked up orange bags from roadside cleanup; Took 1996 International truck number 8 to Watkin Spring for emergency walking beam bushing replacement; Ordered replacement fuel tank for 1985 International truck number 9, this replacement will be done in house.; Called Finke Equipment about our new skid steer and on May 14th it had just gone into production, so hopefully we should see it in a couple of weeks.; Ordered new tires for our roller trailer, and attempted to change in house , but we were not able to due to the tike they had been on the trailer, we were not able to get them dismounted, so we had to bring them to McCarthy Tire in Albany to have them changed.; Replaced fuel pump on John Deere backhoe, it quit running right in the middle of a project. ; Sent out tandom axle dump truck to help the Village of Ravena haul stone; Cleaned up huge fallen tree on Swezey Road; Spread item #4 stone on Haas Hill Road and graded to prepare for Chip sealing; Started to replace all old metal culvert pipes on the roads that we will be paving this year.; Town crew has been doing very well. We have 12 total to replace.; Cleaned up fallen tree on Nodine MTN. Rd; Alan Met with Delaware engineering at waste water treatment plant to look at work that needs to be done.; Mowed and weed eat around agfest tractor on 9W; Replaced the sign at District 2 park; Put tires and wheels back on Roller trailer; York raked and re-rolled has Hill Road.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 104-2021

MAY 24, 2021

RESOLUTION APPROVING AMENDED AGREEMENT FOR EXPENDITURE OF HIGHWAY MONEYS

RESOLVED, that the attached Agreement for Expenditures of Highway Monies submitted by Highway Superintendent Alan VanWormer (Highway 284 Agreement) is hereby approved.

**AMENDED AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS
Section 284 OF THE HIGHWAY LAW**

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

1. **GENERAL REPAIRS.** The sum of \$120,000 shall be set aside to be expended for primary work and general repairs upon 63.18 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.
2. **PERMANENT IMPROVEMENTS.** The following sums shall be set aside to be expended for the permanent improvement of Town highways:
 - a) On the road commencing at County Route 51 and leading to Ringwald Road (Albany County), a distance of 1.75 miles, there shall be expended not over the sum of \$19,589.50
Type: Single Coat Chip Seal
Width of Traveled Surface: 22'
Thickness: 1/4"
Single Coat Chip Seal 1.75 miles of Shady Lane
 - b) On the road commencing at Shady Lane and leading to the Town Line, a distance of .75 miles, there shall be expended not over the sum of \$8,221.50.
Type: Single Coat Chip Seal
Width of Traveled Surface: 22'
Thickness: 1/4"
Single Coat Chip Seal 0.75 miles of Gedney Hill Road
 - c) On the road commencing at County Route 54 and leading to School Hill Road, a distance of 0.75 miles, there shall be expended not over the sum of \$9,338.00.
Type: Single Coat Chip Seal
Width of Traveled Surface: 22'
Thickness: 1/4"
Single Coat Chip Seal 0.75 Miles of Highmount Road
 - d) On the road commencing at Dugway Lane and leading to Dead End, a distance of 0.3 miles, there shall be expended not over the sum of \$7,524.50.
Type: Double Coat Chip Seal
Width of Traveled Surface: 20'
Thickness: 1/2"
Double Coat Chip Seal 0.3 Miles of Pine Grove Road
 - e) On the road commencing at Lime Kiln Road and leading to Mirror Lake Road, a distance of 0.75 miles, there shall be expended not over the sum of \$17,378.71.
Type: Double Coat Chip Seal
Width of Traveled Surface: 20'
Thickness: 1/2"
Double Coat Chip Seal 0.75 Miles of Haas Hill Road.
 - f) On the road commencing at Shady Lane and leading to County Route 51, a distance of 1.25 miles, there shall be expended not over the sum of \$95,137.50.
Type: 12.5mm Blacktop Overlay
Width of Traveled Surface: 20'
Thickness: 1.5"
1.5" Blacktop Overlay of 1 Mile on Sodom Road for Approximately 1.25 Miles

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g) On the road commencing at Sodom Road and leading to County Route 26, a distance of 1 mile, there shall be expended not over the sum of \$66,435.00
Type: Blacktop Overlay
Width of Traveled Surface: 20'
Thickness: 1.5"
1.5" Blacktop Overlay of 1 Mile of Old Kings Road

h) On the road commencing at County Route 54 and leading to County Route 51, a distance of 1.25 miles, there shall be expended not over the sum of \$74,175.00.
Type: Blacktop Overlay
Width of Traveled Surface: 20'
Thickness: 1.5"
1.5" Blacktop Overlay of Jennings Road for 1.25 Miles

3. All work and materials utilized in the above projects shall be obtained in accordance with the Town of New Baltimore Procurement Policy and public bidding requirements pursuant to New York State General Municipal Law Article 5A.

Executed in duplicate this _____ day of May, 2021.

Supervisor Jeffry R. Ruso

Councilmember William J. Boehlke Sr.

Councilmember Kelly Downes

Councilmember Charles A. Irving Jr.

Town Superintendent of Highways
Alan VanWormer

Councilmember Shelly VanEtten

County Superintendent of Highways Scott Templeton

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

Motion by Supervisor Ruso seconded by Councilmember VanEtten

Supervisor Ruso: I will add something why this was amended. We did our Highway 284 Agreement two weeks ago. We got more money so there's more roads and the dollar figure that we're going to now receive for the State which includes some back monies and so forth that we did not receive in 2020 is a total of \$327,000 which is substantially more than what we've had in the past so we're doing a lot more work than we've done in the past.

Councilmember Downes: This was no extra money spent out of the budget for the Town of New Baltimore. This is all reimbursable money.

Supervisor Ruso: No, it's coming from other people, other peoples' money.

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Boehlke

Motion Carried

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 105-2021
MAY 24, 2021

**RESOLUTION TO AUTHORIZE HIGHWAY SUPERINTENDENT TO
PURCHASE MATERIALS AND SUPPLIES BY GREENE COUNTY
RESOLUTION 129-21**

WHEREAS the Town Board hereby authorizes the purchase of materials and supplies at the contract price offered by Greene County Resolution 129-21 for one year from May 22, 2021 to May 21, 2022.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Boehlke

Motion Carried

Planning Board Chair Rob VanEtten

The Planning Board met on May 13, 2021, with the following business transacted: ...Public Hearing was continued and completed on the Lisa Dippo Minor Subdivision Application ...Public Hearing was continued and completed on the Berardi/Sanzi Site Plan Application In the Regular Monthly Meeting that followed: ...Approved the Dippo three-lot minor subdivision. ...Approved the Berardi/Sanzi Site Plan Application with conditions. ...Received Minor Subdivision Application for two-lot subdivision of the Holly Richardson property on Reservoir Road. Public Hearing on application will be held at 7 p.m. on June 10, 2021. ...Dan Hershberg of Hershberg & Hershberg Engineering Firm was present on behalf of the property owner for a pre-application informational meeting with the Planning Board. Application would be for the development of a warehouse/light industrial park containing five 20,000 square-foot warehouses on a parcel of approximately 25 acres of land on east side of Route 9W just south of Kreitmeier Road.

Zoning Board of Appeals Chair Pat Linger

The Zoning Board of Appeals did not meet on May 5, 2021, since there were no applications to come before the Board.

Town Court

The following is the Town of New Baltimore Court monthly report for April 2021.

- Total April monies received was \$25,706.00
 - Judge Melewski \$15,467.00
 - Judge Huff \$10,239.00
 - State/County Share \$16,243.00 Town Share \$9,463.00
- Total 2021 (January-April) monies received \$89,435.00
 - State/County Share \$57,005.00 Town Share \$32,430.00
- Total New Cases Received 342

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 106-2021
MAY 24, 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 2021b-05-01 to 2021b-05-35, it is

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RESOLVED that the Supervisor is hereby authorized to pay claims 2021b-05-01 to 2021b-05-35.

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

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Boehlke

Motion Carried

General \$34,280.33, Highway \$14,775.40, Sewer 1 \$504.00, Sewer 2 \$166.96, Total \$49,726.69

Upcoming Meetings

- June 2, 2021 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- June 10, 2021 Planning Board Meeting at 7 PM
- June 14, 2021 Town Board Regular Meeting at 7 PM
- June 28, 2021 Town Board Work Meeting at 7 PM

Youth, Parks and Recreation

Deputy Supervisor Dellisanti: Just for everyone's information, on May 14 we opened up the bids for the Park renovation for District 3 Park. We only received one bid and it came in at a little over \$339,000. The budget for the project was \$100,000. So I'm asking the Board tonight to make a Motion to reject that bid and for everyone's information I have met with the Outlaws Little League and Alan VanWormer of the Highway Department. We will be able to get this done within the \$100,000 grant money that we received for the project, but to come in at \$339,000 plus was absolutely outrageous. So I ask you to make a Motion to reject.

Supervisor Ruso: The bid as described for the renovations of District 3 Park, I'll make a Motion to reject the bid that was offered.

Councilmember VanEtten: I'll second.

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Boehlke

Motion Carried

Public Comment Period/Community Events

James Eckl: Mr. Supervisor, Ladies, Sir. I have prepared some remarks in anticipation of this agreement being on the Agenda this evening and I'm gratified to see that you decided to defer your consideration of it because there was certainly a number of in my estimation problems with it. You all understand this, but it still needs to be said for the record. This is an agreement that will endure for a quarter of a century. It will impact residents of the Town of New Baltimore who haven't been born yet and it deserves your most careful consideration. In the interest of brevity if you prefer, sir, I will reduce my questions, comments, or concerns to writing, send it to you so that it may be included in the Minutes as though I had spoken at length. I might mention that although the Agenda that was publicized this past Friday included the draft agreement, it did not include an exhibit that is referenced in the agreement a few times. So I confine my remarks to the agreement as it was publicized by posting on the Town website this past Friday. First of all, it doesn't tell us, the agreement as it was posted, doesn't tell us who is making the commitment and it begins by identifying three names, Limited Liability Companies, and refers to them collectively as the 'project companies,' but throughout the rest of the agreement it uses the term 'project company' in the singular is used and it is not at all clear who is making what commitments. I could go on and on, but I needn't. You can certainly search for all the singular references to 'project company,' whereas it will be three as I understand. Three LLC's that will be executing the agreement all referred to as 'project companies' in the plural. And next I observe that whoever's primarily responsible for the decommissioning, although a paragraph of

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the agreement, paragraph six, sets a period of 180 days in which the decommissioning has to be completed, there is no device to determine a dispute as to whether or not the decommissioning has indeed been completed. It's easy to foresee protracted bickering between the project company or companies in the Town as to whether or not the decommissioning has actually been completed. Next, as concerns the bonds, there is nothing on the face of the agreement if it tells us how the amount of \$115,000, the initial value of the bond, was calculated and nothing tells us where the 2% annual increase was derived from and I would add here also that if it's proposed that polychlorinated biphenyls or some other toxic substances may be in use at the project site the possibility of remediation of the subsurface spill or leak may cause the decommissioning expense to be far, far greater than what is anticipated for simply removing the above ground infrastructure and seeding and replacing trees. For that reason, I submit to you also that the definition of what constitutes proper decommissioning ought to improve subsurface exploration. I also note that whereas the third 'whereas' paragraph seems to provide for decommissioning at the end of a useful economic life of 25 years, paragraph 7 which addresses the breach after 25 years implies that decommissioning may not occur at year 25, that if perhaps it's found later that the economic useful life of the project is greater than 25 years, it's anticipated now it may be that that it will remain in use which is all very well for everyone except it doesn't answer the question whether or not the 2% increase in the bond value every anniversary is to continue beyond 25 years. I note that paragraph 3 provides that the company, and I reiterate whatever company it is, will be responsible for decommissioning costs of both the bond amounts and I submit to you that this is truly meaningless and here's why. Because paragraph 9 says that the agreement is freely assignable by the company which creates the possibility that the entity which gets the assignment of it will be an entity without sufficient assets to pay for the decommissioning costs above the bond amount and that the original company that you are dealing with now may have vanished. I hasten to add I don't mean anything sinister in that when the business of the company is done is natural enough that the principles of it would wind up its affairs, but it may be gone and the successor company may be without the wherewithal to pay for the decommissioning that its committed to. And the last observation I make is this we can't tell for sure who is making the commitment to do the decommissioning. What we can note for sure is who isn't making a commitment and that's the landowner. Now from the Greene County web map online as far as I can tell the project site is now owned by an LLC named Solar Generation Projects which also refers to itself on its website as SGP Development and I understand also from publicly-available information that the individual who is identified in the agreement as an authorized signer for the three project companies is also the principle of the Solar Generation Project entity which is all very well for now, but the point is that because Solar Generation projects isn't a party, it isn't bound by the agreement and that means the Town's right to do the decommissioning upon the default of the project sponsor may be an illusion because the present landowner could convey title to the site tomorrow to some unrelated entity which would have the power to obstruct the Town's access to decide if the Town's access to do remediation should become necessary.

Supervisor Ruso: Here's what I'm gonna recommend if you would because we have three weeks between now and our next Board meeting. I would like to have, you offered to send me something, I wanted to hear what you wanted to say, but if you can send me something because it was not before us tonight because of some technical things -- some of which you mentioned and some of which is different than what you mentioned is a better way to put it -- so if you could send that to me, I would appreciate that.

James Eckl: I will. It certainly deserves your scrutiny and thank you for taking the time required to look at it.

Town Clerk Finke: You can go to the Planning Board meeting.

Councilmember VanEtten: Have you been there?

Supervisor Ruso: The Planning Board meeting is also a good place so it may very well be discussed by them.

Councilmember VanEtten: Did you go to any of the Planning Board meetings regarding this?

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James Eckl: No, I did not. I noticed on the Town website that a Planning Board agenda in March of this year included a Public Hearing but I did not attend it and I'm unable to find any Minutes on the website so I don't know what happened.

Town Clerk Finke: Call Marjorie.

Councilmember VanEtten: Marjorie is the one who does the Minutes for that.

Ellie Alfeld: My main question first of all is who determines the width of these roads that we are gonna be paving?

Supervisor Ruso: Alan VanWormer.

Ellie Alfeld: 20' and 22.' I mean it's bad enough now people say to me 'well, where's my lot line?'

Supervisor Ruso: Well, Alan VanWormer to an extent in terms of the repairs, but 2) it's based upon the road bed itself, established road bed is much of the basis of it.

Ellie Alfeld: Well, I know when I deeded up the property that I had to give up for the road, it was a heck of a lot bigger than 22' or 20' or what have you and it was with future growth in mind. 20' and 22' does not give me a future look.

Supervisor Ruso: Well, you've talked about two different things here. 1) How much does the road or the municipality or the entity whether it's a state or county, how much do they own?

Ellie Alfeld: What I deeded over to them.

Supervisor Ruso: Right. How much do they own from centerline is how it's strictly defined. It does not mean that that is the width of the road surface.

Ellie Alfeld: I understand that.

Supervisor Ruso: So your question was how far is the surface that's been determined based upon actual historical...

Ellie Alfeld: Well, my problem is...

Supervisor Ruso: Road bed.

Ellie Alfeld: 20' doesn't give too many people too much road bed to travel on. Sometimes we have a little bit of hidden curves and stuff like that. That's really to my way of thinking really not the safest thing in the world.

Supervisor Ruso: If you would defer until the next time Alan VanWormer is present, I think that would be a question to ask him.

Ellie Alfeld: My second thought is I'm very pleased, I noticed in tonight's meeting report as opposed to what I saw online, Jennings Road has been added to the list of roads that will be taken care of. I'm very pleased to see that because that damn road costs this Town and the taxpayers a lot of money. I still have not heard and I did ask at one of the previous meetings how much in debt did the Town go to finally settle that project or problem?

Supervisor Ruso: Well, since I've been on the Board, I will tell you that the cost of the attorneys was paid for by our insurance.

Ellie Alfeld: Thank you.

Supervisor Ruso: I can't speak about the previous editions.

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Ellie Alfeld: I understand that, but at least it gives us some sense of not wasting money on other things.

Supervisor Ruso: It was a waste of time I'll go with that.

Ellie Alfeld: Oh, yeah, what is six years, seven? Is that how long have you been here?

Supervisor Ruso: Town Supervisor Dellisanti and perhaps previous.

Ellie Alfeld: Well, I'm very pleased to see that Jennings Road will finally be finally taken care of.

Motion by Councilmember Downes seconded by Councilmember VanEtten to adjourn the meeting at 7:57 PM

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Boehlke

Motion Carried

Supervisor Ruso: Good night everybody.

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk