

TOWN OF NEW BALTIMORE **Draft 6/25/15**
COUNTY OF GREENE **Approved 7/13/15**
PUBLIC HEARING ON LOCAL LAW 2 OF 2015
June 22, 2015 - Page 1

Public Hearing on Local Law 2 of 2015 Reducing the Term of the Town of New Baltimore Highway Superintendent from Four Years to Two Years

Supervisor Dellisanti opened the Public Hearing at 7:00 PM. Also Attending Deputy Supervisor Ruso and Councilwoman VanEtten, Town Clerk Finke, Tax Collector Jordan, and 12 members of the public who signed the attendance book.

Absent: Councilwoman Benway, Councilman Norris, and Highway Superintendent Jordan

Supervisor Dellisanti said good evening everyone and thank you for coming to the Public Hearing on Local Law 2; I have a couple things I have to read first.

NOTICE OF PUBLIC HEARING
TOWN OF NEW BALTIMORE
PROPOSED LOCAL LAW 2 OF 2015

A LOCAL LAW REDUCING THE TERM OF OFFICE OF THE TOWN OF NEW BALTIMORE HIGHWAY SUPERINTENDENT FROM FOUR YEARS TO TWO YEARS

Notice is hereby given that there will be a Public Hearing before the Town Board of the Town of New Baltimore on June 22, 2015 at 7:00 PM at the Town Hall, 3809 County Route 51, Hannacroix, New York to hear those members of the public who wish to be heard regarding proposed Local Law No. 2 of 2015, a Local Law Reducing the Term of the Town of New Baltimore Highway Superintendent from Four Years to Two Years. All persons wishing to be heard in favor or opposition will have such opportunity at the time and place stated above. By Order of the New Baltimore Town Board, Barbara M. Finke, Town Clerk

Supervisor Dellisanti read Local Law 2 of 2015.

TOWN OF NEW BALTIMORE
LOCAL LAW 2 OF 2015
REDUCTION OF THE TERM OF OFFICE FOR THE TOWN HIGHWAY SUPERINTENDENT

Be it enacted as follows:

Section 1. Title: This local law shall be entitled "A Local Law Reducing the Term of Office of the Town of New Baltimore Highway Superintendent from Four Years to Two Years."

Section 2. Statutory Authority: This local law is adopted pursuant to the provisions of the Municipal Home Rule Law Section 10 of the State of New York.

Section 3. Reduction of the Term of Office of the Town Highway Superintendent: Pursuant to the Municipal Home Rule Law Section 10 of the State of New York, the term of office for the Town of New Baltimore Highway Superintendent shall be two years commencing with the position to be filled in the 2015 Town General election and all those thereafter.

Section 4. Enactment and Mandatory Referendum: This local law is enacted subject to a mandatory referendum and shall take effect in accordance with the provisions of Municipal Local Home Rule Law of the State of New York.

TOWN OF NEW BALTIMORE
REFERENDUM LANGUAGE FOR HIGHWAY SUPERINTENDENT TERM REDUCTION

"Shall Local Law No. 2, 2015, entitled A Local Law Reducing the Term of Office of the New Baltimore Highway Superintendent from Four to Two Years be Approved?"

YES

NO

Supervisor Dellisanti explained that will be the way it appears on the ballot if we get there. We have a number of people who would like speak on this issue; there was a sign-in sheet as you came in the door and we will go according to the order in which everyone has signed up. I'd ask

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that everybody please go to the podium and take approximately three meeting of time, that's our Meeting Rules Law. First person on my list is Diane Louis.

Diane Louis began if I could ask a question before I make a brief comment, people that sent letter in, are those going to be read?

Supervisor Dellisanti responded I was told by the Town Attorney I do not have to do that. I will make an announcement who did send in a letter.

Diane Louis asked what about emails?

Supervisor Dellisanti answered email also. If they were here they wanted it read into the docket they should have been here to do that. But it can be FOILED; these items can be FOILED if required.

Diane Louis continued so you are just going to say who they were, just the name and that's a letter or an email.

Supervisor Dellisanti replied correct.

Diane Louis stated I just wanted to make a quick comment. I think this is simply a vendetta by a resident against our Highway Superintendent. I am surprised that the Town Board chose to continue this charade rather than stand up for our long-time public servant, Denis Jordan.

Councilwoman VanEtten pointed out this is about the law as it's written, not about an individual. So if we could keep it to that, not an individual.

Diane Louis said it's about changing the law, it's about the petition and everything that's involved in this.

Councilwoman VanEtten clarified but there's nobody involved specifically and you're bringing up specific names.

Diane Louis added it talks about the petition.

Councilwoman VanEtten asked do you have proof that it's a vendetta. I mean I have nothing.

Diane Louis stated I'm not here to argue with you.

Supervisor Dellisanti suggested let's move on and introduced Dot Davis.

Dot Davis began I'd just like to mention that the petition was handed in with 134 names of the people who wanted the right to choose and it was handed in 180 days before the November election which gave us 30 days in order to have the meeting and a Public Hearing and it could have been done by the changing of the Work Meeting at a different date in May. May 11 meeting the Board disagreed with us when we said we needed 150 days prior to the Election. We were told that it was only 75 days and then at the last meeting the lawyer claimed that its 150 days. So we had our facts straight, we are not going to pull numbers out of the sky. We researched it and we made phone calls and we had the figure correct, it was 150 days before Election. Basically that's what I have to say. I mean 134 people in the Town has made the decision that they want the right to choose which is their Constitutional right. Thank you.

Stephen Pilatich commented basically Ms. Davis said the 180 days and the voters do have the right to choose and those that signed the petition all that was asked of them was if they wanted to keep it four years, two years or let the voters decide and they said let the voters decide and they signed the petitions. It's not about any particular person; I don't know why somebody is trying to point it in that direction. It's about this position. Highway Superintendent works for everybody in this room and everybody in this Town and the voters have the right to write their report card. Just like this Town Board, we are going to write their report card come election time and that's the way it should be. The People should be the ones who say how things go, what their choice is. Now also getting on a ballot, the political parties you have to belong to one to get on or you have to do a write-in. Write-ins are hard; they have been done. So based on that the right person

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might not always get the job, qualified person. Actually the Highway Superintendent should be a Civil Engineer, probably most likely you will never get one. So we are going to do the best and write a report card for the ones who get elected. Just like getting hired, you're on probation. So if somebody gets elected, they run two years, they do a great job, you vote them back in. Just like you do with the Town Board, you vote them back in.

Supervisor Dellisanti suggested let's keep it to Local Law 2.

Stephen Pilatich observed they do good, you vote them back in. They do bad, you vote them out. So our choice is we'd like it on the ballot and 134 other people would like it on the ballot.

Ed Barber explained for those of you who may not remember me, I was the Town Supervisor from 1994 through 99 and the Supervisor's term is two years and therefore I got to go door-to-door throughout the community three times and it was very enjoyable and also enlightening because you can see the turnout we have here tonight. When you go door-to-door and you knock on the doors you meet a lot of people that you don't meet here tonight. And it's said that the government that governs best is the one that's closest to the people. Well if you go and knock on their doors, you're closest to the people. So it works for the United States Congress, it works in the House of Representatives, it works in the State of New York for the Senate, it works in the Assembly for the State of New York, it works for the Supervisor in the towns and I for one think it should be a two-year term for the Highway Superintendent. I also agree with what was just said about the people having the right to vote, whatever the people in this community want, whatever the people in the Town of New Baltimore want is what we should do. So I think it is fine that it's on the ballot and applaud the Town Board if they see fit to do that. Thank you.

Ralph Rominger commented I've been a resident of New Baltimore for almost 50 years and during that time there have been a number of road superintendents and during that time I've never had one reason to complain about their performance. If people feel that they call into question the performance of their elected officials then I would suggest perhaps the four year positions that regard the Town now be made for two years. So I'm opposed to this law.

Patty Hildebrandt remarked I would agree with Ed Barber too. I think the people should have who they want on the ballot to vote yes or no for the two year or four year. It's the right of the voters to do and I was like Ed Barber said, I went door-to-door knocking and met a lot of people and heard a lot of comments, but nothing was about who the Superintendent was. It was just if you'd like it on the ballot please sign and they signed and that's what it was all about. Thank you.

Eilleen Vosburgh began I have lived in the Hamlet for over 30 years and in the Town of New Baltimore for almost 50. First of all I disagree with the decision not to read any letters that were sent ahead of time. I've been to many Public Hearings and letters have been accepted and read in the past when people could not attend. So I just want to state that I disagree with that. I am going to pretty much say what I had said the last time I spoke, I think it was in February, but I had read in the Minutes of January 12 and I'm going to quote them of this year, 'Dot Davis began as part of the campaign that we campaigned for you was to get the Highway Superintendent back down to two-year terms rather than four and that doesn't seem to be happening and the people in the Hamlet want to know why because that was one of the reasons as to getting you the votes.' and that was part of the Minutes on January 12. 'I do not know Dot Davis personally nor do I know if she even lives in the Hamlet, nor was I promised this during last year's election. I do know that she doesn't speak for me or for many other residents that I have spoken to who also have not heard of this same campaign promise. I believe this is a mistake to consider changing the term of office from four years to two years. The Highway Superintendent is the second most important job in our Town. He's the man that makes sure we are able to get to work, school, and for emergency vehicles to get to us. In my opinion Denis Jordan does a superb job and has been doing this job for many years.'

Councilwoman VanEtten reminded it's about the law, not the person please.

Eilleen Vosburgh continued 'I would think that whoever's time would be better spent every two years concentrating on the job rather than campaigning for reelection. I would like to hear the reasons why this campaign promise was made and why the Town Board is considering this. Has there been any research as to how many other Highway Superintendents are a two-year term in

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New York State or even in our county? Have other towns made this change and what is their experience with the change? Have other towns changed from two to four and what is their experience. I think these questions need to be answered.' But this afternoon I happened to look at the May 11 Minutes of the Town Board Meeting and it referred to an association between this Petition and the Republican Committee. Is this a partisan agenda directed at Denis Jordan, the current Highway Superintendent? I thought our elected officials were supposed to have the best interest of our Town as their mindset. Please tell me the purpose of changing the term of office from four years to two years and how is it in the best interest of our Town? I know that we had made this change before. It was two years and they changed it to four. They made that decision years ago. Thank you very much.

Councilwoman VanEtten corrected first of all in that Minutes also, we did state that we never made that a campaign promise and I think that was clearly stated. You didn't read that part of the Minutes.

Eilleen Vosburgh said I did read the Minutes and it referred to Mr. Pilatich talked about how they were going to talk about this petition at the next Republican Committee Meeting and I think that's really inappropriate. It's in the Minutes.

Councilwoman VanEtten pointed out I'm not a Republican and I don't know if the Pilatich's go to or whoever said it. So we don't have facts about that so please stick to the facts.

Eilleen Vosburgh stated what I'm trying to say is even in the Minutes it looks like there's a hidden agenda here in my opinion.

Supervisor Dellisanti remarked thank you for your opinion. I have no other names on the list that asked to speak tonight. Does anyone else like to speak?

Jim VanSlyke added just a thought because you guys are changing this law, which everybody has that right I have no problem with the voters making the decision because we did this once before. And there's a reason that we changed it from two to four. And the reason was because it takes up so much of the time of the Highway Superintendent every other year to go out and campaign. It interferes with his job, it interferes with the Department, the flow of the Department, he can plan for a four-year term, he doesn't have to worry about running for reelection and worrying about the things that you have to worry about when you get ready to run for reelection. It just takes too much time. But there is a reason why we changed it and it was overwhelmingly supported. If you look at the vote, this Town supported changing it from two to four years and that was not that long ago, it's about 15 years ago.

Supervisor Dellisanti and Councilwoman VanEtten said 1999, 2001.

Jim VanSlyke continued if you want to change it and you want to put it on the ballot and see what the people want, I understand why some people might be upset with whatever, the two year not being able to get who you want in there every two years, but that's not what the Highway Superintendent is there for. He's there to maintain our highways and you want to have a good solid department and I think a four-year term is better than a two year because it chops it up and if you keep changing your Highway Superintendent, you're not going to get your roads plowed and you're not going to get them paved. It's just not going to happen, but that's my opinion.

Supervisor Dellisanti noted I did receive an email from Robert Turan which I appreciate, Bob. If you would like to discuss that this evening, you have every right to do that.

Bob Turan mentioned I have to agree with the last speaker's comments basically what I put in my email I thought that it would have been entered into the record and read, but since we are not doing that, I'm speaking now. By having an election every two years you run of risk of having a new supervisor who's got to learn the job while he's on the job. The current supervisor, or the current system which allows someone to be in process for a four-year period, allows him to know the roads, to know the Town, to know the people, to know the operations so that when something happens he knows how to handle it. If you run out of salt in the middle of the winter, he knows how he can get it and that's something that came up at the last meeting. He had to get an emergency allotment of salt so that we could all get to work. I think it's a mistake to throw away the experience that a four-year term allows the Town and going for two years. There is an

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election coming up, someone wants a different Highway Superintendent, they can vote in the next election. But I think it should stay four years. Thank you.

Supervisor Dellisanti replied thank you for your time. I also received a copy of an email that went to the Town Clerk. Did you get that today?

Town Clerk Finke responded it was dropped off this afternoon.

Supervisor Dellisanti continued from James Eckl. I spoke to the Town Counsel and he said I do not have to read this into the Minutes this evening, but there is one paragraph here that talks about, he says, "I do not have a strong opinion one way or the other" and goes on to ask the Town Board a number questions. I will give copies to the Town Board and that will be addressed at the next meeting. Any other questions or comments on this issue from the Board? Hearing none, at this time I close the Public Hearing at 7:21 PM. We will take a five minute recess to start the Work Meeting.

Respectfully Submitted,

Barbara M. Finke
Town Clerk