

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
MONDAY, APRIL 14, 2008-Page 1**

Supervisor Louis called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was said. Also attending: Councilwoman McKeon, Councilmen Kuenster, Norris, and Byas, Attorney for the Town Wukitsch, Highway Superintendent Jordan, Town Clerk Brooks, and 9 members of the public. Absent: Tax Collector Stuart.

Supervisor Louis welcomed all attending,

MINUTES

The minutes of the **February 28, 2008 Regular Town Board Meeting** were presented for approval.

Councilwoman McKeon moved, seconded by Councilman Kuenster.

Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
Nays-0

The minutes of the **March 10, 2008 Regular Town Board Meeting** were presented for approval. Supervisor asked, on page 5, fourth line, to change "debts" to "deficits".

Supervisor Louis moved, seconded by Councilwoman McKeon.

Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
Nays-0

CORRESPONDENCE

From **Greene County Highway Department Superintendent Gary Harvey**, a public notice of an informational meeting to discuss the 2009 repair/replacement of New Baltimore Road Bridge on Wednesday, April 30, 2008 from 7-8:00pm at Cornell Hook and Ladder Fire House on Gill Road. On display will be plans and details associated with the construction; the purpose of the meeting is to obtain public comment.

From **NYS Office of Parks, Recreation, and Historic Preservation**, applications for 2008 funding under the New York State Environmental Protection Fund and the 2009 federal Land and Water Conservation Fund are now available from www.nysparks.com/grants

From **NYS Office of Attorney General**, letter regarding employment practices of school dist, local governments, special districts, etc, where local school districts have retained attorneys and then provided them with retirement benefits, not done in New Baltimore. Attorney Wukitsch is an independent contractor and always has been. The Town is being asked to complete a questionnaire; when an entity retains a new attorney there is a form to complete.

From **NYS Department of Transportation**, announcement of a new Greene County Resident Engineer, John Izzo, available to the Town within budget constraints at 518-622-9312.

From **Greene County Youth Bureau and Catskill Elks Lodge #1341**, co-sponsoring announcement of the **Youth of the Year** award, applications are due April 23, award to be made at the Youth Recognition Dinner on May 8. Nominees should be considered for outstanding leadership, knowledge, skill and service to their community; youth may self-nominate.

From Johnny Miller, the **Great Hudson River Paddle** will reach New Baltimore on Thursday, July 3, by 2pm, to stay overnight in Cornell Park, potluck dinner tradition at John Wallner's home.

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From **Village of Coxsackie**, notice from the Water Department that notice is needed to use fire hydrants during drills; notice has been forwarded to Cornell Hook and Ladder and Medway-Grapeville Fire Department.

OLD BUSINESS

Supervisor Louis confirmed receipt of the Greene IDA's **Supplement to the Draft Generic Environmental Impact Statement (DGEIS)**, has posted link on website, copies are available in various locations throughout the Town, and a public hearing on the Supplement will be held on Tuesday, April 29 at 7:00pm in the Coxsackie-Athens Middle School cafeteria.

Supervisor reviewed recent discussion on the treatment of **stray animals**; Councilmen Byas and McKeon have looked for the best way to proceed. Councilman Byas and Councilwoman McKeon felt the best value is \$58/day at Mohawk and Hudson River Humane Society, spoke to NYS Agriculture and Markets regarding the use of a pen on Joe Tanner's property; the Town is charged if the service is actually used.

**RESOLUTION
APRIL 14, 2008**

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT
WITH MOHAWK & HUDSON RIVER HUMANE SOCIETY**

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an agreement with the Mohawk & Hudson River Humane Society for the period January 1, 2008-December 31, 2008 for shelter services, at a base rate of \$58 per day.

Councilwoman McKeon moved, seconded by Councilman Norris.

Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
Nays-0

Having held public hearing this evening, the next item was adoption of Local Law 3 of 2008 Providing for Flood Damage Protection, taking effect on May 16. The new flood maps have arrived.

LOCAL LAW 3 OF 2008

A LOCAL LAW PROVIDING FOR FLOOD DAMAGE PREVENTION

Be it enacted by the Town Board of the Town of New Baltimore, County of Greene, as follows:

SECTION 1.0

STATUTORY AUTHORIZATION AND PURPOSE

1.1 FINDINGS

The Town Board of the Town of New Baltimore finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of New Baltimore and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application. To the extent that the terms set forth below are defined elsewhere in the Town Code, the definitions set forth below shall control for purposes of this law.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as Zone A. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built to have the top of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. "Elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

"Flood Hazard Boundary Map (FHB)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the Building Inspector appointed by the Town Board who is responsible for administering and implementing this local law by granting or denying development permits in accordance with its provisions.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles,

building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or "100-year flood" has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck;
and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part

of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of New Baltimore, Greene County.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Town of New Baltimore, Community Number 360295, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Numbers 36039C0079F, 36039C0085F, 36039C0090F, 36039C0095F, 36039C0105F, 36039C0110F, 36039C0114F, 36039C0115F, 36039C0118F, 36039C0120F, whose effective date is May 16, 2008, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.
- (2) A scientific and engineering report entitled "Flood Insurance Study, Greene County, New York, All Jurisdictions" dated May 16, 2008.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at the New Baltimore Town Hall, 3809 County Route 51, Hannacroix, NY.

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention, including Local Law 3 of 1992 known as the "Flood Damage Prevention Law of the Town of New Baltimore"

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of New Baltimore from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town of New Baltimore, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Building Inspector is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms

furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee as may be set by Resolution of the Town Board. In addition, the applicant shall be responsible for reimbursing the Town of New Baltimore for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) A site diagram documenting that the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zone A will be at least three feet above the highest adjacent grade.
- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) Documentation on building and/or development plans that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDENTIAL STRUCTURES.
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or involve 5 acres or more of site disturbance.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 5.1-1 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

4.4-3 ALTERATION OF WATERCOURSES

- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.

- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4-4 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-5 STOP WORK ORDERS

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

4.4-6 CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-4, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-7 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,
- (3) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.

SECTION 5.0 CONSTRUCTION STANDARDS

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

5.2 STANDARDS FOR ALL STRUCTURES

5.2-1 ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zone A, if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

5.2-3 UTILITIES

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the highest adjacent grade shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (2) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply,

as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

SECTION 6.0 VARIANCE PROCEDURE

6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:

(i) the issuance of a variance to construct a structure below the minimum height of three feet above the highest adjacent grade will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(ii) such construction below the minimum height of three feet above the highest adjacent grade increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 4.4-7 of this Local Law.

SECTION 7.0 EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

RESOLUTION APRIL 14, 2008

RESOLUTION TO ADOPT LOCAL LAW 3 OF 2008 PROVIDING FOR FLOOD DAMAGE PREVENTION

BE IT RESOLVED, that the Town Board of the Town of New Baltimore does hereby adopt Local Law 3 of 2008 Providing for Flood Damage Prevention.

Councilwoman McKeon moved, seconded by Councilman Kuenster.

Roll Call Vote	Kuenster - Aye	McKeon - Aye	Louis - Aye
	Norris - Aye	Byas - Aye	

Councilwoman McKeon stated that the NYS Division of Local Government Training set minimal training requirements for Planning Board and Zoning Board of Appeals, (Supervisor Louis revised the NYS resolution); individuals shall not be eligible for reappointment until completion of 4 hours/annual training required by law. Greene County currently provides some of the requirements.

RESOLUTION APRIL 14, 2008

RESOLUTION ESTABLISHING TRAINING REQUIREMENTS FOR MEMBERS OF PLANNING BOARD AND ZONING BOARD OF APPEALS

WHEREAS Town Law Sections 267 and 271, provide that all planning board and zoning board of appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year; and

WHEREAS the above sections of state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training required by law; and

WHEREAS the above sections of state law provide that the Town Board specifies which activities qualify as training to satisfy the state requirements.

NOW THEREFORE BE IT RESOLVED, that the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to

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municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

- 1) the NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation, and Historic Preservation;
- 2) the New York State Association of Towns, the New York Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and its sections;
- 3) the Greene County Department of Planning and Economic Development, and Greene County Soil and Water Conservation districts;
- 4) the Albany Law School Governmental Law Center and Institute for Legal Studies, Pace Law School, Cornell University and its cooperative extension;
- 5) on-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Land Use Policy; and

BE IT FURTHER RESOLVED, that other training activities may be approved on a case-by-case basis by the Town Board upon the request of a planning board or zoning board of appeals member; and

BE IT FURTHER RESOLVED, that any new member appointed to fill the last 18 months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein; and

BE IT FURTHER RESOLVED, that training received by a planning board member or zoning board of appeals member in excess of four hours in any one year may be carried over by the member into succeeding years or applied to prior year training requirements on or after January 1, 2007 during the current appointment term; and

BE IT FURTHER RESOLVED, that the Planning/Zoning/Building Clerk shall create and maintain a system of tracking the training individual members complete annually; and such information shall be presented to the Town Clerk and the Town Board annually.

Supervisor Louis moved, seconded by Councilman Norris. No discussion.

Adopted **Ayes-5 Kuenster, McKeon, Louis, Norris, Byas**
 Nays-0

NEW BUSINESS

Supervisor reported that the **NYS Budget** is in front of Governor David Paterson; several items relate to Town of New Baltimore. News is good: Aid to Municipalities, initially to be cut 2%, now increased by 3% or \$399; Consolidated Highway Improvement Program (CHIPS) will see significant increase in Town going \$91,126 to \$112,285, a 23% increase, fuel costs are not good, it will be a balancing act. The asphalt price now is \$7/ton, a 15-16% increase for blacktop; unsure if Town can get as much done as last year. Early in legislative session, Supervisor requested specific local initiatives from 2 representatives. First, Senator James Seward provided \$10,000 for implementation of Town's Comprehensive Plan, Elan Planning and Design costs, and public participation process. Second, Assemblyman Tim Gordon provided \$5,000 grant to help with renovations to house a sheriff's substation at Town Hall. Third, Assemblyman Tim

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Gordon secured a \$4,500 grant towards the cost of the New Baltimore Farmers' Market. The town will be presented with contracts for each of the grants, after contracts are executed and expenses incurred after April 1, Town will be reimbursed.

Councilman Byas stated the Sheriff substation will cost a little over \$900, also adding sheetrock and insulation for outside walls, no problem to stay within the \$5,000 grant.

**RESOLUTION
APRIL 14, 2008**

**RESOLUTION RELATING TO FUNDING AND IMPLEMENTATION OF
SHERIFF'S SUBSTATION IN TOWN OF NEW BALTIMORE**

WHEREAS, the Town Board of the Town of New Baltimore and the Greene County Sheriff's Department have jointly determined that it is in the best interests of the residents of the Town of New Baltimore to have an increased presence of the Greene County Sheriff's Department within the Town of New Baltimore and the surrounding towns, and

WHEREAS, it has been determined that there is adequate space that can be provided for the use of the Greene County Sheriff's Department as a substation in the basement area of the Town Hall, and

WHEREAS a preliminary cost estimate has been provided to the Town Board documenting the costs associated with basement renovation work that would facilitate the location of a Sheriff's substation in the Town of New Baltimore, and

WHEREAS, pursuant to a request from the Supervisor, a New York State Legislature Local Initiative Grant has been secured by Assemblyman Tim Gordon to provide funding of \$ 5,000 towards the costs to be incurred by the Town in conjunction with the location of a Greene County Sheriff's substation in the Town of New Baltimore and other related renovations to the Town Hall basement and exterior areas at the Town Hall.

NOW THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize an expenditure of funds in an amount of up to \$5,000 from the General Fund, to be reimbursed by funds received through the New York State Legislature Local Initiative Grant for the necessary construction and other renovations involving the Town Hall basement and exterior areas to facilitate the location of a Sheriff's substation in the Town of New Baltimore and other related renovations and improvements, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to execute any contractual documents that are necessary to finalize the award of this New York State Legislature Local Initiative Grant.

Councilwoman McKeon moved, seconded by Councilman Norris. Ellie Alfeld asked if the expansion of the parking area would be helped by this grant. Answer: exterior was referenced for that reason.

Adopted **Ayes-5 Kuenster, McKeon, Louis, Norris, Byas**
 Nays-0

Councilman Byas and Highway Superintendent Jordan agreed it is feasible to expand the western area of the parking with the \$3500 rental of a hydraulic hammer. Councilman Byas didn't establish a timetable, and asked to provide authorization for rental of equipment. Supervisor said it would be a good idea to pledge some of the General Fund's Accumulated Fund Balance as a positive expression for NYS Troopers attending Town Court. For the parking to the west and north of the Town Hall, Councilman Norris asked how many new cars? Fifteen cars could park before on the west side, expanded will be nearly 10 more. There should be almost an acre in the back.

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**RESOLUTION
APRIL 14, 2008**

**RESOLUTION AUTHORIZING RENTAL OF EQUIPMENT AND RELATED
EXPENSES FOR EXPANSION OF TOWN HALL PARKING**

RESOLVED, that the Town Board does hereby authorize the Town Superintendent of Highways to rent the heavy equipment that will be necessary to excavate town property at the Town Hall and incur any other reasonable expenses to complete an expansion of the parking area at the Town Hall, said rental and other expenses to be paid from the accumulated fund balance of the General Fund.

Councilwoman McKeon, seconded by Councilman Kuenster. Nils Backlund asked about the handicapped parking lot area, Highway Superintendent Jordan added that a road will be put along the stone wall on the east side of the Town Hall.

**Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
Nays-0**

Supervisor asked to put in place the authorization for Farmers' Market funding of \$4500, which will be reimbursed by funds from NYS Legislature Local Initiatives Grant.

**RESOLUTION
APRIL 14, 2008**

**RESOLUTION RELATING TO FUNDING FOR
NEW BALTIMORE FARMERS' MARKET**

WHEREAS, pursuant to a request from the Supervisor, a New York State Legislature Local Initiative Grant has been secured by Assemblyman Tim Gordon to provide funding of \$4,500 to the Town of New Baltimore to be used for expenses related to the New Baltimore Farmers' Market.

NOW THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize an expenditure of funds in an amount of up to \$4,500 for expenses to be incurred by the New Baltimore Farmers' Market from the General Fund, to be reimbursed by funds received through the New York State Legislature Local Initiative Grant, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to execute any contractual documents that are necessary to finalize the award of this New York State Legislature Local Initiative Grant.

Councilman McKeon moved, seconded by Councilman Byas.
**Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
Nays-0**

An upcoming NYS Thruway auction will offer 2 stainless steel sanders; Highway Superintendent Jordan would like to purchase them. Supervisor asked about current sanders, answer: 2 are rotted out completely and to replace with new will be \$20,000. Ellie Alfeld asked about competition for the items. Superintendent Jordan stated that last fall 2 sold for \$4,200 each, new would have been \$17,500. Another item he is seeking is an asphalt (rubber tire) roller. The Accumulated Fund Balance will be used to cover; by paying cash a threshold is set of paying less in the long run.

**RESOLUTION
APRIL 14, 2008**

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**RESOLUTION TO AUTHORIZE TOWN SUPERINTENDENT OF HIGHWAYS
TO PURCHASE SANDERS AT NYS THRUWAY AUCTION**

RESOLVED, that the Town Board hereby authorizes the Town Superintendent of Highways to purchase up to two used sanders at the upcoming NYS Thruway Auction at a total cost not to exceed \$10,000 for each sander, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Superintendent of Highways to purchase a used asphalt roller at the upcoming NYS Thruway Auction at a total cost not to exceed \$2,500.

Councilman Kuenster moved, seconded by Councilman Norris. Ellie asked if the company was still in business. Answer: Yes. Councilman Byas asked if anyone would want the Town's old sanders. Answer: no, gearboxes have been cut out. Also, the current roller does not have rubber tires; this purchase could avoid an expenditure of \$25,000. Yardage on sanders is larger.

Adopted **Ayes-5 Kuenster, McKeon, Louis, Norris, Byas**
 Nays-0

Supervisor asked to put in place authorization for Funding for Comprehensive Plan Implementation.

**RESOLUTION
APRIL 14, 2008**

**RESOLUTION RELATING TO FUNDING FOR
IMPLEMENTATION OF TOWN OF NEW BALTIMORE COMPREHENSIVE
PLAN**

WHEREAS, pursuant to a request from the Supervisor, a New York State Legislature Local Initiative Grant has been secured by Senator James Seward to provide funding of \$10,000 to the Town of New Baltimore to be used for expenses related to the implementation of the Town of New Baltimore Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize an expenditure of funds in an amount of up to \$10,000 for expenses to be incurred by the Town of New Baltimore for the implementation of the Town of New Baltimore Comprehensive Plan, including, but not limited to contractual expenses relating to the enactment of revisions to the Town's zoning and subdivision regulations, to be reimbursed by funds received through the New York State Legislature Local Initiative Grant, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to execute any contractual documents that are necessary to finalize the award of this New York State Legislature Local Initiative Grant.

Councilwoman McKeon moved, seconded by Councilman Byas. No discussion.

Adopted **Ayes-5 Kuenster, McKeon, Louis, Norris, Byas**
 Nays-0

Supervisor read Senator James Seward's letter, attached.

Councilman Norris stated that National Incident Management Systems (NIMS) had been formed after September 11, 2001. Alan VanWormer has indicated an interest and is qualified to serve as Town Emergency Management Officer.

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**RESOLUTION
APRIL 14, 2008**

RESOLUTION TO APPOINT EMERGENCY MANAGEMENT OFFICER

WHEREAS, the Town Board of the Town of New Baltimore by its Resolution dated June 12, 2006 has adopted the National Incident Management System (NIMS) as the Town of New Baltimore's standard for emergency incident management and

WHEREAS, the Town Board hereby finds that it is in the Town's best interest to appoint an Emergency Management Officer with the requisite training in the National Incident Management System.

NOW THEREFORE, BE IT RESOLVED, that the Town of New Baltimore hereby establishes the unsalaried position of Emergency Management Officer, and

BE IT FURTHER RESOLVED, that Alan Van Wormer is hereby appointed to serve as the Town of New Baltimore Emergency Management Officer, effective immediately.

Councilwoman McKeon moved, seconded by Councilman Norris. No discussion.
Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
Nays-0

Alan VanWormer asked for a funding request to purchase digital camera at a maximum cost of \$160.

**RESOLUTION
APRIL 14, 2008**

RESOLUTION TO AUTHORIZE PURCHASE OF DIGITAL CAMERA

RESOLVED, that the Town Board hereby authorizes the Town Emergency Management Officer to purchase a digital camera for use in documenting damages sustained during disaster events at a cost not to exceed \$160.00.

Councilman Norris moved, seconded by Councilman Byas. Councilman Norris added that a Federal Emergency Management Agency (FEMA) officer indicated that images must be sent digitally. Councilwoman McKeon added that any parks damage could also be captured with this camera.

Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
Nays-0

Supervisor stated that Cocksackie's Rescue Squad was taken over by the Town of Cocksackie, could not provide the Town of New Baltimore Ambulance District 2, same boundaries as Medway-Grapeville Fire District, with a contract without Certificate of Need, have now acquired a Certificate of Need, and a contract has been received for 2007 for \$3,000. Beginning in 2008 Supervisor expects to enter into a contract proportional to its overall costs, significantly higher; there is a fund balance in that Ambulance District which will cover that for 2008. In 2009 adequate funds will need to be budgeted.

**RESOLUTION
APRIL 14, 2008**

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT
WITH TOWN OF COXSACKIE FOR AMBULANCE SERVICE PROVIDED TO
NEW BALTIMORE AMBULANCE DISTRICT NO. 2**

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RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an agreement with the Town of Coxsackie for the period January 1, 2007-December 31, 2007 for basic ambulance service provided to New Baltimore Ambulance District No. 2, at a total cost of \$3,000.

Councilwoman Norris moved, seconded by Councilman Kuenster. No discussion.
Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
Nays-0

Regarding a Zoning Violation on Route 9W, Town Attorney Wukitsch stated that the parties own property in the Commercial Zone, a complaint was filed stating that farming activities were being conducted, and agriculture is not a permitted use in the Commercial Zone. A Code Enforcement Officer investigated and met with the parties to attempt to gain voluntary compliance to Town Code 112-23B. When there is an existing code violation of this type, Town Board takes up the matter and issues a resolution directing the Town Attorney to issue a written notice to property owners advising them that they are in violation of the Town Code and are to cease and desist, and permanently remove livestock from the property, and set a compliance date May 15, 2008, and that the parties have a right to a hearing under Town Code 112-24. The resolution also provides that if they fail to correct by compliance date, further appropriate legal action would be taken, probably in Town Court. Agricultural activities that violate the zoning code are harbouring and sale of livestock.

**RESOLUTION
APRIL 14, 2008**

**RESOLUTION PROVIDING NOTICE OF VIOLATION OF TOWN
ZONING CODE IN ACCORDANCE WITH NEW BALTIMORE
CODE §112-23(D).**

WHEREAS, Rose and Bruce Ubrich are the owners of property located on Route 9W in the Town's commercial zone, Tax Map ID29.01-2-14 (hereinafter called "the property"), and

WHEREAS, a complaint was filed with the Building Inspector alleging that farming activities were being conducted on this property in violation of the Code of the Town of New Baltimore, and

WHEREAS, said farming activities constitute an agricultural use which is not permitted in the Commercial District under New Baltimore Code §112-8, and

WHEREAS, following an investigation of the matter, the Town Building Inspector has determined that there appears to be a violation of the Town Zoning Code relating to the property by virtue of the fact that the Ubrichs are conducting farming activities on the commercially zoned property, and

WHEREAS, the Town Building Inspector has met with the person or persons involved for the purpose of obtaining voluntary compliance with the Town Code, and

WHEREAS, compliance with applicable provisions of the Town Code have not been obtained in accordance with the procedures set forth in the Town Code §112-23(B), and the Building Inspector has submitted an appropriate report in writing of the proceedings to the Town Board, with a copy to the Zoning Board of Appeals.

NOW, after due deliberation and review of all prior proceedings,

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BE IT RESOLVED, as follows:

1. The Attorney for the Town is hereby directed to serve a written notice upon the Ubrichs by regular and certified mail-return receipt requested, and such notice shall contain the following information:
 - (a) That the Ubrichs are currently conducting agricultural activities on the property in the Town's commercial zone by harboring and selling livestock in violation of the Town Zoning Code.
 - (b) In order to affect compliance with this chapter, the Ubrichs shall be required to cease and desist conducting any agricultural activities by permanently removing all livestock from the property.
 - (c) That the compliance date shall be May 15, 2008.
 - (d) The Ubrichs shall be notified of their right to a hearing before the Building Inspector and Town Board in accordance with Town Code §112-24.
2. In the event the Ubrichs fail to correct the aforesaid violation by the compliance date or any extension thereof, then appropriate legal action shall be taken in accordance with Town Law.

Supervisor Louis moved, seconded by Councilwoman McKeon. No discussion.
Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
Nays-0

Supervisor stated Tax Collector Diane Stuart has requested attending conference June 8-11.

**RESOLUTION
APRIL 14, 2008**

**RESOLUTION TO AUTHORIZE ATTENDANCE BY TAX COLLECTOR AT
NEW YORK STATE ASSOCIATION OF TAX RECEIVERS AND
COLLECTORS
2008 ANNUAL TRAINING SEMINAR**

RESOLVED, that the Town Board does hereby authorize Diane Stuart, Town Tax Collector, to attend the New York State Association of Tax Receivers and Collectors 2008 Annual Training Seminar to be held from June 8-11, 2008, and authorizes reasonable expenses for transportation, lodging and meals.

Councilwoman McKeon moved, seconded by Councilman Byas. No discussion.
Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
Nays-0

Town Clerk Janet Brooks has requested attendance at state conference.

**RESOLUTION
APRIL 14, 2008**

**RESOLUTION TO AUTHORIZE ATTENDANCE BY TOWN CLERK AT NEW
YORK STATE TOWN CLERKS' ASSOCIATION MEETING**

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RESOLVED, that the Town Board does hereby authorize Janet Brooks, Town Clerk, to attend the New York State Town Clerks' Association Meeting to be held on April 28, 2008, and authorizes expenses for registration and transportation.

Councilwoman McKeon moved, seconded by Councilman Kuenster. No discussion.
Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
Nays-0

Supervisor wished to call to Town Board's attention a request that he has drafted to NYS Department of Transportation to provide a proper break in the guide rail where the boardwalk is located on State Route 144, and copy to New Baltimore Conservancy and legislators.

April 14, 2008

*Mr. Brian O. Rowback
Regional Director, Region 1
New York State Department of Transportation
328 State Street
Schenectady, NY 12305*

Dear Mr. Rowback

I am writing to call your attention to a potentially dangerous pedestrian situation in the Town of New Baltimore that can hopefully be addressed by the NYS Department of Transportation.

The Hannacroix Creek Preserve is a popular natural area with walking trails on both the west and east sides of State Route 144. The parking area is on the west side of route 144 just south of the Greene/Albany county line. Trails to gain access to a scenic area of the Hudson River shoreline are located on the east side of the road.

For several years, pedestrians have walked along the west side of Route 144, which has limited sight distances and no real shoulders in this area to go between the trails on either side of the road. In recent years, NYSDOT has made drainage improvements in this area and removed what little shoulder and sidewalk there was on the west side of Route 144.

Until recently, there was little that could be done to improve this situation without major shoulder improvements. However, volunteers from the New Baltimore Conservancy will shortly complete a boardwalk over the wetland directly across Route 144 from the parking lot trail. This will avoid the necessity of walking along Route 144. However, the only way that pedestrians will be able to access the boardwalk will require them to climb over the existing guard rail on the east side of the road. NYSDOT could contribute greatly to pedestrian safety in this area by providing a proper break in the guard rail at this location and providing road signage on Route 144 to warn motorists of this pedestrian crossing.

As public access to these natural resources is a strong priority of the Town of New Baltimore, the Town Board seeks your support in making these critical improvements in pedestrian safety. We greatly appreciate your consideration of this request, and hope that you can schedule this work during the 2008 season for the benefit of those who may safely enjoy these local trails.

We look forward to your positive response to this reasonable request. Please feel free to contact me should you require any further information regarding this matter.

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*Very truly yours,
David Louis
Supervisor*

cc: Senator James L. Seward
Assemblyman Tim Gordon

PUBLIC COMMENT

Pat Conway expressed concern about **Maurer** property and taxable status. The Town Board received notification from Greene County Legislature, without the benefit of New Baltimore Town Board input, that they would not proceed with foreclosure on that property; all are very concerned about that action. Town Board is consulting with Town Attorney Wukitsch about what the Town can do to protect its right to tax revenues otherwise owed to the Town paid through 2008. It is in 2009 that it goes off the tax rolls. As far as condition of the property, the Town has been conducting an enforcement proceeding against the descendants of Charles Maurer, pending in Town Court, for violations of the Town Code regarding junk vehicles and property maintenance. Progress has been made, is continuing, and no other entities have been willing or able to assist. Pat Conway said anything on the property is leaching into the Hannacroix Creek. [unable to understand] NYSDEC has been involved, in 2002 obtained a consent order against the owner, then abandoned their enforcement of any violation, and referred matter to the Attorney General's Office. The current Town proceeding is 8-9 months old. Owners are relatively cooperative, a lot has been taken out; major problem is tires, not leaching, and risk of fire hazard is predominant concern. The Town Board is doing everything it can; our local legislator was overruled by County Legislators. Councilman Kuenster asked if the Town had access to what the NYSDEC learned; Supervisor said garbage, junk cars and tires originally in the thousands. Pat Conway added: transmission fluid, gear oil, engine oil, antifreeze, asbestos. Phil Pausley commented on trash on lawns leading up to Maurer's. Supervisor answered that there was no will, never probated, state power and trust law; even though estate is not settled, title is vested to descendants who are all parties in the current proceeding. Phil asked about asbestos. Supervisor Louis said as a court matter it is up to the Town Justices to determine action; due diligence is being practiced. Councilman Byas added that the trailers on Alcove Road are separate parcels and he has asked Building Inspector Cashin to deal with property maintenance. [unable to understand]

Nils Backlund asked for **Cornell Park** to have a 25 gallon garbage container. Supervisor suggested **Santo Costanza** do a weekly inspection and routine to empty a container. Nils asked for status of Main Street; Highway Superintendent Jordan said they were going to pave, Supervisor stated the County Highway Department is trying to secure federal funds to deal with Main Street. Supervisor Louis suggested the County Highway Superintendent will be at Cornell Hook and Ladder, Gill Road, on April 30 regarding the New Baltimore Road bridge. Deans Mill Bridge is worse, said Nils and Denis Jordan.

Nils Backlund asked Councilman Kuenster if volunteers were being sought for the **Farmers' Market**. Supervisor stated to call Diane Louis, volunteer coordinator.

Regarding the District 2/Cecil C. Hallock **park rental** request by John Schauger and the **Greene Correctional Facility** staff and correctional officers for softball games, requiring a portajohn, Supervisor asked for the rationale for waiver policy; Councilwoman McKeon answered charitable activities, or event to benefit the community. Discussion ensued. The "break" is to have the portajohn present.

Councilwoman McKeon moved to not waive the fee, seconded by Councilman Byas.

Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
Nays-0

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MONTHLY REPORTS

Supervisor Louis reported that vouchers, appearing on the abstracts prepared for this April meeting, were being approved by the Town Board. Also, a statement of revenues and expenditures to date has been distributed to the Board.

County Legislator Jim Van Slyke was not present.

Town Clerk Brooks reported no C/O searches; Permits: 7 building, 1 septic system replacement, and 4 conservation fees, 11 dog licenses, 2 marriage licenses, 2 certified copies, and 25 photocopies, revenue to Town Supervisor of \$1,007.21 and non-local revenue disbursed of \$132.54.

Highway Superintendent Jordan reported patching with winter mix and crusher run, [unable to understand].

Wastewater Treatment Plant Operator Jim Polverelli reported: Mar 1 preventative maintenance performed on rotor #1; Mar 5 had high flow, alarm at pump station, pump reset OK; Mar 6-10 very high flow, all tanks full to capacity; Mar 13 Flach in to review piping and flow pattern of equalization tank and work that has been done in past; Mar 20 Bullock in to remove alarm system in chlorine room; Mar 21 preventative maintenance and cleaning at pump station; Mar 27-29 pumped down sludge side of equalization tank; Mar 30 pumped sludge to drying beds (9,170 gal).

Historian Clesson Bush reported for the month of April: has consulted with several people on different topics, some continuing from last report: the Reformed Churches in both New Baltimore and Ravena, a local family member's military service, 19th century dredging of the Hudson, and the Saratoga and Hudson River Railroad. Purchased two more postcards of Albright's or Steve's Cabins; will send copies to the former owners of the site. Also, bought one of a Hannacroix Creek bridge; am attempting to determine its location. Will be attending the spring conference of the Association of Public Historians of New York State that will be held in Glens Falls this weekend. Have received donations of several pictures and other items from Allan Bedell and Chris Byas, mostly relating to the Rocky Store School. Received permission from the property owners to visit and record a local cemetery and the ice house site written up in the recent newsletters. Visited the Nutten Hook ice house and Cocksackie Station historic sites across the Hudson from Cocksackie; before the Saratoga and Hudson and West Shore railroads, if someone from New Baltimore wanted to travel by rail, they could take the ferry across from Cocksackie and board the train over there. Have been collecting and recording on computer information about the ice houses that used to be in Town.

Code Enforcement Officers/Building Inspectors John Cashin and Christian Larsen reported March activities: New Building Permit Applications Received: 8; Building Permits Issued: 8; Building Inspections: 21; Commercial Site Fire Inspections Completed: 0; Certificates of Occupancy granted: 2; Certificates of Compliance granted: 3; Stop Work Orders issued: 0; Junk vehicle complaints: 0; Court Appearances: 0; Zoning Violation Investigations: 1; Code Violation Investigation: 0. Letters have been sent to 34 Town residents with open Building Permits from the 2005/2006 years requesting that they contact the Department for final inspections and/or to renew their expired Building Permits; a very favorable response is being received to this mailing. The Department wishes to remind people that State Building Codes require a Building Permit for all new swimming pools designed to hold more than two feet of water.

Newsletter Chair Councilman Kuenster reported the spring issue had been mailed and apologized to Councilmen Byas and Norris for the boilerplate on back cover.

Assessor Gordon Bennett had no report.

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Agriculture Committee Chair Councilman Kuenster reported resolution to form a citizen's committee to link farmers to non-farming community. Website: www.newbaltimorefarmersmarket.org. A press release approved and sent to local papers, representative from Agriculture Committee attended AgFest committee meeting, more animals and 4H participants will be at AgFest and booth rep Farmers' Market, and Cornell Cooperative Extension letter is being mailed to Greene County farmers.

Public Memorial had no report.

Planning Board Chair Lee Davis reported the Planning Board has held three meetings since its March report to the Town Board. At the March 13, 2008, meeting: Public Hearing was held on the two-lot Minor Subdivision Application of Laura Kaye Stewart. Due to conflicting documentation presented with regard to two boundaries of the property and issues with regard to Agricultural District disclosure notification, Public Hearing was recessed until 7:30 p.m., April 10. Public Hearing was held on the two-lot Minor Subdivision Application of David VanAlstyne. In the regular monthly meeting that followed: VanAlstyne minor subdivision was approved; Request for extension of the Jyoti SAI Hospitality, LLC Site Plan for construction of the Holiday Inn; Express was received and extension granted through December 2008.

At the March 27, 2008, Work Meeting, the Planning Board met in work session to receive an update on the requirements and procedures for subdivision of property located in Agricultural Districts. April 10, 2008, Regular Monthly Meeting: the Laura Kaye Stewart Public Hearing was continued and concluded. In the regular monthly meeting that followed: Stewart minor subdivision was approved; Heard an update on the I-87 Corridor Project from Sandy Mathes, Executive Director of the Greene County IDA; Discussed with a Town resident her initial plans for subdividing a parcel of land.

Zoning Board of Appeals Vice Chair Meave Tooher reported no meeting in April, as there were no applications to come before the Board.

Recycling Center Operator Spencer Sebert reported receiving 2 appliances and 1 microwave oven, and revenue to Town of \$19.00. For Buildings and Grounds, Spencer Sebert reported having fixed the door closer on handicapped ramp door, adjusted latch on red door into offices, removed letters on outside of Town Hall, and adjusted and lubricated latch on vestibule door into meetingroom. Town-wide Clean-up is Saturday, May 3 through Monday, May 12; 45 orange bags already picked up from Town Clerk.

Animal Control Officer Joe Tanner reported 102 dogs treated and 1 ferret at the Greene County Rabies Clinic; will build a facility at his residence and will be inspected in 60 days.

Fire/EMS /Law Enforcement Chair Councilman Norris reported from last month's meeting Greene County EMS started a new Quality Improvement Program that will review pre-hospital care, recommend new policies or procedures, and change protocols as needed. A committee of six member of the EMS board will oversee this, meet bi-monthly to review all patient care reports, and report any recommendations to the Greene County EMS board at their monthly meeting. On March 26th Councilman Norris and Supervisor Louis met with Deputy Highway Superintendent Alan VanWormer and fire Chiefs Wallace and Fava to re-examine the town's emergency management plan, and discussed how to add 911 address signs to all homes in the Town. A second meeting is planned for April 22. Medway VFD anticipates delivery of their new American LaFrance pumper in late July and the New Baltimore FD will be starting a new web site called www.firecompanyys.com

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For Parks, Councilwoman McKeon reported the announcement for counsellors is in Newsletter, set May 1-16 to accept employment applications, and the website has been updated with new employment and participant applications. May 31-June 1 is AgFest.

Promotion/Economic development Chairman Kuenster reported the Business Appreciation Breakfast will be 3rd Wednesday of June at Boathouse Restaurant, Shady Harbor Marina.

Grants had no report.

For Website and Technology, report that the supplement to the GEIS from Greene IDA has been posted as a link. Supervisor reported that the agenda is posted to the website by late Sunday night prior to Regular Town Board meeting.

Personnel reported still interviewing for ZBA opening.

Question from the public indicated that nothing has been filed, no Special Use Permit, on the Assisted Living not on agenda. It is not going to be a franchise, but a steak and seafood restaurant developed by a Greene County resident with prior experience. Councilman Byas thanked Supervisor David Louis for securing grants for the Greene County Sheriff's substation and for the Town Board's approval.

{ Councilwoman McKeon moved to enter executive session to discuss a litigation matter, seconded by Councilman Norris. Executive Session began at 9:30 p.m.
Councilwoman McKeon moved to close executive session at 10:25 pm, seconded by Councilman Norris. }

With no more from the Board, Councilwoman McKeon moved to adjourn, seconded by Councilman Norris.

**Motion Carried Ayes-5 McKeon, Kuenster, Louis, Norris, Byas
 Nays-0**

The meeting was adjourned at 10:26 p.m.

Respectfully,

Janet A. Brooks
Town Clerk