

COUNTY OF GREENE  
TOWN OF NEW BALTIMORE  
REGULAR TOWN BOARD MEETING  
MONDAY, SEPTEMBER 14, 2009-Page 1

DRAFT

Supervisor Louis called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was said. Also attending were: Councilwoman McKeon, Councilmen Norris and Byas, Attorney for the Town Wukitsch, Town Clerk Brooks, and 6 members of the public. Absent: Tax Collector Stuart and Highway Superintendent Jordan.

Supervisor Louis welcomed all attending and stated that the agenda would begin with notice of upcoming ceremony.

Pat Linger announced that a ceremony to honor Iraq veteran and Town resident **Seth Stephens** would be held on Sunday, September 27, 2009 at 1:00 pm. He is home recuperating after discharge from Walter Reed Hospital. Supervisor Louis has heard from US Congressman Scott Murphy, State Senator Jim Seward, State Assemblyman Tim Gordon, Greene County Legislator Jim VanSlyke, and is waiting to hear on clergy. Also, the veterans group that was present also put on a comedy show which was well-attended, close to 200; Senator Seward and Assemblyman Pete Lopez were in attendance.

#### MINUTES

The minutes of the **August 10, 2009 Regular Town Board Meeting** were presented for approval.

Councilwoman McKeon moved, seconded by Councilman Norris.

**Adopted**      Ayes- 4   McKeon, Louis, Norris, Byas

Nays- 0

The minutes of the **August 24, 2009 Town Board Work Meeting** were presented for approval.

Councilwoman McKeon moved, seconded by Councilman Norris.

**Adopted**      Ayes- 4   McKeon, Louis, Norris, Byas

Nays- 0

#### CORRESPONDENCE

From **Greene County Sheriff Greg Seeley**, a request for a letter of support from the Town Board to the Greene County Legislature following an increase in services, substations, and patrols while operating under budget. Without objection, Supervisor will prepare supportive letter.

From **Coxsackie-Athens School District**, a request for an appointment to represent Town of New Baltimore in a communications study and attend 3 focus groups: September 22 at 4pm at Middle School Library, September 30 at 5:30pm at EJ Arthur Elementary School, October 8 at 6:30pm at Middle School Library. Councilwoman McKeon offered to attend.

From **Bicentennial Committee**, notice of invitation to a Barn Round, Square Dance & Dinner on October 24, 2009 from 5:30-9:30pm at the Hilscher Farm, on CR54 in Hannacroix. This is the first of many fundraisers; tickets are limited and are available from Joyce Schoenig. The Reformed Church will host a Holiday Craft Show on the same day.

From **NYS Assemblyman Tim Gordon**, notice that he will bring his Mobile District Office Tour to the New Baltimore Farmers' Market on Saturday, September 26, from 9-10:30am.

From the **Assembly Minority "Sex Offender Watch" Task Force**, notice of a roundtable discussion on Wednesday, October 21 from 10 am to 12 noon at the Germantown Library in Germantown, focusing on ways to safeguard children from sex offenders.

From **Cornell Cooperative Extension of Greene County**, an invitation to Town Board members to attend a public discussion of the **Catskill Creek Watershed** awareness group on Thursday, September 17, 7pm, at the Agroforestry Resource Center in Acra.

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The Town was copied on correspondence from US Army Corps of Engineers to **Patrick Pacheco** regarding a February 2009 joint permit application for excavation work at Mirror Lake, and appears to be authorized under general permit number 27.

From **Greene County Emergency Services**, notice of a Public Officials' Conference on Wednesday, October 14, 2009 from 8:30am-3:30pm to address **Greene County Hazard Mitigation Plan**, annual requirements for a municipality, and review the individual and public assistance process following a disaster.

From **NYS Assembly Minority Leader Brian Kolb**, a request for support to empower voters to decide whether to convene a non-partisan People's Convention to Reform New York in 2011 or in 2017.

The Town of New Baltimore was provided with a Notice of Claim, wherein the Town of New Baltimore is mentioned in a historic reference, relating to the reading of water meters in the **Village of Ravena**.

## **OLD BUSINESS**

### **Unsafe Building**

A memorandum was received from Building Inspector John Cashin regarding an **unsafe structure** on **Washington Avenue**; improvements include yard condition, front door repair, front door secure, scraped paint, and a new retaining wall to stabilize grade. Supervisor Louis recommended holding over until **Mr. McDevitt** has completed the scope of work. Attorney for the Town Wukitsch stated that, as the Notice of Unsafe Structure is filed with Greene County, at some point the Town Board must take action to cancel the Notice or move it forward. Councilman Norris asked if the whole house is secured; Supervisor suggested asking Building Inspector Cashin when he is back from medical leave.

### **Workplace Violence Prevention Training**

Councilwoman McKeon and Supervisor Louis met with **HR Consultants** and the mayors of Villages of Athens and Coxsackie and supervisor of the Town of Coxsackie, discussed mutual needs, asked consultant to get back with joint proposal, and were unhappy with that proposal.

Consulting with Councilwoman McKeon and Attorney for the Town Wukitsch, Supervisor said a policy is needed and the easiest way to comply is to do it in-house. NYS Department of Labor has a one-page sample policy and supplies staff questionnaires. By year's end the necessary work to have measures in place could be complete; the legal burden would be more significant if the Town had more than 20 full-time employees.

## **NEW BUSINESS**

Supervisor said that an Eagle Scout Court of Honor ceremony had been attended for Town resident Andrew Pacuk on Sunday, September 13, 2009; the following was presented to this 15-year-old scout.

### **RESOLUTION SEPTEMBER 14, 2009**

#### **CONGRATULATING ANDREW PACUK UPON THE OCCASION OF RECEIVING THE DISTINGUISHED RANK OF EAGLE SCOUT**

WHEREAS, **Andrew Pacuk**, a resident of the Town of New Baltimore, through his diligence and rigorous efforts, has achieved Scouting's highest and most prestigious rank, Eagle Scout; the Eagle Court of Honor Ceremony being held on September 13, 2009, and

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WHEREAS, the Boy Scouts of America and its members are dedicated to the development of character and leadership in our youth, and

WHEREAS, the highest achievement of leadership in Scouting, earned by less than four percent of all Boy Scouts, is the distinguished rank of Eagle Scout, and

WHEREAS, Andrew Pacuk has been involved in Scouting for many years, has lived up to Scouting's ideals and has attained all of the necessary achievements, including the completion of community service projects to make two picnic tables for Cecil C. Hallock Memorial Park in the Town of New Baltimore, and building an outdoor bench, shelf and circulation desk for the Heermance Memorial Library in Cocksackie, and

WHEREAS, this outstanding young man's perseverance in rising through the ranks to Eagle Scout is a strong indication of his ability to master difficult tasks and will enable him to emerge a leader who will be ready to meet the challenges facing us all in the future, and

WHEREAS, this outstanding achievement brings great pride to his family and our community, and warrants special recognition.

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore does hereby acknowledge this meritorious honor and extend its congratulations to Andrew Pacuk on the occasion of his achieving the rank of Eagle Scout.

Councilwoman McKeon moved, seconded by Councilman Byas  
**Adopted Ayes- 4 McKeon, Louis, Norris, Byas**  
**Nays- 0**

Councilman Byas added that other members of this Boy Scout Troop 45 have come to him for various badges.

Supervisor noted that Eleanor Alfeld's appointment to the Board of Assessment Review will be expiring; she is interested in continuing this service. Supervisor read.

**RESOLUTION  
SEPTEMBER 14, 2009**

**RESOLUTION TO RE-APPOINT BOARD OF ASSESSMENT REVIEW  
MEMBER**

RESOLVED, that Eleanor Alfeld is hereby re-appointed to the Board of Assessment Review for a five year term expiring September 30, 2014.

Councilwoman McKeon moved, seconded by Councilman Byas.  
**Adopted Ayes- 4 McKeon, Louis, Norris, Byas**  
**Nays- 0**

Supervisor said a request had been received from Town Justice Farrell; he read.

**RESOLUTION  
SEPTEMBER 14, 2009**

**RESOLUTION TO AUTHORIZE ATTENDANCE BY TOWN JUSTICE  
AT NEW YORK STATE MAGISTRATES CONFERENCE**

RESOLVED, that the Town Board does hereby authorize Town Justice Joseph Farrell to attend the New York State Magistrates' Conference to be held from October 18-21, 2009 and authorizes expenses for registration, transportation, lodging and meals, less

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reimbursements received from the New York State Office of Court Administration, at a total cost not to exceed \$731.00.

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

**Adopted**      Ayes- 4   McKeon, Louis, Norris, Byas  
                 Nays- 0

A request was received from Justice Clerk Sheri Jourdin to attend a conference in Albany.

**RESOLUTION  
SEPTEMBER 14, 2009**

**RESOLUTION TO AUTHORIZE ATTENDANCE BY TOWN COURT STAFF  
AT NEW YORK STATE ASSOCIATION OF MAGISTRATES  
COURT CLERKS CONFERENCE**

RESOLVED, that the Town Board does hereby authorize Sheri Jourdin and Kathleen Connor to attend the New York State Association of Magistrates Court Clerks Conference to be held from October 5-7, 2009 and authorizes expenses for registration, transportation, and meals, less reimbursements received from the New York State Office of Court Administration, the total cost not to exceed \$175.00 for each attendee.

Councilman Norris moved, seconded by Councilwoman McKeon. Councilman Byas asked what a commuter pass was; Supervisor said if they stayed at the conference they would incur the costs of lodging and meals. No further discussion.

**Adopted**      Ayes- 4   McKeon, Louis, Norris, Byas  
                 Nays- 0

**Liquor License application notification required by law for an on-premises liquor license**

The operators of Fox Run Parc/ Exit 21B Truck Plaza have previously held a license with no complaints; their attorney has contacted the Town Clerk by law in advance to submitting an application for an on-premises liquor license. They have requested a waiver of the 30-day waiting period. The owners are New Baltimore Truck Stop Plaza, Inc, and the operators are going to be Cocksackie Diner, Inc. Councilman Byas asked if they had had any problems with the New York State Liquor Authority. Supervisor said not to his knowledge, and this is a new application. Councilwoman McKeon says this sends out a notification that in 30 days they are going to submit this application; it has nothing to do with the Town's approval of their application going forward or the New York State Liquor Authority's judgment call or granting the license. Ellie Alfeld asked for a time frame for the neighbors on either side, does that provide them with 30 days to express their views, and the NYS Thruway is around the property. Supervisor understands that the hours of operation remain the same. Supervisor read.

**RESOLUTION  
SEPTEMBER 14, 2009**

**RESOLUTION TO WAIVE 30 DAY WAITING PERIOD  
FOR SUBMISSION OF ON PREMISES LIQUOR LICENSE APPLICATION  
BY COXSACKIE DINER, INC.**

WHEREAS, Cocksackie Diner, Inc. intends to file an application for an On-Premises Liquor License at the New Baltimore Truck Stop Plaza, located at 12800 Route 9W, West Cocksackie, NY, and

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WHEREAS, pursuant to Alcohol Beverage Control Law §64(2A), an applicant must give the municipality thirty (30) days notice of the pending liquor license application unless the municipality consents to waive this thirty (30) day requirement, and

WHEREAS, the Town Board hereby finds that the proposed sale of liquor is consistent with prior use at this location.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Baltimore hereby waives the thirty(30)-day notice period in regard to the On-Premises Liquor License application, allowing an earlier submission of said application.

Councilwoman McKeon moved, seconded by Councilman Byas. Ellie Alfeld asked if they would be entitled to more signage as it is a new business.

Adopted      Ayes- 4    McKeon, Louis, Norris, Byas  
                 Nays- 0

## PUBLIC COMMENT

Ellie Alfeld complimented the Town Board for getting the pile of tires removed. She also asked about a new road sign that appeared where Harriet Miller's barn used to be and a new house is situated. Ellie asked if that was a Town road; answer: Supervisor said it is not a Town road, and since it is private property, unsure whether the Town can regulate the color of the sign.

## MONTHLY REPORTS

Supervisor Louis reported that vouchers, appearing on the abstracts prepared for this meeting, were being approved by the Town Board. He added that two weeks from tonight at the Town Board's Work Meeting he will be presenting the Town's Tentative Budget for 2010.

County Legislator Jim VanSlyke reported that Greene County's study of Maurer property recommends that certain things be done in Phase 2; Greene County hasn't determined action and is gathering costs for the Phase 2 recommendations. Supervisor said that Greene County had reached out to the folks doing the cleanup who are not the owners (they have not done what is needed to get title to the property). Greene County had written to the heirs of the estate to say that at the end of 30 days environmental review would begin if taxes were not paid; the simplest thing would have been for the taxes to be paid. Supervisor asked if it were possible to reach out to owners once more for payment of taxes; Legislator VanSlyke said yes, adding that it would take at least 4-6 weeks to get prices on the scope of Phase 2. (unable to understand)

Town Clerk Brooks reported 1 certificate of occupancy search \$15.00; 2 park permits \$50.00; 1 refunded park permit -\$25.00; 11 conservation fees \$914.00; dog licenses \$298.15; 8 certified copies \$80.00; 33 photocopies \$8.25; 11 building permits \$1,873.00; 1 excavation under driveway fee \$35.00; 1 minor subdivision \$60.00; the total for the month of August is \$3,308.75. For the **Town-Wide Yard Sale** on September 19, numerous press releases and community calendar listings have been done. Thanks go to the Highway Department for posting the 4x4 signs I painted last year; there are 41 addresses on the map as of today. Two orders for **911 signs** have been submitted, the first order arrived and another order is in the works.

Highway Superintendent Denis Jordan reported for the month of August 2009: Hand patched roads with blacktop; Mowed grass and brush along roads; Mowed and weedeated all cemeteries; Patched dirt roads with crusher run; Cut limbs at east entrance to Town Hall; Put up new Greene County Sheriff sign at Town Hall; Picked up furniture dumped

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on Jennings Road; Replaced drainage system on Madison Ave East, blacktop should be finished soon; Replaced 12" culvert pipe on Church Street; Replaced large culvert pipe on Mathews Point; Cleaned ditches and did drainage improvements on Gill Road; Sent 1 truck to help Town of Coeymans with stone and oil project; Replaced more *Stop Ahead* signs with new NYSDOT-approved signs; Replaced 60' of drainage on Washington Avenue; Cleaned ditches on Schoolhouse Lane; Installed 40' of 12" culvert on Roberts Hill Road; Called Jim Polverelli about sewer in ditch on Gill Road-taken care of right away; Took tires to W&J for recycling; Repaired broken swing at District 2/Cecil C Hallock Park; Graded and yolk-raked dirt roads; Replaced 12" by 40' culvert pipe on Scheller Park Road.

Wastewater Treatment Plant James Polverelli reported all was going well and Councilman Byas asked him to work on his budget.

Town Historian Clesson Bush reported for September 2009: Communicated with the Ravena Coeymans Historical Society on the planning for an upcoming exhibit on local schools; Consulted with the Dutchess County Historian, Jonathan Donald, and several other people on some genealogical and local history material; Have been asked by a local resident about a sign, commemorating the Baptist Church, that used to stand on the corner of New Baltimore Road and Route 144- if anyone knows what happened to the sign, let me know; Assisted a local resident who was looking for some historical background on Percy Waller, a physician in New Baltimore for over 50 years; Completed some research on the history of a house for a local resident; Received two historical photographs for the Town collection from Councilwoman McKeon; Provided photographs for exhibit at the new general store at Medway Four Corners; Will be attending the Hudson River Valley Institute's New York 400 Years Conference at Marist College on September 25 and 26 and the annual Rensselaerswijck Seminar on October 2 and 3 at Albany.

Code Enforcement Officer/Building Inspector Christian Larsen summarized Building Inspector/Code Enforcement Officer activities for August, 2009, as follows: Building Inspections: 10; Building Permits Issued: 9; Building Permits Renewed: 3; Certificates of Compliance Issued: 5; Certificates of Occupancy Issued: 6; Commercial Permits Issued: 3; Commercial Site Fire Inspections: 1; Court Appearances: 1; Demolition Permits Issued: 1; Junk Vehicle Complaints: 1; New Building Permit Applications Received: 11; Stop Work Orders Issued: 1; Code Violation Investigations: 19; Zoning Violation Investigations: 3; Application Fees for August, 2009: \$ 1,873.00; Total Fees Year to Date: \$15,738.60.

Newsletter Chair Councilwoman McKeon gave the deadline for the next issue as Friday, September 25, 2009; included are the 2 local soldiers, James Rundberg and Seth Stephen, who are back from Iraq and 15-year-old Town resident Andrew Pacuk who just achieved Eagle Scout. Councilman Byas asked for a graphic box with the Sheriff substation's phone in New Baltimore.unable to understand; Supervisor asked Councilman Norris if the 911 sign project was adequately publicized; answer, please to include if there is room.

Assessor Gordon Bennett had no report.

Agriculture Committee will meet on the first Thursday in October.

Bicentennial Committee held a meeting Saturday, September 12 which was a walk-through at the Ted and Nancy Hilscher barn where the Barn Round, Square Dance will be held in October.

Public Memorial Committee has not met.

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Planning Board Chair Lee Davis reported for September 2009 that the Planning Board has met twice since its last report to the Town Board. At the August 13, 2009, meeting: Discussed with John Parker the proposed subdivision of his property located on Route 9W into two lots; Discussed with Thomas Sterritt the proposed addition to his garage located on the east side of Route 9W in the Service Commercial District. Required Site Plan was classified by the Board as a minor site plan. At the September 10, 2009, meeting: Continued discussion with John Parker regarding his proposed minor subdivision, Public Hearing tentatively scheduled for 7:30 p.m., October 8; Approved the minor Site Plan for Thomas Sterritt (Tri-County Truck & Trailer Repair) for addition to his garage located at 13388 Route 9W, Hannacroix; Held initial pre-Site Plan discussion with Kevin Berry from Berry Builders regarding construction of a dental office on property on e/s of Route 9W owned by Dr. Marvin Gertzberg. Supervisor asked Lee Davis whether Joan Tailleux was to get in touch with Attorney for the Town David Wukitsch regarding road issue with John Parker; Lee Davis answered yes, asking whether David Wukitsch had been on vacation. Lee Davis encouraged John Parker to resolve the issue now; Ellie Alfeld said the property does not front on 9W; Lee Davis responded that it is split by railroad tracks, parcel on east side of tracks borders on Birchwood Estates, access is through a parcel on the northern end of Birchwood Estates, now in the deed described as a right of reversion and not an easement.

Zoning Board of Appeals Chair Meave Tooher reported that no meeting was held on September 2, 2009 as there were no applications to come before the Board. A Public Hearing for Variance renewal for Bruce and Rose Ubrich has been noticed for October 7, 2009, at 7:30pm, with a Regular Meeting to follow.

Recycling Center Operator Spencer Sebert received 1 oven, 1 dishwasher, 5 tires, for a total of \$15. Also, 1 vehicle battery, 32 60 gallon bags of plastic, 8 55 gallon drums of cans, 78 bundles of magazines, 85 bags and bundles of newspaper, 12 bags of shredded paper, 27 boxes and bundles of cardboard. The Highway Dept removed 24 tires from the Center. For Town Hall Maintenance, Spencer Sebert changed air and water filters and exit sign bulbs, hung display holder, removed wasp nest from outside entry light, sprayed and buried a ground nest of yellow jackets that was located between the handicapped ramp and decking, and cleaned up worms in the basement several times.

Animal Control Officer Joe Tanner had no report.

For Fire/EMS/Law Enforcement, Councilman Norris reported: the 911 sign program is going well and he will pick up more orders placed with Leon Rice of Coxsackie. At the last Emergency Medical Services meeting the proposal, made by Mark Evans, to add a 5<sup>th</sup> fly car was tabled. The budget was presented and passed, with a small increase similar to last year.

For Parks, Councilwoman McKeon had no report.

For Promotion/Economic Development there was no report.

For Grants, Supervisor reported that the Farmers' Market Committee had declined an opportunity to make a grant application.

For Website and Technology, Town Clerk Brooks offered, thanks to webmaster Tony Rago, several yard sales had been listed from the link on the Town's website.

For Personnel, Supervisor Louis had no report.

Town Clerk Brooks noted that a Park Use Report included mention of a broken fence in Cornell Park; she asked Nils Backlund, who was present, if it was the Town's; it is his fence.

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

**Motion Carried      Ayes- 4 McKeon, Louis, Norris, Byas  
Nays- 0**

The meeting was adjourned at 8:45 pm.

Respectfully,

Janet A. Brooks  
Town Clerk