

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
MARCH 8, 2010-page 1

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Bid Opening -7:15 pm For Surplus Highway Equipment no bids were received.

Opening of Regular Meeting

The meeting was called to order by Supervisor Susan O'Rorke at 7:34 p.m. followed by the Pledge of Allegiance. In attendance: Councilwoman Finke, Councilmen Byas and Norris, Highway Superintendent Jordan, Deputy Town Clerk Loux, and 31 members of public who signed attendance sheet. Absent: Councilman Meredith (who welcomed the birth of new baby boy on Saturday), Tax Collector Taylor and Town Clerk Brooks (who was ill). Supervisor O'Rorke thanked everyone for coming.

Approval of Minutes

Supervisor moved and Councilman Norris seconded the approval of Minutes of **January 25, 2010 Work Meeting** submitted by the Town Clerk.
The vote was as follows:

	<u>AYES</u>	<u>NOES</u>
VOTE:		
Councilman Byas	x	
Councilwoman Finke	x	
Councilman Meredith		absent
Councilman Norris	x	
Supervisor O'Rorke	x	

Public Comment Period

There was no comment from members of the public.

Correspondence

From US Census Bureau, notice that census workers are being sought and salary is \$15/hour; posting is in the front entry.

From Greene County, notice of a new process in place for demolition of unsafe buildings: if a municipality is going to put a notice to a building owner the Greene County Clerk is to be contacted and consult with the Greene County Administrator prior to demolition. Building Department is aware of this new process.

From New York State Assemblyman Tim Gordon, regarding property tax relief for the Town of New Baltimore, notice that a local initiative has been requested for the Highway Department in the amount of \$3,500 for the 2010-11 NYS Budget for snow removal or road repair or purchase of highway equipment. This is contingent upon final approval of the NYS Budget.

Supervisor has reached out to the three school districts in the Town, as prior Town Boards have hosted a school district representative to present their district's budget. A Cocksackie-Athens representative would like to attend the May 10 Board meeting to make a short presentation. Ravena-Coeymans-Selkirk has expressed an interest and is looking for a date; no response as of this night from Greenville Central School District.

Old Business

- None at this time

New Business

Cocksackie Scout Kendall Rebusmen has expressed an interest in doing his Eagle Scout project in Cecil C. Hallock/District #2 Park at a total cost of \$570. Supervisor understands the baseball diamond at that park gets a considerable amount of use and that funding and donations are being sought for the project. Councilman Norris asked how long the project may go on.[unable to hear] Councilman Byas asked if the project may interfere with the Farmers' Markets held in that park.

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[unable to hear] Parks Committee Councilman Byas has no problem with the project, is unsure as to how much to share of the cost. Councilman Norris asked what amount was requested; Scout Rebusmen answered any amount. Councilman Norris suggested \$150. Councilman Byas [unable to understand] didn't remember, thought the whole bill was covered in the past for scouts working in the Town parks. Supervisor suggesting approving the project and determining the amount later. Discussion ensued. Supervisor summarized half of the total cost.

RESOLUTION
March 8, 2010

**RESOLUTION AUTHORIZING FUNDING FOR
EAGLE SCOUT PROJECT**

WHEREAS, the Town of New Baltimore has been approached by Scout Kendall Rebusmen seeking a project in the Town of New Baltimore Cecil Hallock Park, and

WHEREAS, this project would improve the ball fields at Cecil Hallock Park, and

BE IT FURTHER RESOLVED that the Town Board does hereby authorize the project as presented by Scout Rebusmen and authorizes an amount of \$285.00 to be paid from the budgetary appropriation for Cultural Programs to Kendall Rebusmen to match other funds received from other donations.

Councilman Norris moved and Councilwoman Finke seconded. The vote was as follows:

	<u>AYES</u>	<u>NOES</u>
VOTE: Councilman Byas	x	
Councilwoman Finke	x	
Councilman Meredith		absent
Councilman Norris	x	
Supervisor O'Rorke	x	

- Resolution to Play Claims

RESOLUTION
MARCH 8, 2010

RESOLUTION TO AUTHORIZE SUPERVISOR TO PAY AUDITED CLAIMS

WHEREAS, the Town Clerk has presented claims to the Town Board for audit and review and,

WHEREAS, the Town Board has audited claims G20100301-34; H20100301-23; and S20100301-6, for a total amount of \$74,079.42, it is

RESOLVED, that the Supervisor is hereby authorized to pay claims totaling \$74,079.42.

BE IT FURTHER RESOLVED that the Town Clerk has prepared an abstract and holds it for public review until March 19, 2010.

Councilwoman Finke moved, seconded by Supervisor O'Rorke. No discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

	<u>AYES</u>	<u>NOES</u>
VOTE: Councilman Byas	x	
Councilwoman Finke	x	
Councilman Meredith		absent
Councilman Norris	x	
Supervisor O'Rorke	x	

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- Association of Towns

Councilwoman Finke reported attending sessions at the Association of Towns meeting in February covering: personnel management, policies and procedures for Town Boards, developing an employee handbook, brought handouts, effective meeting management, how to run the Town Board, how to do Executive Sessions, articulating what is being discussed, stressed not putting too much in agendas, attorneys problems an employee got behind the wheel of a Town vehicle [inaudible], bookkeepers, solar and wind power, soil and water, [inaudible], legislative resolutions,[inaudible].

- Highway Equipment

No bids were submitted for the surplus highway equipment.

- Renewal of Property/Casualty Insurance

Councilman Norris and Supervisor, as the Insurance Committee, met Monday to finalize the recommendation for the board, following presentations at the Work Meeting. All the Board members received the information 2 weeks ago to review. Supervisor, upon review, noticed that Marshall and Sterling had not removed a 1993 Ford from the Town's policy; the Town had requested the deletion in April 2009. They have made the change to their proposals, resulting in savings of \$948 from the Selective quote and \$399 from the Prime quote. Supervisor narrowed to three proposals: Selective, Prime and Trident; coverage-wise they are the strongest, Selective and Prime from Marshall and Sterling, Trident quoted by Grapeville Agency. Selective and Prime cover \$1.2 million in property coverage, Trident has increased that to \$1.5 million. Inland marine and auto policies are very similar, Selective matches out current limit, Prime does not give us any excess limit. Selective, with regard to pollution and specifically but not limited to the Wastewater Treatment Plant, did send over additional endorsement for \$150 premium, not a part of the Prime quote, and already included in the Trident quote. Trident is the only one that provides zoning and injunctive relief. All provide a \$3million excess. Law Enforcement coverage is provided by Trident, but not by either Selective or Prime, although Scotsdale could provide that with either Selective or Prime for an additional \$750. Councilman Norris said that comparing apples to apples that Trident's coverage appears to have the best value, everything that the others charge extra for, including the law enforcement. Supervisor offered that Grapeville Agency would provide the local service (the agent and the agency's owner both live in the Town) that has been important to the Board, and have met with the Highway Superintendent, Wastewater Treatment Plant Chief Operator, and Supervisor in preparation of their quote.

Bob Turan reviewed the current, Selective/Marshall and Sterling, and commented that Marshall and Sterling also writes Trident and wonders whether attention was being paid to the Town's coverage in that Trident was not recommended to the Town tonight or much earlier, and vehicles were not correct. He remarked that Grapeville Agency had made the effort to find the best coverage with Trident at a \$7,000 savings and it makes sense to try a new agency.

Councilman Chris Norris commented that instead of one agent quote several companies, our process allowed multiple agencies to quote for multiple companies; Marshall and Sterling did not get quotes from all their markets. Councilman Norris said it comes down to customer service, Supervisor agreed, getting what we want from our agencies- Marshall and Sterling had missed the vehicle twice: did not make initial correction when the Town notified them and then they did not sit down with Highway Superintendent to review the endorsement.

Councilman Byas commented that the proposals came in lower; Supervisor added that all of them did by about \$10,000, and getting better coverage (pollution, security officer and public officials).

Councilman Norris commented that Supervisor had done a good thing opening it to other agencies. Selective had no changes to the prior year policy but had to be asked for them, subtle differences between companies. [inaudible] Councilman Norris mentioned that current agent is very good, however the court security was discussed last year, the vehicle was deleted last year, and neither were changed; he felt a change in agent was good, do the best for the Town, the process was good, and now maybe get better service. Councilwoman Finke [inaudible].

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Councilman Byas asked wouldn't the deleted vehicle be rolled back; Supervisor said she had to call and ask. Councilman Byas wants to stay with Marshall and Sterling. Short one Board member, Supervisor saw the direction followed by the Board, savings; Councilman Byas not sure there was a true savings, and that we have been treated very well with claims. Supervisor commented there were deductible and coverage differences; \$24,500 for Prime includes the additional coverages. What does Prime not cover?; answer: pollution for Wastewater Treatment Plant, court security officer, zoning and injunctive relief (Article 78 claims)- although they can be gotten from another carrier at additional cost, but without the excess coverage that Trident provides in an umbrella.

Bob Turan commented that Trident provides a better policy; the downside is a \$2500 larger deductible if there is a claim, but that is less than the additional coverage with Prime or Selective. Even with a claim, the higher deductible would still yield a lower net cost. He added that Marshall and Sterling haven't been doing their fiduciary responsibilities, they have only been selling policies, and Grapeville appears to be working on the Town's behalf.

Councilman Byas said insurance has never been discussed before in a Board meeting. Bob Turan said he was present at a Board meeting within past few months and question was raised as to where Marshall and Sterling were located (outside the Town) and question was raised whether someone in the Town might provide it; Grapeville Agency was mentioned and they have come forward with a good product.

Dick Brooks compared finding a car at dealership A, finding it cheaper at dealership B, then buying from A only because you've always gone to A; and not making fiscal sense.

Councilman Norris pointed to Councilman Byas' viewpoint to do business locally, and Grapeville Agency is a local agent and owner. Councilwoman Finke [inaudible]. Councilman Norris clarified that Trident has 300 municipalities, although Grapeville Agency has no other Towns. Councilwoman Finke said that Marshall and Sterling specializes in municipalities; Councilman Byas said this would be Grapeville's first Town. Regarding [inaudible] environmental liability, Supervisor said there would be an extra cost with Selective, not available with Prime, and included in Trident. Supervisor noted a recent incident at Lake George where raw sewage went into the lake, caused the Town quite a liability exposure, had they not had coverage it would have been paid out of pocket; that is worth insuring along with elected officials and court security.

Member of the public asked would you have to go with Selective to get the liability for pollution or do you consider it not [inaudible]. Councilman Byas asked what the Town had before. Supervisor answered that she had had to raise the topic with Marshall and Sterling; Councilman Byas asked if there ever was a problem, Supervisor answered that there are things that are insured where there is no past problem. Lisa Benway suggested, as she wants to save money for the Town, if the only way to do it is to [get] Marshall and Sterling to write the Trident policy, she is willing to do that, as it is a better policy to have and it is something that must be done tonight to be covered.

Councilwoman Finke said she wished [Marshall and Sterling representative] was here. Lisa Benway said she would sign off on it if the Town wants the Trident policy; Supervisor said that was extremely gracious, Councilman Byas said it wasn't fair as Marshall and Sterling wasn't present. Councilman Norris declared a win-win, the cheapest policy, with coverage requested and a local broker. Lisa Benway offered to contact them in the morning. Member of the public asked how the Board felt about their loyalty to Marshall and Sterling, the liability and risk of polluting the river, and was the Board willing to go with Selective or Prime to stay with Marshall and Sterling. Councilman Byas said Marshall and Sterling had done a good job for the Town, feels more comfortable with them.

Member of the public asked whether he was concerned about the Town being liable should there be a pollution incident; Councilman Byas said, sure, if there was a pollution incident that the Town would be liable. Councilman Byas said you can't be insured for everything, never had fire insurance on the pavilion, and it can be taken off. Ellie Alfeld stated that Tim Walsh was present, certainly has insurance experience, belongs in this Town, and attends meetings; Mr. Walsh responded that he had not done a side-by-side analysis. Supervisor O'Rorke has done a comparison; based on her experience, the coverage she believes are important for the Town, with exposures the Town has. Councilman Norris asked to move forward with Trident coverage and Marshall and Sterling as broker. Councilman Byas said Marshall and Sterling needs to be contacted. Councilman Norris offered to make a motion pending Marshall and Sterling contact in the morning. Councilman Byas asked to extend current coverage with Marshall and Sterling for

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10 days and finish at next Board meeting. Supervisor said the Board already received one extension, the coverage expires tomorrow. Arlene McKeon offered they are on call 24hours. Supervisor expressed that she would be surprised if Marshall and Sterling did not accept this "gift" tomorrow. [inaudible] Supervisor felt if in agreement with Marshall and Sterling, and with Trident. Councilman Byas wants to stay with Marshall and Sterling but is not sure they will write the Trident policy; Supervisor felt comfortable that they would, asked if the rest of the Board was in agreement. Councilman Byas said either Prime or Trident, preferring Prime as he is not sure Marshall and Sterling will write Trident. Member of the public objected to relegating the final decision to the agent or broker. Supervisor asked for Trident through Marshall and Sterling, certainly a gift for the agency.

**RESOLUTION
MARCH 8, 2010**

**RESOLUTION TO AUTHORIZE PURCHASE OF PROPERTY AND CASUALTY
INSURANCE**

WHEREAS, in an effort to control cost for the town and provide the broadest coverage for the town, the Insurance Committee investigated alternative proposals for insurance, and

WHEREAS, an advertisement was placed for brokers interested in presenting a proposal for property casualty insurance was placed in the town's official newspapers for proposals to be delivered to the town office on February 16, 2010, and

WHEREAS, the current broker for the town, Marshall and Sterling, requested an additional three days to prepare a proposal that could result in additional premium savings for the town, and

WHEREAS, the request for additional time was granted to all interested brokers, and

WHEREAS, presentations by the two participating brokers were made to the full board on February 22, 2010 and

WHEREAS, the Insurance Committee has reviewed all proposals, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Baltimore hereby authorizes the Supervisor to take the necessary actions to institute coverage with Trident Insurance Company through Marshall and Sterling Agency effective on March 9, 2010.

Councilman Norris moved, seconded by Supervisor O'Rorke. Councilman Byas was confused and asked what would happen if Marshall and Sterling said no; Supervisor said the Town would be without insurance. Councilman Byas said no, then he wanted to go with Prime. Councilman Byas said he didn't know how to vote on this; Supervisor said he could abstain and after this vote has been taken he could put another motion or resolution on the floor. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

	<u>AYES</u>	<u>NOES</u>
VOTE:		
Councilman Byas		abstain
Councilwoman Finke		abstain
Councilman Meredith		absent
Councilman Norris	x	
Supervisor O'Rorke	x	

Supervisor said, as **the motion did not carry**, as of midnight tonight the Town has no insurance. Councilman Byas said he wanted to hear it from Marshall and Sterling that they were willing to accept this, and asked Supervisor to call the Agency. Dick Brooks asked if that wasn't asking a lot; Councilman Byas said he wasn't asking. Supervisor told Councilman Byas that another motion could be put on the floor. Councilman Byas said he felt the Town should choose Prime; if [Marshall and Sterling] want to write it for Trident, they can change it. Councilman Byas knows

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the Town is choosing something [Marshall and Sterling] offers. Member of the public offered that Prime does not have the pollution coverage and cannot get it. Councilman Byas said this is what Marshall and Sterling have offered. Dick Brooks said Trident has what the Town is looking for, and if not tonight, the Town is uninsured, reminding the Board that the possible delay of Registrar of Vital Statistics appointment resulted in the receipt of a death certificate within the critical time frame. Councilman Norris asked to just pass this motion, have faith in Marshall and Sterling that they will take the coverage. Supervisor said the time was 9:05 pm, the resolution did not pass, and the floor is open. Nils Backlund [inaudible]. Answering his question, Supervisor feels Marshall and Sterling will take it and will get the same quote from Trident, and asks for another resolution. **Tabled to later in meeting.**

- Opening for Town Planning Board

Councilwoman Finke received 3 candidates, met with Councilman Byas, and Planning Board Chair Lee Davis who joined them for 2 of the 3 interviews. One was interviewed by phone. Dan Kelly, 20 years in New Baltimore, owns his own commercial construction-interior design and planning business with 14 employees, working regularly with architects, planners, and contractors, and would like Town to maintain its rural character, and would like to see businesses on US Route 9W corridor to protect the tax base. Councilman Norris asked how many were interviewed; answer: 3. [inaudible]

RESOLUTION
March 8, 2010

PLANNING BOARD APPOINTMENTS

RESOLVED, that Daniel A. Kelly is hereby appointed to the Town Planning Board for a three year term expiring on December 31, 2013, and

Councilman Norris moved, seconded by Councilman Byas. No discussion. [inaudible] The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

	<u>AYES</u>	<u>NOES</u>
VOTE:		
Councilman Byas	x	
Councilwoman Finke	x	
Councilman Meredith		absent
Councilman Norris	x	
Supervisor O'Rorke	x	

- For the **Greene County Planning Board** opening, there have been no letters of interest.
- Lisa Benway returned to the room and asked which Board member would like to speak with Nolan Pazin, **Marshall and Sterling Insurance Agency**; Councilman Byas spoke on the phone.
- Openings on **Zoning Board of Appeals**

Councilwoman Finke said she had received letters of interest from 3 individuals and had consulted Zoning Board of Appeals Chair Meave Tooher, who asked for the committee to choose.

RESOLUTION
March 8, 2010

ZONING BOARD OF APPEALS APPOINTMENT

RESOLVED, that Shelly Van Etten is hereby appointed to the Town Zoning Board of Appeals for an un-expired five-year term ending on December 31, 2013.

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Councilwoman Finke moved and Supervisor O'Rorke seconded. The vote was as follows:

VOTE:		<u>AYES</u>	<u>NOES</u>
	Councilman Byas	x	
	Councilwoman Finke	x	
	Councilman Meredith		absent
	Councilman Norris	x	
	Supervisor O'Rorke	x	

Supervisor read.

RESOLUTION
March 8, 2010

ZONING BOARD OF APPEALS APPOINTMENT

RESOLVED, that Donna Carlson is hereby appointed to the Town Zoning Board of Appeals for a five-year term expiring on December 31, 2014.

Councilman Byas moved and Supervisor O'Rorke seconded. Councilman Norris commented that Councilwoman Finke had done a good job on the interviewing process. The vote was as follows:

VOTE:		<u>AYES</u>	<u>NOES</u>
	Councilman Byas	x	
	Councilwoman Finke	x	
	Councilman Meredith		absent
	Councilman Norris	x	
	Supervisor O'Rorke	x	

- **Greene County Planning Board opening**

Councilman Byas asked regarding the opening on the Greene County Planning Board [inaudible] for which the term of office is three years. Supervisor O'Rorke asked if the committee was putting a name in tonight. The prior Board member's term is up, the Greene County Planning Board would meet without a person from New Baltimore. Councilman Byas asked to table it until the next meeting.

- **Board of Assessment Review opening**

Supervisor asked for a recommended candidate for the Board of Assessment Review opening. The committee has no candidates for the Board this night.

- **Property and Casualty Insurance-** Tabled from earlier in meeting

Councilman Norris moved, and Supervisor O'Rorke seconded, to put the resolution regarding Property and Casualty Insurance back on the floor.

RESOLUTION
MARCH 8, 2010

**RESOLUTION TO AUTHORIZE PURCHASE OF PROPERTY AND CASUALTY
INSURANCE**

WHEREAS, in an effort to control cost for the town and provide the broadest coverage for the town, the Insurance Committee investigated alternative proposals for insurance, and

WHEREAS, an advertisement was placed for brokers interested in presenting a proposal for property casualty insurance was placed in the town's official newspapers for proposals to be delivered to the town office on February 16, 2010, and

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WHEREAS, the current broker for the town, Marshall and Sterling, requested an additional three days to prepare a proposal that could result in additional premium savings for the town, and

WHEREAS, the request for additional time was granted to all interested brokers, and

WHEREAS, presentations by the two participating brokers were made to the full board on February 22, 2010 and

WHEREAS, the Insurance Committee has reviewed all proposals, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Baltimore hereby authorizes the Supervisor to take the necessary actions to institute coverage with Trident Insurance Company through Marshall and Sterling Agency effective on March 9, 2010.

Councilman Norris moved, seconded by Supervisor O'Rorke. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

	<u>AYES</u>	<u>NOES</u>
VOTE:		
Councilman Byas	x	
Councilwoman Finke	x	
Councilman Meredith		absent
Councilman Norris	x	
Supervisor O'Rorke	x	

• **Training requested by Planning Board member**

Supervisor asked whether the Town Board wished to act on or table a resolution to approve the training requested by Planning Board member Eric Hoglund? Councilman Norris recommended approval of the course and the \$50.00 fee to attend. Councilwoman Finke asked if that had been done before, reimbursing Board members to attend classes. Councilman Norris had no recollection in his tenure; in 2008, the Town Board approved a resolution enabling them to approved coursework requested by a Zoning or Planning Board member on a case by case basis. Supervisor asked, even if the course was sponsored by the county, is it approved to meeting the Planning education criteria? Deputy Town Clerk Loux believes the three-hour class was something the county was made aware of and so, was distributing the information. Supervisor O'Rorke said it was up to the committee to make the recommendation whether to approve or not. Councilman Byas recommended approval.

RESOLUTION
March 8, 2010

**RESOLUTION TO AUTHORIZE ATTENDANCE BY PLANNING BOARD MEMBER
TO ATTEND EPA CERTIFIED RENOVATOR TRAINING CLASS**

RESOLVED, that the Town Board does hereby authorize Eric Hoglund, Planning Board member, to attend the EPA Certified Renovator Training Class to be held on March 19, 2010 in Albany for six hours of the training to apply towards training for the Town's Planning Board.

Councilman Norris moved, seconded by Supervisor O'Rorke. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

	<u>AYES</u>	<u>NOES</u>
VOTE:		
Councilman Byas	x	
Councilwoman Finke	x	
Councilman Meredith		absent
Councilman Norris	x	
Supervisor O'Rorke	x	

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

Motion Carried Ayes - 4 Byas, Finke, Norris, O'Rorke
 Nays - 0
 Absent - 1 Meredith

The meeting was adjourned at 9:25 p.m.

Respectfully,

Janet A. Brooks
Town Clerk