

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
AUGUST 9, 2010- page 1

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Opening of Regular Meeting

The meeting was called to order at 7:35 pm by Supervisor Susan O'Rorke and followed by the Pledge of Allegiance. In attendance: Councilwoman Finke, Councilmen Byas, Meredith and Norris, Highway Superintendent Jordan, Town Clerk Brooks, and 24 members of public who signed attendance sheet.

Supervisor O'Rorke thanked everyone for coming.

Approval of Minutes

Councilwoman Finke asked if it were customary to print a letter of resignation. Supervisor moved and Councilman Norris seconded the approval of Minutes of **May 10, 2010 Regular Meeting** submitted by the Town Clerk.

The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE:	BYAS-AYE	FINKE-AYE	MEREDITH-AYE
	NORRIS-AYE	O'RORKE-AYE	

Adopted

Councilman Norris moved and Councilman Meredith seconded the approval of Minutes of **June 14, 2010 Work Meeting** submitted by the Town Clerk.

The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE:	BYAS-AYE	FINKE-AYE	MEREDITH-AYE
	NORRIS-AYE	O'RORKE-AYE	

Adopted

Councilman Norris moved and Councilman Meredith seconded the approval of Minutes of **June 28, 2010 Work Meeting** submitted by the Town Clerk.

The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE:	BYAS-AYE	FINKE-AYE	MEREDITH-AYE
	NORRIS-AYE	O'RORKE-AYE	

Adopted

Public Comment Period

Supervisor reminded the public of the use of the podium.

Ellie Alfeld commends W&J, US Route 9W, for their stone wall and general appearance; Code Enforcement Officer John Cashin had previously commented on improvements made.

Diane Louis commented on the "gloom and doom" forecast expressed at the last meeting, jobs have been lost to overseas over last 20 years, New York State has passed a balanced budget and did not cut any highway monies, and added if consumer spending goes down, layoffs may occur.

Rich Guthrie questioned Highway Superintendent Jordan about road signs on private property; are Town signs labeled to be identified as Town property; answer: yes, are marked.

Ted Flegel asked for the procedure to put up 45' wind tower with generator; Building Inspector Cashin answered a site plan and special use permit.

Arlene McKeon stated she's been asked about whether and when will be Town-Wide Yard Sale and that people are missing the town newsletter. Councilwoman Finke answered the Yard Sale will be September 18 and the newsletter is in print. Councilwoman Finke asked if she could take the 2009 file and return; answer, yes.

Lisa Maurer said previously, following a storm, she could bring fallen limbs to Highway Garage. Code Enforcement Officer Cashin said you can burn on your property what is generated on your property by following the NYSDEC regulations. Controlled burn phone number in Greene County is still in effect. Clerk Brooks added that the Frequently Asked Questions are available on the Town's website. The Town of Bethlehem takes discarded wood

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but at a cost to the Town. There is a private concern in Cairo where limbs can be brought, an ad appeared in newspaper.

Member of the public said Biers in the Port of Albany takes Christmas trees; the Town should call and try to do that with limbs.

Correspondence

New York State Environmental Facilities Corporation will host a free full-day conference for local officials on water and wastewater systems.

Greene County Board of Elections, as the first year with new voting machines, announces there will be a variety of opportunities to test them out on August 10 in Tannersville, August 11 in Greenville, August 12 in Cairo, and August 16 in Catskill.

Local resident Jonathan Pacuk invited the Town Board to celebrate his Eagle Scout Court of Honor on August 29, in Maria Hall, St. Mary's Church, Coxsackie. Past Boards have recognized achievement with a resolution presented at the ceremony.

Greene County Legislature, regarding the lease agreement with the Greene County Sheriff for substation for \$1/year, notified the Town that the terms and conditions outlined have passed and have been approved by the county's attorney.

From Greene County, notice that the Town may also purchase diesel and gasoline under the county's bid.

Notice that Greene County Planning and Economic Development, seeking planning and achievement nominees, economic development and other municipal planning for the annual Ellen Rettus Award. Deadline is September 3.

From 20-yr hamlet resident Bob Krug to Town Board, letter of complaint regarding lack of animal control and seeking backup coverage from a neighboring town for the animal control officer when that individual is out of town, and offering proposed changes to Town code. Supervisor said the Board had discussed having an agreement with an adjacent town, like the coverage for the Code Enforcement Officer/Building Inspector. Councilman Norris stated that individuals may file a complaint against the offending animal owner without the presence of Animal Control Officer. Letter is on file.

Rich Guthrie asked will the Town provide a backup for the animal control officer? Councilman Norris said they would work on that, Supervisor added that a proposal must come before the Board, then the Board would need to approve it just as they did the agreement to cover the Code Enforcement Officer/Building Inspector, another phone number could be left on the ACO's answering machine, with the Town Clerk and on the website.

New Business

- Resolution to Pay Claims

**RESOLUTION
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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 G2010/0801-58 : \$19, 051.18 and H20100/0801-20 : \$31,164.07 and S2010/0801-18 : \$7,545.62, for a total amount of \$57,760.87, it is

RESOLVED that the Supervisor is hereby authorized to pay claims totaling \$57,760.87.

BE IT FURTHER RESOLVED that the Town Clerk has prepared an abstract and holds it for public review until August 27, 2010.

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

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**ROLL CALL VOTE: BYAS-AYE FINKE-AYE MEREDITH-AYE
 NORRIS-AYE O'RORKE-AYE**

Adopted

- Memorial Committee

Supervisor reached out to prior committee members Lynn Taylor, Janet Brooks, Clesson Bush, Rich Guthrie and Arlene McKeon; also Bill Girvin and a member of the public who is now deceased. Supervisor thanked prior Board members Guthrie and McKeon for their service as they wish to step down. Town Clerk Brooks confirmed a bank account of approximately \$300. Arlene McKeon offered that Councilman Byas was also a member; Councilman Byas agreed to reach out to these members and report at the September Work Meeting. Supervisor confirmed that Lynn Taylor and Janet Brooks agreed to continue, also Clesson Bush.

- Technology Issues

Supervisor sent an email to Technology Committee asking if this was an appropriate time to include these issues and, not hearing back from the committee, assumed it was fine. Supervisor said we are struggling at Town Hall with information flowing with the ITS contract and with email, who is set up and receiving, some Town Hall employees have had problems and are confused and distracted, was contacted by Joe Wolodkevich, referred to the Technology Committee, and who comes back to the Supervisor and the Town Clerk. Town Court has different software. An additional invoice was received for the Tax Collector's computer; was told it was not part of original inventory of computers, mentioned it at Work Meeting, and as yet no response from Technology Committee. Supervisor asked who is monitoring this contract, who is overseeing, who is authorizing? Councilwoman Finke talking to Joe Wolodkevich last week to begin discussions; Councilwoman Finke's email has a firewall, Councilman Meredith reported a user error, and uses his daughter's computer without a firewall, cannot use from work. Would Technology Committee send an email to employees giving direction to forward requests to Technology Committee? Supervisor wished she knew their email was not working, asked them to let the Town Hall know. Councilwoman Finke said she'd spoken to Joe about it. Supervisor asked to know, communication is going in only one direction, let sender know item is received, all running in circles on this, for each hour she spends the Town Clerk spends 3 hours with information. Supervisor asked to centralize and Technology Committee take control and assimilate information.

Ellie Alfeld said if emails are not working, come to town hall and use the computers; the building is open to all of Board and use the telephone. Councilwoman Finke said it is difficult. Ellie feels sometimes members of the Board do not come prepared and even don't want to make a motion. Councilman Norris said a firewall is a password; he was set up in 5 minutes. Councilman Meredith said he cannot get on, depends on the computer; Councilman Norris said to log on to the website, enter your password; said month after month he heard people didn't get the emails, didn't get the phone call- the Board has work to do, and we were elected to do a job and some of us aren't.

Supervisor assumes the Technology Committee approved payment of additional technology help for the Tax Collector, adding that a note was on the voucher; Councilman Meredith didn't see it. Supervisor must have back-up for that invoice, \$200+, as taxpayer dollars are used with no authorization. Supervisor has sent emails to other email addresses before the new system, must get this resolved. If paid, and there is a credit, see that the Town will get it back. Town Clerk has been printing for Councilman Byas; he responded to the Clerk about not having a computer, Councilman Byas said that's fine but does not have a computer, doesn't care what was voted on. Supervisor asked why he did not say something at time of vote. Councilman Byas said sometimes his hours start at 3am and end at 9pm at night. Supervisor offered the town hall; he can have a key. Councilman Byas said he will not have a key to town hall on advice of his attorney, as he said 7 months ago. Supervisor asked whether there was a unanimous vote on going to the town emails. Councilman Norris said he's received emails with Councilman Byas' wife's email address. Councilman Byas said printing has been done for him for 2.5 years. Supervisor asked to cease the burden of printing for one member of the Board;

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Councilman Byas said it isn't mandated that a Board member have a computer or use email, and said it was fine.

Regarding website updates, Councilman Meredith will be talking to Joe Wolodkevich on Saturday. Will Technology Committee take on the task now that free contract time is used up? Should employees who need service contact the Technology Committee before calling out for additional hours for the computers? Councilwoman Finke said yes. Councilman Meredith is amazed that staff must call Joe into town hall for every thing, some things can be resolved from Joe's desk. Supervisor said there has been substantial time with several employees, but there are some things that require onsite. With a central Technology Committee overseeing it, they'll be able to resolve the problem or call someone in. Ellie noted Councilwoman Finke has just volunteered but does not have access to her computer or emails.

Barb Tanner stressed that everyone goes to the one Board member and then that person goes to Joe Wolodkevich. Councilwoman Finke said let's stop chasing our tail, do the right thing, and go forward.

Rich Guthrie asked if contacts now are billable; offsite is covered, onsite is not. Supervisor said emails went to the Technology Committee, but work wasn't getting work done, so went directly to Joe. Arlene McKeon commented that parts of the website need to be maintained. Councilwoman Finke talked to Joe, and will be corrected page by page during the training, the school principals were there when her daughter was in 8th grade. Rich Guthrie asked if Joe will keep the website. Supervisor said the Technology Committee or Town Clerk would physically send any updates; Town Clerk did all the summer recreation updates. Whatever he has been sent has been updated. According to Joe he is willing to make any updates he is sent.

- Report from Building Inspector on ATV Track

TO: New Baltimore Town Board

RE: A Dirt Track on CR51

DATE: August 3, 2010

At the request of the New Baltimore Town Board, I have investigated the complaint about a dirt track located on CR51. The track is located on a parcel owned by Stacey Miller. The parcel is 31.10 acres in the Rural Agricultural Zone (RA), consisting of two acres primary for the homes, 10 acres of tillable land, and 19 acres of woodlands. The parcel has Ms. Miller's home, built in 2009, and a Mobile Home, allowed by Use Variance.

The track is a meandering dirt track, approximately 8' wide, with several turns and earthen jumps. I estimate the track to be about 60' from the neighboring lot lines. The setbacks for accessory uses to lot lines in the RA zone are 40' from the road and 15' from the side lot line. The owner has indicated that the track was built for use by her children and some of the neighboring children. The track would be considered a recreational use for the principal use, residential, or an accessory use.

An accessory use is defined as: Any use which is incidental and subordinate to a permitted use and located on the same lot and such shall be under the same ownership. Other accessory uses to residential could be swimming pools, tennis courts, basketball courts, ice rinks, snow mobiles, go carts, 4-wheelers, horse riding rings, etc. I've attached photos for your reference.

Accordingly, there does not appear to be a violation of the Zoning Code arising from this use of the property. However, the attorney for the Town has indicated that if there is excessive noise, dirt, etc., there may be a remedy available to adjoining landowners through a private nuisance action.

*John Cashin
Zoning Officer*

Supervisor asked if there are any types of recreation permitted in the R/A district; answer: cross-country skiing, horseback riding, for example as a principal use. Supervisor asked, for an accessory recreational use, does the size and scope have any relevance? homeowner with 10 acres put up an Indy track and run car races. Mr. Cashin answered in some zones there is a percentage of lots that can be used, in R/A there is no minimum or maximum percentage of the

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lot size. Mr. Cashin added that principal use is for residence, two single units, one from a use variance (one-year). Supervisor said complaints regard noise, dust, nothing that addresses that? Councilman Norris asked about loss of property value; Mr. Cashin said there was nothing specific in the zoning, may be a loss of enjoyment of the property, subjective for the Code Enforcement Officer, and disturbing the peace would be a sheriff's matter.

Supervisor said 4-5 years ago there was a zoning violation, were required to come before the ZBA, and were denied; Mr. Cashin said his reading indicated proximity to road was issue, dust made it impossible to see on roadway. Supervisor said these photos indicate quite a bit of dust. Councilman Byas didn't see any photos. Councilman Norris questioned if same safety issue applies to this track, close as 50', if same potential for dust in the roadway. Mr. Cashin hasn't seen the dust, but the pictures show that and if ATV's are not licensed they are not supposed to be in the road. [unable to hear] Mr. Cashin estimates 50' from road. Supervisor said building inspector did all assessment from the road, having no permission from the homeowner. Alta Turner said anything not in use table is prohibited, open space is the only permitted recreational use, recreational depends on motorized or no, and the table indicates a site permit and special use permit.

Supervisor said it appears that zoning allows for more passive use in R/A district, motorized would require the Use Variance; Alta Turner said it is in the Use Table.

Councilman Norris asked if not in table go for use variance? For every zone, Alta said the table has defined every use, what is not included is prohibited. Supervisor said open space is a use, so special use and site plan. Alta's interpretation is that each cell says if it is permitted, and if it is, what it requires, and if prohibited, requires use variance.

Rich Guthrie asked if there was interest in a local noise ordinance. Supervisor said it could be investigated; there are pros and cons to consider. Mr. Cashin said in that table there is no use of swimming pool, football field, someone has to go through 2 months meeting for Special Use Permit. Building Inspector Cashin interprets as primary use on the property; empathizes, but to get there through zoning language, adding his decision is appeal-able through Zoning Board of Appeals, who can look at impact and neighborhood.

Supervisor reads *Variances and Appeals*, 'board or department may appeal any decision of an individual charged with enforcing the zoning', so Town Board could elect to send this to the ZBA as a referral. Arlene McKeon said the law was written to be flexible, you have your Zoning Board of Appeals, neighbors are notified, public hearing is set, opinions are heard, and then decided and recommendations made. Playground equipment maybe, but pools are regulated within state law, under state law and local fees. Arlene felt this, like Deans Mill Road, does it become a nuisance and/or a safety and health issue of unlicensed children without helmets or supervision. At what point is it a nuisance? Neighbors consider it and can seek action through the courts; not a permitted use due to motor vehicles, and ZBA would be a consideration to hear opinions.

Councilman Norris asked if someone was seriously injured on that track, Councilman Byas said that was the responsibility of the homeowner and that they could be sued. Councilman Norris said a lot of times in lawsuits, they go wide. Councilman Byas said he was sure the Town was open, asked if party on Deans Mill Road should be handled in same manner, the Board at that time asked the ZBA to come into it, but in a court of law, a judge may determine each case as to the word "close". Councilman Byas felt should go to ZBA for clear ruling and do in same manner. Supervisor said the way we get there may be different, in prior case the Zoning Officer gave a violation. Councilman Byas said if determined in a court of law what is 'too close' may be interpreted; if it was 20feet, maybe it was too close or far enough. Supervisor said previous case had several issues. Councilman Byas said yes to Zoning Board of Appeals. Councilman Norris agreed and asked if the Zoning and Planning Committee meet and discuss this at all; Councilman Byas was on vacation.

Supervisor said issue came up at last Work Meeting, requested Code Enforcement Officer report to the Board. Councilman Byas said Supervisor at that time had advised the homeowner to hire their own attorney. Supervisor said no, she had not advised the homeowner. Councilman Byas said it is the Town responsibility with the ZBA.

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**RESOLUTION
AUGUST 9, 2010**

**RESOLUTION AUTHORIZING REFERRAL OF MOTORCROSS TRACK TO
THE ZONING BOARD OF APPEALS**

WHEREAS, a motor cross track does exist on the Miller property located at CR51

WHEREAS, several complaints regarding the operation of this track have been received by the Code Enforcement Officer and by Town Board members regarding the noise, dust, safety concerns and enjoyment of property by surrounding neighbors, and,

WHEREAS, this has adversely impacted the neighboring property owners use of their property and has the potential to adversely impact the value of that property.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board requests the Zoning and Planning Committee Chairs (Committee) to refer this matter to the Zoning Board of Appeals (ZBA) under the Appeal Process outlined in Chapter 112-84 of the Town Zoning Code. The Committee will draft a letter for the ZBA as required in section 112-85 of the Town Zoning Code within 60 days.

Councilman Norris moved, seconded by Supervisor. Discussion ensued. Cless Bush asked for resolution to be read again.

**ROLL CALL VOTE: BYAS-AYE FINKE-AYE MEREDITH-AYE
 NORRIS-AYE O'RORKE-AYE**

Adopted

- Resolution to Change Clerk's Minutes

Supervisor and Clerk did not have same recollection from the meeting, queued up the recorder. Supervisor is bewildered, what direction to go in, what should be in the minutes. Supervisor could hear Councilwoman Finke's comments but not Councilman Meredith's, maybe need a microphone. Supervisor did not prepare a resolution for tonight, looking to come to a consensus. Councilwoman Finke asked Supervisor for overview for Councilman Byas' benefit. Supervisor said variety of things: with length of meetings there is more time needed to prepare minutes.

Statutory means: resolutions, actions, motions and seconds, resulting vote; statutory minutes are very fast. Just last meeting, the new digital recorder can't capture Board comment. Councilman Norris commented having just received three sets. Clerk said office is now closed on Thursdays to the public for work on minutes; Supervisor added on a limited budget, receptionist and counter duties consume time, her near-month-long illness affected budget to have deputies in the office, budget could be increased, other duties having been taken on, and communication issues. Councilman Byas asked how long to do a set of minutes; Clerk said, with interruptions, a work meeting set is done in a 7-10 hour day. Councilman Byas asked how long in previous administration; Clerk answered longer meetings now, increased traffic, and the phone menu has helped. Councilman Norris asked do we want to continue as we are or shorten to save money, adding that he likes to keep as is for research. Retention of cassette tapes is 6months from date of approval; Clerk will look into requirement to extend retention. Arlene McKeon asked if the longer minutes were in reaction to request of the public, tapes are for review. Supervisor said it is unknown how often folk go to website for minutes. Arlene McKeon has concerns for public hearings; Clerk said public hearings can be a record of those in favor and opposed: If Board did require this, there could be separate requirements for public hearings and meetings. Diane Louis feels the minutes have a good balance, strive for shorter meetings. Ellie Alfeld prefers keep Town Board meetings as is and go to shorter version for the Work Meetings. Supervisor asked if all that is being done at Work Meetings, maybe we don't need Work Meetings, hoping for more interaction with department heads as Councilman Norris and she have tried to have interaction about that. Ellie Alfeld feels the Town Board [Regular] meeting is most important is to get input from the public. Councilman Byas said if anyone wanted a committee report they could be given a copy. Ellie suggests reading prior Regular

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Meetings to help board members. Supervisor felt consensus would be statutory for Work, and summary minutes (as is) for Regular meetings. Councilwoman Finke said if something important came up the Board could ask for it to be included.

Rich Guthrie thinks of getting the best value from the Town Clerk, consider contracting for that task at a lower cost. Supervisor said the Clerk's budget is still tight, and it is a statutory requirement for the Clerk, so a comfort level would have to be reached.

- Resolution to Approve Training by David Wukitsch for Planning and ZBA Boards

**RESOLUTION
AUGUST 9, 2010**

**RESOLUTION TO APPROVE THE HIRING OF DAVE WUKITSCH
FOR TRAINING PURPOSES**

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 Town Board on April 14, 2008 established a list of approved training organizations and

WHEREAS, said resolution also allowed other training activities to 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

WHEREAS, the Planning Board and Zoning Board of Appeals have requested in house training to be conducted by the Attorney for the Town, David Wukitsch on planning and zoning changes to the Town Code.

NOW THEREFORE BE IT RESOLVED, that the Town Board approves the request of the Planning Board and the Zoning Board of Appeals and will pay David Wukitsch \$350 for a two-hour training session to be conducted at the Town of New Baltimore Town Hall

Councilman Norris moved and Supervisor seconded. Councilwoman Finke asked if Town Board members could attend; yes, and are encouraged to do so. No date has been set; alert has been given to Planning Board and Zoning Board Clerk. Supervisor said chairs are first available to Planning Board and ZBA, then Town Board.

**ROLL CALL VOTE: BYAS-AYE FINKE-AYE MEREDITH-AYE
 NORRIS-AYE O'RORKE-AYE**

Adopted

- Resolution to Approve Payment for Greene County Youth Fair

Supervisor said Richie Bear, President of the Greene County Youth Fair, visited the Town Clerk, regarding a letter asking for a Town contribution. Councilman Byas asked the Board did last year; Supervisor said approximately \$200. Councilman Byas said he was in charge of that in 2009 and didn't simply give money, gave lumber; and asked what do they need. Councilman Norris asked when due. Supervisor said it was voted on last August. Councilman Byas asked what they wanted and would approve up to \$200. Supervisor asked Councilman Byas to contact Richie Bear and to prepare a resolution for the Board to act on. Clerk Brooks asked if the Board asks Greene County Council on the Arts how they will spend the Town of New Baltimore's contribution toward their SPROUTS program. Supervisor does not believe so, adding that the Comptroller's Office is looking for a request letter, in the Town of Clermont that was an issue. Councilman Byas will check on this.

- Jennings Road

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Without reviewing 10 years of history, this (Jennings Road) is a User Road, not a town dedicated Road. The Highway Superintendent has worked with the prior Town Board and the sitting Board to avoid litigation; he has right and authority to make improvements and culverts to that road without looking to Town Board for sanctions. He is sensitive to issues. Over a month ago, Highway Committee, Highway Superintendent, Supervisor, and attorney for the Town met to discuss this ongoing issue toward closure. There were compromises agreed to by all parties present and then things broke down.

At July Work Meeting, highway superintended had executive session to discuss outlined compromises and seek sanctions from Town Board. Board members present were not familiar with the road; timeliness was stressed. Supervisor contacted Board members on Thursday, one said more time was needed, and no return phone calls have been received. Councilman Norris and Highway Superintendent Jordan feel the deal is falling apart, no communication going back and forth; a prior written notice law protects the Town to some respect, some documents may be FOILED, and the Town's liability is precarious.

Supervisor knows Highway Superintendent is concerned about wear and tear on the road. Supervisor said she heard that some Board members met with the Greene County Highway Superintendent. Councilwoman Finke asked if the Board had heard from the homeowner; Supervisor said he is represented by counsel who is waiting for a response from the Town's counsel, who is waiting for a response from the Town Board-- as is Supervisor and Highway Superintendent Jordan.

Mr. Jordan said ditching is required, must be paved and sections built up, going west from Eleanor Runkle's to CR51, as Peckham closed the plant for blacktop and could not go further in 2009. Supervisor said a resolution would have stopped the threat of litigation. Member of the public asked why board members meet with county highway superintendent when it isn't a county road. Member of the public said Councilman Byas was there. Councilman Byas asked what kind of research could be done with that road, to what limits of width; Councilman Norris said that if nothing is done the Town could be sued. Councilman Byas asked what kind of restrictions the Town has; what are we legally allowed to do with that road.

Councilman Norris asked the definition of User Road. Councilman Meredith said Al Deering, Town of Coeymans, defined User Road as one that can be paved, but can only be paved to a certain extent, and that the homeowners own beneath the road. Supervisor said that was true, and read that.. *it is a highway by use. All lands which shall have been used by the public as a highway for the period of ten years or more, shall be a highway, with the same force and effect as if it had been duly laid out and recorded as a highway, and the town superintendent shall open all such highways to the width of at least three rods.*

Councilman Norris confirmed that user roads in the Town are maintained; Highway Superintendent Jordan said yes. Councilman Byas asked did {Jordan} want to pave what is paved now; Mr. Jordan said yes, a few places to widen toward the front, and then to do ditching. Councilman Byas confirmed that the stone walls would not be disturbed; Mr. Jordan said wants to stay within stone walls, ditch, the wall would not be disturbed, as Mr. Jordan has said all along. Councilwoman Finke said that would take care of drainage. Supervisor said there was some shoulder there.

Councilman Byas asked about culverts; Mr. Jordan said culvert #3 or, starting from CR51, the second culvert.

Supervisor finds it peculiar that Councilman Byas would reach out to the Greene County Highway Superintendent and not the Town's highway superintendent; Councilman Byas wanted to hear the legality of it. Supervisor asked if the Town's attorney was contacted; Councilman Byas said no, that he wanted to hear his legal opinion, what we are subject to, since he's a surveyor and into it all the time.

Councilman Byas said he and Councilman Meredith spoke to Al Deering, Town of Coeymans highway superintendent, to get his opinion. Supervisor asked whether Councilman Meredith and Byas heard the Town's highway superintendent's opinion; Councilman Byas said yes, just now. Councilman Meredith said he hadn't gotten back as he was at Hershey Park with his kids. Councilman Norris said 2.5 years ago Councilman Byas suggested contacting Greene County Highway Superintendent and the Town's attorney, Councilman Norris did so, and the Town is responsible to maintain that road. Councilman Byas said the Town is responsible to maintain

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the road the width it is now, but [Byas] has a problem with the road going wider. Councilman Norris said it was never going to be wider. Councilman Norris said that to cut brush between the road and stonewall, the homeowner must be asked. Councilman Byas asked what would be done with narrow part above the driveway; Mr. Jordan said the narrow part might gain a foot on each side.

Councilman Norris said a verbal agreement was reached in a meeting; one party was agreeing and other party never responded. Supervisor said the ball was in the Town Board's court; Councilman Meredith expressed concerned for Mr. Jordan's safety. Councilman Norris said Mr. Pilatich could put a stop work order and then the Town may have to proceed in court.

Councilman Byas said surveyor Phillip Massaro, on the turn by Mr Pilatich's driveway, said the Town had encroached by 5-6 feet, moving the road over onto Pilatich. Councilman Byas said a dollar amount was suggested; Councilman Norris felt that may have been suggested to avoid litigation. Mr. Jordan said if you measure the road, it stays about 12 foot wide average from the center, been a foot and a half to Mr. Pilatich's side, and been 3 foot to Mr. Hamilton's side, with blacktop. Councilman Norris said the attorney understood the law regarding user roads; Mr. Jordan wanted to use dead center so it is fair to everybody, and did not ever intend to take a stonewall.

Supervisor read from last year's correspondence: a realignment provided Pilatich does not appear to have changed at all, adding that it is within the rights of the highway superintendent to pave the road. Councilman Byas said on the turn the road went over 5-6 feet at the curve, didn't know whether the surveyor wrote it down, but the surveyor showed him on the map.

Member of the public asked when stonewalls were built; stonewalls were not moved. Member of the public said there is a pole and guide wire, causing traffic to drift toward Hamilton's. Member of the public said watch it when it rains, rain comes down the road from Pilatich like a river. Councilman Byas said a berm is needed; member of the public said a ditch is needed (applause).

Member of the public said go there on a thaw or rainy day. One pipe from Pilatich goes to a neighboring property; Mr. Jordan replaced the lower pipe because it went bad, way down, an overflow, flows full bore when raining, and becomes the county's problem at Woodhull's. Member of the public said water comes out of Pilatich's but doesn't know what has changed, and is not allowed on the property. Member of the public said years before the reservoir there was a pond there (Silver Springs Pond). Councilman Byas said you're not allowed to divert water onto another person.

Supervisor apologized for public sitting through this, partly as she has had no communication from the Board and the highway superintendent is looking for direction from the Board as he wishes to avoid cost of a lawsuit and wishes to keep the road open. Councilwoman Finke asked if what Mr. Jordan wants to do is agreeable to the homeowner; member of the public said if Mr. Jordan starts to dig he will need the Sheriff.

Councilman Meredith asked why this has taken so long and been handed to the new board to resolve. Councilman Norris said when he began his term, they sat with Mr. Pilatich and tried to negotiate rather than to go court, but in order to get the road done, that's the way to do it, adding that two months ago there was a fair solution, with Mr Pilatich's attorney's presence. Councilwoman Finke asked if his attorney came back with anything; Supervisor said attorney came back with what was presented to the Town Board in Executive Session at the last meeting, no to culvert, yes to ditch.

Supervisor said will have a resolution prepared for next Board meeting. Member of the public asked what may happen to the stone wall without the ditch.

Lisa Benway asked if Peckham will close down again this year. [unable to hear] Bill Hamilton said he was offered a proposal in the meeting, with a time limit, Mr. Pilatich's lawyer thanked him for being patient, called again and hasn't made decision. Mr. Hamilton asked for red book proposal #3, 45 degree off to get [Pilatich] tractor trailers in and out, 25' user's right of way and if needed Hamilton will move his stonewall; Pilatich hasn't agreed to it. Councilman Byas said he didn't know this part; Supervisor said had [Byas] phoned a member of the Highway Committee and asked. Councilman Byas responded that he didn't know this part.

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DRAFT

JENNINGS ROAD

Councilman Norris moved that the Town Board give the Highway Superintendent permission to start on Jennings Road tomorrow, Supervisor seconded. Councilman Byas asked for the resolution for the next meeting, and any questions can be addressed to the attorney, and two more weeks will protect the Board. Councilman Norris recommends voting this night.

The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE:	BYAS-AYE	FINKE-AYE	MEREDITH-AYE
	NORRIS-AYE	O'RORKE-AYE	

Adopted

Adjournment

With no more from the Board, Councilman Meredith moved to adjourn, seconded by Supervisor O'Rorke.

BYAS-AYE	FINKE-AYE	MEREDITH-AYE
NORRIS-AYE	O'RORKE-AYE	

Motion Carried

The meeting was adjourned at 9:45 pm.

Respectfully,

Janet A. Brooks
Town Clerk