

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2011- page 1**

DRAFT

Opening of Regular Meeting

The meeting was called to order at 7:32 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 members of the public who signed attendance sheet.

Supervisor O'Rorke wished everyone a happy Valentines' day.

Approval of Minutes

Councilman Norris moved and Supervisor seconded the approval of Minutes of **October 21, 2010 Special Meeting** submitted by the Town Clerk. No discussion. 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-Abstain MEREDITH-AYE
 NORRIS-AYE O'RORKE-AYE

Adopted

Supervisor moved and Councilman Norris seconded the approval of Minutes of **November 22, 2010 Work Meeting** submitted by the Town Clerk. No discussion. 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 Supervisor seconded the approval of Minutes of **December 30, 2010 Work Meeting** submitted by the Town Clerk. No discussion. 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

Minutes of **January 3, 2011 Public Hearing Local Law 1 of 2011, January 3, 2011 Special Meeting, and January 3, 2011 Organizational Meeting**, submitted by the Town Clerk, were tabled.

RECOGNITION OF SERVICE

Supervisor said the Town Board would go off agenda to recognize two public servants who do not seek limelight. While many communities experience difficulty finding individuals to serve, the Town of New Baltimore has been fortunate to have the commitment, enthusiasm, and knowledge of two special residents.

**RESOLUTION
FEBRUARY 14, 2011**

**RESOLUTION TO RECOGNIZE CLESSON BUSH FOR HIS
SERVICE TO THE TOWN OF NEW BALTIMORE**

WHEREAS, Clesson Bush has been the Town Historian since February 13, 1995, and

WHEREAS, Cless has supported the mission of the New York State Archives and the preservation of the records of Town of New Baltimore, and

WHEREAS, Cless Bush has discovered a host of new facts and inspiring information about the Town's history, and

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2011- page 2**

DRAFT

WHEREAS, he has reconnected us with a past that is far richer than we might have suspected otherwise, and

WHEREAS, his work has dealt with family connections, burial grounds, religious differences, river history, commerce and much more, and

WHEREAS, Cless has shown the restraint of good professional historian, sometimes more than most, in not interpreting his finds too widely.

NOW, THEREFORE, BE IT RESOLVED that the Town is indebted to Cless and his companion in research, Jean Bush, for bringing this enlightened and carefully interpreted picture of the past into our lives. Cless recognizes, as we all should, that our history is the foundation of our own lives and knowledge of history broadens us as no other knowledge can.

Councilman Norris moved and Councilman Byas seconded. 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 (applause)

Supervisor read.

**RESOLUTION
FEBRUARY 14, 2011**

**RESOLUTION TO RECOGNIZE LEE DAVIS
FOR HIS SERVICE TO THE TOWN OF NEW
BALTIMORE**

WHEREAS, Lee Davis has served on the Planning Board for 19 years, 18 of those as Chair of the Planning Board, and

WHEREAS, Lee has used his knowledge of land use and leadership skills to guide the Planning Board through complex and often controversial issues, and

WHEREAS, Lee was noted for his fair minded application of the rules of governing in the leadership of the Planning Board, providing sound advice, good judgment and an abundance of common sense in his approach towards matters that have come before the Planning Board, and

WHEREAS, many who come before the Planning Board do so with apprehension and uncertainty, Lee was able to use his quiet confidence and humor to set them at ease, and

WHEREAS, Lee was widely read and informed himself about the history and science of planning and how it may affect small towns such as New Baltimore, and

WHEREAS, Lee spent many months volunteering his time in research and vision to the Town of New Baltimore Comprehensive Plan Committee.

NOW, THEREFORE, BE IT RESOLVED that Town of New Baltimore is deeply indebted to Lee Davis for his many years of hard and selfless service to the Town. We thank Lee for showing us that optimal growth for the Town is the result of thoughtful planning for the future.

Councilman Norris moved and Supervisor seconded. 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 (applause)

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2011- page 3**

DRAFT

PUBLIC COMMENT PERIOD

Rich Guthrie commended the Highway Department, after a long run of winter weather, on their hard work to keep roads open and safe for residents.

CORRESPONDENCE

From Shady Harbor Marina/Water's Edge Restaurant, 30-day notice of application for liquor license by same owner.

From Cornell University Cooperative Extension, notice regarding detection and management webinar program of the emerald ash borer on February 28; more information is available on Greene County Cornell website or Town Clerk's office. Dick Brooks recommends anyone interested in forestry to attend, adding it is worse than dutch elm or ash, and to keep from spreading by not transporting firewood.

From NYS Deferred Compensation Board, changes affecting Town's employees; Supervisor plans to meet with the Town's accountant next week.

From Champlain Hudson Power Express, ongoing project of high power lines from Canada to New York City, information is available from the Town Supervisor.

From Greene County Office of Real Property Services, NYS Tax and Finance will hold hearing on March 17 at 10 am in Albany with regard to franchise fees established in the Town.

From Shelly Cardinale, full-time justice clerk, a resignation to a permanent job.

From Pat Monks, part-time justice clerk, a resignation for family reasons.

NEW BUSINESS

- Resolution to Pay Claims

**RESOLUTION
FEBRUARY 14, 2011**

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 G201102/01-56; H201102/01-28; and S201102/01-9, for a total amount of \$713,204.42, it is

RESOLVED that the Supervisor is hereby authorized to pay claims totaling \$713,204.42.

BE IT FURTHER RESOLVED that the Town Clerk has prepared an abstract and holds it for public review until February 28, 2011.

Supervisor moved and Councilman Norris seconded. 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

- Presentation from the Bicentennial Committee

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2011- page 4

DRAFT

Bicentennial Committee Chair Joyce Schoenig announced that invitations are going out. She needs volunteers for March 13 event, signup sheet is in back of meeting room, the meeting room will be the reception area with chairs removed and shelving brought in for memorabilia. A 1976 locally-made quilt will hang, please sign up to offer pictures (copies of) or make a collage. She wants many children to participate, costumed, in ceremony and grand finale, an 'ode to the town' by Dick Brooks; Pieter B. Coeymans Elementary School has some costumes, bringing in summer recreation/parks staff, and photos of Half Moon. Joyce needs volunteers for Saturday, March 12, set-up at Rocky Store School/Town Hall. The Farmers' Almanac read 'worst winter in decades'; talking to the fire company to establish alternative site inside of Cornell Hook and Ladder Station 2 Firehouse, Clifton Park Rental was contacted for pipe and drape for back wall, seating for 100-150 and standing room for more, honor guard and drum line and needing signup volunteers. Cocksackie Transportation's 15-passenger van will move continuously for 4 hours between Town Hall, Town Garage, District 2/Cecil C. Hallock Park, and Albright's Garage. Volunteers on the day of event will serve refreshments, sell shirts, host and greet, observe a seating chart, hand out programs, and provide guidance. Joyce presented a framed invitation to the Town; invitation will go into newspaper this week; newsletter should be going out; local organizations have been invited and given a phone/email contact for Joyce for suggestions. The 3pm ceremony will last about 1/2-1 hour. A lovely souvenir, a US Postal Service commemorative designed by Leigh Ann Smith, will be sold by the New Baltimore postmaster for \$1. A banner will be mounted on Town Hall; it can also be used for June 4-5 AgFest, July 9 Greene County Historical Society 35th annual Tour of Homes, July 9 New Baltimore Conservancy's Wine and Cheese, New Baltimore Reformed Church July 31 picnic, August 13 Cornell Hook and Ladder's Community Day, September 24 Barn Round and Dance may be at the CR51 Flegel farm in 100year old barn. T-shirts, hooded sweatshirts, and sweatshirts hold an anticipated profit for \$300. There is a balance of \$464 from the original fundraiser; \$3500 was received in sponsorships; seed money of \$100 was given in 2009, and private donations are still possible.

Supervisor asked Town Board to advance \$300 to the Bicentennial Committee, Councilman Norris said Catskill Mountain is making shirts to sell for \$10 and sweatshirts for \$20 and 'hoodie' for \$25. With no opposition, Supervisor offered.

**RESOLUTION
FEBRUARY 14, 2011**

RESOLUTION TO CONTRIBUTE TO TOWN'S BICENTENNIAL COMMITTEE

WHEREAS the Town of New Baltimore will celebrate its bicentennial in March of 2011, and

WHEREAS the Town wishes to mark this occasion with a ceremony,

THEREFORE, BE IT RESOLVED that the Town will contribute \$300 to the Bicentennial Committee.

Councilwoman Finke moved, seconded by Councilman Norris. Rich Guthrie asked if there was a provision to reimburse the Town if the expected funds were, in fact, earned. Supervisor amends the wording to read, **"Upon sale of the t-shirts and sweatshirts, the Town will be reimbursed by the Bicentennial Committee at the end of the bicentennial year celebration,"** seconded by Councilman Norris. 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

Supervisor invited Cless Bush this night, ostensibly to speak about the Bicentennial. Cless added that it is the AgFest Committee doing the work for AgFest, New Baltimore Conservancy working on the Wine and Cheese, and Greene County Historical Society working on its 35th Annual Tour of Homes in the Town of New Baltimore on July 9, for which ads for tickets are in

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2011- page 5

DRAFT

newspaper and website, \$25 same day, \$20 in advance. By mail: Greene County Historical Society, PO 44, Coxsackie, NY 12051. Any advance tickets will be held at Town Hall; proceeds to support Greene County Historical Society, Bronck House, and Vedder Research Library. Councilman Norris asked if bicentennial ceremony invite was placed with Greene County Promotions and Tourism; answer: no.

- Presentation from the Greene County IDA

Alexander 'Sandy' Mathes, Executive Director of Greene County IDA, thanked Board for inviting him to meeting. The hotel/ waterpark project, just recently extended the option to the development team, discussions are positive, working through very complex funding issues. The banks don't work as they used to, equity is driving deals. So, for a project of about \$110 million, banks will loan only 60% now; getting 40% equity is a challenge. Real estate investment firms, institutional investors; pro formas and deals are challenging and demand a very high return. The bigger project had single destination retailer, outlet center, and hotel water park; now talking about smaller project. The site now encompasses the Subaru land, north of Warren parcel and just south of exit, so, now encompasses the Warren parcel, north of Serta, east of antique center, just short of the circle and Thruway bridge. To get the square footage, IDA is now incorporating front of Kalkberg/Serta as part of retail, down Houghtaling Road, to the destination retailer. Phase 1 is hotel/water park and hope to have financing in place in March/April. Phase 2/destination retailer/outlet center discussions are active, were very active 3.5 years ago. The challenge is \$25million of infrastructure to get done- 2 things that drive economic development are infrastructure (water, sewer, power, gas, fiber, and electric) and workforce. Greene IDA is going to Greene County legislature for approval, they must say yes, in order to benefit this Town and the region. A new wastewater plant to accommodate park and relieve some pressure on the Village of Coxsackie, extension of water and expansion of water plant (currently in expansion now), about 2 million gallon in water storage near Scheller Park to solve pressure and reliability issues, currently doing a new tank near quarry or water plant in Coxsackie to get the elevation and fire protection, substantial road improvements including 2-3 booths on Thruway, left-turn turn lane extended from Greene Business to the exit, commitments to open space and habitat protection, enhanced wetland creation, and stormwater management, high ratios like 4:1 setback, and mitigation and habitat are considered as infrastructure by IDA. Part of the discussion is reinvestment of public dollars from that project, probably sales tax dollars, back into project, to pay for debt. Phase 1 can fund phase 1, leaving 80 acres of shovel-ready land. Without infrastructure in place, we must find a way to do it with the new tax dollars to be generated. So, Phase 1 may not provide a lot of tax relief, but set us up for something more; IDA Board is tortured and hopes to talk to county legislature within next 30 days. Supervisor said, if folks wanted to see what he is describing, C-1 on the website, but it has changed. Mr. Mathes hopes to post that "cartoon" site plan pdf. on the IDA website; the front of Kalkberg would be outlets on both sides, then a left-hand road before berm in front of Serta that would go in a little and fill up with outlet; then to end of cul de sac to high land, looking to right to hotel/water park and destination retailer, a pedestrian bridge would connect them, and connect also on old right-of-way with old Van Gurpin Road.

This plan may be seen at the IDA office.

All of this is located in the Town of New Baltimore, except the piece in front of Empire Merchants.

A permanent Farmers' Market is included, as the IDA tries to preserve two critical public spaces: agriculture/original art cooperative of possibly 10,000 square feet, and, to market to the up to 3million visitors, a visitors' place where Greene County's story can be told (hiking, biking, golf, resorts, ski, etc).

Supervisor asked, regarding Economic Development Committee and infrastructure, would he come speak at a meeting? Sandy Mathes will come and speak, asking whether Councilman Meredith would come also. Supervisor asked to speak again to Town Board.

Sandy Mathes continued, on the topic of the county-wide water study. On the IDA for 9 years, infrastructure and workforce will dictate where development happens, water plant operators are difficult to find. IDA seeks a Local Government Efficiency High Priority Planning grant of

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2011- page 6**

DRAFT

\$50,000 (90% from state, 10% from IDA), to look at all water systems in the county. Phase 1 will look at river communities (the mountaintop has unique issues with the watershed), then Greenville and into Cairo; look at conditions, challenges, lay out several options or consolidations, and look at efficiencies that can save money, including expansion or linkage of facilities. Department of State would like to see every municipality support this; it does not commit to any future action.

Supervisor asked water first, then wastewater? Answer: yes, new governor has made clear there will be great push/incentives to consolidate to save money to handle cost and maintenance of plants. Ellie Alfeld asked how does Town of New Baltimore get to the top of the water list? Is rumored housing development in Coxsackie true? Mr. Mathes said the northern part of Greene County is critical issue, look to Village of Ravena and Town of Coeymans as source, the City of Albany and the Alcove Reservoir. He said when the dust settles on that study there will be options as to how to do it, cost effective ways, and how to manage each section.

Ellie Alfeld says Deans Mill, Coxsackie Reservoir, Hannacroix Creek and the river, yet the Town is dry. Mr. Mathes said a project to help provide that funding is critical; development corridors, with business use driving the water extensions, become more affordable. Six months from now, if successful getting this study, he'll have some answers. Fountain Flats is a proposed business park and the development will be Lime Hill Homesteads, an affordable housing for workers and seniors on the Fernleigh site, the 100 acres behind Marks trailer park in Coxsackie (take right, west at Plank Road and then another right, north. Greene IDA owns the land and wants a 100-acre business park, and has made a gesture to purchase the trailer park.

Ellie Alfeld asked if it was Section 8, adding that in New Baltimore and Ravena-Coeymans-Selkirk Central School that has impacted the school. Mr. Mathes responded no, that the housing stock rise of the late 1990's required some affordable local quality housing, 73 units of which 24 will be senior, full-time local management presence, and remainder will be 1, 2, and 3 bedroom. This provides young families and seniors to stay local and possibly walk to work, and address the lack of public transportation, 6.5 acres in that park.

Arlene McKeon asked, regarding the transportation study, about the proposals to revamp US9W with roundabouts. NYSDOT's lost a bit of talent to early retirement; IDA is waiting for Route 81/US9W intersection, and will do it with \$350,000 federal grant for design of either a 2-lane roundabout or 3-additional-lane highway. The IDA did their analysis with these 2 designs, going onto the bank's property and the gas pumps at Stewarts (who plan to relocate) totaling about \$2.5 million including historic lighting, buried utilities, gateways, tree-lined streets. Because it is the state's road, IDA has been waiting 9 months; three months ago, impatient, IDA met with NYSDOT regional director, waiting still for NYSDOT, will go through same process for each intersection. Advocates for roundabouts appear to have left NYSDOT; the state will eventually make their decision on their road. Senator Gillibrand provided 2 \$750,000 grants and Senator Seward provided \$300,000; IDA wants to be sure to have a "handle" on traffic control.

2. Presentation by Attorney for the Town regarding town documents

Supervisor said at year's end is good time to review what Town Clerk needs for records retention program and for FOIL. Attorney for the Town Wukitsch reviewed that New York State has a Freedom of Information Law (FOIL) allowing any member of the public to obtain disclosure of records and documents, except documents that do not have to be disclosed (personnel, attorney/client). To handle compliance, we have a records access officer, our Town Clerk Janet Brooks to comply with various FOIL requests. It is important to note is that some are fairly broad and involve hundreds of pages. We want to make sure that responses to FOIL are comprehensive and complete. We need a complete record of all documents generated by Town Board and departments, including Highway, in a central location; any document created should be provided to Town Clerk for FOIL or other purpose so that we have accurate and complete set of records. Supervisor asked letters or documents created or received by any Board member in their official capacity; Attorney Wukitsch said yes, whether for FOIL or litigation, the Town wouldn't want to be caught in a position where we can be accused of not having complete records.

Rich Guthrie asked would it apply to Board member to Board member correspondence; Attorney Wukitsch said one exemption is intra-agency communications, but it must be seen in order to be exempted, and the point is that anything done in connection with Town business must have a

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2011- page 7

DRAFT

central filing spot and the Records Access Officer is recognized under Town Code so that is the place where the records belong. Supervisor asked if there is an email requirement, if Town should have an email policy; Attorney Wukitsch said an electronic communication policy should be in place. Clerk Brooks added that following a NYS Archives workshop, she asked General Code for sample legislation and at that time there was nothing on file. Rich Guthrie asked how that applied to justice court files; justice court has its own set of rules, retention schedule, and set of exemptions. Not under jurisdiction of Records Access Officer.

Attorney Wukitsch added the assessment trial for Butler/Sunny Farms was completed, where intermunicipal agreement was in place with school district, a decision is expected within 4-6 weeks. Supervisor added that the Town Board is auditing the voucher for the attorney and the appraiser.

- Resolution to hire a new Justice Clerk

With Sheri Jourdin's departure, Shelly Cardinale was hired on interim basis so that an ad could be placed to see if there was a Town resident with equal qualifications. Shelly was contacted by Village of Catskill court; the justice made an offer and hired her on the spot. She enjoyed working here but needed the security of knowing she had a job. Subsequently, Pat Monks has resigned with family health issues. Councilman Norris said 3 individuals applied for the position, interviews were conducted; two have experience, and justices choose a candidate with 10 years experience in Athens. There are current openings in Towns of Catskill and Coeymans. Councilman Norris presents this candidate for consideration.

**RESOLUTION
FEBRUARY 14, 2011**

RESOLUTION APPOINTING FULL TIME JUSTICE CLERK

WHEREAS, a vacancy position exist in the Justice Court, and

WHEREAS, the Courts are short staffed requiring immediate assistance, and

WHEREAS, the Town has found a candidate with experience, and

WHEREAS, the Town Justices, along with the Town Board's Court Liaison and Town Supervisor have interviewed the prospective candidate for this position, and

WHEREAS, the Justices and Court Liaison and Supervisor have recommended that this position be filled by Dawn Palmateer who meets the qualifications for this position.

NOW, THEREFORE, BE IT RESOLVED that Dawn is hereby appointed to a position as a Full Time Justice Clerk for the Town of New Baltimore Justice Court, effective February 14, 2011, at an hourly wage of \$15.00 per hour, provided that said appointment shall be on a probationary until a six month satisfactory review is completed and upon that satisfactory review the pay will be increased to \$15.50 per hour.

Councilman Norris moved and Supervisor seconded. Councilwoman Finke asked if candidate has a bachelor's degree as outlined in ad; Supervisor said original ad was written by justices to meet the qualifications of the interim candidate. No candidate met all the qualifications and two individuals exceeded the experience. Councilwoman Finke asked at last meeting if all knew that ad was over 350 words and the cost was \$198 for an advertisement, and that an ad should not be \$198 and does not pass smell test, and added that the prior ad for Deputy Justice Clerks was more than \$198. Supervisor asked whether she had reached out to the justices; answer: no; and said it met the requirement for a purchase under the Procurement Policy; Supervisor agreed the price seemed extensive and maybe the Town Board could develop a policy for placing of advertisements. Councilman Norris, as court liaison, responded that price was

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2011- page 8

DRAFT

excessive, and takes offense to "smell test"; justices did, in good faith and at the request of Town Board, write ad to meet the many qualifications of the interim candidate. Councilwoman Finke said last Planning Board ad was \$7.90. Supervisor said, without a Board policy or procedure in place for allowed cost or size, they had a qualified person hired to reassure and, without "pulling the rug out", the Town Board wanted to see if there was another candidate that met her qualifications. Councilwoman Finke called the justices and discussed the previous long ad. Attorney Wukitsch said not a good idea to run a lengthy ad, the more qualifications stated, the more should be met, be short and pointed. Supervisor asked, in that there are not many ads, could be reviewed by the Attorney; answer: yes. Councilman Meredith said, having run ad, none meet the requirements, use term "preferred" instead of "required"; did he give that to justices before ad was placed; no, believed he gave it to Supervisor. Ellie asked, since the Board was looking for someone from Town of New Baltimore, were any of them residents? answer: one was. Used to fill these positions by word of mouth, said Rich Guthrie. Councilwoman Finke said if someone were looking at an ad of 350 words, they would look at first few lines, realize they don't qualify and not bother, and not fair to the residents of the Town. As the ad was too specific, all three applicants do not meet all the requirements, one met none of the requirements. Councilman Norris reminded the Board that Shelly was asked to be interim clerk while an ad was run, the Board's discussion was to see if there was someone who would meet those requirements, that was the reason that ad was placed. Three candidates came forward; ad did pay off. Jean Horn said \$198 to make interim feel good to suit the position; Supervisor said the Board wanted to see if there was a candidate who would meet or exceed the candidate, and that was the directive that the justices were given. Joy Schoenig asked if the Town has a residency requirement that you must live in the Town to work for the Town; answer: no; Joy added that there are state and federal laws that you cannot discriminate on who you can hire, opening the Town to a lot more than \$400. Supervisor reminded the Board that Pat Monks is leaving on February 25, leaving one part-time clerk hired one year ago. Councilwoman Finke said Lynn Taylor said she would help out; Supervisor added that Lynn is willing to take phone calls, but does not want to come in and sit for court. Councilman Norris said the three candidates were asked if they were interested in part-time position; all declined. The two candidates with experience have been contacted by Town of Catskill to apply and interview.

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

NOT Adopted

Councilman Norris asked if the Board knows the consequences of this action, the court will shut down, is that what is wanted; Councilman Meredith said they just want the ad to run correctly and for the ad not to say a bachelor's degree is necessary, there are three applicants who don't qualify for the position, and one will be put in the position, adding that every industry has to follow these rules. Councilman Norris asked if the Justices need Board approval to hire. Attorney Wukitsch said yes, advice and consent on both hiring and firing decisions, the Board cannot hire without the justices consent and the justices require the Board's consent for a hire. If cannot reach a joint decision there are ramifications of deadlock. Supervisor said Lynn would be happy to take phone calls and is not interested in sitting in the office or court. Attorney Wukitsch said the police and sheriff's office does not stop writing tickets, misdemeanor arrests, a lot of paperwork and computer work that needs to be done. Supervisor said it is her understanding that the justices will need to dismiss court, the Town would lose that revenue, can adjourn cases. If someone is scheduled to appear for trial, cannot be adjourned. Attorney Wukitsch said there must be better communication between justices and Town Board, a common understanding that need court to be adequately staffed to do business; the way law is set up, the Town Board and justices must reach agreement in terms of candidate and hiring agreement. Supervisor said some guidance is needed from the Board; Councilman Meredith said this candidate could be hired on an interim basis until a proper ad could be run. Attorney Wukitsch said the Town could contract with her on a part-time basis, Supervisor reminded that she is currently employed, unless she was interested in part-time; she was willing to give up the part-time position to come here full time. Councilwoman Finke said to reach out to our residents and put in Ravena News Herald like the last part-time justice clerks. Supervisor asked if it could go onto the website right away, as it

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2011- page 9**

DRAFT

took awhile last time to get onto the website; adding that with News Herald and Catskill Daily Mail, the court liaison and attorney will review ad before it goes to paper. Councilman Norris asked to finish this in two weeks at work meeting. Councilwoman Finke thought yes.

Ellie Alfeld said due to stalemate, there is a 'truck over weight' state troopers unit, state surcharge alone is \$85, money that the Town depends on.

Pam Trombley, part-time justice clerk, asked, if justices close down the court, what happens to her job. Councilwoman Finke said Pat is there til the end of the month; answer: one week.

Joyce Schoenig views this as emergency, doesn't want to lose Town fines, another option could be to bring in another clerk from another town or a professional temp agency. Supervisor is unsure whether Office of Court Administration could help with court, and if Town was willing to pay those costs?

Ellie Alfeld pointed out that the Town Board cannot by law require an applicant to be from New Baltimore. Councilman Byas thought it strange to have 4year degree requirement. Supervisor said it will run in News Herald and Daily Mail, with hopes to have candidate by February Work Meeting. Attorney Wukitsch asked how many hours per week; answer: 35 hours. Attorney Wukitsch is writing the ad.

3. Resolution to change employees' health insurance plan

Supervisor stated, among the changes to look at: the health insurance plan previously included the full-time deputy justice clerk; that position is no longer full-time (section 2); currently an individual's effective date is their first day of service, but a 30 or 90 day waiting period is common. Councilwoman Finke approves 90 days or 60 days, and asked what other Towns do. Councilman Byas approves 90 day, Councilman Meredith concurred. Supervisor asked to look at Section 5a and c, when retirement benefits are paid, if employed spouse passes away or divorces, the non-employed spouse is allowed to buy their own insurance under the plan. COBRA runs 18 months or with certain conditions. Supervisor suggests striking last sentence; in b, strike last part of sentence, if surviving spouse wants to continue to pay, they are allowed to do so if premiums are kept up to date. Supervisor asked if the Board wishes to limit the liability, some other towns are between 10-20 years of service, Councilman Meredith offered age of 68. Supervisor suggests going to 20 years of continuous service. Attorney Wukitsch offered that the wording sounded like the state's requirements, fiscally prudent to change to 20 years of service, and age increased to 65 years of age.

Arlene McKeon reviewed these were put in when health insurance was affordable, changes have been instituted, sliding scales, eligibility for Medicaid/Medicare, and those retiring before 55 pay more toward their costs.

Ellie Alfeld said even after 65, under Part B, employers are contributing; Tier 5 is a 10 yr plan, the state is talking about a Tier 6. Arlene McKeon mentioned providing incentives to keep folk working longer, benefit the employers. Ellie commented, with medical insurance as it is with fewer employers being able to provide, this plan is acceptable, a real benefit. Supervisor reminded that the Town doesn't want to be in a position where it cannot attract qualified employees. Jeff Russo referred to a publication on what the long-term liability could be for retirees [difficult to hear], reserve the greatest benefit for those who have worked the longest. Supervisor said these items try to achieve those goals, plans allow to make changes to retirees. Supervisor prefers to limit exposure going forward and to be fair to full-time employee being hired to have these benefits in place, knowing this would be addressed, best to be able to communicate a completed plan, and added her concern about putting the Town in a non-competitive position.

Supervisor began this conversation with the Board members in November, asking for input weeks ago.

Supervisor also asked Attorney Wukitsch about Sec 5 Part e, Medicare reimbursement, as the plan is ambiguous. Regarding employees with spouses, where a surviving spouse is buying their insurance, the Town continues to reimburse the \$66.66. She is not sure if that was the intention of the plan. Does the Town wish to continue to do this? There are three currently who qualify. Attorney Wukitsch said they could be grandfathered in and that section can be eliminated, to read "will not be eligible for Part B reimbursement". Councilman Byas asked to table this. Supervisor said, having begun this in November, she is seeking the Board's feedback. Supervisor

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2011- page 10**

DRAFT

asked for the Board members thoughts before the next Regular Meeting. Supervisor asked Councilman Byas to send around his thoughts. --TABLED--

4. Review of 5 Year Technology Plan

Supervisor was told that the review of the 5 year technology plan will be TABLED to another meeting.

5. Resolution to Authorize Supervisor to execute agreement with ITS

Supervisor asked for the Inventory. Councilwoman Finke said it would be available at next Work meeting. Supervisor said the contract calls for 10 computers; she has 15 computers on her list- 6 court and 9 for others which she listed. After the 10 last year, the Town was billed about \$250.00 for tax collector's, and the reason she is looking for the inventory, assuming one was provided to Joe Wolodkevich. Does it include or was it supposed to include the court? No. Councilman Byas said it just included the computer that was junked, cleaned. Supervisor is asking for an inventory, how did we have 10. Attorney Wukitsch said "up to 10"; Supervisor said we had had the same number last year, if this was the same list, she has 15. Removing the 6 for court, leaves 9, in that we are not responsible for the sheriff's satellite computer. Attorney Wukitsch said the Town should not be billed for additional computers. Supervisor has asked for inventory since July 2010; Attorney Wukitsch asked for a schedule of those computers. Supervisor said, if same list, talk to Joe Wolodkevich about a refund of the additional charge for the tax collector's computer, as the total would be 9. Councilwoman Finke will look into that. Supervisor asked if this contract include the website hosting? Supervisor asked if that is an additional charge? Supervisor asked to find out what that additional charge is.

Diane Louis asks why the Town does not have the most basic information from the company, Supervisor received letter from tax collector last month, about the poor service she received when she needed to be up running in December. Councilwoman Finke said she approached the tax collector in August, September and October to get her computer serviced, the tax collector did not do that, and added that she [Councilwoman Finke] and Councilman Meredith were never contacted. Supervisor hopes that Technology Committee has reached out to all employees so they know what to do with their concerns.

Supervisor is hesitant to sign a contract without these questions answered. Councilman Norris asked, since now all up and running, wouldn't a per deum contract be better, or the Basic Plan, whereby each problem is handled as it comes up, fewer problems with email set up. Supervisor asked how many hours he had come onsite to service computers, adding that would be a good benchmark to use for comparison. Supervisor said contract included 10 hours of prepaid time, not including hours offsite, and asked what is VPM-connection?

Ellie Alfeld asked who has the serial numbers for these computers. Councilwoman Finke said it should have been done before. Supervisor is seeking the inventory for the insurance policy also. Joyce Schoenig said VPM is a server/secure access line. Councilman Meredith said to take a look at the Website Policy, that it is outdated, possibly there isn't a policy. Supervisor said yes, there is a Website Policy, also posted on bulletin board in hallway. The Technology Committee will come back with report at the February Work Meeting and with Joe Wolodkevich. TABLED.

6. Resolution to support Greene County Water Study

**RESOLUTION
FEBRUARY 14, 2010**

**RESOLUTION AUTHORIZING SUPERVISOR TO SIGN MEMORANDUM OF
UNDERSTANDING FOR FEASIBILITY STUDY FOR COUNTY WIDE WATER
DISTRICT**

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the attached Memorandum of Understanding to conduct a feasibility study regarding the formation of a county-wide water district or agency.

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2011- page 11**

DRAFT

Supervisor moved and Councilman Norris seconded. Councilman Byas wanted to make clear there is no cost to the Town. 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

7. Resolution to waive dog license late fee till July 1

**RESOLUTION
FEBRUARY 14, 2011**

**RESOLUTION TO TEMPORARILY WAIVE
THE LATE FEE FOR LICENSING OF DOGS
IN THE TOWN OF NEW BALTIMORE**

WHEREAS, on December 13, 2010 the Town of New Baltimore enacted Local Law #1 of 2010 which amended Chapter 42 of the Town's Code book, and

WHEREAS Article IV titled Licensing of Dogs was added, due to the elimination of the State of New York's licensing function, and

WHEREAS this new law went into effect on January 1, 2011, and

WHEREAS a new Late Fee of \$5.00 was added to the law under Section 42-28, to help insure the prompt renewal of dog licensing, and

WHEREAS the widespread notice of this new provision of the law was limited and more time is needed to publicize the late fee.

NOW, THEREFORE BE IT RESOLVED that the Town Board deems it in the public interest to establish a six month amnesty period from the effective date of the Town's dog licensing law to allow all Town residents additional time to become familiar with the new dog licensing law and its fees and penalties and hereby instructs the Town Clerk to waive this late fee until July 1, 2011. Thereafter, the late fee shall be imposed and collected in accordance with the law.

Councilman Norris moved and Councilman Byas seconded. Councilman Byas asked Councilman Norris about the 30 day notice, the late fee comes in. Councilman Norris said the Town Clerk mails the notice 2 weeks prior to the first of the month in which the license is due. 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

8. Resolution to approve amendments to 2010 Budget
Supervisor reviewed that she had shared the specifics with the Board members prior to the meeting.

FEBRUARY 14, 2011

RESOLUTION TO AMEND 2010 BUDGET

RESOLVED, that the following amendments to the 2010 Budget are hereby adopted:

Increase Appropriation or Decrease Appropriation or
Decrease Estimated Revenue Increase Estimated Revenue or

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2011- page 12

DRAFT

<u>General Fund</u>		Appropriated Fund Balance
A1355.4 ASSESSOR	1,172.00	
A1355.10 ASSESSOR CLERK		1,172.00
A1620.4 BUILDINGS-GRANT EXPENDITURES		
	10,367.00	
A3850 STATE AID-JUSTICE GRANT		10,367.00
A1680.4 CENTRAL DATA	840.00	
A1670.4 CENTRAL PRINTING		840.00
A3120.4 POLICE	623.00	
A1990.4 CONTINGENT		623.00
A3089.1 SIGN GRANT	5,103.00	
A3310.41 TRAFFIC CONTROL SIGN GRANT EXPEN		5,103.00
A7310.1 YOUTH PROGRAMS	3.00	
A7310.4 YOUTH PROGRAMS	327.00	
A1990.4 CONTINGENT		330.00
A8010.4 PLANNING	169.00	
A8020.10 PLANNING CLERK		169.00
A9040.8 WORKERS COMP	374.00	
A9050.8 UNEMPLOYMENT	140.00	
A9055.8 DISABILITY	208.00	
A9030.8 SOCIAL SECURITY		722.00
TOTAL	19,326.00	19,326.00
<u>Highway Fund</u>		
DA5112.2 IMPROVEMENTS	41,227.00	
DA5140.1 SNOW REMOVAL		12,316.00
DA5142.4 BRUSH AND WEEDS		15,230.00
DA03501 STATE AID -CHIPS		13,681.00
DA9040.8 WORKERS COMP	471.00	
DA9030.8 SOCIAL SECURITY		471.00
TOTAL	41,698.00	41,698.00

Supervisor moved and Councilman Norris seconded. Councilman Meredith asked if there were any outstanding bills. Supervisor said she had requested outstanding vouchers weeks ago. Councilman Meredith said the ITS bills from 2-3 months ago, that he had not gotten them. Supervisor said these amendments are before the Board tonight, adding that she didn't know where the Town is with the Summer Recreation grant, a revenue line; Councilman Meredith said he'd sent everything that was done, but no check arrived yet. Councilwoman Finke asked what the sign grant was; Supervisor answered that is the E911 sign money. 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

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2011- page 13**

DRAFT

9. Resolution to honor Zebediah Girvin on his Eagle Scout achievement

Past practice of the Town Board to recognize local Eagle Scouts and present resolution, adding that this was awarded to Zeb yesterday at his court of honor.

**RESOLUTION
FEBRUARY 14, 2011**

**CONGRATULATING ZEBEDIAH GIRVIN UPON THE OCCASION
OF RECEIVING THE DISTINGUISHED RANK OF EAGLE SCOUT**

WHEREAS, Zebediah Girvin, 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 February 13, and

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, Zeb Girvin has been involved in Scouting for many years, has lived up to Scouting's ideals and has attained all of the necessary achievements, including an extensive project that Zeb planned, organized and managed. Zeb's project included patching and painting the walls of his local church.

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 extends its congratulations to Zebediah Girvin on the occasion of his achieving the rank of Eagle Scout.

Supervisor moved and Councilwoman Finke seconded. 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

Attorney Wukitsch captured, with as few words as possible, an advertisement, prior experience in a town or village court helpful. Councilman Norris added "applications to Town Clerk".

ADJOURNMENT

Councilman Byas moved to adjourn, Councilman Meredith seconded. 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

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2011- page 14**

DRAFT

The meeting was adjourned at 9:52 pm.

Respectfully submitted,
Janet A. Brooks
Town Clerk