

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
MAY 9, 2011- page 1

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OPENING OF MEETING

The meeting was called to order at 7:36 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 28 members of the public who signed the attendance sheet.

APPROVAL OF MINUTES

Councilwoman Finke stated the agenda received on Friday did not include the minutes she would be approving, did not know whether she had received them all, and wished to **TABLE** the approval of all the minutes to May 23 Town Board Work Meeting.

- Minutes of **January 24, 2011 Public Hearing Local Law 2 of 2011**
- Minutes of **January 24, 2011 Work Meeting**
- Minutes of **March 28, 2011 Special Meeting**
- Minutes of **March 28, 2011 Work Meeting**

PUBLIC COMMENT PERIOD

From prior town supervisor David Louis, Arlene McKeon read a letter advising against adoption of formal meeting rules and asking to suspend further consideration of meeting rules (letter is on file).

Bernie Jones asked the Town Board to recognize former highway superintendent Fran Williams' service to the Town; Supervisor thanked him for bringing it to the attention of the Board and referred the request to the Public Memorial Committee's liaison Councilman Byas.

CORRESPONDENCE

From Town's certified public accountant Brian Fitzgerald, CPA PC- email regarding NYS Comptroller's report for another of his accounts, Town of New Lebanon; Mr. Fitzgerald is willing to come and speak to Town Board in June.

From Leslie Copleston, chief financial officer at Coxsackie-Athens Central School District- answers question that 161 students of current enrollment 1,527 are residents of Town of New Baltimore. (Letter on file.)

From Greene County Emergency Services Board Chairman Bill Lawrence- information regarding a Memorial Wall to be created at the Greene County Emergency Operations and Training Center, left side of Volunteer Drive, Cairo. Committee includes William Lawrence, Emergency Services Director John Farrell, Deputy Director Randy Ormerod, Dan King, Charlie Fremgen, and Greene County Sheriff Seeley. Cost is estimated at \$10,000, with in-house labor; contributions to date are \$3,650.

From Open Space Institute- notice that over 500,000 acres in Catskill Region could be developed and are identified as *Preferred for Growth area*, including Greene County/Town of New Baltimore. (available in Supervisor's office.)

From United States Postal Service- notice of meeting at St. Patrick's Catholic Church, 21 Main Street, Ravena, May 19, from 5:30-6:30pm, to hear comment regarding the possible closure of Hannacroix and Climax Post Offices that do not have permanent postmasters, inviting the choice of rural route service. Respond to a questionnaire also. The Town Court has a post office box at the Hannacroix Post Office. The post office chose Ravena site. Councilman Norris suggests sending letter to Congressman Chris Gibson; Supervisor asked to draft a letter for Town Board to sign at Work Meeting.

From NYS Dept of Transportation- notice that the Town's Consolidated Highway Improvement Program (CHIPS) funding for 2011 will be \$112,703.67.

From Lauri Yanni/Yanni's Cucina- a registered letter notifying the Town of application for liquor license for on-premise consumption for a new restaurant at the site of Water's Edge/Shady Harbor Marina; prior owner had also applied for license for the outside pool area which is part of the marina.

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From Bill and Diane Johns, Cocksackie Antique Center- letter in support of the Greene IDA's Water Park project. Letter is on file.

From Greene County Attorney-came a letter regarding the county's consideration to enact a local law toward the use, registration and malfunction of alarms. Further consideration revealed such a law is not warranted at this time; an individual municipality can activate a local law; Attorney David Wukitsch will review.
Supervisor turned over next correspondence to Attorney.

Attorney Wukitsch reviewed that a town is permitted to have its own ethics board; this Town Board of the Town of New Baltimore chose to defer to Greene County rather than to establish its own. Therefore, if a complaint is filed, it is filed to the Greene County Board of Ethics. April 28, 2011. He read a letter received last week by the Supervisor,
From Greene County Board of Ethics Chairman Michael G. Avella came a letter responding to eleven complaints against Town Councilman Arthur Byas and charging him in violation of Section 16 of Town of New Baltimore's Code of Ethics. The complaints state 54 Town employees Social Security numbers were obtained in the form of an email by Arthur Byas, from Sally Russo, who had inadvertently received it from the town supervisor. Councilman Byas admits to being in possession of confidential information as he admitted that he would not destroy or return it as his attorney advised him not to. Greene County Ethics Board unanimously finds Councilman Byas is in violation of Town of New Baltimore's Code of Ethics, in the course of performing his official duties, those findings based on Hudson-Catskill November 24, 2010 newspaper article where he admits to having obtained the list from Sally Russo, and admits his attorney has advised not to destroy or return. In that Arthur Byas refused to respond to two requests over several months, Greene County Ethics Board has no choice but to use newspaper report. When an elected official acts, as Councilman Byas did on May 10, 2010 casting an "Aye" vote to adopt this same code of ethics, that official is duty bound to cooperate with any investigation pertaining to that code. Since he has refused to cooperate with the Greene County Board of Ethics, the Board of Ethics does hereby censure Councilman Arthur Byas and reserves the right to reopen investigation at a future date if he uses the information for his personal or political gain.

David Wukitsch said the letter is in the form of a recommendation as the Greene County Board of Ethics does not have power to issue a censure; the only board that has that power to issue censure is the Town Board; Attorney Wukitsch recommends this Town Board take it up at the next Board meeting in June.

David Wukitsch received Copy of Judgment in New Baltimore Sunny Farms, Inc v Town of Cocksackie, case re tax challenge. Most property was in New Baltimore; Sunny Farms Inc. prevailed. An Order dated April 25 directs Town Clerks/Supervisor/Cocksackie-Athens Central School District Chief Fiscal Officer to certify any amount of overpayment of school taxes for 2009-2010, that certification is to be filed in Greene County Clerk's Office within 20 days of service of this Order. Attorney Wukitsch said it would be only Town portion of land tax for prior year, compute overpayment and certify; Tax Collector Taylor can call attorney regarding the overpayment. Councilman Byas asked for the Town's cost in legal fees; Supervisor said 5 years to recoup fees from taxes; split with the school district. The Town did get an increase, Supervisor can calculate; original lawsuit asked to go back to 2008. Legal fees were \$5,-7,000. Councilman Norris asked they did not want to settle, Attorney Wukitsch did not know.

Councilman Byas, with regards to previously read letter, only received one letter, finds it disturbing that Greene County Ethics Board took and made a decision with newspaper article by a reporter who lost his job, was asked to leave the Daily Mail property by state police, and had a restraining order to keep him off the property. Councilman Norris remembers [Byas] making the same statement here at Town Hall. Councilman Byas is saying what was read here; they did not contact [anybody] else. Councilman Norris asked if Councilman Byas received correspondence, if he knew it was going on. Councilman Byas did not have any knowledge this was going on, had no place to contact, no address or phone number, the County Attorney said they [Board of Ethics] didn't have an office or a phone, and it should have been dropped. Councilman Byas said a person brought it to the [Greene] County Attorney's attention, he was aware of it, asked Councilman Norris where would you go to, no address, talk to the tree. Councilman Norris asked if there was no address, how did they receive the original letters?

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Councilman Byas suggests Councilman Norris call them. Councilman Meredith asked if he was handing the letter to David Wukitsch; Councilman Byas said yes. Councilman Norris asked if Greene County did not do it the proper way. Councilman Byas said no phone, no address, no office, what would you do. Dick Brooks said to call the County Attorney. Councilman Byas said, "We did and they have no address and no thing, that's what was done." Attorney Wukitsch said best course of action is for Town Board to consider this and take it up at next Town Board meeting to accept and adopt it or reject it; Supervisor put on agenda for June. Councilman Norris asked Attorney Wukitsch if he's been through this censure before, what to do as a Town Councilman, investigate; Attorney Wukitsch said read this report, then the investigative body could receive questions or contact information for the members can be gotten. Councilman Norris feels this is a serious charge, a "black eye" on Town. Councilman Meredith said they did a great investigative job by clipping it out of the newspaper. Attorney Wukitsch said each Town Board member must make that decision. There are 10 names on letter. Attorney Wukitsch said he was not consulted in Greene County or by members of this Town Board, knew there was an issue but had forgotten there was something pending before the Town Board. Councilman Norris remembers how the Town Board chose to use the county rather than establish Town's ethics board. Councilman Meredith said there was no Greene County Ethics Board that he knew; Supervisor explained if there is nothing in front of them they do not meet.

Dick Brooks said Greene County's Ethics Board was formed 10 years ago when the county's code of ethics was adopted; they meet only when needed and didn't meet for 3 years. Councilman Norris is upset that Councilman Byas had the nerve to walk around with the list for weeks, was told not to, [Norris] information included, don't believe in the law? Councilwoman Finke asked for order. Councilman Norris is upset; Councilman Byas said he did not show it to everybody. Councilman Norris said that public trust is broken.

OLD BUSINESS

1. Review and Discuss Revisions to Proposed Meeting Rules

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Town of New Baltimore Meeting Rules

1. Speakers must give their name during the Town Board meeting and must address their remarks to the Board as a body and not to any member thereof.
2. Speakers must be recognized by the presiding officer and must limit their remarks to up to three minutes on a given topic and may not yield any remaining time to another speaker.
3. Comments must relate to the current agenda item being discussed at the board meeting and legitimate town business during the Public Comment Period.
4. Speakers should present their remarks in a courteous manner and may not make disparaging remarks or personal comments about public officials, town residents, or others. All speakers will observe the commonly accepted rules of courtesy, decorum, dignity, and good taste with no cursing, swearing, clapping, booing, finger pointing, bullying, whispering, or talking that disrupts the proceedings of the business of the Town Board.
5. Any speaker who disregards the directives of the presiding officer in enforcing the rules, disturbs the peace at a meeting, makes impertinent or slanderous remarks, or generally conducts themselves in an inappropriate manner shall be barred from further participation and will forfeit any balance of time remaining for their comments.
6. After a final warning, if a speaker willfully refuses to step down, the Town Supervisor shall contact the appropriate authorities to remove the speaker from the meeting room and to restore order.
7. If the Town Supervisor does not/cannot control the meeting, the Deputy Supervisor, Town Council Members, or the Attorney for the Town may step forward and enforce order.

This policy may be amended by majority of the Town Board.

Website Committee put Meeting Rules on website but they were not labeled "proposed". Supervisor read her comments (Meeting Rules Comments, on file), begun at Organizational Meeting, asked Board in November to commit to better communication, feels any resident who attends, should have voice to express any idea, and, as supervisor, she always wants to hear. Councilwoman Finke attended Association of Towns 2010, they stressed needing rules, found swearing, tone of voice, clapping, name calling most objectionable, and is not cutting out comments at all. Councilman Norris remembers his first meeting as a full room, a Planning Board member was not reappointed, listened, gave feedback, lived through it, recommends #2 becomes #1, #1 becomes #2, and omit the rest; no need to tell someone to be courteous, and has heard the Board be rude, both ways. Councilman Byas asked Attorney Wukitsch what he thought. Attorney Wukitsch agrees with order, public should have opportunity to express views, was concerned with catcalls, things have improved over last 3-4 meetings, no objection to establishing rules for public comment. Councilwoman Finke said it doesn't take away the ability to speak. Councilman Norris asked for explanation of #3; Attorney Wukitsch said legitimate town business. Councilman Norris said Supervisor should cut off comment? Attorney Wukitsch said no personal tirades. Supervisor asked that discretion would be up to presiding officer, and would include Town Board members; Attorney agreed. Supervisor controls the meeting. Councilman Norris asked with belligerent; Attorney said threat to safety would require a police call. Shelly VanEtten said sometimes cannot hear. Doug Deyoe asked would moving comment to end of Old Business be wise, disconcerting to hear mumbling while

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moving through business. Supervisor said it was put in the beginning in order to get comment before votes; Public Comment Period necessary? does 2 minute limit anytime during meeting or only Public Comment Period? Anytime, Councilman Meredith suggests taking comment only during Public Comment. Rich Guthrie opposes any effort to restrict any input, timely observations are informative and enlightening, wisdom to Board; beginning of meeting only would not have afford that opportunity. Jeff Ruso would like comments brought forth, but, at 2011 Budget public hearing, someone was intimidated by rancor of crowd Lisa Benway agrees that comments helped her realize she had not thought in a certain way. Councilwoman Finke thought the Public Comment used to be at the end. Supervisor moved public comment, adding that other towns she visits with her work quite often the public comment is at beginning for that reason, would move back to end as long as comment occurs throughout meeting. Dick Brooks asked where the list of rules came from; Councilwoman Finke said from Association of Towns. Dick Brooks asked did everyone have input, Councilwoman Finke started with something, Dick Brooks said as long as everyone got to look at it and revise. Supervisor said she wanted Proposed Rules on Website; the public did not have them to review. Arlene McKeon hopes that Town Board does not pass Rules; no one has gone through what some of the prior Town Board has, during water, sewer, zoning, the cats- wished prior supervisor had gaveled some, but sentiments are heard through anger, don't suppress, and Supervisor has done a better job of limiting number. Doug Deyoe said to change the order. Councilman Norris said speakers must be recognized. Attorney Wukitsch will hold clock. Joyce Schoenig has been in Town 20 years; prior residence, Oak Beach, was "land of no", moved here for breath of fresh air, did not all have same views but agreed to disagree, is proud of this community, do not stifle. Dick Brooks said free speech at any Board meeting is a good thing, if they're not saying it to your face they'll take to the streets; let folks vent, it is not always pleasant. John Cashin feels 2 minutes is good. Janet Angelis suggests that things have been going so well table this, see if it continues. Ron Kent seconds that. Councilwoman Finke asked what attorney thought about wording, do rules stifle; Attorney Wukitsch says you limit time, courteous, unruly forfeit their right to participate, he thought #1-7 applies to Public Comment Period. Councilwoman Finke is not sure; 2 minutes on given topic could be either Comment Period or during Board meeting. Town Board must decide. Supervisor will put on agenda for June Regular Board meeting; Councilwoman Finke will prepare resolution. Rich Guthrie asked for copy of resolution before the Board meets. Dick Brooks asked is it on website? Councilwoman Finke sits on Website Committee.

**RESOLUTION
MAY 9, 2011**

MEETING RULES

RESOLVED that the Board adopts the following Meeting Rules attached.

Councilwoman Finke moved to adopt, seconded by Councilman Meredith. Councilman Norris recommends **TABLE** to next meeting. Supervisor agrees with Councilman Norris as public has expressed views. Councilman Byas asked if this was a vote to adopt or to table to the June Regular Meeting. 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-NAYE	O'RORKE-NAYE	

Adopted

Supervisor asked Board to ask Clerk's Office to print Meeting Rules and post in back of Meeting Room.

2. Resolution to Approve Revised Health Plan- for future employees. Not current employees.

Supervisor said, for the benefit of the public, what is being revised is the plan offered to future employees, not for current employees. Now must reach 60 years old for continuation into health plan, no longer 10 years of service, now 15 years of service, currently pay Medicare Part

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B to all employees and surviving spouses, now a surviving spouse will no longer receive Part B. Dental reimbursement will coincide with healthcare, all in the plan now. Councilman Norris said dental coverage appears to start with first day of service and healthcare starts 30 days later? Supervisor said should be same wording as 3B, and to insert after 4B. Councilman Norris said Section 5 needs "full-time elected official, employees and retirees" added. And Section E, Councilman Norris asked how many current? Three or four surviving spouses, not public, would not be affected. For new hires after May 9, 2011, their partners would not received the Part B; upon If Town Board, at a future date, changes the policy, the retirees/surviving spouses must be given 3 month notice; current recipients are grandfathered; Attorney Wukitsch said it could change down the road, certain towns have been locked into benefit levels, want as much flexibility as possible. Councilman Norris said those individuals are now locked in; Supervisor said this also says to reimburse retiree and spouse, we could also tell retirees. Dental coverage begins first day of service? Change to same wording as 3B, after 4B. Attorney Wukitsch advocates for flexibility for future Board choices where possible.

**RESOLUTION
MAY 9, 2011**

**RESOLUTION ADOPTING NEW HEALTH INSURANCE POLICY
FOR FULL- TIME ELECTED OFFICIALS AND FULL- TIME EMPLOYEES**

RESOLVED, that the Town Board of the Town of New Baltimore does hereby REPEAL the Health Insurance Policy for Full-Time Elected Officials, dated November 22, 2010, and adopts the attached Health Insurance Policy for Full-Time Elected Officials and Full-Time Employees dated May 9, 2011.

Councilman Norris moved to adopt as amended, seconded by Supervisor. No further 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

3. Resolution to Approve Intermunicipal Agreement with Chestnut Lawn Cemetery

Doug Deyoe, current president of Chestnut Lawn, asked at last Board Meeting for minor assistance for this non-profit, privately-owned cemetery. If a cemetery becomes defunct it is the Town's to maintain, the State of New York has passed legislation providing for municipalities to write such intermunicipal agreements, the Town has 5 to maintain now, and this cemetery requires one week to mow.

Supervisor said the cemetery has received a donation of gravel and stone but needs help with trucking; Highway Superintendent Jordan has agreed to make 4 runs at a "not-busy" time. Attorney Wukitsch drew up agreement; Supervisor would revisit that contract in future. Doug Deyoe asked to provide for future purchase of stone through the Town; answer: yes, at best price available to the Town. Councilwoman Finke asked if a 25year agreement is typical; answer: yes, at base is a 5year. Councilwoman Finke asked if it will be completed by Memorial Day; Councilwoman Finke was asked. Doug Deyoe asked what the time issue was, said the Town's part is to make the delivery; 2 individuals will spread the stone. Under Section 2, Councilwoman Finke asked, "pay promptly", does that require definition (difficult to hear).

INTERMUNICIPAL AGREEMENT

This Agreement made this twenty-fifth day of April, 2011, by and between the Town of New Baltimore (the "Town"), a municipal corporation organized and existing under the laws of the State of New York with offices located at 3809 County Route 51, Hannacroix, New York 12087, and New Baltimore Chestnut Lawn Cemetery (the "Cemetery"), a rural cemetery

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organized under the laws of the State of New York with offices located at c/o Douglas Deyoe, P.O. Box 102, New Baltimore, New York 12124.

RECITALS

WHEREAS, state law now permits towns to enter intermunicipal agreements with cemetery associations and rural cemeteries to provide needed goods and services to the cemetery; and

WHEREAS, it is in the public interest for towns to assist rural cemeteries facing rising costs of maintenance and upkeep so that the rural cemetery remains economically viable and does not become the responsibility of the town and its taxpayers;

NOW, THEREFORE, for good and valuable consideration the receipt of which is acknowledged, the Town and Cemetery agree as follows:

Term

1. The term of this Agreement shall be for an initial term of five years and shall automatically renew for four additional five year terms unless terminated sooner as set forth below.

Town to Supply Good and Services

2. The Town may from time to time supply the cemetery with goods or products such as gravel, shale, equipment, etc., at the best price available to the Town for such goods or products without any mark-up, add-on or additional cost. The Town will invoice the cemetery for such goods or products which will be paid promptly by the Cemetery. The Town Highway Department may also provide delivery and limited maintenance, without charge.

Employment Status

3. Nothing in this Agreement shall be construed to change the employment status of Town employees who at all times shall remain the employees of the Town, not Cemetery. Nothing in this Agreement shall be construed to make Town employees Cemetery agents or representatives.

Indemnification

4. The Town agrees to indemnify and hold Cemetery harmless for any acts or omissions under this Agreement. The Cemetery agrees to indemnify and hold the Town harmless for any acts or omissions of the Cemetery under this Agreement.

Modifications

5. This Agreement contains the entire understanding between the Town and the Cemetery on the subject matter herein. This Agreement may be modified in a writing signed by both parties.

Counterparts

6. This Agreement may be signed in several counterparts each of which shall be considered an original Agreement.

Termination

7. This Agreement may be terminated on sixty (60) days prior to the written notice by one party to the other.

Insurance

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8. The cemetery shall maintain general liability insurance with coverages acceptable to the Town and shall provide the Town with a certificate or rider protecting the Town as an additional insured.

Approvals

9. This Agreement is contingent upon the approval by resolution of the Town Board and Cemetery Board. Upon approval by both governing Boards, this Agreement shall take effect.

Governing Law

10. This Agreement shall be interpreted and governed by the laws of the State of New York.

TOWN OF NEW BALTIMORE

NEW BALTIMORE CHESTNUT
LAWN CEMETERY

By: _____

By: _____

**RESOLUTION
APRIL 25, 2011**

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT WITH
NEW BALTIMORE CHESTNUT LAWN CEMETERY**

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an agreement with the New Baltimore Chestnut Lawn Cemetery effective April 25, 2011.

Councilwoman Norris moved to adopt, seconded by Councilwoman Finke. No further 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

Doug Deyoe thanked the Board.

NEW BUSINESS

1. Resolution to Pay Claims

Supervisor asked if all Board members had audited vouchers; Councilman Byas had not, Councilwoman Finke and Councilman Meredith had not reviewed all, and Councilman Norris had reviewed prior to this night. Supervisor said this issue has been dealt with, Town Clerk has made the vouchers available the week preceding, and asked attorney for recommendation; Attorney Wukitsch asked for Board to come in earlier, it is important they are audited. Supervisor said if Board would come in on Friday or over the weekend, errors can be corrected; resolution cannot be voted on. Attorney Wukitsch said the auditing of vouchers and the vote is a public record. Councilman Norris suggested finishing at this place in the agenda. Supervisor said there could be a Special Meeting or the Town may face late fees.

TABLED—to page 12

2. Resolution to Gift Microfilm Reader to Greene County

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Supervisor reviewed prior meetings' discussions, cost of service calls and maintenance, and the space needed for the machine. Greene County Clerk's office was contacted; he did not have a reader, and would be happy to have one.

**RESOLUTION
MAY 9, 2011**

**RESOLUTION TO AUTHORIZE TRANSFER OF MICROFILM READER TO
GREENE COUNTY CLERK'S OFFICE**

WHEREAS, the Town of New Baltimore purchased a Microfilm reader in 1992 for \$114.10, and

WHEREAS, during the last several years the Town has very limited need for the microfilm reader, in 2010 the reader was not used at all, and

WHEREAS, the cost of maintenance and supplies for the reader exceed the benefit of ownership, and

WHEREAS the Greene County Clerk's office does not own their own microfilm reader.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby transfer ownership of the microfilm reader to the Greene County Clerk's office. In return the Greene County Clerk's office will take over the cost of all supplies and maintenance of the equipment. Greene County will allow the Town of New Baltimore free use of the reader when needed.

Supervisor moved to adopt, seconded by Councilman Meredith. Councilman Byas asked what would be the procedure if a Town resident wants to use it. Supervisor explained there are certain documents on microfilm. Councilman Byas asked if the resident would have to go to Catskill to use it. Supervisor said the Town Clerk or deputy would go to Catskill. Councilman Byas asked is that cost passed on to the resident? Supervisor reminded that searches are typically \$.25/copy. Councilman Byas said the Town can give it away and get \$.50 for two copies. Councilman Meredith asked how many people come in; answer: no one in 2010, none in 2009. Supervisor said there is a cost of transferring to another medium, could also go to the library. Deputy Town Clerk Jordan offered to make the trip at no cost to the Town. Councilman Byas didn't get an answer, wants everything out in the open, and doesn't want Deputy Town Clerk Diane Jordan to make a trip there with 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

Supervisor will begin discussion to make delivery to Catskill.

3. Discussion of Removal and Replacement of *Children at Play* Signs

For Town Board's consideration, Highway Superintendent and Highway Committee announce that NYSDOT published a bulletin to remove all *Children at Play* signs; they are cautionary, with no police impact; there are 36 in the Town. Highway Superintendent Jordan suggests replacing with *Watch for Children*, also cautionary. Supervisor talked to Greene County Sheriff Seeley and Attorney Wukitsch; they could be replaced with enforcement sign but most are in locations where there is already a lowered speed limit sign. To reface 36 will cost about \$1300. Councilman Norris suggests replacing only if children are known to be there; if families come forward the Highway Superintendent would consider; Supervisor said this falls under the role of Highway Superintendent. Attorney Wukitsch said a detailed report was prepared by experts, concluding that *At Play* signs are ineffective at reducing accidents or encouraging motorists drive more carefully, seeming to have opposite effect, creating false sense of security that it is safe to play in streets, convincing him that they are not good to have. Highway Committee discussed whether residents may petition for *Watch for Children* signs in same manner as speed

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limit reduction petition. Councilman Byas asked if these are all Town signs and sometimes people put up their own; yes.

Rich Guthrie asked if report indicated if revised sign has a meaningful effect or another exercise in futility. Attorney Wukitsch said the report argued in favor of enforceable signs.

Doug Deyoe asked isn't the Town avoiding liability by taking down signs.

Councilman Meredith said the signs are all yellow; shouldn't they be red. Highway

Superintendent Jordan said the law says yellow.

Clerk Brooks asked to put announcement regarding the removals on cover of next newsletter, let the public know what is going on.

Jeff Ruso asked if there was [unable to hear] liability; Attorney Wukitsch said a directive to remove the signs has been received.

4. Cell Phones for Town Employees

Supervisor confirmed information from Verizon: under New York State Plan, 200 minutes, a free phone, first phone is \$21, second phone is \$14.99, for use of Wastewater Treatment Plant Operator and possibly for Code Enforcement Officer/Building Inspector. Councilman Byas asked would it make sense to add to highway's plan; Highway Superintendent and Supervisor said more expensive (\$28/month) to add to that plan. Councilman Byas said AT&T's plan was \$70 less 20% for 2 phones, and additional lines are \$9.99, but he thought it would include highway phones also, or Cell One. Councilman Norris asked if that was a state plan without taxes; answer: yes, for municipality, 20% discount, by packaging the phones. Supervisor said \$56/month for 2 phones, then \$9.99 for each additional. Rich Guthrie asked whether there was a penalty for switching providers. Councilman Byas said the Board was just talking; Rich Guthrie said it was part of the talking; Councilman Byas said he didn't have a chance to get to Verizon store. Supervisor asked to move on this, Councilman Byas will have ready for the Work Meeting. Councilman Norris said it was cheaper; Highway Superintendent Jordan was concerned about service area/reception, previously had Nextel. Councilman Byas said AT&T works in the town hall; Councilman Meredith said nothing works in the town hall. Highway Superintendent Jordan said one employee has AT&T and it doesn't work in western region. Councilman Norris confirmed 20% discount and no taxes? Councilman Byas left to get the information. **TABLED**

5-Resolution to Approve Highway 284 Agreement

Supervisor said 284 Agreement is waiting pricing still; this next resolution is simply for patching and the replacing of culverts needed to get potholes fixed, working off budget of \$337,000, taking out \$125,000, and leaving \$212,000.

**AGREEMENT FOR THE EXPENDITURE
OF HIGHWAY MONEYS**

AGREEMENT between the Town Superintendent of the Town of New Baltimore, Greene County, New York, and the undersigned members of the Town Board. Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of **\$125,000** shall be set aside to be expended for primary work and general repairs upon 16 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

Executed in duplicate this ____ day of _____, 20____

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_____ Supervisor	_____ Councilman
_____ Councilman	_____ Councilman
_____ Councilman	_____ Councilman
_____ Councilman	_____ Councilman
_____ County Superintendent of Highways	_____ Town Superintendent

NOTE: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent. Both copies must be approved by the County Superintendent. One copy must be filed in the Town Clerk's office and one in the County Superintendent's office. *COPIES DO NOT HAVE TO BE FILED IN ALBANY.*

Tentatively following this 284 Agreement will be 1.95 miles/\$140,000 for Sweezey, Gill, and Acquetuck, leaving \$71,339. Next will be stone and oil for 1.76 miles of High Rock Road, leaving \$12,136. The total (3.71 miles of road) is not close to the 7 miles needed to stay on task with 10 year plan. Tonight the Highway Committee asks for 284 Agreement approving \$125,000 for General Repairs; more to follow at Work Meeting and revisions throughout the year. Councilwoman Finke asked where CHIPS comes in; Supervisor said on the revenue side for paving/ permanent; CHIPS will pay only for double coat.

Councilman Byas returned.

Supervisor read list of culverts.

MOTION
MAY 9, 2011

Supervisor moves to approve the attached 284 Agreement for General Repairs of \$125,000, seconded by Councilman Norris. Culvert collapsed in front of Carras property on Jennings Road; Highway Superintendent Jordan has contacted attorney involved in Jennings Road litigation and can do work in that area. No further discussion. The adoption of the foregoing Motion 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 Byas asked to return to topic of Cell Phones for Town Employees

4. Cell Phones for Town Employees (Continued)

TABLED- from page 9

No, corrected Councilman Byas, something is scratched out, it is \$69.99, 2 lines, \$20 off, not 20% off, 700 minutes; probably would be penalty for canceling phones current, not suggesting canceling current phones, this is what the man offered for four phones.

Supervisor said no new contract would be required by Verizon Wireless to add phones, current contract expiration is 2013, Supervisor said add these two new phones and 200 minutes.

Councilman Byas spoke to Jim Polverelli, reception is {unable to hear} agreed that if we turned off the Cornell Park streetlight that would give the Town \$20/month, a tradeoff. Supervisor has concerns for safety, has been there at dusk; is staff comfortable working outside the Pump Station? Lights are inside the building, said Jim. Supervisor questions whether light is on the Sewer District or the Lighting District? Councilman Byas said just ask Central Hudson; he will call Joe Hetsler. Supervisor is concerned with not getting the phone, if not the emergency repairs, there is no way Jim Polverelli can know there is a problem, the alarm is only effective if someone gets notified. Councilman Byas said has no problem with the phone, talked about a tradeoff, and will investigate the light. Supervisor is concerned with removing the light.

Councilman Byas is fine with not recouping the \$20/month, Councilman Norris said \$21.50 for phone and \$15 for Ray Blaisdell, Code Enforcement Officer, or \$36/month total.

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REGULAR TOWN BOARD MEETING
MAY 9, 2011- page 12

DRAFT

**MOTION
MAY 9, 2011**

Supervisor moved to add two phones to the existing Verizon plan for \$36.99/month, seconded by Councilman Meredith. No further 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

Rich Guthrie asked Town Board to hear public comment before streetlight is turned off in Cornell Park. Supervisor also would like to contact the Sheriff's Office, and to look at park signage.

5. Approval of Contract Grant to Replace Lighting at Highway Garage

Town Board has seen this previously and Supervisor thanked Highway Superintendent Jordan and Deputy Superintendent VanWormer for their work on this part grant/part gift, the result of which is free lighting replacements at the Highway Garage, and to recoup monthly savings.

**RESOLUTION
MAY 9, 2011**

**RESOLUTION AUTHORIZING SUPERVISOR TO SIGN CONTRACT WITH
CENTRAL HUDSON**

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the attached contract with Central Hudson.

Councilman Norris moved to adopt, seconded by Councilman Byas. No further 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

6. Discussion of Community Events Not Being Included on Town Website

Community groups are asking to have events added and the new Economic Development Committee hears from experts about the value of promoting what's going on in the community. Supervisor asked Website Committee if Website Policy in effect was in the process of being changed? Supervisor asked Arlene McKeon to weigh in on history of current policy; Arlene McKeon said that, by consensus of the Town Board, anything open to public as a community event the Board would share the space and post in a timely way, only written requests emailed to Town Clerk's Office and not to be re-typed, and it would be posted on website. Supervisor commented that the Event Calendar lists only Town Meetings; events are listed under it. Councilwoman Finke asked to **TABLE** to Work Meeting.

Supervisor asked for concerns or issues from Website Committee. Councilman Meredith said we provide list of community links and an individual can check the organization's own calendar. Supervisor said a person wouldn't know there was an event until they visit, by link, each individual website, and links do not appear on the Calendar; if a fire company is having a pancake breakfast you wouldn't know until you had visited each website by the organization's link. Janet Angelis said Supervisor is making sense but if a person does not know the community, they won't find out what's going on from the Town's website, a person would have to go to every organization's website. Supervisor said Economic Development is looking, for

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DRAFT

example, to get folk to come into Town for the Medway-Grapeville Fire Company's lasagna dinner, then notice and visit Antique Center, or a repair shop, and the website is how to let people know these things are going on in the community. Jean Horn hears at each meeting to add something to the website, it is onerous for a Board member to spend all their time, shouldn't be the job of a (Town) Board member to do the website, and should be the job of Town Clerk or one of the assistants working at Town Hall. Supervisor reviewed that when discussion was occurring to move from the Town resident who was the webmaster to the new IT company it was highlighted that this information previously was just forwarded to the webmaster; the Website Committee chose to take this on. The Town Clerk previously just emailed her minutes for posting, now must be done under this new format and quite onerous, and not compensated to date. The Website is not statutorily required of the Town Clerk and for which she or her office are compensated.

Arlene McKeon said discussion occurred at the time the Website Policy was passed; most people went to Town Website to find "the community", and the Board's Website Policy is still on the Website. Arlene asked if the Community Page still exists, and suggested for the Board who use it regularly to put it there, just a small paragraph, just a biweekly basis. Updating had taken a lot of time; the prior Town Board was lucky to have a webmaster to maintain it. Greene County allows a person to

put in an event; an invisible person then evaluates it against the county's policy.

Councilman Meredith suggests that Website Policy be changed since the Town Board changed vendors, the Town resident/webmaster isn't doing the website; he will bring back at Work Meeting.

7. Scheduling of Annual Training for Town Employees on Work Place Violence

This training is required once a year, soon it will be tough to get Highway crew in here; Councilman Meredith and Councilwoman Finke are thinking of changing Workplace Violence Prevention policy; the annual training is an unfunded mandate, reminded Attorney Wukitsch, who suggests training as quickly as possible. Councilwoman Finke asked if we were in trouble; Attorney suggests as soon as possible. Supervisor suggests, along with Emergency Management Officer Alan VanWormer, since Councilman Meredith could not attend, to go ahead with the required training.

MOTION
MAY 9, 2011

Supervisor moves that Personnel Committee, along with EMO VanWormer, schedule the training with all Town employees, seconded by Councilman Norris. No further discussion.

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

Motion Carried

8. Resolution to Pay Claims (continued)

Councilman Byas got a letter from the Youth Bureau, not the same as the grant money received. Councilman Meredith found a \$.01 mistake on Denis Jordan's petty cash reimbursement. Dig Safely had 6 phone calls represented on invoice; Councilman Byas asked why pay for phone calls; answer: they call highway, building or sewer, cannot get around this. Greene County Office of Real Property Tax Services, signed by assessor, less than invoice; if they want additional we will see revised invoice. Student cameraman has requested mileage; voucher is there for Board's approval; Councilman Byas said everything was supposed to be free. Supervisor suggests coming on Saturday morning or before work. Clerk Brooks said coming during the day a Board member can speak to a department head with questions. Staples should be \$16.99, not \$16.00. Attorney Wukitsch said Coeymans is done for meeting time, Board comes in early. Councilman Norris asked for round stickers to close the Business Breakfast invitations. Attorney Wukitsch asked about the criminal file folders; Town Courts liaison will check on the printed folders. (several talking at once). HealthNow Administrative

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needed to be written. Supervisor asked Councilman Byas if he'd had a phone call from Amerigas; Councilman Byas asked them to call us right away since he was out of town; Clerk's office discovered this today on phone with them. Supervisor revised. With those changes, she read.

**RESOLUTION
MAY 9, 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 201105/01-70, for a total amount of \$ 47,682.21, it is

RESOLVED, that the Supervisor is hereby authorized to pay claims totaling \$47,682.21.

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

Supervisor moved and Councilman Meredith seconded. 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

ADJOURNMENT

With no more from the Board, **Councilman Norris moved to adjourn the Regular Town Board meeting, seconded by Councilman Meredith.**

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

Motion Carried

The meeting was adjourned at 10:07 pm.

Respectfully submitted,

Janet A. Brooks
Town Clerk