

# DRAFT

COUNTY OF GREENE  
TOWN OF NEW BALTIMORE  
REGULAR TOWN BOARD MEETING  
AUGUST 13, 2012-page 1

## OPENING OF REGULAR MEETING

Supervisor O'Rorke called the meeting to order at 7: 32 pm and the Pledge of Allegiance was said. Also attending: Councilwoman Benway and Finke, Councilman and Norris, Highway Superintendent Jordan, Town Clerk Brooks, Deputy Town Clerks Loux and Jordan, and 28 members of the public who signed the attendance sheet. Absent: Councilman Meredith, Attorney for the Town Wukitsch.

Supervisor asked that cell phones and other electronic devices be turned off as they interfere with the digital recorders.

## SPECIAL ORDER

### Review of Short Form Environmental Assessment Form

Supervisor explained the Special Order: a specific item is being given order preference in compliance with statutory requirements before the public hearing.

*Project name is Local Law 2 of 2012; applicant is Town of New Baltimore; project location is Town of New Baltimore, Greene County; precise area is all areas of the Town; proposed action is new; the project is the law is to require removal of dog feces, item 7 does not apply; will proposed action comply with other land uses: yes, what is present land use in vicinity of project: residential, commercial, agricultural, park and open space; does action involve a permitted approval from any other governmental agency: no; does any aspect of the action have permitted approval: no; as result of proposed action will existing permitted approval require modification: no; is Board in agreement with our application, yes.*

*Supervisor explained from SEQR training last week, now the Town Board is lead agency;*

*did the action exceed any Type 1 threshold part 6174: no;*

*will action receive coordinated review as provided for unlisted actions as provided in 617.6: yes;*

*could action result in any adverse effect associated with the following:*

*existing air quality: no;*

*aesthetic, agricultural, archeological, historic or other natural or cultural resources: no;*

*[Supervisor reminded Board to let her know of any disagreement]*

*vegetation, shellfish, wildlife species, significant habitats, or threatened or endangered species: no;*

*community existing plans or goals as officially adopted or change in use or intensity of use of land or any other natural resources: no;*

*growth subsequent development or related activities likely to be included in proposed action: no;*

*long-term, short-term, cumulative or other effects not identified in C1-C5: no;*

*other impacts- explain briefly: none;*

*will the project have an impact on the environmental characteristics that caused the establishment of a critical environmental area: no;*

*is there likely to be controversy related to potential adverse environmental impact: no.*

*Are we all in agreement? Clerk Loux asked whether B was answered yes, and should it not be no? Correct, no; no other coordinated agency.*

*With that, Supervisor moved to recess the meeting to go into the public hearing, and was seconded by Councilwoman Benway. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:*

**BENWAY-AYE FINKE-AYE MEREDITH-Absent**

**NORRIS-AYE O'RORKE-AYE**

**Motion Carried**

[see also minutes of August 13, 2012 Public Hearing for Local Law 2 of 2012]

**Councilwoman Benway moved to reopen regular meeting and was seconded by Supervisor.**  
The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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BENWAY-AYE    FINKE-AYE    MEREDITH-Absent  
NORRIS-AYE    O'RORKE-AYE  
Motion Carried

## PRESENTATION

Cornell Hook and Ladder Fire Company's Alan VanWormer presented the following checks from Cornell Hook and Ladder Fire Company to the Town for the Summer Recreation Program: \$1,265, proceeds from June 15 chicken barbeque; \$255, proceeds of AgFest's Wishing Well raffle of donated items, gathered by Lynn Wallace, Toni Campbell, and Alan; and with great pride: \$82, two-days of AgFest's food concession tip jar proceeds (no worker accepted tips, unanimously vote to donate to Summer Rec). Supervisor believes this is testament to how strongly community feels about Summer Rec.

New Baltimore Conservancy - Scenic Hudson's Purchase of the Armstrong Farm- Supervisor said at an earlier meeting the Town Board had accepted \$500 contribution to Summer Rec. New Baltimore Conservancy President Janet Angelis shared the significance of the 76-acre Armstrong parcel, the eastern portion of what is known as Armstrong Farm, open fields and woods, and red barn with peeling roof. Scenic Hudson has asked Conservancy to manage it, a Special Use Permit is before the Planning Board to use that land as a park for non-motorized use, walking, birding, enjoying the view of Berkshires. With Jean Bush and Ted Hilscher, the Conservancy has come to learn its cultural, economic, and historical significance within Hudson Valley. For more information, come to Conservancy website. Greene County Historical Register member Jean Bush is always looking for special places and was approached to do research and learned a lot more: a 300-year story of 3 families, in 1713 the VanSlykes built a stone house; this parcel is part of that farm. In 1837 150 acres was sold to Christopher and John Wendover, one of whose wives was a VanSlyke. In 1856 it was sold to James Kay and Effram Bronk, one of whose wives was also a VanSlyke. The Bronks had a son who became a prominent doctor, raised special livestock breeds. In 1922, Joseph Armstrong, Jr. of Cairo-Durham purchased it, had a son who became WWII decorated vet and returned home. By 2003 it had turned over many times. It is a great example of evolution of New Baltimore that Europeans used; particularly unique is the physical evidence of growth where: Henry Hudson came, fisherman came and plied their trade, icehouse foundation can be touched and seen, a quarry, fruit may still be found in orchard, hay was recently harvested in open fields for dairy herds. Exciting farm buildings: chickens grown commercially, an 1830 vacuum-milking system, too.

Town Historian Ted Hilscher is excited to save the 5 barns on this site: large structure for hay and dairy that is definitely pre-civil war, grainery, milk house, pig house; examples of common barns, these buildings are important because they are typical right to mid-century. Milk house is in bad shape. Big barn has bad roof, tin blown partially off, but it is still sound, Mrs. Eleanor Moon said pig house dates to 1920's and chicken house, hope to help Conservancy save these buildings. The west side of road was purchased by Armstrong family after WWII; there is a big barn there and a concrete barn that was attached. Prior to the west side, the barns on east side would have made up the farm, very typical of a family farm. Farmhouse is on east side of CR61, directly south of the structure we're talking about, and is not part of purchase by Scenic Hudson.

Supervisor thanked Janet Angelis, Jean Bush and Ted Hilscher for their research and sharing it. Janet Angelis said immediate activities will be: keep vehicles out, stabilize barn, and assess attributes. Scenic Hudson wants to set up committee to hear how residents want to use land, accept volunteers via email on website, and then return to address Town Board in spring. Rich Guthrie said Greene Land Trust's Bill Robinson gave wildlife program as gift to Summer Rec.

## APPROVAL OF MINUTES

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Regarding the approval of Minutes of **July 9, 2012 Public Hearing for Local Law 2 of 2012** (distributed 8/8/2102) submitted by the Town Clerk, **Supervisor moved and was seconded by Councilman Norris**. No discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

**BENWAY-AYE    FINKE-Abstain    MEREDITH-Absent**  
**NORRIS-AYE    O'RORKE-AYE**  
**Motion Carried**

Regarding the approval of Minutes of **July 9, 2012 Town Board Regular Meeting** (distributed 8/8/2012) submitted by the Town Clerk, **Councilman Norris moved and was seconded by Supervisor**. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

**BENWAY-AYE    FINKE-Abstain    MEREDITH-Absent**  
**NORRIS-AYE    O'RORKE-AYE**  
**Motion Carried**

## **PUBLIC COMMENT PERIOD**

Ellie Alfeld asked for clarification of last sentence of proposed Local Law 2 of 2012, providing for disposal of canine waste, is leash law just hamlet and town parks and waste disposal is town-wide. Even with a 10-acre parcel, Councilwoman Benway explained, if a visiting dog leaves behind something, technically owner should pick up and dispose of in suitable place.

Rich Guthrie regarding new state law on wastewater treatment plant stormwater overflow and bypass, require municipalities in 2014 to inform residents. He wants Town of New Baltimore to step ahead and enact procedures before 2014, come up with a notification procedure of stormwater overflow bypass; folk along Hudson River could be aware.

Hal Rathbun regarding the request for reduction of High Rock Road speed limit, but didn't need to speak now in agenda.

Jean Bush understands noise ordinance discussion will start this evening.

## **CORRESPONDENCE**

From Greene County Planning Board- notice of September 4 deadline date for nominations for Ellen Rettus Planning Achievement Award. Categories include: economic development, community design or improvement, planning for municipal service or utility, preservation and open space, zoning innovative technique, community or main street revitalization, historical preservation, and municipal services.

From NYS Department of Transportation- notice of Safe Routes to School workshop on October 5, 2012.

From Greene County Legislature- resolutions including: reimbursement to community colleges (New Baltimore's share is \$2,331), bid awarded to Main Care; bid awarded to Kosco for diesel and gas for August 16-August 15, 2013; schedule of pricing of tax maps, postage and handling; chargebacks for assessment rolls (\$402.28). The County will no longer prepare that which is mailed as the property tax bills; towns will do their own, carrying fees and expenses.

## **OLD BUSINESS**

### Resolution to Approve Short Form Environmental Assessment Form

Supervisor re-read the Short Form Environmental Assessment Form. *Does the action exceed Type 1 threshold: no; will action receive coordinated reviews provided for unlisted actions in 6 NYCRR Part 617.6: no; could the action result in any of the following:*  
*air quality, surface or ground quality, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems: no;*

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*aesthetic, agricultural, archeological, historic or other natural or cultural resources: no;  
vegetation, shellfish, wildlife species, significant habitats, or threatened or endangered species:  
no;  
community existing plans or goals as officially adopted or change in use or intensity of use of  
land or any other natural resources: no;  
growth subsequent development or related activities likely to be included in proposed action: no;  
long-term, short-term, cumulative or other effects not identified in C1-C5: no;  
other impacts- explain briefly: none;  
will the project have an impact on the environmental characteristics that caused the  
establishment of a critical environmental area: no;  
is there likely to be any controversy related to potential adverse environmental impact: no.*  
With all Board members in agreement, Supervisor read.

**RESOLUTION  
AUGUST 13, 2012**

**RESOLUTION ESTABLISHING FINDINGS FOR STATE ENVIRONMENTAL  
QUALITY REVIEW**

WHEREAS the Town Board reviewed the Short Form Environmental Assessment Form (EAF)  
prior to the opening of the public hearing for proposed Local Law 2 of 2012, and

WHEREAS, the Town Board held a public hearing for Local Law 2 of 2012 on August 13 and,

WHEREAS the Town Board re-read part 2 of the Short Form EAF for any changes as a result of  
the public hearing,

NOW, THEREFORE, BE IT RESOLVED that the Town Board does determine that Local Law 2  
of 2012 will not result in a significant adverse environmental impact and that a negative  
declaration be issued, and

BE IT FURTHER RESOLVED, the Short Form Environmental Assessment Form is hereby  
attached.

**Supervisor moved and was seconded by Councilman Norris.** Councilwoman Finke said the  
word environmental was spelled incorrectly. With that, the adoption of the foregoing Resolution  
was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted**

**Discussion and Resolution to Approve Local Law 2 of 2012**

Supervisor said public has been heard from twice; the Board's intent is that all parks shall be  
covered by the leash law and done in concert with Animal Control Officer Tanner. Having heard  
from many residents regarding clean-up after dogs. Receipt of Greene County Public Health  
notices of dog bites are disconcerting when not dog is not vaccinated or licensed. Councilwoman  
Benway pointed out that park portajohns are not a suitable place for leaving canine waste;  
Greene County Septic appreciates courtesy.  
Town Clerk Brooks reminded that Scheller Park also falls under 'hamlet' designation.

**PROPOSED LOCAL LAW NO. 2 of 2012**

**A LOCAL LAW ESTABLISHING A LEASH LAW FOR THE HAMLETS & TOWN  
PARKS OF NEW BALTIMORE AND PROVIDING FOR THE DISPOSAL OF CANINE  
WASTE THROUGHOUT THE TOWN**

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Be it enacted by the Town Board of the Town of New Baltimore, County of Greene, as follows:

**Section 1. Purpose**

The Town Board finds that dogs running at large in the hamlets and Town Parks of New Baltimore pose a risk to the health and safety of its residents. Further evidence demonstrates that canine waste may cause serious health problems throughout the Town.

**Section 2. Unleashed Dogs Prohibited**

No person keeping, owning or having possession, charge, custody or control of any dog shall cause, or permit, suffer or allow the dog to stray, run, be or go, in any manner at large, *to be* upon any public property such as but not limited to: street(s), thoroughfare, sidewalk(s), school yard(s) or grounds, public grounds, park(s) or private property, except such dog that may be on public property under control by means of a chain or leash, not longer than six (6) feet in length. This is also to include the private property of others, unless there is express consent of the owner of such private property. This prohibition shall only apply in the Town Parks and in the hamlets of New Baltimore as defined by the town zoning map.

**Section 3. Violations and Penalties for Leash Law**

A violation of this law shall be punishable by a fine of \$50 for the first offense, \$100 for the second offense, and \$250 for the third or subsequent offense.

**Section 4. Removal and Disposal of Canine Waste**

**A. Removal/Disposal**

It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, gutter, street, park or other public area, or on any private property neither owned nor occupied by said person. No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, gutter, street, park or other public area, or on any private property neither owned nor occupied by said person, without the means of removal of any feces left by such dog. For the purpose of this section, the means of removal shall be any tool, implement or other device carried for the purpose of picking up or containing such feces in a manner that such feces shall be unexposed to said person in public. Disposal shall be accomplished at such time immediately after it occurs. Disposal shall be accomplished by transporting such feces to a suitable place.

**B. Penalties for Failure to Remove/Dispose**

Any person who violates or permits a violation of this law shall be subject to a fine of two hundred fifty dollars (\$250) to be assessed for each and every violation.

**Section 5. Effective Date**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

**RESOLUTION  
AUGUST 13, 2012**

**RESOLUTION TO ADOPT LOCAL LAW 2 of 2012 ESTABLISHING A LEASH LAW  
FOR THE HAMLETS AND TOWN PARKS OF NEW BALTIMORE AND PROVIDING  
FOR THE DISPOSAL OF CANINE WASTE THROUGHOUT THE TOWN**

WHEREAS the Town Board of the Town of New Baltimore has held a public hearing on August 13, 2012 regarding proposed Local Law 2 of 2012, a local law establishing a leash law for the

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hamlets of New Baltimore and providing for the disposal of canine waste throughout the Town, at which time the public was given an opportunity to speak regarding this proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby adopts Local Law 2 of 2012, a Local Law establishing a leash law for the hamlets and Town parks of New Baltimore and providing for the disposal of canine waste throughout the Town.

**Councilwoman Benway moved and was 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: BENWAY-AYE FINKE-AYE MEREDITH-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted**

Review of Long Range Planning

Two weeks ago the Town Board met in Special Meeting and accomplished some long range planning with respect for the constraints of the 2% Tax Cap, and set some preliminary numbers going to 2016, despite some computer program challenges. Supervisor said the Board could meet again and fine tune..

General Fund- A few highlights are: keeping real property tax at 2% increase, decrease in State Aid per capital and Mortgage Tax, looked at increases in Centralized Services and Employee Benefits. Revenues saw decrease. If everything else held the same, the Board would, by 2015, have eroded the allocated surplus; providing that benchmark, the Board will try to extend that surplus out further.

Highway Fund- Board looked at decreasing Revenues, 2% increase, for both funds put in 3% payroll increase and Employee Benefits with significant jump. Board put an additional 26% in Road Repairs, adding another \$60,000 to Road Repairs, and began discussion whether to start planning to pave the dirt roads. Also, the Board put \$30,000 in Equipment and Capital Outlay, due to Town's aging fleet, and would start to see erosion of that Fund Balance by next year.

Sewer District 1 did better, the user fees were held to 2%, but personal service and benefits increase and Supervisor used many of same numbers as General and Highway fund. A surplus has been built up in Sewer District 1, so the surplus is not so quickly affected. Significant equipment outlays are expected in the near future, once we get engineering work back from Delaware.

Councilman Norris said projected Revenues have been budgeted on the very low side.

Member of the public asked whether those documents will be put on the website; answer: yes. Councilwoman Finke said yes, if they are sent to her; Supervisor answered that she already had them.

**NEW BUSINESS**

Discussion of Noise Issue in the Hamlet and Possible Noise Ordinance

Supervisor said about a month ago a resident wrote asking Town Board to consider a noise ordinance, discussed briefly at Work Meeting and Councilwoman Finke asked for that on agenda. Councilwoman Finke said she hadn't asked for it to be on agenda. Councilman Norris reminded she had raised the issue at last meeting; Supervisor asked regarding agenda and she replied in the affirmative.

Councilwoman Finke said it went to ZBA, discussed a little bit, only 3 of 5 in attendance, the chair was not present and also a member who had family commitments; they decided to discuss further at their next meeting and check with the Attorney for the Town.

Supervisor clarified that Zoning Board of Appeals is not dealing with noise ordinance; they are considering a possible zoning issue. The ZBA is not a legislative body and would not legislate a noise ordinance. What is before the Town Board right now is whether it wishes to discuss a noise ordinance; as a separate section of the Town, the ZBA handles zoning violations and possible

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zoning violations. Not before the Town Board, the Town Board is not usurping the ZBA's authority. Supervisor said if no one wanted to discuss the noise ordinance; Councilwoman Finke thought it was discussed that if there was a noise issue that it would be very hard to legislate and some ZBA members went to the Knighton's home. Supervisor repeated [ZBA] is dealing with a possible zoning issue.

Councilman Norris has received phone calls regarding Yanni's Cucina, thinks a noise ordinance is complicated, would affect other parts of the town, and has been doing research on a permitting process for an 'amplified' or 'outside music' permit, applicant would apply to town board or building inspector for a day, a week, or a season; a building inspector would have something to use to regulate the noise.

Supervisor asked if a not-for-profit like fire company could apply for (Concert on the Hill or Community Day), giving location, proximity to residences, type of music. Councilman Norris said there are many different permits, could be tailored to our town's needs, and could just be music along the riverfront. Councilman Norris sent copies of research to Supervisor, will send to Board members, most of his research is cities, no ordinance attached. Councilwoman Finke asked if that was for private houses and town parks. Councilman Norris said it could be outdoor music at commercial establishments only; some permits could check off town parks, homes, \$10-25, to help regulate some of the noise. Supervisor figured the fee would have to cover cost of building inspector, in absence of a police department, to check, for instance in observation of the hours on the permit, Supervisor contact several other town supervisors, mayors, but without fulltime police, this would have to be 'policed' by Code Enforcement Officer. Councilwoman Benway asked if would be based on time or volume. Councilman Norris offered New Jersey's sound ordinance includes noise regulations, various ways of doing; once code enforcement officer visits the site of the permit and warns, the second visit the permit applicant cannot operate anymore and review is accomplished. Councilwoman Finke said then music could stop and the business could close. Councilwoman Benway asked to just get [music volume] lowered. Supervisor understood that if someone was given such a permit, as long as they met requirements they could have music. Councilman Norris added if [music] played past the time indicated on permit, there is the option to pull the permit. He continued that the purpose of a permit is not to stop something but to regulate it with residences and commercial business. Supervisor feels some attendees may wish to comment although this is not a public hearing.

Alta Turner observed the hamlet is residential, outdoor music in this particular case is an incompatible use in a residential area. There are processes now, but it is something important to be addressed. From her perspective 'uncontrolled outdoor music' is incompatible in an overwhelmingly residential zone, only uses in the hamlet without a Special Use Permit is residences, residents want to sit in their yards. Regarding noise ordinance, gives credit to taking it on, behavioral constraints are more effective [on the deck or inside the building] than decibels, topography and action of sound with the river are even impacted by humidity, and difficult to measure.

Jean Bush agrees and wants to go back to noise ordinance; Village and Town of Coxsackie, Town of Athens have them. If you have a permitting process, you must have a noise regulation to define it. Greene County Sheriff can enforce a noise ordinance. Supervisor spoke to the Sheriff Seeley and deputies do not carry decibel readers; they are willing to enforce a 'disturbing the peace'. Jean was told same, but must have ordinance to enforce. Supervisor said Sheriff Seeley is willing to attend a meeting in New Baltimore. Jean feels this is now a hamlet problem, in ZBA, but there is a bigger problem in the town and with more growth, yet bigger problem. John Cannon agrees completely with Alta's words. Following Jean's words, he was informed by sheriff's deputies that they would enforce a noise ordinance. Regarding Councilman Norris' thought of a permitting system, he wouldn't rule it out but we have residential zoning and we have a process for getting a Special Use Permit; they should cover this quite nicely. The [sound] permit might undermine what is in place, substituting another layer of government.

Supervisor found many towns and villages that have ordinances for noise, but do not enforce them, having appropriate and calibrated equipment and training to use. Councilwoman Benway knows of one town who is trying to repeal ordinance due to problems with its enforcement. Brian Donovan, owner of Shady Harbor, the site of the problem at hand, said that Marc and Lauri Yanni are on family vacation; he leases with them and is going to work on the problem,

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feels Town Board has enough to do and turned to the attendees. He added that a tremendous amount of money was spent by the Yannis to book these bands and is unsure of how much he can change; some of the issue is the bands that have been hired; doesn't see enough of attendees faces; beautiful piece of property; wonderful food.

Lynda Knighton responded that he was kind enough to stop down to their house to hear what they hear; she would love to patronize, but feels they are being treated [like dirt].

[Member of the public] Need to turn down the volume.

[Member of the public] Bring it inside.

Supervisor asked whether Brian Donovan would sit and try to work on something with Marc and Lauri Yanni and some residents of the hamlet; and she thanked Brian for standing up and speaking to the attendees.

Pastor Susan Kerr asked, regarding noise ordinance, what about when we toll the church bell on Christmas? Funeral? Memorial Day? Outdoor worship? Church is part of the residential community and ordinances are kind of tricky.

Brian Donovan added especially when there hasn't been one for hundreds of years.

Supervisor would like to set up a meeting, better than the Town Board having to deal with legislation, Board has heard from a number of people, there is concern, and phone calls and emails have also been received.

Bob Krug thought the Town had a noise abatement (from 11pm-7am) program under zoning; answer: no. Supervisor said many assumed there was; there is a law relating to barking dogs and state law regarding disturbing the peace which is enforceable by police.

Discussion of Expansion for Water Districts No. 1 and 2

Supervisor said Town Board received a letter of request last month from resident near Water District 2 asking to hook up to water line; water comes from Village of Cossackie and serves approximately 34 homes. The resident has drilled 4 wells, the 4<sup>th</sup> has failed, photos indicate how black the water is; trying to drill another well seems useless. From two weeks ago, for a Town Board, the process is same for creating as for enlarging a water district; Supervisor provided an outline of how to create and or enlarge: the public can come forward with property owners or Town Board can come forward. Supervisor suggests Town Board do this, has discussed this with Delaware Engineering, recently hired for the work at the wastewater treatment plant, and they would be willing to work with Board. Also, Supervisor has spoken with Attorney for the Town. Supervisor learned from Highway Superintendent and from 1972 records; there may be a couple of other houses residing outside the district. Town Board must keep in mind that infrastructure that resides in the district, regardless of who puts it there, becomes the responsibility of Town and that water district to care for. A resident may pay for it and put it in; 5 years later the problems are problems of the water district. Looking at 1972 records, the developer had put in 1- and 2-inch pipes; starting having water pressure problems due to the pipe size; in 1974 an \$80,000 bond was taken to bring up to proper size. Individuals may be willing to put in pipe, but the main line may be too small. Understanding the resident's feeling of why they should pay to put in larger line than they need because the district, to be responsible, would want it, Supervisor said the Town Board could look at the district paying part of the cost or all of the cost like in 1974. For these people, time is of the essence; they face a tough situation.

Supervisor suggests Special Meeting, 6 or 630pm, before August 27 Work Meeting, and invite the members of Water District 2. One way or another, this district must be enlarged; there are folk who are not in district and are receiving water. Also, a person may go directly to Village of Cossackie, buy water, the piping would not be theirs, not be a member of the district; if not a member of district, Town of New Baltimore cannot legal bill for the water; Supervisor does not know whether Village would be agreeable to this option. Councilwoman Benway said if [resident] own their own pipe, and the pipe breaks and damages Town road, the resident could be sued; a very grey area, said Supervisor, after 10-20 years and the house is sold, difficult for buyer to understand.

Ellie Alfeld asked whether an emergency water line for this family could be installed? Could this be discussed with Village? When Scheller Park first began, this took a long time. Supervisor said



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individuals have gone to Village, have approval, but who would pay for the emergency line, they would.

Supervisor spoke to Delaware Engineering about Water District No. 1 where there is no emergency situation but district has gone past its original boundaries. Delaware would charge about \$2500 to map and do all necessary paperwork for both districts, and paid for by the water districts. Councilwoman Benway is out-of-town. Councilwoman Finke and Councilman Norris are available. Certain of a lot of questions, with Delaware proposing, 6pm would allow for that. Greg O'Connor has a few concern: time, cold weather coming, talk about putting in larger main, should someone want to tie in later, the district doesn't want 5 lines in one spot. To say that because someone else may need to tie in 9months from now, if no one builds or ties in, is he (the resident) ever going to get his money back, this several thousand dollars. Now he is trucking in water into a drywell and sump pump, sooner is better. Supervisor, having met with the homeowners, told Board if we have special meeting lots of questions answered by engineer; and costs should be shared. Homeowner cannot get estimate due to question of pipe size needed; he'd like to get this done next month. Wife Raina O'Connor asked the Board to please get this done; they've been pumping since June, without knowing how clean water is. Supervisor said Special Meeting, put a plan together, go forward to expand district on 'fast track', even if some special Board meetings are needed to get this done. The family thanked Supervisor for all the work done.

**The Special Meeting of the Town Board will be held August 27, 2012, at 6pm at Town Hall.**  
**The legal will appear in Catskill Daily Mail only.** The Board's goal is to hear from Delaware Engineering regarding a plan for expansion and any WD2 residents. All special meetings are open to the public; once Water District 2 is done, the Board will work on Water District 1. Ellie Alfeld offered to place phone calls; Supervisor will devise plan.

Resolution to Enter into Contract with Municipal Electric and Gas Alliance

Supervisor had looked into this; in compliance with General Municipal Law municipalities can take advantage of lower prices for metered use of electricity and natural gas. If usage stayed the same as last year, MEGA, with Hess, would provide savings to Town of \$1300. May be cancelled anytime; Attorney for the Town has reviewed and found no issues. Local municipalities who use MEGA include: Athens, Greene County EMS, Coxsackie, Greene County, Ashland, Margaretville, and Saugerties; school districts are also eligible.

RESOLUTION  
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**RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT FOR  
ELECTRICITY SUPPLY PURSUANT TO THE PUBLIC BID CONDUCTED BY THE  
MUNICIPAL ELECTRIC AND GAS ALLIANCE (MEGA), A MUNICIPAL-BASED,  
NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION**

WHEREAS the Town of New Baltimore wishes to purchase electricity from a private alternative supplier (Energy Services Company); and

WHEREAS, the intent of this purchasing action is to achieve savings in the cost of electricity that is delivered to the Town of New Baltimore over the distribution lines of the local utility, Central Hudson or New York State Electric and Gas; and

WHEREAS, said utilities will continue to provide delivery services of the electricity over their lines in conformance with the regulations of the NYS Public Service Commission; and

WHEREAS, MEGA has competitively bid, accepted and signed a Program Agreement with electric supply providers: Integrys Energy Services of New York, Inc. for those accounts located in NYSEG utility territory and Hess Corp. for those accounts located in Central Hudson utility territory; and

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WHEREAS, such agreements will provide savings and/or rate stability to the Town of New Baltimore, and these agreements, copies of which are available for review, have met state bidding requirements.

NOW, THEREFORE BE IT RESOLVED that the Town Supervisor is hereby authorized and directed to execute and deliver to Hess Corp., a Power Sale agreement for electric supply, under the terms and conditions set forth in said Program Agreement.

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

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted**

Report from Memorial Committee

Councilwoman Benway reported the committee met at Town Hall last Wednesday at 630pm. Councilwoman Benway picked up the pavers ordered last year from Taylor Monument, available at Town Hall to be viewed; all in attendance are agreeable to serve; discussed holding a ceremony to honor those named on last years' pavers and also Francis Williams (whose paver was donated by the Highway Department), a total of 6 stones installed. The committee also discussed what could be done to make garden self-sustaining, Jean Horn suggests selling stones to families for a sidewalk; design ideas will be gotten from Barry Guptill. Committee was agreeable to donate time and food, Town Board members may donate time and food as well. Kathy Rundberg offered to approach local establishment for favorable rate for mums; Diane Jordan will approach a local establishment for donation of cider. Councilwoman Benway, regarding folding tables and chairs, mentioned another local organization had donated tents for last ceremony. Kathy Rundberg will work on assembling honor/color guard. Karla and Alma Flegel have begun hard work both in the Barbara Weeks Memorial Garden and the Town Hall gardens. Looking toward Sept 30, 2pm. Another Meeting 6pm. Supervisor noted committee members named in 2010 and 2011; to start afresh for 2012. Councilwoman Benway noticed there was no date in the minutes for serving on the committee, are you are on it-until you die or resign? Perhaps to have an anniversary date for the members of the committee? Supervisor agreed; Councilwoman Benway thought one year forward from date of ceremony, say October 1, 2013.

Resolution to Approve New Committee Members

**RESOLUTION  
AUGUST 13, 2012**

**RESOLUTION APPOINTING MEMBERS TO THE PUBLIC MEMORIAL  
COMMITTEE FOR 2012-OCTOBER 1, 2013**

WHEREAS, in 2005, the Town of New Baltimore renovated the grounds in front of the Town Hall and established a Memory Garden in honor of the memory of former Town Clerk Barbara Weeks, and

WHEREAS, several residents of the Town of New Baltimore expressed a desire to honor the memory of other town residents in some manner within the Memory Garden, and

WHEREAS, the Town Board determined that a Public Memorial Committee be formed to establish a plan for memorializing and officially recognizing those persons whose exemplary accomplishments and services have reflected credit and honor upon the Town of New Baltimore, and

DRAFT

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WHEREAS, volunteers, elected and appointed officials of the Town of New Baltimore have agreed to meet to develop a plan for the Public Memorial Committee, its purpose, formal make-up, and future actions, and to report to the Town Board on its findings and recommendations.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby appoint the following members to the Public Memorial Committee; Janet Brooks, Diane Jordan, Roxanna McCarty, Jean Horn, Susan Kerr, Karla Flegel, Kathy Rundberg, Ellie Alfeld, Donna Degnen and Chris Byas with Councilwoman Benway and Councilwoman Finke as Liaisons from the Town Board.

**Supervisor moved and was seconded by Councilwoman Finke.** The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted**

Resolution to Approve Acceptance of New Stones for Memorial Garden

Supervisor looked through Town Board minutes: red stones represented the community, Barbara Weeks as town clerk in center of community. With a change to go to different stones, Supervisor asked why. Councilwoman Benway said the grey stones were ordered in 2011, didn't know why they were changed. Councilwoman Finke said the reason they decided to change to blue stones is that they are forever. Supervisor asked if a red was available. [Member of public asked for louder speaking.] Councilman Norris asked whether a stone had broken? Councilwoman Finke believed said have weathered. Ellie Alfeld said it didn't come up in committee, since we've noticed red are not going to hold up, any excess money from the sale of family stones could be used to replace red ones (5) for continuity and could be done long-term; sale of the stones being greater than cost it might be doable over time

Councilman Norris asked what the fund-raising plan was; Jean Horn said her idea is to make a sidewalk from same size stones as those going in in October in the gravel from parking lot to memorial and by selling them to families for a little more than purchase price, get extra money to landscape or add flowers as needed, and won't have to ask the Town for money.

Supervisor asked cost of stone; answer: \$13 for sidewalk stones, same size as the garden stones, 9"x12", plus engraving \$40, total \$53. Jean Horn thought they would be installed once or twice a year; Supervisor clarified that stones available to be sold as the same as stones in center? Jean Horn said yes, must be thick to be walked upon and withstand engraving, adding that the stones done by Memorial Committee last year are very pretty. Supervisor asked, if they were bought last year by Memorial Committee, why did it take a year to hear about them. Jean Horn said they were just done and were purchased last year. Supervisor asked if we needed to replace what is there, \$53? Ellie suggested talking to Barry Guptill regarding landscaping. Supervisor asked how many stones would be in walkway; Jean thought about 80, and right now the sidewalk is curving and may have to change the curving, and buy extra; Barry will come and look. Councilwoman Benway thought to first prepare for the upcoming ceremony. Pastor Susan said bluestone is like shale, with water erosion is concerned with ice. Jean Horn said it really doesn't break down. Supervisor asked whether guaranteed. Ellie added that this is local stone from Albany County. Supervisor asked for the ceremony, 2pm, September 30, the Committee will put together a program? Funds needed before the invitations are mailed? Councilwomen Benway and Finke decided there would be donations.

Supervisor reviewed regarding exemplary service to the Town: Gordon Kliese's family lived on High Rock Road for many years, served as town supervisor, daughter still lives in the town: Sal Costanza served as councilman and supervisor, and possibly an assessor; Evelyn Paul served as tax collector; Gary McLarnon served as town councilman; Nils Backlund served as supervisor and county legislator; Francis Williams served as highway superintendent.

Stones were bought and engraved. Supervisor asked for list of criteria how the individuals were chose; the Town Board has not heard about this until this night. Councilwoman Finke said that was the last committee. Supervisor said, as far as the Board knew, the committee never met and how did were these stones purchased? Ellie Alfeld said no history was known. Supervisor said

**DRAFT**

**COUNTY OF GREENE  
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two names were brought up at Town Board, given publicly, if we are honoring people for their exemplary service, hopefully the research has been done and no one has been forgotten. Ellie said the committee is looking for input. Jean Horn said last years' committee went to back to a certain date and worked forward. Councilman Norris asked whether all past supervisors are included. Supervisor noted that appointed officials are included and asked for the criteria for choices so that no one is missed, adding that there were two other appointed officials; is the requirement to be elected. Kathy Rundberg suggested concentrating on the stones and preparing a narrative for each individual for whom stones are created. Supervisor asks that guidelines be established so we do not end up with stones were purchased, names engraved and no one knows how it happened. Jean Horn said it was brought to the town board several times last year; Supervisor checked minutes and the minutes several times indicated the committee didn't meet; one reference to stones being investigated. Since this is the first the Town Board is hearing about it after public meetings, people came forward who asked how to honor loved ones for exemplary service and honor to the Town.

**RESOLUTION  
AUGUST 13, 2012**

**RESOLUTION APPROVING STONES TO BE PLACED IN MEMORIAL GARDEN**

WHEREAS the Town of New Baltimore has an established town memorial garden on town hall property, and

WHEREAS, the Town Board previously determined that stones be placed in the garden for officially recognizing those persons whose exemplary accomplishments and services have reflected credit and honor upon the Town of New Baltimore.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby accept the following stones as recommended by the Memorial Committee for placement in the public Town memorial garden,

Gordon Kliese	Sal Costanza
Evelyn Paul	Gary McLarnon
Nils Backlund	Francis Williams

AND, BE IT FURTHER RESOLVED THAT a ceremony will be held on September 30, 2012 at 2:00 p.m. at Town Hall to honor the service of these individuals.

**Supervisor moved and was seconded by Councilwoman Benway.** Councilman Norris asked if anyone may nominate, or must it be a member of the committee. Councilwoman Benway felt it should be anyone, particularly in the event that no family was left. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted**

Resolution to Change Points on Sewer Roll for Roger Cook

Previously listed as two-family, the owner made request, Assessor Bennett recommended that the data collector visit, was allowed to view the premises, owner is asking to revert to one-family.

**RESOLUTION  
AUGUST 13, 2012**

**RESOLUTION TO ADOPT CHANGES TO SEWER DISTRICT NO. 1 ROLL FOR 2012**

**DRAFT**

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RESOLVED, that the Town Board hereby adopts the following changes to the 2012 Sewer District No. 1 Roll adopted on June 11, 2012:

- 1) Tax Map ID 7.16-3-3, Roger Cook, previously listed on the 2012 Sewer District No. 1 Roll as 20 Points Debt Service, 20 Points Operation and Maintenance, is hereby changed to 10 Points Debt Service and 10 Points Operations and Maintenance to reflect parcel status as a one family home.

BE IT FURTHER RESOLVED THAT this change will be effective June 11, 2012.

**Councilwoman Benway moved and was seconded by Councilman Norris.** Supervisor confirmed that the data collector visited the premises. 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: BENWAY-AYE FINKE-AYE MEREDITH-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted**

Resolution to Recommend Speed Reduction on High Rock Road

**RESOLUTION  
AUGUST 13, 2012**

**RESOLUTION TO REQUEST A REVIEW OF SPEED LIMIT  
ON HIGH ROCK ROAD**

WHEREAS the Town Board has received a petition of 37 signatures from residents of the Town living on High Rock Road calling for a reduction in the speed limit on High Rock Road between County Route 51 and Roberts Hill Road.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore hereby requests that the speed limit on High Rock Road be reduced.

BE IT FURTHER RESOLVED that this Resolution be referred to the New York State Department of Transportation for proper action in accordance with the laws of the State of New York.

**Supervisor moved and was seconded by Councilwoman Benway.** Town Clerk Brooks asked to add the words, "between County Route 51 and Roberts Hill Road", as all prior speed limit resolutions. **Supervisor moved and was seconded by Councilwoman Benway.** No change occurs without NYSDOT review. Councilman Norris asked whether a speed limit can be changed town-wide; Supervisor figured that would be NYS Department of Transportation. With 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: BENWAY-AYE FINKE-AYE MEREDITH-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted**

Resolution to Approve Donation to the SPROUTS Program

A Greene County Council of the Arts April letter did not reach the Town; phone follow-up was made with the following result. Eleven children this year participated from the Town of New Baltimore. Supervisor feels this is a tough call to make, with early cutbacks and generous donations to the Summer Rec program, adding it could be taken from the Contingency.

**DRAFT**

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RESOLUTION  
AUGUST 13, 2012

RESOLUTION AUTHORIZING FUNDING FOR  
GREENE COUNTY COUNCIL ON THE ARTS SPROUTS PROGRAM

RESOLVED, that the Town Board does hereby authorize the amount of \$175 to be paid from the budgetary appropriation for Cultural Programs to the Greene County Council on the Arts SPROUTS Program.

Supervisor moved and was seconded by Councilwoman Benway. Ellie believed this was the first request; Councilwoman Benway was aware of past 5-7 years requests of the Town. Cultural Programs will be overspent with the additional insurance that was bought for the AgFest. Councilwoman Finke suggests change to \$100, Councilman Norris agreed. Supervisor moved the change to \$100, and was seconded by Councilwoman Benway. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

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

Adopted

Resolution to Approve Judge Farrell's Training

RESOLUTION  
AUGUST 13, 2012

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

RESOLVED that the Town Board does hereby authorize Town Justice Joseph Farrell to attend the New York State Magistrates' Conference to be held from September 9-12, 2012, and authorizes expenses for registration, transportation, lodging and meals, less reimbursements received from the New York State Office of Court Administration, at a total cost not to exceed \$500.

Councilwoman Benway moved and was seconded by Councilman Norris. Councilwoman Finke asked where the conference was held; Supervisor said caveat could be added if more than 50 or 75 miles one way. Councilwoman Finke said she attended Association of Towns and paid her own. Supervisor moved for overnight accommodations if more than 75 miles one way, and was seconded by Councilwoman Benway. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

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

Adopted

Resolution to Pay Claims

Councilwoman Finke said a couple of vouchers needed additional signatures. Supervisor related that Councilman Meredith was willing to come in to sign and will add that restriction.

RESOLUTION  
AUGUST 13, 2012

RESOLUTION TO AUTHORIZE SUPERVISOR TO PAY AUDITED CLAIMS

**DRAFT**

**COUNTY OF GREENE  
TOWN OF NEW BALTIMORE  
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AUGUST 13, 2012-page 15**

WHEREAS the Town Clerk has presented Claims 2012 08/01-110 to the Town Board for audit and review, and

WHEREAS, the Town Board has audited said Claims 2012 08/01-110, with any unaudited claims to be completed by August 18, 2012,

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor is hereby authorized to pay Claims 2012 08/01-110; and

BE IT FURTHER RESOLVED that an abstract will be prepared by the Town Clerk and held for public review until August 31, 2012.

**Councilman Norris moved and was seconded by Councilwoman Benway.** The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

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

**Adopted**

Regarding the Dog Census, Councilwoman Benway reported speaking with Hillcrest Press, this census item would easily fall out of the newsletter; with 1165 Newsletters, 1800 people in town, possibly ordering 1741 of this item and, therefore, \$996.76 to print, and mail. Councilwoman Finke offered to sit with list and pull those she knows do not have dogs; Councilwoman Benway said all cards need to be returned in a census, otherwise a fine. Councilwoman Finke asked how would it be proven that a person received the census; Councilwoman Benway thought the clerk's office may need to place phone calls; Kathy Rundberg asked if it wouldn't fall on the Animal Control Officer's shoulders to make those phone calls. Councilwoman Benway said Animal Control Officer is willing to do anything he can to get all dogs licensed. Supervisor asked to put it on the Work Meeting agenda.

**ADJOURNMENT**

With no further business to come before the Board, **Supervisor moved to adjourn,** **Councilman Norris seconded.** No discussion. The adoption of the foregoing Motion was duly put to a vote, and upon roll call, the vote was as follows:

**BENWAY-AYE FINKE-AYE MEREDITH-AYE  
NORRIS-AYE O'RORKE-AYE**

**Motion Carried**

The meeting was adjourned at 9:56 pm.

Respectfully,

Janet A. Brooks  
Town Clerk