

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MEETING
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DRAFT

OPENING OF MEETING

Supervisor O'Rorke called the meeting to order at 7:00 pm and the Pledge of Allegiance was said. Also attending: Councilwomen Benway, Councilman Norris, Attorney for the Town Wukitsch, Town Clerk Brooks, and 13 members of the public who signed the attendance sheet. Absent: Councilwoman Finke, Councilman Meredith, and Highway Superintendent Jordan.

NEW BUSINESS

PRESENTATION: Lisa Heintz from Rip Van Winkle Tax Free Tobacco Coalition

Regarding the Town's parks, Lisa came few years ago to ask that they become tobacco-free. Speaking with the municipalities in Greene County, all have done something but for Durham and New Baltimore.

Recently signed into law by Governor Cuomo, effective October 10, is a bill banning smoking on playgrounds from sunrise to sunset if one or more persons under age of 12 are present. Mandating that towns and villages that have parks and playgrounds, post no smoking signs at their own cost. Rip Van Winkle suggests making those areas of Town's parks tobacco-free, a little stronger, easier to enforce, sample signage available, copies of the state law, regulation could be stronger, brought a sample resolution, and a listing of programs in townships of Columbia and Greene counties. Village of Catskill's Dutchmen's Landing just went 100% tobacco-free, and Elliot Park; responding to a little pushback, designated an area off to the side. If Town wishes to go 100% tobacco-free, Rip Van Winkle will pay for signs. Town Board members may contact other village or towns officials who have made ordinances and fineable offense; most have adopted resolutions.

Supervisor said that under NYS Public Health Law it is not a fineable offense, police officer is not allowed to question or ticket a person; that person must be doing something else. Lisa said that law enforcement can ask persons to 'move along', adding that a reason to limit places folks can smoke has to do with making it less normal for the next generation. Effort has resulted in recent NYS smoking rate of 16.5% and it was 23% just 10 years ago. Clean Indoor Air Act for restaurants, municipalities making parks tobacco-free, these policies have made it less accessible and less normal. Councilman Norris asked if she didn't think the \$10/pack cost affected that. Councilwoman Benway believes it is the purchase rate, not the usage rate, as folks go out of state to purchase. Lisa said the rate comes from research done by Siena and RTI and other institutes talking to individuals. Councilman Norris believes rates are down, folks are aware of detriments of smoking, now chased out of restaurants, buildings, bars, now parks, and asked how this coalition is funded. Lisa said funded by NYS Dept of Health. Councilman Norris asked where they get their funding, from the smokers payment of taxes, Lisa reported having smoked, would not want her son to smoke, and if he does not see someone smoking, that would make her happy. Councilman Norris pointed to folks who smoke cigars and pipes; Lisa responded that doesn't make it right, and not what she is funded to do. Councilman Norris favors Alzheimer's foundation or Make A Wish.

Lisa concluded that if the Board decides to make the parks and playgrounds tobacco-free, that her organization will pay for the signage. Supervisor added that the law currently is for the Board to notice the playground 'when ages 12 and under are present', but the Coalition's free signs would not say '12 and under'.

APPROVAL OF MINUTES

The Minutes of July 22, 2013 Combined Regular and Work Meeting were submitted by the Town Clerk. Councilman Norris thought they were outstanding; Councilwoman Benway saw no items to correct. Ellie Alfeld asked how the Board could vote on minutes, as Supervisor was absent for that meeting. The minutes were TABLED to the next meeting.

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PUBLIC COMMENT

Ellie Alfeld, New Baltimore- is co-chair with Conrad Jurgens of the Seniors Committee. She is here to clear up information given at last meeting, understands Supervisor was not present, Ellie has missed very few meetings in past years. The seniors held their picnic on June 19, on June 20 she submitted voucher for those costs. Almost one week later received phone call from Councilwoman Finke, asking why she had requested \$30 for Art Byas. I explained it was a thank-you for services, cooking for three hours for the picnic. After some back and forth, Ellie explained 3 hours, \$30, was nice thank you, given in the past 2011 but could not do so in 2012 as they had insufficient money to do so. Since he used his own apparatus for the picnic this year, Mrs. Finke then asked if he wanted the money. I had not heard of asking if someone wanted money. When she continued, I offered to redo the voucher, I still have the first one. When I waited 2.5 weeks for check, went to town hall and learned of Nick Dellasanti's comments, some people said he called me a liar, this has nothing to do with Nick, if anyone has something to say it should be Art. The core group (Fran and Bud Melick, Conrad and Dorothy Jurgens, BettyJane and Santo Costanza, Linda Polverelli and Ellie) have donated and never charged the town for a multitude of expenses. When told this, Fran and Bud left the group. If there are any more suggestions of impropriety, if Nick Dellasanti wants to suggest that (Ellie) lied, he should check his facts. We are not interested in playing politics, Fran is an experienced bookkeeper. If Nick wants to suggest lie, check facts, only thoughts were to do some good for the seniors of New Baltimore. If politics are going to be the focus of this, maybe seniors should be made aware. Since this voucher was never paid, how were the monies made public about what they were requesting? For the Town Board's information at this time, we are withdrawing the voucher, and not asking for any payments on any expenses, keep in mind, the treatment we get as volunteers trying to help this community, has put a sour taste in our mouths. Ellie was very happy with the support from the core group, who will meet this Wednesday in this room.

Nick Dellasanti- said he didn't call Ellie a liar, but that Art [Byas] never received any money for the picnic that particular day during the six hours he was with him. Ellie Alfeld responded that it was not his dog fight, wasn't anything to do with him. Supervisor gaveled, reminding that all comments are to be made to the Board, and asked if there was further public comment. Hearing none, she closed public comment period.

CORRESPONDENCE

From Greene County Administrator Shaun Groden - acknowledgment of receipt of Town's Memorandum of Understanding regarding FEMA reimbursement; Town's copy is on file.

From the Shady Harbor LLC vs. Town of New Baltimore ZBA et al ruling judge - correspondence on the Shady Harbor matter; Town Board will be entering executive session on the matter later this evening.

From NYS Department of Environmental Conservation Division of Environmental Permits Region 4 - a negative declaration on the matter of CSX Transportation, Inc. Cocksackie to Ravena Second Mainline Track Project

From NYS Division of Homeland Security and Emergency Services - notice that the Town's eligible claims for disaster assistance are all paid; the claim was closed on July 16, 2013; they may audit us at any time.

From NYS Public Service Commission - a Notice of Schedule Regarding Petition for Rehearing for Champlain Hudson Power Express, high voltage direct current circuit from Canadian border to New York City.

From Ravena Rescue Squad - notice of quarterly payment of ALS for Town's contract and notification that 2014 budget is expected to remain level.

From Delaware Engineering - invoice for preparing Request For Proposal and mapping for wastewater treatment plant project at the pump station; contractor specifications have been sent to NYS Department of Environmental Conservation for approval; this is the RFP for the contractors.

From Santo Associates, Land Surveyors- maps of wastewater treatment plant, including topography, which also will become the basis for flood mitigation or getting a National Flood Insurance Program policy.

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Rich Guthrie asked if the survey map indicates the flood elevation of the pump station; Supervisor answered yes, as they just arrived, she is not finished reviewing; elevation was one of the desired elements of the mapping.

OLD BUSINESS

Resolution Approving Revised Employee Health Insurance Plan

Supervisor reviewed that the revisions: to reflect that the prior policy had a vision plan. Last fall, the Board made the change to a higher-deductible plan, paid for by the Health Reimbursement Account (HRA) funded by the Town, but Board wanted to keep vision out so the Town wasn't paying for all the small amounts paid by employees under the health plan. The Town bought a separate policy, paid the same amount when endorsed to the health plan so nothing really changed for the employees, but Board must reflect those changes in the plan. Newer employees pay 20% toward health, vision, and dental. Also suggested was for newer employees, 2013, now contribute 25% towards their plans. Councilman Norris added that a retiree must be age 60 to continue health insurance, and after 65 it would cease, curtailing the Town's long-term liabilities for employees hired after today, September 1, change from original May 1 when introduced. Attorney Wukitsch has reviewed and made changes.

**RESOLUTION
AUGUST 12, 2013**

**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 March, 14, 2011, and adopts the attached Health Insurance Policy for Full Time Elected Officials and Full Time Employees dated August 12, 2013.

Councilwoman Benway moved and was seconded by Councilman Norris. 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-Absent MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Adopted**

Background Check Policy

Supervisor reminded that discussion began a year ago regarding background checks; variety of types of checks: a credit check for employees handling money, a criminal check for other employee types. Supervisor understands employee/candidate must be notified ahead of time; job opportunity and future employment could be affected. Clerk Brooks asked who would perform notifications; Board would discuss.

Supervisor created a sample policy, including investigative consumer reports and three national credit bureaus; held conversation with Greene County Sheriff Seeley, his office will perform free but applicant's application is 26 pages long. Town Board would need to identify which employees such as those who collect money (not elected officials, but deputy clerks who are appointed by an elected may be required) or for summer rec with access to vulnerable individuals, and lots of volunteers including minors. A check may be run at age of 18.

Attorney Wukitsch has done edits: must have consent from applicant, if denied or terminated, must be provided with copy and with law. He reminded the Board of the paperwork, adding that some employers contract out for this service.

Councilman Norris asked for approximate cost.

Supervisor suggests Public Sector HR could be contracted as they consult with quite a few municipalities, proper notifications, how the search is actually run, sensitive

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information handling and safeguarding; and added if something negative comes back, how it is handled (i.e. just because someone has a criminal background does not mean the job can be denied, a significant process). Supervisor reminded Clerk Brooks pointed out who would run and keep information; Supervisor has put together policy as means to have the discussion. If you view Comptroller's report about summer rec, not many were running it and those who were running programs have been found to be inconsistent in policy; policy must be consistent employee to employee. Having begun discussing a year ago, with our fairly small number of employees, Councilman Norris is concerned with cost, who will do it, and the time needed to perform the work, cannot choose, would it be every new hire? Attorney Wukitsch reminded it could be linked to the position and responsibilities. Supervisor reminded highway vehicle use, money handling, interaction with children could define application. Councilwoman Benway reminded with highway, motor vehicle reports are run for insurance coverage. Supervisor added that employees should be notified when that report is run, and that it is run periodically, but not every year.

Attorney Wukitsch revised.

DRAFT Town of New Baltimore Background Check Policy

The Town of New Baltimore may conduct reference checks, "investigative, consumer reports" and background investigations on all candidates for employment (volunteers) prior to accepting an applicant for employment, and may use a third party to conduct these background checks. The Town will obtain written consent from an applicant and/or employee prior to ordering reports from third parties, and will provide a description of applicant and/or employee rights and all other documentation as required by law to each applicant or candidate in accordance with Fair Credit Reporting Act and other applicable state and federal statutes. All background checks are subject to these notices and consent requirements.

An "investigative consumer report" compiles information on a candidate's general reputation, personal characteristics or mode of living. This information may be gathered on line, through public or educational records, or through interviews with employers, friends, neighbors, associates, or anyone else who may have information about the employee or potential employee. In the pre-employment process, investigative consumer reports typically include such things as criminal record checks, educational verification and employment verification checks.

In addition to investigative consumer reports the Town may also work with other third parties, such as the Greene County Sheriff's office, to obtain the following information

- Private and government agency reports to any history or criminal, dishonest, or violent behavior, and other reports that relate to the suitability for employment
- Education (including degrees awarded and GPA)
- Employment history, abilities, reasons for termination of employment
- Address history
- Credit reports
- Social security number scans
- Civil court filings
- Motor vehicle and driving records
- Professional or personal references

This information may also be obtained at other times during employment, such as during changes of job responsibilities, promotion or following an accident.

The Town and its agents will conduct background checks in compliance with the Federal Fair Credit Reporting Act ("FCRA"), the American with Disabilities Act, and all other applicable local, state, and federal laws and regulations. Applicants and employees may request and receive a copy of reports provided by third parties.

A reported criminal conviction will not necessarily disqualify a candidate from employment. In order to disqualify a candidate, the conviction must be job-related or pose an unreasonable risk to the Town. On the job relatedness, the Town considers the nature and seriousness of the offense, the date of the offense, the surrounding circumstances, rehabilitation, and the relevance of the offense to the specific position. The Town follows FCRA requirements, other applicable statutes, and responding applicants and employees regarding potentially adverse actions to third party reports.

The Town reserves the right to withdraw any offer of employment or consideration for employment, or discharge an employee, upon finding falsification, misrepresentation, or omission of fact on an employment applications, resume, other attachments or in verbal statements, regardless of when discovered.

Background check reports shall be maintained in employee files and will be confidential in compliance with the Town's record retention policy.

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Ellie asked whether employees were bonded; Supervisor responded the Town buys a crime policy with employee dishonesty, renewed each year at the Organizational Meeting, establishing limits for individual positions within the Town. Councilman Norris asked about a drug policy; Supervisor said discussed prior, no policy in place to require employees to take a medical exam. Councilman Norris asked if this was the direction other towns are moving. Attorney Wukitsch confirmed yes. Councilwoman Benway added that with a CDL, many insurance programs require a search. Supervisor will contact Public Sector HR to learn cost; Attorney Wukitsch added that if you do this, you do it right; there are significant penalties to doing it wrong; carefully monitor to see that it is done well. Supervisor asked Attorney Wukitsch whether background checks may be done on 18 and older summer rec staffing, but not run on parental/adult volunteers; Attorney Wukitsch said that was fine and reasonable.

NEW BUSINESS

Resolution to Designate Town Park Children's Play Area Smoke-Free Zone

In anticipation of the content of Lisa Heinz' second presentation earlier this evening, Supervisor had distributed a town park *smoke-free zone* resolution to the Board. Councilwoman Benway reported receiving many phone calls and emails this day and, considering them, suggests not moving forward on that and Councilman Norris agreed. Councilwoman Benway will look into what is needed for signage.

Resolution to Approve Judge Farrell's Attendance at Magistrates' Conference

Supervisor stated that Justice Farrell has withdrawn his resolution to attend NYS Magistrates' conference due to conflict of interest.

DEC Flood Training Report – Greene County Officials

Supervisor attended the flood training given by NYS Department of Environmental Conservation; new flood maps are being drawn up for Greene County, not yet received, and public comment period has not begun.

There will be significant changes coming to the National Flood Insurance Program (NFIP). In the past, federal government has subsidized, an average homeowner might pay \$200-400 (x) in flood insurance. In a high hazard zone, a homeowner might pay \$800-\$1200; this could go to \$9000 in high hazard zones. Many may have lived in their homes long enough that when mortgage was paid, they may have let their flood insurance lapse. When that home is put back on the market for sale, a young couple with a mortgage will face a \$6,000-\$9,000 flood insurance requirement on top of regular homeowners' requirements. Also, the federal government is 'cracking down' on banks to be sure they get proper requirements on the flood, on Long Island and other sites, if \$400,000 worth, \$320,000 mortgage, the bank is requiring the full \$400,000 for flood insurance in order to get that mortgage. At government level, communities are concerned that folk cannot sell their homes. Until new flood map comes from Greene County, likely we'll have more in A zone. Challenging to use the flood maps, we think of the Hudson River, but it is the creeks and streams that are also in flood areas. There are things that communities can do including the National Community Rating system, [Town of Ashland has done this], a municipality is given points for things they do, and when an individual goes for flood insurance they can use those points to bring down their premium.

Councilwoman Benway added it is internally rated, when a zip code is entered, those points owned by a municipality come up.

Supervisor said once the Town has that rating, when a person goes for NFIP, they would get the credits; she added it would require quite a bit of work by the Town Board and the building inspector, part of it we already do (adopt and enforce the national flood plan). They would come in, review some files, and look at how much is enforced. If someone is building a new house in a high hazard flood zone, our building inspector requires mitigation. Town can do some things that are inexpensive (receive credit for open space, which permits runoff, for which the Town has provided in zoning). Supervisor asked the

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Board's thoughts; should we pursue for the benefit of Town homeowners who may be faced with these high flood insurance rates?

Clerk Brooks asked when Greene County's maps are expected; Supervisor said they're in process. Clerk clarified, are maps coming only of areas where there has been change? Supervisor believes the entire county, but we will be notified of the changes, has personally not been through this before. Clerk continued that the maps are in quadrants; Supervisor said much is done now by GIS.

Councilman Norris had same questions, no need to wait for the maps; this is for the benefit of property owners since rates go into effect October 1.

Supervisor said those who have a current flood insurance policy will feel the difference right away. If the mortgage has been paid and the policy has lapsed, they'll feel the pain when they go to put house up for sale.

Councilwoman Benway added, or if the redone maps show you now in a flood zone, you'll either receive bill from your mortgage company or will be told to get policy.

Councilman Norris asked why would Congressional representatives do this?

Supervisor answered because NFIP is 'the red'; she believes another bill is pending in Congress to 'grandfather' this in further.

Councilman Norris suggests letters to representatives.

Councilwoman Benway said almost yearly they have no money, you cannot buy coverage on any policy for at least three months.

Supervisor said since Katrina NFIP has not been able to make up the loss and the hole gets larger.

John Cashin said they talked about implementing the full amount you would owe over a five year period. Supervisor said they did that previously, a grandfather clause, but now will come into effect right away.

Councilwoman Benway added that if you had a policy, they changed the flood map and suddenly included you in a flood zone, if you're grandfathered in you have that policy and they leave you at the old rates, the non-flood rates. Supervisor continued that that would be for certain number of years, a slow grandfathering, which they are now getting away from.

Clerk Brooks clarified that grandfathered in meant a policy paid and in effect; yes.

Councilwoman Benway added that you have had for 5-10 years that you've had due to being worried about it although not in a flood zone.

Rich Guthrie, regarding pump station and wastewater plant, the elevations determined from survey may or may not be accurate due to the revisions of the maps. Supervisor said we'll see, assuming pump station is high hazard, surprised if that comes out of zone, if building itself has enough elevation Town could apply for a LOMA (Letter of Map Adjustment) for the building. She doubts that Cornell Park will come out of "A zone"; asking does he think it will go to "S"?

Rich continued the rates that we will have there are subject to dramatic increase.

Supervisor clarified the Town has no flood insurance there; 0-anything will be a big difference.

Councilwoman Benway explained that the elevation certificate shows "+5" to "-5"; Santo Associates determines from 12 different points and then issues certificate; "0" means a flat charge, "-5" gets a credit. Insurance-wise the elevation certificate might be different. Rich is trying to think of the requirement of the pump station with respect to the new maps coming; we have no insurance now.

Supervisor added that the Board has to look at whether the Town wants insurance; cost; or would it make sense to do mitigation there. The problem we have at pump station is the NFIP coverage; NFIP covers very little that is below grade. If it's below grade, basement contents like washer, dryer, furnace, sump pump, 5-6 things none of which are at the pump station. The biggest cost we have is below grade: the expensive pumps. The electrical box and generator would be covered; Board may want to look at the cost of mitigation there. The sewer plant has been elevated, but cannot find original elevation certificate if we had it; original engineer is out of business, we have tried to find that certificate, probably will need to pay for elevation certificate.

Clerk Brooks remembers Delaware staff going to Oneonta to search.

Supervisor asked if the Board wished to do that; Councilwoman Benway thought yes, Supervisor suggests getting together with building inspector or special meeting to discuss various things needed to put in place.

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CSX – Cattle Pass

Supervisor reminded that CSX is putting a second rail line next to the existing line through the Town of New Baltimore. There is an old cattle pass north of Hawley Lane, on Marjorie and Joseph Loux's property. The cattle pass was put in years ago to take the cattle under the track for pasturing; CSX would like to close in that pass and consider it a liability. Owners to one side have signed off rights; Marjorie and Joseph Loux have not. They had concern about having hiking trails access those properties and, once we lose that right-of-way, we lose it forever. Supervisor negotiated with CSX on their behalf; CSX is willing to compensate Town for Louxs signing off and the Louxs were agreeable as long as the compensation was fair. Supervisor was able to negotiate \$10,000, Louxs feel that is fair and ask that this money be defined for stairs to access basement of Town Hall. When the Board looked at stairs before, it would have been slightly over \$10,000; Town has \$40,000 in Building Fund now. First, Supervisor wants to thank Joseph and Marjorie; this cattle pass is on their property and they could get the money themselves since the Town has nothing to do with it. They requested the money go to the Town. Attorney Wukitsch commented it is basically a gift to the Town, a person is free to make gifts to any branch of government and it is really nice of them to do that. Supervisor added that if the Board is okay with that, she'll call CSX. Councilman Norris added that at the last meeting the Board discussed the stairs. Part of the original plan of Town Hall, perhaps a little historian center for the Town, memorabilia. Supervisor continued that we certainly are tight, even with the addition of the building inspector office downstairs. Clerk Brooks reminded of the sheriff's office. Councilman Norris added it is a second means of egress for downstairs, although not required under code, it is a concern and he would like to move forward. Rich Guthrie clarified cattle pass was an agreement between 2 property owners and rail, no inference of public right-of-way, Supervisor added the Town had no easement, access or given rights, whether they had through usage and time, it has been many, many years since use as a cattle pass; Supervisor and Superintendent walked in to look for it and could not find, all overgrown and on private properties.

Resolution to Pay Audited Claims

Supervisor commented that the claims will be short signatures due to absences. Attorney Wukitsch reminded it had happened before; Clerk Brooks asked for wording contingent upon a certain number of days in which those missing parties would come in and attend to their business. Clerk Brooks asked if she may send out the abstract and claims; Supervisor said she would not sign the checks without the auditing board signatures, but otherwise [if the group of claims is held over to the next month] there will be many late payments. Supervisor said, given the request of the seniors, there is not a voucher in the group; Clerk Brooks answered that the voucher was missing its department signature, Supervisor clarified, Councilwoman Finke.

**RESOLUTION
AUGUST 12, 2013**

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 2013 08/01-59, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2013 08/01-59 provided that the requisite number of signatures are provided within 7 days, and

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until August 30, 2013.

Supervisor moved and was seconded by Councilwoman Benway. Clerk Brooks said 27 of 59 vouchers had insufficient signatures. Discussion ensued. Clerk will send

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vouchers for checks, seven (7) days will begin upon their return to the Town; Clerk Brooks will not release check payments until requisite signatures are gotten; the absent Board members will have one week to get in to do their work. Supervisor expressed concerns for late payment and late fees from vendors. Clerk noted that many with missing signatures qualify for prepaid and have been prepaid. 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-Absent MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE**
Adopted

Supervisor would like to thank the Seniors Committee present for tonight's meeting, is sorry there has been this confusion, but first was thrilled to attend this heartwarming event, her first. Ellie Alfeld added it was the best attendance to date with every district represented. Observing the mingling and sharing stories, Supervisor thanked Ellie and Conrad, Betty Jane and Santo, working so hard to get seniors, to get good attendance, doesn't want a 'sour note' ending. Supervisor, speaking on behalf of Councilwoman Benway and Councilman Norris and herself, wants to see the committee continue and thrive. Ellie made clear that the Board owes the seniors no apology. Attorney Wukitsch asked if there wasn't some miscommunication that could be cleared up. Ellie doubted that. Out on a limb, Supervisor asked for the seniors' fall meeting, that the Town Board be allowed to cook for them in appreciation. Ellie answered that the group would have to see what they decide. Supervisor hopes they hold another picnic in the fall; Ellie answered there is a group meeting on Wednesday. Councilwoman Benway and Councilman Norris confirmed. Ellie thanked them. Supervisor laughed and asked to see the menu, guessing steak and lobster. Supervisor reminded Ellie that she'd come to the Board years ago, before another supervisor and another Board, and was a 'pitbull' and stayed in for the long run.

EXECUTIVE SESSION

With no more from the Town Board or the public, **Supervisor moved to adjourn to executive session for the purpose of discussion of ongoing litigation with Shady Harbor LLC and was seconded by Councilwoman Benway.**

Motion Carried Ayes-3

Nays-0

Absent-2

Clerk Brooks was not called into executive session; no decision was expected to be made.

The Town Board adjourned to executive session at 8:00 pm; executive session was opened at 8:00 p.m. on motion of Councilman Norris and seconded by Councilwoman Benway.

Motion Carried Ayes-3

Nays-0

Absent-2

Councilman Norris moved to close executive session and was seconded by Councilwoman Benway.

Motion Carried Ayes-3

Nays-0

Absent-2

Executive session was closed at 8:15 p.m.

Motion to re-open the Town Board meeting was made by Councilman Norris and seconded by Councilwoman Benway.

Motion Carried Ayes- 3

Nays-0

Absent-2

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The meeting was re-opened at 8:16 p.m.

Summary minutes indicate Town Board members directed Attorney Wukitsch to send a letter to the ZBA. Clerk Brooks asked that a letter be drafted in thanks to Joseph and Marjorie Loux; all agreed.

ADJOURNMENT

Hearing no more from the Board or the public, Supervisor moved and was seconded by Councilman Norris. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

The meeting was adjourned at 8:17 pm.

Respectfully submitted

Janet A. Brooks
Town Clerk