

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
APRIL 8, 2013- page 1**

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OPENING OF MEETING

Supervisor O'Rourke called the meeting to order at 7:04 pm and the Pledge of Allegiance was said. Also attending: Councilwomen Benway and Finke, Councilmen Meredith and Norris, Attorney for the Town Wukitsch, Highway Superintendent Jordan, Town Clerk Brooks, and 17 members of the public who signed the attendance sheet. Absent:

PRESENTATION: Intelligent Technology Solutions, Inc.

As the Town's current IT provider, Joseph Wolodkevich described an annual review as part of the contract. As part of the Town's review, as part of an ongoing OGS audit, in terms of technology there's a separate component he wants the Town to stay abreast of: disaster recovery for data backup, security for workstation and internet, and data storage onsite. Town is meeting minimum requirements. Trends can be implemented to maintain compliance. Proposal outlines several items: rather than implementing a full server, less expensive ways. Just completing project for Town of Greenville, in similar situation with number of workstations; they have been notified of OGS audit in upcoming month. Town Board received copy of his proposal.

With Joe, Councilwoman Benway discussed fixing the wiring closet/utility room. Joe described when building was wired, wires were brought to 2-3 areas in basement, series of interconnected flat switches that cause slowdowns; he wants to bring all into one patch panel, use one switch and one router, can turn ports on and off and not just leave them available. Court is required to be segregated by Office of Court Administration; Town is responsible for providing their internet access only.

Councilwoman Finke offered that they also give the Town old computers for town business; Joe added often on 3-year replacement cycle.

Councilwoman Benway asked if any issues were critical; Joe responded two. Currently backup occurs at individual workstations- clerk, planning/zoning, tax- independently. If someone is out sick or vacation the backup may not take place and they are not being tested. If you wait til they are needed, you may be too late. Clerk's computer is set up to receive auto email logs each day. To set up backup in secure location/basement and offsite is what NYS wants; we don't want data on thumbdrives going home; offsite in third party facility alleviates the issue. Based on current space, don't need more than 20 gigs, Councilwoman Benway thought 100 gigs; Joe added that won't be known until process is started and the monthly cost would vary as indicated (\$30-100). Joe added that biggest thing is that there are less expensive (mosey pro or carbonite) but do not satisfy NYS requirement for containment of data as they are 'cloud'-based and not restricted access; additionally, without going to pro version, they don't allow individual computers to back up individual computers on same account, thus larger cost.

Joe said the second critical issue is antivirus and firewall: there are newer things coming out, 'bad guys' are more creative; and most desktop antivirus is now software service/subscription. When ITS recommended Symantec three years ago, could purchase license and get definition updates. Now updates are tied to subscriptions, and in the end it becomes more expensive than other products. ITS is currently recommending E-set: can be purchased however you lose centralized management, or can subscribe \$2/month per computer and management antivirus updates are handled by ITS' server 3-6 times per day. Councilwoman Benway said we are not networked now; Joe said a public network or 'peer to peer environment' with no master, and he recommends a managed antivirus, after 18-24 months the cost is 'a wash', but you always get latest version without renewal, and a better option for a smaller municipality. He added that the purchase option loses the centralized management with no server acting as controller. State of industry is no longer 'buy it and run it for seven years'; software industry wasn't making money; now the hands of the consumer are tied as software becomes a service and, as broadband increases, you'll see it more with operating systems, desktops, and Microsoft Office and needs to be budgeted for annually.

Clerk Brooks asked whether E-set was what was recently put on the Dell laptop; no, Microsoft Security Essentials, because it was better product than version of Symantec. Clerk answered that Symantec wasn't on the laptop. Supervisor asked whether backup works well on computer; yes,

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and files are received but, puzzled as to how to test it. Joe said ITS has been testing it, current software takes copy of any file that has been changed over each of past 5 days and makes copy and puts it on the external drive. In the new environment, that would be encrypted, stored on local and offsite drive, but problem with Clerk's area is that she has outgrown her backup and would need bigger-external hard drive for her and for each individual department. Councilman Meredith added that, with certain software, if there were certain docs that someone wanted to share; Joe continued that, with centralized backup, a network attached storage device acts has its own set of user access like a server without the overhead. You can put up docs, simple way to set up security, and access and they would be backed up.

Attorney Wukitsch asked whether he provides service for the court; no, OCA has an IT group. Councilman Norris clarified that all the backups would be done automatically, no one would have to? Yes, Joe receives an email as to whether the backup was successful or no, typically run at 6pm. Joe would look to adjusting to later time. Clerk Brooks asked to please change the time at which the laptop receives updates; Joe said yes, Java, Flash, sometime Malware is coming with the updates.

Rich Guthrie asked, regarding *cyber attacks*, how vulnerable is the Town and are we working with monitoring agencies. Joe answered that one reason for upgrade to router is its age (6yrs); newer devices have learned intrusion detection systems that, upon noticing a certain number of attempts within time period, block items before sending them to a workstation. Firewall software also prevents from internal attack: someone brings flashdrive home to work on data, returns from home infected, and the workstation would scan that drive as it attaches to the network. ITS also works with NYS Office of Cyber Security, SJS, NYS police, and few other agencies as part of its service to its municipality clients.

APPROVAL OF MINUTES

Regarding the approval of Minutes of March 4, 2013, Special Town Board Meeting submitted by the Town Clerk, **Supervisor moved 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-AYE
NORRIS-AYE O'RORKE-AYE

Motion Carried

Regarding the approval of Minutes of March 25, 2013 Work Meeting submitted by the Town Clerk, **Supervisor moved 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-AYE
NORRIS-AYE O'RORKE-AYE

Motion Carried

PUBLIC COMMENT PERIOD

Farmers' Market Board Chair Karla Flegel represents dedicated Board providing fruit, vegetables and other in an environment that fosters connectedness. Vendor and customer surveys indicate high satisfaction, year ended with borderline balance. She thanked everyone for their contributions. In 2013 must reach beyond and seek vendor applications, and have hot breads, pickled fruits, fresh berries, fruits and vegetables. Hot beverages and cinnamon rolls continue; cinnamon is healthy. To enhance the fun: music, events, food demos, senior celebration, children's day, and pie contest. To balance cost, seek local sponsors and advertise in different ways. Stop by tent at AgFest for pie contest guidelines and schedule. Karla invites Town to offer the Market \$300 to improve health in the community. Councilman Norris reminded of the ongoing and rising cost of insurance; this year the AgFest will dedicate a tent for the Farmers' Market. Clerk Brooks reminded that early 'seed' money to the Market was for signage; Karla felt that was fine, lasting.

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Alta Turner thanked the Board for denying the request to waive the 30 day wait for granting of liquor license, to have granted would have precluded public input. She agrees with the Board that the draft 2013 application for liquor license poses no problems: single use is 'restaurant', other uses, *band, DJ or jukebox*, presumably indicate no apparent intention for music. While the language of the site plan for the original marina/restaurant may have been vague with respect to outdoor music, this past November the ZBA clarified that ambiguity and specified that outdoor music is a prohibited use at the marina. Perhaps this summer, unlike the past four, New Baltimore residents near the marina, a permitted entity in the district zoned residential, may enjoy the summer, the out-of-doors, and their property without invasive, disruptive noise. She looks forward to the Town enforcing the 2012 ZBA ruling, and the success of the marina, the new restaurant, the town and the hamlet residents.

Ellie Alfeld has seniors' core group meeting May 1 and May 29 at Town Hall at 1:30pm; seeking ideas on first picnic of year and all are welcome to attend. She reminded all of Food n Fun luncheon on Wednesday at New Baltimore Reformed Church.

Rich Guthrie extends support to the concern of local residents to enjoy peaceful and quiet evenings to review upcoming liquor license, asked Board to appreciate their concerns.

Jeff Ruso noticed ad for summer rec director on website; referred to January 25, 2013, NYS Comptroller's Office release, recommended background checks on all who work with youth; asked if the Town does this; recalled Ghent incident where 18 year old employee was approaching girls several years ago, removes liability; enter person's name and, if there are no hits, they are 'good'.

Regarding Rich Guthrie's previous E911 question about difficulty locating addresses, Councilman Norris called GC Emergency Services John Farrell, who is checking on this.

CORRESPONDENCE

Order granting petition and part of modified electricity and safety standards, having to do with Central Hudson and Consolidated Edison Company purchase, lengthy review of standards regarding contact and stray voltage and overhead lines.

From Health Care Consortium- notice of Walk and Run event May 11 at Dutchmen's Landing.

From NYS Environmental Facilities Corporation- one outstanding Sewer District #1 bond outstanding and, with lowering of rates, NYSEFC has put those bonds out for public bid, need action by Town Board by April 24. Once passed they will go out to market and get lower rates.

Clerk Brooks asked about announcement for MAPP meeting with Greene County Public Health; Karla Flegel offered that she will be attending. Supervisor asked should it be posted; Clerk noted they were seeking a Town representative to attend, glad Karla is attending, Supervisor asked would she report to the Board on the next meeting.

OLD BUSINESS

Dog Census Update

Orange census postcards were mailed to zip codes (12087, 12042, 12124, and 12192) where Town of New Baltimore was entirely part of that zip code; five zip codes remaining will receive direct mailing with extended deadline of May 1. Supervisor added that the Clerk's office has been nonstop with dog owners seeking licenses (adding 284 since Dec 31, 2012) and, depending on altered status, Board may be looking at additional \$2000. Clerk Brooks asked to celebrate the fact that the census happened at same time as Greene County Public Health's free rabies

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vaccination clinic in the Town, possibly accounting for record turnout there of 159 animals served with vaccination, about 50 over the yearly average. Supervisor said the cost of printing and mailing the census has been covered, adding hope that the dog owners will not fall off but will renew in the future. Supervisor added need to look at clerk's budget for postage as she has always worked with animal control officer, it is not her statutory duty to send out the notices, only to accept the license payments. Good success. Councilman Norris asked whether we will look at fee raise; Supervisor's feeling is to license or face the \$75 enumeration fee. Councilman Norris questioned when to make that fee rise; Supervisor reminded that licenses renew throughout the 12 months of the year, could be altered at any time going forward. Councilman Norris reminded from NYS Ag and Markets that fee for altered animals remain lower to provide incentive. Councilwoman Finke offered that Town of Catskill has a half-price license for seniors' dogs. Ellie felt greatest impact was the \$75 enumeration fee; Supervisor has heard same from Clerk's office. Rich Guthrie asked for grand total of licenses; Clerk answered 681 licenses issued. Rich asked were a lot of puppies born over the last year; Clerk answered that many of the new puppies were born in 2008. [laughter] Ellie asked whether dog bites had been reported; Supervisor saw last two for cat bites. Councilman Meredith suggested leash law for cats. [laughter]

Clerk Brooks asked for all to read NYSDEC correspondence about coyotes and bear on Town's website; many calls to Clerk's office after seeing coyote in backyard, very unusual.

Town Laborer Status Report

Handling mowing and town parks, the individual no longer wished to provide handyman services around town hall; few replies. Councilman Norris reports Highway Committee suggestion that Highway mow Cornell Park and Town Hall lawn when driving past with machinery; committee thought light maintenance around town hall (snow removal and light tubes) might be done by Ray Blaisdell, who is interested, or Harriet Miller, who is not interested; so issue appears resolved for now with no need to hire. Supervisor, regarding pre- and post-checks at parks, said Roger Wilson would continue. Ray has already replaced the water filter system (Lowe's claim in vouchers approved this night) to one that should not clog as quickly. Ray, besides code enforcement and building inspector training, brings skill set as carpenter/contractor. Councilwoman Finke asked whether anyone had applied; yes, 3-4 applications, but initially it would have been mowing maintenance combination, now will be tried with existing staffing and Highway crew. Supervisor said there may be need to look at how budgeting is done; in past it was from Highway budget; this would be a switchover to the General Fund; General and Highway Funds are both funded by all the Town's residents, but is unsure whether inching between funds is a possible problem. Attorney Wukitsch said depends how much money we're talking about, from audit perspective if it is *de minimis* (trifle, lacking significance), Highway Superintendent tracked mowing expense last year, \$5400 maybe, and add that in. Ellie commented Ray is data collecting, enforcing code, inspecting buildings, accepted post office position part time; how many hours does he have. Councilman Norris has discussed hours; Ellie feels everyone benefits from data collecting and, for code enforcement, look and do more, trash on road, and junk.

Rich Guthrie warns shad and herring season; has Board considered garbage situation in Cornell Park. Councilwoman Benway believes as soon as you put [barrel] in, you have more, parks are marked carry-in, carry-out. Supervisor reminded of portajohn-tipping and vandalism. Councilwoman Benway thought should be relatively easy to do; concept is easy, enforcement is problem, added Rich.

Councilman Norris believes this is a lovely town, looks good, and, as far as Ray's hours, if one hour added per week, ebbs and flows, on trial basis, been doing a lot of maintenance as it is. Ellie called attention to cigarette butts at the entrance to meeting room and offered to take Councilman Norris for ride.

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NEW BUSINESS

Resolution to Honor Cole Hilscher Eagle Scout

**RESOLUTION
APRIL 8, 2013**

**CONGRATULATING COLE HILSCHER UPON THE OCCASION OF RECEIVING
THE DISTINGUISHED RANK OF EAGLE SCOUT**

WHEREAS Cole Hilscher, a resident of the Town of New Baltimore, through his diligence and rigorous efforts, has achieved Scouting's highest and most prestigious rank, and

WHEREAS the Boy Scouts of America and its members are dedicated to the development of character and leadership in our youth, and

WHEREAS the highest achievement of leadership in Scouting, earned by less than four percent of all Boy Scouts, is the distinguished rank of Eagle Scout, and

WHEREAS Cole has been involved in Scouting for many years, has lived up to Scouting's ideals and has attained all of the necessary achievements, including an extensive project that Cole planned, organized and managed. Cole's project included the building of a cross country running course, complete with foot bridges, for the Coxsackie-Athens Central School District allowing for the District to host cross country track meets;

WHEREAS this outstanding young man's perseverance in rising through the ranks to Eagle Scout is a strong indication of his ability to master difficult tasks and will enable him to emerge a leader who will be ready to meet the challenges facing us all in the future; and

WHEREAS this outstanding achievement brings great pride to his family and our community, and warrants special recognition.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore does hereby acknowledge this meritorious honor and extends its congratulations to Cole Hilscher on the occasion of his achieving the rank of Eagle Scout.

Supervisor moved and was seconded by Councilwoman Finke. Commenting the Town is proud of its Eagles, Supervisor is impressed with all they do to accomplish the honor. 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-AYE
NORRIS-AYE O'RORKE-AYE**

Adopted

Supervisor thanked Clerk for the framing presentation, prepared for the ceremony for Cole.

Resolution to Authorize Purchase from Greene County Bids for Supplies and Materials

Supervisor said NYS Comptroller's Office called her attention to the need for a Board resolution authorizing the Town to piggyback on the county's contract bid list.

**RESOLUTION
APRIL 8, 2013**

**RESOLUTION TO AUTHORIZE PARTICIPATION IN GREENE COUNTY HIGHWAY
BIDS FOR SUPPLIES AND MATERIALS**

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WHEREAS the Town of New Baltimore procurement policy allows for purchases under State, County or other municipal contracts, and

WHEREAS County Law 408-A allows for Towns in Greene County to participate in the Greene County Highway Bids for Supplies and Materials.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore hereby authorizes the Town Highway Superintendent to purchase from the Greene County Highway list of supplies and materials as per bids approved by the Greene County Legislature by Resolutions No. 174-12 and 175-12.

Councilwoman Benway moved and was seconded by Supervisor. Councilman Norris asked was this a recommendation by the Comptroller's Office? Supervisor answered yes, the Town has purchased from the county bid list before and it should be memorialized by resolution. 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-AYE
NORRIS-AYE O'RORKE-AYE
Adopted

Resolution to Approve Highway 284 Agreement

Supervisor reminded that this is an agreement into which the Board enters with the Highway Superintendent with regard to capital improvements and repairs to Town roads. In past has been able to accomplish in one step, or with one modification. But there are different products available now, with which the Town has some experience, gone back and redone because stone became loose; Highway can return to more traditional stone and oil, which must be done by end of May due to fumes and 'green' rulings. Highway is still waiting for quotes for patching and paving that are later when those oil-based prices are known. Recently, it was announced that Town will have additional \$30,000 in CHIPS money.

**AGREEMENT FOR THE EXPENDITURE
OF HIGHWAY MONIES**

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 monies 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 \$150,000 shall be set aside to be expended for primary work and general repairs upon 30 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. **PERMANENT IMPROVEMENTS.** The following sums shall be set aside to be expended for the permanent improvement of Town highways:
 - (a) On Mirror Lake Road, a distance of 700 feet, there shall be expended not over the sum of \$3,273.22.
Type: Stone and oil. Width of traveled surface: 12 feet
Thickness: One-inch Sub-base: Stone & oil

 - (b) On Haas Hill Road, a distance of 1,900 feet, there shall be expended not over the sum of \$14,458.72.
Type: Stone and oil. Width of traveled surface: 20 feet
Thickness: One-inch Sub-base: Stone & oil

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(c) On Roberts Hill Road, a distance of 3,000 feet, (CR51 to 54) there shall be expended not over the sum of \$18,271.00.

Type: Stone and oil. Width of traveled surface: 20 feet
Thickness: One-inch Sub-base: Stone & oil

Executed in duplicate this 8th day of April 2013.

_____ 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.*

Supervisor expects remaining pricing to be in during May and asked for questions of Board. Ellie asked for road map of Town for the public; Clerk Brooks called attention to the maps on the website accomplished with GPS mapping intern from the county economic development office about 6 years ago; she and Highway Superintendent Jordan corrected road names at that time. Ellie said Town of Bethlehem has a sheet on town clerk's counter to help folk coming into town. Clerk Brooks related we do that with recycling information sheets.

**RESOLUTION
APRIL 8, 2013**

RESOLUTION TO APPROVE HIGHWAY 284 AGREEMENT

RESOLVED, that the Town Board of the Town of New Baltimore does hereby approve the attached Highway 284 Agreement dated April 8, 2013.

Supervisor moved and was seconded by Councilman Norris. 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: BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Supervisor reminded all to sign; Clerk reminded of two original copies moving down the line.

Resolution to Amend 2013 Budget

Supervisor reminded of previous discussion: with the Comptroller's Office examiners onsite since early March, most of Town Board hold full-time positions and Supervisor has been here as frequent as possible, someone must listen, answer questions, and pull files, an additional burden to Town Clerk. Supervisor proposes adding this to the deputy line, A1410.10.

**RESOLUTION
APRIL 8, 2013**

RESOLUTION TO AMEND 2013 BUDGET

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RESOLVED, that the following amendments to the 2013 budget are hereby adopted:

ACCOUNT	CURRENT BUDGET	AMENDED BUDGET	CHANGE
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GENERAL FUND EXPENDITURES:

A1410.10 Clerk Deputy	10,500	11,000	500
A1990.4 Contingent	5,000	4,500	(500)
TOTAL CHANGE			0

Supervisor moved and was seconded by Councilwoman Benway. No discussion. Supervisor thanked Clerk Brooks for all the time spent with the examiners and the emails, and Clerks Loux and Jordan as well. Clerk Brooks answered she has a great team and this money will also help with the dog census. Supervisor added it was unfortunate timing, she usually closes on Thursdays, but grateful she remained open for the examiners and the dog owners. 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-AYE
NORRIS-AYE O'RORKE-AYE

Clerk Brooks thanked the Board.

Resolution to Approve Memorandum of Agreement with AgFest Committee

Supervisor reminded planning begins as soon as one AgFest closes down, but Town does buy special insurance, in addition to coverage by the Town's insurance, as Town Board does ask the AgFest Committee to run the event for the Town.

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement entered into this eighth day of April, 2013, by and between the Town of New Baltimore, a municipal corporation organized under the laws of the State of New York, and New Baltimore Antique Machinery and Agricultural Festival Association, aka AgFest Committee ("AgFest Committee").

WHEREAS, the New Baltimore Antique Machinery and Agricultural Festival, aka AgFest, is an event sponsored by the Town of New Baltimore, and the Town wishes to contract with the AgFest Committee, to plan, stage and run the event commonly known as AgFest.

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is acknowledged, the parties agree as follows:

1. *There shall be an AgFest in the Town to be held on June 1 through June 2, 2013, at the Van Etten farm, Hannacroix, New York.*
2. *The Town shall be responsible for providing at its expense the following:*
 - a) *general liability insurance in favor of the Town and AgFest, their officers and elected officials, covering the AgFest activities including the tractor pull event;*
 - b) *picnic tables;*
 - c) *electricity;*
 - d) *trash collection; and,*
 - e) *portajohns.*
3. *The AgFest Committee will be solely responsible for organizing and running the festival and for any necessary clean-up after the festival ends.*
4. *The AgFest Committee will coordinate the provision of electric service, trash pick-up and arrange for portajohns with vendors.*
5. *The AgFest Committee will pay all expenses associated with AgFest not otherwise paid by the Town as set forth above.*

Dated: _____, 2013
TOWN OF NEW BALTIMORE

Dated: _____, 2013
NEW BALTIMORE ANTIQUE MACHINERY
AND AGRICULTURAL FESTIVAL ASSOC.

By: _____ By: _____

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RESOLUTION
APRIL 8, 2013

RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE MEMORANDUM OF
AGREEMENT WITH AGFEST COMMITTEE

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the attached Memorandum of Agreement with AgFest Committee for 2013.

Councilman Norris moved and was seconded by Supervisor. Councilman Norris asked if farm was in Hannacroix; Rob reports mailing address of Ravena and physical location in Town of New Baltimore. Councilwoman Benway asked for physical address for the insurance; should be same; Attorney Wukitsch suggests all use *Hannacroix* or *New Baltimore*. 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-AYE
NORRIS-AYE O'RORKE-AYE**

Resolution to Renew Contract with Van Etten Family for AgFest

Supervisor thanked the Van Ettens for their long term commitment to this AgFest.

LEASE AGREEMENT

THIS LEASE AGREEMENT (the "Lease") is made as of the eighth day of April, 2013, by and between the Town of New Baltimore, a New York municipality, with an address of 3809 County Route 51, Hannacroix, New York 12087 (hereinafter called the "Tenant"), and Robert and Shelly Van Etten, with a mailing address of 1314 Saw Mill Road, Ravena, New York 12143 (hereinafter called the "Landlord").

WITNESSETH:

WHEREAS Landlord is the owner of the real property, and improvements thereon, located at 1314 Saw Mill Road, Ravena, New York 12143 (the "Property"),

WHEREAS Tenant desires to lease a portion of the Property from Landlord for the annual Antique Machinery and Agricultural Festival ("AgFest"), and

WHEREAS Landlord is willing to lease a portion of the Property to Tenant on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing mutual covenants herein contained, and for One Dollar and 00/100 (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto mutually covenant and agree as follows:

[Supervisor asked has the Town ever paid that dollar?...asking to please not evict based on non-payment of rent.]

- 1. Description of the Leased Premises. The property to be leased to Tenant is the real property located at 1314 Saw Mill Road (the "Leased Premises").*
- 2. Term. The term of the Lease shall commence on May 30, 2013 and end on June 3, 2013 at midnight.*
- 3. Lawful Possession. The Landlord covenants that it is lawfully seized and in possession of the Leased Premises above described, and that it will put and keep Tenant in the peaceable possession thereof during the term of this Lease.*

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4. Business Use; Termination. The Leased Premises shall be used and occupied by the Tenant and Tenant's invitees solely for the AgFest, and such use is in compliance with all applicable laws, ordinances and governmental regulations. Landlord and Tenant hereby expressly acknowledge and agree that the Lease shall be immediately terminated, and the parties shall be released from any and all obligations hereunder, in the event that Tenant ceases to use the property for the aforesaid purpose.
5. Tenant's Return of the Leased Premises. Tenant shall, at Tenant's expense, return the Leased Premises in a clean and sanitary condition, and in compliance with applicable laws, ordinances, regulations and codes.
6. Indemnification. Tenant shall protect, indemnify and save harmless the Landlord and its successors and assigns, and Landlord's agents from and against all claims, damages and suits arising directly or indirectly, in whole or in part, from any activity, work or thing done, permitted, suffered or omitted to be done by Tenant, or by any of Tenant's agents, employees, or invitees in or about the Leased Premises.
7. Insurance. Tenant agrees to maintain appropriate liability insurance for the AgFest and to name Landlord as an Additional Insured.
8. Assignment and Subletting. Tenant may not sublet or assign this Lease to any person or any corporation, partnership, or other entity, without obtaining the prior written consent of Landlord, which consent may be unreasonably withheld.
9. Waiver. No mention in this Lease of any specific right or remedy shall preclude Landlord from exercising any other right or from having any other remedy or from maintaining any action to which it may be otherwise entitled either at law or in equity. The waiver of any breach, covenant, condition or agreement herein contained must be in writing. The failure of Landlord to insist in any one or more instances upon a strict performance of any covenant of this Lease or to exercise any option or right therein contained shall not be construed as a waiver or relinquishment for the future of such covenant, right or option, but the same remain in full force and effect unless the contrary is expressed in writing by Landlord.
10. Termination. This Lease may be terminated by written agreement of the parties.
11. Complete Agreement. This Lease contains the entire understanding among the parties with respect to the transactions contemplated hereby and supersedes all other agreements and understandings among the parties. Except as expressly set forth in this Lease, none of the parties has relied upon any oral representation or oral information given to it by any representative of either party. This Lease can only be modified pursuant a written agreement signed by both parties.
12. Governing Law. This Lease shall be governed by, and construed in accordance with, the laws of the State of New York.

IN WITNESS WHEREOF, Landlord and Tenant have executed and delivered this Lease, intending to be bound hereby, as of the day and year first above written.

TENANT
TOWN OF NEW BALTIMORE

Name: Susan O'Rorke
Title: Supervisor

LANDLORD

Robert Van Etten

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Shelly Van Etten

RESOLUTION
APRIL 8, 2013

RESOLUTION AUTHORIZING SUPERVISOR TO SIGN LEASE AGREEMENT WITH
THE VAN ETTEN FAMILY

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the attached lease agreement with the Van Etten family for the 2013 AgFest.

Councilwoman Benway moved and was seconded by Councilman Norris. No discussion. Supervisor thanked the Van Etten family for this long-term use for event. Councilwoman Finke added it has been a pleasure to work with all of you. 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-AYE
NORRIS-AYE O'RORKE-AYE

Supervisor asked the Van Ettens to stay following meeting to sign documents on behalf of the AgFest.

Resolution to Approve Training for the Town Tax Collector

RESOLUTION
APRIL 8, 2013

RESOLUTION TO AUTHORIZE ATTENDANCE BY TAX COLLECTOR AT THE
ANNUAL TAX RECEIVERS AND COLLECTORS TRAINING SEMINAR

RESOLVED, that the Town Board does hereby authorize Tax Collector Jordan to attend the New York State Tax Receivers and Collectors Annual Training Seminar to be held June 9-12, 2013, and authorizes expenses for registration and mileage.

Councilwoman Benway moved and was seconded by Councilman Norris. Supervisor asked whether registration fee was clear; two dollar figures were given, one as full-time commuter; other expense is mileage to Albany; Tax Collector Jordan will phone for clarification. 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-AYE
NORRIS-AYE O'RORKE-AYE

Resolution to Approve Training for Wastewater Treatment Plant Operator

RESOLUTION
APRIL 8, 2013

RESOLUTION TO AUTHORIZE ATTENDANCE BY WASTEWATER TREATMENT
PLANT OPERATOR AT THE NEW YORK RURAL WATER ASSOCIATION
TECHNICAL CONFERENCE

RESOLVED, that the Town Board does hereby authorize Wastewater Treatment Plant Operator Polverelli to attend the New York Rural Water Association Technical Conference, to be held in Lake Placid from May 20-23, 2013, and authorizes expenses for registration, lodging and mileage.

COUNTY OF GREENE
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Supervisor moved and was seconded by Councilman Norris. Supervisor believes only once each three years does Jim request out of town, usually can get training locally, and many different topics are covered in Lake Placid. 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-AYE
NORRIS-AYE O'RORKE-AYE
Adopted

Resolution to Support Assembly Bills A.88 and A.824

Supervisor received correspondence from sponsor of this bill; many banks do not want the care and maintenance of a property in foreclosure; the institution that holds mortgage on vacant structure does not always provide a contact person; time passes along with neglect; this bill asks that a mortgage company makes a good faith effort to maintain the property.

RESOLUTION
APRIL 8, 2013

**RESOLUTION TO SUPPORT NYS CONTACT INFORMATION FOR VACANT
STRUCTURES**

WHEREAS vacant, abandoned and foreclosed homes and structures have increased throughout New York State over the last five years; and

WHEREAS vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS the Town of New Baltimore Town Board supports the passage of said Bills;

NOW, THEREFORE, BE IT RESOLVED that the Town of New Baltimore hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents in the Town of New Baltimore support the passage of said Bill and that copies of this resolution to be sent to their attention.

Supervisor moved and was seconded by Councilwoman Benway. Councilwoman Benway asked would the contact information of the lending institution be FOILable; Attorney Wukitsch answered no, only public entity is subject to FOIL, continuing that the purpose of this seems to be that ownership has changed or owner is out of state and bank is unwilling to give up this information and without this law on the books they cannot be forced to disclose information if they have current owner contact information of current mortgagee. Councilwoman Finke suggested naming the state representatives, asks to add that Assembly Bill 88 is Senate Bill 3655; Assembly Bill 824 is Senate Bill 4277; there are approximately 200 counties, cities, towns, and villages who have adopted this. Supervisor moves to amend per Councilwoman Finke's suggestion, 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-AYE
NORRIS-AYE O'RORKE-AYE
Adopted

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

Town Health Plan

No action being taken this night, Supervisor has received proposed changes and will email to Town Board, Town Attorney, and to Health Care representative.

- 1) Vision plan has been pulled out; does Board want to treat in same way, or treat it like dental plan?
- 2) Regarding the Medicare Part B reimbursement, the Town's plan doesn't indicate whether they had to have participated in the Town Health Plan in order to receive the Part B; so Town may have an eligible employee who doesn't take Town health insurance and who the Town may end up reimbursing while that person may be getting reimbursement elsewhere and the Town may not know it.
- 3) Some neighboring towns do not provide any health insurance to their retirees, several of the union contracts do not offer to retirees, and while Supervisor is not suggesting this for current employees, she asks does the Board want to consider for future employees; this is an unfunded liability. Attorney Wukitsch clarified this is for someone not hired yet; Supervisor answered, right, at this time there are no full-time employee hires under consideration, it is a good time to discuss it rather than at hiring time. Councilman Norris leans toward no, but asked for others' ideas. Councilman Meredith thought it would be easier to bring people in if we offer something like that; Board talked about that before. Supervisor did not know until recently that surrounding towns do not offer, and most of them are union and are represented. Councilwoman Benway said when you retire you don't get to keep your health insurance; Councilman Norris said some civil service you do get to keep. Supervisor reminded this is not something to settle tonight and will send out revisions.

Resolution to Authorize Supervisor to Pay Audited Claims

Supervisor asked if all had opportunity to review the claims; hearing none, she read.

**RESOLUTION
APRIL 8, 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 04/01-82, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2013 04/01-82, and

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

Supervisor moved and was seconded by Councilman Norris. 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: BENWAY-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Adopted

Supervisor reminded Town-wide Roadside Cleanup is scheduled from April 27 through May 5, 2013, with pick-ups of the orange bags on the two Mondays. Clerk Brooks reminded this effort to make roadsides more beautiful also preserves the health of the Highway's machinery used to trim the ditches.

Also, Coxsackie Area Chamber and Coeymans Recycling are sponsoring Electronics Recycling on Saturday, April 27 at Albright's Garage on US Route 9W.

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Both events are posted to the Town website.

ADJOURNMENT

Hearing no more from the Board, Supervisor moved for adjournment, seconded by Councilman Norris. 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-Absent
NORRIS-AYE O'RORKE-AYE

Motion Carried

The meeting was adjourned at 8:31pm.

Respectfully,
Janet A. Brooks
Town Clerk