

**AGENDA  
TOWN OF NEW BALTIMORE, COUNTY OF GREENE  
TOWN BOARD REGULAR MEETING**

**FEBRUARY 11, 2019**

*Please turn off all cell phones and electronic devices.*

**Pledge of Allegiance**

**Approval of Minutes**

- January 28, 2019 Public Hearing on Local Law 1 of 2019
- January 28, 2018 Town Board Work Meeting

**Public Comment Period**

**Correspondence**

- New York State Department of Agriculture and Markets Dog Control Officer Inspection Report

**New Business**

- Resolution to Approve Annual Review of Accounts for Tax Collector, Town Clerk, Town Supervisor, and Town Court
- Resolution to Authorize Application for Grant from the Bank of Greene County
- Resolution to Authorize the Town of New Baltimore to Participate in County Highway Purchases
- Resolution to Approve Mid-Hudson Cablevision Increase in Monthly Rate
- Resolution to Revise 2019 Committee Appointments
- Resolution to Approve Appointment of Town Employee
- Resolution to Enter into Agreement with Rodenhausen Chale LLP for Bond Counsel Services for the Town of New Baltimore Sewer District No. 1 Sewer System Improvement Project
- Resolution to Enter into Agreement with Delaware Engineering for Engineering Services for the Town of New Baltimore Sewer District No. 1 Sewer System Improvement Project
- Resolution to Approve Emergency Purchase at the Wastewater Treatment Plant
- Resolution to Approve Emergency Purchase for the Highway Department
- Resolution Authorizing Expenditures proposed by Town Justices to be Funded by a Grant Received by the Office of Court Administration for the Town Justice Court
- Audit of Claims

**Upcoming Meetings**

- February 14, 2019 Planning Board Meeting at 7:00 PM
- February 17, 2019 Veterans Luncheon at Corncll Hook & Ladder Fire Company at 12 Noon
- February 19, 2019 Town Hall Closed in Observance of Presidents' Day
- February 21, 2019 Friends of New Baltimore Rccreation at Red's Restaurant at 5:30 PM
- February 25, 2019 Town Board Work Meeting at 7 PM
- March 6, 2019 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- March 11, 2019 Town Board Regular Meeting at 7 PM
- March 14, 2019 Planning Board Meeting at 7 PM
- March 25, 2019 Town Board Work Meeting at 7 PM
- March 27, 2019 Rabies Clinic at Medway-Grapeville Firehouse from 6-8 PM

**Public Comment Period/Community Events**

**Adjournment**

**\*\*\*\* Agenda Subject to Change\*\*\*\***

## **GUIDELINES FOR PUBLIC CONDUCT DURING TOWN BOARD MEETINGS**

1. The Supervisor shall preside at the meetings of the Town Board. In the absence of the Supervisor, the Deputy Supervisor shall be the acting Supervisor. In the event both the Supervisor and the Deputy Supervisor are absent, the other members shall designate one of their members to act as temporary chairman. A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.
2. Town residents who wish to speak shall fill out a card at the entrances of the meeting room listing their name, contact information, and the subject matter in which they would like to speak. These cards will be collected prior to the beginning of the Town Board meeting and given to the Town Supervisor or Deputy Supervisor in the absence of the Supervisor.
3. Speakers must be recognized by the presiding officer and then proceed to the lectern and state their name and address. They must limit their remarks on official town business to up to three minutes on a given topic and may not yield any remaining time to another speaker. They must address their remarks to the Board as a body and not to any member thereof and not to other members of the audience in the form of a debate.
4. Speakers should present their remarks in a courteous manner and may not make disparaging remarks or personal comments about public officials, town residents, or others. All speakers will observe the commonly accepted rules of courtesy, decorum, dignity, and good taste with no cursing, swearing, clapping, booing, finger pointing, bullying, whispering, or talking that disrupts the proceedings of the business of the Town Board.
5. Any speaker who disregards the directives of the presiding officer in enforcing the rules, disturbs the peace at a meeting, makes impertinent or slanderous remarks, or generally conducts themselves in an inappropriate manner shall be barred from further participation and will forfeit any balance of time remaining for their comments.
6. After a final warning, if a speaker willfully refuses to step down, the Town Supervisor shall contact the appropriate authorities to remove the speaker from the meeting room and to restore order.
7. The Town Supervisor, or in their absence the Deputy Supervisor, shall ensure compliance with these rules.

**This policy will be amended by Majority vote of the Town Board.**

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**COUNTY OF GREENE**      **Adopted 2/25/19**  
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**OPENING OF REGULAR MEETING**

Supervisor Ruso opened the meeting at 7:00 PM and the Pledge of Allegiance was said. Also attending Deputy Supervisor Dellisanti, Councilmembers Downes, Irving, and Van Etten, Aline D. Galgay, Esq., Town Clerk Finke, Justice Meacham, and 9 members of the public who signed the attendance book. Absent: Councilmember Briody and Tax Collector Jordan

**ADOPTION OF MINUTES**

The January 28, 2019 Public Hearing on Local Law 1 submitted by Town Clerk Finke, Moved by Councilmember Downes and was seconded by Councilmember VanEtten. The adoption of the foregoing Motion was duly put to a vote and vote was as follows:

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Briody (Work)

**Motion Carried**

The January 28, 2019 Town Board Work Meeting submitted by Town Clerk Finke, Moved by Supervisor Ruso and was seconded by Councilmember Downes. The adoption of the foregoing Motion was duly put to a vote and vote was as follows:

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Briody (Work)

**Motion Carried**

**Public Comment Period**

**Ellie Alfeld:** I have a general question for the Board I guess. Governor Cuomo has said now that we've got this terrible deficit and he's going to be cutting funds to a lot of the towns and villages. What's our Reserve Fund look like?

**Supervisor Ruso:** Our Reserve Fund actually is pretty good. We've actually added to our Reserve Fund in the past couple months. But it's not so much our Reserve Fund, it's our Unallocated Fund Balance and we're good for, it changes every day every month by expenditures, but we're over \$300,000.

**Ellie Alfeld:** Okay, that's all.

**Supervisor Ruso:** The effect on our budget for this year is we're allocated as we have in times gone by \$12,000 is what our State aid has been and that's the part that's in jeopardy. We don't have any final word that whether we're going to receive that or not receive it, but it's been the same exact number for -- well at least five years since I've been on the Board -- and we've anticipated the same state aid, but now it's up in the air. It has an effect of about .75 of a percentage not quite a full percentage point, \$12,000.

**Ellie Alfeld:** So most of the townspeople don't have anything to worry about.

**Supervisor Ruso:** Well, we make it by nips and tucks and this doesn't help.

**Ellie Alfeld:** I realize.

**Supervisor Ruso:** Mr. Eckl, please step up.

**James Eckl:** Good evening Mr. Supervisor, Ladies and Gentlemen. I had said that I wanted to address one of the topics, the Office of Court Administration grant, and I wrote that on the card not recognizing that the next to the last bullet had appeared on the agenda that's available tonight that wasn't on the Agenda that was on the website Friday. So, I would like to defer any remarks about that.

**Supervisor Ruso:** Well, there's been work over the weekend on that project.

**James Eckl:** It's very gratifying.

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**Supervisor Ruso:** Nevertheless that's why it wasn't on the website; it was just amended this afternoon.

**James Eckl:** I understand that it's subject to revision. I don't say that by way of complaint just by way of explaining why I didn't want to make any remarks on that topic. On the topic of the Procurement Policy if you please, I would like to simply make an observation about what struck me as a peculiarity in the Town's Procurement Policy. The statute §103 requires competitive bidding for purchase contracts above \$20,000. Below \$20,000 the statute essentially tells us to refer back to the local municipality Procurement Policy and this Town's Procurement Policy provides for dispensing with competitive bidding for purchase contracts below \$10,000, but seemingly requires competitive bidding for purchase contracts above \$10,000 which is certainly something that the Town is entitled to do, but it's equally certainly not something that the Town is required to do by the statute. What had caught my eye about that was the big ticket item of the grant that was accepted eleven months ago was \$13,500 for records management. If you looked at the statute you would see that competitive bidding is not required, look to the Town Procurement Policy. Look to the Town Procurement Policy and you would see that competitive bidding is required because it's above \$10,000 although I understand that there is a provision for dispensing with competitive bidding in the exceptional case of a professional service contract. But I will simply conclude by saying it struck me as odd that the Town Procurement Policy requiring competitive bidding in a case where the state statute doesn't require it. I gathered that this goes back 2014 as far as I could reconstruct from the Minutes that are available on the website. Thank you for your courtesies.

**Councilmember Downes:** Well, just keep in mind, too, that we can always go more stringent if we choose to. We cannot be more lenient as we cannot make it \$25,000.

**James Eckl:** I understand very well.

**Councilmember Downes:** That being said that the other thing is that \$20,000 in a municipality, say the City of Albany, is miniscule. \$10,000 for us as a very small town is large. It's a large part of our budget. We need to be able to express that we've taken great concern with this and had said that we need the three bids because this is a large part of our budget and that's why it was probably made over the \$10,000. It makes sense for a small town as us to make it more stringent for that reason.

**James Eckl:** I understand it's a legitimate policy decision and I make no criticism but I was rather puzzled to see that at one point the Town policy attract the numbers in the statute and then receded by that.

**Deputy Supervisor Dellisanti:** Superseded.

**James Eckl:** Thank you for your attention. Thank you for your explanation.

**Supervisor Ruso:** Just to add as a point of that is that we recognize our total Town budget, General Fund, not including the subordinate Sewer and of the like, is \$1.7 million so \$17,000 is one percent. So going to 20 percent is over 1 percent of our entire Town budget if the \$20,000 stuck with that. That was one of the thoughts we had when we put that together back five years now. That's not all of the thoughts, but that was some of them. Please proceed.

**Janet Kash:** And this is just a follow up to Jim. We kind of looked at what the state did, I think it was 2016 in a budget bill, they allowed municipalities to raise their Procurement Policies to \$20,000 before they went out to competitive bidding. But in the case of a grant that's coming from the State like the OCA does, is there any reason to hold that to the \$10,000 threshold when the State allows for \$20,000?

**Kelly Downes:** Because the Court is part of the Town and they must follow a Procurement Policy that we have in place. It doesn't matter whether it's the Courts, whether it's the Highway Department. Everyone must follow our Procurement Policy because if the State comes in, they will find fault and we can be in trouble for that audit for them not following the Procurement Policy. So, yes, they are with the Office of Court Administration, but ultimately

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they're responsible to us as the Board and they need to follow the policies of the Town of New Baltimore.

**Janet Kash:** That's understandable.

**Councilmember VanEtten:** And I might also add that the Town Board when they've gotten grants has also had to follow the Procurement Policy and get the three bids for over \$10,000 and we have.

**Supervisor Ruso:** For the Parks.

**Councilmember VanEtten:** Playground.

**Janet Kash:** But is there any particular reason why you didn't choose to go to the \$20,000 with the competitive bidding when it was done under federal municipal law?

**Councilmember VanEtten:** Yes, Kelly just explained.

**Supervisor Ruso:** We didn't want to go quite as far as that because, even though Kelly wasn't there, that captures that rather well. \$20,000 is a big chunk for New Baltimore versus find somebody else, bigger of course.

**Janet Kash:** I just was wondering if it was different since you were getting state money that actually wasn't coming out of the coffers of the Town, it was coming out of the State from the Office of Court Administration.

**Councilmember Downes:** But we are still responsible for signing off on it that money and we have to follow the Procurement Policy. Unfortunately, that's my forte. That's what I do for a living is the auditing for the State.

**Janet Kash:** Perfect.

**Councilmember Downes:** So we do need to keep in mind that we have to follow these policies. There's a reason that they're in place and once again \$20,000 is a huge part of our budget you know and we have to protect the money for the taxpayers.

**Janet Kash:** Understood.

**Aline Galgay, Esq.:** If I can also add this is one grant, there are many different kinds of grants that come in, some of which are reimbursement grants where the towns expends the money with the hope and understanding that we're going to be reimbursed or you're going to be reimbursed through whatever entity whether it's the Environmental Facilities Corporation, OCA, and so they all have to be consistent across the board. So the procurement levels have to remain consistent. There are ways to maneuver that and adjust that which I have been working with Judge Meacham on, but that's another reason because even though it's a grant, and even though the source of the money may be elsewhere, there are many different types of grants and so all of those different types of grants and all of those different sources of funding all have to be subject to the same qualification.

**Janet Kash:** Okay, understood. My concern is that I think this grant came from the state a year ago this month and it's nice to know that something apparently is going forward with it.

**Aline Galgay, Esq.:** A lot has.

**Janet Kash:** So thank you very much for that.

**Correspondence**

**New York State Department of Agriculture and Markets:** 'Enclosed is the **Dog Control Officer Inspection Report** completed on 01/23/2019. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website below. As the report indicates, DCO services were rated "Satisfactory". Please make note of any comments listed

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on the report. Dog control officer services are subject to inspection by this agency on a regular basis. Please notify this office within 30 days of any changes in DCO services.' '1. Equipment is available for proper capture and holding Yes 2. Dogs are held and transported safely Yes 3. Equipment maintained in clean and sanitary condition Yes 4. Veterinary care is provided when necessary Yes 5. Dogs are euthanized humanely Yes 6. Complete seizure and disposition records are maintained for all seized dogs Yes 7. Dogs transferred for purposes of adoption in compliance with Article 7 Not Applicable 8. Redemption period is observed before adoption, euthanasia or transfer Yes 9. Owners of identified dogs are properly notified Yes 10. Redeemed dogs are licenses before release Not Applicable 11. Proper impoundment fees paid before dogs are released Not Applicable'

**Supervisor Ruso:** Nevertheless we got a good report; Satisfactory is as good as they get.

**New Business**

**TOWN OF NEW BALTIMORE, COUNTY OF GREENE**

**RESOLUTION 54-2019**  
**FEBRUARY 11, 2019**

**RESOLUTION TO APPROVE ANNUAL REVIEW OF ACCOUNTS  
FOR TAX COLLECTOR, TOWN CLERK, TOWN SUPERVISOR,  
AND TOWN COURT**

**WHEREAS** Town Law Section 123 requires each town officer or employee who has received or disbursed any monies to produce all supporting books, records, receipts, warrants, vouchers and cancelled checks as authorized by Section 29 of the General Municipal Law.

**WHEREAS** Supervisor Jeffry Ruso and Councilmember Kelly Downes, Chair and Member of the Audit and Budget Committee, and Deputy Supervisor Nicholas Dellisanti completed the Annual Review of the financial records of the Tax Collector and Town Clerk on Saturday, February 2, 2019 and the Town Court and Town Supervisor on Saturday, February 9, 2019.

**RESOLVED** the Town Board accepts the Annual Review for said departments for the period of January 1, 2018 to December 31, 2018.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

**Supervisor Ruso:** I just want to make sure it's clear that when reviewing my books that Deputy Supervisor Dellisanti and Councilmember Downes were the ones that reviewed mine. I wouldn't think it was fair to review my own.

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Briody (Work)

**Motion Carried**

**Supervisor Ruso:** And they're all there for your review guys.

**TOWN OF NEW BALTIMORE, COUNTY OF GREENE**

**RESOLUTION 55-2019**  
**FEBRUARY 11, 2019**

**RESOLUTION TO AUTHORIZE APPLICATION FROM  
THE BANK OF GREENE COUNTY**

**RESOLVED** Supervisor Jeffry Ruso and Councilmember Shelly VanEtten are authorized to submit an application to The Bank of Greene County on behalf of the Summer Recreation Program and the Veterans Committee for 2019.

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**Supervisor Ruso:** The grant proposals are attached.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Briody (Work)

**Motion Carried**

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 56-2019

FEBRUARY 11, 2019

**RESOLUTION TO AUTHORIZE THE TOWN OF NEW BALTIMORE TO  
PARTICIPATE IN COUNTY HIGHWAY PURCHASES**

**WHEREAS** Greene County has contracted for certain highway materials, equipment and supplies for 2019 and has adopted Resolution No. 24-19 on January 16, 2019 authorizing municipalities to participate in County highway purchases.

**WHEREAS** the Highway Superintendent will continue to follow the Procurement Policy adopted on January 1, 2019.

**RESOLVED** that the Town Board hereby authorizes the Highway Superintendent to purchase certain highway materials, equipment and supplies during the year 2019, subject to the rules heretofore and hereafter adopted by the County pursuant to Section 408-A of the County Law.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Briody (Work)

**Motion Carried**

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 57-2019

FEBRUARY 11, 2019

**RESOLUTION TO APPROVE MID-HUDSON CABLEVISION  
INCREASE IN MONTHLY RATE**

**WHEREAS** the Town Board by Resolution 152-2016 approved broadband services at the Wastewater Treatment Plant as mandated by an audit from the New York State Department of Environmental Conservation with monthly charges for same by Resolution 156-2016.

**WHEREAS** the Town Board approved a \$3 increase in the monthly rate by Resolution 67-2017 on February 13, 2017.

**RESOLVED** the Town Board approves a \$4 increase in monthly charges by Mid-Hudson Cablevision beginning with service from January 23-February 22, 2019.

**Supervisor Ruso:** Okay so our rates went up \$4.

Motion by Supervisor Ruso seconded by Councilmember Irving

**Councilmember Downes:** So we went up \$7. Is that what I'm seeing?

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**Supervisor Ruso:** \$3 last year, actually it was two years ago it went up by \$3 so it's up by \$4 this year.

**AYES:** Ruso, Downes, Irving, VanEtten

**NAYS:**

**ABSTAIN:**

**ABSENT:** Briody (Work)

**Motion Carried**

**TOWN OF NEW BALTIMORE, COUNTY OF GREENE**

**RESOLUTION 58-2019**

**FEBRUARY 11, 2019**

**RESOLUTION TO REVISE 2019 COMMITTEE APPOINTMENTS**

***RESOLVED***, that the Town Board does hereby establish the following Town Committees and appointments to said Committees for the year 2019:

Agriculture Committee	Chair: Rob VanEtten Member: Chuck Irving
AgFest Liaison	Member: Chuck Irving
Animal Control	Chair: Chuck Irving Member: Jeff Ruso
Assessment	Chair: Shelly VanEtten Member: Jeff Ruso
Audit and Budget	Chair: Jeff Ruso Member: Kelly Downes
Buildings & Grounds/Recycling	Chair: Chuck Irving Member: Scott Briody
Building Inspector/Code Enforcement Officer	Chair: Shelly VanEtten Member: Scott Briody
Fire, EMS and Law Enforcement	Chair: Nick Dellisanti Member: Kelly Downes
Grants/Promotions/Economic Development	Chair: Shelly VanEtten Member: Jeff Ruso
Greene County EMS Representative	Nick Dellisanti
Greene County EMS Deputy Representative	Jeff Ruso
Greene County Planning Board:	Chuck Irving
Highway	Chair: Jeff Ruso Member: Scott Briody
Insurance:	Chair: Jeff Ruso Member: Kelly Downes
Personnel:	Chair: Jeff Ruso Member: Shelly VanEtten
Planning Board/Zoning Board of Appeals	Chair: Chuck Irving Member: Jeff Ruso



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Seniors	Chair: Shelly VanEtten Member: Jeff Ruso
Technology/Website	Chair: Scott Briody Member: Kelly Downes
Town Courts Liaison	Chair: Shelly VanEtten Member: Scott Briody
Veterans and Memorials	Chair: Shelly VanEtten Member: Chuck Irving
Wastewater Treatment	Chair: Chuck Irving Member: Scott Briody
Youth, Parks and Recreation	Chair: Shelly VanEtten Member: Scott Briody

**Supervisor Ruso:** I think the previous edition had suggested that some of the people here were Town Board members which they are not.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Briody (Work)

**Motion Carried**

**TOWN OF NEW BALTIMORE, COUNTY OF GREENE**

**RESOLUTION 59-2019**

**FEBRUARY 11, 2019**

**RESOLUTION TO APPROVE APPOINTMENT OF  
TOWN EMPLOYEE**

**WHEREAS** employees are required under §25 of the Town Law to undertake an Oath of Office within 30 days of their appointment to said position.

**RESOLVED** the Town Board of the Town of New Baltimore reappoints Hugh Sterritt in the Highway Department pending the filing of an Oath of Office with the Town Clerk, retroactive to January 31, 2019.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Briody (Work)

**Motion Carried**

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 60-2019  
FEBRUARY 11, 2019

**RESOLUTION TO ENTER INTO AGREEMENT WITH  
RODENHAUSEN CHALE LLP FOR BOND COUNSEL SERVICES FOR THE  
TOWN OF NEW BALTIMORE SEWER DISTRICT NO. 1  
SEWER SYSTEM IMPROVEMENT PROJECT**

**WHEREAS** the Town Board of the Town of New Baltimore, Greene County, New York appointed Rodenhausen Chale LLP as Bond Counsel by resolution on July 14, 2014.

**WHEREAS** Bond Counsel services will be required with the Town of New Baltimore Sewer District No. 1 Sewer System Improvement Project.

**RESOLVED** that the Town Supervisor is authorized and directed to execute the engagement agreement with Rodenhausen Chale LLP for bond counsel services for the Town of New Baltimore Sewer District No. 1 Sewer System Improvement Project as per the attached agreement.

**Supervisor Ruso:** Well, you see the agreement there folks. I'll have to sign it when we're done.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Briody (Work)

**Motion Carried**

Law Offices of

**Rodenhausen Chale LLP**

20 Spring Brook Park  
Rhinebeck, New York 12572

December 26, 2018

Town of New Baltimore  
3809 County Route 51  
Hannacroix, New York 12087

Attn: Supervisor Jeffrey R. Ruso

Re: Bond Counsel Services in Connection with Town of New Baltimore  
Clean Water Project (Town of New Baltimore Sewer District No 1  
Sewer System Improvement Project)

Dear Supervisor Ruso:

The letter supplements our letter dated June 4, 2014, as supplemented January 8, 2016, regarding our services as bond counsel in connection with the above matter. Based upon our current understanding of the terms, structure, size and schedule of the financing of the Project, and the duties we will undertake pursuant to this letter, our fees as bond counsel are estimated not to exceed \$22,350, an increase of \$3,750. Our fee may vary if material changes in the structure of the financing occur, or if unusual or unforeseen circumstances arise which require a significant increase in our time or responsibility. If we believe that circumstances require an adjustment of our fee, we will consult with you. In addition, we will expect to be reimbursed for our necessary disbursements.

We look forward to working with you.

Very truly yours,

  
Christine M. Chale

AGREED AND ACCEPTED  
this \_\_\_\_ day of \_\_\_\_\_, 201\_\_

TOWN OF NEW BALTIMORE

By: \_\_\_\_\_  
Supervisor Jeffrey R. Ruso

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 61-2019  
FEBRUARY 11, 2019

**RESOLUTION TO ENTER INTO AGREEMENT WITH  
DELAWARE ENGINEERING FOR ENGINEERING SERVICES FOR THE  
TOWN OF NEW BALTIMORE SEWER DISTRICT NO. 1  
SEWER SYSTEM IMPROVEMENT PROJECT**

**WHEREAS** the Town Board of the Town of New Baltimore, Greene County, New York has appointed Delaware Engineering for Engineering Services for the Mill Street Pump Station Project.

**WHEREAS** engineering services will be required with the Town of New Baltimore Sewer District No. 1 Sewer System Improvement Project.

**RESOLVED** that the Town Supervisor is authorized and directed to execute an amendment to the Owner-Engineer Agreement with Delaware Engineering for engineering services for the Town of New Baltimore Sewer District No. 1 Sewer System Improvement Project as per the attached agreement.

Motion by Supervisor Ruso seconded by Councilmember Irving

**Supervisor Ruso:** (To Robert Flores) Is that why you're here tonight?

**Robert Flores:** Just to answer questions.

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Briody (Work)

**Motion Carried**

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**AMENDMENT TO OWNER-ENGINEER AGREEMENT**  
Amendment No. \_\_\_\_\_

The Effective Date of this Amendment is: 12/26/2018.

Background Data

Effective Date of Owner-Engineer Agreement:

Owner: Town Of New Baltimore

Engineer: Delaware Engineering, D.P.C.

Project: WWTP Upgrades

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- X   Additional Services to be performed by Engineer  
      Modifications to services of Engineer  
      Modifications to responsibilities of Owner  
      Modifications of payment to Engineer  
      Modifications to time(s) for rendering services  
      Modifications to other terms and conditions of the Agreement

Description of Modifications:

Add construction phase services.

Agreement Summary:

Original agreement amount:	\$ <u>191,920.00</u>
Net change for prior amendments:	\$ <u>0</u>
This amendment amount:	\$ <u>164,625.00</u>
Adjusted Agreement amount:	\$ <u>356,545.00</u>

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The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

Town of New Baltimore

Delaware Engineering, D.P.C.

By: \_\_\_\_\_

By: Roberto Flores

Print \_\_\_\_\_

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name: Jeff Ruso

name: Roberto Flores, P.E.

Title: Supervisor

Title: Senior Project Manager

Date Signed: \_\_\_\_\_

Date Signed: 12/26/2018

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COUNTY OF GREENE      Adopted 2/25/19  
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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 62-2019  
FEBRUARY 11, 2019

**RESOLUTION TO APPROVE EMERGENCY PURCHASE  
AT THE WASTEWATER TREATMENT PLANT**

**WHEREAS** the Town Board adopted a Procurement Policy on January 1, 2019 concerning the procurement of goods and services.

**WHEREAS** the rotor in the aeration ditch seized up and the other rotor is offline and cannot be repaired. In order to facilitate continued operation of the plant, the old bearing and housing were cut out and replaced.

**WHEREAS** due to the emergency condition of this purchase and according to Procurement Policy 6 b, Section 103(4) of the General Municipal Law, this repair had to be performed immediately and an alternative proposal might threaten the life, health, safety or welfare of the residents.

**BE IT RESOLVED** that the Town Board of the Town of New Baltimore approves said emergency purchase from Flach Industries for \$2,580.00, Purchase Order No. WWT-2019-7, and Voucher No. 2019-02-48.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

**Supervisor Ruso:** I know there's been some people asking about Procurement Policies. Some of the Emergency Purchases such as this waives much of the bidding requirement so that regardless of what the price would have been. I think most people in the hamlet would appreciate this.

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Briody (Work)

**Motion Carried**

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 63-2019  
FEBRUARY 11, 2019

**RESOLUTION TO APPROVE EMERGENCY PURCHASE  
FOR THE HIGHWAY DEPARTMENT**

**WHEREAS** the Town Board adopted a Procurement Policy on January 1, 2019 concerning the procurement of goods and services.

**WHEREAS** the radiator in the 1997 International snowplow was leaking badly and as a first line plow truck, repair had to be made quickly due to upcoming weather situations.

**WHEREAS** due to the emergency condition of this purchase and according to Procurement Policy 6 b, Section 103(4) of the General Municipal Law, this repair had to be performed immediately and an alternative proposal might threaten the life, health, safety or welfare of the residents.

**BE IT RESOLVED** that the Town Board of the Town of New Baltimore approves said emergency purchase from Ben Funk for \$2,080.21, Purchase Order No. H-2019-18, and Voucher No. 2019-02-36.

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Motion by Supervisor Ruso seconded by Councilmember Downes  
AYES: Ruso, Downes, Irving, VanEtten  
NAYS:  
ABSTAIN:  
ABSENT: Briody (Work)  
**Motion Carried**

**TOWN OF NEW BALTIMORE, COUNTY OF GREENE**

**RESOLUTION 64-2019**  
**FEBRUARY 11, 2019**

**RESOLUTION AUTHORIZING EXPENDITURES PROPOSED BY  
TOWN JUSTICES TO BE FUNDED BY A GRANT RECEIVED BY THE  
OFFICE OF COURT ADMINISTRATION FOR THE TOWN JUSTICE COURT**

**WHEREAS** the Town of New Baltimore Justice Court received grant monies from the New York State Office of Court Administration in 2018.

**RESOLVED** the Town Justices have proposed the expenditure for the following items in accordance with the Town's Procurement Policy adopted January 1, 2019 and with approval by the Attorney for the Town.

COMPANY	DESCRIPTION	PRICE
CIA Security	Video Surveillance, Alarm System, and Related Items for System Installation	\$1,593.20
JJJ-Locksmithing	Deadbolt and Rekeying	68.50
Total Security Solutions	24 x 36 Transaction Window with Voice Port, Tray, Countertop, Gaskets, Fasteners, Submittal Drawings, Crate, and Freight	\$1,717.00

Motion by Supervisor Ruso seconded by Councilmember VanEtten

**Councilmember Downes:** The Total Security Solutions, there is no...it's only the actual window it's no installation on this?

**Aline Galgay, Esq.:** Correct and so that's what I was just going to get. (To Judge Meacham) Judge did we, forgive me because we were trying to get the rest of it today...

**Judge Meacham:** I spoke with the contractor who is doing the installation, who was the low bid on the installation, he did say that he would amend his contract agreement to include those items that were assumed in the agreement which would include the painting, the patching, the priming for the installation.

**Aline Galgay, Esq.:** Do you know what the lead time is on the window?

**Judge Meacham:** Six to eight weeks after the deposit is given. I think that information is in the contract too.

**Aline Galgay, Esq.:** The only reason I ask I just want to explain to the Board. So one of the other things we were working on is the installation which is separate from the window and the Court submitted two estimates. The one estimate was very detailed in what it was going to cover and the other one was very generic so I had asked Judge Meacham if he could go back and at least get...he had spoken to him and orally he verified that all of those items were included, but for purposes of auditing we wanted to make sure it was done. My concern was if the window only took two weeks then we...

**Judge Meacham:** The installation is not an issue obviously. The window is the most time time constraint.

**Aline Galgay, Esq.:** Perfect so as long as we can go ahead with that.

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**Judge Meacham:** We can get the window ordered and worry about the installation at a later date.

**Aline Galgay, Esq.:** And the other thing that I just want to point out to the Board because I don't know how we can handle this, were you able to get any addition information regarding the extension of the OGS contract?

**Judge Meacham:** I have not yet.

**Aline Galgay, Esq.:** Okay, so getting to your point, Mr. Eckl, regarding competitive bidding and when at certain levels of expenditures we don't have to go to competitive bid, one of the things that I had asked the Court is if the records management, which is the big ticket item on their grant and which is over that \$10,000 mark, can be done through an OGS-approved vendor then we don't have to go through competitive bidding. What the Court was able to provide was the Agreement for OGS with the Office of Disability Services which includes the vendor that they have chosen. The problem is due to the date that it got to us, that Agreement actually expired, but it's subject to an extension and we just have to get written proof that it was extended. I'm assuming it's extended and that's not going to be an issue, but for purposes of the Board, the Board can't approve an expenditure based on a contract that's expired.

**Judge Meacham:** Right. We're still waiting for a written contract of approval from the State so hopefully we will receive that before the end of the month.

**Aline Galgay, Esq.:** That's my only concern was just from the standpoint of timing now that we've gotten this far.

**Judge Meacham:** I appreciate your work on that. I know it took many hours of reading and research and so thank you very much for your communications.

**Aline Galgay, Esq.:** That's what Sunday afternoons are for. No, I do and I just want to say once we were able to sort of get everything very methodical and organized, we were able to just nail it down and I think that everyone had tried to do that. I tend to be really anal...

**Judge Meacham:** That's helped.

**Aline Galgay, Esq.:** So my OCD sort of helped a little bit I guess. So hopefully what will be before the Board will be that little bit of additional information so that the window installation's going to be very simple and with the OGS, it's actually you're just approving that amount based on the OGS contract which is the preferred vendor through the State. And I should say I want to correct myself. It's not the Office for the Disabilities Services it's the State Industries for the Disabled. I always think of Center for the...

**Justice Meacham:** Any other questions?

**Supervisor Ruso:** Thank you. Any discussion up here from the Board?

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Briody (Work)

**Motion Carried**

**TOWN OF NEW BALTIMORE, COUNTY OF GREENE**

**RESOLUTION 65-2019**  
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**RESOLUTION TO AUTHORIZE SUPERVISOR TO PAY AUDITED CLAIMS**

**WHEREAS** the Town Clerk has presented claims to the Town Board for audit and review, and



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**WHEREAS** the Town Board has audited claims 2019-02-01 to 2019-02-52, it is

**RESOLVED** that the Supervisor is hereby authorized to pay claims 2019-02-01 to 2019-02-52.

**BE IT FURTHER RESOLVED** that the Town Clerk will prepare an abstract and hold it for public review until April 30, 2019.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Briody (Work)

General \$640,427.89 which includes the tax payments to the Medway Grapeville and New Baltimore Fire Districts, Highway \$12,994.89, Sewer 1 \$4,236.33, Sewer 2 \$317.01, Water 2 \$5,847.03, Water 3 \$185.38, Lighting 1 \$1,664.47, Lighting 2 \$149.33, Total \$665,822.33

**Upcoming Meetings**

- February 14, 2019 Planning Board Meeting at 7:00 PM
- February 17, 2019 Veterans Luncheon at Cornell Hook & Ladder Fire Company at 12 Noon
- February ~~19~~ 18, 2019 Town Hall Closed in Observance of Presidents' Day
- February 21, 2019 Friends of New Baltimore Recreation at Red's Restaurant at 5:30 PM
- February 25, 2019 Town Board Work Meeting at 7 PM
- March 6, 2019 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- March 11, 2019 Town Board Regular Meeting at 7 PM
- March 14, 2019 Planning Board Meeting at 7 PM
- March 25, 2019 Town Board Work Meeting at 7 PM
- March 27, 2019 Rabies Clinic at Medway-Grapeville Firehouse from 6-8 PM

**Public Comment Period/Community Events**

None

On a motion by Councilmember VanEtten seconded by Councilmember Downes, the meeting was adjourned at 7:38 PM.

AYES: Ruso, Downes, Irving, VanEtten

NAYS:

ABSTAIN

ABSENT: Briody

**Motion Carried**

**Supervisor Ruso:** Thank you everybody.

Respectfully Submitted,



Barbara M. Finke RMC

Town Clerk