

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

JANUARY 13, 2020

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Moment of Silence for Harriet Miller, Part-Time Wastewater Treatment Plant Employee since 2005

Approval of Minutes

- December 23, 2019 Town Board Work Meeting
- January 1, 2020 Organizational Meeting

Public Comment Period

New Business

- Resolution to Increase Rate of Pay for Justice Clerk
- Resolution to Establish Water District #2 Use Charges for 2020
- Resolution to Establish Water District #3 Use Charges for 2020
- Resolution to Establish Sewer District #1 Use Charges for 2020
- Resolution Setting Public Hearing for a Proposed Local Law to Establish a New Schedule of Real Property Tax Exemptions for Persons Sixty-Five (65) Years of Age or Over and Persons with Disabilities and Limited Incomes
- Resolution to Approve Emergency Purchase at the Highway Department
- Resolution to Approve Interfund Transfer of Budgeted Amounts
- Resolution to Authorize Use of Engineering Firm for Solar Project
- Resolution to Appoint Supervisor's Confidential Secretary
- Audit of Claims

Upcoming Meetings

- January 27, 2020 Town Board Work Meeting at 7 PM
- February 5, 2020 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- February 10, 2020 Town Board Work Meeting at 7 PM
- February 13, 2020 Planning Board Meeting at 7 PM
- February 24, 2020 Town Board Work Meeting at 7 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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OPENING OF REGULAR MEETING

Supervisor Ruso opened the meeting at 7:00 PM and the Pledge of Allegiance was said. Also attending Councilmembers Boehlke, Downes, Irving, and VanEtten, Deputy Supervisor Dellisanti, Town Clerk Finke, Highway Superintendent VanWormer, and 5 members of the public who signed the attendance book. Absent: Tax Collector Jordan

Supervisor Ruso: Remain standing please just for a moment. One of our Town employees has recently passed, Harriet Miller, who worked at the Wastewater Treatment Plant since 2005. So if we could have a Moment of Silence on behalf of Harriet. Thank you.

ADOPTION OF MINUTES

The December 23, 2019 Town Board Work Meeting submitted by Town Clerk Finke, Moved by Supervisor Ruso and was seconded by Councilmember Boehlke. The adoption of the foregoing Motion was duly put to a vote and vote was as follows:

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

The January 1 Organizational Meeting submitted by Town Clerk Finke, Moved by Supervisor Ruso 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, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

PUBLIC COMMENT PERIOD

Ellie Alfeld: I'm a little confused and I'd like to know if the Board has any decision. The energy farms, solar farms that are coming into the Town in numerous avenues, how are they rated as far as our zoning is concerned? Are they?

Supervisor Ruso: The Planning Board's reviewing all that stuff as it relates to the zoning. All of them so far has not come before us, but I have a recollection that they are within the zoning.

Ellie Alfeld: As what? I mean from what I can gather looking at their plans, it looks like it's all gonna be in residential agricultural areas.

Supervisor Ruso: Certainly not the two on 9W, that's more commercial.

Ellie Alfeld: Well, I don't know how far back the one on the Courts' property is. Is it close to 9W?

Councilmember VanEtten: It is I'm not sure.

Supervisor Ruso: It won't be viewable from 9W with the berms, but the one of the east side with the hillside you won't see it either.

Ellie Alfeld: I realize that.

Supervisor Ruso: I think that is being reviewed with consideration of all the zoning rules at the Planning Board meeting.

Ellie Alfeld: Right well we know that 9W corridor is commercial. So are they commercial and do they fit in that pattern or are they in an ag district or in a residential? I mean it just seems to me we should have some ID of the thing that's it.

James Eckl: I said on the card that my remarks were directed toward Nexamp, but I'll hope you'll allow me to digress a little bit by way of an introduction, though. As I understand the

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Community Choice Aggregation or CCA deal requires that the local government pass a local law whereupon it can then act essentially on behalf of the residents to work out a deal and this Board did that on July 25, 2016. The law is in place, the deal is in place, and the reason I mention my interest in the necessity for a local law is that I am wondering if the Community Distributed Generation or CDG deal that the representative of Nexamp discussed at the December 23 meeting, I'm wondering if that also requires the enactment of a local law by this body.

Supervisor Ruso: I don't see where it needs to be, however, that was merely a presentation. We don't have a resolution before us to accept their proposal just so you know and I dare say we probably won't for quite some time. That was their presentation to us as opposed to a program that will be put into place. That'll be decided by us, but that's to be determined.

James Eckl: That leads to my second question, sir, if I may is that if a CDG deal is a deal between the consumer and the supplier directly does this body have a role at all and if so why is the presentation being made? I sat here and watched it on December 23 and I'm wondering why a presentation was indicated to be made to this Board if this Board doesn't have a role to play.

Supervisor Ruso: Only because it was related to the GoodEnergy people and it would be administered by the same folks with this Nexamp people involved. At least the perspective, I didn't get the preference of the Board, but based upon my observations of the presentation I'm doubtful that it will be coming to the Board as a resolution.

James Eckl: I would not ask you to prejudge it, sir, not at all. That wasn't my plan.

Supervisor Ruso: No, based upon what I know. I'm not prejudging it. Based upon what I know already. The presentation did not overwhelm me.

James Eckl: Can we be confident that if this matter progresses any that it will be well-publicized to the community?

Supervisor Ruso: It will be publicized in the same fashion as we currently publicize it. Thank you very much.

James Eckl: Thank you, sir.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 36-2020
JANUARY 13, 2020

RESOLUTION TO INCREASE RATE OF PAY FOR JUSTICE CLERK

WHEREAS the Organizational Meeting held on January 1, 2020 did not include the probationary increase for the Justice Clerk

RESOLVED her rate of pay will increase to \$16.82 per hour effective January 1, 2020.

Motion by Supervisor Ruso seconded by Councilmember Boehlke

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 37-2020
JANUARY 13, 2020

RESOLUTION TO ESTABLISH WATER DISTRICT #2 USE CHARGES FOR 2020

BE IT RESOLVED that the Town Board hereby establish the following fees in accordance with the 2020 Budget for Water District #2:

Operation and Maintenance	\$40.00 Annually
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Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 38-2020
JANUARY 13, 2020

RESOLUTION TO ESTABLISH WATER DISTRICT #3 USE CHARGES FOR 2020

BE IT RESOLVED that the Town Board hereby establish the following fees in accordance with the 2020 Budget for Water District #3:

User Fees Minimal Rate	\$1,788.16 Annually
Operation and Maintenance	\$300.00 Annually

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 39-2020
JANUARY 13, 2020

RESOLUTION TO ESTABLISH SEWER DISTRICT #1 USE CHARGES FOR 2020

BE IT RESOLVED that the Town Board hereby establish the following fees in accordance with the 2020 Budget for Sewer District #1:

Debt Service	\$26.7749
Operation and Maintenance	\$35.9150

Motion by Supervisor Ruso seconded by Councilmember Irving

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 40-2020
JANUARY 13, 2020

**RESOLUTION SETTING PUBLIC HEARING FOR A PROPOSED LOCAL LAW TO
ESTABLISH A NEW SCHEDULE OF REAL PROPERTY TAX EXEMPTIONS
FOR PERSONS SIXTY-FIVE (65) YEARS OF AGE OR OVER
AND PERSONS WITH DISABILITIES AND LIMITED INCOMES**

BE IT RESOLVED, that the Town Board of the Town of New Baltimore will hold a Public Hearing on January 27, 2020 at 6:45 PM at the Town Hall, 3809 County Route 51, Hannacroix, New York to hear those members of the public who wish to be heard regarding proposed Local Law 1 of 2020, a Local Law to establish a new schedule of real property tax exemptions for persons sixty-five (65) years of age or over and persons with disabilities and limited incomes.

PROPOSED LOCAL LAW #1 OF 2020

**A LOCAL LAW TO ESTABLISH A NEW SCHEDULE OF REAL PROPERTY TAX
EXEMPTIONS FOR PERSONS SIXTY-FIVE (65) YEARS OF AGE OR OVER AND
PERSONS WITH DISABILITIES AND LIMITED INCOMES**

BE IT ENACTED by the Town Board of the Town of New Baltimore, as follows:

SECTION 1. This Local Law is adopted pursuant to the authority of Real Property Tax §459© and §467. All definitions, terms and conditions of such statute shall apply to this Local Law and are incorporated herein.

SECTION 2. Local Law #1 of 2019 is HEREBY REPEALED.

SECTION 3. The Town Board of the Town of New Baltimore does hereby establish the following sliding scale of property tax exemptions for real property owned by persons sixty-five (65) years of age or over and for real property owned by a person with a disability whose income is limited by such disability, and used as the legal residence of such person, based on the income limits set forth below:

<u>Maximum Income Limit</u>	<u>Property Tax Exemption</u>
\$29,000.00	50%
\$29,000.01-\$29,999.99	45%
\$30,000.00-\$30,999.99	40%
\$31,000.00-\$31,999.99	35%
\$32,000.00-\$32,899.99	30%
\$32,900.00-\$33,799.99	25%
\$33,800.00-\$34,699.99	20%
\$34,700.00-\$35,599.99	15%
\$35,600.00-\$36,499.99	10%
\$36,500.00-\$37,399.99	5%

SECTION 4. Any person who qualifies for a property tax exemption as a person with a disability shall not be eligible for a property tax exemption as a person who is sixty-five (65) years of age or over.

SECTION 5. The maximum income limit set forth in Section 3 above shall be offset by medical and prescription drug expenses actually paid which are not reimbursed or paid for by insurance.

SECTION 6. This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State.

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Councilmember Boehlke: So, Jeffry, when we talk about income, are we talking about IRS adjusted taxable or gross? Do you know offhand, just curious?

Supervisor Ruso: It's your IRS reported income.

Councilmember Boehlke: That would be tax adjusted.

Councilmember Downes: AGI.

Motion by Supervisor Ruso seconded by Councilmember Boehlke

Ellie Alfeld: Is this the same schedule Greene County puts down for amounts?

Supervisor Ruso: Yes.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: So we'll have an opportunity for more public commentary on the night of the 27th at 6:45 PM.

Eilleen Vosburgh: Is that a combined income? Husband and wife or is it just the person?

Supervisor Ruso: Yes.

Eilleen Vosburgh: It is, thank you.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 41-2020

JANUARY 13, 2020

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

WHEREAS the Town Board adopted a Procurement Policy on January 1, 2020 concerning the procurement of goods and services.

WHEREAS it was determined that the exhaust manifold was allowing exhaust to enter the cab of the truck during operation and needed to be repaired for continued use during snowplowing.

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, Inc. for \$2,257.73, Purchase Order No. H-2020-7, and Voucher No. 2020-01-29.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

Councilmember Downes: Did this go south during a snowstorm? Is that what happened?

Highway Superintendent VanWormer: Yes, we were able to finish up with it. They took it in after the snowstorm and fixed it before the next one.

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Councilmember Downes: Okay, so that's why it was on the emergency side otherwise we would just do it as a maintenance-type thing correct?

Supervisor Ruso: Well, we would have gone through a procurement process to find a lower price alternative typically, but the opportunity for that did not exist. Any further discussion?

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 42-2020
JANUARY 13, 2020

RESOLUTION TO APPROVE INTERFUND TRANSFER OF BUDGETED AMOUNTS

WHEREAS the Town Board budgeted for expected costs for employee health insurance costs in 2019 for the highway department.

WHEREAS subsequent to the finalization of the 2019 budget, a highway employee decided to retire.

WHEREAS upon retirement, the cost of health insurance becomes charged to the town general fund, which in effect caused the highway department health insurance fund to be over budgeted and by adding those costs to the town general fund caused the town general fund to be under budgeted;

BE IT RESOLVED that the Town Board authorizes the transfer of funds from account DA9060.8 to account A9060.8 for the budget year 2019 to the total of \$16,000.

Motion by Supervisor Ruso seconded by Councilmember Boehlke

Supervisor Ruso: It's rather straightforward. We put money in the Highway insurance fund, but the employee moved to the... And just as a point for everyone to know that it costs \$16,600 a year for the cost of health insurance per employee. So when you have a retirement and you replace somebody, you're adding \$16,000...

Ellie Alfeld: Not a family plan.

Supervisor Ruso: Actually this one had a two-person on the plan not a full family.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 43-2020
JANUARY 13, 2020

**RESOLUTION TO AUTHORIZE USE OF ENGINEERING FIRM
FOR SOLAR PROJECT**

WHEREAS the Town Planning Board has been seeking an engineering firm to assist with the required engineering evaluation for solar projects currently under consideration and for other possible solar projects;

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WHEREAS the Town of New Baltimore Planning Board and the Attorney for the Planning Board have reviewed two proposals from engineering firms;

BE IT RESOLVED that the Town Board authorizes the Planning Board of the Town of New Baltimore to contract with Crawford & Associates Engineering, PC for said solar projects.

Councilmember Boehlke: Are we limited to one. I thought we were looking at three possibilities?

Councilmember VanEtten: They were.

Supervisor Ruso: We actually had, this is the fifth possibility, and we end up with two out of the five and for a number of reasons, well for costs and of the like, this one was the chosen one by the Planning Board. So there were five in total, then there were three, then there were two, and now we have to make our choice. You don't want more than one engineering firm per project.

Aline Galgay, Esq.: Only two expressed interest. We solicited five, but only two came back.

Councilmember Boehlke: Well, okay. I figured we might want to keep like two on retainer in the event that one cannot respond.

Aline Galgay, Esq.: So for the two applications that are before the Planning Board now, it would be good since these are the first two projects for the engineer to be able to work with the Planning Board on both of those projects and one of them is going to require joint review by the Zoning Board because there are five pieces of property and five sets of variances.

Councilmember Boehlke: I mean you know what I'm saying.

Aline Galgay, Esq.: Yes, I do and I think based on the proposals that were submitted for these two projects, it was in the best interest of the Planning Board to use Crawford. For the next project we can continue to solicit other engineers. But they went to everybody that's on our Town-approved list as well as all the engineers that I knew that worked on solar projects and literally there were only two responses.

Supervisor Ruso: Actually there were more than five if I recall.

Aline Galgay, Esq.: There's the three for the Town and then I think Marjorie sent out letters to another five. There was a lot and those were the only two and the Planning Board discussed the fiscal responsibility because it's the applicant that pays for it.

Rob VanEtten: I just wanted to know how we're going to proceed on this. Does the Town Board, because we have to get the money from the applicant naturally, the escrow. So is the Town Board going to reach out to the applicant or does the Planning Board reach out? Inevitably you have to handle the monies.

Supervisor Ruso: Right.

Rob VanEtten: So are you going to reach out?

Supervisor Ruso: You and I will coordinate that, we'll talk.

Aline Galgay, Esq.: Plus you'll need to sign a contract, they'll probably be a contract, so you'll sign the contract and that money...

Supervisor Ruso: I have to sign it, but I just want to make sure that we're all on the same page.

Rob VanEtten: We really can't move forward with the engineer until the money is in hand.

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Motion by Supervisor Ruso seconded by Councilmember Boehlke

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 44-2020

JANUARY 13, 2020

**RESOLUTION TO APPOINT TOWN SUPERVISOR'S
CONFIDENTIAL SECRETARY**

WHEREAS the position of Confidential Secretary who is appointed at the discretion of the Town Supervisor has existed for many years;

WHEREAS that Deputy Supervisor Nicholas A. Dellisanti has been performing many of those functions formerly performed by the Confidential Secretary;

BE IT RESOLVED that the Town Board recognizes the Town Supervisor's appointment of Nicholas A. Dellisanti as the Town Supervisor's Confidential Secretary at a salary of \$1,000 per year payable quarterly.

Motion by Councilmember VanEtten seconded by Councilmember Boehlke

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 45-2020

JANUARY 13, 2020

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 2020-01-01 to 2020-01-48, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2020-01-01 to 2020-01-48.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until February 28, 2020.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

General \$10,551.21, Highway \$12,450.98, Sewer 1 \$15,031.94, Sewer 2 \$32.17, Lighting 1 \$1,917.60, Lighting 2 \$209.01, Ambulance 1 \$29,351.67, Ambulance 2 \$2,322.00, Total \$71,866.58

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Public Comment Period/Community Events

Eilleen Vosburgh: So you were, Jeff, you were at the meeting on last Monday about the bridge reconstruction?

Supervisor Ruso: Yes, I was. Last Tuesday I beg your pardon.

Eilleen Vosburgh: Was it Tuesday?

Supervisor Ruso: Yes, it was.

Eilleen Vosburgh: Okay, anyhow, so have you heard anything about what they've decided?

Supervisor Ruso: No, they kind of intimated it would be a little while, but at least they were listening. That's how I felt.

Eilleen Vosburgh: I agree. I agree. I think they were listening.

Supervisor Ruso: This is by the way for anyone who doesn't know the bridge replacement on Route 144 near the creek.

Ellie Alfeld: It was in the *Times-Union*.

Eilleen Vosburgh: And they said public comment until this Wednesday. I was, and maybe Alan can make a comment, I was surprised that when they asked emergency services and the fire department that it was only a one minute difference from them going through the hamlet or through Ravena on 9W.

Highway Superintendent VanWormer: If they come down 9W and go New Baltimore Road into the hamlet, it's just about the same distance.

Eilleen Vosburgh: It really is. Okay, I was surprised to hear that. The other question I have is about the sewer rates and it was \$26.something and \$35.9. That must be multiplied by 10 each of those rates wouldn't it be?

Supervisor Ruso: By how many points are related to the particular property. It's a point score. It did say when I read it per point, but it wasn't in writing.

Eilleen Vosburgh: Alright, thank you.

Motion by Councilmember Downes seconded by Councilmember Boehlke to adjourn the meeting at 7:31 PM

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: Thank you everybody. Good night.

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk