

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

MARCH 11, 2024

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Public Comment Period

New Business

- Resolution to Authorize Purchase of Property and Casualty Insurance
- Resolution to Approve New York State Archives Grant Submission for 2024 Local Government Records Management Improvement Fund
- Resolution to Authorize the Town Clerk to Attend the New York State Town Clerks Association 2024 Annual Conference in Albany, New York
- Resolution to Increase Rate of Pay for Highway Employees Certified as Heavy Motor Equipment Operators
- Resolution to Authorize the Town Supervisor to attend the PERMA 2024 Annual Conference in Bolton Landing, NY
- Motion to Accept Resignation of Part Time Wastewater Treatment Plant Operator
- Audit of Claims

Upcoming Meetings

- March 25, 2024 Town Board Work Meeting at 7 PM
- April 3, 2024 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- April 8, 2024 Town Board Regular Meeting at 7 PM
- April 11, 2024 Planning Board Meeting at 7 PM
- April 22, 2024 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 entrance 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.

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Supervisor Ruso opened the meeting at 7:00 PM and the Pledge of Allegiance was said. Also attending Councilmembers Downes, Kash, Sottolano, and VanEtten; Michelle Storm, Esq., Deputy Supervisor Dellisanti; Town Clerk Finke; Highway Superintendent VanWormer; and 27 members of the public who signed the attendance book.

Public Comment

Ann Marie Vadney: The Board did a resolution about two months ago I think requesting the Board of Elections to come to our Town Board meeting and answer citizen's questions as to the voting and what happened on November 7. Did they respond to your request?

Supervisor Ruso: No.

Ann Marie Vadney: Okay, so now what are we going to do? You notice we said we. What is the Town Board going to do?

Supervisor Ruso: I'll give them a call again. I would like an official response.

Ann Marie Vadney: Yeah.

Supervisor Ruso: I did have a conversation with one of the Commissioners who acknowledged that he did receive it so I know he received it or they, the Board of Elections.

Ann Marie Vadney: Well, I think it's important to have this information session before the next Primary or Election so people in the community because I think I'd run an ad to say 'come and talk to them.' I mean after we had people tearing ballots up and they don't want to vote anymore. We know that in our Town we have three people tear ballots up just in the Town Hall because they were so frustrated with the way the machines were working. So I think it's really important for people to know what was wrong with the machines and be reassured that they're fixed.

Supervisor Ruso: Well, I would like to get a response from them at the very least that's common courtesy.

Ann Marie Vadney: Well, yes, that would be nice too, but they didn't respond to a lot of things we sent them so I'm not really surprised. So is the Board going to write another letter to him I mean he doesn't seem to be very cooperative?

Supervisor Ruso: I think I'm at a point where I should call him and say 'what are you gonna do?'

Ann Marie Vadney: Okay,

Supervisor Ruso: And if I need to I can send a letter, but I would like to just get an answer. That's what I want to do.

Ann Marie Vadney: Okay. Well if they do agree what the next meeting you'll let us know?

Supervisor Ruso: Maybe sooner.

Ann Marie Vadney: If they don't agree because I think the people should know that they don't want to come and answer the questions. That's very sad that they're... So what's your time frame is my question? I know.

Supervisor Ruso: It's not entirely mine. I mean I will call them and if they're available at the next meeting that would be wonderful and if they're not available until the next meeting well I can't say but I can't tell you when they'll be available, but I will find out.

Ann Marie Vadney: Okay, that's what I'm asking. Thank you.

Harold Vadney: This is Ms. Alfeld's pet. I'm gonna intrude on her, maybe steal a little bit of your thunder tonight. The estimate for 65 year-olds and older in Greene County, New York is

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23.2 percent of the general population. The estimate for 65 years and older in New York State is 18 percent. This means that there's fully 7 percent or 8 percent higher average in the Town of New Baltimore in persons over 65. The estimate for veterans in Greene County is 7.7% and the entire State is 3.7 percent. So we have double the average veteran population in here in Greene County than we find in the State. There is an estimate of 3,100 to 3,400 veterans residing in Greene County. That's 80 veterans per thousand population and that's one of the highest in the entire State. This evening I do want to recognize Ms. Alfeld and her consistent record of advocating for and defending not only Seniors, but also and more importantly I think are the veterans. And while I have every respect and devotion to those representing previous generations and their importance to today's generation, both Seniors and Veterans are essential elements in our roots, our traditions, and our history. Both Seniors and Veterans still represent what could once be called American virtues and values. I wonder if anyone here tonight besides Ms. Alfeld and myself remember what those are. I'm a member of both groups. I served during the so-called Vietnam era in the United States Army First Infantry Division 4 on general staff. I was no hero. I was simply professional, honorable, and I represented integrity and loyalty and commitment. Minimal characteristics I feel everyone should demonstrate. That's enough about me. I've sat through many Town Council meetings and listened to Ms. Alfeld's reports and comments relating to both Seniors and to Veterans and commend her for her interest and support of these very, very important, but largely neglected groups who are frequently marginalized in glaring favor less deserving factions. We Pledge Allegiance to a flag, but how much allegiance do we pledge to our Seniors and our Veterans who lives work and blood kept and continue to keep that flag waving. Veterans and Seniors not transvestites, transgenders, woke politicians, identity politics, and all the sickness that we have being promoted in our culture today and what's worse is that we're funding all of it. Not Ukraine or illegal aliens and I repeat illegal aliens, two elements receiving literally hundreds of billions of taxpayer dollars in support while Vets are made homeless and Seniors struggle to pay for their prescriptions. My point is this, over the past several months since the last Veteran's luncheon, if I understood Ms. VanEtten's recent response to Ms. Alfeld, it seems that the only criteria used by the Town of New Baltimore to identify Veterans is registration for Veterans Exemptions on the tax rolls.

Councilmember VanEtten: We have no other choice. The County won't give it to us because of the law and they won't give it to us, so that's what we go by and we also ask and have been for ten years. When I took over the Veterans, they said that they could get no one to come to anything. We've gotten huge responses to our luncheons and we send out invitations to every single Veteran. I've also told Veterans for years if you know anybody else please invite them. We put it in the paper, we put it, I don't know what else we could do short of going door to door and we don't have time for that.

Harold Vadney: But we have politicians going door to door, but I don't expect that of course. I contacted the Veterans Services of Greene County. I agree with you. They're not very cooperative.

Councilmember VanEtten: No, they're not. They are safety laws.

Harold Vadney: They're not very cooperative, they're almost as bad as our Board of Elections. I think the latest statistic was that we have 150 Veterans in the Town of New Baltimore. I suspect we have a lot more than that and I suspect that whatever we do here, there are much more proactive, much more active, much more productive ways of ascertaining who Veterans are in this community. I was once on the list of Veterans. I received no invitation. I received no notice.

Councilmember VanEtten: Do you get the exemption?

Harold Vadney: I don't get the exemption, no, and I'm sure that there are many, many other veterans in this community that are not on the tax rolls.

Councilmember VanEtten: But how would you like us to identify them?

Harold Vadney: I understand, Ms. VanEtten, I understand, but what's happening, the bottom line here is that we are losing people here. We are bypassing them and this is not a sign of a

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good program. There must be a better way. There are many ways of identifying... If the Veterans Administration, Veterans Services of Greene County can identify Veterans and they have...

Supervisor Ruso: Why can't we find out is what your question is?

Councilmember VanEtten: But they won't let us know because of HIPAA laws.

Supervisor Ruso: Yeah, I agree.

Councilmember VanEtten: And I don't know what else we could do and when we took over this, there was nothing for Veterans...

Ellie Alfeld: Right.

Councilmember VanEtten: And very little for Seniors. And as I said when I took over the Veterans, I asked the Committee 'what do you want?' and they said 'well, we've had several events and no one shows up, one person shows us, a few people show up.' Since we've taken over we get 70, 80 people.

Ellie Alfeld: And, Shely, I might remind him that it was through the benefit of the Town Board that we managed to get the monument out there.

Councilmember VanEtten: Yes, I got a lot of that donated. I had to talk to people that I knew. We got a lot of it donated and it was a lot of work and that had never been done before either.

Harold Vadney: Okay, good, good, good. Okay, I'm going work on this.

Supervisor Ruso: Your confidence in the Greene County Veterans Service Office, I don't know how well founded it is.

Harold Vadney: I'm sorry, I didn't understand the first part.

Supervisor Ruso: Your confidence that they have good information in the County is not well founded due to an experience I know of as at the last Veterans luncheon just a few weeks ago, I sat and talked to a fellow who is a Purple Heart recipient and he informed me that he is the only Purple Heart recipient in the County. And I said 'where did you hear that?' He goes 'I was told that by the Chair of the Veterans' and I said 'well, what about Mr. Daryl Eldred who lives up on East Honey Hollow?' and I said 'what about him?' He goes 'he's a Purple Heart?' 'Yes, most certainly.' And if they missed him, how many people did they miss? So their knowledge of the data bank isn't one to have confidence in.

Harold Vadney: Well, it seems that government recordkeeping leaves a lot to be desired whether we're looking at the Board of Elections or we're looking at the Veterans. I'm just wondering if some of our elected officials like McTighe and Hensley?

Many Replied: Hinchey.

Harold Vadney: Hinchey, Hinchey.

Councilmember Kash: Chris Tague and Michelle Hinchey, your Assemblymember and your Senator.

Harold Vadney: Okay, fine. I wonder if they couldn't be involved in this to some extent. I know that their hands are tied by the law, of course, and sometimes we can get a little bit...

Supervisor Ruso: Well, I think that there's another little issue you didn't address. I mean you kind of did but didn't you know if there is someone who's a Veteran but not a homeowner, how do we know? Someone who moves into a rental property tomorrow, we don't know if they're a Veteran.

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Councilmember VanEtten: That's why we put it in the paper and things like that and on the website.

Ellie Alfeld: I'd like to make the notion, too, know your neighbor. I had three, and I said this to you, three Veterans move onto my road. When I went to their houses upon them moving into the house, I mentioned the Veterans luncheon. I asked first of all 'are you a vet?' and they said 'yes.' I said 'this is a notice and I made copies of the notice that the Board sent out inviting the families with the Vet to the luncheons okay and I know that two out of three made it. If you know the Vet, talk to the Vet. It doesn't take much and it doesn't take a lot of publicity and a lot of handshaking or anything else. Know what your neighbor does or what they're capable of even if they're not with exemption that's all.

Supervisor Ruso: I think that your topic is obviously well-appreciated. Anything more?

Harold Vadney: On Veterans?

Supervisor Ruso: Yes.

Harold Vadney: No. The General Midterm Elections held on November 7, 2023 were plagued with serious irregularities some of which were highly visible, others were not so conspicuous. In response to citizens' demands and given the factual background of the irregularities, the New Baltimore Town Council responded affirmatively. On February 26, 2024 by drafting and passing an external resolution 53-2024, a request to the New York State Board of Elections to undertake an audit of state voter rolls and the elections process. Maybe some of our spectators here are not familiar with that. Prior to the vote on the resolution rookie Town Council Member Sottolano attempted to force various amendments to the resolution potentially further protracting the time for submitting and further squandering Town time and treasure, the Town Council rejected Sottolano's attempt and voted on the resolution but not before rookie Town Councilmember Kash made the announcement that she would abstain claiming that her status as a legislative employee prohibited her from taking part in the vote. Upon subsequent challenge of her claims, Ms. Kash was unable to substantiate and despite her several attempts, but Ms. Kash claims her error and her inability to come up with credible proof of her statements, she succeeded only in showing a chronic belief that her impairment and the claimed impediments as long as 30 years before running for Town office. Furthermore on December 2023 Kash to have contacted New York State Legislature Ethics Commission for guidance regarding some sort of paperwork. Upon information and belief she never did so regarding her claimed prohibitions. Again on January 1, 2024 Kash abstained based on some flimsy claims having to do with the Town Justice Court's receiving State grants. This time Kash claims that she was again going to contact the New York State Legislative Ethics Commission for guidance. Never happened. On February 26, 2024 Kash abstained from the vote on the Resolution 52-2024 which ultimately became 53-2024 claiming that as a Legislative employee she was prohibited from taking a stand. This was completely untrue. On February 29 I challenged Kash to produce the specific legislation she relied upon for her abstention. On February 29 Kash responded by saying she was get this 'contacting the New York State Legislative Ethics Commission for guidance' and would get back to me. On March 1 I again followed up with Kash who responded with a lengthy email and a copy of New York Legislative Law 66-a saying it was the law that prohibited her from voting. I noted in another email on Mar 2 that Kash's New York Legislative Law 66-a was not applicable to her situation. It simply did not apply. A booklet Kash referred to in her email as a source of her information which Kash was to provide me with but never did in fact contains no relevant provision of New York State law that could reasonably be interpreted to cover Kash's claims. She provided no real basis. Between March 2 and March 4, 2024 I drafted an analysis brief styled complaint and a demand for investigation following Kash's history of deceit. You've all been provided a copy of that communication, every single one of you on the Board among others well in advance of this meeting so I am presuming that you all took the opportunity to read it and to understand it albeit only two of you deigned to acknowledge receipt of it. Thank you, Ms. VanEtten and thank you, Mr. Ruso. In sum I charge that Councilperson Kash and the New Baltimore Democratic Committee under the chairmanship of Eilleen Vosburgh and with the knowledge or belief that Kash when nominated throughout her campaign and even after having been elected to this Town Council knew or believed she would be impaired in fully representing this constituency in the work and activities of this Town Council. I further charge

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that Kash and the Democratic Committee, Vosburgh, and others knew or should have known that the impediment and impairment but did not reveal it to the public concealing the fact and I further charge that by doing so the public was defrauded by Kash, the Democratic Committee and Vosburgh. The simple definition of fraud is a deliberate scheme to obtain a gain or a benefit or advantage by using false statements or concealment and I see we have the Town Attorney here and I would say correct me if I'm wrong.

Michelle Storm, Esq.: Well, I'm not going to correct you if you're wrong. I don't give advice to the members of the public. I advise the Board when I've asked to.

Harold Vadney: Good, okay.

Michelle Storm, Esq.: But with that said Public Comment is an opportunity for you to speak and the Board to hear and I think that's what just took place. So I mean obviously this Board is very engaging with the public and does respond, but there's absolutely no obligation during Public Comment to even offer a response.

Harold Vadney: Good, okay, fine.

Michelle Storm, Esq.: I'm not going to give you legal advice in a meeting.

Harold Vadney: No, no, no, I'm not asking for legal advice, it was legal information, make a distinction between legal information and legal advice.

Michelle Storm, Esq.: You're lawyering that, but there's no difference.

Harold Vadney: I'm sorry, but there is. We can take this on a different level.

Supervisor Ruso: Well, if you would sum up please.

Harold Vadney: I will sum up. As a matter of fact I'm almost there.

Councilmember Kash: And if I may, Supervisor Ruso, after Mr. Vadney is finished I would like to respond if that is okay with the Board.

Supervisor Ruso: I have no objections if you do that.

Harold Vadney: Kash and the Democratic Committee and Vosburgh conspired and conjured up a scheme to nominate and support Kash as the Democratic candidate for Town Council. Kash campaigned actively and extensively, but never informed the public or disclosed the fact of her alleged albeit erroneous impediment. Kash was elected still believing she was impaired and continued that belief and fraud until challenged by me on February 29 to produce the law she relied upon. Even though Kash made today on March 11, 2024 claim to have made an honest mistake or receive bad advice as she does, in fact such claim does not obviate the fact that she entertained that belief for more than 30 years and further that until being challenged by me in late February...

Bob Knighton: We're way beyond the three-minute limit.

Supervisor Ruso: Yeah, we are and that's why I asked him to try to sum it up.

Harold Vadney: Okay, there's two paragraphs in summing it up. I note that this is one of the supporters here.

Supervisor Ruso: I understand. I try to give people an opportunity.

Harold Vadney: No, you've been very generous.

Supervisor Ruso: I want others to be able to say things and it's already at a point of 20-after, 22-after. So let's proceed please. Promptly.

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Harold Vadney: I appreciate your indulgence. You've been very generous. I have gone over the time and I'm going to stop now because I think I don't want to belabor the point. I've already made the point known in a 20 page letter and this is just for the benefit of the public. So I'll stop here and I'll rely on the second Public Comment to continue. Thank you.

Supervisor Ruso: Councilmember Kash, I have a Comment card from someone else that seemingly relates. I don't know if you would like them to go first or you would like to proceed.

Councilmember Kash: I would like to make my response now if that's fine with the Board and the public who are here tonight. Questions have been raised about my competency, my honesty, my integrity, and legitimacy to serve as a Town Council member. All of the allegations raised against me in the 18-page complaint prepared by a New Baltimore resident and discussed this evening are inaccurate. All of these allegations center around the fact that I am a New York State employee and I wanted to make sure that my service as a Town Council member and votes I would take would not violate any ethics laws. They will not. I received unclear guidance regarding the language of Section 66-a of the New York State Legislative Law which prohibits me as a Senate employee and a private citizen from taking a public position supporting or opposing legislation being considered by the State Senate or Assembly. It was not clear to me that there is an exception to the law for local government elected officials voting on Town resolutions urging the Legislature to consider and act upon Senate or Assembly legislation. I knew back in December before taking office that there was a reasonable chance a resolution would come before me calling for an audit of the 20-2022 voter registration rolls by the New York State Board of Elections and discussing related legislation which would need to go before the Senate and Assembly for action. Out of an abundance of caution and wanting to make sure I complied with the law, I contacted the New York State Legislative Ethics Commission. I was advised to abstain from the resolution which was an honest mistake on their part and mine. I followed this advice on February 26 when the resolution came before me. I have never hidden the fact that I am a Senate employee for the last 40 years. I know that probably 99 percent of the Town resolutions that come before me make no reference to State actions. I have been voting on all resolutions in this Town since taking office, but following advice from the Ethics Commission, I erred on the side of caution on this one resolution and also by wondering if my appointed liaison position as Town Court Committee Chair, since the Court receives State grants, would it any way violate the law. It does not. This lengthy statement against me also questions the legitimacy of the overall 2023 Town election results. Well, I wish, along with Ann Marie and everybody else here, that the Board of Elections would respond to our request to come here and publicly explain the reasons for the mechanical and human error behavior of the voting machines on Election Day, all votes had a full hand recount and were certified as accurate and fully legitimate for me, Councilmember Debra Sottolano, and Supervisor Ruso. In the final analysis I am being accused of malfeasance because I tried too hard to follow the law. I think most reasonable people would consider anyone's efforts to comply with the law the right thing to do whether in public or private life. With that said I am more than happy to amend the record of my February 26 vote abstention which did not prevent the Board from approving the resolution by a majority vote, I would have voted to table the legislation for a thoughtful discussion in consideration of amendments to the resolution since no one at the meeting when asked seemed to truly understand the content or intent of some of its language which is of no fault to the Citizens Audit volunteers here. It's just language that no one seemed to be able to explain and there were amendments that were going to be proposed we weren't able to discuss all of them and the Board decided to go ahead and vote and pass the resolution by a majority vote. My so-called impairment did not stop that from happening. So thank you all and that's my comment for the record.

Supervisor Ruso: In my 11th year on the Board there have been a number of occasions in which other Town Board members have chosen to abstain and their reasons are perhaps in relation to personnel issues, sometimes their purchasing issues and they are of concern about any appearances of impropriety in their decisions and I have never once questioned them. In fact I don't recall a single one of those times when I have an abstention has had any consequences in terms of a resolution not proceeding forward and I think the same as you pointed out is true in this case or this more recent case. So as a Town Supervisor I am not going to question the individual Board members and their decision to abstain because sometimes there are personal issues, sometimes it may be just about the appearance of

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impropriety, not actual impropriety, but they want to eliminate the appearance of one. So that's a very broad base, it's not about Ms. Kash, it's not about anyone else here, and I think I've actually abstained once, in fact I know I did a long time gone, otherwise I just jump in because my daughter was hired to be the Parks Coordinator ten years ago whatever it was. I abstained on that one only because I didn't want to have the appearance of impropriety. Thank goodness there were enough Town Board Members present that that resolution passed. So these things will happen from time to time, but I don't get into the questioning of any of the Town Board members.

Harold Vadney: One sentence in response, just one, just one sentence.

Supervisor Ruso: One sentence, go ahead.

Harold Vadney: You made reference to personal abstentions based on saying like Ms. VanEtten. She has a business right and if that business comes into some possible conflict of interest in a Town project, then Ms. VanEtten would be expected to recuse herself. That is an extraordinary, one-time particular abstention. What I'm referring to here is a permanent impairment that was concealed that she knew about that was not brought up and that would extend over the entire life if she were not challenged of the entire life of her being a sitting Councilperson.

Supervisor Ruso: Perhaps things have evolved, perhaps appropriately, if not for your question and inquiry maybe further information would not have been gained and wrongful information wouldn't have been dispelled. So I think in the long haul it's a positive. Proceed please.

Eilleen Vosburgh: As Janet just reiterated it wasn't till December that she was told incorrectly to abstain from certain types of votes. No one had knowledge of this til long after she was nominated, campaigned, and she was elected. No one. She was given misinformation and later found out she was able to vote on any resolution pertaining to legislation being considered by the Assembly or Senate. I thank Janet Kash for her integrity and honesty. There is no impairment to her ability to be a Town Councilman and there has not been any deceit. Thank you very much.

Supervisor Ruso: Thank you, thank you.

New Business

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 56-2024
MARCH 11, 2024

RESOLUTION TO AUTHORIZE PURCHASE OF
PROPERTY AND CASUALTY INSURANCE

RESOLVED that the Town Board of the Town of New Baltimore hereby authorizes the Supervisor to purchase coverage with Trident Insurance Co. through Marshall & Sterling effective March 5, 2024 for one year at a cost of \$47,412.33.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

Supervisor Ruso: Just to let everyone know we had projected a balance for this account of \$45,500 and it came in at \$47,412, over budget.

Deputy Supervisor Dellisanti: Last year's cost was \$41,130.

Supervisor Ruso: So and the reason being is everything cost more. That's what they said.

AYES: Ruso, Downes, Kash, Sottolano, VanEtten

NAYS:

ABSTAIN:

ABSENT:

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Motion Carried

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RESOLUTION 57-2024

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**RESOLUTION TO APPROVE NEW YORK STATE ARCHIVES GRANT
SUBMISSION FOR 2024 LOCAL GOVERNMENT
RECORDS MANAGEMENT IMPROVEMENT FUND**

WHEREAS per Resolution 121-2023 dated October 23, 2023 Town Clerk Barbara Finke and Deputy Town Clerk Amanda Eldred have requested quotes for a New York State Archives 2024 Local Government Records Management Improvement Fund Grant.

WHEREAS quotes have been secured from consultants for an inventory of Town records as well as contractors for the remodel of the basement space for Records Management including drop ceilings, ceiling lights, one fire-rated door, sheetrock, taping, painting, ventilation and temperature control.

RESOLVED the Town Board recognizes the need for additional records management storage and approves the submission of a grant to the New York State Archives for a 2024 Local Government Records Management Improvement Fund Grant.

Motion by Supervisor Ruso seconded by Councilmember Downes

Town Clerk Finke: I'd just like to add that we started this project I want to say November, December of last year, getting quotes and what happened is we had mold in the basement so we could bring no one down there, we could do nothing. Amanda and I sweated and sweated and sweated. We got the go-ahead approval last Monday and we were opening that door and ushering people down I think they had appointments. So we did everything we could. The grant came together. It was just under \$75,000 which is the ceiling and it's going in today. I thank the Board and I think Amanda and I tonight will sleep very well.

Supervisor Ruso: On a related note because you brought it up, the mold abatement issue that we had in the basement has been completed. All the items that were contaminated were removed. There was also a process, and I'm not an expert on mold abatement, but they actually make something that kind of like a fogging thing and, yes, we had our fire alarms go off on more than one occasion just so you know. Sometimes after work, but a lot of things were removed including wallboard, including furniture, records were...

Town Clerk Finke: Preserved.

Supervisor Ruso: Preserved and sanitized for lack of another word, demolded, I don't even know if that's the right terminology, but anyway it fits in rather well and as a further point, we are going to get quotes that will dehumidify the basement because that's the heart of why this occurred just so you know, but actually we're getting quotes. You'll see that soon, yes, everybody here will.

Ellie Alfeld: Might I ask are you going to have a contract with this company on an annual basis to check what they see?

Supervisor Ruso: No, I have not gone down that path yet.

Ellie Alfeld: Okay.

Supervisor Ruso: However, I do have two local contractors who are submitting bids. I'll tell you who they are that we know so far. One is called Eagle, they're over here on 9W, and the other one is Albright's, they do furnace work and all that. So we'll have an opportunity to monitor mold with two contractors because we're gonna do the dehumidifying and air treatment whatever.

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AYES: Ruso, Downes, Kash, Sottolano, VanEtten
NAYS:
ABSTAIN:
ABSENT:
Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 58-2024
MARCH 11, 2024

**RESOLUTION TO AUTHORIZE THE TOWN CLERK TO ATTEND THE
NEW YORK STATE TOWN CLERKS ASSOCIATION 2024 ANNUAL
CONFERENCE IN ALBANY, NEW YORK**

WHEREAS the New York State Town Clerks Association will be holding their 2024 Annual Conference from April 21-24, 2024 at the Crowne Plaza Albany-The Desmond Hotel.

RESOLVED that Town Clerk Barbara Finke is authorized to attend said Conference as a commuter at a cost of \$125 for registration.

Motion by Supervisor Ruso seconded by Councilmember VanEtten
AYES: Ruso, Downes, Kash, Sottolano, VanEtten
NAYS:
ABSTAIN:
ABSENT:
Motion Carried

Town Clerk Finke: Thank you.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 59-2023
MARCH 11, 2024

**RESOLUTION TO INCREASE RATE OF PAY FOR HIGHWAY EMPLOYEES
CERTIFIED AS HEAVY MOTOR EQUIPMENT OPERATORS**

WHEREAS two Highway staff have completed training and certification as a Heavy Motor Equipment Operator through the Teamsters Local 294.

RESOLVED that the rate of pay for Barnett Rider and Eugene VanAlstyne is increased to \$23.83 effective March 4, 2024.

Motion by Supervisor Ruso seconded by Councilmember Sottolano

Councilmember Downes: Do we have their new licenses copied and put in their personal file yet?

Highway Superintendent VanWormer: For licenses, I sent over the driver abstracts stack of abstracts, one for everybody's file sent it over today

Councilmember Downes: Okay, great.

Supervisor Ruso: I haven't gone through the stack, I was in early,

AYES: Ruso, Downes, Kash, Sottolano, VanEtten
NAYS:
ABSTAIN:
ABSENT:
Motion Carried

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 60-2024
MARCH 11, 2024

**RESOLUTION TO AUTHORIZE THE TOWN SUPERVISOR TO ATTEND
THE PERMA ANNUAL MEMBERS CONFERENCE AND TRAINING
PROGRAM IN BOLTON LANDING, NEW YORK**

WHEREAS PERMA, the Worker’s Comp carrier utilized by the Town of New Baltimore, will be holding their 2024 Annual Conference on May 9 & 10 in Bolton Landing NY, and

WHEREAS there will be no charge for the cost of attending their training and PERMA will pay for one night of lodging,

THEREFORE, BE IT RESOLVED that Jeff Ruso, Town Supervisor, is hereby authorized to attend the PERMA Annual Conference and training program and that he shall be further authorized to submit claims for other ancillary charges associated with the attendance at that program.

Motion by Councilmember VanEtten seconded by Councilmember Downes

AYES: Downes, Kash, Sottolano, VanEtten

NAYS:

ABSTAIN: Ruso

ABSENT:

Motion Carried

Supervisor Ruso: We also have a motion. We have a resignation here from Mr. David Varade, Assistance Waste Water Treatment Plant Operator, and he wrote.

‘Dear New Baltimore Board, I am writing this letter to inform you that I am leaving my job as wastewater operator at the Town of New Baltimore. I have been working part time for 6 years and I am grateful for the experience I have gained in my work title. I am leaving to give my self and my family more of my time. Effective May 16, 2024 I will no longer be employed with the New Baltimore wastewater.

Motion by Supervisor Ruso seconded by Councilmember Downes to accept the resignation of David Varade, Assistant Wastewater Treatment Operator

AYES: Ruso, Downes, Kash, Sottolano, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Town Clerk Finke: He was a pleasure to work with.

Supervisor Ruso: He is a decent guy.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 61-2024
MARCH 11, 2024

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 2024-03-01 to 2024-03-40, it is

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RESOLVED that the Supervisor is hereby authorized to pay claims 2024-03-01 to 2024-03-40.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until April 30, 2024.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Downes, Kash, Sottolano, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

General \$37,306.78, Highway \$9,475.02, Sewer 1 \$2,433.72, Sewer 2 \$41.85, Water 1 \$312.00, Water 2 \$2,275.00, Ambulance 1 \$4,750.83, Ambulance 2 \$2,790.17, Total \$59,385.37

Upcoming Meetings

- **March 14, 2024 Planning Board Meeting at 7 PM**
- March 25, 2024 Town Board Work Meeting at 7 PM
- April 3, 2024 Zoning Board of Appeals Meeting at 7 PM if Needed
- April 8, 2024 Town Board Regular Meeting at 7 PM
- April 11, 2024 Planning Board Meeting at 7 PM
- April 22, 2024 Town Board Work Meeting at 7 PM

Public Comment Period/Community Events

Ellie Alfeld: Church Luncheon is Wednesday, Corned Beef and Cabbage, that's community. It's a donation dinner at the Reformed Church in the hamlet.

Harold Vadney: This might be presumed to be a rebuttal to Ms. Vosburgh and to Ms. Kash's responses to my..., but let's be clear. In order for the Councilperson to avail herself the defense of 'honest mistake,' she would have to show that she acted based on a lack of the required mental state known as mens rea. That issue would have to...

Supervisor Ruso: Keep comments to a cordial point.

Harold Vadney: Well, in order for the Madam Councilmember to claim a defense of honest mistake she would have to show that she had no knowledge of the alleged wrongdoing. But by her own statement she's defeated that defense and by her own statements and conduct she provided evidence of indifference to wrongdoing, willful misconduct, concealment, and fraud by the very basic definition. It's not an honest mistake nor triviality when 30 or more years ago the sitting Councilperson was made aware of her personal misconduct as a legislative employee and for more than 30 years allowed the disciplinary basis of that incident whether or not relevant to guide and govern her beliefs and conduct. She was not a newbie, this is not new information that she claimed she had to abstain. It's not an honest mistake not a trivial act in accepting the New Baltimore Democratic Party Committee's nomination to be a candidate for public office. The Councilperson knew or believed that she would be impaired from full participation in the work and activities of this Council. She knew this on December 1, she knew this on January 1 when she abstained, and she knew this or believed this on January 26 when she abstained. She believed and quasi-knew that she was impaired from participating in the full activities and work of this Council. Okay, there's no way around this. The legislative law she presented was inapplicable and the booklet she was supposed to have provided contains not a single reference to any law that she could use or rely in in her defense I'm sorry.

Councilmember Kash: May I respond Supervisor Ruso?

Harold Vadney: You can respond but there's no defense.

Supervisor Ruso: Yes, I will respond briefly as well. Mr. Vadney, you'll recall I refer to your distribution of your correspondence, you've called for various investigative bodies to weigh in on this and I think that I honestly do believe that there is an honest error, no one's trying to

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defraud anybody, certainly don't think to be true in the slightest form, but those people who investigate if they so choose to, it will bear out.

Councilmember Kash: Mr. Vadney, the error or misconduct that you refer to you 30 years ago, I started in the Senate in 1983. I was 25 years old and several years into my employment I signed a petition in favor of a piece of animal welfare legislation that went to my own Senator. I did not know at that point that I couldn't even lobby my own Senator so the Senate Counsel said 'don't do that anymore.' So, yes, I am and I'm still bound by Section 66-a of the New York State Legislative Law as a private citizen and a Senate employee I still cannot lobby my own Legislator or as a private citizen and Senate employee ask for a piece of Senate or Assembly legislation to be approved or denied. Section 66-a which I now know allows me to vote on resolutions that call on the Senate or the Assembly to take action on legislation.

Harold Vadney: I don't understand why you're referring to lobbying activities. It's completely different.

Councilmember Kash: Excuse me, sir. Legislation 66-a...

Harold Vadney: I know 66-a is.

James Eckl: Are you going to let this turn into a debate?

Supervisor Ruso: No debating, this is not one of those type of...

Councilmember Kash: I will end this by saying that Mr. Vadney is completely off base. I truly believe that you think that you have found the scandal of the century which is I made a mistake. You know what you discovered? You discovered that I'm a fallible human being. I tried too hard to follow the law and when I found out that I had made an honest mistake I corrected the record and as to you allegations...

Harold Vadney: You're an elected official.

Councilmember Kash: That I did not give you the booklet, you had already written your 18-page complaint against me. What else were you gonna find out so let's end it here if the public and the Board would appreciate that.

Adjournment

Motion by Councilmember Downes seconded by Councilmember VanEtten, the meeting was adjourned at 7:50 PM

AYES: Ruso, Downes, Kash, Sottolano, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: Thank you everybody.

Respectfully Submitted,

Barbara M. Finke RMC CTO
Town Clerk