

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
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BID OPENING (7:15pm) Purchase of Firewood at Town Hall
No bids were received.

OPENING OF MEETING

Supervisor O'Rorke called the meeting to order at 7:30 pm and the Pledge of Allegiance was said. Also attending; Councilwomen Benway and Finke, Councilmen Meredith and Norris, Attorney for the Town Wukitsch, Highway Superintendent Jordan, Town Clerk Brooks, and members of the public who signed the attendance sheet. Absent:

Supervisor welcomed all attending and reminded all to turn off cell phones and electronic devices as they cause interference on the digital recorders.

**PRESENTATION - Delaware Engineering- Engineering Report for Sewer District #1,
Mary Beth Bianconi and Brock Juusla**

Supervisor reviewed that Town Board had gone out for an engineering study for Sewer District No.1; Delaware has been kind enough to offer free to put this together, have been out several times to meet with Jim Polverelli, have met with Supervisor and Councilman Norris, and they return tonight to summarize process and follow-up on Preliminary Report and answer the cost questions.

Mary Beth began that it is probably more extensive evaluation of the Wastewater Treatment Plant than originally expected, but figured it was better now to yield a final report. The scope of the report was created by the Town's work with NY Rural Water to be a springboard toward decisions. Mary Beth said she would love to build something and not have to put more money into it, but stuff gets old and requires updating. This is similar to the draft; at request of Wastewater Committee, looked at phasing in pieces and parts. In perfect world this could be driven by cost, but this needs to function well, meet regulatory guidelines, and add sustainability to the 30 year old infrastructure.

Mary Beth suggested returning later to talk about the expiring debt and what would new debts look like.

Brock spoke with Jim, Councilman Norris, and looked at phasing the project; what critical pieces make sense? Upgrades to Cornell Park pump station were priced separately; phasing of construction at the Plant: recommending initial new secondary clarifier, upgrading digesters, reworking disinfection system and sludge circulation equipment. The second phase would be grit removal and placement of mechanical mixers. Third phase would be some comprehensive controls, operation and maintenance on building itself. Fourth phase would be increasing capacity at the plant; if Town got to the third phase and a developer came, then plant would be ready to begin implementing the fourth phase.

Mary Beth asked Brock to explain why is dealing with sludge inventory critical to the plant? Also, what does having the secondary clarifiers, the RAZ pumps, mean; originally this was \$2.3 million project, first phase is couple hundred thousand dollars and needs to be done no matter what. First phase is still a million dollars, a lot, and why were they chosen.

Brock said, of critical pieces, phase one is the secondary clarifier; since there is only one, there is no way around it, cannot treat wastewater without it, it is 30 years old, and need 2. Putting in disinfection is driven by Town's violation of fecal counts in river, and needs to be addressed sooner. Upgrading ability to move sludge about the plant to make treatment plant work, is critical component to make the plant; this is what is critical today. Phase two elements could be lived with awhile yet the plant would work better with its elements. Phase one project cost is more expensive than other phases; Brock would not be comfortable doing without phase one in its entirety, cannot be without the clarifier because NYSDEC would be knocking on the door. It is balanced by need.

Mary Beth reviewed, intuitively, by phasing they are quoted in 2013 dollars; phase two, if done 5 years out, the numbers will rise. When you split up projects, you lose economy of scale (ie the

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continuous work of a contractor onsite). With each phase comes regulatory approvals, a review process, stamped plans, and compounding costs over time. Splitting may cost more over time, and is a decisions like we all make.

Current costs are not inexpensive, relative to neighbors, right there with folks who have done improvement projects; so Mary Beth urges looking at retiring debt, is there some value and benefit to consolidate existing loan. Even if you don't do a big project and just do pump station, there is opportunity to consolidate, pay some off earlier, and stretch some things out.

Delaware is leaving report, coming back in spring after turn of year, talk more and look at debt analysis, what do the numbers mean.

Supervisor thought, after Town Board reviews, prudent, like Mary Beth said, to have a public hearing or meeting of 250+ users of the Wastewater Treatment Plant; Supervisor is only Board member who is a member of the sewer district. Delaware is agreeable to hold public information meeting, perhaps in first part of March, members of district may attend, weigh in, and get questions answered. Regarding consolidation of debt, Town Board looked at this last year, would have to pay penalty, one is variable so is lower, two bonds will fall off in 2016; there may be other ideas and ways to restructure. Mary Beth thought looking was prudent. NY Rural Water's Steve Grimm is not present; Supervisor wished to thank Steve for all his help putting original bid together, performing initial analysis, and crawling through manholes with Jim Polverelli; he has been a good resource for Delaware. Supervisor asked for questions.

Councilman Norris asked clarifier first? Brock answered yes, there is only one, if something were to happen to it. Steve had noted the lack of redundancy. Supervisor attended Greene County town supervisors' meeting, violations/fines from NYSDEC are not a pretty sight. Brock said clarifier redundancy is important in order to not lose the ability to treat. Supervisor reminded, at 30 years old, wear and tear will be the 'biggest bite of apple'.

Mary Beth added that timing is good for many funding cycles including Clean Water State Revolving Fund's summer submission of engineering report to say we might want to do a project. Delaware will send a final tally, at about \$30-35,000 work now, and very pleased to have opportunity to work with and enjoy the trust of New Baltimore; this step is often a stumbling block for communities and she encourages phone calls and emails.

Supervisor spoke to neighbors; all speak highly of Delaware's services; Board will talk later tonight about sludge removal. She also thanked Brock for interceding with Albany County. She asked the Board if they liked the idea of holding a public information meeting in early March; Councilman Norris agreed.

APPROVAL OF MINUTES

Perhaps a grand total of 47 pages for tonight's action, regarding the approval of Minutes of October 22, 2012 Work Meeting submitted by the Town Clerk, **Supervisor moved and was seconded by Councilwoman Benway. No discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:**

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

Regarding the approval of Minutes of October 22, 2012 Public Hearing for 2013 Preliminary Budget submitted by the Town Clerk, **Supervisor moved and was seconded by Councilwoman Benway. No discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:**

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

Regarding the approval of Minutes of October 22, 2012 Special Meeting for Expansion of Water District No. 2 submitted by the Town Clerk, **Supervisor moved and was seconded by Councilwoman Benway. No discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:**

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

Regarding the approval of Minutes of November 12, 2012 Regular Meeting with Town of Coxsackie submitted by the Town Clerk, Supervisor moved and was seconded by Councilwoman Benway. No discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

Regarding the approval of Minutes of November 27, 2012 Special Joint Town Board with Town of Coxsackie submitted by the Town Clerk, Supervisor commented it was the first joint meeting in the Town of Coxsackie. Supervisor moved and was seconded by Councilwoman Benway. No discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

Supervisor commented Town of Coxsackie Town Clerk takes statutory minutes (motions, seconds and actions) and believes Coxsackie Board was impressed with the service provided by New Baltimore's Town Clerk

PUBLIC COMMENT PERIOD

Bob Knighton attended Town Board's Work Meeting recently where a Planning Board appointee's term was up, the open position was discussed. He recalled several years ago the Board determined to advertise to see if others were interested although the member whose position was up was willing to continue to serve and subsequently the Board decided they needed to hear from other people, did not reappoint the person, Bob feels that is a reasonable precedent, and hopes the Board will continue that precedent. Bob attended a Planning Board meeting recently, felt some members were disrespectful to chair and the applicant, putting the Town in not-the-best light, and encourages Town Board to continue their precedent and advertise the position.

Ellie Alfeld reports a Seniors' get-together at Pegasus Restaurant with 41 attendees, about 2 hours, delightful meal, grab bag gifts, and Councilwoman Finke represented Town Board and donated 6 wreaths for grab bag. Ellie hopes to increase attendance at picnics in spring and reports a \$300 balance to turn over to General Fund. Supervisor thanked Councilwoman Finke, ill this evening, for her work with the luncheon which was by invitation to those who participated in picnics. Supervisor appreciates how active the group is. Ellie acknowledges Mr and Mrs Conrad Jurgeson, Fran and Bud Melick, Sharon and Ron Locke, and Santo and Betty Jane Costanza, for working and donating from their own pockets.

Bill Johns, member of Planning Board last several years, was not aware and does not recall a meeting where disrespect was shown. He agrees with publicizing vacancies on Boards to provide opportunity to express interest, an excellent suggestion although it wasn't followed in last round, and agrees with Bob Knighton.

Diane Louis, regarding hydrofracking, commented that a tremendous amount of water used in the process while in a worldwide water crisis, local aquifers lead to our wells, truck traffic increases where truck congestion is already resulting from Coeymans business, causing addition wear and tear on our roads and related costs, do we want the traffic through Town. The process produces open ponds with chemical laden water with danger of seepage into air and ground, increased by global warming.

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Legislator Jim Van Slyke delivered the \$2000 youth grant check; Supervisor thanked Legislator Van Slyke, who warned of change to youth grant procedures, sometimes turned into budget items where legislature intends it to be startup money. In other towns, schools are backing money off programs and using this grant. Greene County 2013 Budget was adopted at 2.1%, New Baltimore's increase was to be 1.7% and is now 1.0% due to strong equalization rate. Regarding fracking, Legislator Van Slyke reports Ulster County has passed law banning use of brine for icy winter roads; not in Greene County yet but Legislature may pass same law as it is contaminated water. Discussion is coming at the County; Supervisor asked to be kept apprised. Greene County has no fracking offers from gas companies, but preparation can protect.

CORRESPONDENCE

From Greene County- mortgage tax appropriation for New Baltimore is \$18,599.
From Greene County- Columbia-Greene Community College chargeback for Town of New Baltimore is \$6,316; county share is \$2,526; New Baltimore pays \$3,719.
From Town of Coeymans' Town Clerk's Office- New Baltimore dog wandered over line, picked up by their dog control officer, Town of Coeymans issued dog license. After discussing with Town Clerk, we will send letter asking, if New Baltimore dog is found, do not license in neighboring towns, as common courtesy require the owner purchase the license in New Baltimore. Problem is that now this dog is in their system for renewal; in some cases fines and penalties are also incurred. Note: the individual had contacted New Baltimore's ACO, who put forth effort and there was no license in New Baltimore.
From NYS Department of Public Service- notice that many will have difficult time with energy costs, plea to make consumers aware of programs to help control their costs, variety of information, put on Town's website, and then post at Town Hall and make available to seniors.
From Central Hudson- regarding decorative holiday items on their poles, written approval is required.
From Greene County Public Health- notice of another bite by an unlicensed dog.
From Greene County Planning Board- notice that Jeffrey Flack's term will expire on March 15, 2013, and request that the Town Board act prior to March board meeting.
From Attorney for the Town Wukitsch- notice that a final consent order has been received in Verizon, NY lawsuit. Working with Assessor Gordon Bennett, he reports being able to reach agreement of assessment reduction to settle lawsuit on their properties in the Town. According to Assessor Bennett, it is to Town's benefit to reach agreement without further litigation, reductions phase in over a three-year period; no legal fees or court costs were incurred.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

Accept Bid for Wood

The next item was to accept a bid; trees were cleared to provide for additional parking. A bid notice was placed, affidavit of posting is presented, and bids were to be opened at 7:15pm tonight. Clerk Brooks reports no bids received. Supervisor consulted Attorney Wukitsch, may seek out buyer for maybe 3-3.5 cords of wood and make any attempt to dispose of it; Supervisor's concern is having someone come on the Town property and the liability the Town has with loading truck and potential injury, do not want chain saw use on Town property, and require certificate of insurance (Councilwoman Benway explained not available via homeowners' policy, the worker's compensation appearing on homeowners' policies is for domestic help or the 12 year old who mows the lawn).

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Report from the Zoning Advisory Committee

Zoning Advisory Committee, perhaps 2 or 1 year ago appointed, has taken a look at Town zoning passed about 3 years ago, and chair Donna Carlson reported committee's 8 meetings and has some suggestions, and sent all Board members copies. Supervisor asked for highlights. Donna reports the recommendations were not unanimous, were a majority vote:

- change conservation subdivision from being mandatory for a major subdivision to being voluntary in major or minor subdivision
 - change lot size minimum in Residential Agricultural 2 acres for 2-4 lots, for 5-7 lots 5 acres, for 8 lots, 10 acres
 - regarding fencing, current located within setbacks, change to without a principal use, 2 feet from property line except within Hamlet
 - definitions: *applicant* was broadened to include all the various boards; automobile rental or sales add the words *including but not limited to automobiles, boats, trailers*
 - buildings: a structure designed to be used as – relatively permanent enclosed construction over a plot of land, having a roof, usually windows and often more than one level used for any of a wide variety of activities, living, entertaining, manufacturing
- Supervisor asked whether that definition corresponded with the Uniform Fire and Building Code; Donna was not certain. Supervisor reminded that Town had adopted; Attorney Wukitsch reminded that definitions have many relationships to parts of Code.
- campground: remove the extra *shall not have provide*
 - car wash: strike *not having facility to wash commercial vehicles* because most do.
 - cemetery: strike typo *or*
 - community facility: add *nonprofit and/or not for profit*
 - office park: needs completion
 - personal services establishment: struck exclusion of *tattoo parlors and piercing establishments*
 - roadside stand: strike typo
 - sawmills and lumberyards are two different, add sawmills into definition, where sawed into plank and offered for sale
 - variance is relaxation by ZBA owing to conditions particular to the property, undue hardship, wasn't understandable; Attorney Wukitsch explained it was the legal definition from case law. Supervisor said that under NYS law we can make more restrictive, but not less restrictive.

Regarding the Use Table: Supervisor asked for thought process. Donna explained the biggest thing was 4 different areas of commercial use rather than straight commercial; certain activities were allowed and some were not. With current economy, instead of saying not permitted, offer site plan review or special use permit and consider them.

Supervisor observed that the majority be considered by site plan review.

Donna believes the option should be there.

Supervisor said if they are just coming for site plan and activity is permitted by site plan, you cannot say no, only modify. The special use permit is different and board can get into uses.

Supervisor noticed the permitted use of mobile homes in commercial districts and asked the thought process.

Donna explained it was put that no one could live in the commercial district, but feels it should be person's prerogative. With the economy, a lot of people are looking to live where they work, apartment on top on top of garage, and it should be a personal choice.

Supervisor reminded that it had been emailed to the Board.

Councilman Norris appreciates all the work done; many changes to the chart, he hasn't reviewed all in detail but has some reservations. The last, mobile homes in Commercial, understands their point, but also the level of possible misunderstandings that come back to the Town Board for resolution and would rather folk not have to go through that. Regarding opening up the commercial zone more, he asked whether the group had gotten feedback from businesses looking to move to [New Baltimore] and couldn't or didn't due to this or that; answer: no. He believes the biggest problem facing [more businesses] is no water and sewer. He would like to look over recommendations more closely, asking whether changes are in sync with Comp Plan.

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Supervisor believes the proposed changes are significant and would require changing the Comprehensive Plan and, with more than 25 acres changes, it would be Type 1, and the GEIS was specific with current zoning and would also have to be changed.

Councilman Norris asked, regarding conservation subdivision, why just 2 acres;

Donna explained only to return to as it was.

Councilman Norris asked was there feedback from ZBA, had someone had problems with that;

Donna reports no.

Councilwoman Benway commented, regarding an example of living in commercial district, Lebanon Valley [Raceway] has been functioning many years, as people moved nearer, town had to restrict racing to satisfy residents.

Donna believes that isn't right, if you move to a commercial district, you cannot complain and town should not have to act.

Supervisor added that you may move into an area and the businesses come later.

Donna answered but you knew you were moving into a commercial district.

Supervisor asked whether most people, when buying a home, ask what zone the home is in;

Donna felt no, that she had not.

Supervisor felt a home is priced considering its zone; folk are becoming savvy, but thinks more about the business coming in later, knowing they are permitted, and then having unhappy residents to deal with. She will continue to consider changes.

Councilman Norris suggests if a business model changes, i.e. no music to offering music and quiet cars to loud cars, when residents come in, changes create problems.

Councilwoman Benway clarified that the Board can call with questions.

Councilman Norris clarified that the building inspector had suggested 2 feet for fencing requirement;

Donna is unsure if more is needed, a hamlet lot is not 2 acres.

Councilman Norris clarified that building inspector had pointed to fact that fence maintenance requires trespassing.

Councilwoman Benway had spoken to him about that in response to calls, suggesting at least a foot.

Donna felt hamlet might be different.

Nick Delehanty asked whether the 50 % offset had been looked at since last year; Councilman Norris clarified making voluntary and not mandatory,

Donna added you do not have a minimum lot size, unless you have no water and sewer and done under NYSDOH.

Nick is concerned, most are not going to subdivide properties, but that what took place years ago was a 50% offset that nothing could be done with.

Supervisor answered no, that there are a variety of ways you can subdivide your property, major or minor, up to 5 lots in a minor, 2-4; it is a requirement for major subdivision that you look at conservation subdivision but with a lot of ways to opt out, or to use conservation subdivision as a tool to deal with difficult hardscape, geographical areas that could not be built upon, that would have been restricted by the 2-acre lot size in their density due to ravines and cliffs, and would not have had tool of conservation subdivision. Supervisor believes could spend couple hours on subdivisions and conservation subdivisions, could be a work night to take an hour to talk about it; Councilman Norris proposed legislation early in 2012.

Councilman Norris reviewed that, in a subdivision, there is a "mother lot"; he would like that to be clear, is it 4 lots plus that "mother lot".

Donna said in Scheller Park there was an original lot and 4 lots were taken from it; more lots taken from the original would make it a major subdivision; in 3 years it can be done again.

Clerk Loux added that you can create 4 lots; in year or two, the planning board can look at that remaining good sized piece as you're trying to circumvent regulations and can deem it a major subdivision, allowing the subdivide-er to move forward without waiting another year.

Supervisor asked isn't that NYS Real Property Law.

Clerk Loux, in all her years, does not recall any subdivision to having been deemed a major.

Supervisor reminded that if you're going to dedicate a road to a town in a minor subdivision, the planning board has the ability to label that as a major subdivision also.

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Zoning Advisory Committee member Bob Knighton added that the active members of Zoning Advisory Committee put in lots of time and energy, found typos, completed sentences, listened to him, worked together, disagreed politically on many things, and enjoyed getting to know good, conscientious people, and is happy to count them as friends. Zoning, for him, is balancing rights of a property owner with the rights of other property owners; this multidimensional balance is difficult to achieve in best of circumstances. Without community and infrastructure, the land has little to offer; without roads, police, and fire, it is difficult to get good price for land. The community has a right to say how land is used by developing Comprehensive Plan, sets goals on its implementation, then decides on the zoning to meet those goals in order to help the community grown in a coherent way. A lot of folks on this committee lean towards the individual property owner creating a bias, and believes rights of surrounding property owners are not given adequate attention in these proposals. Conservation subdivision requirements currently apply to only major subdivisions, there have been few major, and the developer can get around conservation subdivision by increasing lot size; of the few major subdivisions the Town has seen has had large lot sizes anyway. If it is a hardship for the developer, they can go to the ZBA for variance, so he sees no need to change that aspect of zoning at this time.

Current proposal would make conservation subdivisions voluntary for major and minor subdivisions and would remove increased lot size for major subdivisions. It is complicated, but his understanding in practice is that if you have 8 acres, and 4 acres is swamp, you can be set aside those 4 acres as conservation land, take the conservation subdivision benefit, and make those into 1-acre lots. Beside the impracticality of much of New Baltimore, he is not sure it is a good idea or that it is consistent with state law.

Current proposal includes extensive changes to use table, substantially reduces distinction between zones established, he believes those distinctions were created for valid reasons and we should be very deliberate about changing them especially since current use table has not presented any significant problems that he is aware of since its adoption.

The proposal would permit residential development, not just mobile and modular homes, in any commercial district; he feels this is an invitation to incompatible use that zoning is intended to prevent. It would make more special use permits; his understanding is that developers like less ambiguity; if developer isn't sure if it is permitted, developer must spend the money to create a proposal and then the planning board decides whether to accept the special use or not. This is not a good way to have zoning work. Every 6 months or so the Town Board has had a report from the planning board and the zoning board of appeals; they report no problems have arisen, so see no reason to try to change this at this time. The Town Board is starting to look to update Comprehensive Plan, a wise thing every 5 years or so. If Town Board decides to go that route, it would make sense to then look at zoning to keep it consistent with Comprehensive Plan. Changing the zoning, and trying to change the Comprehensive Plan to fit the zoning change, is getting the cart before the horse. Bob added that the planning board meeting he referred to earlier was the only one at which Bill Johns was not in attendance.

Zoning Advisory Committee member Rob Van Etten doesn't feel it was biased, very open, started with larger group, didn't get quite all the information we could, went with majority of thoughts, some that he was not happy with, and must find average. He thanked Donna Carlson for a great job.

Bill Johns thanked Donna for a tremendous job and added that Bob did excellent job summarizing the philosophical disagreement.

Supervisor commended lots of time and effort, with state law to take a look at, thanked the committee and the Town Board will review. No further comment from Town Board.

Certification of Election Results- New Town Justice

Supervisor reminded that Town Justice Joseph Cosenza resigned at end of August, prior to September 20 deadline for a candidate to get on the ballot. Town Board thought it prudent, rather than appoint and create an incumbent or train someone who would only serve a couple of months, to let the election make that decision. Once election is certified, no appointment needed. Many may know this election is tied up in court in state race, holding up our election being

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certified, and to add to that there was confusion as to number of votes for each candidate reported on the Greene County Board of Elections website. Town asked BOE for certification, BOE's Commissioners Tom Burke and Brent Bogardus reported race may extend well into January, with exception of state race, and their staff has completed recount; other than the state contest, the results in New Baltimore will not change, there are not a sufficient number to change result. Town Clerk reports call to BOE this day that the website is not updated due to its being 'election night results'; later this day, Supervisor received letter, *Please be advised Lee A. Davis is the winner of that contest.* Attorney Wukitsch views this letter as provisional certification. Supervisor added that Lee Davis is an attorney, and doesn't need required training for non-attorneys in order to take the bench, so he may come in, take his oath, and take the bench. Attorney Wukitsch added that three places to file his oath, county, state Office of Court Administration.

Letter of Resignation

Supervisor received letter from Lee Davis stating that as he will soon be sworn in, he effectively resigns from Planning Board, having been afforded opportunity to serve as Town Justice.

Discussion of Hydrofracking

Supervisor has had public and private conversations on both sides of this issue and wishes to start discussion. From her point, not to take a side, she would take a look at the Town Board taking action as a practical standpoint; she has been following lawsuits, Towns of Dryden and Avon, who have banned through their zoning this activity. Town of Avon has recently passed a moratorium and are facing a \$50 million lawsuit; neither the state nor the Governor has ruled. Local legislation would require SEQR, the state as lead agency, any local law requiring a SEQR, thus opening up issues. There was a comment about truck traffic, AOT has looked at that and have white paper out there for towns to look at; hydrofracking causes a great deal more wear and tear on town roads. There are tools for towns to use. Marcellus Shale pretty much stops at New Baltimore's doorstep; New Baltimore is not in Marcellus Shale. There is already discussion about Utica Shale that is broader and deeper. Supervisor suggests keeping an eye, discussing, perhaps hold informational meetings in 2013, keep an eye on what the state is doing and the other lawsuits many of which have no insurance to cover them, in which case towns pay 'freight' on them from their budgets. Councilman Norris asked for the basis of lawsuits; town restricted activity and then was sued. Supervisor understands the town with moratorium [Avon] has the ability to set a certain amount of time to take a look at something, not pass a local law, sit back and think.

Attorney Wukitsch said an interested utility developer purchases large tracks of land so they have an investment, an interest, the Board can have strongly held views, but carefully consider any governmental involvement.

Ellie commented that the Board has time on their side since New Baltimore is not on edge or in middle of the shale.

Supervisor said it is important issue, affecting quality of life.

Attorney Wukitsch said maybe after public hearing and public information, the public may say different.

Supervisor reminded that most of the shale is in the Southern Tier, many communities can look across to see what is happening in Pennsylvania, gas drillers could shift and come over into Tier. Bob Turan said Greene County Cornell Cooperative Extension has had several meetings, good source of speakers and may be a good start.

Councilman Norris said Columbia County had two seminars, one pro and one con, sparsely attended.

Mr. Kemnah asked for informational show of hands.

Councilman Norris feels he doesn't have enough information to make a vote.

Supervisor asked whether he wished the Board or the public's views.

Supervisor wishes to put no one on the spot to raise a hand.

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Ellie said against.

Rob Van Etten favors making educated statements and feels no one in the room has the answers, and no one a better steward of the land, and doesn't wish to set a precedent.

Supervisor reminds to get more information.

Councilwoman Benway agrees with Rob Van Etten, listen to the experts, hear both sides.

Councilman Norris understands consequences of truck traffic and quality of life issues as well as property rights, restricting someone from developing their land and making money from mineral rights.

Diane Loujs said some people went out and educated themselves, you must educate yourself.

Bill Johns has heard a lot, does not know answer, aware of hysteria, concerned about honesty in area.

Bob Knighton had no comment, questions Town of Avon passed a moratorium and got sued, is the reason because the companies had already spent money in the town? If Town Board did something before business had time to buy in, then we would not have likelihood of lawsuit.

Supervisor posed how to learn if someone has sold mineral rights; many farmers commonly do this and it is not a conveyance of real property.

Rob Van Etten reminded of someone coming around when he was young kid.

Nick Delehanty said soil samples were taken on Paradise Hill Road some 50 years ago.

Supervisor said start the discussion, have an informational meeting, email Supervisor with potential speakers, and let us keep an eye on what the state is doing. If Town needs to act quickly, let's be informed in 2013, looking at other lawsuits in other towns.

Councilman Meredith said sounds good, hasn't researched it for himself.

Resolution to Approve Rental of John Deere 310J Backhoe

Under Procurement Policy, highway superintendent has ability to expend up to \$5000 for any one item; Town backhoe no longer steers, is close to end. Looking at smaller unit, Highway needed one now and it has been rented for two months for less than \$5000. Comptroller's Office asks towns to look at purchase cost over period of time; Superintendent Jordan hadn't reached, one more month and he is over his \$5000; he asks for authority to rent through January 15, 2013.

**RESOLUTION
DECEMBER 10, 2012**

**RESOLUTION TO AUTHORIZE TOWN SUPERINTENDENT OF HIGHWAYS
TO RENT JOHN DEERE BACKHOE**

RESOLVED, that the Town Board hereby authorizes the Town Superintendent of Highways to lease a John Deere Backhoe from Power Plan for the period of December 15, 2012 to January 15, 2013 for the cost of \$2,000 while a bid is prepared for a replacement backhoe.

Councilman Norris moved and was seconded by Councilwoman Benway. Superintendent Jordan reports repair of 1989 backhoe at \$3500-5000, a lot of time and money going to parts of something scheduled for replacement in 2013. Councilwoman Benway asked for salvage; Superintendent Jordan has seen in Want Ad Digest and similar for \$7500-10,000 for parts. Supervisor advised that Power Plan will give 100% first month credit and 80% from thereafter. No further discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-Absent MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Adopted

Resolution to Authorize Highway Superintendent to Place Bid for Used Backhoe

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Supervisor explained next step, without obligation Town to buy, is to give authority to Superintendent to advertise for bids, prefers used, in order to make decision in January based on the quotes received, while still leaving open the possibility to repair the 1989 backhoe.

RESOLUTION
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RESOLUTION TO AUTHORIZE ADVERTISEMENT FOR BIDS
TO PURCHASE USED BACKHOE NEEDED
BY TOWN HIGHWAY DEPARTMENT

RESOLVED, that the Town Clerk is hereby authorized to advertise for bids in the Catskill Daily Mail for the purchase of a used backhoe needed by the Town Highway Department.

Said bids are to be submitted no later than 4 pm on Monday, January 14, 2012 at the Town Clerk's Office, New Baltimore Town Hall, 3809 County Route 51, Hannacroix, NY 12087, and opened at 7:15 pm on January 14, 2012.

Supervisor moved and was seconded by Councilman Benway. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE: BENWAY-AYE FINKE-Absent MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE

Adopted

Councilwoman Benway asked whether Power Plan sells used models; yes. Councilman Norris asked whether old model will be bid out now or wait; Supervisor asked to wait, til result is known. Superintendent Jordan reminded that the Town is not spending \$100,000 on a backhoe, needs to see lower bidders and will also sell sander in the spring in possibly the same ad.

Resolution to Approve Sewer District #1 Rates for 2013

Supervisor reviewed local law that established Sewer District No. 1; it did not include rates. If a town's local law includes the rates, you must continue to change them by local law; Attorney Wukitsch refers to the equal dignities rule. Supervisor reminds it is simpler to do by resolution; people can come in and talk about rates during Budget public hearing. Supervisor suggests setting rates by resolution but, if the Town Board does not want to vote tonight, public hearing could be held before Organizational Meeting before passing. Supervisor and Tax Collector Jordan had interesting time getting the sewer points from the antiquated computer software. Supervisor has calculated debt service based on 2012 Budget, needing \$140,515; \$21.8649 per point debt service, and operation and maintenance \$39,4391 per point. There are people in the District who have service, and there are folk with vacant property, or are not within 100 feet of Sewer District and can opt, so only pay toward debt service. Supervisor reminds the District is set up on a point basis and not a meter basis; 2013 for a single family home \$613.04/year; 2012 for single family home \$600.10.

Ellie remembered a shortfall. Supervisor explained Sewer District No. 2 required temporary use of General Fund monies until Greene County IDA helped us out; Sewer District No. 1 has a Reserve Fund.

Councilman Norris asked whether public hearing would require a legal notice; Supervisor reminded as it was not a local law, could be motion by Board, hear comments. Councilman Norris remembers these hearings having no attendees and no comments. Supervisor said, if this amount is not collected, the account would be short for the budget year and would require use of Surplus, Delaware Engineering recommends keeping Surplus and Reserve Fund intact. Tax Collector Jordan has a little time before bills need to be run. Councilman Norris wants to move forward, Councilman Benway said same.

Bob Knighton clarified a \$3 increase on a \$300 bill; he may not come to hearing either.

[laughter]

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RESOLUTION
DECEMBER 10, 2012

RESOLUTION TO ESTABLISH SEWER DISTRICT #1 USE CHARGES FOR 2013
RESOLUTION

RESOLVED, that the Town Board does hereby establish the following fees in accordance with the 2013 Budget for Sewer District #1:

Debt Service: \$21,8649

Operation and Maintenance: \$39,4391

Supervisor moved and was seconded by Councilman Norris. Councilman Norris asked why four decimal points; Supervisor answered that the computer program, done by detail-oriented prior town supervisor, David Louis, rounds up. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE: BENWAY-AYE FINKE-Absent MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE
Adopted

Approve Sludge Hauler for Wastewater Treatment Plant

Now at a critical point, liquid sludge has built up over years; a certain amount of sediment requires hauling with accumulation. Normally the sludge is put in drying beds, dries and is taken, but in this weather it doesn't dry. Jim Polverelli discussed with Delaware Engineering, now need a hauler and a place, and Albany County will take it. Jim has price from local Greene County Septic at \$.07/gallon; Blue Diamond charges \$.04/gallon. This is within Jim's ability per the procurement policy as far as cost; Supervisor like to give business locally but 40% difference of which Jim wanted Board to be aware. Greene County has given good service. Ellie has good experience with Blue Diamond, a larger outfit, many trucks. A simple motion will suffice. Supervisor believes with the tight driveway, a portion of fence can be moved by the Highway crew, a portion of fence is on NYSDEC property.

MOTION TO APPROVE SLUDGE HAULER, MOVING GATE

Supervisor moved to give Jim Polverelli the authority to contract with Blue Diamond for hauling services, and was seconded by Councilman Norris. No discussion. Jim reminded that a fee will be charged by Albany County; hauling further will no doubt have a mileage charge (i.e. Glens Falls). Once backlog is gone, plant is more efficient. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE: BENWAY-AYE FINKE-Absent MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE
Adopted

Resolution to Set Public Hearing for Comments from the Public on Sale of Wyche Park

Supervisor reminded that an informal public hearing would be held regarding the sale of part of Joseph Wyche/District 1 Park, and asked the Board whether they wished to do that on the eve of the January 14, 2013 Regular Meeting. Councilman Norris prefers to wait until little later in the spring, and get more feedback. **TABLED**

Resolution to Approve Budget Amendments to 2012 Budget

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Supervisor has worked with accountant just prior to meeting to make this amendment as efficient as possible, reminding the Board that once the transfer to the Highway Fund occurs, it cannot be moved back to the General Fund. Originally budgeting \$70,000 to be transferred to Highway, due to diligent work at the Highway, Highway Superintendent was able to put up pole barn from General Fund, shift less money to Highway Fund.

**RESOLUTION
DECEMBER 10, 2012**

**RESOLUTION AUTHORIZING TRANSFER OF FUNDS
FROM GENERAL FUND TO HIGHWAY FUND**

WHEREAS the 2012 Budget allocated \$70,000 as a transfer to the Highway Fund and,

WHEREAS, the Highway Superintendent has agreed to a transfer of only \$50,000 to the Highway Fund for 2012,

NOW, THEREFORE, BE IT RESOLVED that the Supervisor is hereby authorized to transfer \$50,000 from the General Fund to the Highway Fund to provide sufficient funding for the Highway Fund in accordance with the current 2012 Town Budget.

Councilman Norris moved and was seconded by Councilwoman Benway. No discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-Absent MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Adopted

Supervisor reminded that as money is moved from one account to another, the Board is not expending any more money than was appropriated in the budget, and at this point the Board has not used the Appropriated Fund Balance yet.

**RESOLUTION
DECEMBER 10, 2012**

**RESOLUTION AUTHORIZING SUPERVISOR TO MAKE THE FOLLOWING
AMENDMENTS TO THE 2012 BUDGET**

RESOLVED, that the following amendments to the 2012 Budget are hereby adopted:

	Increase- Appropriations Decrease-Est. <u>Revenue</u>	Increase-Est. Revenues Decrease- <u>Appropriations</u>
General Fund		
1110.11 JUSTICE CLERK	1,540.00	
1110.4 JUSTICE	3,652.00	
A2610 FINES		5,192.00
1220.4 SUPERVISOR 1330.4 TAX	36.00	

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COLLECTION	821.00	
1355.4 ASSESSOR	1,185.00	
1410.4 CLERK	465.00	
1420.42 ATTORNEY	2,606.00	
1420.43 ATTORNEY	3,023.00	
1440.4F ENGINEERING	9,103.00	
1620.4 BUILDINGS	6,860.00	
3310.4 TRAFFIC CONTROL	119.00	
3510.4 DOG CONTROL	134.00	
3620.4 SAFETY INSPECTION	250.00	
5010.4 SUPT OF HIGHWAYS	300.00	
5132.4 GARAGE	6,387.00	
7140.4 PLAYGROUNDS	3,620.00	
7310.1 YOUTH PROGRAMS	2,350.00	
7310.4 YOUTH PROGRAMS	1,609.00	
7989.4 CULTURAL PROGRAMS	316.00	
8010.10 ZONING CLERK	1,190.00	
8160.4 REFUSE & GARBAGE	1,142.00	
9060.8 HOSP/MED INSURANCE	5,270.00	
A02555 BUILDING PERMITS	250.00	
A02705 GIFTS & DONATIONS	3,463.00	
A04960 FED DISASTER AID	13,865.00	
1410.4 CLERK DEPUTY	465.00	
1420.4 ATTORNEY	3,023.00	
1620.1 BUILDINGS	1,706.00	
3620.1 SAFETY INSPECTIONS	900.00	
1990.4 CONTINGENT	5,000.00	
3010.4 PUBLIC SAFETY	107.00	
3120.4 POLICE	12.00	
3510.1 DOG CONTROL	100.00	
8010.4 ZONING	62.00	
8020.4 PLANNING		

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	Increase- Appropriations Decrease-Est. Revenue	Increase-Est. Revenues Decrease- Appropriations
Sewer District #1		
SS#1 8110.4 ADMINISTRATION	1,880.00	
SS#1 9040.8 WORKERS COMP	58.00	
SS#1 8130.2 TREATMENT & DISPOSAL		1,938.00
	<u>1,938.00</u>	<u>1,938.00</u>

	Increase- Appropriations Decrease-Est. Revenue	Increase-Est. Revenues Decrease- Appropriations
Sewer District #2		
SS#2 8110.4 ADMINISTRATION	100.00	
SS#2 8130.4 TREATMENT & DISPOSAL		100.00
	<u>100.00</u>	<u>100.00</u>

The Town Board authorizes the Supervisor to make the preceding budget amendments to the 2012 Adopted Budget.

Councilwoman Benway moved and was seconded by Councilman Norris. Councilman Norris commented this is end-of-year housekeeping, within budget, and not into Fund Balance. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:
**ROLL CALL VOTE: BENWAY-AYE FINKE-Absent MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**
Adopted

Discussion on Changing Town Board Meeting Time from 7:30 pm to 7:00 pm

Supervisor related discussion among Board members to change meeting time to 7pm; Councilwoman Benway, Councilman Norris and Councilman Meredith agreed with

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recommendation. With no further discussion, it will be within the January 3, 2013 Organizational Meeting resolution setting the meetings. Public hearings will likely occur at 6:45pm.

Resolution to Pay Claims

RESOLUTION
DECEMBER 10, 2012

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 2012 12/ 001-086, it is

RESOLVED, that the Supervisor is hereby authorized to pay claims 2012 12/ 001-086.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until December 31, 2012.

Supervisor moved and was seconded by Councilman Norris. Supervisor thanked Town Clerk Brooks for preparing the abstract for Friday night so that the budget amendments could be prepared and acted upon by the Board this night. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE: BENWAY-AYE FINKE-Absent MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE
Adopted

ADJOURNMENT

With no further business to come before the Board in 2012, Supervisor thanked those attending, wished them a happy holidays, and moved for adjournment, seconded by Councilman Norris seconded. No discussion. The adoption of the foregoing Motion was duly put to a vote, and upon roll call, the vote was as follows:

BENWAY-AYE FINKE-Absent MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE

Motion Carried

The meeting was adjourned at 9:48 pm.

Respectfully,
Janet A. Brooks
Town Clerk