

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
MONDAY, MARCH 10, 2008-Page 1**

Supervisor Louis called the meeting to order at 7:35 p.m. and the Pledge of Allegiance was said. Also attending: Councilwoman McKeon, Councilmen Kuenster, Norris, and Byas, Attorney for the Town Wukitsch, Highway Superintendent Jordan, Town Clerk Brooks, and 5 members of the public. Absent: Tax Collector Stuart.

Supervisor Louis welcomed all attending,

MINUTES

The minutes of the **January 1, 2008 Organizational Meeting** were presented for approval.

Councilwoman McKeon moved, seconded by Councilman Norris.

Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
 Nays-0

The minutes of the **January 14, 2008 Public Hearing on Proposed Local Law 1 of 2008** were presented for approval.

Councilwoman McKeon moved, seconded by Councilman Kuenster.

Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
 Nays-0

The minutes of the **January 14, 2008 Regular Town Board Meeting** were presented for approval.

Supervisor asked p6, 5thline from bottom, positions to decisions, p9 8the line from bottom, Planning Board to Town Board, and, with those changes, Councilwoman McKeon moved, seconded by Councilman Norris.

Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
 Nays-0

The minutes of the **January 28, 2008 Town Board Work Meeting** were presented for approval.

Councilwoman McKeon moved, seconded by Councilman Byas.

Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
 Nays-0

The minutes of the **February 11, 2008 Public Hearing on Proposed Local Law 2 of 2008** were presented for approval.

Councilwoman Kuenster moved, seconded by Councilman McKeon.

Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
 Nays-0

The minutes of the **February 11, 2008 Regular Town Board Meeting** were presented for approval.

Councilwoman McKeon moved, seconded by Councilman Byas.

Adopted Ayes-5 Kuenster, McKeon, Louis, Norris, Byas
 Nays-0

CORRESPONDENCE

From Charles Minetti, **Shady Harbor Marina**, a request for waiver of 30-day waiting period, which gives the Board and members of the public an opportunity to register an objection with the NYS Liquor Authority, with regard to their application for a liquor license. Discussion ensued. Supervisor asked Attorney for the Town Wukitsch if this would be an existing non-conforming use. Answer: Yes.

From **Greene County Legislature**, two approved resolutions authorizing a certificate of cancellation and prospective cancellation relative to a property in the Town of New

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Baltimore. Supervisor Louis summarized, "That the County has determined without Town of New Baltimore's input that, with respect to existing tax liens on a property, it isn't worth their while to foreclose on the property, and that they don't feel there is a practical method of enforcing collection of delinquent tax liens. Essentially, that means that beginning in 2009 in the absence of any Town action, and I don't know what that action might be, that any taxes owed on the property the county would not pay the town for. Of particular concern to me in this prospective resolution, what it essentially says, is this parcel shall become and remain exempt from taxation, not only on the Town level but also for purposes of school and special districts until the Legislature determines said parcel should be restored to the taxable portion of the assessment roll. As a matter of background this parcel is subject to a legal action by the Town on violation of Town codes, there are fines that could be levied if non-compliance is continued." Attorney for the Town Wukitsch will look at the situation. **Charles Maurer Sr.**'s estate is in the hand of his descendants, who are in violation on the property and against whom the county should have acted if they were to exercise due diligence in foreclosure. Ellie Alfeld asked how long code violations have been pursued and if NYS Health Department was involved; Supervisor answered, several years and **NYS Department of Environmental Conservation**, and the action was "kicked back" to **NYS Attorney General's Office**. Councilman Kuenster said foreclosure would have been the right thing; Supervisor agreed, it could be cleaned up and sold to recoup the cleanup expense, and returned to the tax rolls.

OLD BUSINESS

Greene IDA Exit 21B Project workshops were rescheduled to this Saturday, March 15, and a public hearing scheduled for April 7 is rescheduled to April 29. Balloons testing for the visual impact study will fly tomorrow (March 11) on CR61.

Councilman Byas stated that the decision on **contract with animal shelter** would be held another few weeks to review other options; tabled to April meeting agenda.

Last May a resolution was adopted authorizing **Greene County Soil and Water Conservation District** to prepare an **All-Hazard Mitigation Plan** on behalf of the Town of New Baltimore, pursuant with FEMA requirements and the installation of flood prevention projects. Jurisdiction within Greene County was moved to **Greene County Planning and Economic Development**, Director **Warren Hart**. The County is establishing a steering committee and is asking the Towns to assist by appointing members to the steering committee. Supervisor would like to authorize **Christopher Norris**, with alternate **Alan VanWormer**. No discussion; Supervisor will follow through.

NEW BUSINESS

For a vacancy on **Board of Assessment Review**, Councilmen Kuenster and Norris recommend **Kenneth C. Rebusmen** of High Rock Road.

**RESOLUTION
MARCH 10, 2008**

RESOLUTION TO APPOINT BOARD OF ASSESSMENT REVIEW MEMBER

RESOLVED, that Kenneth C. Rebusmen is hereby appointed to the Board of Assessment Review to fill the unexpired term created by the resignation of Barbara Tanner, said unexpired term to end on September 30, 2010.

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Councilwoman McKeon moved to adopt, seconded by Councilman Byas.

**Adopted Ayes-5 Kuenster, McKeon, Louis, Byas, Norris
 Nays-0**

Regarding the **Wastewater Treatment Plant**, Councilman Byas recommends keeping **Louis Betke** and adding Mr. **Douglas Waldron** as a second back-up plant operator. Lately, excess surface water has been a problem and some pumps have been replaced. There is one operator on each shift and all 3 are fully licensed. Part-time wage is \$12.50/hour, is included in the 2008 Budget for the Sewer District; Supervisor Louis anticipates that it is sufficient to cover these salaried positions.

**RESOLUTION
MARCH 10, 2008**

**RESOLUTION APPOINTING
PART TIME WASTEWATER TREATMENT PLANT OPERATORS**

RESOLVED, that Louis Betke and Douglas Waldron are hereby appointed as Part Time Wastewater Treatment Plant Operators, effective immediately, at a salary rate of \$12.50 per hour.

Councilwoman McKeon moved, seconded by Councilman Kuenster.

**Adopted Ayes-5 Kuenster, McKeon, Louis, Byas, Norris
 Nays-0**

Next, Supervisor introduced **Local Law #3 of 2008** providing for **flood damage prevention**, which would replace the current Chapter 48 of Town Code. FEMA has issued new flood maps for all municipalities with relatively little change to Town of New Baltimore. Along came a requirement that, to remain eligible for National Flood Insurance, a municipality must have an up-to-date Local Law. Supervisor stated the change from 1992 is, at that time, construction required the lowest floor to be 2 feet above the highest adjacent grade. This local law will require 3 feet, simplified by Supervisor. In many communities engineers have defined the base flood elevation; this was not done in New Baltimore.

Councilwoman McKeon moved to hold an April 14 public hearing at 7pm, and questioned the reference to May 16, 2008 in Section 3.2(2). Counsel stated the report may be postdated; it contains an accurate description and also appears in 3.2(1).

The motion was seconded by Councilman Norris.

**Motion Carried Ayes-5 Kuenster, McKeon, Louis, Byas, Norris
 Nays-0**

Councilman Kuenster reported on **Farmers' Market**. The **Agriculture Committee** asked the insurance carrier about an e coli outbreak; **Farm Family** said it would be covered. Supervisor asked Birk Miller to fax a copy of their insurance certificate. A link will be provided on the Town website to the Farmers' Market website. An application for a park permit will be treated like any other event. The Committee determined there was no need for a Memorandum of Agreement. The Farmers' Market will be its own entity and hold its own bank account. Cless Bush asked why e coli is an issue here. Councilman Kuenster answered that vendors will have liability insurance and will sell food. Ellie Alfeld asked how many farmers/vendors, Councilman Kuenster answered there are 7 now, 3 from the Town of New Baltimore; their bylaws give preference to Town vendors, second to Greene County. The first year will be difficult and it could become competitive. Ellie asked for a local honey business. Councilwoman McKeon asked about support of the event.

Supervisor moved to allocate \$500 to assist the efforts of Farmers' Market for 2008, Councilwoman McKeon seconded.

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Motion Carried Ayes-5 Kuenster, McKeon, Louis, Byas, Norris
Nays-0

Jean Bush asked if vendors will make a profit; the Farmers' Market is non-profit. Councilman Kuenster answered that vendors will pay a vendor fee. Councilwoman McKeon said that AgFest is basically a non-profit, relying on volunteer effort, and more than providing a venue, it could be a cultural event. Clesson Bush asked when it will begin; answer: second Saturday in June and every Saturday until end of October, and talked about hooking it to AgFest.

Councilwoman McKeon talked about minimum annual **training for Zoning Board of Appeals and Planning Board**. The new law *promotes* a minimum of 4hours/year, while allowing municipalities the opportunity to discern what is acceptable training. Town of New Baltimore has attorneys and planners on each of its appointed Boards; it could be determined on a person-to-person basis. The website for NYS Department of State gives information. She distributed a sample resolution that can be considered for adoption. Last year, Greene County Planning and Economic Development/Warren Hart provided some training. Town of New Baltimore did not adopt a resolution or make itself exempt. This resolution is being discussed; identifies state agencies that provide training and the website provides self-training within first 6 months of taking office. Supervisor felt that 4 hours is not a large request to undertake and is beneficial to individuals and residents to have received training.

Supervisor will work with Councilwoman McKeon, bring it back to the Work Meeting, and adopt in April. Some Zoning Board of Appeals members have asked to have a few months to acclimate and the training will help. At the end of April Greene County Planning will have training. The State law took effect for 2007.

Supervisor stated the **New Baltimore Ambulance District #1 2008 Ambulance Service Agreement** is up for renewal with Ravena, annual sum of \$17,360 (up by \$160 over last year) payable on or before July 15th, 2008. The Ravena Rescue Squad provided statistics for 2007: 167 calls of which 125 were transported, 27 on NYS Thruway, and evenly distributed across the day.

Councilman Kuenster moved to execute the agreement, seconded by Councilman Byas. Ellie Alfeld asked if the ambulance bills the insurance company, and how does that get taken into consideration. Supervisor answered that Ravena Rescue Squad takes their cost, including equipment expense, and from that total they subtract their revenues, that include insurance. The result is prorated proportionately and done in the aggregate, soft billing, and maximized efforts to collect from insurance companies.

Motion Carried Ayes-5 Kuenster, McKeon, Louis, Byas, Norris
Nays-0

Year End Financial Report for 2007

The **Annual Financial Report** has been filed in the NYS Comptroller's Office, copy in Town Clerk's Office.

For 2007, General Fund total revenues were \$712,988, total expenditures were \$665,033, leaving a \$47,000 surplus. When added to Fund Balance in General Fund is a total of \$+399,000, of which \$75,000 is budgeted for 2008, \$20,000 will be brought up to 2008, as they were budgeted for 2008 and were actually received in 2007 and some expenditures that were budgeted for 2007 but will not actually be made until 2008. This leaves an available \$ +304,000.

Highway Fund total revenues were \$893,707, total expenditures were \$909,612, resulting in a use of \$15,905 of the prior year's Fund Balance, and \$15,000 had been budgeted to be used from the Highway Fund Balance. Very close. On December 31, 2007 there is a Highway Fund Balance of \$59,624, of which \$15,000 has been budgeted for 2008.

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Sewer District total revenues were \$159,183, total expenditures were \$165,973, \$6,000 was used of the Fund Balance, leaving a \$46,655 balance as of December 31, 2008. As noted at the Work Meeting, there are negative fund balances in Sewer District 2 and Lighting District 2 that will be restored by 2008 property taxes charged to those Districts, thereby eliminating those debts. Due to rising energy costs there is a \$450 deficit in Lighting District 1, and whether 2008 budget will relieve that remains to be seen. For Special Districts balances: Water District 1: \$148, Water District 2: \$1,002, Ambulance District 1: \$17,514, Ambulance District 2: \$22,851. For the Reserve Funds balances: Buildings Fund: \$11,174; Sewer Repair: \$8,699; Parks Reserve Fund: \$8,560; Highway Capital Reserve Fund: \$30,181; and a leftover \$10,315 in accumulated interest earnings in Road Reconstruction Bond Fund which are pledged toward debt service in 2008 in the Highway Fund.

PUBLIC COMMENT

Ellie Alfeld asked about the postponement of the last Work Meeting. Supervisor clarified it was postponed twice.

MONTHLY REPORTS

Supervisor Louis reported that revenues and expenditures for the month of February had been distributed to the Board, and vouchers on the March abstracts prepared for this meeting were being approved by the Town Board.

County Legislator Jim Van Slyke reported later.

Town Clerk Brooks reported: C/O searches-none; Permits: building-1, mobile home-1, and conservation licenses-2, dog licenses-17, photocopies-18, marriage license-1; minor subdivision-4; certified copies-8; recycling fees of \$7.50 for a total revenue to Town Supervisor of \$544.26 and non-local revenue disbursed of \$99.24.

Highway Superintendent Jordan reported for February 2008: Changed oil in F 350; Feb. 1 snowed in afternoon, plowed and sanded all roads; Sat., Feb. 2 Freezing rain called all in at 5am and sanded several times; Patched holes with winter mix and crusher run; Repaired rear lights on F550; Repaired leaking exhaust on 85 Oshkosh; Replaced broken tailpipe on F350; Wed., Feb. 6 all in at 8pm for ice, sanded all roads and worked all night; Repaired flat tire on 85 Oshkosh; Repaired light on 89 International; Sat., Feb.9 all in at 4pm for light snow; Repaired cab mount on Massey Ferguson tractor; Repaired Carhart Road sign that was hit by a car; Tues., Feb. 12 all in at 7pm for snow and worked all night; Thurs., Feb. 14 all in at 3am for snow and ice; Washed and cleaned inside of all trucks; Went and looked at new mower at Clinton Tractor, determined it is the desired model; Scraped ice on Flatbush Road with grader; Repaired all lights on Equipment Trailer so we can go pick up mower in Clinton NY; Tues., Feb. 26 7 inches of snow, plowed and sanded as needed; Replaced trip springs in plow for F550.

Wastewater Treatment Plant James Polverelli reported: Feb. 4 removed sludge/decant pump for repair; Feb. 7 high flow due to rain event; Feb. 8 informed that sludge pump could not be repaired; Feb. 11 temporary pump set up to decant digester, installed new parts in control panel at pump station; Feb. 14-15 high flow due to rain; Feb. 22 received new pump from Emmons Pump and Control; Feb. 26 installed sludge/decant pump in digester; Feb. 29 fire extinguishers serviced, finished USDA Vulnerability Assessment Report.

Town Historian Clesson Bush reported for the month of February: sat in on Coeymans preservation group presentation, about 45 minutes long. From hamlet resident **Debbie Parker** came a donation of a 1912 marriage certificate and the birth certificate of the bride, Cless suggested Vedder Library to catalogue and maintain in drawer. Cless

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provided postcards of Albright's Cabins; information to a resident about Hagedorn Dock, near old landing strip, an icehouse dock, where there is property for sale. Also, a piece of paper was found during the restoration of the Reformed Church's stained glass window.

Building Inspector/Code Enforcement Officer/ John Cashin and Christian Larsen reported for February: new building permit applications received-2; building permits issued-1; building inspections-13; commercial site fire inspections completed-1; Certificates of Occupancy granted-3; Certificates of Compliance granted-1; Stop Work Orders issued-1; junk vehicle complaints-5; court appearances-1; Zoning violation investigations-0; Code violation investigations-9. The updated Building Permit Application packet is now available on the Town's website.

Newsletter Chair Councilman Kuenster reported an upcoming deadline of Monday, March 17.

Assessor Gordon Bennett reported the annual review is in progress, assessment change notices will be sent to property owners whose assessments may be reassessed due to construction and/or new data inventory as well as parcels that are exempt, special franchises, and public utility. Approximately sixty-nine building permits and one hundred five field reviews have been visited for the 2008 assessment roll. Change notices to assessments will be printed as the May 1st tentative roll is printed. Twenty-seven arms length sales were processed this year for an average sale price of \$157,405. Nineteen arms length sales were processed for vacant land and two sales were recorded for businesses within the town. There were also 28 newly-created parcel identities as a result of ten subdivisions. The Office of the Assessor will be closed for March 5-10, and 12-13.

For Agriculture Committee Councilman Kuenster reported a meeting on March 6; over 150 Farmers' Market surveys received, 2 of which were negative, over 20 people volunteered to help, many constructive comments, including that it will provide a good meeting place. Regarding the AgFest, comment was made that it is less agricultural each year, needs more antique tractors and farm equipment, more ag-oriented activities for kids (the Greene County Youth Fair's organizers will be contacted), an Ag Committee booth to advertise the Farmers' Market (check with Rob VanEtten to get approval for the booth), a list of volunteers to man the booth; hold a mid-July/early August community potluck dinner of "bring your own" homemade dishes from local produce with guest speakers to help link the community to the Ag Committee and Farmers' Market; and an early Fall harvest festival fundraiser that everyone could attend. The committee will set up citizens' committee to work on the 401C3, to help in the Town and to apply for grants.

County Legislator Jim VanSlyke reported that Executive Session discussed the freeing up of sheriffs for 12-hour shifts, jail is working better, saved \$50,000 boarding out inmates since Jan. 1, 2008, Highway Department reported that New Baltimore Road bridge is in design stage, another month before advertising for bids. Supervisor received call, possible closing of bridge, looking for scheduling help from the Town. Streetscape on CR23B or A, 1-2 miles, comes under Marcellie grants, percentages from federal (80%), state (15%) and (5%) from county. County Highway Superintendent Harvey has promised CR 61 in next year or two, CR54 was begged for this summer. Legislator VanSlyke asked why the county was exempting the Maurer property, how much is the property damaged and did the NYSDEC determine the total of hazards; the tax map number was given, no tax map was shown, just that it was a liability. Supervisor said there was documentation available, there is salvage there. Councilman Kuenster asked what the thinking behind the vote was, Legislator VanSlyke answered he wasn't certain they all knew on what they were voting, he inquired whether anyone was living on the property and was told it was vacant land. It would only cost Greene County \$3,500 year to reimburse the Town and school, and only one year was due. Ellie Alfeld, "Stand on Alcove Road, cars filled with garbage and trash." Supervisor Louis said the Town was not consulted, three who know of a plan

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whereby the property would have gone into hands to clean up and pay taxes. Supervisor said he had a hard time believing that value can't be found in 25 acres of vacant land in the Town of New Baltimore; progress had been made. Legislator VanSlyke asked for letters to the County asking it be put back on. Supervisor said Attorney for the Town Wukitsch has been asked to research the matter. Ellie Alfeld said residents receive services and now they can live rent-free.

Planning Board Chair Lee Davis reported a meeting on February 14, 2008, with the following business transacted: Public Hearing was held on the Minor Subdivision Application for Michael Frati. In the regular monthly meeting that followed the Public Hearing: Frati minor subdivision was approved; Continued discussion with Laura Kaye Stewart's authorized representative regarding two-lot subdivision of her property located on County Route 54 and required Public Hearing will be held 7:30 p.m., March 13; Received Minor Subdivision Application from David Van Alstyne for a two-lot subdivision of his property located on Alcove Road and required Public Hearing has been scheduled for 7:45 p.m., March 13; Held initial discussion with Town residents regarding the possible subdivision of their property.

Zoning Board of Appeals Chair Meave Tooher reported there was no meeting in March, as there were no applications to come before the Board.

Recycling Center Operator Spencer Sebert reported receiving in the month of February: 1 appliance, revenue to Town of \$7.50. For Buildings and Grounds, Mr. Sebert reported that in February he changed light bulbs in meeting room and conference room, changed light bulbs in exit signs, changed air filters, changed water filter, checked UV light, and repaired the hole in the mens' room ceiling.

Animal Control Officer Joe Tanner reported: traveled 246 miles in the last 2 months, had 21 dog calls, 15 cat calls, 2 calls on cows loose, and 2 calls on raccoons in a attic. Had a few calls on animals being left out in the cold and had to go to the owners and see if they have proper shelter food and water; only one of them I asked if they could upgrade the shelter. Had a barking dog near Alcove Road that I had to make 3 trips to the home to see what the problem was, then had to write out a complaint and go to court twice, and it is resolved. Had a stray dog on Sodom Road, found the owner and let him know that we have a control law in the town and he agreed to keep his dog under control. Also had a Great Dane hit a car and cause damage to the car; they don't make cars like they used to. Still have a stray dog hanging out on Gill Road and have to find owner. Caught and took 1 dog to the shelter that I was getting complaints about near Hillcrest Road. Also caught a dog near Route 26 and found the owner who lived in Greenville. Had a bunch of calls about stray cats in the area again, caught some and found homes. Also had a mother and 4 kittens dropped off at my house that I brought to the shelter and a couple of raccoons living in an attic near Route 51 that got evicted. Also, a couple cows got out and the farmer had no idea how, so we walked the fence line and found part of it down, I helped fix it and that was that. Everything is under control. Supervisor added that the voucher for Mohawk and Hudson River Humane Society would be added tonight and approved by the Board.

Fire/EMS /Law Enforcement Councilman Norris reported he attended the meeting of the Greene County EMS in Cairo. Greene County took delivery of two new flycars, one will be auctioned, the other will be kept as a spare. The agency received a grant from CDPHP for a new 12-lead ECG. Upon implementation of the "Save a Life" project, emergency department physicians will have the capability to receive EKG readings from EMS personnel en route to the hospital, allowing physicians to make informed decisions in advance of a patient's arrival at the emergency room. This could reduce the time to get to the OR by as much as 30 minutes. Supervisor and Councilman Norris have scheduled a meeting with the fire chiefs of New Baltimore and Medway-Grapeville to review the

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town's emergency management plan, the National Incident Management System, and to study the 911 address plan for all property owners.

For Parks, Councilwoman McKeon reported Greene IDA's Tim Albright is helping with the town parks' beautification, signage, and trees. Cless Bush stated there was a plan to do historic signage.

For Promotion/Economic Development Supervisor Louis asked Councilman Kuenster to begin planning the annual Town of New Baltimore Business Appreciation Breakfast.

Under Grants Councilwoman McKeon congratulated the Town Justices for receiving a grant for over \$14,000 for the court, and the consideration of bringing back the appearance of Rocky Store School.

For Website and Technology, Supervisor stated he had gotten the software to post a pdf. document of the agenda of the Regular Meeting.

No report for Personnel, although the Zoning Board of Appeals replacement is still being sought.

With no more from the Board or the public, Councilman Norris moved to adjourn, seconded by Councilman Byas.

**Motion Carried Ayes-5 McKeon, Kuenster, Louis, Norris, Byas
 Nays-0**

The meeting was adjourned at 9:25 p.m.

Respectfully,
Janet A. Brooks
Town Clerk