

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
SEPTEMBER 10, 2012 – page 1

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OPENING OF MEETING

Supervisor O'Rorke called the meeting to order at 7:32 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 13 members of the public who signed the attendance sheet. Absent:

Supervisor asked that cell phones and other electronic devices be turned off as they cause interference on the digital recorders.

APPROVAL OF MINUTES

Regarding the approval of Minutes of July 23, 2012 Special Meeting for Long Range Planning submitted by the Town Clerk, **Supervisor moved and was seconded by Councilman Norris**. No discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

Regarding the approval of Minutes of July 23, 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-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE
Motion Carried

Regarding the approval of Minutes of August 13, 2012 Public Hearing for Local Law 2 of 2012 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-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE
Motion Carried

Regarding the approval of Minutes of August 13, 2012 Regular Meeting submitted by the Town Clerk, **Supervisor moved and was seconded by Councilman Norris**. No discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

Regarding the approval of Minutes of August 27, 2012 Special Meeting for Water District 2 and Delaware Engineering submitted by the Town Clerk, Supervisor complimented Town Clerk on those difficult minutes and appreciated her efforts, **Supervisor moved to adopt and was seconded by Councilman Norris**. No discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

Clerk Brooks thanked the Board for approving those 35 pages of minutes.

PUBLIC COMMENT PERIOD

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Ellie Alfeld stated that Ravena-Coeymans-Selkirk Board of Education's Sue Starr reports the number of Town of New Baltimore students in attendance: 123. According to Albany Times Union, RCS is the highest cost per student (\$21,000/student) in region from Glens Falls to Ravena; Bethlehem Central reports \$17,000/student. Assessor Bennett learned Coxsackie-Athens CS reports \$16,546/per student; also, Assessor Bennett reports Town of New Baltimore RCS total assessment of \$67,294,627; the tax rate is \$27.32. Also, 9 new lifeguards were hired as of RCS last school board meeting.

CORRESPONDENCE

From Greene County- an invitation to the September 11 dedication of the memorial monument at Greene County Emergency Operations Center, 25 Volunteer Drive, Cairo. This monument commemorates those who have served and lost their lives in fire, EMS, law enforcement, and corrections.

From Trident Insurance- a loss control inspection with MVR analysis. They would like to see scheduled inspection of buildings, MVR throughout staffing, as well as driver discipline program, accident investigation, monthly parks inspections, an employee handbook, written sex harassment policy and training, technology policy, internet usage, and all reviewed by Town Attorney.

From Greene County Community Action- an invitation to a September 12 open house at Hart Gallery, celebrating 40 years of service, from 4-6pm.

From Town historian Ted Hilscher- a request to keep the town historian salary flat for 2013.

From Town historian/local attorney Ted Hilscher- an offer of his services following the resignation of Town justice Joseph Cosenza; Mr. Hilscher has worked in the District Attorney's Office in Catskill.

OLD BUSINESS

The Highway 284 Agreement was discussed at Work Meeting, not enough to vote with Councilwoman Finke abstention as her relative lives on one road. Supervisor reminded that the Town was lucky that a permanent repair came in low, Highway Superintendent Jordan would like to use that for additional grader and hand patching of Shady Lane, Gedney Hill, Featherbed, Medway-Earlington, Old Kings Road, and Kings Road.

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

AGREEMENT between the Town Superintendent of the Town of New Baltimore, Greene County, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$210,000 shall be set aside to be expended for primary work and general repairs upon sixteen (16) miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of Town highways:

(a) On the road commencing at New Baltimore Road and leading a distance of 5,690 feet, there shall be expended not over the sum of \$78,328.

Type: 6

Width of traveled surface: 21 feet

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Thickness: 1 ½ inch

Sub-base: Oil and stone

(b) On the road commencing at Washington Street and leading a distance of 1,566 feet, there shall be expended not over the sum of \$21,888.00.

Type: 6

Width of traveled surface: 21 feet

Thickness: 1 ½ inch

Sub-base: Oil and stone

(c) On the road commencing at High Bridge Road and leading a distance of 2,150 feet, there shall be expended not over the sum of \$22,572.

Type: 6

Width of traveled surface: 12 feet

Thickness: 2 inches

Sub-base: Blacktop

(d) On the road commencing at Carhart Road and leading a distance of 700 feet, there shall be expended not over the sum of \$8892.00.

Type: 6

Width of traveled surface: 14 feet

Thickness: 2 inches

Sub-base: Milling

Executed in duplicate this 23rd day of April, 2012 and revised on 10th day of September, 2012.

Supervisor

Councilman

Councilman

Councilman

Councilman

Councilman

Councilman

Councilman

County Superintendent of Highways

Town Superintendent

NOTE: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent. Both copies must be approved by the County Superintendent. One copy must be filed in the Town Clerk's office and one in the County Superintendent's office. *COPIES DO NOT HAVE TO BE FILED IN ALBANY.*

RESOLUTION
SEPTEMBER 10, 2012

RESOLUTION TO APPROVE REVISED HIGHWAY 284 AGREEMENT

RESOLVED, that the Town Board of the Town of New Baltimore does hereby approve the attached revised Highway 284 Agreement dated September 10, 2012.

Supervisor moved and Councilwoman Benway seconded. Councilman Meredith asked whether he should abstain since he resides on one named road; Attorney Wukitsch answered no, it was not necessary since he is not the sole beneficiary of the road. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

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

UPDATE ON PUBLIC MEMORIAL CEREMONY FOR SEPTEMBER 30

Chair Councilwoman Benway said there is lots of preparation for the event: family information is arriving in response to her letters, the committee has been given specials on cake, apples, cider, chrysanthemums from Guptill's Greenhouse, tables and chairs from fire companies. The next meeting is September 19 at 6pm at Town Hall; ZBA will follow at 7:30pm.

WEST VAN GURPIN LANE

Attorney Wukitsch asked for description of Van Gurpin Lane; Highway Superintendent Jordan described: "beginning at US Rte 9W and proceeding to the railroad tracks". Bill Johns commented the map shows a 'West' and 'East' and no 'Van Gurpin'. Attorney Wukitsch asked which one; 'West'. Bill suggested substituting 'NYS Thruway to railroad'.

**RESOLUTION
SEPTEMBER 10, 2012**

**RESOLUTION AND CERTIFICATION
ABANDONING WEST VAN GURPIN LANE**

WHEREAS the road known as West Van Gurpin Lane was "closed" by prior action of the Town Board; and

WHEREAS, the Town Highway Superintendent intends to file the attached certification stating that West Van Gurpin Lane has not been maintained by the Town for many years;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore accepts the attached Certification of Abandonment which shall be filed with the Town Clerk.

Councilwoman Benway moved to adopt and was seconded by Councilman Norris. William Johns asked for portion of road; Supervisor clarified the description portion appears in the certification. Originally closed in 1934 and overgrown, a person cannot tell there was a road there. Councilman Norris asked whether all the issues were resolved; Attorney Wukitsch said he has discussed with the attorneys of the parties involved and explained the Town's position; after 3-4 months they have not responded. 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-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE
Adopted**

Clerk Brooks distributed a second copy of Highway 284 for signatures.

**RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH
DELAWARE ENGINEERING, PC**

Discussed at the Special Meeting, a motion was passed at the Work Meeting to engage Delaware Engineering for the review of boundaries and clarification, re-file maps and certifications of Water District #2; Supervisor would like to follow all that with a resolution authorizing her to sign the agreement with Delaware. The fee, discussed at the Work Meeting, is \$1,300. After the Work Meeting, Delaware began this map work that was sent to Board members yesterday with agreement. Supervisor asked to note that the section on the terms and conditions reflects her changes to the limits of liability; they sent a fax on Friday with those changes. Attorney

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Wukitsch commented Delaware has worked on several different special districts and has the expertise to bring to this very specialized task; he has reviewed their changes. Office of Real Property shows certain properties in the district.

**RESOLUTION
SEPTEMBER 10, 2012**

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT WITH
DELAWARE ENGINEERING FOR PROFESSIONAL SERVICES**

WHEREAS, the Town Board wishes to review the existing boundaries for Water District #2 in light of existing service connections and requests for service to properties that may or may not be within the existing district.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby authorize the Supervisor to execute the attached agreement for professional services with Delaware Engineering, P.C.

Councilman Norris moved and was seconded by Councilwoman Benway. Councilman Norris asked their timeline; Supervisor explained they still need information from the Town, a public hearing must be held, and this agreement causes the Town Board to tell them where we want the district. Asking the cost to hook up 10 homes will be a specialized task not covered within the agreement; the agreement is for the Town Board to tell Delaware where to create/extend the district, file paperwork, and do the mapping; not to create infrastructure. The changes have already been made to Limits of Liability requested by Supervisor. Councilman Norris asked is the map accurate; is it from Greene County Office of Real Property? Supervisor clarified: is it the district or the users of the district? Map has red line. Supervisor said one map represents who is receiving services based on the list New Baltimore receives from Village of Cossackie; the other map shows who is listed in the district according to Real Property and, according to legal description, within 100 feet of Scheller Park Road. Supervisor reminded that that will be discussed more as the Board faces the Water District. 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-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Adopted

NEW BUSINESS

DISCUSSION OF HEALTH INSURANCE PLANS FOR 2013

Erin Nevins came to Work Meeting, Supervisor now looking for direction from the Town Board, not looking for action tonight. She reviewed that in 2010 the Town went to high deductible plan and Health Reimbursement Account, and paid for that for the employee; costs are not necessarily fixed based on the employees' use of the program and what their particular deductibles were. In 2011, more deductible, and this year coming suggesting even a little higher deductible. This year the Town is paying about \$113,000 plus the HRA cost; if we stayed with the current plan it would be \$115,562; going to other deductible would be \$117,948; to the higher deductible would be \$80,996. Keep in mind that other things change within the plan. For instance, copay now becomes part of the deductible instead of being paid by the employee and there are differences with the prescriptions.

Below are HRA costs, there are mandatory minimums to keep within HRA, over 2 years we've still saved money, even with going to the HRA. Insurance committee would like to look at \$2500/\$5000 plan, far right, savings and fixed cost makes a significance difference for the Town. Based on prior HRA usings Supervisor believed the Town could still come out ahead and, if 8 families capped out their deductibles, it could still cost more. Due to HIPAA laws, Supervisor is reluctant to talk about it in public meeting. Policy does not renew until December; it hasn't been

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presented to Highway crew yet. Supervisor would like to know the Board's inclination; the two plans have differences as to how copays would work, Councilman Norris saw a big savings, Councilwoman Benway noted that employees would have no more out of pocket, Supervisor said employees would gain a little bit, and \$35,000 savings.

Supervisor asked for comment from Councilwoman Finke and Councilman Meredith, would be happy to meet with them individually to answer questions, and would like to meet with employees who take the health insurance. There is a little learning curve with high deductible and, with a switch from BCI to CDPHP, this required manual work of going through each and every bill as to whether it qualified for deductible will go away. Councilman Norris said seems like a decent savings for the town; the Town has already started down the path of different type of program and this is just a little more change. Supervisor agrees, and asked accountant about whether it is possible to set up Reserve Fund for HRA so, if there are fluctuations with the high deductibles, they could be mitigated, it doesn't seem to be allowed under Comptroller's Office but accountant is researching.

Ellie Alfeld asked whether there was a maximum on the HRA; Supervisor said the most the Town would be out would be \$45,000. Supervisor added that employees all seem happy with switch to CDPHP about 5 years ago now. Councilman Meredith asked how many were in the plan; acknowledging HIPAA, Supervisor answered that all full-time employees are eligible. All new employees pay 20% for theirs and their spouse or family who may be in the plan; as long as retired employee can choose to stay in; and if the employed spouse predeceases the surviving spouse can pay and stay in plan. Supervisor plans to sit down with the full-time employees, review the health insurance options with them, and get their feedback. Erin Nevins also offered to come back to answer questions.

UPDATE ON TOWN-WIDE YARD SALE

Councilwoman Finke reports the sale this Saturday, 9am-4pm, both churches and firehouse in New Baltimore are participating, nearing 50 sales, hoping for sunshine. Supervisor reports many people have been coming into Town Hall and asked whether press releases were sent out; [unable to hear]; maps on that day will be available at the churches and the firehouse, the Antique Center asked for maps. Supervisor asked Councilwoman Finke whether the Boy Scouts had reached her. Councilwoman Finke reports a number at the park.

DISCUSSION OF EXPANSION FOR WATER DISTRICT #2

Supervisor said a request was received from a family who does not reside in Water District, 2 properties outside district, fourth drilled well has failed, their water is undrinkable, and have done everything they can think of to use their own wells; they've asked about hooking into District 2.

A special improvement district has a legal boundary; anyone outside who wants to become part causes the Town Board to extend the district to incorporate the property. Once the Board extends the district and the pipes are put in the ground, it is the district's responsibility in the event of a break or needed to be dug up, the district would have to pay for that. Supervisor believes the Water District No.2 has 32 users, 41 lots; it is not a big district and there are few to pay any incurred costs.

Supervisor reviewed option one: family puts down lateral, a 3/4" pipe; family does not become part of district, Town Board would enter into contract with the individuals, piping follows along shoulder of that road. If that work along the road is not done well, the Town Board could have litigation as an expense to the district. Once pipe is in, if the house is sold to someone, the new owner is inclined to think those pipes are owned by the town, as Mary Beth [Bianconi, Delaware Engineering] mentioned that night, more than likely the Town or Water District would have to pay the cost to pull the pipe and to repair. After Irene, there were pipes that were washed away and were pulled, if folks didn't have financial wherewithal, the town or district would have to repair.

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Supervisor continued that extending a district does not allow for 'leapfrogging' or skipping over houses. The next problem becomes the requirements for the piping for that district, must not be a lateral if it is for future hooking-up. Does the Board believe it is fair for this individual to pay for larger piping than they need to service their home? This is some of the work Delaware did pro bono without onsite work and soil samples: to work up estimated costs for piping from the GIS mapping and because Delaware does work for Village of Coxsackie and Greene IDA and is aware of what we have in New Baltimore.

Supervisor stated Delaware suggests an 8" main to support firefighting and fire hydrants. But this is further complicated due to pressure being inadequate, although Delaware believes pressure should be adequate given the elevation of Scheller Park area; Delaware Engineering thinks problem lies with 10" 1890's cast iron piping, that's the reason for inadequate pressure. Many current district property owners have had to put in own booster pumps and has helped some people and not others. Eight (8) inch line would cost over \$100,000. Three (3) inch water main would be large enough to hook up other users but not large enough for firefighting and cost \$50,000.

Supervisor reminded that Councilman Norris asked about red line and legal description; typically water districts are done so the water district takes the shape of all the properties in said district. In theory we want all those properties that may be possibly subdivided in the future to be part of the district. It read 100' off Scheller Park Road- so anyone who had a property that touched Scheller Park Road within 100' was in the district. But once some subdivisions occurred, they are no longer residing in the district; believing some, having come in and talked with the Town, were told they were in the water district and have planned accordingly. Part of what Delaware Engineering will do for the Town is clean up the legal description so it does follow the property lines so that any further subdivisions will stay within the description.

Attorney Wukitsch said the plan is not only an expansion of the water district but a correction of the existing boundary. Supervisor agreed, to correct the existing boundary and then to decide whether the Board wishes to extend; for the extension, one option is to extend to at least two properties, one who wants in and one who may not, then to put in the correct pipe for which the Town would bid the job, hire the contractor, oversee, and have the work done to the Town's specifications. The second option is to have a contract with this individual, allow them to put in a lateral pipe for just their home- no other homes could be hooked on due to size of pipe- Board talked about this at Work Meeting because there are possible 10 other houses and this option piping would not do that job. With this contract option, the Town is at the individual's mercy to be sure they put in the line correctly, and it could end up falling back to the district anyway. Attorney Wukitsch clarified that the cost of extending a district for one home does not justify expense; despite the down side the contract is the best way for a specific case.

Councilwoman Benway asked whether costs are spread over number of lots or users. Supervisor answered that if the Board extends the district and incurs those additional costs, she believed legally it could be by property tax [by lot] or by increased cost of usage [by users]. Supervisor gave for comparison: in Sewer District 1 there may be folk who own a vacant lot who pay toward debt service, there are also folk who are not within 100 feet of line who also pay toward debt service.

Ellie Alfeld asked regarding "1890 cast iron line" is it in Scheller Park or in Coxsackie water supply system; Highway Superintendent Denis said line used to come from reservoir to Coxsackie and it was reversed to serve Scheller Park. Supervisor said Mary Beth (Delaware) had said that this system predates the Village of Coxsackie current water supply and water filtration. Ellie Alfeld reminds Joe Lechner put all those lines in; she reminded the Board that it would be preferable to do this by the lot owners, by having water or sewer, a lot size may decrease.. Supervisor said anyone whose lot is within a district as being 'improved'- not everyone feels that way, but accepted in that way that if you reside in a district, your property is improved, as within the Sewer District.

Ellie Alfeld said if you have 3 acres of land, instead of being restricted to a 2 acre; Kathy Rundberg reminded that is Hamlet zoning, Scheller Park. Supervisor commented it is always good to have the planning board chair present.

Jean Horn asked if Mr. O'Connor was willing to put in the lateral; Ellie said 3"; Supervisor continued 3/4", cost is still unknown and the Board could do a contract with him.

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Councilwoman Benway asked what if he sells; cannot sell if you don't have water, Supervisor continued if sold to Smiths in 5 years, Attorney Wukitsch added can make contract that is assignable for subsequent purpose.

Ken Rebusmen said in the event that he is legally in the water district, will he be assessed even if he has no service; Supervisor answered that, with no current debt in the Water District 2 since paid off the bond taken in the 1970's and unlike the Sewer District that has debt and so has debt service and usage payments, people in the Water District only pay if they have usage. She continued that if in the future the District were to incur debt, then the Board would have to decide whether to share or increase usage fee above and beyond actual usage.

Ken Rebusmen expects to put his own pipe in; if he doesn't put it in yet, how can he incur the water expense, isn't it unfair to charge for water he cannot get yet unless the Town plans to put the pipe line in for him.

Supervisor said Twisted Tree Lane doesn't have pipe, but they reside in the District, don't receive water, not users, but are in the district. She continued that if the District incurs debt and it is determined that debt is shared by every property owner, yes, you would have to pay toward that, a decision made at the time, and if the Board got to that point, a bridge to cross, there would have to be a public hearing.

Jean Horn said debt is different than water usage; if you're not getting water you don't have to pay for it, but if something happens that if whole district has to pay.

Councilwoman Benway added like that \$50,000 pipe, if that is the decision.

Supervisor has numbers from Delaware Engineering.

Councilman Meredith asked whether this fellow will pay \$50,000 to get water?

Supervisor said the Board could require one of these options, as Attorney Wukitsch said, the Town could have a contract with the individual and allow him to put in $\frac{3}{4}$ " line, substantially less, maybe for \$10,000, for which he would dig a hole, trench. Councilman Meredith asked if the Town could come up with \$50,000 and put in regular pipe.

Supervisor reminded that it would have to be the Water District that would pay that, not the Town. Supervisor said it is not subject to a referendum, and would be subject to a public hearing before the Town Board to hear the residents of the district. Supervisor said there are few people to spread the cost, not everyone in the district uses the water, there is an individual hardship, and there is a significant cost.

Councilman Meredith asked whether this would come up again in five years, he cannot add his water, he has another house on that and it would be an issue and just dug the hole.

Councilwoman Finke said that was her question, if he puts in $\frac{3}{4}$ " line, must start all over again.

Supervisor said that is one thing the Board must decide, and ask Delaware Engineering for, if we plan for future, folk would know what they would need to do, like Mr. Rebusmen who is planning and subdividing, we need to tell others what they need to do. Supervisor asked whether the Board will say 2 houses, 3 or 5 or 6, if you need water, here's what you need to do. Will they have to go back and tear up the $\frac{3}{4}$ " and put in 3" line, and that's what happens; you don't always have a lot of lead time. Councilwoman Finke asked where it was going and how long.

Supervisor answered about 1200 feet. Councilwoman Finke clarified this is only his cost? If it went to his house and was capped it would still be \$100,000. Supervisor reminded of the 1890's cast iron pipe problem, Councilwoman Finke asked where is that; Supervisor answered at the beginning of district, and

Highway Superintendent Jordan explained: in Diederich's Trailer Park, under the NYS Thruway, through Martins, to the corner of Circle and Scheller Park Road, where Joe Lechner tied in and ran the new line back in. Supervisor reminded that in 1970's Water District took out debt, as the developer had put in 1- and 2- inch pipe that was not big enough, and although it looks like every house was assessed, or possibly by user fee, records are unclear, but everyone in the District paid it; not everyone right now has use or pipe running in front of their house. Not something the Board can decide in this night, Mr. O'Connor works for corrections and would like to be here for meeting, must give 30 day notice- Supervisor suggests holding Special Meeting on Saturday morning because time is of the essence and have other residents present from Scheller Park.

Councilwoman Finke said that is the Town-wide Yard Sale.

Supervisor O'Rorke said time was of the essence and it is up to the Board.

Ellie asked when the yard sale ended; Councilwoman Finke said 9-4pm.

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Councilman Meredith said, nearly over for this year, by the time we pass it, by October, then November is here. Councilwoman Finke said wedding. Supervisor said he'd like to, he wants to, and he is desperate.

Councilman Norris asked if there were any days Mr. O'Connor was off. No, Monday through Friday, believing 12hour shifts, Supervisor offered a meeting at midnight, spoke to him in afternoon from his work.

Councilwoman Finke believed he works 3 to 11. Supervisor thought tough for Board to assemble early on a weekday morning, but wants to give him opportunity.

Councilwoman Benway can do next Saturday.

Nancy Wyche said that if this man needs water and is willing to put in his own pipe, pay some type of usage fee, and not hold the Town responsible, she doesn't understand what the problem is.

Supervisor said making sure he can follow through with his obligation if he or contractor doesn't put the road or the pipe in correctly is one part, or if he sells and buyers don't have the money to fix, the Water District could end up with the problem and the costs. Village of Cocksackie has this problem with old contracts they have. Supervisor related that mayor said often these pipes break, still get water, people don't get them fixed, or just turn their water off when they do not repair them and, if they call the Department of Health, the public works are told to turn water back on. Attorney Wukitsch said if money wasn't a concern, the right way to do would be to extend the district; it is so expensive to do that way that the contract is best alternative.

Councilwoman Benway said and you're spreading that \$50,000 cost over 32-41 users. Councilman Norris said but it wouldn't be \$50,000.

Supervisor reminded Mr. O'Connor is willing to pay, 3/4" lateral could be \$15,000 theoretically and so he would pay that \$15,000 and everyone in the Water District would pay the remainder.

Councilman Norris said two issues: all from his pocket for \$10-15,000 and the line runs next to the shoulder of road, Town right-of-way; write a good contract obligating him to pay and fix his pipe, running along with the deed.

Supervisor believes cannot do anything with the O'Connors deed; Attorney Wukitsch said it would be assignable to any future purchaser.

Councilman Norris said other option is for District to pay the difference between a main and the 3/4" and all the District would pay.

Supervisor reminded that Town Board would have to go out for bond in the absence of a surplus. Ellie asked if the individual could go for a bond; Attorney Wukitsch said individuals cannot bond.

Councilman Norris said then we would have a bigger pipe and the District would own and maintain it but feels the District folk should make the decision.

Attorney Wukitsch said he didn't think it would go to referendum, with no commissioners on the District, this Board sits as the District.

If the Board extends the District, Supervisor said, there must be public hearing before the Board and asks for a Special Meeting to let Mr. O'Connor and the District's residents, or the Board can make a decision tonight or do at next meeting. Supervisor repeated Attorney Wukitsch's words, if money wasn't the object, we would extend the District, put in larger pipe the right way for the future.

Councilman Norris asked what cost to individual user to spread it out over time.

Attorney Wukitsch reminded there aren't many users so it would be a significant cost.

Supervisor reminded taking out a possible 5 year bond, could divide by 32 or 41 in District.

Councilwoman Benway figured about \$1000, if it's \$40,000.

Supervisor reminded to add the cost of bond counsel.

Attorney Wukitsch figured \$50,000 plus by the time all was done.

Ken Rebusmen said if he puts in for 2 services, what is he (Ken) supposed to do? pay the expense of a pipe for nothing? If Ken had to pay for a pipe, then a hydrant would go with it, and paying the assessment besides doesn't seem right.

Supervisor clarified if District was extended and the District helped to pay for cost of the pipe?

Ken said if he were to put a line in.

Supervisor answered that if the Board is going to enlarge the District and the District is going to pay for some portion of that, that it would be only fair, for the next time it is enlarged, that there be a sharing of the costs.

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Ken asked would there be a referendum.

Supervisor didn't believe there would be a referendum; a public hearing would occur before the Board and then a vote of the Board at the time. Supervisor said it was absolutely right and fair to think about what the next person will face.

Supervisor asked if she may contact Mr. O'Connor for a Saturday meeting.

Councilman Meredith said Saturdays are very good. Councilman Norris said next Saturday.

Supervisor said for those in the Water District, it will appear on the website, Councilman Norris asked September 22? Councilwoman Finke asked if she wanted it on the website, Supervisor said she would get back to the Board and it will be a Special Meeting regarding enlarging Water District 2. Supervisor will see if Delaware Engineering will join the Special Meeting.

Ken said if he were to pay for the pipe and then the assessment on top of it, he would expect some sort of.

Supervisor interrupted and asked whether he was talking about extending his own pipe.

Yes, and Ken thought foolish for; 1300 feet from end of his property, he has a 6", it's going to be 6", in front of his lot on Scheller, just Ken's lot and under Town road.

Supervisor is willing to talk with the Rebusmens, she didn't think he was ready to run that yet, and would talk with him further. Ken thought then wouldn't have to run by Smith; Supervisor added would still have to bring in Smith, as there is no 'leapfrogging' or skipping of houses. Highway Superintendent Jordan asked can it be run under power lines; yes, according to Ken's subdivision he can run under the lines. Supervisor clarified that Ken's proposed road comes out nearly across from the O'Connors.

Councilwoman Finke said you wouldn't be doing that til next year.

Ken added that he wants agreement among all the other water users, doesn't want to be in middle of hate situation. He was going to put his own pipe in and, after it became used, pay the tax and turn it in over to the town; seeing it be put in for someone else, why not him, not to be selfish. Supervisor will look into that and understands that he made them another offer to see them through the winter.

DISCUSSION ON REPLACEMENT FOR OPEN TOWN JUSTICE POSITION

Court Liaison Councilwoman Benway spoke to Justice Farrell and clerks; if the Town Board were to appoint an individual they would have to close out prior Justice Joseph Cosenza's accounts, open accounts for temporary person, train and, with short time before election, if the person elected is an attorney, the Town Board could appoint them at next Board meeting, and have their training in December.

Justice Farrell and clerks said they'll 'pull up bootstraps' and do what is needed to keep court running through November, so she doesn't suggest an appointment now that would cause more turmoil. Councilman Meredith asked isn't Justice Farrell out of town for training; he's doing extra-long court twice a month.

Attorney Wukitsch said that prior Justice Cosenza's books need to be reconciled.

Councilwoman Benway said that accepting a temporary offer would cause new accounts to be opened. The person who has offered would not run; his intent was to help; a generous offer, Attorney Wukitsch felt he may not realize the amount of bookkeeping, a lot of work for 8-12 weeks is what Farrell thought, opening and closing multiple accounts. The Third District Office has given a standing offer to fill in; not sure how an offer from the district would work out from a bookkeeping standpoint. The week's docket before was very long. Justice Cosenza's books are audited by the CPA at month's end to start new with a clean account.

That is Councilwoman Benway's suggestion: to accept Justice Farrell's offer; if Justice Farrell is away, the police can arraign in adjoining towns.

UPDATE ON VISIT WITH SCENIC HUDSON

Supervisor met with Planning Board Chair Rundberg, President of New Baltimore Conservancy, Angelis and Scenic Hudson. Several folk approached Supervisor regarding recent land purchase,

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old Armstrong property; the discussion with Scenic Hudson, who are before the Planning Board now, to see what their goals are in the area, why this piece of property. They were forthcoming with plans, there are other properties they are looking at, gave map, lots of colors, one thing is specific about type of property they are interested in, they do not want every piece of land. This was a private land purchase, and had been looking at it over last 10 years and 3 owners, paid going real estate price for it. The New Baltimore Conservancy did not bring them to the table, but rather Scenic Hudson brought Conservancy to the table. Their goal is accessibility to public for trails and other opportunities for public to use property.

Supervisor asked questions about Payments in Lieu of Taxes [PILOTS]; they used to do them, no longer. Scenic Hudson told Supervisor they are in negotiation with other property owners in Town, these are real estate negotiations and sworn to secrecy with private sales who have every right to sell to whomever they choose. Scenic Hudson has non-for-profit status and their properties do come off the tax roll. Scenic Hudson did not say they would not sell to others; they keep that option open especially when they've paid full market value for the property. Supervisor learned from Assessor Bennett that some NYSDEC properties do pay school taxes.

The New Baltimore officials asked about Scenic Hudson's expertise in revitalizing Hudson River riverfronts; with Councilwoman Finke, Supervisor is meeting with grant professionals from Department of State to make riverfront more accessible and encourage more tourism. The Town-owned Hudson River Interpretive Trail [HRIT] is maintained free by New Baltimore Conservancy and is bordered by NYSDEC property; the marina owners are interested, too, in getting more public access and use. Scenic Hudson is not taking that on but will offer their expertise.

Supervisor has map in her office.

Councilwoman Finke asked if any officers of Scenic Hudson are town residents; Supervisor said not that she is aware of.

Nancy Wyche asked, if they come in, that amount [of assessment] comes off the tax rolls, the rest of the property owners make up the difference; yes, like a church.

Nancy asked is the group local? Supervisor reviewed that Scenic Hudson, located in Poughkeepsie.

Planning Board Chair Rundberg reminded that property is already purchased.

Supervisor believes this is the furthest north although they have looked at properties north to Saratoga; they look for key spots to preserve, property is already preserved across from New Baltimore protecting our viewshed.

Nancy related her experience of seeing the eagles, adding the river is lively and healthy.

Supervisor continued that some property they buy may be wetlands.

Alta Turner said that the Armstrong property's beaches, that had always been privately owned, will be accessible to the public now.

Kathy Rundberg said they also preserve farmland that is still worked and still taxed, mostly in Columbia County where there is better soil.

Supervisor answered, no, this property will come off the tax roll, and added that NYSDEC, if they were to sell the property to NYSDEC, has some 'arms' that do pay school taxes. There are 76 acres, someone was going to build on it, for sale nearly 10 years, 3 different owners in recent years, and now vacant land.

Assessor Bennett arrived, 8:56pm, and reported an assessment of \$525,000 or about \$5,000 Town taxes and believes it to be Ravena-Coeymans-Selkirk Schools, \$15-17,000 in school, property, fire, and county.

UPDATE ON CENTRAL HUDSON ACTIVITIES IN NEW BALTIMORE

Supervisor commented that many have questioned the Central Hudson trucks' presence; poles going up are for another project, improving infrastructure, makes 3 phase accessible on those poles, but 3 phase is not going to be run on all those poles. If a business owner is interested, they need to contact Central Hudson; the cost varies depending on how close the next user is. One northern end business is taking advantage of hooking up 3 phase. Supervisor also had

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conversation with Central Hudson about natural gas; a couple of individuals are looking for that, including Athens. One item needed is the franchise; Town has natural gas at the pump station. Central Hudson gave outline of what is needed if interested and how possible it would be. It would be necessary to convert appliances to natural gas; they are looking for people to make commitment by way of prepaid deposit that would be refunded to the applicants. Supervisor will continue conversation. Councilman Norris said Peckham Industries 'drives' the issue in Town of Athens. If we had a business that wanted to drive this in our town it may be worth their while. Supervisor said maybe that could come from Economic Development Committee. Ellie Alfeld asked whether natural gas is used at the NYS Thruway rest stop? Coxsackie Antiques' Bill Johns said they might not be large enough to 'drive' it, but they are interested in natural gas. Supervisor suggests Economic Development Committee pursue, perhaps approach Package Pavement.

RESOLUTION TO APPROVE TOWN SEXUAL HARASSMENT PREVENTION POLICY

Supervisor said she'd given it to the Board two weeks ago, Attorney Wukitsch reviewed, Town Clerk Brooks and Councilman Norris brought forward suggestions [in italics]; *New* is missing before *Baltimore* in first paragraph. Highway Department had visit from PESCH and one of their first questions was regarding Workplace Violence and Sexual Harassment Policies; this policy underway avoided a write-up from NYS Department of Labor. Workplace Violence Prevention Program [WVPP] is a written requirement of the Labor Law. Supervisor felt that training could be done at same time with WVPP; compliance officers are Alan Van Wormer and Dawn Palmateer, who are amenable to be same for Sexual Harassment Policy. Attorney Wukitsch said Town must issue copy to each employee and obtain receipt. This was looked at for Ethics Policy by the Comptroller's Office. Councilwoman Finke asked about the Statute of Limitations, as did Councilman Norris; Attorney Wukitsch said, under this sexual harassment policy, you want to encourage anyone who feels they've been a victim to report as soon as possible, there is no time limit given, and reads, 'promptly' and 'need witnesses with fresh recollections'. He added that the Statute of Limitations defines time limit to file within court or administrative agencies, there are 5 different ones, is too complicated, and doesn't belong in this policy. Attorney Wukitsch said sometimes a complainant comes forward a year later, and calls into question the motivation for the complaint; the point of the policy is to encourage prompt reporting. Councilman Norris said motivation is usually embarrassment; Attorney Wukitsch said must be taken on case by case basis. Councilman Meredith said Section 1, or any other protected category; is another policy needed to address the others? In his experience, not all harassment is based on sex; Workplace Violence Prevention already exists. Disability or national origin harassment is not addressed; sexual harassment is most frequently encountered, Attorney Wukitsch said the other types could be added, include ethnicity, gender, etc., and use same investigation, reporting procedures, just expand the scope of what is protected. Councilman Norris asked what about expanding this policy? Councilman Meredith said just a couple of items need to be changed; Attorney Wukitsch suggested, 'based on sex or any other status protected by state and/or federal law (age, race, color, creed, disability status, etc.)', "or other harassment as defined by law", "harassment is prohibited", and this policy is a true sexual harassment policy, to change to include all other types of harassment would require rewriting. Emails would be under non-verbal. Supervisor asked Councilman Meredith to take on; he will report at next meeting. Supervisor asked the Board's wishes; Councilwoman Finke thought it would be easier to have everything in one policy.-----TABLED

RESOLUTION TO INCREASE TOWN CLERK'S PETTY CASH

DRAFT

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Clerk Brooks had requested an increase in her petty cash to \$400 from \$300; certain times of the year that she has to run to the bank more than once a week to replenish her petty cash; this time of year is difficult with the number of hunting licenses sold.

**RESOLUTION
SEPTEMBER 10, 2012**

RESOLUTION TO INCREASE TOWN CLERK PETTY CASH

WHEREAS the Town of New Baltimore Town Clerk requires additional postage each month for dog renewals as well as delinquent dog licenses and payment of Town's claims and,

WHEREAS, the Town of New Baltimore Town Clerk and her deputies are required to make change for payment of all Town fees including sporting licenses,

BE IT RESOLVED that the Town of New Baltimore 2012 Organizational Meeting Resolution #19 adopted on January 1, 2012, is hereby amended to increase the Petty Cash Fund for the Town Clerk to \$400.00.

Supervisor moved and was seconded by Councilman Meredith. Councilwoman Finke said that was previously \$200; no, \$300. 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-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Adopted

RESOLUTION TO PAY CLAIMS

**RESOLUTION
SEPTEMBER 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 09/01-81, it is

RESOLVED, that the Supervisor is hereby authorized to pay claims 2012 09/01-81.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until September 30, 2012.

Supervisor moved and was seconded by Councilman Norris. 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-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Adopted

EXECUTIVE SESSION TO DISCUSS ONGOING LITIGATION

With no more from the Town Board, Supervisor moved to adjourn to executive session for the purpose of discussing litigation with New Baltimore Truck Stop Plaza, Inc., Crown Atlantic Co., LLC, and Verizon New York, Inc. and was seconded by Councilman Norris.

Ayes- 5

Nays- 0

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Motion Carried

The Town Board adjourned at 9:13 pm; **Supervisor moved to open executive session, seconded by Councilman Meredith.** Executive session opened at 9:15 p.m.

Supervisor moved to authorize Attorney for the Town Wukitsch to settle the Verizon New York, Inc. case and was seconded by Councilwoman Benway.

Ayes- 5

Nays- 0

Motion Carried

Supervisor moved to authorize the Attorney for the Town Wukitsch to settle the Crown Atlantic Co., LLC case seconded by Councilwoman Benway.

Ayes- 5

Nays- 0

Motion Carried

No action was taken for the New Baltimore Truck Stop Plaza.

Motion to close executive session was made by Supervisor moved and was seconded by Councilwoman Benway.

Ayes- 5

Nays- 0

Motion Carried

Executive session was closed at 9:38 p.m.

Motion to re-open the Town Board Regular Meeting was made by Supervisor and was seconded by Councilwoman Benway.

Ayes-5

Nays-

Motion Carried

ADJOURNMENT

With no further business to come before the Board, **Supervisor moved to adjourn, Councilwoman Benway 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-AYE	MEREDITH-AYE
	NORRIS-AYE	O'RORKE-AYE

Motion Carried

The meeting was adjourned at 9:39 pm.

Respectfully,

Janet A. Brooks
Town Clerk