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COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
OCTOBER 8, 2012 – page 1

OPENING OF MEETING

Supervisor O'Rorke called the meeting to order at 7:45 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 reminded late comers to turn off 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 August 27, 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 September 10, 2012 Regular 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

PRESENTATION - DELAWARE ENGINEERING – EXPANSION OF WATER DISTRICT #2

Supervisor summarized that Delaware Engineering's Mary Beth Bianconi will address a very small expansion of Water District No. 2/Scheller Park where a desperate resident needs water, cannot 'leapfrog' homes, and this resident has agreed to put in the pipe to serve his home and, once expanded, the infrastructure will become the district's/Town's infrastructure. Delaware has been retained to do necessary map, plan and report.

Water Districts are considered Special Districts; the Town Board has been given map, plan and report. Following statutory requirements, it describes what is being done and who is being serviced to the extent that anything is being done with public funds, although not in this case: landowner's funds will perform the excavation. Also, a description of the boundary of the district, discussion of where the water comes from and improvement costs, for which there are none, annual user charge is same for everyone in district. Last appended is the map, multiple colors was reproduced in the newspaper showed parcels in the district that are connected to the water system. Different from past maps, 1974 report described the boundary as being certain distance from the road; when maps are drawn, sometimes that line is shown couple hundred feet from the road. This map is a clearer representation of which parcels are within the district; two parcels to be added. Rebusmen 'mother' parcel was in district, so the 'children' of that parcel are also in the district. This line 'cleans up' 1974 description as does the narrative. The only additions are the two, one in between will be in the district although not served, second homeowner will construct 1200 feet of connection.

Mary Beth noted where water comes from; Water District 2, as Water District 3/Kalkberg Commerce Park, comes from Village of Coxsackie. In order to receive that water, Town has to have a water supply permit; Mary Beth went to NYSDOH Oneonta District Office and got copies of all the Town's permits. The good thing about finding that information is that when we provide water in the district, we must have NYS Department of Environmental Conservation

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authorization to do so. Some permits are based on number of gallons, some on number of connections, or both. The original 1974 permit is still in effect, the taking of up to 17,100 gallons per day of water and to serve up to 38 homes. There are only 27 homes connected, nowhere near 17,100 gallons, so there is no need to amend water supply permit. The action required is local, by the Town Board. The map, plan and report have been prepared in conformance with Article 12 of Town Law. The Board has a draft resolution that accomplishes two things: establishing that the map, plan and report was received and accepted, and that a public hearing will be conducted October 22 at 7:15pm Town Hall for the purpose of hearing any public comment on the extension of the water district. Once that hearing is conducted, the Board must do SEQR short environmental assessment form (EAF). The Town Board will probably determine there is no impact on environment and then the Board would issue a Final Order that gets filed.

Supervisor thanked Mary Beth for this summary and also her staff for all that was done; the Town Board wanted to fast-track this for the O'Connor family who are in a desperate situation and paperwork is 'hot off the press'. Supervisor questioned in 4.2 there are no hookup fees; with no local law for hookup fees maybe the Board should revisit this, but Village of Cocksackie does, and the fact that the user does have to pay that to the Village, do we reference theirs? Mary Beth said the Board could, although this is New Baltimore's district and, like the cost of putting pipe in the ground, they have to pay it; the public is not paying, and taxes are not paying for it.

Supervisor asked should the Town be charging hook-up and connection fees since Highway Superintendent will have to go to the work site? Mary Beth explained that initially a fee is charged to connect to main line; the purpose of that is not to pay for pipe, but rather to remunerate the community, often quite small like \$50, (for staff going out there and billing clerk's time adding to schedule) for those costs and to make the district whole. We don't have that right now, down the road the Board should look at those connection fees, the cost of water past your costs: Village of Cocksackie bills the Town, the Town bills the residents, but the district is still responsible for break or problem with pipes. When the Village sends out Village forces to solve a problem, the Town and the district need a way to pay those costs. Recently, in Sewer District No. 2, there were bills to pay at pump station behind Serta; the burden of those costs for maintenance, on those who benefit from that district, increases over time. Mary Beth suggested considering having water use and sewer use regulations, which we do not have other than in Sewer District No. 1. Mary Beth suggests looking at them to see that they are up to date, new standards come in, and when someone comes in and says, "We need water," if we have a process in place and, as time goes by, people want to come in or to develop. Staff can hand out a scheme, considered from legal and regulatory perspective. Supervisor asked whether that is done by local law? Yes. Supervisor continued that the Town has no permit; with Water District No. 1 someone can go to Village of Ravena for hookup fee and Village of Ravena bills them and the Town doesn't even see that bill. Mary Beth answered and yet that is a special improvement district in Town of New Baltimore. Water use laws used to be called ordinances; there are model regulations and Delaware has seen good, bad and ugly, knowing to make those regulations flexible enough, making connection fees become part of annual budgeting process so not going back every year to revise the sewer use law, referencing that the fee is established by the Board from time to time during the budget process, and revise accordingly. Supervisor gave example: someone builds a new home in Sewer District and we give them list to do, when you need to connect, contact Jim and get permit but it is so rare, the last being 4 years ago, and we probably didn't know what to do back then. Mary Beth explained process doesn't have to be massive, something for planning.

Supervisor said Village of Cocksackie's agreement is outdated, renewed, but still in their court. Mary Beth said she began discussions with Mark Evans; Town of Cocksackie has 7 agreements with the Village's one district. Town of New Baltimore has 2 agreements with the Village; Scheller Park/District 2 and Kalkberg/District 3, which was supposed to be much larger but many assumptions have not come to fruition, causing the recent agreement between the two Towns to allow for payment of the pump station. Village of Ravena's agreement is pretty old also.

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Councilwoman Finke asked what is the connection fee in Cocksackie; Mary Beth believed it might be \$50 and more for a business connection because they must be reviewed for backflow prevention where there is potential for contamination.

Councilman Norris asked, regarding hydrants, how is the pressure? Mary Beth said 2 things: Delaware created computer model for Cocksackie of all the pipes, for all the community served by Village, system functions on gravity, looks at topography, and runs a calculation based on diameter, type of pipe and distance. The result says 'you should have xyz pounds pressure' at that location. When that model is run, folks in Water District No. 2 should have 55 pounds pressure (the standard for a service connection is 20 pounds to get water to the second story of a house); in reality, we have much less than that in Water District No. 2, what are the things that impact reducing the pressure from that model? Is the model not calibrated properly? So, the model is run, and Delaware opens a few hydrants to check and if they're close, that's good. Delaware hasn't done that in this district and can consider, but when infrastructure is old and fragile you must be extreme cautious because we risk damage. Delaware could confirm that there is very little pressure in Water District 2, could be a valve partially open, but Delaware has very little factual information so that locating things like valves is challenging. Computer model assumes that pipe is a certain diameter; it could be broken, crushed, tuberculated- stuff built-up inside over time. Pipe is original to 1890, NYS Thruway constructed over the top of it, it is noted on the plans, and Thruway was built right over top. Situation is very complex from standpoint of what can we do; very expensive; if water ever went up US Route 9W, have an opportunity for a new pipe to go across 9W and abandon the old; very cost-effective way to do it. If further investigation was needed, there are methods to do that, couldn't be camera-ed (there is one pipe and only one), a sanitation issue (would have to turn off water for all users at least 72 hours), and aged infrastructure can be very difficult to deal with. Mary Beth continued that there are small communities have used small scale pressure systems and are selling them because they don't need them anymore, that could put in the water district not to address the pipe issue but rather to boost pressures, on the other side of the pipe, and could be a shorter term solution. The concept of putting new pipe under the Thruway could certainly be done; it would not be inexpensive for 27 users and 40some property owners.

Councilman Norris asked if the pipe is restricted, there's no water running through it, and number of gallons is reduced, even though pressure is lower you could run out of water. Mary Beth said water is on US Route 9W with plenty of pressure; a 'y' cuts across near Slater's, you would put a small pressure tank on that side, you would not be improving the condition of the pipe at all but it would help folks but not to fire flow. People see the 250,000 gallon tank at Empire Merchants for their fire suppression system. [Councilwoman Finke- inaudible] Mary Beth continued that the system is the most sophisticated, their inventory is highly flammable and in a racking system, a fire in a particular location would only turn on suppression in that one area-over a million dollars in inventory. Mary Beth pointed out that folk take hydrants for granted; and friction and velocity decrease the water flow.

Supervisor asked for any more questions for Mary Beth who has been more than generous with her time and not included in original contract; Delaware's Brock ran numbers on pipe sizes. Councilwoman Finke asked if there was anything that might qualify for grants. Mary Beth said the structure of current funding programs is not what it was 20+ years ago; there was a new set of drinking water regulations put out with lots of funding available and very targeted after 110 people died in Milwaukee WI from water that was not filtered or treated, seniors and children whose immune systems may be compromised; farmers may recall 'beaver fever', only worse, Safe Drinking Water Act focused on putting in plants for treating surface water. Because all that was done about 20 years ago, there is even less available for fire suppression, storage, distribution because it is not considered a public health issue. Some money comes direct to applicants, most through state, and program applications are tied to federal budget process. Extending water lines, putting in storage, increasing pressures, providing fire flows, in a program where there are thousands of applicants, points are assigned, least critical receive the least points, 15 points is too little to be fundable. The Town could look at Rural Utility Service, the median household income must be less than \$55,000 and, because last census is a projection, we are on

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the bubble, we would do income survey to demonstrate population less than \$55,000 and show environmental need; this is run by US Department of Agriculture for service area populations of less than 10,000 in the service area (40); the program functions as grant/loan program, until very recently the maximum was \$500,000, using a sliding scale using median household income (the greater the median income, the less you get), the rest is a market-rate loan.

PUBLIC COMMENT PERIOD

Jeff Ruso asks the Board to practice restraint, looking at 2012 Final Budget, sees figures over budget in court clerks, justice, assessor, supervisor, garage, and parks contractual, and more and some are small amounts. He is looking for budgets to mean something, listened to 2% cap, believes the General Fund increase in expenditures is 8-8.5%, and doesn't know what 2% cap means. He sees General Fund personal services rise 8.5% and non-personal services rise 13.2%, asks where the money comes from and answers from the reserve fund, a well that will go dry. Highway Fund rise of 1% goes along with the pay increase; asked the Board for restraint.

[Member of the public] asked if she applied for a job anywhere in town would she get a job description, is there a pay scale, and a cap. Supervisor reminded that Public Comment is an opportunity for the public to ask questions, not necessarily for dialogue with Board members. Attorney Wukitsch reminded, regarding a pay scale on any jobs, that this is not the state, there are no 'steps', usually one person does one job, no automatic, and the Highway has two scales: heavy motor equipment operator and laborer. Supervisor reminded the town follows Civil Service, if there is an opening, a job description is posted.

CORRESPONDENCE

From Greene County Legislature- September resolutions: chargeback is \$58,233 for Town of New Baltimore and for Community College, the Town's portion is \$53.21 and county's portion is \$35.44.

OLD BUSINESS

Attorney Wukitsch updated the public that the three lawsuits (Crown Atlantic, New Baltimore Truck Stop and Verizon) for which the Town Board held executive session have been settled within the parameters laid out by the Board. Attorney Wukitsch added that there are no outstanding tax certiaori.

NEW BUSINESS

**RESOLUTION
OCTOBER 8, 2012**

**RESOLUTION ACCEPTING MAP, PLAN AND REPORT
AND SETTING A PUBLIC HEARING FOR
WATER DISTRICT NO. 2 EXTENSION**

WHEREAS, the Town of New Baltimore adopted an order on April 29, 1974 establishing the Town of New Baltimore Water District No. 2 located at the eastern end of Scheller Park Road; and

WHEREAS, the Town of New Baltimore and the Village of Coxsackie entered into a thirty (30) year intermunicipal agreement on May 14, 1974, which states that the Village will provide water through existing mains to users in the Town of New Baltimore Water District No. 2, and to such other users as may from time to time be added by extension of mains; and

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{Supervisor interrupted self to comment that the Town has an update on the aforementioned agreement, signed 5 years ago, and asked Attorney Wukitsch whether that made a difference; answer: no.}

WHEREAS, the Town of New Baltimore and the Village of Coxsackie renewed this agreement on March 16, 2005 for an additional thirty (30) years ending on May 15, 2034; and

WHEREAS, the Town of New Baltimore authorized the preparation of a Map, Plan and Report extending the New Baltimore Water District No. 2 to include two parcels on Roberts Hill Road and such a report was prepared and provided to the Town by a Professional Engineer licensed to practice in the State of New York; and

WHEREAS, the boundaries of the proposed Water District No. 2 are shown on Attachment A and include the addition of Tax Parcels 40.02-1-15 and 40.02-1-16 on Roberts Hill Road; and

WHEREAS, proposed Water District No. 2 is comprised of 45 parcels which include 34 residential parcels, 1 commercial parcel and 10 vacant parcels, of which 27 parcels are currently connected to the water system; and

WHEREAS, Water Supply Permit WSA #6469 for Water District No. 2, issued by NYSDEC on September 17, 1974, authorizes the taking of up to 17,100 gallons per day to serve up to 38 homes, and will therefore not require modification; and

WHEREAS, this cost of this extension will be borne by one of the property owners in the proposed extension at no cost to the Town of New Baltimore; and

WHEREAS, the typical cost to single family property owners in Water District No. 2 will not increase and will be approximately Two Hundred Ninety-Three dollars (\$293) per year; and

WHEREAS, the Water District No. 2 Extension Map, Plan and Report is on file in the Office of the Town Clerk, located at 3809 County Route 51, Hannacroix, New York;

BE IT HEREBY RESOLVED:

1. The Town of New Baltimore Town Board accepts the Town of New Baltimore Water District No. 2 Extension Map, Plan and Report.

2. The Town of New Baltimore Town Board sets a public hearing to be held on October 22, 2012 at 7:15 p.m. at the Town of New Baltimore Town Hall regarding the proposed Town of New Baltimore Water District No. 2 Extension.

3. The attached Notice shall be published pursuant to law.

NOTICE

Please take notice that a public hearing will be held by the Town Board of the Town of New Baltimore on October 22, 2012 at 7:15 p.m., at the Town of New Baltimore Town Hall, 3809 County Route 51, Hannacroix, NY 12087, regarding the proposed Town of New Baltimore Water District No. 2 Extension. Such extension includes the addition of tax parcels 40.02-1-15 and 40.02-1-16 on Roberts Hill Road; at no cost to the Town of New Baltimore; at no increase in the cost to the typical property owner of approximately Two Hundred Ninety-Three dollars (\$293) per year; and a Map, Plan and Report describing the same are on file in the Town Clerk's office for public inspection.

Supervisor moved (Clerk Brooks corrected paragraph 1 spelling of Scheller) 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:

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

Adopted

Supervisor thanked Mary Beth Bianconi for coming out this night to address the Board.

Supervisor read, expressing appreciation for the continuing service of Jack and the other members of the BOAR.

**RESOLUTION
OCTOBER 8, 2012**

RESOLUTION TO RE-APPOINT BOARD OF ASSESSMENT REVIEW MEMBER

RESOLVED, that Jack Ablett is hereby re-appointed to the Board of Assessment Review for a five-year term expiring September 30, 2017.

Councilman Meredith moved and was seconded by Supervisor. 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

With regard to the real estate transaction, Supervisor asked Councilman Norris for update. Councilman Norris said the neighboring party on CR51 agreed to facts, Councilman Norris will represent at Planning Board for 2 acres to keep this lot separate, provide for parking on court night, and the land survey was laid on table for discussion. Supervisor wondered was the Town Hall site originally 2 lots and donated by Hallock: answer: access on the west side was donated. Supervisor said this will give the Town an asset, could provide for a building extension. If, for some reason it was no longer needed, it would be a conforming lot with road frontage and buildable. If the parcel were combined with Town lot, the Board could not subdivide it out again. Councilman Norris reminded that if, in the future, it was no longer needed, it could be sold and, the Planning Board asked if Highway Superintendent would preserve as many trees as possible, concern about water runoff, and left in Highway Superintendent's hands. Planning Board will hold public hearing this Thursday, then go to contract, probably have closing the week of October 22. Supervisor added, also involved in this, is giving the value of the old red highway barn with its rotted sills, no surrounding land, no place to park, no electric, and that is the reason for the new pole barn: store and work on equipment at one address. Supervisor continued that without this action, the Town would have had to put money into the barn to stabilize it.

The party is satisfied with the deal and Councilman Norris asked whether he could represent them at the closing? Attorney Wukitsch said the party must sign real estate transfer forms that are filed with the deed and need both of them present. Supervisor added that the Town will end up with a nice asset and a 2-sided, gravel-floored pole barn, one open and abutting existing pole barn. Councilman Norris asked how long it may take to clear and make it a useable lot; Highway Superintendent answered it depends on weather, deeds transferred. Councilman Norris wonders regarding lighting, can that one unit light the parking lot; Superintendent Jordan felt it is so close to the one already there, one tree is in the way.

OCTOBER 8, 2012

**CONTRACT TO TRANSFER
REAL PROPERTY**

This Contract to transfer real property made this ____ day of October 2012 by and between the Town of New Baltimore (the "Town"), a municipal corporation organized under the laws of New York with its office located at Rt. 51, Hannacroix, New York 12087, and Ronald

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Rausch and Beverly Hoogkamp ("Rausch & Hoogkamp"), 3855 Cr. 51, Hannacroix, New York 12087.

For Good and Valuable consideration, the receipt of which is acknowledged, the parties agree:

Property Transferred

1. The Town agrees to convey to Rausch & Hoogkamp the property described in Exhibit "A." Rausch & Hoogkamp agree to convey to the Town the property described in Exhibit "B."

Consideration/Price

2. At closing, the Town shall pay Rausch & Hoogkamp \$3,000 as consideration for the transfer.

No Warranties/Property Conveyed "As Is"

3. The property conveyed by the parties is transferred "as is" without any representations as to condition.

Taxes

4. Taxes will be adjusted at the time of closing.

Warranty Deeds with Lien Covenants

5. The parties will convey the properties by standard warranty deed.

Closing Expenses

6. All recording fees, surveying fees, planning board fees and attorneys' fees in connection with this transaction shall be paid by the Town.

Closing Date

7. The closing will be held on October 23, 2012.

No Judgments, Unpaid Taxes, Liens, Encumbrances

8. The parties hereby represent that the property being conveyed is not subject to any judgments, taxes, liens or other encumbrances.

Municipal Approvals

9. The Town will be responsible for obtaining any necessary municipal board approvals.

Town of New Baltimore

By: _____

Ronald Rausch

Beverly Hoogkamp

Exhibit "A"

Lands to be conveyed by the Town of New Baltimore

Beginning at a point on the centerline of County Route 51, said point being on the division line between lands now or formerly of Friedrich W. Keyser and Auguste Keyser (Liber 342, Page 5) on the east and the parcel herein described on the west; running thence along said lands of Keyser in a northerly direction to a stonewall and lands now or formerly of Ronald E. Rausch and Beverly K. Hoogkamp (Liber 889, Page 191); running thence along said lands of Rausch and Hoogkamp and said stonewall in a southwesterly direction to a point on the northerly side of the aforementioned County Route 51; running thence in a continuation of said line to the aforementioned centerline of County Route 51; running thence in an easterly direction along the centerline of said County Route 51 to the point and place of beginning. Being a parcel of land conveyed to the Town of New Baltimore by two deeds, Liber 201 at Page 171 and Liber 220 at Page 363.

Exhibit "B"

Lot 2, Lands to be conveyed to the Town of New Baltimore

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Beginning at a point on the centerline of County Route 51, said point also being on the division line between lands of the Town of New Baltimore (Liber 419, Page 842) on the west and the parcel herein described (Lot 2) on the east; running thence along said Lands of the Town of New Baltimore the following two courses and three distances:

N 16° 10' 25" E 30.56' to an iron pin (found); running thence,
continuing to and along a stonewall:

N 16° 10' 25" E 53.32' to a point on a stonewall; running thence,
continuing along said stonewall:

N 21° 06' 16" E 135.55' to an iron pin (found) in said
stonewall and other lands of the Town of New Baltimore (Liber 805, Page 18); running thence
along said other lands of the Town of New Baltimore (Liber 805, Page 18) and said stonewall the
following two courses and distances:

N 19° 44' 59" E 41.55' to a point; running thence:

N 21° 47' 39" E 178.45' to an iron pin (found) and Lot 1 as
shown on the below referenced map; running thence along said Lot 1 the following two courses
and three distances:

N 89° 29' 25" E 205.44' to a #4 rebar with cap (set); running
thence:

S 20° 18' 57" W 427.28' to a #4 rebar with cap (set); running
thence, continuing:

S 20° 18' 57" W 26.00' to a point on the aforementioned centerline
of County Route 51; running thence along said centerline of County Route 51 the following two
courses and distances:

N 86° 12' 25" W 109.69' to a point; running thence:

N 87° 22' 38" W 91.17' to the point and place of beginning.

Containing 2.000 acres of land as shown on a survey map prepared by Santo Associates Land
Surveying and Engineering, P.C., Drawing Number CG7422, dated 09/12/12.

RESOLUTION
OCTOBER 8, 2012

RESOLUTION AUTHORIZING SUPERVISOR TO SIGN CONTRACT
WITH RAUSCH AND HOOBKAMP

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the attached
contract with Mr. Rausch and Ms. Hoogkamp for the transfer of real property.

Supervisor moved and was seconded by Councilman Meredith. The contract outlines the
property purchased and the given lot with red barn, and the \$3000 and filing fees; tentative
closing set for 10 am on Tuesday, October 23, 2012. Ellie Alfeld asked if that could be signed
prior to meeting the Planning Board approval; Attorney Wukitsch explained that that was
covered. 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**

Supervisor had proposed a policy against sexual discrimination and harassment; Councilman
Meredith and Finke asked to address all discrimination and harassment to include race, color,
religion, national origin, gender, sexuality, sexual experience or any other characteristics
protected by federal, state, or local law. Supervisor used that group of characteristics all the way
through; Attorney Wukitsch believes sexual experience could be replaced with sexual
orientation.

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RESOLUTION
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RESOLUTION TO APPROVE TOWN HARASSMENT
PREVENTION POLICY

Councilwoman Benway added, regarding section 8, to replace with the group of characteristics and compliance officers Alan Van Wormer/Highway 756-2078 and Dawn Palmateer/Town Hall 756-2079; Supervisor answered yes, as previously presented. Councilwoman Benway asked whether there was a term of office; Supervisor believes 'serves at the pleasure of'. Town Emergency Management Officer Van Wormer has a mail pocket at town hall. Attorney Wukitsch, under *Characteristics* section 2, under verbal and policy, section 3; change 'characteristics' to 'status' each of 3 times. Under *verbal*, page 3, 'gender', and 'sexual orientation', and omit 'sexuality'. Add clause 'or any other status protected by state, federal or local law', leave in sexual orientation, and make sure clause matches in all 3 places. Also, on page 5 under *appeals*, 'any complainant may do so within 10 days of receipt of the investigation outcome' and delete remaining part. Supervisor asked for other changes from Board, and asked whether Town Board would feel better to **TABLE**; answer: yes.

RESOLUTION TO APPROVE 2013 PRELIMINARY BUDGET

Supervisor pointed out that both budgets (2012 and 2013) have increases in anticipated revenues; the Court has increased their revenues, and we are budgeting for higher revenues for 2013; and seeks other thoughts or comments. Each committee has reviewed many items, considered ideas, sought ways to decrease hours, people often take time off work to see the Assessor- now open 3 days a week. Building/Planning/Zoning Clerk puts in a significant amount of time on very much appreciated extensive minutes, time is needed to get them done, what will the rest of the year bring, her remaining hours may or may not be needed. Clerk Loux is gracious to do verbatim minutes and, for lawsuit, they have saved the Town a number of times; Attorney Wukitsch concurred, and could go to summary minutes to save money for the Boards, or statutory minutes of motions, seconds, votes and resolutions.

Councilman Norris asked for the overall result, after applying the chargebacks, for taxes; Supervisor said it is a decrease, a \$2.18 savings per \$100,000 assessed value. Councilman Norris clarified that doesn't include the special districts; Supervisor concurred, the districts vary. Councilman Norris reviewed that overall Town-wide is looking at a decrease in taxes and that is with all the other little increases in budget, as his committees discussed with department heads they could cut back on building inspector; Supervisor added that inspections and data collection would not be done, and some would like to see more Town code enforcement.

Attorney Wukitsch added that a theme runs through small government everywhere, when a problem occurs they come to local government but don't want to pay any taxes; if you want services, you have to pay for them. We have thinly staffed code enforcement, animal control, planning. Councilman Norris added that highway grader patches to save money, people who live on dirt roads would like paving.

Bob Knighton pointed out Attorney Wukitsch is not a resident or member of the Board, not appropriate to share his views on policy issue before the Board outside of the public comment period.

Councilman Norris remembered a problem with adding and subtracting; thanking Town's accountant for the calculation program on her laptop, Supervisor previously did this manually for 2012.

Attorney Wukitsch made previous remark from comments received repeatedly from this client with regard to their attempts to do their job, enforce laws on the books, but does not live here. Supervisor said, with formula back to '0', we are capped at 2% taking into consideration all the special districts, up or down, and all goes into the total revenue we can collect for the Town. Supervisor commented that if public hearing is held October 22, the Final Budget may be voted upon at the November Regular Meeting. Councilman Meredith asked when; November Regular Meeting appears as To Be Determined on the Resolution of Meetings; Veterans' Day, November

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12 will be Regular Meeting. Clerk Brooks added that the December Work Meeting falls on Christmas Eve, December 24. Supervisor asked for other changes.

**RESOLUTION
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RESOLUTION TO ESTABLISH 2013 PRELIMINARY BUDGET

RESOLVED, that the Town Board of the Town of New Baltimore hereby establishes the Preliminary 2013 Budget at the amounts set forth in the 2013 Tentative Budget, with the following changes:

GENERAL FUND EXPENDITURES

Change A1355.11, Assessor Personal Service, from \$20,553 to \$20,758
Change A1620.4, Buildings Contractual, from \$22,500 to \$7,500
Change A5132.4, Garage Contractual, from \$13,500 to \$28,500

GENERAL FUND REVENUES

Change Appropriated Fund Balance from \$78,080 to \$78,301

GENERAL FUND APPROPRIATIONS

Total expenditures for General Fund \$673,029
Total revenues for General Fund \$673,029

AMBULANCE DISTRICT #1

Change SM4540.4, Basic Ambulance, from \$20,800 to \$23,300
Change Appropriated Fund Balance, from \$3519 to \$6019

Supervisor moved and was seconded by Councilman Norris. Supervisor asked for any other cuts. Ellie Alfeld said seniors gladly gave up \$1000 last, but youth have more opportunity to make up the difference, unlike the seniors. Councilman Norris believes it is a tight budget, and Town taxes are going down. Councilwoman Benway felt short of cutting the youth program altogether and making the newsletter only available on the website; Ellie felt that would not be fair to residents who do not have computer internet access. Councilman Meredith thought 75% of Town was 65 and older. Supervisor reminded in the absence of a town newspaper, it is the way to get information out. Councilman Norris asked for total expenditures; \$673,029; and total revenue; \$673,029, taking into consideration property taxes, other revenue to the Town, and the use of Fund Balance. \$78301 is new Fund Balance. Ambulance District #2 Fund Balance is \$6019. 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
OCTOBER 8, 2012**

**RESOLUTION TO SET PUBLIC HEARING DATE FOR
2013 PRELIMINARY BUDGET**

WHEREAS, the Town Board has established the 2013 Preliminary Budget, and

WHEREAS, the Town Law of the State of New York requires that a Public Hearing be held regarding each year's Preliminary Budget.

DRAFT

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
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NOW THEREFORE, BE IT RESOLVED as follows:

The Town Board of the Town of New Baltimore will hold a public hearing on October 22, 2012 at 7:30 p.m. at the Town Hall, County Route 51, Hannacroix, New York, to hear those members of the public who wish to be heard regarding the 2013 Preliminary Budget.

Supervisor moved and was seconded by Councilman Norris. Public hearing for Water District No. 2 will precede this hearing, at 7:15 pm, and Work meeting will follow. 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 APPROVE CDPHP HEALTH PLAN, EFFECTIVE DECEMBER 1, 2013

This resolution does not need to be done tonight. Supervisor has included Blue Shield changes as well as CDPHP, a savings was realized on Blue Shield last year, and there is an 8% increase on the dental. Supervisor said December is open enrollment for current employees and retirees, decision could be held to next meeting but she would like to notify employees of the plan the Town chooses. Erin Nevins presented the plans, proposed a higher deductible that would be paid by the Town, saves the Town money, and increases the Health Reimbursement Account. The Town did well on the plan last year; it is good to get stabilization on health insurance. Councilman Norris asked whether it was possible to have a reserve account for this purpose since not all would be funded; Town's CPA hasn't found anything definitive, Attorney Wukitsch thought it would be prudent. Supervisor believed that any leftover monies in fund this year would even out any fluctuations in deductibles. Councilwoman Benway, Supervisor, and Erin Nevins met with all employees; retirees had questions, too. Councilman Meredith asked wouldn't Erin Nevins know whether a reserve fund could be established; Supervisor said it was a Comptrollers' Office issue, Attorney Wukitsch suggested calling Comptroller's Office to talk to legal division, they respond to questions when a municipality wants to know if it's doing it correctly, not like the IRS. Councilwoman Benway reviewed that it is a savings to the Town without the employees losing benefit, which is just where the Town wants to be, and saving money and employees are happy with it.

**RESOLUTION
OCTOBER 8, 2012**

**RESOLUTION TO AUTHORIZE CHANGES AND RENEW HEALTH INSURANCE
PROGRAMS**

WHEREAS, the Town's current health insurance coverage is provided by Capital District Physicians Health Plan (CDPHP) under their EPOEH3S12 Program for active and non-eligible Medicare employees, and

WHEREAS, the contract for the CDPHP health insurance coverage expires on November 30, 2012, and

WHEREAS, in an effort to control and reduce the cost of health insurance for employees and retirees of the Town, alternative health insurance programs have been investigated, and

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore hereby authorizes the Supervisor to take the necessary actions to switch the Town's health plan from the EPOEH3S11 Plan to the QEPOS2312 Plan with CDPHP for active employees and non-Medicare eligible dependents and retirees.

DRAFT

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
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BE IT FURTHER RESOLVED that Blue Shield of Northeastern New York Medicare Advantage Program for Medicare eligible dependents with renewal date of December 1, 2012 and MetLife Dental with renewal date of January 1, 2013 will be continued on expiration of current coverage for forthcoming year without changes.

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

Adopted

**RESOLUTION TO AMEND THE ADOPTED FEE SCHEDULE TO INCLUDE
ELECTRONIC MEDIA COPIES**

An addition to the schedule is needed to address the cost of a CD in response to a FOIL; previously fee schedule only includes photocopies. Supervisor reminded attendees of volume of Freedom of Information Law requests that are not just from the residents of the Town, but from all over state, attorneys, and others. Ellie Alfeld said seemed unfair to not be able to pass on the cost of the researching time; Attorney Wukitsch reminded of the statute. Councilwoman Finke asked whether other towns were doing the same thing; Clerk Brooks emailed her clerks' association, one is waiting to hear what New Baltimore does, another uses an outside firm to duplicate and then passes along the fee she's been charged. Without duplication services available locally, someone could drive to Staples/Glenmont for duplicating a cd and recover mileage but not time in the FOIL fee; Clerk Brooks understands only the receipt would be passed to the FOIL recipient. Councilman Norris asked about increasing the dog license fee; a fee established by local law, Supervisor believes that would require more, where this item can simply be added to August 10, 2009 Fee Schedule.

**RESOLUTION
OCTOBER 8, 2012**

RESOLUTION TO REVISE TOWN FEE SCHEDULE

RESOLVED that the Town Board does hereby revise the Fee Schedule adopted on November 14, 2011, as last revised on August 10, 2009 and hereby adopts the following fee schedule:

BUILDING FEES

One and Two Family Homes (new homes and additions)	\$25 per 100 sq. ft. floor area
Non-residential or Combined Use	\$35 per 100 sq. ft. floor area
Utilities (permitted towers, substations, etc.)	\$1,500 up to 3,000 sq. ft.
	\$35 per 100 sq. ft. over
	3,000 sq. ft.
Renovations (where building permit is required)	\$150
Garages	\$20 per 100 sq. ft. floor area
Decks and Porches	\$75
Chimneys, Wood Stoves and Gas Heaters	\$40
Mobile Homes – Single	\$150
Mobile Homes – Double Wide	\$225
Demolition Permits	\$75
Swimming Pools - Above Ground	\$60
Swimming Pools – In Ground	\$100
Sheds 144 sq. ft. and up to 300 sq. ft.	\$25
Sheds over 300 sq. ft.	\$20 per 100 sq. ft. floor

DRAFT

**COUNTY OF GREENE
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SEWAGE DISPOSAL FEES

Septic Systems – New (Professional Engineering Perc Test and Design Required by New York State Department of Health)	No Fee
Septic System Replacement or Repair	\$40
Sewer Hookup to Town Sewer District:	
Hookup and Inspection	\$75
Sewer Repair Inspection	\$40
Fitting (if needed)	\$30

EXCAVATION FEES

Culverts Under Driveways (Highway Dept. Inspection)	\$35
Culverts Across Roads (Highway Dept. Inspection)	\$100

ZONING AND PLANNING FEES

Special Use Permit or Variance – Non Commercial	\$40
Special Use Permit or Variance – Commercial Use	\$200
Renewable Special Use Permit or Variance – Commercial Use *	\$100
Site Plan Review	\$100
Subdivision Application – Minor Subdivision	\$30 per lot
Subdivision Application – Major Subdivisions	\$100 plus \$30 per lot for initial application; \$50 plus \$10 for
per lot	
Final Plat approval	

MISCELLANEOUS FEES

Building Permit Renewal	½ original permit cost
Temporary Certificate of Occupancy	\$10
Certificate of Occupancy Search/Prior to Zoning	\$15
Certified Copies/Genealogy Searches	\$10
Park Usage (day usage)	\$25 plus a refundable \$25 deposit that is returned to
applicant if park is left in good condition following inspection)	
Festivals or Public Gatherings	\$5
Beer Permit	\$20
Dog Licenses	
Spayed or neutered	\$7
Unspayed or unneutered	\$15
Late fee if not renewed within 30 days of expiration	\$5
Tag Replacement fee	\$2
Signs subject to Sign Ordinance	\$25
Fee will be waived if sign permit is part of a site plan approval	

DRAFT

COUNTY OF GREENE
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Billboards	\$50	
Photocopies, letter or legal	\$.25	
Copies of electronic media CD		\$3.00

* Any other annual town fees associated with the commercial use of the property will be waived upon payment of the fee for a Renewable Use Permit or Variance.

Supervisor moved and was seconded by Councilwoman 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-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE**

Adopted

RESOLUTION TO PAY CLAIMS

Supervisor inquired whether all claims had been audited; hearing yes, she read.

**RESOLUTION
OCTOBER 8, 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 10/01-69, it is

RESOLVED, that the Supervisor is hereby authorized to pay claims 2012 10/01-69.

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

VETERANS' DAY REGULAR MEETING TBD

Regarding the November 12, 2012 Veterans' Day Regular Meeting, Supervisor asked the Board their view, as a rescheduled meeting would have to meet the budget-passing calendar. Hearing no objection, Supervisor asked Clerk Brooks whether a resolution or motion was needed to confirm the meeting on that night; Attorney Wukitsch instructed to simply post on bulletin board, sign board and official paper, as a Regular Meeting.

ADJOURNMENT

With no further business to come before the Board, **Councilman Norris moved and Supervisor 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 9:28 pm.

Respectfully,
Janet A. Brooks
Town Clerk