

# DRAFT

COUNTY OF GREENE  
TOWN OF NEW BALTIMORE  
REGULAR TOWN BOARD MEETING  
SEPTEMBER 9, 2013 - page 1

## OPENING REGULAR TOWN BOARD MEETING

Supervisor O'Rorke called the meeting to order at 7:00 pm and the Pledge of Allegiance was said. Also attending: Councilwomen Benway and Finke, Councilman Norris, Attorney for the Town Wukitsch, Town Clerk Brooks, and 11 members of the public who signed the attendance sheet. Absent: Councilman Meredith.

## APPROVAL OF MINUTES

Regarding the minutes of **July 22, 2013 Combined Regular and Work Meeting** submitted by the Town Clerk (tabled at the August 12, 2013 Regular Meeting due to insufficient attendance by Board members), with Councilman Meredith's absence, there is insufficient attendance by Board members; Supervisor and Councilwoman Finke were absent from that meeting. The unapproved minutes are posted in draft form on website; Supervisor hopes Councilman Meredith will be present at October Regular Meeting.

Regarding the minutes of **August 12, 2013 Regular Meeting**, submitted by the Town Clerk, **Supervisor moved and was seconded by Councilman Norris.** Councilwoman Finke was not in attendance at that meeting and did not receive minutes. No further discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

**BENWAY-AYE    FINKE-Abstain    MEREDITH-Absent**

**NORRIS-AYE    O'RORKE-AYE**

**Motion Carried**

## PUBLIC COMMENT PERIOD

Ellie Alfeld asked if Councilman Meredith's absence was due to medical reasons, at least 4-5 meeting absences so far; there is business that cannot be conducted; he is collecting a paycheck and he is not present. If for medical reasons, that is different; if he just cannot attend, she doesn't understand why he wants to hold office.

Jeff Ruso heard rumor there was an accident with a Town vehicle, heard rumor of citation, speeding, asked Town Board cost to taxpayer, how much it would be, and asked were there any injuries.

Councilwoman Finke would also like to know about accident.

Steve Pilatich asked about animal control, he had 2 dogs at his house for 4 days, animal control was called on 4 phone numbers, Clerk Brooks provided another phone number; Sheriff's Office called every half hour, NYS dispatcher. He has a dog, 4-5am she wants to go out, had two dogs in his barn, someone else let his dog out, turn light on, dog back in house with dogs in the barn, on Saturday to Tuesday. He thanked Councilwoman Finke, the phone number gotten from Clerk Brooks the voicemail was full, you want everyone to call it, you cannot get through. Are there that many calls for animal control that the voicemail is full? 703-4746. The next time it happens, the dogs will be here, Town Hall, 9 o'clock in the morning, not my problem. This isn't first problem with animal control; there's another dog; that dog was caught on 396, that dog was from right up the road here. The two friendly male dogs, not fixed, a black and tan, worth some money, must be pets, anyone who came in the yard, including sheriffs, dogs wanted to get into their car, hard time keeping them out of car. Spoke with ACO in morning, said he had to go to work and would stop that evening after work; fortunately friendly, but they didn't like his cats. All ACO had to do was drive into the yard and dogs would jump in; all tried to find owner; this situation needs to be remedied, might happen with an unfriendly dog; he thanked Councilwoman Finke.

## CORRESPONDENCE

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For Food and Fellowship community luncheons- Supervisor was asked to announce they would begin Wednesday, Oct 9, followed by Nov 13, Dec 11, continuing in 2014.

From prior meeting discussion seeking a display case for historical memorabilia, Bill Johns/Coxsackie Antiques Center has offered a case; however, Historian Hilscher had already purchased; Town Board thanks the Mr. and Mrs. Johns for their offer.

From NYS Comptroller's Office- announcement of 2014 Tax Cap 1.66% tax cap; also, notice that retirement system is down from 20.9% to 20.1% (a little more for police and fire 28.9% to 27.6%); there is no carryover to bring over to the tax cap.

From Katrina Miller- letter of resignation from her court clerk position, effective Sept 20, 2013, to a new job:

**MOTION**  
**MOTION TO ACCEPT LETTER OF RESIGNATION**

With regret, Supervisor moved to accept, 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-Absent**  
**NORRIS-AYE    O'RORKE-AYE**  
**Motion Carried**

From NYS Comptroller's Office- notice to the Town of the arrival of confidential DRAFT NYS Comptroller's report, reminding of its confidential nature until NYS Comptroller's Office releases it on a date, not determined by Town or a Town Board member, determined only by the NYS Comptroller's Office. Supervisor commented there has not been so much excitement since release of last Harry Potter book. She added that Town Board members were given opportunity to meet with examiners, contribute changes, care for errors some of which were cared for at exit interview, and the Board has 30 days to respond. Attorney Wukitsch reminded that it is DRAFT format, subject to change, has already been changed, can be changed further, and that is reason to not release to public, no content may be relied upon or pointed to as being the official report. Supervisor answered that all Town Board members are aware of that. Janet Angelis asked, with 30 days for the Town Board to respond, that means at least 30 days before its release; Supervisor said they subsequently have 30-90 days following that, to release it. Councilman Norris said it looks like the way we do things at the Board level may change based on his conversations with [Comptroller's examiners]; Attorney Wukitsch is not sure about doing, but rather documenting things differently. Councilman Norris feels possibly hiring a bookkeeper to help with some transactions, a tremendous workload on Board, a lot of towns have a bookkeeper, looks like the direction we're going in but there is a cost to that. We've always done this *in house*; perhaps a Town Board member would like to take on this responsibility, asked Councilwoman Finke about two [inaudible], might be interested in doing part-time 20-30 hours a week to help with protocols, his recommendation to the Board.

From Greene County Legislature- resolution having to do with Emergency Medical Systems' bill for Workers Compensation, an \$80,000 invoice, to be passed down to the towns having to do with change to PERMA made by Greene County; County will offset \$40,000 for this year. Councilman Norris added that the budget he presented to the Board was passed, increases will take effect, and clarified that was planned for, without the Workers' Compensation factor, that didn't affect the Greene EMS budget. Supervisor acknowledged and appreciates EMS's work to contain their budget.

From an individual- 3-page letter to Town Supervisor, Town Board members, candidates for various New Baltimore offices. Individual had submitted a FOIL request on June 24, 2013, on June 26 town clerk advised in receipt stating would respond as soon as possible and within 20 days, July 22 would be 20 days, he had not received information and stated we were not in

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compliance with the laws, a very lengthy letter summarized; also sent to attorney, Committee On Open Government, Attorney General, Diane Louis, Democratic Chair, George Acker, Independence Party Chair, several candidates for office, Times Union, two Board members but not all, Assemblyman Lopez, Senator Tkaczyk. Councilman Norris sees his name on letter, did not receive, and asked if it was mailed to Supervisor; Councilwoman Finke and Benway did not receive. Councilman Norris asked what the stamp 'Without Prejudice UCC1-308/207 Secured Party Creditor' meant; Attorney Wukitsch responded that UCC is Uniform Commercial Code which nearly every state in USA has adopted, he believes Section 1-308 of the Code is reference, he doesn't have copy in front of him and could get Councilman Norris a copy, a Secured Party is defined as a party who holds a security interest of goods or form of property; Supervisor asked is it against the Town? Attorney Wukitsch doesn't understand the intent, would have to ask the author to get to the bottom of it; those are legal terms that have relevance to the Uniform Commercial Code, *Secured Party* and *UCC*, adding it has nothing to do with FOIL which is the Freedom of Information Law. Supervisor noted it is on the outside of envelope, too.

Member of the public said [inaudible]; Supervisor reminded that public comment was closed but would permit a brief comment. Rodney Krzykowski continued that the letter states that if he did not receive the information, that he would be sending to all the other names on it, but hasn't yet; he hasn't received the information. He continued that UCC numbers are just protecting his constitutional rights; it is in the UCC code book. Supervisor said that the letter shows a cc [carbon copy].

**NEW BUSINESS**

**Unsafe Building Resolution**

Supervisor introduced Code Enforcement Officer Ray Blaisdell, asked him to first describe the process with this individual, corresponding and speaking with, to rectify the matter. He reports that over his 2+ years as CEO he has visited the property numerous times; individual has taken opportunities to get help, still not acting in a safe manner. The vacant building has not been touched in 2+ years, in photos and information to Board, front porch is falling off; a deceased family member, then vacant, the normal proceedings have occurred, and individual has made efforts with the property. CEO Blaisdell is bringing it to the Board, with collage of information, is here to make it work with the actions of the Town Board, he doesn't want to be negative, and has questions and concerns. The Board's packet has two codes included: one is for CEO to be allowed to be present on the property, evaluate the property and identify where it is unsafe. His biggest concern is for a couple buddies on bikes to go in to check out the house; he doesn't want this to happen. Visually is an eye sore, there are other eye sores, but this is about safety; the photos show the porch is off the house, tarps hang off the back. CEO said he could talk about why this has gone on, but tonight is about the Town Board members who are here, who are being asked to make this better.

Supervisor thanked CEO Blaisdell for bringing this to the Board, clarified that the original owner passed over 2 years ago, the estate has had some time, CEO has worked with the individual handling the matter of the estate, reviewed that letters were sent in May, July, and, at end of August, a compliance order was sent; no response from these individuals. CEO added that the letters pertain to the junk vehicles also, although not before the Board this night. Supervisor said there was not a lot of detail in report although pictures show a lot, the porch could fall on anyone using front steps; Ray doesn't believe he would gain legal entry from the owner and would refuse to enter the building.

Attorney Wukitsch asked his opinion regarding removal or repair; Ray believes it should be taken down, based on his 35 years' experience; Supervisor asked is the building secured, windows are boarded? CEO Blaisdell said there are numerous posted signs, no caution tape, nothing to discourage especially young kids.

Councilwoman Finke asked he hasn't made this determination by going inside. Ray answered no. Councilwoman Finke asked if he's spoken to owner, is it still in the estate? One individual. She asked if it is still under estate or does he own free and clear? CEO is unaware of that.

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Supervisor said property still shows ownership of decedent, not uncommon that people don't pay to have decedent's name removed.

Attorney Wukitsch said if search in county clerk's office of title was done, property may still be in deceased's name, we don't know who holds title. CEO Blaisdell said title and responsibility.

Attorney Wukitsch reviewed when someone dies who owns real property, sometimes an executor is appointed, probate, passed through estate or sold to a third party and proceeds are distributed; we do not know if anything has happened in this case.

Clerk Loux said she sees the transfer reports and has not seen it appear. Attorney believes it is still in decedent's name as far as title, asking whether anyone occupies the building; answer: no; is anyone living on the property; answer: no. Attorney Wukitsch asked who he is communicating with; CEO Blaisdell answered he is communicating with the individual/son, and a sister; he has had several phone discussions with him, and a buddy was helping him out. Attorney Wukitsch asked whether he has been told opinion that it needs to come down; answer: yes, is at wits' end, the Town is liable for this.

Supervisor said numerous letters have received no response, appreciates his position, and his bringing it to the Board's attention, as his last letter stated it would, with ownership issue, been in contact, sent letters and received no response.

Attorney Wukitsch could send a letter to get more movement, but prefers to follow the procedure in our Town local law, used time before; Councilman Norris remembers using it before. Attorney Wukitsch said it took prodding and eventually owner made repairs. Supervisor added that the letter does not come with a wrecking ball. Attorney Wukitsch reviewed with local law procedure, if owner refuses to repair or take it down, Town could be out the money to hire someone at taxpayer expense to try to recoup the money of demolishing the structure, not to say we're going that path, but it could come to that. Councilman Norris said now that the Board is discussing it, if someone does go in and get hurt or worse; Attorney Wukitsch continued that liability falls primarily on the owner, there is a municipal duty.

With this regard, Supervisor said last was a house in the hamlet, going on for couple of years, concerned CEO, owner would do a little and stop, finally Town Board took this step and work got done and property was secured. In that situation there was ongoing work, remembers Councilman Norris. Attorney Wukitsch said the process was begun. Councilman Norris doesn't believe there is any effort to fix up this building. Supervisor sees no ladders or indication of work or workers, an official of the Town has sent out strong letters, which were ignored.

Councilwoman Finke asked if CEO Blaisdell had phoned; answer: yes, letters are to protect the Town. Supervisor reminded that he'd begun with phone calls, then letters, now next step.

Councilman Norris and CEO have had numerous conversations, going on for quite some time, CEO is looking for a different direction. Supervisor says Town code doesn't require CEO to go through these completed steps, he's gone above and beyond to bring to Town Board for resolution, and appreciates that and his time.

Councilwoman Benway believes must do something because it is an *attractive nuisance*, someone pull off the road and go explore. Supervisor said first would be letter to individual that Town is taking action under the local law, ask them to come for hearing, so many days to come in, learn your plans, are you going to secure property, will you fix it up. Attorney Wukitsch asked if there were signs NO TRESPASSING; there are two signs out front. Attorney Wukitsch asked what else could be done to make it more secure and less attractive. CEO said a stockade fence, but to put SPF board could be applied to openings. All windows and doors appear to be loose. CEO Blaisdell said house is full, gentleman was a hoarder, aisles of newspaper and more, tree growing through the roof, but with respect, not taking close-up photos, not invited, need court order or law enforcement, he can open door but is not sure of the direction. Regarding the junk cars, he has said he will and has pulled some cars; Supervisor asked whether there was much hazardous material contaminating the earth. CEO Blaisdell added that any vehicle sitting in high grass or dirt will rust and leak, fuel, gas, oil; Supervisor is reminded of another property that came off the tax roll and now the county cannot sell. CEO Blaisdell can see another 6-7 cars; Supervisor suggests a letter to the owner, Councilwoman Finke added that he may not be the owner. Supervisor asked is it up to us to guess the owner? Attorney Wukitsch asked to see the statute. Councilman Norris added he has worked with same person, not cleaned up; CEO added a friend has helped, but has stopped. Councilwoman Finke said she knows the individual, wishes she had gotten this notification before, knows he had surgery May or June, was out of

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commission for a month, and he works 60-80hrs/wk, and that she is just trying to work with people.

Councilman Norris reports CEO Blaisdell has made every effort to work with, numerous conversations, think he has agreed to certain things, let time go by, reconnected with him, then stopped again. CEO Blaisdell, from observation, asks why he hasn't followed through, visits, phone calls, letters asking to meet, or matter would be turned over to Board.

Supervisor said visits to the property, phone calls, and letters, the last of which was compliance asking for meeting with appropriate Town Code attached (which doesn't require any of those steps to be taken prior); the Board can sit and do nothing, or follow the Code as written and meet, as building inspector turns over matter over to Town Board, and individual is given opportunity to dialogue with Town Board and make his statement. CEO Blaisdell understands having no control over health, has Lyme himself. CEO Blaisdell has reached out significantly, Board has option to make use of local law, Ray has made steps beyond what was needed. This individual has decided not to respond to an official of the Town.

Councilman Norris suggests, with the local law, move forward, not telling him to do anything but come and meet with Board. Councilwoman Benway added over 2.5 years is certainly lenient. Supervisor reminded this is the process used in the past and without the effort of the CEO before taking those steps.

Councilwoman Finke asked if he's paying his taxes. Attorney Wukitsch asked if it is on county list for foreclosure, public record. Supervisor added that the tax collector prepares the relevy, whether taxes have been paid, she is not sure.

Councilwoman Finke knows the individual and would like to work with him, wish she'd known this was ongoing, didn't get this until she came tonight.

Attorney Wukitsch said this has been going on for years, when David Louis was supervisor. Ellie said she brought it to this Board over two years ago, the water park was thinking about coming and she said to Board what a disgrace this view was, coming into the Town and looking at the deteriorating house and junk cars, like the Malphrus property and Alcove Road property. Supervisor added Ellie has been on the record for this board several times for her complaint, this went out with resolutions and agenda for the Town Board, and the Town Code does not require all the work that Ray has done to have occurred before this step, the Code requires that the CEO sees an unsafe building he is to bring it to the Town Board. It doesn't require steps ABCD, it does require bringing it to the Town Board, and appreciates the work Ray has done with this individual, above and beyond, could have been turned over to Town Board two years ago. She asked do we not do anything?

Councilman Norris said numerous issues come up with CEO Blaisdell that we don't brief the Board because we're hoping that it can be handled by CEO, 'try this, try that', and many other topics we don't brief the Board of every one, and 90% are resolved.

CEO asked has he been in front of the Town Board before?

Councilman Norris said this is unique.

Councilwoman Finke said she didn't realize he had contacted him a number of times and asked when the resolution was sent.

Supervisor said it was in the resolution.

Councilwoman Finke said she got resolution last night.

Attorney Wukitsch said the Board can commence the formal procedure, repair and demo, what was done in the hamlet, ask individual to come in, CEO Blaisdell said a simple \$150 renovation permit, Attorney Wukitsch said establish a dialogue and discuss his plans for property, give him the opportunity to be present, there are issues with structure, possible danger, minimum tasks he could do to make safe for trespassers, you have a duty even to a trespasser under NY law, case of Vasso v Miller, and whether we agree or not is not the issue. Based on what Councilwoman Finke said, maybe give him an opportunity to come here and talk, Board can express its concern. If his response is nothing or if he doesn't want to talk, the Board will know where he stands. Councilwoman Finke will reach out.

**MOTION**

**MOTION AUTHORIZING COUNCILWOMAN FINKE TO CONTACT OWNER OF  
13022 US RTE 9W IN MATTER OF UNSAFE BUILDING**

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Supervisor moves that Councilwoman Finke is authorized to contact owner 13022 US Rte 9W in the Town of New Baltimore to establish resolution to the matter of unsafe building located at that location and, if a resolution is not made prior to September 23, 2013 Work Meeting, then the Town Board will commence formal action as outlined in Chapter 34 Unsafe Buildings, and was seconded by Councilman Norris. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

## OLD BUSINESS

### Background Check Policy Resolution

With the potential hiring of a new employee for the court, Supervisor distributed Revised Background Check Policy, hoping to use Greene County Sheriff (free but two weeks' time) or professional for \$150/person for each job offer, as a condition of employment. Councilman Norris responded to Supervisor on some point. Supervisor did ask if a prospective employee could pay that cost, labor law doesn't provide for that, court clerk handles a lot of money and sensitive information. Attorney Wukitsch had not heard of an employer to charge to apply for a job. Supervisor asked for certification; member of the public added that a teacher wanting certification could have cost. Supervisor, regarding summer recreation, added 'anyone over the age of 21'.

#### *Town of New Baltimore Background Check Policy*

*The Town of New Baltimore may conduct reference checks, "investigative, consumer reports" and background investigations on all candidates for employment (volunteers) prior to accepting an applicant for employment, and may use a third party to conduct these background checks. The Town will obtain written consent from an applicant and/or employee prior to ordering reports from third parties, and will provide a description of applicant and/or employee rights and all other documentation as required by law to each applicant or candidate in accordance with Fair Credit Reporting Act and other applicable state and federal statutes. All background checks are subject to these notices and consent requirements.*

*An "investigative consumer report" compiles information on a candidate's general reputation, personal characteristics or mode of living. This information may be gathered on line, through public or educational records, or through interviews with employers, friends, neighbors, associates, or anyone else who may have information about the employee or potential employee. In the pre-employment process, investigative consumer reports typically include such things as criminal record checks, educational verification and employment verification checks.*

*In addition to investigative consumer reports the Town may also work with other third parties, such as the Greene County Sheriff's office, to obtain the following information*

- Private and government agency reports to any history or criminal, dishonest, or violent behavior, and other reports that relate to the suitability for employment
- Education (including degrees awarded and GPA)
- Employment history, abilities, reasons for termination of employment
- Address history
- Credit reports
- Social security number scans
- Civil court filings
- Motor vehicle and driving records
- Professional or personal references

*This information may also be obtained at other times during employment, such as during changes of job responsibilities, promotion or following an accident.*

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*The Town will conduct background checks in compliance with the Federal Fair Credit Reporting Act (FCRA), the American with Disabilities Act, and all other applicable local, state, and federal laws and regulations. Applicants and employees may request and receive a copy of reports provided by third parties.*

*A reported criminal conviction will not necessarily disqualify a candidate from employment. In order to disqualify a candidate the conviction must be job related or pose an unreasonable risk to the Town. The Town considers on the job relatedness the nature and seriousness of the offense, the date of the offense, the surrounding circumstances, rehabilitation and the relevance of the offense to the specific position and whether hiring, transferring or promoting the applicant would pose an unreasonable risk to the Town may be considered before a final decision is reached. The Town follows FCRA requirements, other applicable statutes, and responding applicants and employees regarding potentially adverse actions to third party reports. The Town reserves the right to withdraw any offer of employment or consideration for employment, or discharge an employee, upon finding falsification, misrepresentation, or omission of fact on an employment applications, resume, other attachments or in verbal statements, regardless of when discovered.*

*Background check reports shall be maintained in employee files and will be confidential in compliance with the Town's record retention policy.*

*Last revised September 9, 2013*

**RESOLUTION  
SEPTEMBER 9, 2013**

**RESOLUTION ADOPTING BACKGROUND CHECK POLICY  
FOR CANDIDATES FOR EMPLOYMENT**

**RESOLVED**, that the Town Board of the Town of New Baltimore does hereby adopt the attached Background Check Policy for candidates for employment dated September 9, 2013.

**Councilwoman Benway moved and was seconded by Supervisor.** 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-Absent  
NORRIS-AYE   O'RORKE-AYE**

**Adopted**

Councilman Norris asked when to decide which position gets the background check; Supervisor said policy must be consistently applied, determined by the Board at the time of hire of anyone hired by Town over 21; soon to be hired will be an applicant for court clerk. Councilman Norris suggests a standard policy.

**Status of Water Rates for Water Districts #2 and #3**

Mentioned at Work Meeting, Supervisor had notice from village mayor of Cocksackie that their board was meeting the same night to review rate changes, with public hearing scheduled for tomorrow night. Supervisor met with mayor and Delaware Engineering to learn if there was anything that could be done about the rate structure, and, unfortunately for residents of Scheller Park in WD2, looking at about \$175/year rate increase. Village of Cocksackie took a rate increase in 2009 that was never passed on to the residents in the Town of New Baltimore, an oversight of the Village; the Village's comment was that those residents received a cheaper rate then but now must play catch-up.

Supervisor argued with the mayor that their budget includes the cost of infrastructure for the Village of Cocksackie, which is above and beyond the cost of new filtration plant. The argument has always been that Town of New Baltimore did not pay toward that debt service for that extension; yes, the residents of WD2 certainly are paying. On top, the Village is allowed to levy 180% of the Village cost onto the residents of our WD2; Supervisor did not make that contract; it is longstanding. The Town of Cocksackie pays 200% of the Village cost; technically, Water

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District 3 should be paying 250%; but neither had the increase passed on to them. Supervisor would like to renegotiate the contract and maybe buy water in bulk, then not pay towards their infrastructure cost. We pay towards their infrastructure cost if Scheller Park has a water main break, amongst the 29 or so users, seems they pay for double infrastructure. We could buy water in bulk from the Village but we would need two bulk meters, costing about \$100,000 each and we would need two to meter WD2 separately from WD3, coming through at different points and are different districts. Although it seemed ideal for 29 users in the district, we are tied to this contract or we don't get water. At this point there is not much we can do, Supervisor is open to suggestions, building our own water plant for WD2 and WD3 is not economically feasible. Councilman Norris suggests renegotiating the contract to bring rates down. Supervisor has heard question asking why Town of New Baltimore is charged at 180%, Town of Coxsackie at 200%, and Kalkberg at 250%. Watching what happens at their meeting tomorrow night, Supervisor suggests Town Board must pass a local law to pass this on to the residents of Scheller Park (WD2) and Kalkberg (WD3).

Additionally we had a water main break in December, about \$2500, and not enough surplus fund to pay for that break. Making bad news worse, Town Board must level an Operations & Maintenance cost, because the Town cannot make the special district whole. Supervisor asked whether the District could take steps into it; answer: New Baltimore pays 1% of overall bill and uses 4% of the overall bill. Supervisor reminded that the 2009 rate change was not passed on to us and Town Board could send a letter asking that they take that into consideration; Councilman Norris concurred and asked whether they pay more than the average user in Coxsackie? Supervisor reviewed that they pay more than the Village; the Town of Coxsackie pays more than WD2, and reminds that a municipality cannot make money off sewer, but can make money from water but now we are held to this contract.

Councilman Norris would like input from users. Supervisor reminds that the public hearing is tomorrow, we will need our own information meeting and public hearing to increase their rate adding Operations & Maintenance, but do you put the cart before the horse? Maybe enough residents will show at their hearing tomorrow night and maybe Village will do something with the Village rate, they have a draft proposed local law now. We could hold an information meeting, sooner rather than later, before a public hearing. Supervisor asked for Board thoughts. Councilwoman Benway asked if our affected Town residents knew about public hearing; Supervisor doesn't know because they buy their water from New Baltimore, it was in the newspaper but, at the end of the day, that is not the rate they will pay. Councilwoman Finke said a letter can't hurt. Councilman Norris asked for a strongly worded letter, by attorney. Supervisor suggests asking village board to consider hardship on residents with substantial increase; we have our own infrastructure cost on top, and a small number of payers and added that it appears the hydrant was repaired and doesn't need replacement. She said Coxsackie has had to replace 3 hydrants in last few years, ours are probably not far behind, but we have no fund balance, need to get some O&M included. Supervisor suggests sending letter to village, before September.

**MOTION  
SEPTEMBER 9, 2013**

**MOTION TO HOLD SPECIAL MEETING ON PROPOSED WATER RATE INCREASE**

Supervisor moves to send a letter expressing the Town Board's concerns to the Village of Coxsackie regarding impact on our residents, and moves to authorize town clerk to post special meeting on September 23, 2013 at 6:30pm to hear residents on the proposed rate increase, and was seconded by Councilman Norris. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

**Motion Carried**

Councilwoman Benway will post to website the proposed water rates.



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**2013 Budget Amendments**

Supervisor said there was some small budget amendments to accomplish, bookkeeping, building contractual, garage, with no net change to 2013 Adopted Budget.

**RESOLUTION  
SEPTEMBER 9, 2013**

**RESOLUTION TO AMEND 2013 BUDGET**

RESOLVED, that the following amendments to the 2013 budget are hereby adopted:

ACCOUNT	CURRENT BUDGET	AMENDED BUDGET	CHANGE
<b>GENERAL FUND EXPENDITURES</b>			
A1220.4 BOOKKEEPING SERVICE	10,800	13,800	3,000
A1620.4 BUILDING	7,500	13,000	5,500
A5132.4 GARAGE	28,500	19,500	(8,500)
TOTAL CHANGE			0
<b>HIGHWAY FUND REVENUES</b>			
DA3501 CHIPS	112,000	142,318	30,318
DA2665 SALE OF EQUIPMENT	0	11,100	11,100
TOTAL CHANGE			41,418
<b>HIGHWAY FUND EXPENDITURES</b>			
DA5112.4 CHIPS	112,600	142,318	30,318
DA5130.2 EQUIPMENT	0	57,087	57,087
DA5130.4 EQUIPMENT	105,000	85,000	(20,000)
DA5142.1 SNOW REMOVAL	74,008	64,008	(10,000)
DAR142.4 SNOW REMOVAL	75,000	59,013	(15,987)
TOTAL CHANGE			41,418

With \$0 impact, Supervisor 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-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted

Transfer of Funds from General Fund to Highway Fund Resolution

**RESOLUTION  
SEPTEMBER 9, 2013**

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

RESOLVED, that the Supervisor is hereby authorized to transfer \$81,000 from the General Fund to the Highway Fund as provided for in the 2013 Adopted Budget to provide sufficient funding for the Highway Fund.

Supervisor moved and was seconded by Councilman Norris. Councilman Norris reminds this will stay in the Highway Fund and cannot return to the General Fund, typical at this time of year. Supervisor added, reflecting the Town Board's receipt of monthly reports, the Town looks good on the 2013 Budget, neither fund has dipped into the Fund Balance, did well early in year on Snow Removal. 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-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted

# DRAFT

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Councilman Norris asked Superintendent Jordan how the roads are; he answered the Town is not paving/stone and oil as it should be, trying different formulas, latex does not hold up. Supervisor asked if we learned whether it can be done later in the year; Superintendent Jordan said yes, spring and fall, is still 'cut'. Councilman Norris notices grader patching, are the tracks ours? Superintendent Jordan answered yes, cannot avoid, worn with roller can take out most. Councilman Norris said we cannot do normal paving. Superintendent Jordan said no company wants to jump around from road to road doing patches, added that grader patching is working, 10+ years, need to do more or bond, as we know the money goes fast. Supervisor reminds residents of a dirt road came in and wanted theirs paved (\$95,000 cost). Councilman Norris said committee has discussed this many times. Supervisor said paving was held off, was supposed to happen last week, and now scheduled next Monday and Tuesday.

## Social Media Policy Resolution

Supervisor sent revised policy to Board members and attorney: general guidelines that are straightforward standards for use by officials of the Town who have asked to use FaceBook, such as animal control officer, emergency management officer who, at time of *Irene* and *Lee*, found it was a good way to communicate. Without this there is nothing for the Town to put employees on notice. Councilman Norris said this has been discussed several times. Supervisor said this is one last piece of the Employee Handbook; still waiting for Councilman Meredith work on the Leave Policy. Attorney Wukitsch said one acknowledgement is typical. Handbook could be ready by October Regular Meeting; done one policy at a time, all Board members spending time on it; one acknowledgment makes more sense. All policies will be in the handbook, just waiting for the Leave Policy; Councilman Norris offered to work on it.

## Town of New Baltimore Social Media Policy

### POLICY FOR SOCIAL MEDIA USE

The Town of New Baltimore recognizes that traditional communication methods are now supplemented or replaced by use of various Social Media Technologies.

Using Social Media Technologies to share news about municipal events, disseminate emergency information, and promote work being done by staff and community groups, is an effective, low-cost way to inform and interact with our community.

The Town of New Baltimore has developed this policy to provide direction to officers, employees and volunteers when engaged in using social media as methods of communication.

Please read this policy and these guidelines carefully before making use of social media. If you are not sure how this policy and its guidelines may apply to you, or how they might apply to new types of technology, please discuss with your Department Manager or Town Board before you engage social media for any municipal purpose.

Please be cognizant that participation in anonymous internet communications may undermine the principle that all municipal employees and officials should conduct the official business of the Town in an open and accessible manner.

Information posted, blogged or tweeted by municipal staff and officials reflects on the entire community and can adversely impact our mission, goals and reputation.

Remember what you post is, in effect, instantaneous and permanent, and can be viewed and reposted by people not in your intended audience. Given the nature of social media, something you intend to be private may not remain private.

### DEFINITIONS

"Devices" include, but are not limited to, computers, PCs, laptops, tablets, smartphones, and networks.

"Social Media Technologies" mean internet forums, blogs, streaming videos, social networks, podcasts, texting, email, website applications, and social sharing sites.

### SOCIAL MEDIA GUIDELINES

**DRAFT**

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**Prior Authorization.** All Town employees and officials shall NOT maintain or participate in personal websites, blogs, social media, or chat forums in which official municipal business is discussed without proper authorization.

**Municipal Property.** All devices provided by the Town are the municipality's property, and shall only be used for municipal business. Use of such property for any other purpose is prohibited.

**Review and Inspection.** The Town can and will review employee use of devices provided by the municipality at any time and without notice. Employees have no reasonable expectation of privacy when using municipality-provided devices or using personal devices on municipality-provided systems and networks.

**Confidentiality.** Confidential information or business-related information shall not be disclosed or otherwise released.

**Official Business Only.** Access to social media networks from the Town's computers, laptops, i-pads, mobile phones, cell phones, and other equipment and services (such as wireless networks) is limited to individuals performing official municipal business.

**Inappropriate Content.** Municipal employees and officials are prohibited from communicating any harassing, discriminatory, defamatory, or otherwise unlawful comments in any forum --- electronic or otherwise.

**Copyrights, Trademarks and Fair Use.** Follow and respect copyright laws. If you are hyperlinking to other sites, make sure that the content is appropriate.

**Official Capacity Speech.** When posting on personal social media sites as well as tweeting about matters of public concern make sure you are clear that the ideas and information embody your personal views and, in the absence of requisite prior authorization, does not represent the views of the Town.

**Violations and Consequences.** Violations of this policy and these guidelines will be investigated by the Town Board, and corrective action, including any discipline that may be appropriate, will be taken.

*Last Revised September 9, 2103*

**RESOLUTION  
SEPTEMBER 9, 2013**

**RESOLUTION ADOPTING SOCIAL MEDIA POLICY**

**RESOLVED**, that the Town Board of the Town of New Baltimore does hereby adopt the attached Social Media Policy effective September 9, 2013.

**Councilman Norris moved and was seconded by Councilwoman Benway.** Town clerk asked to repeat. 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-Absent  
NORRIS-AYE    O'RORKE-AYE**

**Adopted**

From a storage standpoint, Clerk Brooks commented that the personnel files are bulging with acknowledgments; single will make a big difference.

**Sovereign Citizen Resolution**

Supervisor introduced the resolution supporting legislation on a topic many municipalities have had to deal with, certain individuals or organizations, whether domestic terrorists or other, harassing. Attorney Wukitsch said Association of Towns put forth in its February programming *harassment and intimidation of public officials*; this resolution acknowledges that the Town Board has no jurisdiction to deal with this subject matter, taken up by the State Legislature, as recently as today has passed both houses, a law protecting members of the judiciary from the filing of false liens, this resolution supports those state legislative efforts. Supervisor believes there is proposed legislation out there to protect other public officials; there was a case with several communities impacted, a judge whose credit history was ruined, suffered financial setback due to false lien, person/organization went to State of Washington to file lien so the

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judge had to hire legal counsel. Attended by many in February at Association of Towns, judges have received training on this, Supervisor thought it was prudent and thought legislation, in both houses, would make the Town's voice heard as government acts on this.

**RESOLUTION  
SEPTEMBER 9, 2013**

**RESOLUTION IN SUPPORT OF LEGISLATION RESTRICTING FALSE LIENS  
AGAINST PUBLIC OFFICERS AND PUBLIC EMPLOYEES**

**WHEREAS** a 2012 study by the National Association of Secretaries of State indicates a "dramatic rise" in bogus filings under the Uniform Commercial Code (UCC) in recent years mainly filed by the "sovereign citizens movement", and

**WHEREAS** recent court rulings have noted that phony filings by people in separatist groups or who believe they are not subject to government rules or control have ensnared public officials in all branches of government by filing property liens or tax forms that have triggered unwarranted credit reviews and IRS scrutiny, and

**WHEREAS** opponents of such "paper terrorism" indicate that the Uniform Commercial Code provides a way for creditors to record an interest in a debtor's property through filing notice to debtor's future creditors, and

**WHEREAS** the Uniform Commercial Code must accept each statement filed for recording and subsequently make it available for public viewing that later may be found to be fraudulent resulting in a negative result on a person's credit statement and could be used as a tool to unjustifiably characterize a person as target of a false filing as a credit risk, and

**WHEREAS** no person whether elected, or appointed properly acting in their roles as public servants should be subject to the personal financial and emotional stress caused by this conduct,

**THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Baltimore encourages local governments, county governments, law enforcement, the Association of Towns, New York Conference of Mayors and the Office of Court Administration to work together to provide the State Legislature with legislation that will protect public servants from exposure to this conduct and

**BE IT FURTHER RESOLVED** that the New York State Assembly and the New York Senate expeditiously consider all legislation to solve this problem and

**BE IT FURTHER RESOLVED**, the Town Clerk of the Town of New Baltimore send copies of this resolution to all involved parties to accelerate enactment of any proposed legislation, and

**BE IT FURTHER RESOLVED** that the Town Clerk of the Town of New Baltimore does hereby certify and support the proposed resolution that was passed on September 9, 2013, by a majority vote.

**Supervisor moved and was seconded by Councilman Norris.** Councilman Norris said 'UCC' was new to him and he heard it twice in this night's meeting, now in asking our state legislators to pass legislation to stop 'paper terrorism', a strong term. NY Secretary of State, explained Attorney Wukitsch explained, is the entity where the security agreements, provided for under the Uniform Commercial Code, may be filed, granting the secured party (creditor) a secured interest in something you financed (as the purchaser). To make it legal, you file it with the Secretary of State, with the UCC 1's that perfects your security interest in that piece of property. What has happened, according to this AOT training, this process has been subverted in some cases for improper reasons including intimidation of public officials, because the Secretary of State doesn't monitor what is being filed, and must accept everything someone wants to file against

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you, even if there is no underlying indebtedness to you, the Secretary of State accepts and files that document. You can hire an attorney and get the thing expunged; this law would provide protection from that type of filing. AOT provided extensive February training on this topic, including a film; attracting the attention of attendees, nearly 300 attending.

Councilman Norris asked what is their purpose in doing this? Attorney Wukitsch said their purpose is to create a lien against you, 'gum up' your credit. When a lender goes for a credit search and the security agreement might just 'turn up'; these were being filed on public officials; this resolution would protect folks like ourselves. Attorney Wukitsch heard that something passed today in both houses affecting members of the judiciary; we'll get copies of that; this resolution will encourage legislators to pass these types of laws.

Councilman Norris clarified that the affected person would then have to hire an attorney, does this affect the Town or taxpayers?

Supervisor answered not for the lien, but a lot of judges were thinking twice as to whether or not to 'take the bench'; under the Public Officers Law and ability to reimburse a public official when they are sued, this is not a lawsuit coming to the public official; the public official has to then go out and create a lawsuit, the individual gets no protection from the town, and must do so on 'their own dime'.

Councilman Norris commented it is a form of intimidation.

Supervisor answered yes, and it does not stop folk from filing liens that are legitimate; a public official could owe someone money.

Attorney Wukitsch explained if you borrow money to buy a boat or car, the lender gets an interest in your boat or car, and if you default on payment they can take the item back; all those things are spelled out in Uniform Commercial Code; what we're talking about here is different. With 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-Absent  
NORRIS-AYE   O'RORKE-AYE  
Adopted**

**Board of Assessment Review Appointment**

Supervisor advised there is an opening on the BAR, past practice to advertise, the BAR doesn't pay very much, an ad could well cost more than the position pays. Supervisor suggests putting a notice on the website, the committee will come up with wording requesting letter of interest by September 30, allowing time to meet before October meeting. Councilwoman Finke asked whether someone left; Supervisor explained it is time for a reappointment. Ellie Alfeld said technically the Board of Assessment Review is called on three times each year (training, grievance day, and follow-ups for corrections in August and October) and added nothing done until training is announced in new year, unless Gordon brings something forth before the October deadline but nothing was brought forward in August. Clerk Brooks asked about wording for this notice, is this a request for a search; Supervisor said the committee will provide wording. Attorney Wukitsch clarified the Board had no claims; Ellie said all that she saw were corrections, very good. Clerk Brooks asked for motion.

**MOTION  
SEPTEMBER 9, 2013**

**MOTION TO AUTHORIZE BAR OPENING BE PLACED ON THE TOWN'S WEBSITE**

Supervisor moved that the opening for the BAR be listed on the Town's website, seconded by Councilwoman Benway. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

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**DRAFT**

**Accident with vehicle**

Issue with a truck, minor damage reported at the Work Meeting under Highway, no injury, no damage to vehicle, just had to be towed. Highway Superintendent reports a cracked fender which the highway repaired, individual completed an incident report. Councilwoman Finke asked if there was a ticket issued; Superintendent Jordan said no actually, no speeding, the county was mowing with no signs, brakes locked up, and fell to ditch and lay on its side, truck is back in service, didn't even hurt the mirror.

**Primary Election**

Ellie asked to announce the times for the polls tomorrow: 12 o'clock noon until 9pm at the usual polling places.

**Dog issue and animal control officer**

Animal control committee member Councilwoman Finke is trying to reach ACO Joe Tanner and address a couple of things, also trying to work with Councilman Meredith who is the chair of the animal control committee. She said he needs to do something with his phone; each time she called he returned her call; he had a dangerous dog issue on Kings Road, he was in the vicinity and appeared in a matter of minutes.

Supervisor added working late at Town Hall, he learned that ACO had been driving around several roads, stopping at one house would learn the dog had gone to the next house; we have talked about this and perhaps an assistant or additional help is possibility. Clerk Brooks asked regarding an intermunicipal agreement for help; Supervisor said that had been tried, no one wants to do that, keeping in mind that many municipalities have only a dog control officer; we have an animal control officer who handles anything on four or two legs, including feathers.

**Resolution to Pay Audited Claims**

Clerk Loux has reviewed the claims during the meeting for a department approval and 3 auditing signatures; Supervisor felt there were a couple for her. Clerk Loux said 4 lack department signatures, 3 do not have department approval or enough signatures, 21 without enough auditing board signatures. Councilman Norris did not have chance before meeting, cannot multitask during the meeting. Clerk Brooks asked to hold the meeting open. Supervisor said yes, as many towns do, asking those who wish to talk go outside the room.

The meeting was held open for the Board to review and sign claims.

Discussion ensued without naming vouchers by name or number. Court security officer submitted February and April vouchers, but not a March voucher. For a Small Claim Assessment Review (SCAR), there is a claim for a filing fee, with a copy of decision from hearing officer (taken by Clerk Brooks) attached, Councilman Norris spoke with Assessor Bennett; if case is decided favorably you may obtain a refund of the filing fee. Regarding First Student, an invoice is still not attached; Councilwoman Benway will follow-up by phone. Clerk asked whether the voucher will be pulled from tonight; no, that was prepaid for the summer rec program trip. Clerk Brooks asked whether the Board had gotten back to Supervisor regarding special meeting(s) for the 2014 Budget.

Clerk reports no previous invoice was received from John Keenan; Councilwoman Finke will follow-up by phone. Question regarding payment of the display case purchased by Historian Hilscher; also for the location of the display cabinet. Questions regarding the billing for the highway cable internet; a partial month, modem, rate is different from rate charged for town hall internet. Question regarding code enforcement officer mileage log. Supervisor has sent Verizon a letter requesting itemized bills for the cell phones; Councilwoman Benway believes that can be done online; Clerk Brooks reminds Town has itemized invoice from State Telephone.

**DRAFT**

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Supervisor removed 09 60, 09 67-71; First Student was prepaid, Mid-Hudson Cablevision.  
Discussion ensued regarding Bingo.

**RESOLUTION  
SEPTEMBER 9, 2013**

**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 2013 09/01-60, 65, 66, 72-91,

BE IT RESOLVED that the Supervisor is hereby authorized to pay claims 2013 09/01-59, 61-66, 72-91, and

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until September 30, 2013.

Supervisor moved and was seconded by Councilwoman Benway. 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-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted**

Meeting dates for Special Meetings in October

Clerk Brooks reminded Supervisor the Board members were to respond to her with possible October dates for special meeting(s) with department heads; October 14 and 28 are the posted meeting nights. Councilwoman Benway cannot attend October 7 in evening; Councilman Norris asked for KoolAid and asked if others did; Special Meeting can be October 7 morning (9am) to catch department heads; Councilwoman Finke cannot attend October 21 in evening.

**MOTION  
MOTION TO HOLD SPECIAL MEETING OCTOBER 7, 2013**

Supervisor moved to hold a Special Meeting on October 7, 2013, 9:00 am, at Town Hall, for the purpose of meeting with department heads to discuss 2014 budget issues, and was seconded by Councilwoman Benway. Supervisor added that another meeting could be scheduled after this one is held. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

**ADJOURNMENT**

Hearing no more from the Board or the public, Supervisor moved and was seconded by Councilwoman Benway. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

The meeting was adjourned at 9:11 pm.