

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MEETING
OCTOBER 14, 2013- page 1

DRAFT

BID OPENING 6:45PM

Clerk Brooks read: The following appeared in the Catskill Daily Mail on Sept 27, 2013:

NOTICE TO BIDDERS

PLEASE TAKE NOTICE that the Town of New Baltimore hereby solicits bids for the purchase of premium gasoline 93 octane for use by the Town Highway Department.

Sealed bids must be received in the Town Clerk's Office no later than 4 pm on Friday, October 11, 2013 at the New Baltimore Town Hall, 3809 County Route 51, Hannacroix, NY 12087, and publicly opened at 6:45 pm on October 14, 2013.

The Town intends to select the responsible bidder. The Town reserves the right to reject any and all bids. Additional information may be obtained from Highway Superintendent Jordan at 756-2078.

By Order of the Town Board

One bid was received:

Main-Care Energy proposes Premium Unleaded gasoline based on the Oil Price Daily average with an additional delivery cost of \$.28 per gallon; for Oct 10: \$3.1925.

OPENING REGULAR TOWN BOARD MEETING

Supervisor O'Rourke called the meeting to order at 7:02 pm and the Pledge of Allegiance was said, and wished all a happy Columbus Day. Also attending: Councilwoman Benway, Councilman Norris, Attorney for the Town Wukitsch, Town Clerk Brooks, and 15 members of the public who signed the attendance sheet.

Absent: Councilwoman Finke, Councilman Meredith.

SPECIAL PRESENTATION: Randall Squier, Coxsackie-Athens CSD Superintendent
Election of School Board Members

Mr. Squier thanked the Town Board for opportunity to speak. About a year ago conversation began among school board members as to how elections are done. Currently, a person must declare and run for a particular seat on the school board; all board seats are 3 year since the late 40's school district centralization. Discussion ensued that 'running' was personal: instead of running for school board, a candidate ran against a person. If it were made an open election, 3 seats on a 9-member board, individuals would run and the top three vote-getters would win. In order for that to occur, a public referendum is needed.

This was evaluated within school budget exit survey in May at each polling site: Coxsackie- 77% in favor at large; 22% want to keep it specific seat, polling site: Athens- 60% favor at large; 40% want to keep it specific. The school board wanted to get the word out, as they contemplate putting it up as proposition at the May budget vote and for which there is the largest audience. Mr. Squier is getting the word out to all the municipalities, public forum this Thursday, EJ Arthur School, at 6pm, and may also call the district office or one of the Board members. The board hasn't made the decision yet and is leaning toward putting it up for public vote. From feedback received and their own experiences, they feel this may entice more people to run as they will no longer running against someone.

Supervisor thanked Mr. Squier for coming to address the Town Board and its audience on this night and asked if anyone had questions.

Councilman Norris asked how many positions on the board; answer: nine.

Mr. Squier added that for school boards you cannot have geographic districts or wards. When the district was first created there was a type of gentleman's agreement to have a New Baltimore seat and couple of Coxsackie seats, now merged and blended; to change from 9-member would require public referendum. He continued, making reference to Town Enrollment and Tax Comparison handout: \$13,327 is the cost per each student based on 151 Town of New Baltimore students or 10.9% of total enrollment. New Baltimore pays about \$2 million in taxes or 12.6% of total taxes paid; equalizations, Athens went to 100%. Using total school population, the cost is a little over \$11,000, added Supervisor.

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MEETING
OCTOBER 14, 2013- page 2**

DRAFT

Attorney Wukitsch recommended taking 1438 student population into \$15 million and get a per student estimate total; you're not paying more or less for someone because they are from Town of New Baltimore or Town of Coxsackie. Twenty years ago local taxes paid about 30% of budget costs, now local property taxes pay about 70%. Mr. Squier reminded all to complete their STAR application renewals. Supervisor added that the assessor's office here has been very busy and thanked Mr. Squier for coming.

MINUTES FOR APPROVAL

Regarding the minutes of **July 22, 2013 Combined Regular and Work Meeting**, tabled at the August 12, 2013 Regular Meeting due to insufficient attendance by Board members, and tabled at September 9, 2013 Regular Meeting due to insufficient attendance by Board members, with Councilman Meredith's absence, there is insufficient attendance tonight by Board members. The unapproved minutes are posted in draft form on website; Supervisor hopes Councilman Meredith will be present at November Regular Meeting.

Regarding the minutes of **August 26, 2013 Town Board Work Meeting** submitted by the Town Clerk, **Supervisor moved and was seconded by Councilwoman Benway**. No further discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

Regarding the minutes of **September 9, 2013 Town Board Regular Meeting** submitted by the Town Clerk, **Supervisor moved and was seconded by Councilman Norris**. No further discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

Regarding the minutes of **September 23, 2013 Town Board Special Meeting Regarding Water District No. 2**, **Supervisor moved and was seconded by Councilwoman Benway**. No further discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

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

PUBLIC COMMENT

Ellen Kozak, Matthews Point/Middle Road- having spoken with Supervisor, wished to bring to Board's attention a problem with access to homes. A relative newcomer has dug up roads, all have right of access on public road, and the road owned by all in common, but making it nearly impossible for her to reach her home. After a decade of patronage, Persico Oil has notified her they will be unable to deliver oil to her home. Neighbor has diverted the water flow down this steep road to the river by creating concrete catch basins which are not of sufficient width, easy on icy road to skid. Her car bottoms out on the trenching that crosses the road, adding Horton Road has been ditched. They are on the very lowest portion of land, water drains onto their land where there is no house; someone shares the land and retrenches these roads. Ellen is resigned to not be able to get to their house this winter, assured by the fire company that they will be able to get there no matter what; the width of the basins is so close that trucks are difficult to get thru. She has hired an attorney who has not achieved their purposes; other issues are pending related to trespassing; she expects to close their home for the winter. Her husband is disabled, especially concerned about the winter, it is private land, fears the plow person will have a problem, and enjoys their close-knit group of neighbors.

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MEETING
OCTOBER 14, 2013- page 3**

DRAFT

Supervisor acknowledged having spoken with Ellen, with Attorney for Town Wukitsch, and with Association of Towns. Ellen had contacted Supervisor over what Town of Athens' code enforcement officer was doing, but that applies only to new structures before the certificate of occupancy is granted; once given, there is no way to enforce individuals to keep a road to any kind of standard; it is private road. Association of Towns contacted Department of State on the Town's behalf, (they oversee the NYS Uniform Fire and Building Code), and they agreed with that. While Supervisor is very empathetic, it is private road and, even if Town wishes to get involved, Town has no legal recourse to be involved.

Attorney Wukitsch said Supervisor covered it. Ellen showed her photo with the two concrete basins which are not functioning, other barriers have been erected so there is a gully, signage PRIVATE KEEP OUT, only water, and no rocks.

Attorney Wukitsch advised Ellen that Supervisor has accurately advised her: the Town has no jurisdiction; it is private property; find a good lawyer well-versed in this type of issue and experienced in these types of rural matters. Friend Dan Lalor had recommended a local attorney. Supervisor understands how frustrating this is, a huge obstacle, and asked if this was on his piece of property; Ellen answered yes, that his road crosses, others cross over. Councilwoman Benway asked whether there was a road maintenance agreement in the deed; Ellen answered it does say they are responsible to keep the road passable and they have a right-of-way. Member of the public asked who owns it; is it an owned easement.

Supervisor reminds the public that the Board is not taking questions from the public, and confirmed it isn't the advice you necessarily want to hear, the Town has no legal right here; with empathy, that's what a private road is. Supervisor added that if anything is learned, she will share. Attorney Wukitsch added that, if you review law books, you find cases and cases involving disputes over private roads.

Ellie Alfeld, Independence Lane- News Herald article about new company who took over Central Hudson referenced 'north Coeymans'; her one neighbor has received a letter from Central Hudson concerning possibility of coming down their right-of-way. Ellie and other neighbors have not been informed about power line extensions and high voltage. The referenced website is a publication, gives no distinguishing information. Supervisor asked whether it referred to line from Marcy to Pleasant Valley; the vendor for which has not been chosen by the state; someone might be doing 'fishing'; and, depending on the vendor picked, they will try to stay within the Central Hudson power lines. Ellie granted right-of-way to Central Hudson, was not given notification of a possibility of high voltage thru New Baltimore. Supervisor said the state was looking at a line from Marcy to Pleasant Valley, could be part, nothing further is known. Ellie asked wouldn't they have to approach the Town Board; Supervisor said there is correspondence tonight; she may want to request a copy.

Ellie added that Seniors' Core Group will meeting at 1:30pm tomorrow at town hall.

CORRESPONDENCE

From Medway-Grapeville Fire District- the 2014 proposed budget.

From New Baltimore Fire District- the 2014 proposed budget.

From NYS Senator Cecilia Tkaczyk- letter of thanks for sending along the Town's resolution restricting false liens against public officers and employees.

From Association of Towns- notice of an October 24, 2013 cyber security webinar.

From US Army Corps of Engineers- notification of permit application from Joseph Fascinelli for a temporary bridge at Sickles Creek.

From Cornell University- notice of webinar regarding the Emerald Ash Borer, October 23, from 12:30-3:30pm at Cornell Cooperative Extension of Columbia-Greene Counties Agroforestry Resource Center in Acra.

From Cornell Cooperative Extension of Columbia-Greene Counties- a flood control seminar for planning and elected officials on October 16, 7-9pm, at Rensselaerville Town Hall.

From NYS Unified Court System- a reminder of need to submit review of Town justices' accounts; Councilwoman Benway has asked Councilman Meredith to participate, didn't realize there was a specific form and Town Board must pass a resolution

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MEETING
OCTOBER 14, 2013- page 4**

DRAFT

From NYSDEC- notice that temporary bridge permit was granted to Mr. Fascinelli for the Sickles Creek.

From NYS Public Service Commission- application from North American Transmission LLC of North America; their document of service that they are bidding on this project; Supervisor believes there are several other vendors and Town will be receiving more information on this

From NYS Public Service Commission- more information on the Champlain-Hudson Power Express Line.

OLD BUSINESS

Resolution Approving 284 Agreement (Third Revision)

The permanent repairs are complete for 2 miles of Medway-Earlton Road, 1.8 miles of Old Kings Road, leaving about \$20,000 that Highway Superintendent Jordan has asked to be removed to General Repairs line, allowing for the needed additional patching.

**RESOLUTION
OCTOBER 14, 2013**

**RESOLUTION APPROVING 284 AGREEMENT FOR EXPENDITURE OF
HIGHWAY MONIES (THIRD REVISION)**

RESOLVED, that the attached 284 Agreement for Expenditure of Highway Monies bearing revision date of October 14, 2013, is hereby approved.

Supervisor moved and was seconded by Councilman Norris. The roads were paved with the bid from Peckham. No further discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

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

Adopted

Clerk Brooks asked for two copies.

Supervisor reminded that the premium gasoline was put out for bid as it is not available under state or county contract. It is used in older vehicles, chain saws, and chipper. Superintendent had searched for a vendor, but to be sure of compliance with procurement policy, it was sent to bid; sole response was from Main Care who will not guarantee the price, but will offer off of market with \$.28/gallon delivery charge; \$3.1925 is what we're paying now.

**RESOLUTION
OCTOBER 14, 2013**

RESOLUTION TO ACCEPT BID FOR PREMIUM GASOLINE

WHEREAS the Town Board authorized Highway Superintendent Jordan, to advertise for bids for the purchase of premium gasoline for the use at the Highway Garage; and

WHEREAS advertisement for bids was placed by Town Clerk Brooks and sealed bids were requested by 4 pm on Friday, October 11, 2013, with an opening at 6:45pm on October 14, 2013; and

WHEREAS the lowest bid meeting the specifications was from Main Care Energy based on Oil Price Daily average with an additional delivery cost of \$.28/ gallon.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby accept the bid from Main Care Energy to sell premium gasoline to the Town for use by the Town Highway Department for the amount of the Oil Price Daily average plus an additional delivery cost of \$.28/gallon.

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MEETING
OCTOBER 14, 2013- page 5

DRAFT

BE IT FURTHER RESOLVED that the Town High Superintendent is authorized to make this purchase which may exceed \$5,000 in total annual cost.

Supervisor moved and was seconded by Councilman Norris. Attorney Wukitsch said it was clear the intent was \$.28 *per gallon* and not .28 *cents per gallon*. No further discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

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

Status Report on Unsafe Building

Supervisor understands from building committee that the discussion is ongoing-
TABLED

Affordable Housing Project Status

Supervisor wished to bring to Board's attention the confusion in community: Ken Kearney had come to the Town Board on senior/workforce housing proposed for the Greene County IDA. This has not been approved, no approved grant, not sure we could get that project elsewhere in Town due to need for sewer and water. Also there has been preliminary discussion for a veterans' project. Supervisor has been getting phone calls about Section 8 housing in New Baltimore; no idea where this information is coming from; several phone calls come from those who don't want it and from those who are looking for it.

Section 8 can be federal Housing Urban Development (HUD) project or individual can receive a voucher. There are only about 280 vouchers in Greene County; there are none available at this time. Someone had a qualifying senior, someone had a returning veteran and there are no vouchers available. Unless other Board members know differently, there is no Section 8 housing coming into New Baltimore. Ken Kearney's project has no HUD money at all, it was getting grants up front, a non-for-profit mortgage company allowing him to build below cost and provide lower cost housing to workforce and seniors, and tax credits, but no Section 8 or HUD. Supervisor is not sure of progress on veterans' project; there is no indication of Section 8 or HUD there either.

Councilman Norris asked progress on the Ken Kearney project; Supervisor answered at this point Ken's project is 'dead'; needing water and sewer she will have conversation with IDA; the vets need water and sewer, too. There may be one other location to look at. Supervisor added that many seniors were anxious to hear about senior housing in Town; Ellie Alfeld added that for a lot of seniors, even with STAR, it will be harder and harder for them to stay at home in New Baltimore. Supervisor asked newspaper reporter to put something in the paper about no section 8 in Town of New Baltimore.

Update on Animal Control Officer's cell phone

With committee persons Councilwoman Finke and Councilman Meredith both absent, Supervisor has no information and no report.

NEW BUSINESS

New Baltimore's status on NYS Comptroller's Stress Test

Supervisor said a stress test was developed by the NYS Comptroller's Office about a year ago for municipalities to learn if there was potential to fall into default and long-term funding that they needed to be concerned about. It is a good, independent look to see how a municipality scores. Updated in September, the public may also go on this website. Like golf, a low score is good; with 100 points available, 45-54 is *susceptible to fiscal stress*, 55-64 is *moderately stressed*; 65+ is *significant stress*.

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MEETING
OCTOBER 14, 2013- page 6**

DRAFT

Town of New Baltimore's score is 6.7; with the good work done in its Town budgets, it focuses on budget versus the unassigned fund balances and versus the expenditures. New Baltimore scored very well in Town and Highway; the 6.7 resulted from General combined funds in 2012, a couple of special districts had to borrow from the General Fund (about \$16,000). The Town Board discussed this, the short-term financing was cost-prohibitive for those little districts; Town Board understood that they were borrowing from General Fund and, working on the budget now, is hopeful we will not have that problem for 2013. The 29 users in Water District 2 did not expect a \$3000 water main break, and must pay back the General Fund; the NYS Comptroller's point is that those funds need to stand on their own. There are good exercises, like with this Board has done in its long-term planning meetings. Supervisor is proud of where the Town is, a healthy score card, and link is provided on the Town website. How much to use of the fund balance and how much to raise in taxes will be discussed this night; the Comptroller's Office is telling us the fund balance is healthy.

Ellie Alfeld asked if Comptroller's Office report was completely done for all departments; Supervisor responded that they did not audit all departments, it is finished and Town's response is in; we wait.

FOIL Cost Management

Difficult for town clerk as she takes minutes during this meeting, Supervisor asks Town Board, with the increase in Freedom of Information Law requests, how to cost-manage. They've been completed, she has expended money on oversized copy, professional copying, disk, oversized map; we get \$.25/page, but folks do not come back and pay. Supervisor asked how long must they be kept; how to handle going forward; estimate. Attorney Wukitsch reports most agencies estimate cost and do nothing until payment is received; once check is received it is photocopied and mailed out. Supervisor added that often a request is difficult to estimate until you begin work, the media and, when done, requestor must return and pay, mailing cost could vary, keep track of who paid and refund unused payment. Clerk Brooks reminds of Comptroller impact on length of time payment may be held and not deposited, that is the odd part of workload. When payment is held in one month, and refunded in next month, Town would have to make refund of unused payment. Attorney Wukitsch said when inquiry comes in, and a check received, no Board resolution is needed; it is within the authority. Supervisor asked if the money has been turned over to the Town, would the Supervisor then make the refund; yes. Supervisor asked, once into the project, if request is larger, you contact requestor and request additional money; yes, no Board resolution needed. Regarding the oversize map printing, Attorney Wukitsch added that was the hard lesson, one point in time agencies did not request advance payment.

Bob Knighton suggests sending FOIL out with a bill; announcing in public meeting those being held.

Question from the public what expense has been budgeted for FOILs, having been FOIL officer for very large agency that never got deposits, just write the letter once done indicating the cost, and when check was received, it was mailed. By law it can be mailed or picked up, and instead of printing, allow requestor to bring in paraphernalia, eliminating workload, annually how much money, labor, expenses are allotted?

Supervisor answered costs are paid, including time, from the town clerk's budget line; very hard to predict, and certainly no other media may be stuck into a Town computer. Some requesters are Town residents; some are not even NYS residents. FOIL could result in one image, one document, or 500 documents from variety of sources, oversized or current, or vault. Question from the public how many FOILs in last six months; Clerk cannot answer on the spot, Supervisor added that FOIL could be for one document or years' worth of documents from different sources, current or vault; Attorney Wukitsch answered more than you can imagine for a town this size. Member of the public believes a count was given at last meeting; yes, for that month.

The Town is happy to provide information to the public; the question is how to be compensated. Attorney Wukitsch added that large towns, Colonie or Guilderland, will have a records access officer; some not in clerk's office. Attorney Wukitsch likes Mr. Knighton's idea of mailing with invoice.

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MEETING
OCTOBER 14, 2013- page 7**

DRAFT

Resolution Authorizing Court to Apply for Grant

The Town court has done a good job of applying for grants, because they share this room, the Town has benefited. This grant application is to refurbish these windows and for curtains. Councilman Norris asked whether that was their intention Councilwoman Benway is trading emails with justice. Councilman Norris said there is someone in Town who does that very well, he has been here to look at windows, and cost is less than Councilman Norris thought. Supervisor reports Clerk Palmateer has a quote from contractor; this resolution's purpose is to approve their application for grant; the windows then must be procured under Town Procurement Policy. Councilman Norris asked is quote to repair current windows? Councilwoman Benway answered yes, and to get curtains or drapes. Clerk Brooks asked if aluminum storm windows would stay. Attorney Wukitsch reports Justice Court Assistance Program (JCAP) money has become very competitive, must be directly tied to court functioning; possibly denied if perceived as building improvement rather than court. Attorney Wukitsch said the justices would know by February or March. Councilman Norris asked were windows part of the last grant gotten; Supervisor said yes, but the Board went in a different direction; Attorney Wukitsch added that the available monies have shrunk; tied directly now to court bench, computers, witness stand, and court security.

**RESOLUTION
OCTOBER 14, 2013**

**RESOLUTION AUTHORIZING AND ENDORSING JUSTICE COURT
ASSISTANCE PROGRAM GRANT**

The Town Board of Town of New Baltimore hereby authorizes and endorses the application of the New Baltimore Justice Court for the Justice Court Assistance Program Grant.

The purpose of this grant application is to secure funding for much needed modernization of the New Baltimore Justice Court.

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-Absent MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Adopted**

Resolution to Approve Intermunicipal Agreement with Fire District #1, Cornell Hook & Ladder

When Supervisor received February 2013 complaint as to how Town was salting or sanding Medway Fire parking lots- and learned churches, too, were previously plowed, and yet still okay by NYS Comptroller's Office to plow other governmental agencies- she could find no resolution providing the authority for Highway Superintendent to do plowing and needed to have intermunicipal agreement in place in order to do that. Supervisor asked EMS/fire/law enforcement committee; Councilwoman Finke offered to reach out to fire commissioners, not certain when.

Supervisor heard from New Baltimore Fire District commissioners a month ago; there was confusion as to what Town was or wasn't doing. Medway Fire District has secured a contractor but ask Town to be emergency back-up. New Baltimore Fire District wants Town to continue plowing and sanding. Councilman Norris had good conversation on Sunday with chairman who understood Town Board was going to do intermunicipal agreement, no budget or money involved, but that was not reported to the Town Board; Councilman Norris heard nothing from Town Board members. Chairman said their board wants Town to continue plowing the main house and substation, they didn't realize there was money involved or a budget item, want to continue past practice; they feel they've done a lot for the Town (helping summer rec, helping Highway with sump pumping, giving back to community) that *in kind* commitment offsets the taxes. Councilman Norris

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MEETING
OCTOBER 14, 2013- page 8

DRAFT

feels it is best for each district to do their own plowing but there was a communication breakdown between Town Board and their fire commissioners, Councilman Norris recommends continue this past practice for this 2014 budget and open the lines of communications now toward next season and ask them to do parking lot, consider having Town do the apron.

Ellie Alfeld asked the dollar amount. Supervisor estimates \$4,500 which was already taken from the 2014 Tentative Budget; fire commissioners estimated \$3,000 for the plowing Supervisor agrees with Councilman Norris since they are their own governmental authority and the idea behind intermunicipal agreement is to not push the burden from one taxpayer to another, but to do something more economically efficient, faster, cheaper, and Supervisor is not sure if all used the same numbers; we use a large truck, and a Town employee who receives salary, insurance benefits, overtime, and retirement.

Supervisor agrees with Councilman Norris, part of the EMS/fire/law enforcement committee 'dropped the ball' and they were left hanging. Attorney Wukitsch said cleanly, they should build the cost into their budget as an independent legal entity; Town should not plow a special improvement fire district for free and, from NYS Comptroller's Office standpoint, a resident who is not in that fire district should not be paying for that plowing/sanding/salting. Supervisor added unless Town can provide faster or more economically; but the fire district is between 'a rock and a hard place' and, without Councilwoman Finke's presence at this meeting or report to the Town Board, the Town Board has no knowledge of the conversation that occurred.

Councilman Norris said the fire commissioners' impression was that all was *status quo*, a message that was supposed to be brought to Town Board many months ago. Councilman Norris said Town will do it this year, then figure true cost for Fire District and for Town and, if we cannot do it cheaper, it is not fair this burden is put on the Town just so the fire district doesn't have to increase taxes. Councilman Norris, with no report from Councilwoman Finke, will now take the lead and begin negotiating for next year.

Attorney Wukitsch reminded that years ago things could be done on a handshake among governmental subdivisions in same town, now must be put under a fiscal microscope and done the right way: bid and contract out or contract with Town. Councilman Norris has starting figures, will see what comes out better, and asked now, how do we get that money back into the budget?

**RESOLUTION
OCTOBER 14, 2013**

**RESOLUTION AUTHORIZING SUPERVISOR TO SIGN INTERMUNICIPAL
AGREEMENT WITH
TOWN OF NEW BALTIMORE FIRE DISTRICT #1**

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the attached Intermunicipal Agreement with the Town of New Baltimore Fire District #1, which allows the Town Highway Department to plow the firehouse parking lots located at 77 Gill Road and 610 High Rock Road.

Councilman Norris moved and was seconded by Supervisor. Councilman Norris said he should have asked Superintendent Jordan to weigh in; Superintendent Jordan said he felt it was a Board decision. Supervisor said priority is Town roads; Councilman Norris repeated that Town roads are the priority and begin negotiating for next season; repeated by Councilwoman Benway and, with this agreement, the Town cannot be sued for someone's house burning down. Attorney Wukitch said Superintendent Jordan always has the authority to act in an emergency, with the agreement, and in the past it has worked; answer: yes.

Resident of the district Janet Angelis asked if the fire district could amend the agreement earlier; Attorney Wukitsch said the fire district may amend. Member of the public understands the Town has been plowing the Conservancy parking lot and does the Town have an agreement to assist them; Supervisor answered, for the Town-owned HRIT and Open Space Institute's Hannacroix Preserve, the Town has for last 5-6 years signed agreement with OSI to plow and to maintain access to Town property, not as emergency or overtime, but for the purpose of preventing residents from parking on the street; the Town had a liability exposure for Town-owned property. As a condition of the

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MEETING
OCTOBER 14, 2013- page 9

DRAFT

agreement, OSI must maintain the parking lot and names the Town as additional insured; Janet Angelis reminds that the Town also owns property at the site of the mill. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

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

Resolution to Approve Intermunicipal Agreement with New Baltimore Fire District #2, aka Medway-Grapeville Fire District

For naming convention, Clerk Brooks offered that the earliest information in files upstairs reads Medway-Grapeville Fire District No. 2. Supervisor said budget reads Medway-Grapeville Fire District. Attorney Wukitsch said there should be a number; he suggested 'aka' (*also known as*).

**RESOLUTION
OCTOBER 14, 2013**

**RESOLUTION AUTHORIZING SUPERVISOR TO SIGN INTERMUNICIPAL
AGREEMENT WITH
TOWN OF NEW BALTIMORE FIRE DISTRICT #2**

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the attached Intermunicipal Agreement with the Town of New Baltimore Fire District #2, aka Medway-Grapeville Fire District, which allows the Town Highway Department to plow the firehouse parking lot located at 1532 County Rte. 51 on an emergency basis.

Councilman Norris 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-Absent MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Adopted**

Resolution to adopt 2014 Preliminary Budget

Supervisor reviewed that Town Board held a Special Meeting last Monday morning to hear department heads regarding their budgets. Town Board must pick up \$4,500 for the New Baltimore Fire District plowing, and increase the Buildings Contractual from \$19,000 to \$22,000; A1620.4 \$22,000, a difference of \$3,000. For Highway, Supervisor asked if Board wished to use of Highway Fund Balance? Councilman Norris asked to lower stuff in General Fund and increase the amount transferred over. Supervisor is willing to listen, having already taken from justices. Councilman Norris said the budget is tight. Supervisor said Personal Services are down \$18,000, Benefits are up \$7,400, depending on what Board wishes to do with health insurance, retirement, and Workers' Compensation. Supervisor added that Non-Departmental Contractual is down \$3,500, quite a bit from justices; Professional Services is down \$3,000, Centralized Services down \$15,000; justices have decided they will make do with one full-time and one part-time clerk; Expenditures are down \$51,000, and Revenues down \$21,000 principally from Justice Court Fines, offsetting that with their Expenditures line. Councilman Norris asked if that was Court Fines estimate? Can that be increased? Supervisor asked if he was comfortable doing that? No. Councilman Norris asked if more could be taken from Cultural Programs; Supervisor asked Youth Grant or Seniors and hates to see that happen, robbing Peter to pay Paul, since one thing Fire District did was to support the summer rec program, they worked hard, ran that fundraiser, a wonderful thing. Councilman Norris asked if Seniors used entire amount; Ellie answered in the beginning, they returned all the monies except \$25 to the Town, but have tried to have activities. Clerk Brooks reminded that Food n Fun now flies on its own, a great help to the Town. Councilman Norris asked about Highway Fund Balance.

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MEETING
OCTOBER 14, 2013- page 10**

DRAFT

Supervisor said Highway is projected to end the year with \$122,558 Highway Fund Balance? Take the \$4500 from that, no real choice. Supervisor will change Personal Services for Snow Removal; Clerk Brooks asked if budget ideas were contributed from missing councilpersons; answer: no.

DA5142.1 from \$72,300 to \$74,008 (an increase of \$1708)

DA5142.4 and DA5142.1 total of \$4708 to increase use of fund balance

Use of Fund Balance will change from \$0 to \$54708.

Regarding Sewer District No. 1, Councilman Norris asked about Bond Anticipation Note (BAN) coming up; user fees are set by public hearing.

Clerk Brooks confirmed two special improvement districts owe money to General Fund; Supervisor said that would be reimbursed to General Fund when taxes are collected after beginning of January; may be done by Board resolution since they were not set by local law, and to establish quarterly billing (equal dignities). Supervisor said tax levy would remain the same.

**RESOLUTION
OCTOBER 14, 2013**

RESOLUTION TO ESTABLISH 2014 PRELIMINARY BUDGET

RESOLVED, that the Town Board of the Town of New Baltimore hereby establishes the Preliminary 2014 Budget with the following changes from the 2014 Tentative Budget:

	2014 TENTATIVE	2014 PRELIMINARY
<u>General Fund</u>		
A1620.4	\$19000	\$22000
<u>Highway Fund</u>		
DA5142.1	72,000	74,008
DA5142.4	72,000	75,000
Use of Fund Balance	0	54,708

Supervisor moved and was seconded by Councilman Norris. Councilman Norris repeated very tight budget. No further discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

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

Set Public Hearing Date on 2014 Preliminary Budget

Typically done at Town Board Work Meetings, the Town Board has held the budget public hearing at the time folks expect the Work Meeting to begin or now 7:00 pm.

**RESOLUTION
OCTOBER 14, 2013**

**RESOLUTION TO SET PUBLIC HEARING FOR PRELIMINARY 2014
BUDGET**

WHEREAS the Town Board has established the 2014 Preliminary Budget and the Town Law of the State of New York requires that a public hearing be held regarding the Preliminary Budget,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore hold a Public Hearing on Monday, October 28, 2013 at 7:00pm at the Town Hall, 3809 County Route 51, Hannacroix, NY 12087 to hear those members of the public who wish to be heard regarding the 2014 Preliminary Budget.

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MEETING
OCTOBER 14, 2013- page 11

DRAFT

Councilman Norris 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-Absent MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE**

Adopted

Bid Update for Sewer District #1 Pump Station Repair Bond Anticipation Note

Supervisor reviewed that the Town went out to bid on Bond Anticipation Note (BAN), and this time had two bidders. The National Bank of Coxsackie was the lowest bid at 1.45%; very good. Anticipating 2.5%, the Town is happy and appreciative to stay with a local bank. Councilman Norris said preliminary numbers have been gotten as to cost of project.

**MOTION
OCTOBER 14, 2013**

**MOTION TO AUTHORIZE SUPERVISOR TO COMPLETE CONTRACT FOR
MATS IN TOWN HALL**

Upon recommendation of buildings committee, Supervisor moved to authorize Town Hall mats/rugs contract with UniFirst Corporation be signed, 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-Absent MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE**

Motion Carried

Supervisor said, with Audit of Claims yet to be done, she will move to enter Executive Session. There will be claims this night with insufficient signatures as the absent Board members did not come in ahead of time to sign those claims. Ellie asked whether July 22 meeting minutes may be published if they have not been approved by the Board; how do you accomplish this if new Board members have not been present at a meeting. Attorney Wukitsch answered that Board minutes may remain unadopted, no set time; usually at some point you do have the quorum of those in attendance. Clerk Brooks points to the claims. Attorney Wukitsch commented like the federal government.

EXECUTIVE SESSION

Supervisor moved to adjourn to executive session for the purpose of discussion of ongoing litigation with Shady Harbor and was seconded by Councilwoman Benway.

Motion Carried Ayes-3

Nays-0

Absent-2

The Town Board entered executive session at 8:40pm; executive session began at 8:46p.m.

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

Motion Carried Ayes-3

Nays-0

Absent-2

Executive session was closed at 8:54p.m.

Motion to re-open the Town Board meeting was made by Supervisor and seconded by Councilman Norris.

Motion Carried Ayes-3

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MEETING
OCTOBER 14, 2013- page 12

DRAFT

Nays-0
Absent-2

The meeting was re-opened at 8:54pm.

Review of Claims Presented for Town Board Audit

Supervisor called attention to two Board members who are again absent; Attorney Wukitsch offered wording authorizing Supervisor to pay claims.

**RESOLUTION
OCTOBER 14, 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 09/60, 67-71, and 2013 10/01-78,

BE IT RESOLVED that the Supervisor is hereby authorized to pay claims that have three signatures including the departmental approval, provided that individual is on the Town Board.

BE IT RESOLVED that the Supervisor is hereby authorized to pay claims 2013 09/60, 67-71, and 2013 10/01-78, and

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until October 31, 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-Absent MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Adopted**

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

The meeting was adjourned at 9:08 pm.

Respectfully submitted

Janet A. Brooks
Town Clerk