

# DRAFT

**COUNTY OF GREENE  
TOWN OF NEW BALTIMORE  
SPECIAL MEETING  
DECEMBER 19, 2013 – page 1**

**OPENING OF SPECIAL MEETING** – Immediately following Public Hearing

Supervisor O'Rorke moved to open the special meeting at 6:07 p.m., was seconded by Councilman Norris, and the Pledge of Allegiance was said.

Also attending: Councilwomen Benway and Finke, Councilman Norris, Town Clerk Brooks and 6 members of the public who signed the attendance sheet.

Absent: Councilman Meredith, Highway Superintendent Jordan.

**APPROVAL OF MINUTES**

Regarding the minutes of **July 22, 2013 Combined Regular and Work Meeting**, tabled at August 12, 2013 Regular Meeting due to insufficient attendance by Board members, tabled at September 9, 2013 Regular Meeting due to insufficient attendance by Board members, tabled at the October 14, 2013 Regular Meeting due to insufficient attendance by Board members, tabled at the November 14, 2013 Regular Meeting due to insufficient attendance by Board members, tabled at the December 9, 2013 Regular Meeting due to insufficient attendance by Board members, with Councilman Mike Meredith's absence there is insufficient attendance by Town Board members who were in attendance at the July 22, 2013 meeting. The unapproved minutes will remain in draft form on website.

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

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

**PUBLIC COMMENT**

No public comment.

**CORRESPONDENCE**

No correspondence.

Regarding NYS Department of Environmental Conservation Automated Licensing System- Clerk Brooks offered that there was a memo regarding the rollout for the new NYSDEC contractor for sporting licenses; Clerk's agreement was submitted following Town Board's adoption of authorizing resolution; no sporting licenses will be available December 26 and 27; new equipment has arrived; Clerk is still waiting to hear the first date licenses will become available again.

**OLD BUSINESS**

Regarding the adoption of Procurement Policy by the Town Board at the December 9, 2013 Regular Meeting, Supervisor sent it to the lead auditor from Office of State Comptroller who had been onsite in New Baltimore, he reviewed it in case the Town Board needed this meeting for any additional action; the lead auditor responded that it addressed all the issues that the examiners had found, principally documentation. Town Board's adoption of 'a review of documentation by Chief Financial Officer prior to voucher going to Town Board' captured the

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items needed. Since this Board would not meet again, Supervisor wanted to provide an opportunity and now will send new Procurement Policy with cover letter to the audit team.

Regarding Town Attorney Wukitsch and his role regarding the Procurement Policy, Supervisor clarified that he does provide legal service when asked to do so; to her knowledge there were no items in report that had been addressed to Attorney Wukitsch. Supervisor continued unless this Board had gone to Attorney Wukitsch without her knowledge, which they may do, he was not consulted on any OSC discussed item and to Supervisor's knowledge, he has done a good job responding to any questions posed by Supervisor, serving the Town of New Baltimore well for 26 years; Clerk Brooks asked to give him the same praise for all FOILs which she has submitted for him to review.

Councilman Norris read into the record:

*Recently, the Attorney to the Town has been criticized and alleged to be responsible for the Comptroller's audit findings regarding Highway Department purchasing. Mr. Wukitsch's retainer agreement provides for legal advice and counsel to the Town Board, Planning Board and Zoning Board. He was never consulted by the Town Highway Superintendent or Town Board on the specific issues set forth in the Comptroller's audit. It should also be noted that the Comptroller found no violations of the General Municipal or State Finance Law, but merely encouraged the Town to improve its documentation practices. He has been with the Town 26 years. ~ David Wukitsch*

**NEW BUSINESS**

**PROPOSED LOCAL LAW NO. 3 of 2013  
TOWN OF NEW BALTIMORE**

**A Local Law to Provide for the Annexation of  
Certain Territory by the Town of New Baltimore**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF NEW BALTIMORE,  
COUNTY OF GREENE, AS FOLLOWS:

SECTION 1. The Town of New Baltimore shall contain, on or after the effective date of this Local Law, in addition to the territory presently contained within its boundaries, the following described territory:

2.2 ACRES, MORE OR LESS, which are shown on a certain survey map entitled "Survey and Map of Lands to be Annexed to the Town of New Baltimore" and dated 7/7/12 prepared by Santos Associates, which lands to be annexed are designated as Greene County Tax Lot 41.00-5-35.

SECTION 2. The territory described in Section 1 of this Act is hereby annexed to the Town of New Baltimore pursuant to General Municipal Law Section 714.

SECTION 3. The territory described in Section 1 of this Act is hereby annexed to the Town of New Baltimore and shall be included in Election District 4 of the Town, if any.

SECTION 4. The annexation of the territory described in Section 1 of this Act shall become effective immediately upon the filing of the Local Law with the Secretary of State.

SECTION 5. This Act shall take effect immediately upon the filing with the Secretary of State.

SECTION 6. This Local Law shall be filed along with the map of the territory to be annexed with the Secretary of State.

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Resolution to Approve Local Law #3 of 2013

**RESOLUTION  
DECEMBER 19, 2013**

**RESOLUTION TO ADOPT LOCAL LAW 3 OF 2013 APPROVING ANNEXATION OF  
PROPERTY IN THE TOWN OF NEW BALTIMORE**

WHEREAS the Town Board of the Town of New Baltimore has held a Public Hearing on December 19, 2013, regarding proposed Local Law 3 of 2013, a local law approving annexation of property in the Town of New Baltimore at which time the public was given opportunity to speak regarding this proposed local law,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore does hereby adopt Local Law 3 of 2013.

Supervisor moved and was seconded by Councilwoman Benway. Councilwoman Finke asked was this noticed properly. Supervisor responded yes, Clerk Brooks read the notice before the public hearing opened. 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**

Resolution to Amend Town Leave Policy to Include Assessor's Clerk

Supervisor reviewed that the Town has two different leave policies: full-time employees and part-time employees. Certain positions were named in the Part-time Clerical Staff; prior to Julie Fisk, the assessor's clerk was a full-time position and covered under the full-time policy. The Town enacted, in 2005, a leave policy for certain clerks to receive leave as part-time employees, Julie has completed 5 years of service to the Town and the Board felt it appropriate to add her to that policy.

**RESOLUTION  
DECEMBER 19, 2013**

**RESOLUTION TO AMEND LEAVE TIME POLICY FOR PART-TIME CLERICAL  
STAFF**

WHEREAS the Town established and adopted a Leave Time Policy for Part-Time Clerical Staff with a minimum of five years consecutive service to the Town on August 8, 2005; and

WHEREAS this Leave Time Policy has remained in effect yearly by Organizational Meeting Resolution,

NOW, THEREFORE, BE IT RESOLVED this policy be amended to include part-time employee working in the job title of Assessor's Clerk.

Councilwoman Benway moved, seconded by Councilman Norris. Clerk Brooks asked that the first phrase read, *WHEREAS the Town established and adopted on August 8, 2005, a Leave Time Policy for Part-Time Clerical Staff with a minimum of five years consecutive service to the Town.* With that amendment, Councilwoman Benway moved, seconded by Councilman Norris. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows: **ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-Absent  
NORRIS-AYE O'RORKE-AYE  
Adopted**

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Resolution to amend Water District #3 Water Rates

Supervisor reminded this was done at the last meeting but since that meeting, Mayor Evans has provided the information correcting the minimal fee for Kalkberg Commerce Park to the \$612.52. Tax Collector Jordan must have the invoices ready to go at January 1, 2014.

**RESOLUTION  
DECEMBER 19, 2013**

**RESOLUTION TO ESTABLISH WATER DISTRICT #3 USE CHARGES FOR 2014**

WHEREAS resolution was passed at the December 9, 2013 Town Board Meeting establishing 2014 fees for Water District #3; and

WHEREAS by this resolution the December 9, 2013 resolution is rescinded and replaced with the following resolution:

RESOLVED that the Town Board does hereby establish the following fees in accordance with the 2014 Budget for Water District #3:

User Fees minimal rate:       \$612.52 annually

Operations and Maintenance:   \$300.00 annually

**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-AYE   MEREDITH-Absent**

**NORRIS-AYE   O'RORKE-AYE**

**Adopted**

Resolution to Approve Payment of Audited Claims

Supervisor reminded that the principal reason for the Special Meeting was to pay bills and, based upon vouchers approved at the December Regular Meeting and those to be paid this night, the Board was given the following:

**GENERAL FUND**

Revenue is \$608,470

Expenditures \$675,085

Adopted Budget states Appropriated Use of Fund Balance \$78,301, it will be \$62,115

**HIGHWAY FUND**

Town is still waiting on the Consolidated Highway Improvement ProgramS payment, to have been cut on December 15, hoping it will arrive shortly; the State has received the Town's paperwork. With that check, the total

Revenue is \$1,027,293

Expenditures \$993,730 plus expenses tonight =\$998,766

Leaving Highway Surplus \$28,427

Adopted Budget states Appropriated Use of Fund Balance of \$20,000 so Town will not be using the \$20,000 and will add \$28,000 to Highway Surplus

**SEWER DISTRICT 1**

Revenue is \$393,502 due to the Bond Anticipation Note (BAN)

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Expenditures are over by \$17,000 because we've started work on Mill Street Pump Station, including Delaware Engineering's costs  
Unexpected Expenditure of sludge removal from the tank \$20,000 (Clerk Brooks offered one is in the vouchers this night) and includes expenses being incurred for the Mill Street Pump Station work

**SEWER DISTRICT #2**

Balance should be even; Town of Cocksackie owes \$2400; been billed twice and followed up by email, that is what they invoice to Empire Merchants.  
The District should end with a surplus.

**WATER DISTRICT #1**

The District looks good, having been 'under water' early in year.

**WATER DISTRICT #2**

The District was running deficit; re-levy will be received with taxes in January and will return to the fund. Town did add O&M on top of their increased water rates.  
It should be in 'the black' for next year.

**WATER DISTRICT #3**

The District has slight deficit; Town has added O&M to that rate as well to resolve deficit.

**LIGHTING DISTRICT #1**

The District entered the year with deficit; Town will add a little surplus and, unless rates go up, that District should be level by next year.

**AMUBULANCE DISTRICT #2.**

Town has just received Town of Cocksackie invoicing from 2009, 2012, and 2013; Town of Cocksackie did not bill New Baltimore for about four years on Ambulance District \$2. Clerk Brooks called attention to that invoice in tonight's vouchers and the notes on the face of that voucher. With payment of this voucher, Ambulance District # 2 should be current and should end the year with a surplus.

**AMBULANCE DISTRICT #1**

The District is in good shape and has a surplus.

With that said, taking into consideration what will be paid tonight, Supervisor asked for questions, having just gotten these reports herself. Councilman Norris asked about bills that may be received after this night; Supervisor recommends, after talking to bookkeeper, that subsequent vouchers be applied to 2014 Adopted Budget, so end of year may be completed. Councilman Norris asked how many may come in; Supervisor answered all Central Hudson invoices are in, health insurance bills, and got word to all department heads to complete purchases. Clerk Brooks has a \$190 estimated scan that will go to 2014. Clerk Brooks said 4 vouchers do not have departmental signatures and will pull from the stack. Kathy Rundberg asked whether the AgFest funding was corrected; Supervisor said it was if the voucher was received. Kathy Rundberg said that was Kingsley Greene's job. Supervisor would have to look through last month's vouchers. Clerk Brooks identified several without signature and read.

**RESOLUTION  
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**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 12b/01-28, and

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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 12b/01-13, 16-22, 24-28, and

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until January 30, 2014.

BE IT FURTHER RESOLVED that the Town Supervisor will hold for payment to be applied toward the 2014 Adopted Budget any invoices arriving after December 19, 2013 and until December 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-AYE    MEREDITH-Absent  
NORRIS-AYE    O'RORKE-AYE  
Adopted**

Discussion regarding assistance from Town for applicants completing the new Environmental Assessment Forms

Planning Board chair sought Town Board's input regarding assisting applicants before the Planning Board to complete Environmental Assessment Form short form; the long form would be assisted by an attorney. **Councilwoman Benway moves to table for the new board to consider, seconded by Councilman Norris,** having just seen this today.

Resolution to Appoint Justice Court Clerk

Supervisor O'Rorke asked Liaison Benway to walk through, having seen two ads placed. Councilwoman Benway verified this was discussed with Supervisor-elect Dellasanti; present in audience, he answered he has discussed with Justice Farrell. Supervisor confirmed the court revenues will end the year about \$120,000 rather than the budgeted \$160,000. Supervisor confirmed that the prior budget included 1 full-time and 2 part-time, now they are going to have 1 full-time and 1 part-time and expenses will be less. Councilman Norris asked for the Contractual line; Supervisor answered 2013 Adopted Budget was \$8500 of which they have expended \$7526; the court's grant must be added back in; Supervisor believes voucher in this night for about \$1800 for the chairs. Clerk Brooks said \$1333. Councilwoman Benway said up to \$2500 maximum. Supervisor said it was the concern of this Board, cannot speak for Councilwoman Finke, but hesitant to commit new Board to a new employee who may not start until 2014; if someone was hired, didn't want that person to leave a job, come here expecting a job, and learning they would not be appointed by the new Board or given the pay for the amount of hours. Councilwoman Benway said Justice Farrell did reach out to Supervisor-elect Dellasanti.

Supervisor-elect Dellasanti expressed concern that the revenue has gone down and no explanation why troopers weren't giving out tickets or whatever the case may be; nothing to do with not having enough clerks in office. Supervisor-elect Dellasanti added by not having a part-time clerk in the office is not going to increase your revenue; it's because the state troopers are giving out more tickets that will increase revenues. The day Supervisor-elect was here for court, last week's court had 36 scheduled, 3 showed up; bad weather day; Justice Farrell is asking for a part-time \$10/hour employee and he has no problem with that. Councilwoman Benway wishes to move forward.

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RESOLUTION  
DECEMBER 19, 2013

RESOLUTION APPOINTING PART-TIME DEPUTY JUSTICE CLERK

WHEREAS a vacant position exists in the Justice Court, and

WHEREAS the Town has advertised for the position of Part-Time Deputy Justice Clerk, and

WHEREAS the Town Justices, along with the Town Board's Court Liaison, have reviewed the applications submitted and conducted interviews with prospective candidates for this position in response to this advertisement, and

WHEREAS the Justices and Court Liaison have recommended that the position be filled by Gerard C. Ross who meets the qualifications for this position.

NOW, THEREFORE, BE IT RESOLVED that Gerard C. Ross is hereby appointed to the position of Part-Time Deputy Justice Clerk for the Town of New Baltimore Justice Court, effective January 2, 2014, at an hourly wage of \$10.00 per hour, provided that said appointment shall be on a probationary basis until a six-month satisfactory review is completed and upon the satisfactory review the pay will increase to \$10.50 per hour.

**Councilwoman Benway moved and was seconded by Supervisor.** Clerk Loux believes it included phrase "*with a maximum of 25 hours per week*"; Clerk Brooks suggests insertion after the phrase, "*at an hourly wage of \$10.00 per hour*". Supervisor is concerned about period of court clerk's vacation; this was constructed by court clerk. Clerk Brooks added we all know our budgets; Supervisor added the statement does not say subject to budget, but says a maximum of 25 hours per week. 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**

Supervisor reminded that the Background Check Policy for new employees was recently enacted by the Town Board, and she confirmed that the Office of Court Administration does perform background check for court employees; that should suffice for the Town's needs per Attorney for the Town.

Ellie Alfeld asked who had had a better attendance than she. Supervisor pointed out with no paycheck from the Town [laughter].

Jeff Ruso asked for a round of applause for those serving on the Town Board [applause].

**ADJOURNMENT**

Hearing no more from the Board or the public, **Councilwoman Benway moved and was seconded by Supervisor.** 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 6:40 pm.

Respectfully submitted

Janet A. Brooks  
Town Clerk