

**TOWN OF NEW BALTIMORE, COUNTY OF GREENE
TOWN BOARD REGULAR MEETING**

**SEPTEMBER 14, 2020
AGENDA**

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Approval of Minutes

- August 24, 2020 Town Board Work Meeting

New Business

- Update by Robert Flores on Wastewater Treatment Plant Project
- Resolution Authorizing Supervisor to Execute Agreement with Greene County Emergency Medical Systems, Inc.
- Resolution to Place Advertisement for Board of Assessment Review Member
- Resolution to Accept Bid for Improvements to the Sand Storage Structure at the Highway Garage
- Resolution to Accept Bid for Silver Lake District 3 and Joseph Wyche District 1 Park for Storm Water Construction Materials
- Resolution to Approve Increase in Mid-Hudson Cablevision Bill for the Wastewater Treatment Plant
- Resolution Appointing Part-Time Highway Department Employee
- Audit of Claims

Correspondence

- Greene County Economic Development, Tourism & Planning Notice of 30-Day Period for Public Request for Inclusion in Agricultural District No. 124/Ellen Rettus Planning Achievement Awards

Upcoming Meetings

- September 19, 2020 Townwide Yard Sale at 9AM
- September 28, 2020 Town Board Work Meeting at 7 PM
- October 7, 2020 Zoning Board of Appeals Meeting at 7:30 PM (If Needed)
- October 8, 2020 Planning Board Meeting at 7 PM
- October 14, 2020 Town Board Regular Meeting at 7 PM

Public Comment Period

Adjournment

****** Agenda Subject to Change******

GUIDELINES FOR PUBLIC CONDUCT DURING TOWN BOARD MEETINGS

1. The Supervisor shall preside at the meetings of the Town Board. In the absence of the Supervisor, the Deputy Supervisor shall be the acting Supervisor. In the event both the Supervisor and the Deputy Supervisor are absent, the other members shall designate one of their members to act as temporary chairman. A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.
2. Town residents who wish to speak shall fill out a card at the entrances of the meeting room listing their name, contact information, and the subject matter in which they would like to speak. These cards will be collected prior to the beginning of the Town Board meeting and given to the Town Supervisor or Deputy Supervisor in the absence of the Supervisor.
3. Speakers must be recognized by the presiding officer and then proceed to the lectern and state their name and address. They must limit their remarks on official town business to up to three minutes on a given topic and may not yield any remaining time to another speaker. They must address their remarks to the Board as a body and not to any member thereof and not to other members of the audience in the form of a debate.
4. Speakers should present their remarks in a courteous manner and may not make disparaging remarks or personal comments about public officials, town residents, or others. All speakers will observe the commonly accepted rules of courtesy, decorum, dignity, and good taste with no cursing, swearing, clapping, booing, finger pointing, bullying, whispering, or talking that disrupts the proceedings of the business of the Town Board.
5. Any speaker who disregards the directives of the presiding officer in enforcing the rules, disturbs the peace at a meeting, makes impertinent or slanderous remarks, or generally conducts themselves in an inappropriate manner shall be barred from further participation and will forfeit any balance of time remaining for their comments.
6. After a final warning, if a speaker willfully refuses to step down, the Town Supervisor shall contact the appropriate authorities to remove the speaker from the meeting room and to restore order.
7. The Town Supervisor, or in their absence the Deputy Supervisor, shall ensure compliance with these rules.

This policy will be amended by Majority vote of the Town Board.

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OPENING OF REGULAR MEETING

Supervisor Ruso opened the meeting at 7:00 PM and the Pledge of Allegiance was said. Also attending Councilmembers Boehlke, Downes, Irving, and VanEtten, Deputy Supervisor Dellisanti, Aline Galgay, Esq., Town Clerk Finke, Highway Superintendent VanWormer, and 5 members of the public who signed the attendance book. Absent: Tax Collector Jordan

ADOPTION OF MINUTES

The August 24, 2020 Town Board Work Meeting submitted by Town Clerk Finke, Moved by Supervisor Ruso and was seconded by Councilmember VanEtten. The adoption of the foregoing Motion was duly put to a vote and the vote was as follows:

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Update on the Wastewater Treatment Plant

Robert Flores: Thank you. I'm here to give you an update and to follow-up on the Wastewater Treatment Plant project. Last time I was here we discussed that we're nearing the end and there was approximately \$130,000 in contingency money that's available. We've identified two items that we wanted to use that in and that's replacing a retaining wall and adding additional controls and the combined total of those two items was just under \$65,000.

Supervisor Ruso: I have \$40,000 and \$25,000, yes.

Robert Flores: I believe in your packet you have the formal change order that needs to be signed for that work. So that's needed so that we can send to EFC which is the funding agency and they can review it and then they can process payment under that for cost of that change order.

Supervisor Ruso: You need me to sign this.

Robert Flores: Correct.

Councilmember Boehlke: Wasn't there an issue with we discussed about putting a new pump in as opposed to be a...

Robert Flores: That's strictly a pump, but it's a grinder.

Councilmember Boehlke: Yes, that's what it was.

Robert Flores: Takes the solids out of the system. So we got a price for that which is what we discussed, but there's a second issue with that. EFC had determined that replacing the grinder is not eligible under the grant and funding that you have right now. So, well, obviously it's your equipment and you could replace it, you can't use as it stands right now, you couldn't use the EFC money as we call it, the contingency.

Councilmember Boehlke: Did he explain why?

Robert Flores: Well, so at the very beginning of the project, there's an engineering report that identified the proposed improvements.

Councilmember Boehlke: So that wasn't covered.

Robert Flores: So there was a time when we went out to bid and that was a bid alternate and at that time it was not awarded. So we'd have to do a bunch of steps to get back in there.

Councilmember Boehlke: So what's the plan there?

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Robert Flores: What I suggest is that we complete construction and see where we are dollarwise and see whether that's still something the Board's interested in because there's several steps that I have to do to reintroduce it to make it eligible. Actually one of the items I want to discuss with you is we added that retaining wall so the retaining is roughly about the height of where you are...

Councilmember Boehlke: That was masonry right?

Robert Flores: That's right. So it's roughly 3'8" and where that wall was before at the end of it was a ramp. It was fairly steep and you could fall down when you're trying to walk up and down it. Nevertheless, it did exist and today it doesn't exist now. It's a just a nice retaining wall. So basically it was a natural path for the wastewater operator to walk towards the grinder that we're talking about. So what I want you to consider I guess is to add a set of stairs unless you step over that retaining wall. So I got a price from the contractor and to do aluminum stairs which is what would match the rest of the work that was done, so that was just shy of \$10,000, and then I would need another couple thousand for Eastman, who's the contractor, to put 'em in. The alternative to that would be to go with like deck stairs, you know just pressure treated wood, or leave it for DPW to do later.

Supervisor Ruso: What about precast cement?

Robert Flores: Well, precast stairs just plop them down.

Supervisor Ruso: How many steps are you talking?

Robert Flores: I forget the exact number of stairs. I brought a drawing if you want to see it.

Supervisor Ruso: How high up?

Robert Flores: It's like 3'8", 3'9".

Councilmember Boehlke: You're talking four to five steps.

Robert Flores: Because it's like 7' long.

Councilmember Boehlke: Like how often is this used?

Robert Flores: Well, it's basically the shortcut to get to the headworks. You can obviously get there by taking the long way. It is a small place, but it was the path you had before.

Councilmember Boehlke: Was there a reason this was not figured into the original bid for this, Bob?

Robert Flores: As it was in the original bid, it was just everything was to remain the way it was except that the retaining wall which existed before which the wood wall had rotted out, right, and we didn't want to leave it there.

Councilmember Boehlke: So they just had a pathway, they had no stairs or no nothing.

Robert Flores: Right, it was basically paved so it was asphalt. So it's a hard surface, but it was a really steep up.

Councilmember Boehlke: And it's a shortcut.

Robert Flores: It's a shortcut and in the winter if you're not watching it, you're sliding down. It's a little bit of a dangerous cut.

Councilmember Boehlke: Maybe me and Chuck can take a run down and take a look at it before we make you know...

Councilmember Irving: I think it's in consideration of the money in the budget that probably treated would last...

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Councilmember VanEtten: Right.

Councilmember Irving: Probably a number of years anyway and then we could go down the road we could figure out what would be the most advantageous effort. You want to make sure it's safe.

Supervisor Ruso: Why don't we hold off on deciding on the stairway.

Robert Flores: Let me give you the drawings because you get the dimensions of it.

Councilmember Boehlke: I appreciate that.

Councilmember Irving: While you're handing that out, the standby generator, that was replaced?

Robert Flores: It was replaced.

Councilmember Irving: And what happened to the old generator?

Robert Flores: It was disposed of by the contractor who put in the new one.

Supervisor Ruso: Part of the original bid.

Robert Flores: That's figured into the bid. So when you set up the bid documents, anything that could have a salvage value has to be identified. If you want that to be returned over to the owner, otherwise the contractor can calculate the salvage value into his bid.

Councilmember Downes: But you don't know what the difference between the aluminum and the pressure treated would be?

Robert Flores: I've got a hard number for the aluminum manufacturer. I don't have a hard number for the pressure treated, but I would imagine it'd be a lot less than half the cost. So if you want to consider say \$12,000 versus \$5,000. It may be less, but...

Councilmember Boehlke: I say we take a look at it, Jeff.

Councilmember Irving: We can do that.

Supervisor Ruso: I agree. Okay so for today, I have change order #1 and is it well put together versus the second change order as well, correct? Or is there only one?

Robert Flores: There's two prices from Eastman to make up one change order.

Supervisor Ruso: There's about eight pages that say change request.

Robert Flores: Because it's all the backup that goes with it.

Supervisor Ruso: So I think what I need to have is a Motion to allow the Supervisor to sign these documents on Wastewater Treatment Plant No. 1 so let me make the Motion. I'll make a Motion to allow the Town Supervisor to sign the change orders as presented regarding the Wastewater Treatment Plant upgrade, seconded by Councilmember Boehlke.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: Why don't I sign them now while I'm looking at them.

Robert Flores: I'll be happy to answer any other questions on the project.

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Councilmember Boehlke: So we go down and take a look at this, Bob, so would you be coming back up at some meeting in the future here and we'll discuss this? Is that what...?

Robert Flores: Sure.

Councilmember Downes: How long would the aluminum last us?

Robert Flores: Long time. Let's just say 60-80 years right?

Councilmember Downes: Okay, so the pressure treated would last us 5, 10 years maybe?

Supervisor Ruso: 20.

Robert Flores: I did a pressure treated deck on my house I would hope to be there 15 years from now right?

Councilmember Boehlke: Robert, is it possible that we could get your contact number and then Chuck and I are on the committee for the Wastewater Treatment Plant.

Robert Flores: Sure.

Councilmember Boehlke: And then we could contact you and it'd be great if you'd be there.

Robert Flores: Sure, I know sometimes I have offered if it's best you want to do it on a Saturday. I'm open for that.

Councilmember Boehlke: Is that good, Chuck? A Saturday.

Councilmember Irving: I would think that maybe Lou might be able to fill us in. I don't know if it's necessary. Is there a reason why we'd have to have Delaware Engineering there or...?

Robert Flores: Only answering questions you might have.

Councilmember Boehlke: No, we don't have to. That's up to you. You're call.

Robert Flores: We also have an inspector that stops by periodically at the site.

Councilmember Irving: I mean the people that are going to use the stairs would be more inclined to have any suggestions. They're there on a daily, regular basis.

Robert Flores: Right, I mean the stairs are just there for the operator. You've got to establish the need from him directly, right?

Councilmember Irving: Yes.

Supervisor Ruso: Any other thoughts or questions for Mr. Flores? Thank you for coming.

Robert Flores: Thanks.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 118-2020
SEPTEMBER 14, 2020

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT WITH
GREENE COUNTY EMERGENCY MEDICAL SYSTEMS, INC.**

RESOLVED that the Town Board does hereby authorize the Supervisor to execute an agreement with Greene County Emergency Medical Systems, Inc. for the period January 1, 2021 to December 31, 2021 for \$18,590.

Deputy Supervisor Dellisanti. \$237 decrease.

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Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 119-2020

SEPTEMBER 14, 2020

**RESOLUTION TO PLACE ADVERTISEMENT FOR
BOARD OF ASSESSMENT REVIEW MEMBER**

WHEREAS the term of office of a Board of Assessment Review member will expire on September 30, 2020 and the Town Board approves the advertisement for this position to be approved by the Attorney for the Town and the Town Board and submitted to the Town Clerk for publication in the *Daily Mail* for one week.

The Town of New Baltimore is seeking applicants for a Board of Assessment Review member. Please send letter of interest or resume outlining experience to Supervisor Jeff Ruso, 3809 County Route 51, Hannacroix, NY 12087, jruso@townofnewbaltimore.org, or call (518)756-6671, Ext. 7.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 120-2020

SEPTEMBER 14, 2020

**RESOLUTION TO ACCEPT BID FOR IMPROVEMENTS TO THE
SAND STORAGE STRUCTURE AT THE HIGHWAY GARAGE**

WHEREAS legal notices for requests for sealed bids for improvements to the sand storage structure at the Highway Garage appeared in the *Daily Mail* three times in 2020.

WHEREAS a bid opening was held on September 9 at 2 PM at Town Hall, 3809 County Route 51, Hannacroix, NY 12087 and two qualifying bids were received and opened.

RESOLVED that the Town Board of the Town of New Baltimore accepts a bid from Hybrid Building Solutions for said improvements at the Highway Garage at a cost of \$31,120.

Supervisor Ruso: It's there behind you. It details the qualifications and expectations of our Highway Superintendent and they submitted a bid on time and this is what we have. Any discussion?

Councilmember Boehlke: What did we have budgeted for this?

Supervisor Ruso: We really didn't have a budget for this. This is an item (unable to understand). We had anticipated about, we talked \$25,000 last year and then I think we said \$30,000 somewhere subsequent to that. This comes in the ballpark of where we thought the bids would be. How much was the other bid?

Highway Superintendent VanWormer: \$38,000 and change.

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Motion by Supervisor Ruso seconded by Councilmember Boehlke

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 121-2020
SEPTEMBER 14, 2020

**RESOLUTION TO ACCEPT BID FOR SILVER LAKE DISTRICT 3 PARK AND
JOSEPH WYCHE DISTRICT 1 PARK FOR
STORM WATER CONSTRUCTION MATERIALS**

WHEREAS legal notices for an Invitation to Bid for Storm Water construction materials appeared in the *Daily Mail*.

WHEREAS a bid opening was held on September 9 at 3 PM at Town Hall, 3809 County Route 51, Hannacroix, NY 12087 and one qualifying bid was received and opened.

RESOLVED Town Board of the Town of New Baltimore, following consultation with Delaware Engineering, D.P.C., accepts a bid from Pipes Plus LLC for said construction materials for Joseph Wyche District 1 Park at a cost of \$12,689.90 and Silver Lake District 3 Park \$6,382.25.

Supervisor Ruso: This meets all the requirements and expectations of our work to be done.

Motion by Supervisor Ruso seconded by Councilmember Downes

Councilmember Boehlke: All our grant money covers this, Nick?

Deputy Supervisor Dellisanti: Yes.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: I have the Pipes Plus and I have to sign that so I'll do that now.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 122-2020
SEPTEMBER 14, 2020

**RESOLUTION TO APPROVE MID-HUDSON CABLEVISION BILL
INCREASE IN MONTHLY RATE FOR THE WASTEWATER TREATMENT PLANT**

WHEREAS the Town Board has approved various increases in the monthly rate for internet services at the Wastewater Treatment Plant since 2017.

RESOLVED the Town Board approves an increase by Mid-Hudson Cablevision until the service can be cancelled and transferred to State Telephone Company.

Motion by Supervisor Ruso seconded by Councilmember Downes

Councilmember Boehlke: So our new plant's gonna be running so well that we need television.

Supervisor Ruso and Councilmember VanEtten: No, this is internet services.

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Councilmember Irving: They have to do all their reports to the state now by internet and they're all documented this way. It used to be all just paper transfer, now it's...

Supervisor Ruso: This is the second increase in 2020 and it has given cause to examine other options and there is another option that I've been on the phone with today so I will say that this approval will be short-lived and we will be moving to another provider at less than half the price. But I have to finalize this. That's ancillary work above and beyond what we have before us.

Councilmember Boehlke: That's good news.

Ellie Alfeld: If you approve it tonight, is there a timeframe that we have to abide by that increase before you switch?

Supervisor Ruso: No, I'm not contractually obligated to have a year or six months. None of those things. We have to pay for this price until the time and place of cancellation and I'll be discussing if you guys are going down there there's something that needs to be done in order for us to accomplish this. Okay and I'll discuss that with you after the meeting.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 123-2020

SEPTEMBER 14, 2020

RESOLUTION APPOINTING PART-TIME HIGHWAY DEPARTMENT EMPLOYEE

WHEREAS due to vacancy, the Town has advertised for Highway Department positions in the *Daily Mail*.

RESOLVED that Richard Liquori is appointed as a Part-Time Heavy Motor Equipment Operator at a salary of \$17.81 per hour for a probationary period of six months where the salary will increase to \$18.31 following successful evaluation.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

Councilmember Downes: Is he just on for the winter?

Highway Superintendent VanWormer: Yes, it would be as needed for the winter.

Councilmember Downes: As needed for the winter, okay.

Supervisor Ruso: Possibly he could be as needed on an event here or there in the off winter, outside the winter, because we're authorizing him to work.

Highway Superintendent VanWormer: Right now he works driving truck for another company in the summertime making more money than he'll make here so this is just something to kind of fill him in over the winter.

Councilmember Downes: My uncle and grandfather did that when he worked on the roads and then in the winter when they were laid off. So how does the 6 month figure in?

Highway Superintendent VanWormer: I'm not really sure being part-time.

Supervisor Ruso: That's been pretty much a standard practice for ten years of six-month probationary and a successful completion. It's oftentimes been a dollar an hour, but in this case we only pay \$0.50.

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Councilmember Downes: Right, I understand that, but how do we figure six months for him...

Councilmember VanEtten: Wouldn't it be from the start date?

Councilmember Downes: And he's only working the winter and if he doesn't work at all are we just going to increase him?

Supervisor Ruso: I would recommend if he doesn't work at all then we'd be hiring someone else altogether. I would recommend a six-month calendar because it's gonna be variable – he could work none this week and fifty hours next week.

Councilmember Downes: Right, no, I understand that, that's what I'm trying to ask you.

Councilmember VanEtten: That would be from the date he was hired.

Councilmember Downes: Would we automatically bump him up if we had a mild winter for the six months? If we had a mild winter and we didn't need him would we still bump him up to the next pay rate?

Highway Superintendent VanWormer: He will basically make the lower rate for this winter and if he comes back and works again next winter, he would go up to the higher.

Councilmember Downes: Thanks, that's what I was looking for, Alan. Thanks.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: Let's get this guy on because we need him.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 124-2020
SEPTEMBER 14, 2020

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 2020-09-01 to 2020-09-44, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2020-09-01 to 2020-09-44.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until November 30, 2020.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

General \$4,319.76, Highway \$113,164.33, Sewer 1 \$18,442.85, Sewer 2 \$36.11, Water 1 \$312.50, Streetlighting 1 \$1,731.13, Streetlighting 2 \$160.69, Total \$138,167.37

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Correspondence

Greene County Economic Development, Tourism & Planning NOTICE OF 30-DAY PERIOD FOR PUBLIC REQUEST FOR INCLUSION IN AGRICULTURAL DISTRICT NO. 124 PLEASE TAKE NOTICE, that Agricultural District No. 124 encompassing 40,915.55 acres within the County of Greene, in the Towns of Ashland, Athens, Cairo, Catskill, Coxsackie, Durham, Halcott, Hunter, Greenville, Jewett, New Baltimore, Prattsville, Lexington, Windham and the Villages of Athens, Catskill, Coxsackie, Hunter, and Tannersville (entire County of Greene), was established pursuant to Article 25-AA of the Agriculture and Markets Law. PLEASE TAKE FURTHER NOTICE, that under Section 303 of the Agriculture and Markets Law, the County is required to allow landowners an opportunity to submit a request for inclusion of land which is predominantly viable agricultural land within a certified agricultural district prior to the county established eight-year review period. PLEASE TAKE FURTHER NOTICE, that the County will conduct a thirty day request for inclusion period which will begin October 1, 2020 and end on October 30, 2020. PLEASE TAKE FURTHER NOTICE, that during this 30-day period, any municipality whose territory encompassed the above Agricultural District, any State Agency or any landowner within or adjacent to the district may propose an addition to the district. PLEASE TAKE FURTHER NOTICE that any proposed addition must be filed with the Greene County Department of Economic Development, Tourism & Planning, 411 Main Street, Catskill, N.Y. 12414 within the thirty (30) days specified. PLEASE TAKE FURTHER NOTICE, that at the termination of the thirty (30) day period, the proposed additions will be submitted to the Greene County Agricultural and Farmland Protection Board and that thereafter a public hearing will be held on the District, proposed additions, and recommendations of said board.

Ellen Rettus Planning Achievement Awards: The Greene County Planning Board is soliciting nominations for Planning Achievement Awards, which will honor worthwhile planning, community and economic development activities that have taken place in Greene County over the past three years. Awards will be given for outstanding achievement in one or more of the following categories: Economic Development, Community Design or Improvement, Planning for Municipal Services or Utilities, Environmental Preservation, Recreation and Open Space, Zoning-Innovative Techniques, Community or Main Street Revitalization, Historic Preservation, Municipal Services, Distinguished Service.

Upcoming Meetings

- September 19, 2020 Townwide Yard Sale at 9AM
- September 28, 2020 Town Board Work Meeting at 7 PM
- October 7, 2020 Zoning Board of Appeals Meeting at 7:30 PM (If Needed)
- October 8, 2020 Planning Board Meeting at 7 PM
- October 14, 2020 Town Board Regular Meeting at 7 PM

Public Comment Period

Ellie Alfeld: There were two things I wanted to bring before the Board. One was the Planning Board meeting that we just had. I cannot tell you how pleasing it was to see the whole room here filled with people that were interested in what was going on in our Town. I was amazed as how everybody conducted themselves in such a great... I mean I've been here for some of these meeting, Zoning was I think our worst, where it really got nasty. This was such a well-written, developed continuation of the people that were presenting their things before the Board and I can't tell you how pleased I was with everything that went on. The second thing I wanted to mention to the Town Board. We have a grant for the parks. I would like it in the record that that grant came from George Amedore. Last meeting you did mention the grant, but I, in fact, did not know exactly where or who it was coming from and I think that should be noted because Mr. Amedore took very good care of New Baltimore all during his service.

Supervisor Ruso: We can make it a point to put that in our next meeting.

Ellie Alfeld: Thank you.

Councilmember VanEtten: If I might add he did also give us the first grant that we got...

Supervisor Ruso: Oh, yeah, District 2 back what three years ago.

Ellie Alfeld: Something like that, but he took very good care of us.

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Supervisor Ruso: Yes, those were well-appreciated grants, absolutely.

Councilmember Boehlke: That was a good report about the meeting, too.

Ellie Alfeld: You were there. You saw. I mean it was terrific.

Highway Superintendent VanWormer: Good evening everyone. This is hard for me to do tonight because I don't like to put anyone on the spot as I don't like to be put on the spot, but it's no secret that since March we've been trying to get full-time employee hired by the Highway Department. We went from eight employees when Denis was here to seven when he retired because my place was never filled and at this point we're down to five. We had an applicant, applied in April, yet drug along drug along, couldn't wait anymore so he took a job somewhere else. We advertised. We have one applicant now. I had two people inquire about the job, but once they found out how much money they were gonna make and how much was gonna be taken out for their health insurance and such, they just couldn't do it and not be able to help provide for their families. I'm at a loss I don't really know where to go. I've tried to have out of courtesy to have the Board involved in this process, but it just doesn't seem to work. I mean things just get drug on and drug on and drug on and like I said we saw what happened.

Councilmember Boehlke: Specifically what was the roadblocks in your mind, Alan?

Highway Superintendent VanWormer: I don't know. For the last employee I really don't know.

Councilmember Boehlke: I mean I'm new here so I'm trying to understand this process, but you have the ability to hire employees when you need 'em. What's the stipulation with that?

Highway Superintendent VanWormer: Correct. I'd like to read that, actually read that into the record if I could. This comes from the Office of the Highway Superintendents' desk manual put out by the Association of Towns and under Employment under 'Individuals superintendents may employ. Labor Personnel. The town board may create positions of employment within the highway department and fix the rate of compensation. Once a position or positions have been created, the town superintendent of highways may employ individuals necessary for the maintenance and repair of town highways and bridges and for snow removal and provide for the supervision of such persons (Highway Law, §140(4)). The Office of the State Comptroller has opined that the superintendent's authority to supervise employees also includes the authority to set the hours of work unless the hours have been set in a collective bargaining agreement. In addition, the superintendent of highway has the authority to discipline, suspend and terminate an employee within the highway department subject to applicable civil service rules, collective bargaining provisions and other state, local and federal laws and policies.' So, yes, it does, it gives me that authority and I talked to some of my fellow highway superintendents today who've been in office for awhile and they told me not only is it within my authority, but it is my responsibility to do so and to make sure we have enough employees that the Town's work gets done not only in the summer, but that the roads are efficiently plowed, sanded, taken care of in the winter for the safety of the general public.

Councilmember Boehlke: So, Jeffrey, so we authorize the positions...

Supervisor Ruso: Correct.

Councilmember Boehlke: That's he's allowed to hire.

Supervisor Ruso: Correct. Some of the determining factors, as he well knows, include for instance review by Civil Service. You made mention that they have to be qualified by Civil Service and that is a process that took place in the more recent attempt. I know that that added a few weeks to the delay and it's certainly the viral issues that we've had and the limitations on what we can present to the public during the work that we could do during the shutdown period. I'm trying to remember when we opened up, I want to say it was June to Phase 2. I'm trying to remember when that date was. We were also part of the fact that at least the more recent events and so aside from that the qualifications and all that stuff are up to Alan to pursue and to insure and, of course, he's got to supervise them and make sure they do their job.

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Deputy Supervisor Dellisanti: Let me interrupt a second. Did you ever get a respond from Civil Service on your letter on that last employee?

Supervisor Ruso: No, I did not. I did not.

Highway Superintendent VanWormer: For Matthew or for Tavis?

Supervisor Ruso: For Matthew. I didn't have anything for Tavis. You did text me on Sunday or was it Saturday?

Highway Superintendent VanWormer: There should be a packate in a big envelope that I left on your desk for you. It has all his information.

Deputy Supervisor Dellisanti: I think the letter went out on Matthew.

Supervisor Ruso: I didn't send one out on Tavis. Presumably he's got qualifications under Civil Service as we are aware of him.

Highway Superintendent VanWormer: His Civil Service thing is in the packet that I gave you.

Supervisor Ruso: He's a former Town...

Highway Superintendent VanWormer: Along with the insurance that he's acceptable for you.

Supervisor Ruso: Right, he's a former Town employee.

Councilmember Boehlke: So as long as you get an okay on the Civil Service portion.

Town Clerk Finke: That's actually the Supervisor's job.

Supervisor Ruso: Yeah, I have to send it to Civil Service and I've done it for routine.

Councilmember Boehlke: I'm saying as long as you get an okay on the Civil Service portion, he can go ahead and hire.

Supervisor Ruso: Presumably, yes.

Highway Superintendent VanWormer: I spoke to her at Civil Service, she said that wasn't necessary. She said it can be a simple email. It could be done in minutes.

Town Clerk Finke: It should be answered in the way that you...

Supervisor Ruso: The last time I sent her a notice, she sent me a response that had absolutely nothing to do with the question I presented. Okay, nothing to do with it. You may say that, but it's not always the case although I did hear they had a change in personnel down there.

Highway Superintendent VanWormer: Yeah, Pat told me that and the new girl is really good.

Supervisor Ruso: Yes, and that was roughly within the past month if I recall correctly. So things may be a little smoother than they once were and I think the correspondence for Matthew was well more, again I can't remember dates of when people come and then they left, it was certainly before she left I think because it's been a number of weeks.

Councilmember Boehlke: That was kind of in the midst of this COVID chaos and everything. Everybody understood that including Matthew, Jeffrey, just so you know.

Supervisor Ruso: But nevertheless, aside from that, the Town Board has the authority to say 'yes' we want to hire, that's throughout the whole Town. It's just an approval of the departments largely significantly so of their choices. It's just a signoff process. I mean we don't get in the nitty gritty of it.

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Councilmember Boehlke: Here's the perspective I'm getting from this what he's reading is that the Board establishes how many positions the garage can have there and then he fills 'em...

Highway Superintendent VanWormer: And the salaries (unable to understand).

Councilmember Boehlke: You fill them and set the salaries.

Supervisor Ruso: They won't get paid until the Town Board says 'yes.' So in essence they aren't going to be employees unless the Town Board says 'yes.' If I'm not gonna have it presented, I'm not gonna sign off on it.

Councilmember Boehlke: Well I'm saying we establish the positions.

Supervisor Ruso: Right, exactly, and he hires them.

Highway Superintendent VanWormer: Right and during the budget process you determine how much money is in the payroll.

Supervisor Ruso: What they're paid, yes. And there are payment schemes that we have based upon when you started and what you make now.

Highway Superintendent VanWormer: I have no problem with the Board being involved. I really don't, but every day we're getting closer to winter and I need to get some help here.

Supervisor Ruso: You need to get somebody in, right. So, yes, he makes the choice, but we've got to sign off on it. Otherwise we don't sign off on it, they won't get paid. Period.

Highway Superintendent VanWormer: Right, but aren't you signing off on that when you approve the budget?

Supervisor Ruso (And Others): No, no.

Highway Superintendent VanWormer: Because you're approving the salary, x amount of dollars to be in the budget for salaries for 2021 say.

Supervisor Ruso: Well, the Board has a role here, okay. Yes, I mean you have a role, we have a role. Everybody needs to be on the same page and that's pretty much it. I mean I don't want, again, to get into the nitty gritty, where you work, how long have you been there, 12 years I was this, I did that, I can drive a stick, I cannot drive a stick. I don't know who's who and what's what, not that you haven't told me in the past. You've always been very providing information in the past and I anticipate we'll still do that. I mean if you think you can just go out and hire someone, how are they gonna get on payroll without my signature? If they're not gonna be on payroll, how are they gonna be paid? (To Aline Galgay) Is there any thoughts you have on this? I mean you're our Attorney.

Aline Galgay Esq.: So basically the Town Board sets the Highway budget. Once it sets the Highway budget and it sets the positions that are in the Highway and the pay scale. It is the Highway Superintendent's responsibility to hire to fill those positions. And the long and short of it is if he hires people that don't do their job or doesn't hire anybody and spends the money on other things, he doesn't get elected next time.

Councilmember Boehlke: Oh, yeah, he's responsible. Certainly.

Aline Galgay, Esq.: So what I don't wanna do is I don't want to overstep my bounds because what has historically been how the Town Board handled it, should continue to be how the Town Board handles it, but Alan is absolutely right. Once the budget is set, if he decides he's going to eliminate three positions because he needs more of his budget for something else or it's easier to use the same person and have overtime than have a second person come in, that is him as a supervisor. I don't want to disagree, Jeff.

Supervisor Ruso: Within the realm of the money.

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Aline Galgay, Esq.: But I believe he has the authority to hire once you set the budget and according to Town Law it says that the Highway Superintendent is the one who is responsible. In fact how he spends his budget is really his own responsibility.

Councilmember Boehlke: I would agree with that. He's the superintendent.

Aline Galgay, Esq.: However, I'm going to say that historically many Towns do exactly what you do. They come up with a proposed employee and the Town Board... Yes, Jeff has to put his signature on it, but it doesn't necessarily need the Board's approval. It needs Jeff's approval for hiring. He is the Chief Financial Officer of the Town and there's certain things that he can make that decision of without it coming before the Board. But, again, I'm giving you my legal opinion. I understand practically speaking what you've done historically.

Supervisor Ruso: I think the part that was brought up was in terms of the budget itself, the personnel line was pretty much what we were talking about. We do have a wage scale that the person we replace, the previous person, let's say someone leaves and they're making \$20 an hour and the scale says the new hire comes in at \$19 that would change the expenditures, but that's commonplace...

Aline Galgay, Esq.: But what he does and that's why there are repairs that need to be done and Alan's gonna go to budgeting and you know save money in certain area. His Highway budget is his budget once it's passed on to him as an elected official.

Councilmember Boehlke: Why else would we have a superintendent?

Aline Galgay, Esq.: Correct.

Ellie Alfeld: So the bottom line is how can you shorten the timeframe from him finding a candidate to presenting it to you, to getting it on the payroll? One, two, three.

Supervisor Ruso: I think it depends upon the candidate. Certainly the one who has already that Civil Service acknowledgement. That one would probably run much more prompt. Whereas a person who has none of those thing in the qualifications that they review... What do you think about Civil Service? They're supposed to be qualified by Civil Service. That part I know.

Aline Galgay, Esq.: Yeah, but I think there's a way, and I can look into it, to expedite that and I also think you can get a temporary approval to allow them to begin work and then wait for...

Many speaking at once.

Highway Superintendent VanWormer: The lady at Civil Service told me that all they do is look to see if the person has the qualifications for the job.

Supervisor Ruso: Agreed. That's what they're supposed to do.

Highway Superintendent VanWormer: Have they ever run equipment before, have they ever driven a truck before?

Aline Galgay, Esq.: And they run their social to make sure there's no other issues that are associated with the social security number, are they collecting disability from the State, there's a couple things that they look at, but it should be relatively instantaneous. The only thing is I'm not going to say that as mentioned under some of the reduced workforce, everything was a little bit slower in process.

Supervisor Ruso: And as I've said I've not had a more recent experience since the changeover in Greene County Civil Service. I will tell you whatever that person told you has not been their experience. It is not their experience. Yes, we'll just approve it. But they haven't. I sent in a letter for one of our employees, not one of yours. I never once got a response, however, they did question the authority of the Town Board member who signed it. That was their response. Not about the employee and they had to be told it's an elected official.

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Highway Superintendent VanWormer: The one I sent down I sent it like 9:00 in the morning and by 10:30 I had a response.

Supervisor Ruso: I'm not exaggerating. They asked us who is the Town Board member's Civil Service qualifications. I mean Barb and Nick know this particular point. Am I exaggerating it at all?

Town Clerk Finke: No.

Supervisor Ruso: That's how they responded to me. I never got a response about the employee. So whoever you're taking to is not the same person we've been sending our letters to.

Highway Superintendent VanWormer: No, she's new. Pat actually told me who she was (unable to understand).

Town Clerk Finke: But that's really the Town Board's... (To Supervisor Ruso) You look into Civil Service.

Supervisor Ruso: Right, so again to expedite Greene County, if they're expediting things, I would be happy to hear about that. I mean I really would because it was like 'oh, my God we gotta send another thing down there to these people again.' And then you called them.

Highway Superintendent VanWormer: Another issue we have is I have more time to do things like that than you do. You're working a full-time job.

Town Clerk Finke: That's his job.

Supervisor Ruso: But the fact is that they call you and tell you 'hey, everything's happy down here' and all they do is call us up and ask and we'll say 'yes' and then I get it in front of me and I don't get what you're calling. You're calling someone else. I don't know if it's the same people. I don't know who you're taking to, but I don't have any idea who you're taking to. I have no idea. I wish my experience with them was good. I wish they would tell me the same things that they're telling you.

Town Clerk Finke: And respond to your letter.

Supervisor Ruso: I wish that they would, in fact I wish our County Legislator was here because I would like them to tell me the same thing they're telling you. They're not telling me the same thing they're telling you and now they're throwing it on my lap. No, they're throwing it on my lap when they're full of baloney. They have been full of baloney over and over and over again.

Highway Superintendent VanWormer: You have may have been with the other lady, too. She's not there anymore.

Supervisor Ruso: I heard that she was a problem and I had heard from a verbal conversation with someone in Town that she was gone. So I would be very happy if what you're saying is a 100 percent true.

Highway Superintendent VanWormer: And like I said I truly don't have a problem with the Board being involved.

Supervisor Ruso: We've always worked it out.

Highway Superintendent VanWormer: It's just I need your help. We need to get the ball rolling because we're going to be in wintertime here soon and if we have to train somebody from the ground up it's going to take some time.

Supervisor Ruso: Have we had aside from Matthew, and I do know of Tavis, aside from those two, those are the only two applicants that we've had this year?

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Highway Superintendent VanWormer: Two other people called and inquired about the job, but when they found out how much money they were gonna make and how much their insurance was gonna cost, they couldn't do it.

Supervisor Ruso: That's what's going on out there.

Highway Superintendent VanWormer: Yeah, it's tough, it really is. Thank you very much.

Supervisor Ruso: Thank you. Is there anything else to come before the Board here tonight? I've got all the Public Comment cards taken care of. I'm going to entertain one more Motion.

Motion by Councilmember Boehlke seconded by Councilmember Irving to adjourn the meeting at 7:51 PM

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: Thank you everybody.

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk