

**TOWN OF NEW BALTIMORE**                      **Draft 10/5/2022**  
**COUNTY OF GREENE**                              **Adopted 10/12/2022**  
**PUBLIC HEARING ON LOCAL LAW 4 OF 2022**  
**TOWN OF NEW BALTIMORE REVISED SOLAR LAW**  
**TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087**  
**SEPTEMBER 26, 2022 – Page 1**

Supervisor Ruso opened the Public Hearing on Local Law 4 of 2022, Town of New Baltimore Revised Solar Law, by Motion at 6:30 PM, seconded by Councilmember Irving.

AYES: Ruso, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Downes

**Motion Carried**

Also attending Councilmembers Boehlke, Irving, and VanEtten; Deputy Supervisor Dellisanti; County Legislator Linger; Town Clerk Finke; Highway Superintendent VanWormer; and 7 members of the public who signed the attendance book. Absent: Councilmember Downes

**Supervisor Ruso:** We assembled a group of persons, I see one in the audience, that would be Ms. Michelle Stefanik and Bill Boehlke. Also in our group Bill, Nick, myself, our Code Enforcement Officer Allan Jourdin. We had Frank Orlando from our Planning Board and we also had Brad Jourdin from the Zoning Board. We put together this Local Law with the assistance of all. I want to thank those who were involved in our, I think we had seven meetings right here in that room. So anyway we have this Local Law, thank you to those who helped, for those who are here as well as those who aren't. Again, it took our meetings, but not just that, it took multiple drafts going back to retyping the newest changes, people were looking up things as best they could, we did have our Attorney involved as well. I think he was at one if not two meetings. So anyway this is what we came up with. So right now the purpose of this hearing is to hear from the public and get input. This is not going to be voted on tonight just so everyone knows. This will be passed off, in fact we can go ahead and do that without the Board resolution, this will be passed off for review by Greene County Planning Board. They're not required to pass it or deny it, they are required only to review it and I'm sure we'll hear from them. So anyway let's hear from our folks in the audience.

**Ann Marie Vadney:** Good Evening everyone. I'd like to thank members of the Committee that worked on this and I think they did a good job, but I don't think it should be passed and I will go through it to explain why. As I went through this I just kept saying 'how is this protecting our community, what are the citizens of the Town getting as a result of these solar projects coming into our Town, what are the taxpayers getting now and in the future from these projects?' And so everyone knows I have a dual role here. I'm up here as a citizen of our community, but I'm also on the Planning Board. So, unfortunately, I have been involved in the approval of a couple of projects which I learned a great deal especially when they come into our Town and they don't give us the truth and don't answer our questions and when that happened a few times then I went out and did my own research which was a big mistake on their part. They should have just answered the questions right up front. Needless to say I was a supporter of solar projects and I'm not any longer because I have not yet seen how we're going to protect our citizens. I have issues with the process and the content here. I think that there wasn't enough input and I called a lot of people today because I at the very last minute realized that this was on the Agenda and I was very excited when the Committee was formed and everything hoping that we would put into writing what and how we were going to protect the people of the Town. I think that how does the cost to the Town benefit? What's written here does not explain that to me and I don't think it explains how we're protecting the Town and I'll get into the details here so it makes a little bit of sense. The general requirements and approval of the Decommissioning Plan, the timeframes for the building permits I don't understand why we're changing 1,000 feet versus 500 have to be notified. I would think that we'd want to keep as many people being notified of a solar project going into their area. Eighteen months versus twelve months with the building permits. Those are just specifics that are in here. You've expanded it to eighteen months, it's normally twelve months. Are we going to have a joint Committee meetings on these projects with the Planning Board and Zoning Board? It's confusing when you're reading this.

**Supervisor Ruso:** It could happen, not necessary that it will.

**Ann Marie Vadney:** Who's the lead on it? No more Letters of Intent to the Supervisor. Periodic soil testings it said with certain type of solar panel there will be a test at the beginning and one at the end. Nothing in between. I don't care what type of solar panel it is to be quite frank because I know the newer ones are supposed to be much safer. To be quite frank I have to

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do more research on it because I don't believe anything they tell us anymore after the research I completed on solar panels that are currently in use. I think that when you have a 15-year project that's going to last 15-20 years, that we need to be a little bit more conscientious and make sure that the soil is not getting contaminated. The Decommissioning Plans. Okay, let's go back. The Decommissioning Plans we've had so far are a joke. We had a \$6 million project, \$2 million from the State of New York went into it, and we have \$115,000 or \$40,000 Decommissioning Plan. That's the last thing I saw in writing. How the heck is that protecting our Town? I saw in here that at one point okay we want bonds. Bonds are a joke from my perspective especially when a company just abandons a project or leaves a project. I think that in here I've read in many places they have not only bonds, but they have escrow accounts, cash in the bank that the Town can use at a certain percentage, minimal 10 percent to decommission. I don't understand why we don't have that in here. We have the word 'security.' In one spot we have the word 'cash.' What does that all mean? It's inconsistent. It should specifically state what this Town requires. If they don't want to come to our Town, then don't because right now they're not doing us any favors. From the tax base, the PILOTS, I know we don't have much control over the PILOTS. Then what do we want these for? What's the Town getting from the PILOT projects? What's the tax base getting from the PILOT projects currently. In the long term it is even a dimmer picture and everyone says 'oh no, they don't ever leave Town.' Oh, yeah, they do. They just get up, they pack their bags and they leave and the taxpayers are gonna have to clean the mess up whether it's toxic with the new panels or it is toxic with the old panels. It's gonna cost more money that what we have put in place with the current projects we have approved. Now it's also the system. The Planning Board gets to approve the projects, the Town Board gets the other piece with the Decommissioning Plans, the Supervisor works on the PILOT projects, please correct me because I don't want to mislead anyone in the audience if I'm wrong about something. The Building Inspector is out there. Who is really in charge and watching over these projects? I know we had problems with the building permits. Did they get the building permit? Should they get the building permit? Did they comply with everything they were supposed to comply with? I don't see how this protects us. I might not be reading it right, but, okay...

**Councilmember Boehlke:** Ann Marie, do you have the updated copy?

**Ann Marie Vadney:** I printed it off the website. With this project I think everyone worked hard to do this. I have no doubt in my mind, but I do not feel as a citizen or member of the Planning Board that it adequately reflects what we need. I know what we've used other Towns' information, but to be quite frank I don't really care about other Towns because I think my Town is special and I think that we should do whatever we need to do whether it's totally different from another place, then we do it to protect our Town and the people in the Town. I think there should be information sessions held so people understand this process. We've gone through it. We've gotten kicked in the butt a few times about the PILOTS, about the Decommissioning Plans. What is required and who's in charge of it because we're not in charge of so much of it, but we gonna get stuck. No one's gonna help us and we have to clean these sites up and we have to do the enforcement. It's a small Town. We talked about hiring and have escrow accounts to keep engineers on board to follow up on these projects. We're not talking about \$100,000 projects here. These are coming in at \$4 million, \$6 million plus. I am all for bringing business into this community. That's why I really enjoy being on the Planning Board, but I wanted them to come in here and give this community something more than they're taking from us and that's not what's happening with the solar projects. I think there should be information sessions with the public as well as us Board members so we know. Are they getting taxed full assessment? Are they getting taxed at all?

**Councilmember Boehlke:** Well, you might want to explain, Jeffrey, between the PILOT program and the CHA that we're gonna be receiving money from, it's really not spelled out in the law itself because it comes under a different...

**Supervisor Ruso:** You actually made a question or had a comment that who's in charge?

**Ann Marie Vadney:** Yeah, who is in charge?

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**Supervisor Ruso:** Well, the Planning Board in charge of what the Planning Board is in charge of.

**Ann Marie Vadney:** Well, I know that, Jeff.

**Supervisor Ruso:** And I have to take care of financial issues and the Code Enforcement Officer is the one who does the enforcement side and each of those legs I do not have authority over what the Planning Board's decisions shall be. I don't.

**Ann Marie Vadney:** I understand that.

**Supervisor Ruso:** I don't. And nor can I assert myself in the Code Enforcement Officer, I mean it doesn't mean we can't have discussions, but if you're saying who's in charge. I can't say I'm in charge of those people and neither can the Board.

**Ann Marie Vadney:** Okay, the PILOT project, the CHA, I think this Town deserves to know who's in charge. I'm saying this not just for my own benefit and I think people need to understand these things before they come into a public hearing that they don't know what they're taking about. You know we have a moratorium right now. I don't think that moratorium should be lifted until this is all straightened out. I think there needs to be more input. I know laws have to be, they cannot have the details in, but then refer to an appendix. Make sure that people understand what they're coming and what they're agreeing to. Even you know I know that people talked about a checklist. We have checklists for a lot of things that we do to keep people to understand how much it's gonna cost, to understand what the next step is. I think there's a lot of confusion involved in these projects. And these people come in, I mean we've had people on different projects other than solar come in and just blatantly lie to us. That's a whole another issue though. But when they do that, you know it's very difficult for the Planning Board. I mean I've raised concerns on numerous occasions about lawyers lying to us, solar people coming in and not answering our questions. You know they may think we're stupid, but we're really not stupid. We're trying to protect our Town and do the right thing and help our local community members and encourage business here.

**Councilmember Boehlke:** Ann, we've had a lot of discussion because it's like Jeff has pointed out continuously and Nick has is that between the Planning Board and the Board and even the Zoning Board, we're doing all the leg work for these projects, doing all the engineering basically as far as getting them established in the Town as far as the legal end of it and we were looking at the County and the State of New York taking the lion's share of proceeds of these projects now. So one of the things that we looked at was this CHA because we're boxed in basically legally out of these PILOTs and so our only avenue into gaining any revenue from these projects is through the CHA.

**Supervisor Ruso:** At least as it currently stands now, As an illustration when there's a PILOT, whatever figure, let's say it's just for easy simple sake, it's \$10,000 a year. The Town of New Baltimore gets 12% of that, the school gets 67%, and the County gets the difference between them. So we're doing all the work because the permitting process, Allan Jourdin's role, the inspection, the approval process that is the Planning Board. The County doesn't do that. The school district doesn't do that, and, of course, let's not forget the 250 phone calls that I have whether it's the project or the Planning Board members or for that matter with attorneys. We get that much of the pie. I know that it's not true in other places. Then there's something called a Community Host Agreement and some of these things we try to put, some people may think it's the cart before the horse, but we want to have things established at the front end such as the CHA and the Decommissioning Plan before we do the permit. Most places do it the opposite. Everybody goes through their step and they get the permit and then we talk about these other things. Well, once you do that, you no longer have leverage. So now the process is the building permit is the third thing, there's three financial things. There's the PILOT, the Decommissioning, and the building permit. The building permit is last. The other two have to be satisfactory to what extent gets it done beforehand and why? Okay, we have a recent project where one of the project people is screaming that they don't have the money except that they just agreed to give the school district \$25,000 and there's none left for New Baltimore. Okay, well, who did the work? The school district didn't do the work. You did, you did. The list goes on or

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Allan Jourdin. So we're looking to try to find a way to get the maximum we can. There are limits to what we can have. We can't just say 'let's do a PILOT for \$2 million' because that's not gonna happen or Decommissioning Plans at certain levels, but we want to try to maximize what we can get when these projects come to Town. And that's what we're trying to focus on. One of the things, not only. By the way, the 1,000 feet is an extension. You were talking about why did we go from 500 to 1,000? It says we must notify the people who live within 1,000 feet of a person's property line not 500. It's more expansive.

**Councilmember Boehlke:** That's why I was asking if you had the updated copy.

**Supervisor Ruso:** Because we did have different values put in there.

**Councilmember Boehlke:** We took the cash thing out also. That's not in the final copy.

**Supervisor Ruso:** But, nevertheless, some of these things that you speak of were considered, were amended, much of what's in that while we started with a template that existed from elsewhere, a lot of those things are things we came up with. A lot of those items, citations of specific parts of State law, no we left that part there. That's the same everywhere you go, but the internal things are us. There was bit of a debate and I actually threw the contrarian point out only because it didn't make sense to me because there was some consideration of soil tests for solar panels and the question I asked is what does the Town require for soil tests for the new gas station? What is the soil tests for the junk yard? What is the soil test or where is it the requirement for the propane, the different projects that are both existing and new, or have been renewed and we don't have any such thing. So in consideration of some of those things we didn't put that in because we actually need to talk about this.

**Ann Marie Vadney:** That's a totally different types of projects, but they all should have soil testing.

**Supervisor Ruso:** Absolutely. Absolutely.

**Ann Marie Vadney:** But the solar projects are very different. They're larger. They're taking over hundreds of acres of property.

**Supervisor Ruso:** Taking farmland, yeah.

**Ann Marie Vadney:** They're near water sources, creeks. There's not one, correct me if I'm wrong, almost every one we've approved and we haven't approved that many, are near creeks, wetlands, water sources. So DEC, oh we have engineering input, everyone's on the same page. The State of New York is supporting 'em. We're fighting the State of New York. There's one other thing, batteries. In here it should at least say that batteries all over the State of New York they have a separate application for facilities that have large battery components. We had the Hannacroix Creek one. This doesn't say anything about that. It was going to be right by the creek. Then we had a book. I went to a training fortunately at the same timeframe where they talked about how most, they have sample regulation, everything and we have that in our offices here because the batteries are a whole other game and it should not be under the same building permit. Like I said, as a Planning Board Member I think I agree that certain things should be done beforehand, but I also think my votes on any other projects are going to depend on my knowledge of what monies coming into this Town and what they have complied with because at this point, I don't want to vote on them anymore. I'm gonna vote 'no' unless we have some type of requirements that are protecting us.

**Councilmember Boehlke:** Ann Marie, for instance, the battery issue that was brought up in drafting this and we really came to the conclusion that under the engineering plans that have to be approved by EnCon and in the case we had the Court property down here, you remember was right there by the stream and the engineers had a big problem with it.

**Ann Marie Vadney:** Yes, and they took it out.

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**Councilmember Boehlke:** Yeah, and so we didn't see a real necessity to put this in the body of the law because that issue is covered

**Ann Marie Vadney:** With the engineering.

**Councilmember Boehlke:** Under Engineering pretty thoroughly.

**Ann Marie Vadney:** Okay, I understand that. Thank you.

**James Eckl:** Good Evening, Sir, Madam, Ladies and Gentlemen. I have four comments. Two of them are short and specific and two of them are longer because they're on more general topics and the details are set out in a letter that I'll provide you when I'm done talking. Right now while I'm here at the podium, I'm just gonna limit my comments to a general overview summary of what's contained in detail in the letter and then I'll have one question if you will allow. In my comments both written and oral I will be referring to the model law and that I'm referring to the model law that is in the publication put out by the New York State Energy Research and Development Authority, sometimes referred to as NYSERDA, which a lot of people might not realize is an agency of State government, but it is. The first comment is a specific one. In Article 1, the authority for the law there's a quotation that's taken verbatim from the model law, but that isn't the law anymore. It used to appear in Town Law §263 but no longer does. So it certainly isn't wrong to include it as a statement of this Board's public policy, but it's not part of the State statutory law that authorizes this local law.

**Supervisor Ruso:** So you're telling me NYSERDA is publishing this in error or are you telling me NYSERDA changed it?

**James Eckl:** I'm unable to say, sir. The Town Law was amended by an act of the Legislature last autumn I believe to become effective in spring of this year. I can only guess that perhaps NYSERDA didn't pick up on the effective date of the amendment.

**Supervisor Ruso:** Okay, that's not a good thing to know that NYSERDA hasn't caught up with because we have to rely upon that agency as the regulator to provide us with things that work.

**James Eckl:** I understand very well and that's what makes it disturbing that it is in the version of the model law in the publication that's dated May of this year. Nevertheless, there it is. The next comment is also a specific comment of very little detail but it's easy to confuse people by using a nonstandard reference. In Article 4, in subdivision D there is a reference to the New York State Uniform Fire Prevention and Building Code and it's referred to as the Building Code and that's doesn't conform to the usage in the Code itself and the Code itself refers to the Uniform Code. The next comment is one of the longer more general ones. The topic of environmental resource protection. In Article 2, paragraph 4 simple recitation that the objective of this law is to mitigate impacts on environmental resources and it stops there and it's a departure from the model law because the model law continues by giving us examples of just what is meant by environmental resources – agricultural land, forests, wildlife -- and the Article 3 definitions also omits several definitions that are found in the model law that are relevant to resource protection. And Article 8 references requirements for a tier three systems and that doesn't contain any references to agricultural resources requirements unlike in the model law and these are troublesome because it not only renders the local law a bit vague and perhaps less protective of the environmental resources it's supposed to protect especially with reference to agriculture. It seems to me to conflict with the public policy statement that's expressed in the exiting local law, Town Code Chapter 46, and the totality of omissions raises the possibility that it's not impossible that the law might be found invalid because it doesn't accord with the 2016 Comprehensive Plan with which it must comply. The last comment has two subheadings, both refers to Article 10, the Permitting Procedure. It sets an 18-month deadline for completion of construction although it said that the applicant or the Town can extend the time by 180 days, another six months. Parenthetically I think that using 4 as it's used here suggests a possibility that an applicant can somehow give itself an extension even if the Town doesn't approve. That's certainly can't be what's wanted, that's what it suggests. A lawyer could seize on that and I know because I've been doing that sort of thing for a lot of my adult life. If you meant 'and,' you could say and. If you say 'or,' it means one or the other. And elsewhere there are

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provisions for the Town granting the approval of an extension. Be that as it may it certainly means that only one extension can be gotten and that means there's an inflexible deadline that construction must be completed in two years from approval. That's half of what is available in terms of time to complete in the model law and on top of that let's remember upstate New York is a place where the typical construction season is eight months, maybe more maybe less, depends on the weather. That means that an approval that's given in the autumn of the year only gives the applicant one full construction season with the possibility of a six-month extension. That would extend close to the end of the next year's construction season and I wonder if that's gonna be enough to accommodate a large complex system which in addition to being subject to the weather is also subject to delay by forced majeure events and forgive me for using Latin. Force majeure is generally understood to be overwhelming force. For example, the project can't proceed because there's a supply chain bottleneck and the builder can't get the material. For example, there is a strike and the construction project can't proceed because the contractor can't find employees. I'm sure there's lots of other events that could be referred to as force majeure events, but that's not possible to be taken into consideration because as the law now provides you can only at best get 24 months. And lastly as far as concerns decommissioning, this is Article 10 and it also implicates the example in Appendix 4, they're inconsistencies between different provisions about what event or events and give rise to the operator's duty to decommission the place. It uses the term abandonment, but I've not been able to find an ambiguous definition of what abandonment means. There are inconsistencies as to when the time allowed for begins to run, whether it occurs on the happening of some triggering event or whether it occurs at the time of the Town's direction to the operator to proceed. In the time that's allowed to complete the implementation is inflexibly set at one year with no authority at all to grant extensions. This creates the same problem that I was just speaking of in reference to the time to complete construction. A large complex system might very well require more than a year to be properly decommissioned and indeed at the outset the Town is supposed to be told by the applicant how long the decommissioning should take. So that puts the Town in the impossible position of having been told it's gonna take more than a year, but being unable under its own law to be able to figure out an extension. And finally there doesn't seem to be any consideration given to the possibility that it might be necessary to continue monitoring after the decommissioning is completed. One of the provisions of the example plan is the removal of hazardous waste which is exactly what the plan ought to require, but if there's been hazardous waste there, there are always the possibility of leaks and spills. It might be necessary to continue to monitor groundwater for an extended period and if there's some kind of lingering environmental damages found, there's the next question of who's going to pay to remediate it. And finally I promised I'd have a question and it's simply this, has there been or will there be any State Environmental Quality Review Act evaluation of the action? People often refer to this by the acronym SEQR.

**Supervisor Ruso:** Yes. The answer is yes.

**James Eckl:** I understand very well that this body knows what SEQR is, but I am not aware that there has been any evaluation of it and I trust that there will be. Will the evaluation be done after the Board has had the chance to consider the comments of the County Planning Board?

**Supervisor Ruso:** Yes, indeed. It's part of that process.

**James Eckl:** So it's in the future sometime. Very well. Thank you, thank you all.

**Eileen Vosburgh:** I just have two comments, one question. Will the moratorium still continue to the six-month end?

**Supervisor Ruso:** At this point I would say probably because the Planning Board, the Greene County Planning Board, I believe the moratorium ends January and here we are at the end of September so I can't speak of the timeframe for the Greene County Planning Board, but I can see that that's going to be I don't know how long. Maybe 30 days, maybe 90 days. It's in the hands of the Greene County Planning Board right now.

**Eileen Vosburgh:** As it's stated now it's in the hands of the Greene...

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**Supervisor Ruso:** No, they have to review this before the Board can vote to do anything except change the moratorium, all those things. The Greene County Planning Board, we need to give them the opportunity to review this.

**Eilleen Vosburgh:** But will our Planning Board have more time to discuss it?

**Supervisor Ruso:** No, it's not in the Planning Board's hands now.

**Eilleen Vosburgh:** Do they have the final copy of this law?  
e.

**Supervisor Ruso:** Well, it's published on our website.

**Eilleen Vosburgh:** Well Ann Marie seemed to think that she didn't have the most recent.

**Supervisor Ruso:** That was Bill's question actually.

**Ann Marie Vadney:** I got it off the website.

**Eilleen Vosburgh:** So any questions that people have now it's not going to be discussed with the Planning Board or...

**Supervisor Ruso:** The Planning Board has been through this.

**Councilmember VanEtten:** There was a committee of people putting it together.

**Supervisor Ruso:** This is not the Planning Board's decision. This is the Town Board's decision and we're just following the process now.

**Eilleen Vosburgh:** Okay so these comments will be reviewed by the Town Board and then after that will people get to see any changes?

**Supervisor Ruso:** Probably, possibly, yeah.

**Eilleen Vosburgh:** And then it goes to the Planning Board.

**Supervisor Ruso:** I see some things such as Mr. Eckl pointed out and others that could warrant whether it's a minor change or more substantial.

**Councilmember Boehlke:** Most likely if we make any alterations, we're gonna put it back on the website. We'll list the changes from this.

**Supervisor Ruso:** Like the word 'or.' I can see that would be a change. That's just one word change as opposed to some of the other things. Alright, so I have three comments here. Anything else from anyone else? This is your last moment of opportunity. Okay, so thank you for that, the process carries on.

Motion by Councilmember VanEtten, seconded by Councilmember Boehlke to close the Public Hearing at 7:08 PM.

AYES: Ruso, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Downes

**Motion Carried**

Respectfully Submitted,

Barbara M. Finke RMC  
Town Clerk

**PUBLIC HEARING AT 6:30 ON LOCAL LAW 4 OF 2022, TOWN OF NEW BALTIMORE REVISED SOLAR LAW**

**AGENDA  
TOWN OF NEW BALTIMORE, COUNTY OF GREENE  
TOWN BOARD WORK MEETING**

**SEPTEMBER 26, 2022**

*Please turn off all cell phones and electronic devices.*

**Reports**

Supervisor

County Legislator

Town Clerk

- Presentative of 2023 Tentative Budget
- September 12, 2022 Town Board Regular Meeting Minutes

Historian

Agriculture/AgFest (Chair Boehlke/Member Irving)

Animal Control (Chair Irving, Member Ruso)

Assessment (Chair VanEtten/Member Ruso)

- Resolution to Reappoint Board of Assessment Review Member

Audit and Budget (Chair Ruso/Member Downes)

- 2023 Budget Workshop

Buildings & Grounds/Recycling (Chair Irving/Member Boehlke)

Building Inspector/Code Enforcement Officer (Chair Downes/Member Ruso)

Fire, EMS & Law Enforcement (Chair Dellisanti/Member Downes)

Grants/Promotions/Economic Development (Chair VanEtten/Member Ruso)

Greene County Planning Board (Boehlke)

Highway (Chair Ruso/Member Downes)

Insurance (Chair Ruso/Member Downes)

Personnel (Chair Ruso/Member VanEtten)

Planning Board/Zoning Board of Appeals (Chair Boehlke/Member Irving)

- Resolution Approving Issuance of Second Hand Junk & Auto Parts Dealers' License for J.B. Car Services

Seniors (Chair VanEtten/Member Downes)

Technology/Website (Chair Downes/Member Boehlke)

Town Courts (Chair VanEtten/Member Ruso)

Veterans and Memorials (Chair VanEtten/Member Irving)

Wastewater Treatment (Chair Irving/Member Boehlke)

Youth, Parks and Recreation (Chair VanEtten/Member Boehlke)

- Resolution to Approve Installation of Fiber Optics to the Concession Stand at Cecil Hallock District 2 Park

**Upcoming Meetings**

- October 5, 2022 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- October 12, 2022 Town Board Regular Meeting at 7 PM
- October 13, 2022 Planning Board Meeting at 7 PM
- October 24, 2022 Town Board Work Meeting at 7 PM

**Public Comment Period/Community Events**

**Audit of Claims**

**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.

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**OPENING OF WORK MEETING**

Supervisor Ruso opened the Work Meeting at 7:12 PM and the Pledge of Allegiance was said. Also attending Councilmembers Boehlke, Irving, and VanEtten; Deputy Supervisor Dellisanti; County Legislator Linger; Town Clerk Finke; Highway Superintendent VanWormer; and 13 members of the public who signed the attendance book. Absent: Councilmember Downes

**Supervisor Ruso:** The monthly financial reports for August were forwarded to all members. Have you had the chance to review them? I'd like to make a Motion to accept the August financial reports.

**Councilmember Boehlke:** I'll second.

AYES: Ruso, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Downes

**Motion Carried**

***County Legislator Pat Linger***

So we have two public hearings that we scheduled this month. One is on Local Law 3 of 2022 repealing and replacing Local Law 2 of 2022, that's the Energize NY Open C-PACE Financing Program. It's a fairly minor change that had to be made to that, but we had to make it nonetheless and go through the whole process. That is on October 5 at 5:55 PM at the Legislative Chambers. We've also scheduled a Public Hearing for the 2023 Budget on October 26, 6 PM at the Catskill High School Auditorium. A couple of notes that we will be paying off the College debt service a year early with \$1 million from fund balance. This gives us room in the budget for future bonding to build out the new Criminal Justice Center in Catskill and the new Community Health Center, Exit 21 West property with no increase in the County budget. We've also begun the process of installing the new natural gas line to that property for development. On the Exit 21 East property, that's the IDA's property, Stewart's is going to purchase the front parcel, we will take over their building for our Tourism building, the draft term sheet has been sent to the developer for an 80-room hotel, leaving one parcel left for future development. Per the terms of our lease agreement with Cocksackie, we are purchasing the solid waste transfer station on Plank Road. The improvements there are expected to be completed with the facility reopened in late October. One last note is a new contract has been agreed to by the Highway Department and our Board will vote on that contract next month.

**Ellie Alfeld:** How many County workers we're talking about?

**County Legislator Linger:** That's for County, yes. The contract that we reopened. They have agreed to a new contract.

**Supervisor Ruso:** The Transfer Station, that's owned by the Town?

**County Legislator Linger:** That is owned by the Village of Cocksackie I believe.

**Supervisor Ruso:** Interesting, I didn't know that.

**County Legislator Linger:** It has been, we've been leasing it, and then with improvements we were given the option to buy for \$1.

**Ann Marie Vadney:** Cocksackie's lawyer must have been very smart years ago with the water.

**County Legislator Linger:** So we're gonna take advantage of that. We just put almost \$2 million into it 20.

**Eilleen Vosburgh:** Pat, Main Street at the bottom of Washington you know those whatever they are, don't drive over me, there was a big hole there. What's going on with that?

**County Legislator Linger:** Is it still there or was that from quite awhile back?

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**Eilleen Vosburgh:** No, it is still there.

**Highway Superintendent VanWormer:** Like right at the bottom of Washington Avenue.

**County Legislator Linger:** Yeah, that's happened before where that culvert is underneath.

**Highway Superintendent VanWormer:** No, it's a different one.

**County Legislator Linger:** It's a different one, this is the first time I'm hearing about it.

Many speaking at once and inaudible.

**County Legislator Linger:** Main Street, where the County owns, the intersection of Washington Ave. I'll call Scott tomorrow.

**Eilleen Vosburgh:** On the east side, those whatever they're called, they've been there a couple months now.

**Ellie Alfeld:** Pat, I want to compliment the people that arranged the Recycle Center. It really met the needs of almost everybody. I know in New Baltimore people have asked me 'where can I go, what happened?' They didn't even know how to get to the temporary place and those guys have been terrific so I think they deserve a hand.

**County Legislator Linger:** It met a good need, it was better getting traffic in and out of there, the Transfer Station, while work was going on.

**Ellie Alfeld:** It really worked well for a lot of people.

***Town Clerk Barb Finke***

14 Building Permits \$3,065.90, 6 Certificate of Occupancy Searches \$300, 1 E-Z Pass Tag \$25, 13 Hunting/Fishing Licenses \$50.57, 27 Dog Licenses \$186, 1 Replacement Tag \$2, 7 Late Dog Licenses \$35, 1 Demolition Permit \$75, 2 Resident Park Rentals \$50, 1 Non-Resident Park Rental \$50, 2 Minor Subdivisions \$150, 1 Above Ground Swimming Pool \$60, 5 Certified Copies \$50, 1 Genealogical Copy \$22, 5 Photo Copies \$1.25, State, County & Local Revenues \$4,919.15 to New York State Agriculture and Markets for Spay/Neuter Program \$35, to New York State Department of Environmental Conservation for Hunting/Fishing License \$761.43, Total to Supervisor \$4,122.72.

**Supervisor Ruso:** We have the Tentative Budget presented to the Town Clerk today. I guess this is the place to discuss some matters. I want to thank Councilmember Downes who's not with us tonight and Deputy Supervisor Dellisanti for their assistance in this. Are there any major points that you think that you think should be made, Mr. Dellisanti, for discussion tonight?

**Deputy Supervisor Dellisanti:** This is our 9<sup>th</sup> year in a row of reducing taxes in the Town.

**Supervisor Ruso:** There are some things that are happening like with the Highway Budget for instance. This month we've paid off the excavator, last payment. We do not have a bonded payment in 2023.

**Ellie Alfeld:** Wow.

**Supervisor Ruso:** Right there knocks almost \$30,000 off your budget. Not that we're spending less, we just don't have that there and with the purchase of the new truck that won't come until next year, we're paying for that entirely out of ourselves and the second new truck which would come in I believe in this coming spring.

**Highway Superintendent VanWormer:** We could see it in March.

**Supervisor Ruso:** We have \$100,000 of ARPA money being applied towards that purchase and we will be bonding the other \$120,000.

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**Highway Superintendent VanWormer:** \$206,000.

**Supervisor Ruso:** \$206,000 minus \$100,000, so it's \$106,000. But that first bond payment won't be until 2024 so there's no bond payments in 2023 which gives us a little reprieve. Those are some of the more major things. We had to increase some costs associated with because we don't know what's going on with energy costs right now. We don't know. There is one thing for those, I think there's one person in the hamlet here that I'm aware of, is there more than one? We are going to have some changes and you'll get information on this, but some issues came up with the sewer department and the sewer department had a total of unallocated fund balance of \$358,177. It's gone up a little since I wrote this down. We also have a reserve of \$34,000. Well, our annual budget is reflective in the neighborhood of \$150,000 for the sewer operations so having \$358,000 is more than double the operating costs in one year. So what are we going to do about that? By the way the State does not like us to maintain high balances such as that, multiples of one year of operation. So we're going to do the following. We have an EFC loan, the remaining balance on that is \$100,000. So we're going to pay that. That's a loan that was taken out in 2013. We're gonna pay that \$100,000 off. That'll leave us with about \$258,000. We're gonna put \$120,000 into the Reserve so that will bring our Reserve up to \$154,000. Why? Because we don't want anything that resembles what happened in the Water District, for some major catastrophe happens and we're standing there with our hands in our pocket. And the difference of that would bring us to \$138,000. So for 2023 what the residents of the sewer district will have -- and don't hold me to the exact dollar, but we're going to cut the -- for one year only -- fees by 50 percent. So right now we've been paying \$66 per point. So someone who has 10 points on their home would be paying \$666. Not so for next year. It will be about \$333. So the sewer district will for 2023 have approximately 50 percent of their typical bill reduced. And there's still money left over, but we want to evaluate what will be left over this time next year and perhaps we'll have an extension of that discount into 2024. But let's cross the first bridge first. So those are some of the more biggest things that we're doing here and all that information I just described will have the exact dollars. I can't give you the exact dollars until the budget is finalized. The Board has an opportunity to have input and so forth into the final development of the budget. So that's where we're going. Is there anyone have any thoughts or questions about the budget as it stands?

**Councilmember Irving:** There was some reluctance in the waste treatment upgrade initially, but I think it's shown that proper maintenance with the waste treatment plant and to keep up that proper maintenance is important and has left us in a good place. Just like your own automobile. If you let it go, it's gonna give you a little trouble and it's going to be expensive.

**Supervisor Ruso:** I don't know if you share the worry that we had with the Water District if there's a major, I'm not talking about the plant itself, but if there is some major line breakage and so forth.

**Ellie Alfeld:** Remember how old the piping is

**Supervisor Ruso:** Yes, so that's why we're going to put into the Reserve approximately one year of operations in case something goes bad. We don't know. So it will be there. The only other thing I want to talk about, Nick actually brought it up, it's not on the Agenda, but I just want to point it out because this was only published on Friday and it's reflective of our budgets this year and times gone by. The Town of New Baltimore, the Office of the State Comptroller has released the fiscal scores and the Town of New Baltimore has a score of 0.00, the best score one can get is 0.00. It's when you start getting the ten-point-something or a twenty-two-point-something. There was a local community that had a 45. That was a number of years ago. They've improved. So nevertheless we like being at 0.00 which means we have no stress is what they call us. Nevertheless I thought I'd make that point and that was only published on Friday last week from the Comptroller's Office.

**Ellie Alfeld:** Anyway I'd like to know if the Board in figuring this budget has given any thought to the community as far as involvement with the people (unable to understand) there was not one celebration this year and I don't know if we had one last year like the Memorial Service or the Veterans flying of the flags. There's no involvement and I'd really think...

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**Supervisor Ruso:** Shelly, would you want to discuss that?

**Councilmember VanEtten:** Yeah, I do. There wasn't any involvement because of COVID, but this year again the Veterans luncheon will be held in February and things will be back on in February will be 2023. But you're right and many of the Veterans felt it was too soon to rush into.

**Ellie Alfeld:** Seems like even the flags weren't acknowledged shall I say for the day and I'm only talking about one day of community involvement. The other thing I'd like to ask about is how are you doing with the Town workers employees as far as the union?

**Supervisor Ruso:** Well, we're going to mediation. We had a few, well, actually I think we had three sessions and the last entry in the session was the proposal from the Town. We gave a counterproposal and we've been anticipating a response. And we've submitted that in April and we've not gotten a response until approximately three-four weeks ago when they said 'let's go to mediation.' I think everybody was surprised by jumping straight to mediation because the problem with mediation, or it's a benefit, it's a two-way street, is mediation by it's very definition goes to the middle point because in terms of a financial, we thought we'd have this solved by now. The difference is we have offered a \$2.50 raise and they are looking for a \$3 raise and we had actually thought we'd just go to \$2.75, but they went to mediation instead and I bet you the mediation will recommend, it's not binding, will recommend somewhere around \$2.75. But it just delays it that's all.

**Ellie Alfeld:** The reason why I mention this is as you know at a previous meetings I've said when we try to hire people that I thought we were not offering enough to get people for the Highway Department primarily at the starting rate that you were offering. In checking the *Times Union* yesterday, I was amazed to find CDL drivers, non CDL B required at \$20 an hour and that was a community, it was with the state pension.

**Supervisor Ruso:** Well, this would bump them above that figure. Even at the \$2.50 would bump them ahead just to let you know. Our negotiations are just mediation was the next step and the mediation step is we determine a mediator, they give us a list of 10 people, and the Town says these are good and the union says those people are good and we finalize on one and heaven forbid I don't know where we are in that process of selecting mediator. I think we're in nowhere.

**Ellie Alfeld:** Have we filled the vacancies that we have on hand?

**Supervisor Ruso:** We actually just without getting into details, we just added a new vacancy which I can't discuss. Nevertheless that's where we are.

The September 12, 2022 Town Board Regular Meeting submitted by Town Clerk Finke Moved by Supervisor Ruso and was seconded by Councilmember VanEtten. The adoption of the foregoing Motion was duly to a vote and the vote was as follows:

AYES: Ruso, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Downes

**Motion Carried**

***Assessment***

**TOWN OF NEW BALTIMORE, COUNTY OF GREENE**

**RESOLUTION 130-2022**  
**SEPTEMBER 26, 2022**

**RESOLUTION TO REAPPOINT BOARD OF ASSESSMENT REVIEW MEMBER**

**RESOLVED** that Bernard Jones is reappointed to the Board of Assessment Review until September 30, 2027.

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Motion by Supervisor Ruso seconded by Councilmember Boehlke

AYES: Ruso, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Downes

**Motion Carried**

**Supervisor Ruso:** Please do email me and of the like because I will have my email about anything on the budget, any line item. I'll have it with me. Remember I'm five hours ahead of you.

**Councilmember Irving:** Yes, I understand that we're moving ahead with the front building plans from the engineering firm.

**Supervisor Ruso:** Yeah, they submitted something just this week.

***Recycling Center Operator Kirk Trombley***

Monthly Report for September, 8/24/22-9/26/22, 60 Gallon Bags of Plastic (No Hard Plastics) 12, 13 Bundles of Magazines and Phone Books, 57 Bags and Bundles of Newspaper, 19 Boxes and Bundles of Cardboard, 9/24 1 Small Refrigerator. Monthly Report for August, 7/27/22-8/22/22, 60 Gallon Bags of Plastic (No Hard Plastics) 9, 20 Bundles of Magazines and Phone Books, 47 Bags and Bundles of Newspaper, 94 Boxes and Bundles of Cardboard, 8/20 1 Dryer, 7/30 1 Washer. Monthly Report for June, 5/25/22-6/27/22, 60 Gallon Bags of Plastic (No Hard Plastics) 10, 9 Bundles of Magazines and Phone Books, 55 Bags and Bundles of Newspaper, 103 Boxes and Bundles of Cardboard, 6/22 2 Air Conditioners, 6/22 1 Small Refrigerator, 6/4 1 Washer.

**Supervisor Ruso:** I must tell you that I've had a few people tell me, they even come from other Towns, they bring their air conditioner to ours or their refrigerator to ours, or their washer and dryer because if you bring it to the County, they charge you \$7.50, but the contractor who does our metal recovery here, he says 'throw it all in, we'll pay the Town for the amount of metals.' So we're already getting, when you bring it for free, we're already getting paid, we don't need you to open your wallet either. But it's filling up faster is the thing because I guess word is getting out. One guy brought seven air conditioners over. Nevertheless I thought I'd point that out and he thanked me.

**Ellie Alfeld:** But that started under your service 2½ years ago.

**Supervisor Ruso:** Oh, more than that. Nick was the boss then.

**Highway Superintendent VanWormer:** The dumpster is full right now, they're supposed to pick it up again tomorrow.

**Ellie Alfeld:** It's money in our coffers.

***Code Enforcement Officer Allan Jourdin***

Summarization of Building Inspector/Code Enforcement Officer activities for August, 2022, is as follows: Building Inspections: 28; Building Permits Issued: 10; Building Permits Renewed: 2; Building Permit Renewal Letters Sent: 6 First Notice; 3 Second Notice; Certificates of Compliance Issued: 5; Certificates of Occupancy Issued: 3; Demolition Permit Applications Received: 1; Demolition Permits Issued: 1; Total New Building Permit Applications Received: 9; Total New Building Permit Applications Awaiting Permit Issuance: 9; Open Building Permits: 197; Pool Permit Applications Received: 1; Pool Permits Issued: 2; Application Fees for August, 2022: \$3,200.90; Total Fees for Year to Date: \$24,661.47

***Greene County EMS Representative Nick Dellisanti***

The regular monthly meeting was held on Tuesday, September 20, 2022. There were 20 EMS calls in August for a total of 102 for this year 2022. We had 110 calls for all of 2021.

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**Deputy Supervisor Dellisanti:** So we are closing in on a major increase for 2022. The last three meetings were 18, 20, and 20 which is the highest we've ever had since we've been around.

**Supervisor Ruso:** How much does the Town pay per?

**Deputy Supervisor Dellisanti:** \$255-and-change.

**Supervisor Ruso:** We pay \$255 for every call for Greene County EMS. So we're at 102 we can only afford eight more for the rest of the year.

**County Legislator Linger:** Well, you know, Jeff, we did have an accident last month in Coxsackie, but we did have all five Medic trucks that were at that accident.

**Supervisor Ruso:** Oh, yeah, I didn't say the costs aren't real.

**County Legislator Linger:** They do a great job for us.

**Supervisor Ruso:** We just had another bad one in Athens this weekend.

***Highway Superintendent Alan VanWormer***

Highway Report August 22 to September 26, 2022 Mill and filled bad spots on West Deans Mill Road; Mowed and weed whacked parks, Town Hall, and Highway Garage as needed; Put new rotary light on 2013 International plow truck, Unit #7; Replaced 12" x 40' culvert on West Deans Mill Road; Mowed along roads; Replaced 10" x 20' driveway culvert on West Deans Mill Road; Blacktopped Road crossing and driveway culvert on West Deans Mill Road; Picked up yard sale signs from Town Hall, repainted and put up; Repaired blacktop area in front of recycle shed; Built new concrete retaining wall at intersection of New Street and Washington Ave, to replace fallen over wooden one; Reanchored new chair at Cornell Park; Installed two new benches and picnic table at Cornell Park; Had two new tires installed on rear of Roadside Mower tractor; Picked up 1996 International dump truck from W&W with new transmission; Replaced sign for Wyche Lane; Removed fallen tree from Shady Lane; Replaced front and rear brakes on 2012 F-350 pickup Unit #1; Measured a portion of School Hill Road for possible oil and stone; Removed leaning tree on Old Kings Road; Hauled Item #4 stone to School Hill Road, York raked and rolled; Repaired school bus turn around on Sunset Hill Road; Cleaned up large pile of brush and debris dumped on Haas Hill Road; Hauled in more #1 stone and dry screenings to mix more Item 4; Monday Sept. 4 checked all grates and drains in hamlet before heavy rain; Started hauling in large concrete blocks for Shady Lane Repair; Picked up garbage at Town Hall as needed; Changed EGR valve on 2006 f-350 truck number 10 may have to go to Crossroads for EGR cooler replacement.; Grader patched bad spots on Haas Hill Road; cleaned blocked culvert on Sunset Hill Road; Sent two trucks to assist Town of Coxsackie with oil and stone; Sent our boom Mower to mow some roads for the Town of Coeymans; Cleaned ditches on Mirror Lake Road side of Haas Hill Road; Took down yard sale signs; Picked up Garbage left at District 2 park; Removed fallen tree on High Rock Road; serviced all lawn mowers; Changed oil on 1996 International dump truck, truck #8; Changed oil on 1985 International Dump Truck Truck #9; Replaced plow blade on 2011 International plow truck #13; Added some blacktop to Town Hall parking lot to make easier for winter plowing. I do have a question. What is the Board's recommendations on whether or not we keep trash cans in the District 2 park? It seems like almost every time we leave cans there, people don't take their garbage.

**Supervisor Ruso:** I say take it out.

**Councilmember VanEtten:** So if it wasn't there would they then just leave it on the ground?

**Highway Superintendent VanWormer:** I actually put notes on the cans. It says 'These cans are provided for your courtesy. Please put bags in them and take your garbage when you're done.'

**Councilmember VanEtten:** But you just did that right just recently?

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**Highway Superintendent VanWormer:** Yesterday. No, they've been there since I put the new cans there. But it seems like every time we leave the cans, they don't take their garbage. If we don't leave cans, we go there and there's no garbage. They must just take the bags with them. And it stunk terribly.

**Supervisor Ruso:** Sometimes people aren't going to use their head, but when they see a garbage can, they're gonna use it.

Many speaking at once.

**Supervisor Ruso:** Wyche Lane, isn't that a private road? What is it you replaced?

**Highway Superintendent VanWormer:** The red and white sign.

**Supervisor Ruso:** Isn't that on them to replace it?

**Highway Superintendent VanWormer:** When we first started putting them signs up it was the same for them as anyone else. If their's gets damaged or destroyed, we replace it. We've got a ton of them hanging in our shed over there. We may even never use them.

**Supervisor Ruso:** Question #2, the School Hill Road is this the portion of the road that you discussed with me that's seasonal?

**Highway Superintendent VanWormer:** Yes. Well it used to be seasonal.

**Supervisor Ruso:** Still is.

**Highway Superintendent VanWormer:** But now there's houses built up there so we have to keep it maintained.

**Supervisor Ruso:** There is one particular house that never notified the Town that they were building it. There's no building permit, there's no Certificate of Occupancy, they built a house on a seasonal road and that causes a bit of a problem.

**Highway Superintendent VanWormer:** There's two of them up there.

**Supervisor Ruso:** One of them did notify the Town, but the other one refused to do a building permit, the one that looks like a barn.

**Highway Superintendent VanWormer:** Yeah, he can be a little cocky. I know who you're talking about.

**Supervisor Ruso:** I don't want to mention names. So you might not need to worry about that because I have reasons to believe that that house will be red tagged by rather soon and you just can't build a house. He said he had a barn and it turned out the barn is now a dwelling is really what it entails. I don't know. Is that the person who wants the road to be repaired?

**Highway Superintendent VanWormer:** Actually he's the person that wants to own the road behind where he lives, he wants to own it. If we're not gonna keep the road or if we're gonna keep the road, I would like to put stone and oil on it only because every time it rains, probably today when we had that rain, what we just put up there washed to the bottom of the hill again.

**Ellie Alfeld:** Didn't you just do something like that about six to eight months ago when they were on your list?

**Highway Superintendent VanWormer:** Yeah, we keep putting item 4 on it and raking it and rolling it, but next time it rains hard it just washes right to the bottom.

**Councilmember VanEtten:** Alan, how are you coming on District 3 Park?



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**Highway Superintendent VanWormer:** I got two more places to blacktop and we have to do the shoulder repair on Shady Lane. That should put us probably I'm gonna say we could probably do all three of those jobs in a week and then we'll be out there and we'll stay there until it's too cold to work outside.

**Supervisor Ruso:** Running out of time.

**Councilmember VanEtten:** Unfortunately, getting cold quick this year.

***Planning Board Chair Rob VanEtten***

The Planning Board met on September 8, 2022, with the following business transacted. ...Public Hearing was held on the Charles Haegele, Jr. Minor Subdivision Application for a two-lot subdivision of property owned on Route 51. In the Regular Monthly Meeting that followed: ...The Haegele minor subdivision was approved. ...Required document acceptable to the Planning Board for its records reflecting the corporate ownership change within the J.B. Car Services, Inc. corporation was presented. With the receipt of this document, resolution was presented and approved renewing the Special Use Permit for the one-year period ending June 30, 2023, as well as allowing for the renewal of their Secondhand Junk and Auto Parts Dealers License for the same time period. ...Dale and Laurie Hitchcock submitted Minor Subdivision Application to subdivide off a four-acre parcel from property owned on Saw Mill Road. Purpose of proposed subdivision is to allow a family member to build a home. The required Public Hearing was scheduled for 7 p.m. October 13, 2022. ...Bryan Flynn from Suncommon presented Special Use Permit Application on behalf of Kevin Pacuk for a 13.2 kW roof mount solar array to be placed on Mr. Pacuk's home on Route 51. Being just over the allowable maximum capacity of 12 kW for expedited process and a project that would not affect the health, safety and public welfare of the community, the Board waived the need for a Public Hearing on the Kevin Pacuk Special Use Permit Application and moved forward with verbal approval of the application. Formal resolution will be presented at the October Planning Board Meeting.

**TOWN OF NEW BALTIMORE, COUNTY OF GREENE**

**RESOLUTION 131-2022**  
**SEPTEMBER 26, 2022**

**RESOLUTION APPROVING ISSUANCE OF SECOND HAND JUNK & AUTO PARTS  
DEALER'S LICENSE FOR J. B. CAR SERVICES**

**WHEREAS** Yevgeniy Sandul is the operator of J. B. Car Services, Inc. located at 241 Flatbush Road, West Coxsackie, New York and appeared before the Planning Board on September 8, 2022 for renewal of the Special Use Permit.

**WHEREAS** the Planning Board recommended the Special Use Permit for J. B. Car Services, Inc. be renewed for a one-year period expiring June 30, 2023.

**NOW, THEREFORE, BE IT RESOLVED** that J. B. Car Services Second Hand Junk & Auto Parts Dealers' License be renewed for a one-year period expiring June 30, 2023.

Motion by Supervisor Ruso seconded by Councilmember Boehlke

AYES: Ruso, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Downes

**Motion Carried**

***Zoning Board of Appeals Chair Pat Linger***

The Zoning Board of Appeals did not meet on September 7, 2022, since there were no applications to come before the Board.

**TOWN OF NEW BALTIMORE**                      **Draft 10/4/2022**  
**COUNTY OF GREENE**                              **Adopted 10/12/2022**  
**TOWN BOARD WORK MEETING**  
**TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087**  
**SEPTEMBER 26, 2022 – Page 9**

***Town Court***

The following is the Town of New Baltimore Court monthly report for August 2022.

- Total August monies received was \$15,436.94
  - Judge Huff                      \$11,908.994
  - Judge Konsul       \$3,528.00
  - State/County Share\*              Town Share\*
- Total 2022 (January-August) monies received \$166,342.00
  - State/County Share \*              Town Share \*
- Total New Cases Received 147

\*State report not available at this time.

\*Court office hours have been changed.

Monday 10:00-3:00

Tuesday 9:45-4:30

Wednesday – Friday 10:00-3:00

***Youth, Parks and Recreation***

**TOWN OF NEW BALTIMORE, COUNTY OF GREENE**

**RESOLUTION 132-2022**  
**SEPTEMBER 26, 2022**

**RESOLUTION TO APPROVE INSTALLATION OF FIBER OPTICS  
TO THE CONCESSION STAND AT CECIL HALLOCK DISTRICT 2 PARK**

**WHEREAS** State Telephone Company has offered to install fiber optics cable including digging the trench and burying the cable at no cost to the Town and provide free service during summer months for the concession stand.

**RESOLVED** the Town Board of the Town of New Baltimore approves the installation of fiber optics and related service to the Concession Stand at Cecil Hallock District 2 Park at no cost to the Town.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Downes

**Motion Carried**

**Upcoming Meetings**

- October 5, 2022 Zoning Board of Appeals Meeting at 7:30 PM if Needed
- October 12, 2022 Town Board Regular Meeting at 7 PM
- October 13, 2022 Planning Board Meeting at 7 PM
- October 24, 2022 Town Board Work Meeting at 7 PM

**Public Comment**

**Eileen Vosburgh:** I just want to know when the playground equipment is coming?

**Councilmember VanEtten:** I just spoke to him the other day. Unfortunately, it's not going to be here until mid-winter. That shipment has been put off as with everything and so it's gonna be early spring installation and there's nothing we can do about that. I mean like everything else is pushed back.

**Ellie Alfeld:** Are they delivering it, Shelly, and we have to store it?

**Councilmember VanEtten:** No, they're installing it.

**Supervisor Ruso:** They're gonna install it in the winter?

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**SEPTEMBER 26, 2022 – Page 10**

**Councilmember VanEtten:** No, it's gonna be here in mid-winter so it's gonna be an early spring installation.

**Supervisor Ruso:** So now what I'm going to do is we plan on going to Executive Session so I'm gonna make a Motion that we go to Executive Session to discuss an issue that involves the medical, financial, credit, or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation.

**Councilmember Boehlke:** I'll second.

AYES: Ruso, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Downes

**Motion Carried**

The Town Board moved to Executive Session at 7:55 PM.

**Ellie Alfeld:** Just to let you know Church lunches start October.

Motion by Supervisor Ruso, seconded by Councilmember VanEtten to return to the Work Meeting at 8:07 PM.

AYES: Ruso, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Downes

**Motion Carried**

**Supervisor Ruso:** Report of our Executive Session, no action was taken. The Town Board decided to follow the question at hand was a variance to a provision in the Town Handbook. We decided to stick with the existing Town Handbook as approved by Town Board. So there is nothing to be said.

**TOWN OF NEW BALTIMORE, COUNTY OF GREENE**

**RESOLUTION 133-2022**

**SEPTEMBER 26, 2022**

**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 2022b-09-01 to 2022b-09-30, it is

**RESOLVED** that the Supervisor is hereby authorized to pay claims 2022b-09-01 to 2022b-09-30.

**BE IT FURTHER RESOLVED** that the Town Clerk will prepare an abstract and hold it for public review until October 31, 2022.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Downes

**Motion Carried**

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Motion by Councilmember VanEtten seconded by Councilmember Irving to adjourn the meeting at 8:10 PM

AYES: Ruso, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Downes

**Motion Carried**

Respectfully Submitted,

Barbara M. Finke RMC  
Town Clerk