

6:15 PM Public Hearing on Proposed Local Law 4 of 2023, a Local Law to Establish the Residency Requirements for Appointed Officers in the Town of New Baltimore

6:30 PM Public Hearing on Proposed Local Law 3 of 2023, a Local Law Revising the Solar Energy Law

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

MARCH 27, 2023

Please turn off all cell phones and electronic devices.

Reports

Supervisor

- Resolution to Adopt Local Law 3 of 2023, a Local Law Revising the Solar Energy Law
- Resolution to Adopt Local Law 4 of 2023, a Local Law Entitled 'Town Attorney Must be a Resident of the State of New York'

County Legislator

Town Clerk

- March 13, 2023 Town Board Regular Meeting

Historian

Agriculture/AgFest (Chair Boehlke/Member Irving)

Animal Control (Chair Irving, Member Ruso)

Assessment (Chair VanEtten/Member Ruso)

Audit and Budget (Chair Ruso/Member Downes)

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

- Resolution to Authorize the Supervisor to Execute an Agreement with County Waste & Recycling

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)

- Resolution to Approve 2023 Highway 284 Agreement
- Resolution to Approve Advertisement for Full-Time Heavy Motor Equipment Operators for the Highway Department

Insurance (Chair Ruso/Member Downes)

Personnel (Chair Ruso/Member VanEtten)

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

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)

Upcoming Meetings

- April 5, 2023 Zoning Board of Appeals at 7:30 PM (If Needed)
- April 10, 2023 Town Board Regular Meeting at 7 PM
- April 13, 2023 Planning Board Meeting at 7 PM
- April 24, 2023 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.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 55-2023
MARCH 27, 2023**

**RESOLUTION TO ADOPT LOCAL LAW 3 OF 2023
A LOCAL LAW TO REVISE SOLAR ENERGY LAW**

BE IT ENACTED by the Town Board of the Town of New Baltimore, as follows:

**Town of New Baltimore
Solar Energy Local Law
Local Law # 3**

1. Authority

This Solar Energy Local Law is adopted pursuant to New York State Town Law, and Municipal Home Rule Law of the State of New York, which authorize the Town of New Baltimore to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town of New Baltimore law of New York State, "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."

2. Statement of Purpose

A. This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the Town of New Baltimore by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

- 1) To take advantage of a safe, abundant, renewable, and non-polluting energy resource.
- 2) To increase employment and business development in the Town of New Baltimore, to the extent reasonably practical, by furthering the installation of Solar Energy Systems.
- 3) To mitigate the impacts of Solar Energy Systems on environmental resources.
- 4) To ensure solar projects are consistent with the Town of New Baltimore Comprehensive Plan.

3. Definitions

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical

facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

ENERGY STORAGE SYSTEM: ESS is a device that stores energy and makes it available in electric form, typically associated with residential applications.

ENERGY STORAGE POWER STATIONS: For use in commercial applications is a system that stores energy and makes it available in electric form.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground via poles, racks, or other mounting system, detached from any other structure that generates electricity for onsite or offsite consumption.

NATIVE PERENNIAL VEGETATION: native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include Roof-Mounted / Building-integrated solar energy systems with a system capacity of up to 25 KW DC

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW.

C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electricity.

4. Applicability

A. The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in Town of New Baltimore after the effective date of this Local Law, excluding general maintenance and repair.

B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

C. Modifications to an existing Solar Energy System that increase the Solar Energy System area by more than 5% of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.

D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards.

5. General Requirements

A. A Building permit shall be required for installation of all Solar Energy Systems. The Town Code Enforcement Officer will be notified by the Town Supervisor that all requirements of the decommissioning plan and the PILOT and/or CHA have been satisfied and the project is eligible for a building permit.

B. Issuance of permits and approvals by the Town of New Baltimore Planning Board shall include review pursuant to the State Environmental Quality Review Act.

C. All solar energy systems (regardless of Tier) shall be designed, constructed and installed in accordance with all applicable codes, regulations and industry standards as referenced in the NYS Building Codes.

6. Permitting Requirements for Tier 1 Solar Energy Systems

All Tier 1 Solar Energy Systems shall be permitted in all zoning districts in the Town of New Baltimore through the issuance of a Building Permit. Any Energy Storage System must be included in the permit.

A. Roof-Mounted Solar Energy Systems

1) Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:

a. Energy Storage Systems shall be installed in accordance with the most current state electrical and fire protection codes.

- b. Solar Panels on pitched roofs shall be installed to the roof surface on which they are mounted or attached.
 - c. Solar Panels on pitched roofs shall not extend higher than 3 feet above highest point of the roof surface on which they are mounted or attached.
 - d. Solar panels installed along the edge of the roof and also near the ridge need to comply with section 1204 of the 2020 NYS Fire Code.
- 2) Glare: All Solar Panels shall have anti-reflective coating(s).
- 3) Height: All Roof-Mounted Solar Energy Systems shall comply with the height limitations of 35' per zoning Dimensional table.

B. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

7. Permitting Requirements for Tier 2 Solar Energy Systems

All Tier 2 Solar Energy Systems shall be permitted in the Rural/Agricultural, Commercial, Industrial, Developmental, and Developmental/Multifamily Residential zoning districts in the Town of New Baltimore through the issuance of a Special Use Permit, as accessory structures and any Energy Storage System must be included in the permit and are subject to the following conditions:

A. Energy Storage Systems shall be installed in accordance with the most current state electrical and fire protection codes.

B. Glare: All Solar Panels shall have anti-reflective coating(s).

C. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district. Solar collectors may be installed in any front yard but shall not be less than 75 feet from any property line adjacent to a public road.

D. Height: Tier 2 Solar Energy Systems shall be subject to the height limitations of 12 feet

E. Screening and Visibility.

- 1) All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.
- 2) Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.
- 3) Section 1204 of the 2020 Fire Code also addresses ground mounted installations.

F. Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirements specified for accessory structures within the underlying zoning district.

8. Permitting requirements for Tier 3 Solar Energy Systems

All Tier 3 Solar Energy Systems are permitted through the issuance of a special use permit within the Residential/Agricultural, Commercial, Industrial zoning districts, and subject to site plan application and review requirements set forth in this Section.

A. Applications for the installation of Tier 3 Solar Energy System shall be:

- 1) reviewed by the Code Enforcement Officer for completeness and include a completed environmental impact form (SEQRA), referred, with comments, to the Planning Board for its review, which review may include approval, approval with conditions, or denial.
- 2) In order for the town of New Baltimore planning board to approve your application the board requires that you place in escrow sufficient funds to be used to reimburse costs incurred by the town for all consultant reviews, legal fees in the sum of five thousand (\$5,000) Legal and ten thousand (\$10,000) engineering, required throughout the entire Planning Board process and throughout all construction phases to the issuance of the projects Certificate of Occupancy. Should the balance of these accounts fall below 40% of the required amount you'll be notified and requested to replenish the account to the required amount by the Planning Board Clerk.
- 3) Proof of insurance. The applicant and/or the owner of the property where the Tier 3 scale solar collector system is to be located shall file with the building department proof of insurance in a sufficient dollar amount to cover the potential personal and property damage associated with construction and operation thereof before work has begun.
- 4) Subject to a public hearing to hear all comments for and against the application. The Planning Board of the Town of New Baltimore shall have a notice printed in a newspaper of general circulation in the Town of New Baltimore at least 10 days in advance of such a hearing. The Developer/Owner shall send by certified mail a notice to adjoining landowners or landowners within 750 feet of the property at least 10 days prior to such a hearing.
- 5) Referred to the Greene County Planning Board pursuant to General Municipal Law § 239-m if required.
- 6) Upon closing of the public hearing, the Planning Board shall act on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Board and applicant.

B. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, except for the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

D. Signage.

- 1) No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than 8 square feet. To the extent required by safety, signs can be larger, subject to the review and approval of the Planning Board.
- 2) As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

E. Glare. All Solar Panels shall have anti-reflective coating(s).

F. Lighting. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

G. Thin film solar panels will require initial soil testing and at decommissioning. The cost of sampling and any needed remediation shall be at the expense of the operator/property owner.

H. Tree-cutting. Removal of existing trees larger than 12 inches in diameter should be minimized to the extent possible but in no case should removal of existing trees exceed 50% of current forested coverage.

I. Decommissioning.

- 1) Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 6 months shall be removed at the Owner and/or Operators expense, which at the Owner's option may come from any security made with the Town of New Baltimore as set forth in Section 10(b) herein.
- 2) A decommissioning plan (see Appendix 4 1) signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant to the Town Board, addressing the following:
 - a. The cost of removing the Solar Energy System.
 - b. The time required to decommission and remove the Solar Energy System any ancillary structures.
 - c. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

3) Security.

- a. The deposit, executions, or filing with the Town of New Baltimore Town Clerk a bond, or other form of security reasonably acceptable to the Town of New Baltimore Town attorney, Town Engineer and Town Supervisor shall be in an amount sufficient to ensure the good faith performance of

the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal.

- b. The amount of the bond or security (minimum amount based on NYSEDA estimates unless a higher cost is deemed necessary by the town's project consultants) shall be 125% of the estimated cost of removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. The decommissioning amount shall be reduced by 50% of the estimated salvage value of the Solar Energy System.
- c. That bond or security must be reviewed or replaced at any time necessary to account for any major changes in the total decommissioning cost otherwise it shall be reviewed on the following schedule:
 - a. Every 5 years for the 1st 15 years
 - b. Every 3 years thereafter.
- d. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town of New Baltimore, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
- e. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 10(b) and 10(c) herein.

J. Site plan application. For any Solar Energy system requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

- 1) Property lines and physical features, including roads, for the project site
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures
- 3) An electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- 4) A preliminary equipment specification sheet documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit. If the property of the proposed project is to be leased a copy of the lease and if applicable other documents relating to legal consent between the parties

specifying the use and uses of the land for the duration of the project easements and other relevant agreements shall be submitted.

- 6) Provide approved interconnection agreement from Central Hudson for the proposed project.
- 7) Provide written approval from Central Hudson that the POINT OF INTERCONNECTION shown on the site plan is accurate and will not be altered beyond the scope of the project without prior approval from the Town of New Baltimore Code Enforcement Officer.
- 8) Property Operation and Maintenance Plan. Such a plan shall describe continuing photovoltaic maintenance and property upkeep.
- 9) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards.
- 10) Prior to the issuance of the building permit or final approval by the Planning Board as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect., K. Special Use Permit Standards.

1) Setbacks

Setbacks all utility-scale solar collection systems and associated buildings, accessory structures, and equipment shall have a minimum setback from any property line of 100 feet.

2) Height

All solar collectors will have a maximum height of 20 feet from ground elevation.-All buildings and accessory structures associated with the utility-scale solar collector system shall have a maximum height of 35 feet, excluding solar collectors.

3) Lot coverage

- a. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:
 - I. The surface area covered by solar panels and all area located between rows of panels shall be included in the determination of lot coverage.
 - II. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.
 - III. Paved access roads servicing the Solar Energy System.

- b. Lot coverage as defined above shall be calculated on the aggregate of all solar energy systems within the plot and not to exceed the maximum percentage coverage of the zoning. Dimensional table 112-10 Article V.
- 4) Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a fence that is 7 to 8 foot tall, as required by NEC, with a self-locking gate to prevent unauthorized access.
- 5) Screening and Visibility.

a. Solar Energy Systems shall be required to:

- I. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, shall be required to be submitted by the applicant.
- II. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.
- III. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Planning Board
- IV. If the proposed screening and landscaping plans prove to be inadequate and not to be consistent with the Town of New Baltimore's Comprehensive Plan it may result in the suspension or denial of the special use permit by the Town of New Baltimore Code Enforcement Officer.

L. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the Solar Energy System shall notify the Town Supervisor in writing of such change in ownership or operator within 30 days of the ownership change. **Failure to notify the Town Supervisor and Town Building Department in the appropriate time frame may result in suspension of the special use permit.**

9. Safety

A. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.

B. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps.

C. If Energy Storage Power Stations are included as part of the Solar Energy System, they shall, meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town of New Baltimore and any applicable federal, state, or county laws or regulations.

10. Permit Time Frame and Abandonment

A. The Special Use Permit and site plan approval for a Solar Energy System shall be valid for a period of 18 months, provided that a building permit is issued for construction. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board within 18 months after approval, or the Town of New Baltimore may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 24 months as evaluated by the Town of New Baltimore Code Enforcement Officer, the approvals shall expire, and applicant/owner will need to reapply.

B. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 6 months, the Town of New Baltimore may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of notification.

C. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town of New Baltimore may, at its discretion, utilize the bond and/or security and impose a lien on the property to cover these costs to the Town of New Baltimore for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

11. Enforcement

Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town of New Baltimore.

12. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

**APPENDIX
EXAMPLE DECOMMISSIONING PLAN**

Date

Decommissioning Plan for [_____], located at:

Prepared and Submitted by _____ the owner of _____]

As required by the Town of New Baltimore, _____ presents this decommissioning plan for _____.

Decommissioning will occur as a result of any of the following conditions:

1. The land lease, if any, ends
2. The system does not produce power for 6 months
3. The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, shall restore the property to its condition as it existed before the Facility was installed, pursuant to which may include the following:

1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
2. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
3. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.

All said removal and decommissioning shall occur within 12 months of the Facility ceasing to produce power for sale.

The owner of the Facility, currently _____, is responsible for this decommissioning.

Facility Owner Signature: _____ Date: _____

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 56-2023
MARCH 27, 2023**

**RESOLUTION TO ADOPT LOCAL LAW 4 OF 2023
A LOCAL LAW TO ESTABLISH THE RESIDENCY REQUIREMENTS FOR
APPOINTED OFFICERS IN THE TOWN OF NEW BALTIMORE**

LOCAL LAW #4 OF 2023

SECTION 1. TITLE:

This Law shall be known as Local Law No. ___ of the Year 2023 entitled "TO ESTABLISH THE RESIDENCY REQUIREMENTS FOR APPOINTED OFFICERS IN THE TOWN OF NEW BALTIMORE".

SECTION 2. LEGISLATIVE AUTHORIZATION:

This local law is authorized by the Municipal Home Rule Law sections 10(1)(ii)(a)(1), which grants to local governments the authority to enact local laws regarding the qualifications of local officers.

SECTION 3. SUPERCESSION:

This local law shall supersede Town Law, Section 23(1) in its application to local appointed officials for the Town of New Baltimore.

SECTION 4. RESIDENCY:

Requirements for appointed positions in the Town of New Baltimore shall be determined by the Town Board on a case by case basis.

SECTION 5. INCONSISTENCY:

All other local laws and ordinances of the Town of New Baltimore that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

SECTION 6. SAVINGS CLAUSE:

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 7. EFFECTIVE DATE:

This Local Law shall become effective immediately upon filing with the NYS Secretary of State in conformity with NYS Municipal Home Rule Law.

TOWN OF NEW BALTIMORE BUILDING DEPARTMENT
Hannacroix, New York

Monthly Report
March 27, 2023

Summarization of Code Enforcement Officer activities for February, 2023, is as follows:

Building Inspections: 17
Building Permits Issued: 7
Building Permits Renewed: 1
Certificates of Compliance Issued: 3
Certificate of Occupancy Search Requests: 3
Commercial Permits Issued: 2
Demolition Permit Applications Received: 1
Total New Building Permit Applications Received: 8
New Building Permit Applications Awaiting Permit Issuance: 15
Open Building Permits: 190
Septic Field Replacement Permits Issued: 1

Application Fees for Feb. 2023: \$4,293.00
Total Fees for Year to Date: \$4,549.00

Allan Jourdin, CEO

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 57-2023
MARCH 27, 2023**

**RESOLUTION TO AUTHORIZE THE SUPERVISOR TO
EXECUTE AN AGREEMENT WITH COUNTY WASTE & RECYCLING**

WHEREAS the current service agreement has expired and two quotes were procured.

RESOLVED the Supervisor is authorized to sign an agreement with County Waste & Recycling at the currently monthly rate of \$104.16.



County Waste - Ulster, LLC
 PO BOX 431, CLIFTON PARK, New York 12065
 P:(518) 828-0077 F:

CUSTOMER SERVICE AGREEMENT
 #00981550

SERVICE LOCATION

BILLING INFORMATION

Customer Name NEW BALTIMORE HIGHWAY DEPT (CM)	Customer Name NEW BALTIMORE HIGHWAY DEPT
Account Number 6220-18191126	Account Number 6220-18191126
Address 3690 ROUTE 51	Address 3690 ROUTE 51
City, State, Zip NEW BALTIMORE, NY, 12124	City, State, Zip HANNACROIX, NY, 12087
Contact Barbara Finke	Contact Barbara Finke
Phone (518) 756-6671	Phone (518) 756-6671
Email clerk@townofnewbaltimore.org	Email clerk@townofnewbaltimore.org

SERVICES AND RATES

Effective Date: 4/1/2023

Type	Quantity	Bin Size	Service Frequency	Service Type	Price
Recurring	1.00	8 Yard	EOW	8 YD EOW 1	\$104.16


PAYMENT TERMS

The undersigned individual signing this Agreement on behalf of Customer acknowledges that he or she has read and understands the terms and conditions of this Agreement and that he or she has the authority to sign the Agreement on behalf of the Customer. **TERMS: NET 10 DAYS.** State and local taxes, government franchise fees (if applicable), administrative fees, fuel surcharges and environmental fees also apply. Container relocation, container removal and seasonal restarts will be provided at additional costs.

The service agreement is for 60 months and the renewal period is for 60 months.

CUSTOMER

REPRESENTATIVE

Authorized Signature		 Samantha Palmer Broker/Sales Representative County Waste - Ulster, LLC P: (518) 877-2326 F: (518) 877-7337 @: samanthapa@wcnx.org
Printed Name		
Title	Date (MM/DD/YYYY) 03/20/2023	



Waste Management of New York, L.L.C.
 26 Patriot Place Ste 300
 Foxborough, MA, 2035
 (800) 333-6590

WM Agreement #
 Customer ID
 Acct. Name
 Salesperson
 Effective Date
 Last PI Date

S0016818528
 Town Of New Baltimore
 Tyler Doughty
 3/31/2023

Service Agreement Non-Hazardous Waste Service Summary

Service Information			
Name	Town Of New Baltimore	Contact	Amanda Eldredge
Address	3809 Co Rd 51	Telephone #	5187566671
City State Zip	Hannacroix, NY 12087	Fax #	
County/Parish	Greene	Email	clerk@townofnewbaltimore.org

Billing Information			
Name	Town Of New Baltimore	Contact	Amanda Eldredge
Address	3809 Co Rd 51	Telephone #	5187566671
City State Zip	Hannacroix, NY 12087	Fax #	
County/Parish	Greene	Email	clerk@townofnewbaltimore.org
PO#			

Service Description & Recurring Rates					
Quantity	Equipment	Material Stream	Frequency	Base Rate	
1	8 Yard FEL	MSW Commercial	1xPer Week	Fuel & Environmental/RCR	\$ 176.54
					\$ 92.91*
Current rate for Extra Pickup: \$253.00				Current FSC 22.77%, EVC 20.00%, RCR 3.60%	
				MONTHLY TOTAL	\$ 269.45*

Customer's Waste Materials not to exceed an average weight of lbs/yard.

Administrative Charge	\$ 8.50*
MONTHLY GRAND TOTAL	\$ 277.95*

Initial One Time Service Charges*

Initial Delivery	\$ 215.00
Setup Charge	\$ 0.00

As Needed Services*

The above listed Charges are for recurring services only. Charges for all additional services will be at current rates at the time of service. These include but are not limited to: extra pickups, container removal, overages and contamination. Contact Waste Management for a full list of such additional services and current prices.

*Fuel Surcharge ("FSC"), Environmental Charge ("EVC"), and Regulatory Cost Recovery Charge ("RCR") apply to all other Charges whether or not listed on this summary. Any FSC, EVC and RCR amounts shown in this Service Summary are estimated based on current percentages (as set forth herein), and actual amounts will be calculated at the time of invoicing based on current applicable percentages. Information about these charges and their calculation can be found at www.wm.com/billhelp. State & Local taxes, and/or fees and a Recycle Material Offset, if applicable, will also be added to the Charges. An Administrative Charge per invoice will be assessed and can be removed by enrolling in paperless statements and automated payments.

This Agreement does not provide for a fixed price during the Contract Term. Unless specifically provided otherwise herein, Customer should expect Company to increase Charges as allowed by Section 4(b) and Company to seek other price increases subject to Customer's consent under Section 4(c) of this Agreement. Consent to price increases may be given orally, in writing, or by notice and Customer's payment of, or failure to object to, the price increase.

Contract Term is for 3 year(s) from the Effective Date ('Initial Term'), and may be renewed thereafter for additional terms of 36 months ('Renewal Term'), pursuant to Section 2 of the Terms and Conditions, unless terminated as set forth herein.

The individual signing this agreement on behalf of customer acknowledges that he/she has read and accepts the terms and conditions of this agreement which accompany this service summary sheet and that he/she has the authority to sign on behalf of the customer.

Customer Signature _____ Printed Name _____ Title _____ Date _____

Company Waste Management of New York, L.L.C. _____ Printed Name _____ Title _____ Date _____
 Waste Management Sales Rep.

Terms and Conditions on following page(s)

GREENE COUNTY EMS

- The regular monthly meeting was held
on Tuesday, **MARCH 21, 2023.**
- There were **11** EMS calls in **FEBRUARY**
for a Total of = **29** for the year ~ **2023**
- We had **180 calls** for all of **2022**

Respectfully submitted by:

Nick Dellisanti, Deputy Supervisor

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 58-2023

MARCH 27, 2023

**RESOLUTION APPROVING AGREEMENT FOR
EXPENDITURE OF HIGHWAY MONIES**

RESOLVED that the attached Agreement for Expenditures of Highway Monies submitted by Highway Superintendent Alan VanWormer (Highway 284 Agreement) is hereby approved.

**AGREEMENT FOR THE EXPENDITURE
OF HIGHWAY MONEYS**

AGREEMENT between the Town Superintendent of the Town of **New Baltimore, Greene County, New York**, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. **GENERAL REPAIRS.** The sum of **\$100,000** shall be set aside to be expended for primary work and general repairs upon **42.68** miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

2. **PERMANENT IMPROVEMENTS.** The following sums shall be set aside to be expended for the permanent improvement of Town highways:
 - a. On the road commencing at **Sunset Hill Road** and leading to **Albany County Route 112**, a distance of **1 mile**, there shall be expended not over the sum of **\$150,000**.
Type: **Pave** Width of traveled surface: **20 feet**
Thickness: **3 inches** Subbase: **N/A**
Cold in place pave 1 mile of Staco Road from Sunset Hill Rd to Albany County Route 112 and Single Coat Chip seal.

 - b. On the road commencing at **County Route 51** and leading to **Roberts Hill Road**, a distance of **1.8 miles**, there shall be expended not over the sum of **\$155,902.50**.
Type: **Blacktop Pave** Width of traveled surface: **21 feet**
Thickness: **1 ½ inches** Subbase: **N/A**
True and Level, and Pave High Rock Road with 1.5 inches of Type 6 asphalt from County Route 51 to Roberts Hill Road.

Executed in duplicate this _____th day of March, 2023.

Supervisor

Councilmember

Councilmember

Councilmember

Councilmember

Town Superintendent of Highways

County Superintendent of Highways

NOTE: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent. Both copies must be approved by the County Superintendent. One copy must be filed in the Town Clerk's office and one in the County Superintendent's office. *COPIES*

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 59-2023

MARCH 27, 2023

RESOLUTION TO APPROVE ADVERTISEMENT FOR FULL-TIME HEAVY MOTOR EQUIPMENT OPERATORS FOR THE HIGHWAY DEPARTMENT

WHEREAS the Highway Superintendent is seeking full time operators for the Highway Department.

RESOLVED the wording for the advertisement has been approved by the Attorney for the Town and following approval from the Town Board, the advertisement will be submitted to the Town Clerk for publication in the *Daily Mail* for one week.

The Town of New Baltimore Highway Department is accepting applications for two full time CDL driver/heavy motor equipment operators. Applicants must have a minimum of a clean CDL Class B license. Applicant must be able to perform labor duties including but not limited to shoveling, raking, weed whacking, lawn mowing, operating chain saws, and brush clipping. Heavy equipment operation such as front end loader, backhoe, tractors, etc. a plus. Experience plowing snow with a large truck with plow and wing preferred. Must be willing and able to work long hours, including nights and weekend, during winter months for snow and ice removal. Applicant must pass pre-employment drug screen and alcohol test and random drug and alcohol testing at any time and authorize driver's license check The successful candidate will be considered probationary for six months beginning at hire date. For further information please contact Highway Superintendent Alan VanWormer at (518)756-2078, Ext. 3 M-Th 6AM-3PM and F 6-10 AM. Applications are available at the Town Clerk's office, 3809 County Route 51, Hannacroix, NY 12087 Monday-Friday from 9AM-4PM.

Town of New Baltimore Planning Board

Monthly Report

March 27, 2023

The Planning Board met on March 9, 2023, with the following business conducted:

Public Hearing was held on the Taranto Trust major subdivision application. Application is for a 11-lot subdivision on Route 51. Representing the property owners was Alan Lord from New York Land and Lakes LLC. Subdivision to be known as the Misty Pines Development

In the Regular Monthly Meeting that followed:

..Approved the Misty Pines Development major subdivision with conditions that final major subdivision maps be submitted for approval within six months of this date; and that final map fee be paid in full at time of final map submission.

...Received minor subdivision application for two-lot subdivision of the William and Shari Wentz property on Route 51. Required Public Hearing scheduled for 7 p.m., April 13.

...Received from Infinity Solar Systems Special Use Permit application for the Darryl Ford 26.070kW roof top solar project on property located on Tower Road. Public Hearing on the application has been scheduled for 7:15 p.m., April 13.

...The Board welcomed Michelle Stefanik back to the Board for another term and promptly appointed her Board Secretary for the 2023 year.

...With regard to the proposed New Baltimore Solar Project, the Board has received the requested further clarification from Central Hudson that the project will be accepted into the grid on completion. In preparing to send out RFP requests to engineers to assist the Board in the review of this project and to send letters to other interested agencies advising the Board planned to take lead agency for this project but would welcome their comments, inconsistencies were found in names shown on the various project documents versus name of property owner shown on current deed. These inconsistencies were reviewed by the attorney for the Town with recommendation forthcoming that the property owner's name be shown and/or documents provided that these other named entities were authorized to act on behalf of the owner. Project applicant was so notified and revised documents and response letter received from project's attorney. As of the preparation of this report and at the direction of the Planning Board members, the documents and project attorney's letter have been referred to our attorney for review. In view of comments in the applicant's attorney's letter, the Board members felt it should be our attorney rather than the Planning Board that responds to the letter. At the present time, the Solar Company's next appearance before the Board to continue project discussion is scheduled for April 13.

Robert Van Etten, Chair

**TOWN OF NEW BALTIMORE
ZONING BOARD OF APPEALS**

**Monthly Report
March 27, 2023**

The Zoning Board of Appeals did not meet on March 1, 2023, since there were no applications to come before the Board.

Patrick Linger, Chair

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 60-2023
MARCH 27, 2023**

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 2023b-03-01 to 2023b-03-, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2023b-03-01 to 2023b-03-.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until April 30, 2023.