

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

MARCH 13, 2023

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Correspondence

- State of New York Department of State, Local Law 2 of 2023 Filed March 2, 2023

Approval of Minutes

- February 27, 2023 Public Hearing on Local Law 2 of 2023
- February 27, 2023 Town Board Work Meeting

Public Comment Period

New Business

- Resolution to Set Public Hearing for Local Law 3 of 2023 Revising Town of New Baltimore Solar Law
- Resolution to Set Public Hearing for Local Law 4 of 2023 Entitled 'TOWN ATTORNEY MUST BE A RESIDENT OF THE STATE OF NEW YORK'
- Resolution to Approve Reimbursement of Medical Insurance Deductions from Two Employees Bi-Weekly Pay Checks
- Resolution to Approve Payment to the New Baltimore Fire District to Correct Typographical Error
- Audit of Claims
- Motion to Accept Resignation of Highway Employees
- Discussion of 2023 Highway 284 Agreement.

Upcoming Meetings

- March 27, 2023 Public Hearing on Local Law 4 of 2023 at 6:15 PM
- March 27, 2023 Public Hearing on Local Law 3 of 2023 at 6:30 PM
- March 27, 2023 Town Board Work Meeting at 7 PM
- April 5, 2023 Zoning Board of Appeals Meeting 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

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 REGULAR MEETING

Supervisor Ruso opened the meeting at 7:00 PM and the Pledge of Allegiance was said. Also attending Councilmembers Boehlke, Downes, Irving, and VanEtten; Deputy Supervisor Dellisanti; Town Attorney George McHugh; Town Clerk Finke; Highway Superintendent VanWormer; and 12 members of the public who signed the attendance book.

Correspondence

Department of State ‘**RE: Town of New Baltimore, Local Law 2 2023, filed on March 2 2023** Dear Sir/Madam: The above revered material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.nyu.gov. Sincerely, State Records and Law Bureau’

ADOPTION OF MINUTES

The February 27, 2023 Public Hearing on Local Law 2 of 2023 submitted by Town Clerk Finke, Moved by Supervisor Ruso and was seconded by Councilmember Downes. The adoption of the foregoing Motion was duly put to a vote and the vote was as follows:

AYES: Ruso, Boehlke, Downes, Irving. VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

The February 27, 2023 Town Board Work Meeting submitted by Town Clerk Finke, Moved by Supervisor Ruso and was seconded by Councilmember VanEtten. The adoption of the foregoing Motion was duly put to a vote and the vote was as follows:

AYES: Ruso, Boehlke, Downes, Irving. VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

New Business

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 50-2023

MARCH 13, 2023

**RESOLUTION SETTING PUBLIC HEARING FOR PROPOSED
LOCAL LAW 3 OF 2023 REVISING TOWN OF NEW BALTIMORE SOLAR LAW**

BE IT RESOLVED, that the Town Board of the Town of New Baltimore will hold a Public Hearing on March 27, 2023 at 6:30 PM at the Town Hall, 3809 County Route 51, Hannacroix, New York to hear those members of the public who wish to be heard regarding proposed Local Law 3 of 2023, a Local Law revising Town of New Baltimore Solar Law.

PROPOSED LOCAL LAW #3 OF 2023

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

**Town of New Baltimore
Proposed Solar Energy Local Law
Proposed 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

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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.

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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:

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- 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.

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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.

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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.

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- b. The amount of the bond or security (minimum amount based on NYSERDA 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.

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- 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.

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- 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.

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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 NeBaltimore 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.

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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: _____

13. This local law shall take effect immediately upon filing with the Secretary of State.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 51-2023
MARCH 13, 2023

**RESOLUTION SETTING PUBLIC HEARING FOR PROPOSED
LOCAL LAW 4 OF 2023 ENTITLED ‘TOWN ATTORNEY MUST BE A RESIDENT
OF THE STATE OF NEW YORK’**

BE IT RESOLVED, that the Town Board of the Town of New Baltimore will hold a Public Hearing on March 27, 2023 at 6:15 PM at the Town Hall, 3809 County Route 51, Hannacroix, New York to hear those members of the public who wish to be heard regarding proposed Local Law 4 of 2023 Entitled ‘TOWN ATTORNEY MUST BE A RESIDENT OF THE STATE OF NEW YORK’

PROPOSED LOCAL LAW #4 OF 2023

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

SECTION 1. TITLE

This Law shall be known as Local Law No. 4 of the Year 2023 entitled “TOWN ATTORNEY MUST BE A RESIDENT OF THE STATE OF NEW YORK.”

SECTION 2. LEGISLATIVE AUTHORIZATION

This local law is authorized by the Municipal Home Rule Law sections 2(5), 10(1)(ii)(d)(3) and 22(1).

SECTION 3. RESIDENCY REQUIREMENT FOR TOWN ATTORNEY

The Town Attorney of the Town of New Baltimore need not be a resident or elector of the Town of New Baltimore, but must be a resident of New York State. An attorney who is a resident of New York State but not a resident or elector of the Town of New Baltimore may be appointed even if another attorney is a resident or elector of the Town.

SECTION 3. STATUTES SUPERSEDED

This law supersedes NYS Public Officers Law section 3(1) and Town Law section 23.

SECTION 4. 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.

Motion by Supervisor Ruso seconded by Councilmember Boehlke

Supervisor Ruso: As a particular point I don’t know how far back it goes, we’ve not had an Attorney who has been a resident of the Town since I don’t know when, but, nevertheless, just like we had a few years ago, we’ve had a couple Code Enforcement Officers who were not residents of the Town, but they have to be a resident of the State but need not be the Town. Nevertheless, we had to do this a number of years ago when we had Mr. Mantor and Mr. Gasparini who were not residents of the Town, but were our Code Enforcement Officers. This is very similar to that.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: Now we have two local law hearings on two weeks from today and this one is at 6:15, this one will be rather simple I expect and the other one will be at 6:30.

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 52-2023
MARCH 13, 2023

RESOLUTION TO APPROVE REIMBURSEMENT OF MEDICAL INSURANCE DEDUCTIONS FROM TWO EMPLOYEES B1-WEEKLY PAY CHECKS

WHEREAS s bookkeeping error caused deductions to be made from the bi-weekly paychecks of two town employees since 2018, and

WHEREAS these deductions averaged 87 cents extra having been taken out of these two employees' paycheck every two weeks,

THEREFORE, BE IT RESOLVED that Alan VanWormer and Scott VanWormer each be reimbursed \$116.70, the total amount of those deductions.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 53-2023
MARCH 13, 2023

RESOLUTION TO APPROVE PAYMENT TO THE NEW BALTIMORE FIRE DISTRICT TO CORRECT TYPOGRAPHICAL ERROR

WHEREAS the New Baltimore Fire District submitted their 2023 Budget to the Town of New Baltimore for inclusion in the Town's 2023 Budget Summary.

WHEREAS the amount on the budget was entered as \$458,641.94 and the actual amount should have been \$458,643.

RESOLVED the Town Board of the Town of New Baltimore approves the payment of \$1.06 to correct the typographical error, Voucher 2023.02.06.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 54-2023
MARCH 13, 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 2023-03-01 to 2023-03-53, it is

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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 DO NOT HAVE TO BE FILED IN ALBANY.*

Highway Supervisor VanWormer: This is a new process, well not a new process but new to us, we haven't done it in awhile, it's called cold-in-place paving where you take #1 stone, #2 stone and it's mixed together 50/50 mixture, gets dumped in a machine called a pugmill and when it comes out the other end it's asphalt, asphalt mixed with it. It comes out the other end, it's loaded on trucks, it's put through a paver and put down on our road. The reason I'm doing that type of paving on that road on Staco Road is because the road is so bad that it's way beyond just the normal blacktop overlay. So this pavement we put it down, it's 3" thick. Right now there's dips in the road, there's patches on top of patch on top of patch. The road is just horrible so we're gonna put a 3" overlay of cold-in-place over top of it, roll it, and then put a single coat chip seal over top of it and we'll have a really good road again. The second one, on the road commencing at County Route 51 leading to Roberts Hill Road which is High Rock Road, a distance of 1.8 miles which will be expended not over the sum of \$155,902.50. That will be a regular blacktop overlay, 1 1/2" thick, 21' wide, they'll put down a true and level coat and then an inch and a half of type 6 top over top for a top and that's again High Rock Road from 51 to Roberts Hill. Our CHIPS, PAVE- NY, Extreme Winter Weather, and Pave Our Potholes funding total for this year will be \$308,696.56. Staco Road it's actually on State Contract, cold mixed paving at \$144,696.75, High Rock Road, their budget numbers they gave me were \$155,902.50 for a total for both roads \$300,599.25 and that will give us about \$7,000 to roll over until the following year.

Supervisor Ruso: And the other \$100,000 is what we've set aside in your budget.

Highway Superintendent VanWormer: Correct, that's for patching, culverts, and such.

Supervisor Ruso: You told me that our CHIPS was \$308,000?

Highway Superintendent VanWormer: \$308,696.56.

Supervisor Ruso: That leaves \$3,000 roughly with the \$150,000 plus the \$155,000.

Highway Superintendent VanWormer: The Staco Road project like I said it's under state contract, State Contract #PC 69536. So that won't have to go to bid, but the High Rock Road will have to go to bid and normally the bids come in lower than the numbers that they give us for our 284 Agreement. That's just a budget number that they give us to have on the 284. So historically blacktop paving once we go out to bid will come in less, so it will probably be less than \$155,000.

Supervisor Ruso: So what would you extend the surface that you would add another 50' whatever?

Highway Superintendent VanWormer: Won't be much.

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Supervisor Ruso: No, it won't be much. So anybody else here have a question?

Councilmember Downes: Alan, what's the difference between the two roads? Why are we doing one one way and one the other way?

Highway Superintendent VanWormer: Because Staco is way worse, in way worse condition than High Rock. It needs...

Councilmember Downes: So are we bringing that down to ground level on Staco and then rebuilding?

Highway Superintendent VanWormer: Well, I was gonna do that. There's a process called reclamation, full depth reclamation, where they come in, they grind it up, they put it back down, and then you go, way way more expensive. So I had Gorman come and look at it and their suggestion was they used to call it motopave, now they call it cold-in-place asphalt or something and they do go right over top of what's there. It fills it, it's dense enough that it fills in the low spots, it will fill in any holes you might have. It goes right over the patch on top of patch. You roll it in tight and then you put a single coat of chip seal over top of it and that fills in any voids because the stone and the cold mix is much bigger so you're gonna have voids and that fills in all voids where water could get down through it.

Councilmember Downes: So what will we do, we'll go and patch the potholes and then...?

Highway Superintendent VanWormer: Just the holes and they come in and go right over the whole thing.

Councilmember VanEtten: Does that help with the longevity of the road?

Highway Superintendent VanWormer: Actually the cold would actually stays a little bit pliable so even if you have a little bit of give in the road, it won't break up, it just stays kind of pliable where regular blacktop gets super hard.

Councilmember Downes: So when we freeze, it will just heave and ho.

Highway Superintendent VanWormer: We did this same process on Roberts Hill Road like when Lambert was here. It works pretty well.

Deputy Supervisor Dellisanti: Alan, you mentioned Staco Road like three times, but you have in here Sunset Hill Road.

Highway Superintendent VanWormer: Between Sunset Hill Road and Albany County Route 112. Then it says cold-in-place pave 1 mile of Staco Road from Sunset Hill Road to Albany County Route 112 with single coat chip seal.

Deputy Supervisor Dellisanti: Just wanted to make sure Sunset Hill Road was...

Highway Superintendent VanWormer: That's where we're gonna start, right at the intersection of Sunset Hill and then go all the way to the Albany County line.

Motion by Supervisor Ruso seconded by Councilmember Downes to accept the 284 Agreement as presented with the figures as presented.

Supervisor Ruso	AYE
Councilmember Boehlke	AYE
Councilmember Downes	AYE
Councilmember Irving	AYE
Councilmember VanEtten	AYE

Motion Carried

Highway Superintendent VanWormer: The 2023 sweeper rental, I sent that over awhile back.

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Supervisor Ruso: It's in your box, we approved it last meeting.

Town Clerk Finke: It's in your mailbox.

Highway Superintendent VanWormer: Okay, I didn't see it.

Supervisor Ruso: Because I saw your message and Barb said she put it in your mailbox.

Highway Superintendent VanWormer: I didn't see it on the Agenda for last month either.

Supervisor Ruso and Town Clerk Finke: It was.

Highway Superintendent VanWormer: Sorry I wasn't here. I was somewhere between here and Colorado.

Upcoming Meetings

- March 27, 2023 Public Hearing on Local Law 4 of 2023 at 6:15 PM
- March 27, 2023 Public Hearing on Local Law 3 of 2023 at 6:30 PM
- March 27, 2023 Town Board Work Meeting at 7 PM
- April 5, 2023 Zoning Board of Appeals Meeting 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

Supervisor Ruso: Mr. VanEtten, I have a question for you. We're looking at having a Special Meeting of the Planning Board I believe it was going to be April 12. Has that been solidified? For Wednesday the 12th of April.

Rob VanEtten: What we were trying to do was have a meeting with that proposed solar project and we would like to have George's input on that.

Town Attorney McHugh: Are you going to make it on April 12th?

Rob VanEtten: We were going to do it on a Wednesday.

Town Attorney McHugh: Yeah, that's fine.

Supervisor Ruso: We need that publicly noticed.

Rob VanEtten: We may have to do a two night because notices already went out for a Public Hearing on two projects for Thursday already.

Town Attorney McHugh: So you need a Special Meeting?

Rob VanEtten: So this would be a Special Meeting.

Supervisor Ruso: Alright, well, we need to do a ten-day notice so we have plenty of time for that, but I just didn't know if it was solidified when I'm reading this.

Rob VanEtten: Well, like I said, we just found out today that the people that are doing the Public Hearings have already some sent notices out so it would be kind of tough to change that all around. So if George is available on that Wednesday, we'll have our Public Hearings on Thursday and we'll do the regular meeting on Wednesday.

Town Attorney McHugh: That's fine. Okay.

Ellie Alfeld: What time would that be?

Supervisor Ruso: 7, the same time as usual.

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Supervisor Ruso: One last thing, I do have something here someone's been itching to give me.

Councilmember VanEtten: Yes, this is from the Friends Committee which is the Fundraising Committee for the Parks and this is a check for \$2,000 towards the Park equipment.

Supervisor Ruso: Parks equipment which was delivered last week. Well, thank you.

Public Comment

Ellie Alfeld: I'm not trying to hold up anybody for the snow's that coming, but as you know I've been very vocal about the seniors and because the submission to the Assessor is long past, March 1st was the deadline, I want to make this Board aware of what's going on in the rest of the world including us. Did you know that the City of Albany instead of needing a starting process at \$30,000 being able to be filed, their amount is \$58,400 and if you make below that you get the exemption. I happen because I got one phone call about this exemption from one of the people that live in this Town who said 'I missed it by \$400' and I said 'what do you mean you missed it.' You know when I know something and somebody contradicts it, I start to look around and I did. I visited and got in touch with five towns in our area everywhere from Bethlehem, Coeymans, Athens, Coxsackie, and Greenville. It seems and that's why I was looking for Pat to be here tonight because the County Legislature sets this \$34,000 starting. Everybody in Greene County it seems in these towns decided must be good for the legislators so we'll go for it. I want you to take in mind \$34,000 and trying to live on that whether you're a senior or not. In this town \$34,000 is not gonna go anywhere because of the simple fact by the time I pay my taxes, fire district taxes, highway taxes, you name it, I don't have anything left so how do you expect people to only make \$34,000 and be able to collect or apply for this? The second problem I had with this whole thing was according to the *Times Union* and I know, George, they don't always know what they're saying, but in this instance I take exception and that is I was taught and I was on the Board of Assessment Review, I was on all that crap, according to the rules of this tax break, it started at \$34,000 and you got 50 percent. I don't know of all of are aware of it since you're not seniors, other than Bill excuse me, but that's not the end of it. The problem I have with this is the fact that according to this article in the *Times Union* and my own personal knowledge, there was a sliding scale so if she made a little bit more than the \$39,000, she would be eligible at the \$34,000 excuse me for 50 percent, but if she only made say \$45,000, she would be entitled to 15 percent, but there's nothing that I received from this Town, in fact I received nothing, and I've been a senior for a few years, there was nothing given to me or a lot of people that I happened to speak to that indicated that it was a sliding scale. So if you didn't get anything in the mail, you don't know what's going on and we didn't get anything in the mail. Town of Coeymans, I went to their Assessors who is the same Assessor as our Assessor, but they have a printed paper much like we got, Barb, from here if you were at the Town Board meeting otherwise you didn't get anything from the Assessor's Office so they don't know what the hell is going on alright. We've gotta be more informative to our seniors cause they're going down the drain. This town, we can talk about playgrounds and everything else, but I'll lay you money I can show you more seniors in this town than you got kids that are playing on the playground. We've got to be more... Hey, you're on the Board so you should carry this message right down to Greene County.

Supervisor Ruso: In fact I would like to perhaps set a time for you and I and Pat to sit down because he's the Chair down there and we could perhaps hand them something out. This year is done, for next year.

Ellie Alfeld: I know that I said that it expired March 1st. I'm not aware of what's going on, Jeff. What I'm saying is...

Supervisor Ruso: We can work on 2024.

Ellie Alfeld: But we've got a future and there's more and more of us passing away although I'm not quite looking for it.

Town Clerk Finke: I know the Assessor's Office has reached out to a number of people so she's not here so we probably shouldn't...

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Supervisor Ruso: I know that.

Ellie Alfeld: All I'm saying is I want the seniors to know what the heck is going on.

Supervisor Ruso: I would like to sit and meet and let's work on '24. Would that be okay?

Ellie Alfeld: Fine, but I don't want it at the last minute. I want it so that these people that we know that are our neighbors get this information.

Judith Felsten: I want to say first that I was really happy to hear that you had a Memorandum of Agreement with the Teamsters and I hope that the vote resolves the problem for all involved. Optimism gets you through the month but what can I say. I'm writing because I'm not clear why Kelly Downes took offense on February 27th that Eileen Vosburgh included CSX and New York State pay rates in her comments on the rates for Heavy Equipment Operators in the surrounding communities. No one is suggesting that the Town should pay industry rates. The problem was merely being described and the problem is that we're surrounded by competitors who are all paying more than New Baltimore. Was that information new to you? Plowing this winter sounds like it's been a scramble and a marathon. Also if there were a full highway staff it's even likely that the walks at Town Hall would be shoveled sooner.

Town Clerk Finke: They were. I did it.

Ellie Alfeld: That's right.

Councilmember VanEtten: And you were a full Highway staff up to...

Judith Felsten: I'm not speaking of that. You were expecting it to be done by others and that's what I'm remarking on okay.

Supervisor Ruso: Something just happened in the last couple days. 1. The Memorandum of Agreement was turned down by the Town Highway employees, but the Town Board has agreed informally, not in a session like this, we've reached out to the Union and we've offered to pay the employees starting what we would have had it as a resolution tonight if the union had responded but we could have had a resolution on board tonight to pay them the salary that was offered as of today. But because they haven't reached back to us, we'll have to have it on the next meeting if they reach back to us.

Judith Felsten: But you're talking about the rate that was in the Memorandum.

Supervisor Ruso: Yes, the lowest rate paid will be \$22 an hour and it goes up because a number of people are a little higher. I don't have the dollar figures in front of me. But we have called them on Friday, actually emailed them on Friday, and made that offer and we've emailed them again today. And so we haven't heard anything. Everything else on the bargaining table still is there, however, the rates we're looking to pay them now, but so far they have not responded.

Ellie Alfeld: Was that for truck drivers?

Supervisor Ruso: Yes, everybody.

Ellie Alfeld: Well, I don't know (unable to understand).

Supervisor Ruso: The whole crew. The whole crew which are all truck drivers just so you know. So anyway that's where we're set. I don't really know what they're gonna say on that. Is there anything more I should say? I think that's pretty much it. We're waiting for them.

Judith Felsten: That's good. It goes with my first statement, I'm happy to hear it. I'm curious what the legal surroundings of that would be.

Supervisor Ruso: On their end, I mean our end we've already cleared that.

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Judith Felsten: This discussion on the Highway brings me to a larger point about the Town as an employer. It sounds to me like you're on the path to chasing your third Highway supervisor in a row out of his job. When that (unable to understand) charges against Alan VanWormer was launched last month, I wondered why you hadn't been reporting the status of those projects at the Work Meetings. That would have given a public nudge to their completion. The public is here to support accountability so I would appreciate more complete monthly status reports so the difficulties aren't popped on the community as the public airings of internal party politics which is the way that information appeared. I felt that that was made the author's look self-righteous rather than righteous.

Supervisor Ruso: Not sure I understand what you're talking about.

Councilmember VanEtten: Yeah, I don't understand either.

Supervisor Ruso: I have no idea what you're talking about.

Councilmember VanEtten: You get a monthly report from Alan on every project that's going on and we read it.

Judith Felsten: But I'm saying that if you have concerns about projects which is what that particular statement on the Republican party site said.

Supervisor Ruso: What site?

Councilmember VanEtten: Republican party? That has nothing to do with the Town.

Supervisor Ruso: I'm not here to talk about Facebook. Listen, I'm sure no one wants me to talk about Facebook.

Judith Felsten: The Greene County. Let me finish. I read it and I may have the name of the site wrong, but there was a series of allegations as to things that were not going right in the Highway Department.

Supervisor Ruso: Okay, where were these issued? Where'd you read those?

Councilmember VanEtten: Not by the Town Board.

Supervisor Ruso: No.

Judith Felsten: I don't think it was written by the Town Board. It was written by one person.

Supervisor Ruso: Okay, is this a Facebook page?

Judith Felsten: Yes.

Supervisor Ruso: Facebook's not up for discussion. You can continue. What's so funny? Facebook page is not a discussion. If it continues about Facebook pages, I'll rule you out of order.

Judith Felsten: Can I finish what I'm saying? If it's not up for discussion why was the information posted?

Supervisor Ruso: I have no idea who posted it. Posted what? I have no idea.

Judith Felsten: Okay I'm gonna come back to you. Is that okay?

Supervisor Ruso: Anybody can post anything they want on Facebook. That's not a Town Board discussion and it is inappropriate for a Town Board meeting and I've said that twice now.

Judith Felsten: Let me go on with what I'm saying that is not related to that okay. As Town

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residents we know that New Baltimore has chosen to limit services, not actively seek business development, and service of an ideal that many here share about what keeps a rural community frugal, unpolluted, scenic, and quiet. This is a choice which you as Town Board members advocate I think. When that frugality becomes a hindrance to something as important as safe road conditions, then isn't it your job to weigh value and cost. Now you're just telling us this evening that you have and you've made a change in your plans which I'm happy to hear, but...

Supervisor Ruso: Again, I'm not sure what you're talking about right now.

Judith Felsten: You just told us that you've decided you were going to pay \$22 bottom.

Supervisor Ruso: Yeah, we made that offer some time ago so it's not really a change in our plans. That offer has been out for quite awhile now to them. We don't publicly, we had the approval today to do this, but publicly we didn't express the offer.

Judith Felsten: That's right. Okay. Point taken.

Supervisor Ruso: Thank you.

Peter Melewski: Okay, good evening. Carol's handing out some handouts for your convenience when you have a moment to read them. You will hear from Carol, Kelly, and Eileen this evening who are instrumental in creation of a flyer as well as reaching out to the community, sent letters to the State officials regarding truck traffic in New Baltimore. You've also been handed a self-explanatory packet of the material. I won't spend any time on that now, but would be happy to address any questions later. As Mr. Dellisanti and Mr. Ruso know a meeting held on August 3, 2022 with Mark and Reid of New York State DOT's Region 1 Traffic Safety Mobility Office. Mr. Ruso, Mr. Dellisanti, and Miss Halloran and I were in attendance. It was a good meeting. Later that day I sent an email in your packet summarizing what I had written down as action items from my notes. NYSDOT stated they were now using a federal highway manual which required chevrons which is the yellow signs with black arrows on sharp curves. He offered to install the chevrons and yellow centers fixed lines which they did after the meeting. NYSDOT recommended that the Town send a letter asking NYSDOT to initiate a project/study to design, fund, build short and long-term improvements. My recommendation in the email was to send the letter asap in order to get short-term safety improvements underway. One question we have is that since that August meeting has the Town Board progressed the safety issues with any parties since that DOT meeting please advise. Finally I urged the Town Board to contact Robert Rice, NYSDOT Director of the Regional Planning and Program Management Group, to determine if a complete street study or other project can be introduced to address the hamlet area particularly the two sharp curves between the Church and the Marina. Bob Rice can be reached at (518)457-7376 or at robert.rice@dot.newyork.gov. A complete street is a roadway plan and design to consider the safekeeping and access and mobility of all roadway users of all ages and abilities. These enhancements provide safety and health benefits. Thank you.

Supervisor Ruso: There has been subsequent communication with those persons and others and they're dusting off a previous proposal and they want a written request from the Town. The proposal is that they widen the turn in front of the Church which would require cutting off the portions of the front yard of the old school, portions of the front yard of Miss Halloran's house, and their number one concern is that this will make the turn more safe, double lane is wider, each one is wider. However, they're also concerned or we should be prepared for the fact that it will be more attractive to truck traffic because of the change in that turn. That's what they have dusted off, a previous proposal from six years ago.

Peter Melewski: When was that? When did they contact you?

Supervisor Ruso: I contacted them,

Peter Melewski: When was that?

Supervisor Ruso: The past few weeks, I don't have the exact date. I called them again.

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Peter Melewski: Was that the Regional Director or the Traffic?

Supervisor Ruso: It was Mr. Reed Sholtes. A letter from the Town Board and the last I remember talking with others that that wasn't really the best of plan if I heard that correctly. You recall that having been mentioned, the front yard of that school do you not?

Kelly Halloran: No, we really talked about my front yard being...

Supervisor Ruso: No, the Church was the primary part, but that was discussed.

Peter Melewski: That was an old proposal.

Supervisor Ruso: Correct. They dusted off an old proposal yes, absolutely. They haven't come up with a different one and I have spoken to them, but they said we'd like to proceed with this if the Town wants to proceed with that, but beware it will be a more attractive turn for trucks so you might increase truck traffic. I'm not sure that's what you folks want.

Peter Melewski: Well, I had talked to Reed's Supervisor within the last two weeks and he said that he had not heard from the Town. That's one reason I brought this comment up.

Supervisor Ruso: It's been verbal communications for the most part, small emails but on other topics with DOT although he's not in charge of the bridge changes.

Peter Melewski: My recommendations stands, talk to the Regional Director or Mr. Rice because Mr. Rice will sit down with you and work out a plan for a preliminary study. They're looking at the corner, they don't jump automatically to blowing out people's houses and putting in a wider curve. That's the whole point of complete streets. It's to come up with something that works for everybody. Right now you got people in the hamlet within walking distance of the Post Office and the Church who drive there cause they're afraid to walk on the road. It's ridiculous.

Supervisor Ruso: No sidewalks.

Peter Melewski: And you go by the Church tonight there's four cones put up, there's two banged up barrels, and what I'm requesting and I'll sit down with others time is that reach out with a formal letter, keep us posted, and sit down and talk about coming up with some reasonable improvements. There's something between nothing and everything.

Carol Melewski: So Peter referred to the letter campaign. This fall Kelly, Eileen, and I went door to door asking our neighbors to send letters to our representatives and the DEC regarding the truck issue and a copy of the letters in your packet. You're all elected and I'm sure you've done a lot of door knocking and you know that folks can be reluctant to chat to a stranger on their doorstep, but as soon as we told people why we were there, their demeanor changed. 'Come in, I'm so happy somebody's gonna try and deal with this.' And you know people are worried about the trucks and the speed on 144. Almost 50 letters were mailed. This community really needs your help. We'd like to ask you to contact the State Police, the Sheriff, ask them to check peoples' speeds, be a presence in the hamlet. We now have a bridge weight that's limited, but we regularly see trucks going by that are clearly overweight and one citizen calling and saying 'hey I've seen this' doesn't have the same weight as the Town Supervisor calling and saying 'we got a problem, can you handle this for us?' In addition we've asked you to follow up with New York State DEC regarding the Port of Coeymans and the proposed C.D. Mann projects and request that the traffic exiting these sites be required to travel north on Route 144 rather than the current language which cause that route preferred. Route 144 in New Baltimore is not designed to handle this sort of traffic. We don't have shoulders. The road isn't wide enough. You'll see pictures in your packet of trucks that are over the line and when they meet together it sometimes an accident and we do have very tight curves. This is a safety issue and whether people are on foot or in their car, they're unsafe and while we don't see any of the revenue in the Town from these businesses, we are seeing a significant safety issue. Please weight in regarding the impact of these projects that they have in our community. The last permits the traffic study didn't even consider the traffic that came to New Baltimore. Thank you.

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Kelly Halloran: So I again wanted to bring the Board's attention the problems with the traffic in the hamlet of New Baltimore. I don't think that many of the Board members are quite aware of how many trucks are actually coming through New Baltimore and how many cars are actually taking the corner near the Dutch Reformed Church in the hamlet at such a high speed. I have gotten so worried because I feel like we're just a hair's breadth away from a very serious accident happen. I have been so frantic that I have personally written to the Greene County Sheriff, the Greene County State Trooper Major, the Greene County Department of Transportation Engineer, just recently the DEC Hazardous Spill Team because of the white powder that was spilled all through Route 144. I've written and emailed to you. I personally when I can get the name of the tanker trucks that are carrying some sort of petroleum product that are coming through the hamlet trying to take that almost 90 degree corner, when I can get their name from the truck, I've been calling the company, I've been calling local businesses, emailing local businesses asking them not to have petroleum trucks come thought that corner for the very, this is my very biggest fear right now is one of the tanker trucks will either tip over or will collide with another truck or will hit a car. Just recently in Frederick, Maryland there was a tanker truck that crashed and exploded. It was hauling flammable liquid. It crashed. The homes were damaged and the residents had to be displaced. This is my very real fear because I'm seeing these petroleum trucks come through the hamlet and we're in that tight corner. Is everybody on the Board familiar with the tight corner that I'm referring to right next to the Dutch Reformed Church? Okay. So because there's the impact of other trucks coming south when the petroleum trucks are coming north, I literally saw the petroleum truck come so close to a flat bed truck that was booking. Thank goodness there wasn't a collision. So I had to take it upon myself to call the petroleum company and say 'please look at this corner, look at your google maps, please find an alternate route.' There's a real problem with these trucks coming in the hamlet.

Supervisor Ruso: Who was the petroleum carrier do you know?

Kelly Halloran: It's been four different carriers. I have their emails on my laptop at home when I contact the companies. It's a recent thing. I don't know why these petroleum trucks are coming now into the hamlet, but all the trucks are a problem. Add the trucks and cars taking the corners too fast. In the DOT report it stated that 61 percent of the motorists were exceeding the speed limit, that the highest speed they found was 51 mph on that corner. There's been multiple crash incidents. When Route 144 is used as the alternate route when Route 9W was closed or the Thruway's closed due to traffic incidents, the amount of traffic on that corner is horrific. It's really very scary.

Councilmember Irving: Now your home is the old school correct?

Kelly Halloran: No, I'm kiddie-corner from them. I'm just north.

Councilmember Irving: Across from the Reformed Church, I attended Kindergarten there. I was in Sunday School at the Reformed Church. I've made several visits over the past four years. Talked to across from the Post Office, I'm not going to mention their name, the people that had their wall knocked down, the fence has been knocked down. I called DOT on several occasions and what their response was that they were gonna institute a study which was gonna be lengthy study and I'm sure that Jeff and others have gotten hold so we have been proactive and I've made many visits down there talking to those residents in the hamlet and doing as much as we possibly can do.

Kelly Halloran: Okay I'm just saying when I wrote to the State Police Major they did send somebody right away. They did bring the (unable to understand) so they could start getting evidence that these trucks are on the corner and so whether it's a question of signage or whether it's a question of finding out about qualifying and nonqualifying trucks, it's a question of finding out what we can do to really help the safety not only of the children who are getting on school busses, children who are walking down to the river, people who are going to the Church, people who are going to the Post Office. The number of trucks is much greater than you would possible imagine and so the State Trooper asked me to start writing it down so that they can start determining when it starts because the trucks cannot maintain their lane on that corner and so what I really want to make you do is help us find a way to try and ask these truck to find an alternate route.

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Supervisor Ruso: I think what I'm going to try to do back when you and I and Mr. Melewski and Mr. Dellisanti, I made the arrangements for us to meet up on Wolf Road and they were very reluctant to come down here. They don't want to come here. That was considered by me better than nothing to go up to them. I can request them once again to come down here and perhaps listen to yourselves to what extent possible when they will do it, they're not so inclined to do an evening meeting as you recall remember they wanted it daytime because they get out of work at whatever time and so it would be a daytime meeting, but I can give it another good faith effort to get them to come down.

Kelly Halloran: And I have to say when I had the State Trooper Captain and Greene County Sheriff Deputy I requested that they come and survey the corner so that they themselves can see what's happening so again that there's documentation in place. As far as the DEC Spill Team, I don't know if you guys know that there was some sort of spill that went all the way from the Cossackie Exit of the Thruway all the way through 144 and we didn't know what it was and again I started trying to figure out what to do and so when I found out that DEC had a spill hotline I called them, they sent an investigator down because honestly for a long time we didn't know what that white powder was in the middle of the road.

Supervisor Ruso: What did he say it was?

Kelly Halloran: They said that they did a ph test, that they don't have a budget to determine a chemical resolution, but that they did a ph test and so that was what they could do and without having the evidence of what the truck was, the truck couldn't be tested. But at least we know that it's not a hazardous chemical so at least I was able to do that because the point is that these trucks not only are the trucks oftentimes carrying these large loads of scrap, but there's also times that they're coming through and we don't know what they're carrying.

Councilmember Downes: When did you have the Sheriff and State Police survey?

Kelly Halloran: Just recently. They were there on last Tuesday.

Councilmember Downes: Oh, so it was within the month.

Kelly Halloran: Oh, yeah. So the Greene County Sheriffs, I had to meet with the Deputy Sheriff first, they wouldn't let me meet with the Sheriff. So then I wrote a letter personally again to the Sheriff wanting more patrols because without them seeing that these trucks cannot take that corner within their lane. They just really can't. And so when you add the blind nature of it, when you add cars coming in from the blind corner on Washington Avenue, Church Street, and Route 61, it further heightens things and when 144 is used as their alternate route when the Thruway is closed, if you can imagine all the Thruway traffic getting off and then surging on that road without getting an additional street light which is one of the things that I've asked for, I'm not asking for the moon, I'm asking for paint lines that will help determine where the road is, maybe an extended guardrail, simple things to just simply begin to make that corner just a little bit safer and without seeing how destroyed the road is right now. I have a photograph in my packet that shows you how the corner has deteriorated like crazy.

Councilmember Downes: So both the State Trooper and the Sheriff were there in the last week.

Kelly Halloran: Correct, no not the Sheriff. The Sheriff was earlier, but I wrote again to the Sheriff recently and I'm gonna write him again. What do you think about that?

Ellie Alfeld: I just want to tell Kelly the State Troopers were down on 144. I think they were watching the road and they had him parked in the parkway for the Thruway rest area.

Kelly Halloran: That was the weight guy. That was the guy who pulls trucks over and weighs them. He was pulling trucks over and weighed them (unable to understand).

Eileen Vosburgh: The hamlet residents as you've heard we really want to ask the Town Board to advocate for truck reduction and road safety. Please send those official letters under Town letterhead to the enforcement agencies DEC, State Police, and Sheriff supporting our

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concerns for large trucks in the hamlet with special emphasis on Route 144 at Church Street and 144 at Main Street. Trucks regularly cross the double yellow line. I mean those trucks go so fast past Kelly's house she can't see the name on the truck and that's one of the problems. We also want you to please contact Robert Rice asking for the New York State DOT Assistance Funds design and implement improvements on 144 between Gill Road and Albany County line and like Kelly mentioned we also would like you to send a letter to Central Hudson and ask for an additional light between the Church and the Halloran house. We'd also like you if you would to please copy Kelly, Carol, and myself on correspondence so that we can relay that to residents. You know I was listening to the new Solar Law and why is it that we in that Solar Law why can't we ask that the Town benefits from that, that we get a reduction in our electricity, why can't we I don't...?

Supervisor Ruso: I'm not disputing that one, but the grid is the grid and NYSERDA is NYSEDA unfortunately.

Eilleen Vosburgh: You can't ask for it?

Supervisor Ruso: We can ask for it, we've never gotten it. I said 'how does this help the Town of New Baltimore?'

Councilmember Boehlke: Can't mandate it by law, Eilleen.

Supervisor Ruso: The only thing we get is a PILOT instead of a tax payment.

Ellie Alfeld: Right, 12 percent.

Supervisor Ruso: That's it. I would like it to be, but they tie into the grid, they don't tie into..., and then it goes on the grid, and then it comes back to the rest of the world including New Baltimore. It's very mysterious like a drop in the ocean. It doesn't come back to where you drop it.

Councilmember Boehlke: That was all part of deregulation.

Supervisor Ruso: It doesn't come back to where you drop it now. We did have Community Solar which has a small project that has offered to the community with priority to New Baltimore residents at a discounted rate of ten percent and that went out, Nick, I think you were the Supervisor; I think I was on the Town Board then.

Deputy Supervisor Dellisanti: 2015 we did that.

Supervisor Ruso: And those letters went out seven years ago whatever it was, eight years ago.

Ellie Alfeld: We got some lately.

Supervisor Ruso: They offered a ten percent discount for the residents of the Town of New Baltimore, but you had to sign up with them and at the time we also had the Community Aggregate Program with Constellation Solar that was offering a bigger discount. So it was 'gee thanks for ten percent off, but I'm getting twenty percent off from someone else.' So that's how that worked out. Again it goes back a few years. Anyway I agree with you. The only thing we get out of it is a PILOT. That's it.

Eilleen Vosburgh: Is the PILOT less than what we would have gotten if it hadn't been there?

Supervisor Ruso: It's more, it's not great big bucks though. No, it's more than we would have gotten for vacant land.

Eilleen Vosburgh: Is it annual?

Supervisor Ruso: Yes.

Eilleen Vosburgh: In the budget I think it was last year Mr. McHugh budget line originally

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was Attorney for the Town under Contractual Personal expenses correct?

Supervisor Ruso: Not entirely, no.

Eilleen Vosburgh: It was only under one line wasn't it and now it's under two lines.

Supervisor Ruso: No, no. You see we have outside attorneys that are not Mr. McHugh that we will need from occasion to occasion such as we had last year with two...

Eilleen Vosburgh: The lawsuits.

Supervisor Ruso: Yeah, two lawsuits. Those are contractual attorneys who are not on our payroll so that's where that came from.

Eilleen Vosburgh: So it was never...

Supervisor Ruso: I think originally it was when Mr. McHugh came on was some kind of contractual, but we moved it to...

Town Attorney McHugh: I came in midyear.

Supervisor Ruso: There's some of that, but a lot of the contractual goes to outside attorneys.

Eilleen Vosburgh: As Town Attorney he is an employee of the Town.

Supervisor Ruso: He is.

Eilleen Vosburgh: And do we pay towards New York State retirement?

Town Attorney McHugh: I don't contribute.

Eilleen Vosburgh: Oh, you don't. How do you get...

Town Attorney McHugh: I'm Tier 4. I'm vested. I don't contribute.

Supervisor Ruso: So you would be on the Retirement System.

Eilleen Vosburgh: So I was Tier 4 at DOH, but I know the State was still contributing towards... So we don't contribute towards...

Town Attorney McHugh: I don't know what you guys do, I don't contribute.

Supervisor Ruso: I expect we do. I've not seen it. I don't get a ticket with everyone's name on it. I just get a bill at the end of the year for everybody. It doesn't say Jeff, it doesn't Barb, it's just here's your bill. So I expect you're on it, included in the calculations.

Adjournment

Motion by Councilmember Downes seconded by Councilmember VanEtten, the meeting was adjourned at 8:31 PM

AYES: Ruso, Boehlke, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Downes

Motion Carried

Supervisor Ruso: Thank you, good night everybody, drive safe.

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk