

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

**APRIL 10, 2023
AGENDA**

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Public Comment Period

New Business

- Resolution to Adopt Supervisor's 2022 Annual Financial Report Update Document Submitted to the State Comptroller and on File in the Town Clerk's Office for Public Inspection
- Resolution to Authorize Supervisor to Transfer Town Reserve Accounts from National Bank of Coxsackie to The Bank of Greene County
- Resolution to Deposit Funds into the Following Reserve Accounts
- Resolution to Adopt Local Law 4 of 2023, a Local Law Entitled "To Establish the Residency Requirements for Appointed Officers in the Town of New Baltimore"
- Resolution to Authorize Supervisor to Execute Agreement for Portable Standard Toilets
- Resolution to Seek Sealed Bids for the 2023 Paving Season
- Motion to Move the Town Board Work Meeting from Monday, April 24, 2023 to Wednesday, April 26, 2023 at 7 PM
- Audit of Claims

Upcoming Meetings

- April 12 and 13, 2023 Planning Board Meeting at 7 PM
- April 26, 2023 Town Board Work Meeting at 7 PM
- May 3, 2023 Zoning Board of Appeals Meeting at 7:30 PM (If Needed)
- May 8, 2023 Town Board Regular Meeting at 7 PM
- May 11, 2023 Planning Board Meeting at 7 PM
- May 22, 2023 Town Board Work Meeting at 7 PM
- June 3-4, 2023 AgFest at VanEtten Farm
- September 16, 2023 Townwide Yard Sale Day

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 impudent or slanderous remarks, or generally conducts themselves in an inappropriate manner shall be barred from further participation and will forfeit any balance of time remaining for their comments.
6. After a final warning, if a speaker willfully refuses to step down, the Town Supervisor shall contact the appropriate authorities to remove the speaker from the meeting room and to restore order.
7. The Town Supervisor, or in their absence the Deputy Supervisor, shall ensure compliance with these rules.

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

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OPENING OF WORK MEETING

Supervisor Russo opened the meeting at 7:00 PM and the Pledge of Allegiance was said. Also attending Councilmembers Boehlke and Irving; Deputy Supervisor Dellisanti; County Legislator Linger; Town Clerk Finke; and 11 members of the public who signed the attendance book. Absent: Councilmembers Downes and VanEtten and Highway Superintendent VanWormer

Public Comment Period

Richard Guthrie: I just come here this evening to ask that the Board take into consideration a request to the State Department of Transportation to reduce the speed limit on Route 144 through the hamlet. It varies from 45 after crossing the bridge to 35 going through the hamlet around through the Church out till it gets to Gill Lane. The reason for that is I think it ought to be quite obvious. It's an area that has a higher congestion than most of the rest of the Town. It's an area that has a number of residents who use 144. As you know we don't get mail delivery in the hamlet, we have to go to the Post Office and pick it up. Perhaps you didn't know that, we're not entitled to mail delivery and so the residents have to go, many of them walk along 144 to get to the Post Office, plus there's turning traffic at the Post Office that presents an ongoing every day potential for and the reason for having the speed limit reduced through the area. That also is reflected by the traffic coming and going to the Church. Many of the people who drive there have to make and negotiate the turn at the corner there and plus many do walk along 144 to get to the Church. All these I believe are good reason for reducing the speed limit, but I will note that in other parts of the Town where the density is much lower, houses are further apart, some of them stretches of the Town roads have houses a quarter of a mile or more apart, and there the speed limits are 30 miles an hour and I so I request that the Town Board, especially during the time when the bridge is under construction over the Hannacrois Creek, that you approach the Department of Transportation and have them do the normal survey that they do like they did on the River Road some years ago and petition them to reduce the speed limit from Coeymans which by the way also has a 30 miles an hour speed limit all the way from Carver down to the Hannacrois bridge and all of a sudden it turns up to 45 then backs down to 35, but nonetheless I think a continuous 30 miles an hour speed limit would be consistent and would also be logical in this situation. Will you consider that?

Supervisor Russo: Of course. In fact we already have. I've been to the DOT offices three times and that was one of the conversations I had.

Richard Guthrie. Good. Okay, let me just say that it hasn't happened yet is a bad mark on them and that I think that now given the opportunity for construction over the bridge where there will be some, I presume some limitations on truck weights going through 144, but now's an opportunity to bring it up again with them and point out the reasons why it's inconsistent with what seems to me to be good common sense. Thank you.

Supervisor Russo: For other tidbits of information that relate, the Sheriff's Department put a speed sign down there in front of the Post Office with promises to bring it in and take it out a few times this year and the computer printout will be data that will be shared with people such as DOT.

Richard Guthrie: Good. I hope that's also impetus for them to take action and move the speed limit.

Supervisor Russo: But it records you and me and everybody even if go five miles, even if you're walking maybe.

Deborah Sottolano: It's more of a question actually really because I think that the train derailments we're seeing around the Country could happen anywhere and given that we have a lot of freight carriers and I know that there is no law that requires those freight carriers to even give our State Department of Homeland Security information about what is traveling on those rails on those tracks and I didn't know if you had been in any conversations or anything with other towns or with Greene County or anything about planning, preparing for these kinds of

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things. I just hate the thought of us waking up one morning and being a town where this happened. Also about assessments of the status of our tracks and what their condition is.

Supervisor Russo: I know that the Greene County 911 Center as well as our Town Emergency Management Officer had put together plans for response and of the like. The risk of any particular train that goes down is unknown specific, obviously there's a broad base of things but I wish Alan was here. He's our Town Emergency Management Officer so he has the bulk of that information.

Debra Sottolano: I know that Mark Molinaro has spoken about it and Governor Hochul has also petitioned the federal government about making a requirement for the towns to be aware of this and I didn't know if you'd had other conversations with other towns and maybe how can we get some more concern and awareness.

Supervisor Russo: I did have conversations with the Town of Catskill and they're similarly concerned, but we didn't have any resolutions. Again emergency management people, Greene County 911 Center and of the like. (To County Legislator Linger) Has anything been going on in the County as regards to that?

County Legislator Linger: We do have a lot of different training classes that the individual fire companies will put on and usually CSX is the one that will come to those and give us instruction on how to handle certain things -- where emergency shut-offs are on tanker cars, that sort of thing. We also have staged across the State, I believe probably going on almost 10 years now, we do have hazardous material response trailers that are staged in various areas across the state. So generally within an hour or so we can have one of those emergency response trailers with extra equipment and we all carry a lot of stuff, but certainly not something for that type of an event. It's more about containment at that point.

Debra Sottolano: I worked with emergency management at the State Health Department and with issues on things a lot and I wondered how much drilling and how much update there's been to plans especially given what's been happening around the Country.

County Legislator Linger: We've literally just updated the County plan what three months ago.

Debra Sottolano: It would be good if we could muster some support for changing that requirement so at least our local towns and people could be aware of what's traveling on these rail trains you know which we don't have any knowledge and also like I said the status, the condition of the track so we would know if we're vulnerable and be a little bit more proactive in certain areas that's all.

County Legislator Linger: Anything could be on those tracks and we won't know.

Debra Sottolano: Exactly and that's what I think both Mark Molinaro and the Governor have been asking is that we do get that awareness for our local jurisdictions.

Councilmember Boehlke: Well, there's a lot of chemicals shipped by rail that are not even allowed on the highways and that's one of the things with the railroad that they rely on for,

Debra Sottolano: Like I said, it was more a question to understand and what's going on. Thank you.

Eileen Vosburgh: On the resolution about the porta-potties I noticed I didn't see Cornell Park on there. You do see it? Oh, there it is. I see it, okay. Okay, sorry.

Supervisor Russo: It's on this one anyway.

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Eileen Vosburgh: It is there. So my other question is about the Local Law 4 and I remember at the budget hearing in late 2021 for the 2022 budget I remember asking the question why was Mr. McHugh moved from the Personal Services up to Town Attorney. I had asked that question and as I remember I tried to look for the Minutes of that Public Hearing, I couldn't find it, but anyhow as I remember the response was that it's an accounting issue, it wasn't much, pretty much that that was it, that it was just the change, that there wasn't a real reason as I remember the explanation. So this new local law is changing it so that you would have to be a resident of the State. Does that mean that from 2022 till now I think you had to be a resident of the county?

Supervisor Russo: I don't know about that. I don't know anything about County.

Eileen Vosburgh: I'm pretty sure you had to be a resident of the County, but you don't know about it okay.

Supervisor Russo: What position are you talking about?

Eileen Vosburgh: The Town Attorney.

Supervisor Russo: We haven't had a Town Attorney who's been a resident of Greene County in over 35 years.

Eileen Vosburgh: Right and they were under Personal Services is that what it was called before?

Supervisor Russo: They have been.

Eileen Vosburgh: But now as Town Attorney they are an employee of the Town right?

Supervisor Russo: Yes and your point is?

Eileen Vosburgh: And we are paying towards the retirement?

Supervisor Russo: Correct. I think so but I'm not sure.

Eileen Vosburgh: That's what you told me last time.

Supervisor Russo: I think so.

Eileen Vosburgh: That's what you told me at the last meeting that we were paying for it so is that not an increase to the Town expense?

Supervisor Russo: Sure, so is FICA and there's other... Alright so where are you going on this?

Eileen Vosburgh: No, no. No, no. I'm just making it clear that because he is the Town Attorney we are paying towards New York State retirement and what was the issue that originally this local law was just for the Town Attorney and then you added all these other offices. So what was the reason why you're creating this local law?

Supervisor Russo: That was discussed at the Public Hearing so I don't have specifics about where x, y, or z, but that has already been addressed.

Eileen Vosburgh: I don't think I got a real straight answer on that.

Town Attorney McHugh: So you've got Assessor, Animal Control Officer, Building Inspector, Court Clerk, Town Engineer, and Town Attorney. What happened was way back when the State Legislature passed a law and said towns can pass local laws and not have towns only be able to choose residents because towns like yours only have 3,000 people. Your pool is

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very small especially for specialty-type positions. So they allowed you guys to do that. You did it for certain positions just like other towns have done it for certain positions, but not for all the positions that you could.

Supervisor Russo: More encompassing.

Town Attorney McHugh: More encompassing so that's what this law is about and this came about because there was a class on it down at the Association of Towns back in January or February whenever I went and it was basically saying how a lot of small towns haven't taken advantage of it so now towns are starting to take advantage of it. All it does is increase your pool of applicants for certain positions when you don't have that expertise in residents because you don't have a large population.

Eileen Vosburgh: And in the past we've had Assessors and Code Enforcement Officers who were out of the town.

Town Attorney McHugh: Still do.

Eileen Vosburgh: Right. So there wasn't a reason for having this law because we were doing it at that time.

Town Attorney McHugh: You should have had the law because really you weren't doing it right. So you needed the law for back then too, but now you're basically correcting the errors of prior.

Eileen Vosburgh: So what I understand is that we are correcting an error because originally the Town Attorney should have been under the Personal Services and typically every year they make a resolution that abolishes the Town Attorney position. My point is that originally this local law was for the Town Attorney now we've added others and we are paying towards his retirement which is an added expense. Thank you very much.

Janet Kash: Mine was really just a process question and since Pat is here he can probably answer this. You folks passed a Solar Law I think last week which I believe goes to the Greene County Planning Board.

Supervisor Russo: Correct. It's already enroute.

Janet Kash: But the Greene County Planning Board hasn't met since last April and all of their meetings are suspended according to the website indefinitely. So what happens to the Solar Law and anything that's also sent to them?

Supervisor Russo: It has to be logged in as received and if they don't respond within 30 days it goes into the hands of the Department of State.

Janet Kash: The New York State Department of State?

Supervisor Russo: Yes, ma'am.

Janet Kash: So all this stuff is just like in the black hole until...

Supervisor Russo: You've got to send it to the County Planning Board and then if they don't review it, it doesn't suspend proceedings. It goes to the next level (unable to understand).

County Legislator Linger: There's no comment at the County level.

Janet Kash: Pat, do you know why they're having so much trouble?

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Supervisor Russo: When they don't meet, there's no comment.

Janet Kash: They just can't get a quorum?

County Legislator Linger: They don't have a Principal Planner.

Janet Kash: Is there any idea of when that might happen? It's just kind of disturbing.

County Legislator Linger: Probably the same time that we're able to get three more Highway workers for the Town. We're having the same problem. I have over forty positions open in the County and that's one of them.

Janet Kash: It was just curious to me since they haven't had a meeting since 2022, one year ago and I was just wondering if all of these – I mean not just ours, but every other Greene County municipality's things -- are like going into this black hole with no action. So they have to go through the Department of State?

County Legislator Linger: That's part of the State law is they have 30 days to make comment and if they don't it's considered an automatic approval without comments.

Supervisor Russo: It's a process without any outcome.

County Legislator Linger: They can still move forward.

Supervisor Russo: Gotta send it in, it doesn't mean there's any outcome to it unfortunately.

Janet Kash: Just to follow-up because I know that Jim had asked this question and you were going to ask Mr. McHugh about this. Did you ever determine whether a SEQRA was needed for the Solar Law before going to the County Planning Board?

Town Attorney McHugh: Yes, usually a SEQRA is. Did you do a SEQRA?

Supervisor Russo: No, we didn't.

Town Attorney McHugh: You didn't do a Negative Declaration?

Supervisor Russo: No, we didn't.

Town Attorney McHugh: You should have probably done a resolution for that.

Janet Kash: So you guys are probably gonna have to amend it then.

Supervisor Russo: Okay, so we'll do that and send it back to the County.

Town Attorney McHugh: Sure. It hasn't been effective yet right?

Supervisor Russo: No.

Janet Kash: Especially since the County Planning Board isn't there.

Supervisor Russo: We can send that.

Janet Kash: Well thank you. Glad that got cleared up.

Harold Vadney: I think we all know what disparate treatment is, usually used in the context of employment situations, education, or that sort of thing, but if we can broaden the definition of disparate treatment for the purpose of this presentation at least to include how a municipal

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department or a municipal government such as the Town of New Baltimore acts or reacts to projects within the Town's jurisdiction. Generally I go pretty much go by the book, Freedom of Information Law requests, production, examination, and then proceed from that to ask any other further questions and get the documentation. That's the way I work. So I'm looking for credibility and for me credibility involves such things as consistency. Are all the stories the same? Did they add up to the same sum? Another thing I look for is continuity. The links in the chain all going in the same direction and are they hooking up together. Another one is completeness and that completeness is very, very important because any gaps in completeness are going to affect the consistency and the continuity of the facts and the paper trail etc. Well, I submitted three separate FOILS from October 29th to approximately January 31st regarding a project that was being worked on by the New Baltimore Highway Department. There was some delay in getting some of the responses which was rather irritating considering that we have so many people working in the Clerk's Office -- not to denigrate the performance of the Clerk's office, they're probably one of the most efficient offices that's in this entire Town -- but when you have a protracted process in producing documents that should be at arm's length, as close by as perhaps the nearest filing cabinet, you'd expect things to be readily available and not take sixty-plus days to get to you. And when they finally get to you after protracted process, you'd expect them to be consistent, continuous, and complete. Well, I regret to say that in this project that I'm addressing tonight, and I presume you've all gotten the exhibits that I sent out, Miss Finke forwarded to you as well as copies of the FOILs and the so-called production that I received through the FOIL Officer's office from the Town of New Baltimore Highway Department. Well, there's an axiom, a maxim that we work by 'if it ain't written it don't exit' and recordkeeping in the Highway Department has been a thorn in my side since the regime of Denis Jordan. They do not keep records and they do not keep complete records and they do not keep accurate records. These exhibits I sent you are a textbook example of disparate treatment. They're also a textbook example of abuse of discretion. Here we have the Highway Department providing me with information. The first set of information tells me that on this particular project which seems to me to be a capital gains end result for the property owner where Mr. VanWormer states that it was first of all to prevent damage and to prevent further damage. Well, if you're gonna prevent damage and then you go in the second breath and talk about further damage, there's a presumption of damage of which there was none. Mr. VanWormer further tells me...

Supervisor Russo: Excuse me, Mr. Vadney, you're already one minute over the three-minute rule so if you can try to get to the point. I'll be patient.

Harold Vadney: The point is your Highway Department and you, since you people actually sign off on the resolutions and audit the invoices that are submitted to you for payment as well as in some level and degree supervise the operation of the Highway Department although it's autonomous, you still sign off. You have the power of purse strings. Now what's happened here is I've been given incomplete and inaccurate information as to this project here. It started off with 30 total hours when in reality it was 171 hours invested in this one project to put up a concrete wall in order to allegedly reinforce the roadside but ultimately improved, it was using public funds to improve private interest. Okay that is my point. And three minutes if my... I appreciate you're indulging me and yielding further time to me, but I think this has got to go public. It happened under Jordan, it's happening under VanWormer, and you, sir, and Mr. Dellisanti were brought to the scene a couple years ago to see the damage that was being done to 10 New Street and after that visit the statement was made that they didn't even know that the storm drain was and I think it was Scott VanWormer, I have him on tape, said 'in 23 years he never saw that storm drain.' Well, of course he didn't, it was under four inches of dirt and when they tore up the drain, it was completely demolished. There's no wonder that the water was running into 10. Now, I want you to look at these exhibits. I expect you to look at these exhibits and I expect you to look at the photographs that were provided in response to the FOIL and I want you to tell me that Exhibit A which is beautiful wall and this beautiful graveled walkway going up the side of 22 Washington Avenue in the hamlet in the National Historic District of New Baltimore is a capital gain for this individual or if it was necessary to put the concrete barriers up there which seems to be a habit with the Highway Department because they did the same damn thing up on Shady Lane. Now if we're gonna be putting up these concrete barriers,

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you can pass these around if you want to see exactly what I'm talking about. The situation is dire and with this administration and the previous administration nothing was done.

Supervisor Russo: Let me ask you, sir, would you have any objection to coming on in and talking with myself and Mr. VanWormer?

Harold Vadney: I've come in here in the past. I've had you and Dellisanti down there looking at the situation. Now Mr. VanWormer, I would welcome that opportunity.

Supervisor Russo: Five years ago, I don't know about that.

Harold Vadney: Okay, I would welcome that opportunity on the proviso that you have a look at the documents that I've provided to you, production and response to my FOIL demands, as well as the photographs that were provided, as well as the three exhibits I provided you. You tell me when, I'll be here and if you can tell me that VanWormer's gonna be there and no more NDA's, no documents available. That's not an answer to a FOIL.

Town Clerk Finke: If it's not there what do you do?

Supervisor Russo: We can't make up documents if there's nothing there.

Harold Vadney: That's true. The question I have is why isn't there. Why don't they put out bids? Why don't they put out competitive bids? They don't keep any records. There's a big difference between 30 man hours on a project and 171. C'mon. So you tell me when you can have him available and I'll be very pleased to show up and we'll discuss what I have.

Supervisor Russo: Alright, thank you. I'll email you when I have a good time. Thank you.

New Business

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 62-2023
APRIL 10, 2023

**UPDATE DOCUMENT SUBMITTED TO THE STATE COMPTROLLER AND ON
FILE IN THE TOWN CLERK'S OFFICE FOR PUBLIC INSPECTION**

WHEREAS the Supervisor shall submit to the Town Clerk, within ninety (90) days after the close of the fiscal year, a copy of the Annual Financial Report to the State Comptroller, and that the Town Clerk shall place a notice that the report is on file in the office of the Town Clerk, to be so published within ten (10) days after receipt thereof, in the official newspaper of the Town of New Baltimore. Said report was submitted by the Town's Bookkeeper in a form approved by the State Comptroller on March 31, 2023 at 3:27:41 PM.

Motion by Supervisor Russo seconded by Councilmember Boehlke

Supervisor Russo: We would have had it done earlier except the State Comptroller, that was back in February because we sent it in early, was confused because they had it down that the \$330,000 bond that we had was listed as for the Sewer Department and not for the Water, the repair of the water main at Scheller Park. So once we clarified that we went forward.

AYES: Russo, Boehlke, Irving

NAYS:

ABSTAIN:

ABSENT: Downes, VanEtten

Motion Carried

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Supervisor Russo: And you'll see the AUD with it, it's rather lengthy.

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**RESOLUTION 63-2023
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**RESOLUTION TO AUTHORIZE SUPERVISOR TO TRANSFER TOWN RESERVE
ACCOUNTS FROM NATIONAL BANK OF COXSACKIE
TO THE BANK OF GREENE COUNTY**

WHEREAS the Bank of Greene County has offered to the Town of New Baltimore an interest rate on all Reserve accounts 3.0 percent; and

WHEREAS the National Bank of Coxsackie has offered a maximum of 1.5 % on said accounts,

THEREFORE, be it resolved that the Town Board authorizes the Town Supervisor to transfer all said funds into a new “Reserve Account” with the Bank of Greene County.

Motion by Supervisor Russo seconded by Councilmember Boehlke

Town Attorney McHugh: That rate is good for how long?

Supervisor Russo: They didn't give us a sunset to us. Anyway, we're getting three percent, double what National Bank of Coxsackie offered.

AYES: Russo, Boehlke, Irving

NAYS:

ABSTAIN:

ABSENT: Downes, VanEtten

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 64-2023
APRIL 10, 2023**

**RESOLUTION TO DEPOSIT FUNDS INTO THE
FOLLOWING RESERVE ACCOUNTS**

WHEREAS the Town Supervisor's AUD for 2022 has been completed, and

WHEREAS there are surplus amounts in both the Town General Fund and Town Highway Fund in the respective Unallocated Fund Balances,

THEREFORE, BE IT RESOLVED, that the following amounts will be added to the new Reserve Accounts with the Bank of Greene County:

Building Reserve - \$75,000

Parks Reserve - \$50,000

Highway Equipment Reserve - \$110,000.

Motion by Supervisor Russo seconded by Councilmember Irving

Supervisor Russo: For those that don't know we have two major pieces of equipment that are on order. One of them is a haul truck worth \$210,000 payable upon receipt of the truck which is supposed to be in March, but it's not here yet, and a second truck of approximately

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\$240,000 is going to be here in the fall we hope and we need a new plow truck. Nevertheless, those two amounts come to about \$450,000. We have \$355,000 in our Highway Reserve Account with \$110,000 added to it, it will be \$465,000 of which we will have spent \$450,000 before the end of the year. So anyway we need to build up that reserve.

AYES: Russo, Boehlke, Irving

NAYS:

ABSTAIN:

ABSENT: Downes, VanEtten

Motion Carried

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RESOLUTION 65-2023
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**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**

WHEREAS a Public Hearing was held by the Town Board of the Town of New Baltimore regarding Local Law #4, allowing the hire of certain appointed positions as employees who do not live in the Town of New Baltimore,

WHEREAS those certain positions are currently defined as Assessor, Animal Control Officer, Building Inspector/Code Enforcement Officer, Court Clerk, Town Engineer, and Town Attorney,

THEREFORE, BE IT RESOLVED, that the Town Board does hereby approve local law #4 of 2023 within the above identified limitations.

LOCAL LAW #4 OF 2023

SECTION 1. TITLE:

This Law shall be known as Local Law No. 4 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:

Those certain positions are currently defined as Assessor, Animal Control Officer, Building Inspector/Code Enforcement Officer, Court Clerk, Town Engineer, and Town Attorney.

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.

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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.

Motion by Supervisor Russo seconded by Councilmember Boehlke

AYES: Russo, Boehlke, Irving

NAYS:

ABSTAIN:

ABSENT: Downes, VanEtten

Motion Carried

Supervisor Russo: They are always subject to amendment by the way if another position, Deputy Town Clerk, something comes up. This identifies those that we've had issues with.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 66-2023
APRIL 10, 2023

**RESOLUTION TO AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE
AGREEMENT FOR PORTABLE STANDARD TOILETS**

RESOLVED that the Town Supervisor is authorized to execute an agreement with the lowest responsible bidder for one unit at Cornell Park, one unit at Wyche Park, two units at Cecil C. Hallock Park, and one unit at Silver Lake Part. Additionally, four standard units, one handicapped unit, and two with stations will be supplied for AgFest.

Motion by Supervisor Russo seconded by Councilmember Boehlke

Supervisor Russo: I will say that within an hour of the start of the meeting...

Town Clerk Finke: I think it was two minutes.

Supervisor Russo: We received our second quote, we only had one coming in to tonight and this one is a lower price than the previous one so I guess it's good to hold out until the beginning of the meeting. One wanted \$1,420 and the other one wants \$1,243 so it's about a \$180 difference. In fact, the one who is a person in Town, Greene County Septic Cleaners. So I'll probably be signing that contract with your approval.

AYES: Russo, Boehlke, Irving

NAYS:

ABSTAIN:

ABSENT: Downes, VanEtten

Motion Carried

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 67-2023
APRIL 10, 2023**

RESOLUTION TO SEEK SEALED BILLS FOR THE 2023 PAVING SEASON

WHEREAS the Town of New Baltimore is seeking sealed bids for the 2023 paving season.

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 *Times Union*.

The Town of New Baltimore will receive sealed bid for the following 2023 paving projects. Pave High Rock Road beginning at County Route 51, and Ending at Roberts Hill Road, a distance of approx.. 1.8 miles at a width of 21' with 1.5 inches of type 6 top, including T&L where needed. The Town of New Baltimore will be responsible for cleaning of surface prior to paving, Signage, maintenance of traffic, cutting rebates, and water supply for rollers. All sealed bids must be received by the Town Clerks Office located at 3809 County Route 51, Hannacroix, NY 12087 by 4pm on Monday April 24. The Town of New Baltimore reserves the right to reject any and all bids. Please contact Town Highway Superintendent Alan VanWormer with questions. Office 518-756-2078, Ext.3, Cell 518-567-4961, E-Mail highway@townofnewbaltimore.org. By Order of the Town Board, Barbara M. Finke Town Clerk

Motion by Supervisor Russo seconded by Councilmember Boehlke

AYES: Russo, Boehlke, Irving

NAYS:

ABSTAIN:

ABSENT: Downes, VanEtten

Motion Carried

Supervisor Russo: Hopefully the bids will be here for our next meeting.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 68-2023
APRIL 10, 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 2023-04-01 to 2023-04-35, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2023-04-01 to 2023-04-35,

BE IT FURTHER RESOLVED that the Town Clerk will prepare an Abstract and hold it for public review until May 31, 2023.

Motion by Supervisor Russo seconded by Councilmember Irving

AYES: Russo, Boehlke, Irving

NAYS:

ABSTAIN:

ABSENT: Downes, Irving

Motion Carried

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General \$13,941.19, Highway \$8,399.35, Sewer 1 \$1,272.30, Sewer 2 \$37.62, Total \$23,650.46

Motion by Supervisor Russo seconded by Councilmember Boehlke to move the Monday, April 24, 2023 Town Board Work Meeting to Wednesday, April 26, 2023 at 7 PM

Motion by Supervisor Russo seconded by Councilmember Boehlke

AYES: Russo, Boehlke, Irving

NAYS:

ABSTAIN:

ABSENT: Downes, VanEtten

Motion Carried

Upcoming Meetings

- April 12 and 13, 2023 Planning Board Meeting at 7 PM
- April 26, 2023 Town Board Work Meeting at 7 PM
- May 3, 2023 Zoning Board of Appeals Meeting at 7:30 PM (If Needed)
- May 8, 2023 Town Board Regular Meeting at 7 PM
- May 11, 2023 Planning Board Meeting at 7 PM
- May 22, 2023 Town Board Work Meeting at 7 PM
- June 3-4, 2023 AgFest at VanEtten Farm
- September 16, 2023 Townwide Yard Sale Day

Public Comment Period/Community Events

Eileen Vosburgh: Sunday, May 7 is the RCS Association of Churches Crop Walk starting at Mosher Park, 25 percent of the money raised goes to local food pantries.

Janet Kash: This is just a follow-up to the question about the Solar Law. Now that Mr. McHugh has said that you have to do the SEQRA does mean that you have to pass the law again and resubmit, but does that change the clock for approval?

Town Attorney McHugh: The only time that would change is if they have a Positive Declaration which I doubt will happen. It's only changing the law. It's going to be a Short Form EAF and then they're gonna go through the questions and then it will just be a vote of Negative Declaration.

Janet Kash: Okay, so that won't change the 30-day review period?

Town Attorney McHugh: No.

Ellie Alfeld: On the website for tonight's meeting there was mention of the balancing of the books for the fire company, their budget or... I want to know if those are audited and by who?

Town Clerk Finke: You have to ask them. We have nothing to do with fire companies.

Supervisor Russo: They get their own accountants.

Ellie Alfeld: Okay so then anything I see on that particular site relating to all the monies that are spent or I don't know where it's going or where it's coming from, how do I find out since it is on the Town's website?

Town Clerk Finke: We have to put it on there.

Supervisor Russo: It's required to be up there, but the responsibility for auditing is, well, the fire departments to have an audit.

County Legislator Linger: Districts and that's State law.

Supervisor Russo: The Districts, thank you.

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Ellie Alfeld: So my question relates to the printing that was on there, is that just for Gill Road or it the total fire district budgets combined?

Supervisor Russo: Gill Road, there's two separate ones.

Ellie Alfeld: Well, it doesn't say that and that's what I'm trying to find out whose it was.

Supervisor Russo: Two separate filings.

Ellie Alfeld: Okay.

Supervisor Russo: I suppose you can call their Treasurer? Who's the Treasurer now?

Town Clerk Finke: Jen Batza.

Adjournment

Motion by Councilmember Boehlke seconded by Councilmember Irving, the meeting was adjourned at 7:46 PM

AYES: Russo, Boehlke, Irving

NAYS:

ABSTAIN:

ABSENT: Downes, VanEtten

Motion Carried

Supervisor Russo: Thank you everybody.

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk