

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

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

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

MARCH 27, 2023

Please turn off all cell phones and electronic devices.

Reports

Supervisor

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

County Legislator

Town Clerk

- March 13, 2023 Town Board Regular Meeting

Historian

Agriculture/AgFest (Chair Boehlke/Member Irving)

Animal Control (Chair Irving, Member Ruso)

Assessment (Chair VanEtten/Member Ruso)

Audit and Budget (Chair Ruso/Member Downes)

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

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

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

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

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

Greene County Planning Board (Boehlke)

Highway (Chair Ruso/Member Downes)

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

Insurance (Chair Ruso/Member Downes)

Personnel (Chair Ruso/Member VanEtten)

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

Seniors (Chair VanEtten/Member Downes)

Technology/Website (Chair Downes/Member Boehlke)

Town Courts (Chair VanEtten/Member Ruso)

Veterans and Memorials (Chair VanEtten/Member Irving)

Wastewater Treatment (Chair Irving/Member Boehlke)

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

Upcoming Meetings

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

Public Comment Period/Community Events

Audit of Claims

Adjournment

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

GUIDELINES FOR PUBLIC CONDUCT DURING TOWN BOARD MEETINGS

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

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OPENING OF PUBLIC HEARING

Supervisor Ruso opened the Public Hearing at 6:15 PM. Also attending Councilmembers Boehlke, Downes, Irving, and VanEtten; Deputy Supervisor Dellisanti; Town Clerk Finke; Highway Superintendent VanWormer, and 4 members of the public who signed the attendance book.

Supervisor Ruso: Good evening everybody. We're going to open up our meeting on Local Law 4.

PROPOSED 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:

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

SECTION 5. INCONSISTENCY:

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

SECTION 6. SAVINGS CLAUSE:

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

SECTION 7. EFFECTIVE DATE:

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

Supervisor Ruso: This is a Public Hearing where we can discuss it among ourselves, persons who wish to be heard on this local law have the opportunity to speak up.

James Eckl: Thank you, Mr. Supervisor, Ladies and Gentlemen. Proposed Local Law 4 has been significantly revised over the past couple weeks, most importantly was revised in respect to the central issue of residency requirements and also extended to apply to all appointed positions. Now I know this body knows this but I'm gonna say it for the record, the version of the law that was annexed to the agenda for the Town Board Regular Meeting on March 13

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specifically provided in Section 3 that 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. Conversely the version of the law that's annexed to the Agenda for this hearing and the subsequent Town Board Work Meeting on March 27 tonight generally provides a Section 4 that 'Requirements for appointed positions in the Town of New Baltimore shall be determined by the Town Board on a case by case basis.' In the new and current version of the law, the section that I just read, also provides in Section 2 that the statutory authority for the law's municipal home rule law Section 10(1)(ii)(a)(1) and it is correctly stated that this referenced statute grants to local governments the authority to enact local laws regarding the qualifications of local officers and residency requirements are qualifications. But what the grant of authority really means is that it authorizes the local law to establish qualifications and this law would not establish any residency requirements as qualifications. To the contrary it would abolish residency requirements altogether. According to the provisions of this law, the only rule would be that there are no rules, there would be no established objective residency requirements. Instead, this law would create a kangaroo court process in which the question of whether or not some individual was qualified or disqualified to hold an appointive office would depend on the whim and the caprice of the Town Board on that particular occasion. By adopting this law, the Town Board would be conferring upon yourselves the power to do anything at any time for any reason or without a reason if you feel like it based on your subjective residency requirements. The Town Board is proposing what can only be called a power grab. It's a law which isn't permissible under the clean state statutory authority and it's impossible to expect that a local law conferring such unfettered discretion upon the Town Board could be valid. Thus it's impossible to expect that any appointment made pursuant to this law would be valid. And even if this law should be valid going forward, it cannot change the past, but the irregularities of the past must still be recognized and untangled. Now recently I have conducted as thorough a search as I've been able to do as a private citizen. I've reviewed the Town Code as posted on the Town website. I've reviewed various uncodified local laws of the Town as posted on the Department of State website. I made a Freedom of Information request of the Town Records Access Officer seeking access to records pertaining to documentation of the formal creation of the Town of New Baltimore Office of Town Attorney which has been acknowledge but not granted or denied. And I have not been found or shown anything that proves that the Town ever validly established the position of Town Attorney as a town office. Apparently it's why we believe that the office exists, but that belief doesn't make it so and absent any proof it must be taken that it doesn't exist. At the 2022 Organizational Meeting the Town Board approved a resolution retaining George McHugh's the Town Attorney for the year 2022 to provide legal services pursuant to a referenced proposal. At the 2023 Organizational Meeting George McHugh was recorded as being present and identified as the Town Attorney, but on that occasion the Town Board did not approve a resolution retaining George McHugh or anyone else as the Town Attorney for the year 2023. And if as it appears the Town has never validly established the position of Town Attorney as a town office, it follows that the Town never had and does not now have a Town Attorney. The 2022 resolution retaining George McHugh as the Town Attorney would have been a nullity since it is self-evident that the Town Board could not have retained him or anyone else to hold a nonexistent office and there was no comparable 2023 resolution continuing him in that position. And even assuming that the Town somehow had validly established the position of Town Attorney as a Town office sometime in the remote past, the 2022 resolution retaining him as Town Attorney would still have been ineffective because if we assume that he was and is a resident of Coeymans where he now holds the elective Town office of Supervisor, he would then have been unqualified and ineligible by reason of his out-of-town residency.

Councilmember VanEtten: Isn't this about the local law? I'm confused.

James Eckl: It should be realized that proposed Law 4 which is the subject of this hearing would be meaningless to the extent that it addresses the residency requirements for any nonexistent office. So every indication is that for at least the last 15 months on the basis of his

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supposed status as holder of the office of Town Attorney, the Town has been expending public funds directly to George McHugh as payments of salary and perhaps also expending public funds to the benefit of George McHugh in the form of contributions on his account to the State and Local Retirement System. I have no reason to believe that the office of Town Attorney existed during that timeframe and even if the office did exist, he was unqualified and ineligible to hold that office by reason of his residence being outside the Town and although he was purportedly retained by the 2022 resolution for that year because there was no comparable resolution purported to retain him for the year 2023, he cannot be regarded as even a holdover de facto officer or contractor of the Town since December 31, 2022. And whether the office of Town Attorney did not exist at all or whether the office existed but was not legally held by George McHugh, the uncertainty resulting from the past irregularities calls into question the validity of any acts done by George McHugh in his capacity as Town Attorney. Thank you for your attention. Good Evening.

Supervisor Ruso: Thank you, sir.

Janet Kash: Good evening everybody. So I guess my question as opposed to Jim's research is really pretty basic, I don't understand what the rationale for this law would be as of the last census there were 3,200 or so people in the Town of New Baltimore. So why would we need to go outside the Town to find people to be appointed to New Baltimore positions. I'm a bit uncomfortable about people from other towns being appointed to Town positions when they don't live here.

Councilmember VanEtten: What about the Animal Control Officer?

Town Clerk Finke: Or the Assessor.

Councilmember VanEtten: The Animal Control Officer, we couldn't find anybody from the Town that was interested. Did you want us not to have one?

Supervisor Ruso: This actually is more specific. Her question is about Attorneys, but the law is about positions not focused on.

Janet Kash: Right. Town positions.

Supervisor Ruso: We've had Code Enforcement Officers from out-of-town.

Janet Kash: That I did know.

Supervisor Ruso: And the list goes on. And just as a note, I don't even know how far back, how long was Dave Wukitsch here?

Councilmember VanEtten: Quite a few years.

Supervisor Ruso: There hasn't been an Attorney that lives in the Town serving the Town of New Baltimore 25 years.

Councilmember VanEtten: At least.

Ellie Alfeld: I'd say 20-25 years.

Councilmember Boehlke: It's been quite awhile since we had an Assessor from here too.

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Supervisor Ruso: I think my question is why is suddenly people worried about an Attorney from another town coming in here when no one's worried about it for 25 years. That's a reverse question. Why suddenly in late March, but 25...

Ellie Alfeld: I'm gonna make a point of what I remember from being here. I remember being here when there was a dispute with the Board about the Attorney for the Town or the Town Attorney and you can find it I'm sure in the Minutes going back 10-15 years, but at that point in time it was put down that he couldn't be the Town Attorney but he could be the Attorney for the Town and that's how he was appointed thereof. Okay, I'm just telling you that that...

Supervisor Ruso: There may be some terminology mishmash. I mean that may very well have happened honestly.

Councilmember VanEtten: But you know George isn't here to speak to this and he is the one that would have that kind of knowledge.

Supervisor Ruso: In any event this gives one of the options to go elsewhere. I remember Tal Rappleyea had claimed particular qualifications with municipalities because that's all he did. That was his entire practice was he served dozens of Towns. I can't even tell you how many.

Ellie Alfeld: Well, you can't base that on that because George services four Towns.

Supervisor Ruso: Well, no, in that particular case I mean that was a reason. I'm just using that as one illustration.

Councilmember Downes: Aline wasn't from here. She was from Westerlo.

Supervisor Ruso: I think Dave was from New Scotland.

Ellie Alfeld: Yes, he was a Town Justice after that.

Councilmember Boehlke: And because of the load of regulations now on many of these positions that come, a lot of these people if we did not go out of Town to get someone, we'd have to retain somebody in the Town and we'd have to put them through training which is quite expensive at taxpayers' expense.

Supervisor Ruso: Quite frankly, we did ask one resident of the Town of New Baltimore if he would be the Town Attorney, but he turned us down.

Councilmember Boehlke: Well, I mean what are you going to do...

Supervisor Ruso: He has expertise.

Councilmember Boehlke: If you can't find an Attorney in the Town?

Councilmember VanEtten: You've got to go.

Councilmember Boehlke: What are you going to do put them through school?

Ellie Alfeld: Your Assessor used to come from Coxsackie.

Supervisor Ruso: Well, nevertheless, this covers other departments as well, but we have tried. I personally called an Attorney from Town, not this year, but on previous occasions and he turned us down. Actually, I think it's twice I called him.

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Janet Kash: I'm not even here to speak to the position of Town Attorney, I'm thinking that this law broadens out-of-Town residency for say the Planning Board, the ZBA, other Town offices.

Supervisor Ruso: We haven't looked at that.

Janet Kash: And I think what Shelly just said is you couldn't get an Animal Control Officer so you had to go outside. So is the answer to this is that you can't find anyone among 3,200 people in the Town of New Baltimore.

Councilmember Boehlke: It's quite possible.

Janet Kash: To fill some of these?

Councilmember Boehlke: It happens.

Ellie Alfeld: It's a hard job.

Councilmember Van Etten: Exactly. People don't want to go out in the middle of night to get a dog running around.

Janet Kash: Oh, I know, but Planning Board, ZBA?

Councilmember VanEtten: But the Zoning Board and Planning Board, we have all residents on all of those boards.

Ellie Alfeld: But anytime anybody is appointed, I have always asked the Board 'are they a resident of New Baltimore?' I make that a point of stressing. However, as we said just now, if you can't find one what do you do?

Supervisor Ruso: In essence and we have been in that position where we couldn't find people. Again, we had Code Enforcement from out-of-Town, Mr. Steve Mantor, the Assessor, I don't know how far it goes. I know Gordon was with us 20-something years.

Councilmember Boehlke: But see with Section 4 in the law, this actually gives us the ability we can actually give preference to residents as opposed to somebody else outside the Town that may be even more qualified without coming into some kind of legality of nonhiring.

Janet Kash: I understand that you probably have trouble finding people and as I understand it the process is that whenever there is a vacancy on one of these appointed boards, a legal notice is sent out and people are asked and so...

Supervisor Ruso: We've always had a preference for residents.

Janet Kash: Well, up until now I mean this law makes it clear that you just can.

Councilmember VanEtten: Well, the Planning Board and ZBA and most boards have always been filled by residents.

Janet Kash: Right, and that's my concern you know because if you did have vacancies on those boards I'm not really comfortable with the idea of people outside of Town making land use and Planning Board decisions. I mean everybody has a dog and I don't care who comes and gets it. But I think that this is a broadening of the law that I personally am uncomfortable with and I just think with 3,200 people in the Town, that there must be somehow a way to encourage more residents of New Baltimore itself to serve on these Boards. So that's my concern.

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Councilmember Boehlke: That would be nice.

Janet Kash: I know it would be nice.

Councilmember VanEtten: Like I said we have every single Board in Town is covered by residents and I think it always has since we've been...

Janet Kash: Yeah, do you do any other outreach other than the Legal Notices? Is there anything on the website, on your Facebook page?

Town Clerk Finke: Yes, we've put things on the website. We've put things in the newsletter asking for people.

Supervisor Ruso: I've knocked on some people's doors who I thought might be interested. In fact our current Code Enforcement Officer I knocked on his door. He lives in New Baltimore, but our previous to him was not a resident so we've had outreach.

Councilmember VanEtten: You've also have to be qualified. I know 3,200 people may sound like a lot, but it's really a tiny town.

Janet Kash: Oh, I know.

Ellie Alfeld: Figure out how many of those are Seniors that are not gonna go out and take a job when their Social Security would be impacted.

Janet Kash: I know and kids.

Supervisor Ruso: Seems to me there was someone else I asked who was an Attorney. I know I met with him. I did reach out to Ted, yes. My recollections you know I could say somebody's name and it was somebody else instead, but I know there was a second person.

Janet Kash: Well, I would just hope that the Town Board would make even greater efforts if it can to try to fill these appointed positions with New Baltimore residents who have a really invested reason to serve on these boards for land use and planning and other things that are all very dear to our hearts.

Town Clerk Finke: I don't even think that was up for discussion.

Supervisor Ruso: We didn't even discuss Planning or Zoning.

Councilmember VanEtten: Zoning. No, it was more the positions that we were having trouble filling.

Janet Kash: But those are appointed positions correct?

Councilmember VanEtten: They are.

Janet Kash: So this would cover all of those as well.

Supervisor Ruso: I'll double check on them though. It never even entered into the conversation.

Janet Kash: I mean if you say appointed Town positions, it sounds like all of the people on those boards are appointed by the Town Board.

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Councilmember VanEtten: And they're all residents.

Janet Kash: So it would seem to me that this law would cover that.

James Eckl: Addressing the remarks made by Ms. Alfeld, the office of Town Attorney is permissive. The Town may but need not appoint a Town Attorney. If the Town sees fit not to create the office of Town Attorney, if the Town should see fit to decline to create the office, the Town would still need legal advice, that's what the Attorney for the Town does, but there's a fundamental difference between the two. It's more than terminology. The Attorney for the Town is not a Town officer. A Town Attorney is a Town officer, but the Attorney for the Town is a contractor and need not be a resident of the Town. Thank you for your indulgence, but I wanted it understood this is more than playing with words because they are fundamentally different positions.

Supervisor Ruso: I recognize that, I do mix them up. I have mixed them up myself.

Councilmember VanEtten: Well, I wish George was here to...

Supervisor Ruso: He's at another meeting.

James Eckl: And I must also say for the record, Mr. Supervisor, no, I'm not looking for a job.

Supervisor Ruso: Any other comments?

On a Motion by Supervisor Ruso seconded by Councilmember VanEtten the Public Hearing on Local Law 4 was closed at 6:39 PM.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk

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OPENING OF PUBLIC HEARING

Supervisor Ruso opened the Public Hearing at 6:39 PM. Also attending Councilmembers Boehlke, Downes, Irving, and VanEtten; Deputy Supervisor Dellisanti; Town Clerk Finke; Highway Superintendent VanWormer; and 5 members of the public who signed the attendance book.

Supervisor Ruso: I read this all and I'm informed by my Town Clerk I have to read it once into the record and I did that last week. So having said this it's certainly out there. There's been only the slightest of changes. There was a typo, where we went from 1 to 4 and we fixed that so the sequencing was correct and so that's the only changes. Forgive me but I know know what page that was on.

Town Clerk Finke: I think it's under 2, 1, 2, 3, 4. It used to say 1, 2, 3, 5. That's all.

Supervisor Ruso: But that's the typo change and in fact there could possibly be others that we do want to fix so I'm open to hearing anybody's concerns about Local Law 3.

James Eckl: I went back through the Minutes that are posted on the Town website and the Minutes of the September 26 Hearing with respect to the proposed Solar Law, there was an exchange between you and I. I had enquired about whether or not the Town Board had done the Environmental Review required by SEQRA and as I recall and what the record indicates at least is that you said to me that 'no you had not, but yes you would as soon as you got the response from the County Planning Board.'

Supervisor Ruso: Correct.

James Eckl: And I do not recall that there was an occasion when I at least saw the Board pass any resolution reciting it's having made the SEQRA review.

Supervisor Ruso: You do know that Local Law, I can't recall the number of 2022 was tabled indefinitely for revision here so everything was put off and that's why we did Local Law 3 of 2023 for a couple reasons that I believe it was Local Law 4 of '22 was brought back to the table for major revisions and the nature and the scope for those revisions are more significant than a typographical error and secondly it would now be Local Law --- of 2023. So we surpassed the new year by a distance obviously we're at the end of March now. So we decided to have this all brand new. So it's all pretty much start over from well not quite from zero, but from very low place. So the SEQRA has not been done, the County Planning Board will receive our Local Law 3 as much as the same as they would have back last fall.

James Eckl: I don't wish to sound like I presume to lecture this body, but after all the effort that's gone into developing this and with clean energy being the wave of the future, the law deserves to be promulgated following the correct procedures and with every respect you simply don't want to adopt this as a Local Law and sent it to the Secretary of State's Office when you haven't done any SEQRA review of it.

Councilmember Boehlke: Well, Jim, the SEQRA is done through the Planning Board and that's a State mandate requirement which we have no jurisdiction over.

James Eckl: No, no, forgive me. I didn't make myself clear. I wasn't referring to the SEQRA review of this, that, or the other solar energy project. I was referring to the SEQRA review of this Local Law which is the adoption of a local law is equally a action subject to review under SEQRA. Now it may consist of no more than filling out an Environmental Assessment form and deciding that it doesn't have a potential impact on the environment precisely because projects that would be subject to the law will each get their own individual environmental review. Perfectly legitimate to do but you got to do it, you can't simply disregard.

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Supervisor Ruso: As a point later on our Attorney is due to be here, he said as soon as he can he's got another meeting, and if he feels a SEQRA form needs to be filled out, we will certainly do that upon submission.

James Eckl: I had understood from the Agenda that what was on the table tonight was a proposal to adopt the Local Law.

Supervisor Ruso: That is correct.

James Eckl: Without it having gone to the County Planning Board?

Supervisor Ruso: Yes. It doesn't go to the County Planning Board until we approve it. Just following the sequence, that's all we're doing. It goes to us, then it goes to the County Planning Board, and then it goes to the Department of State.

James Eckl: I just would not want to see all this effort go to waste because there was an 'i' that wasn't dotted and a 't' that wasn't crossed.

Supervisor Ruso: Me, too. Me, too. We agree wholeheartedly. Anyone else?

James Eckl: Thank you for your time.

Ellie Alfeld: The only thing I would like to do is to remind you, I believe you and I spoke about these solar installations here, there, and everywhere, and I said it would be really nice if when you approve any of the solar things that we insist that a screening of trees since like the new one that has come before the Planning Board says they're gonna destroy 30 acres of trees. I want more trees brought back to New Baltimore and it would be really nice if I looked out my window and instead of seeing solar panels I could see growing evergreens or oaks or whatever and you're in here mentioning glare and I wouldn't have to worry about glare if I had a screening of trees much like the prison did by Pegasus. If you notice that. That at least will not be an eyesore.

Supervisor Ruso: Mr. Boehlke, you worked on this a lot. Your words would be well-appreciated.

Councilmember Boehlke: I think we have some screening guidelines in there.

Councilmember VanEtten: Can't the Planning Board require more screenings if they think...?

Ellie Alfeld: They can require a lot of stuff. I'm just bringing this up as a point. Thirty acres of trees is a hell of a lot for us to lose.

Councilmember Boehlke: You have to have flexible wording in these things, Ellie.

Ellie Alfeld: I understand wording, but to block a glare and replace trees for the environment after destroying so many, I don't think there's a way to word it.

Supervisor Ruso: I mean there is subsection H of 8 and it says '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.'

Ellie Alfeld: Thirty acres is what they said.

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A LOCAL LAW REVISING THE SOLAR ENERGY LAW
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Supervisor Ruso: Well, if your project is, I don't know the project size, it's not come before us, but if it's 30 acres this would imply a restriction to no more than 15 acres, but I don't know the size of their project.

Ellie Alfeld: I want it to look as nice as the place across from Pegasus. Any of it.

Supervisor Ruso: Well, if your project is, I don't know the project size, it's not come before us, but if it's 30 acres this would imply a restriction to no more than 15 acres, but I don't know the size of their project.

Ellie Alfeld: I want it to look as nice as the place across from Pegasus. Any of it.

Councilmember Irving: Well, I think the mindset is is that I understand what Ellie is saying about the trees. The other mindset is, though, well some and not all, that it is a clean energy project is reducing fossil fuel usage. It's reducing herbicide usage. I had a greenhouse nursery business and I had a pesticide and herbicide applicator's license through the State, matter of fact a farmer, I'm not gonna mention names, on 9W down the road had the Public Hearing with Cossackie. If you have 150-200 acres of whatever crop, you have to use pesticides and herbicides and that's more invasive I think that the looks are. If I'm right, Bill, I was on the Planning Board when we did the first solar project, but under anti-glare codes now that go on...?

Supervisor Ruso: Yes, there are panels that are in this law that need to be used, anti-glare.

Councilmember Irving: I'm not in disagreement with you, I just say that there's benefits too.

Ellie Alfeld: To your point, Chuck, I will tell you as you well know all of you, my problem with the people from the Railroad and everything when I said to them 'watch out what you cutting my trees,' they said 'lady if you don't like us cutting your trees, we'll use poison to kill all the shrubs.' Okay, now we raise honeybees. What do I have to avoid at all costs?

Councilmember Irving: Well, that sounds like an individual that's just being ignorant by what he had said to you.

Ellie Alfeld: He was the head of the crew.

Councilmember Irving: Well, needless to say then that's a problem with the company, somebody saying something like that. I would agree that was wrong for him to say that.

Councilmember VanEtten: But they're with the Railroad and they really don't...

Ellie Alfeld: I know. I mean.

Councilmember Irving: I think, no, I know that every one of the Board members here have the best interests as far as the environment having spoken to everyone here on multiple occasions. I've lived here all my life and this is a beautiful Town. We're gonna keep it that way.

Councilmember VanEtten: And I do agree that some trees and screenings around should block the view would be nice.

Supervisor Ruso: And that's in the law, too.

Councilmember Downes: Right, but that would fall under the purview of the Planning Board. When they go to the Planning Board they would have to say...

Councilmember Boehlke: That comes under Site Plan Review.

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Councilmember Downes: We want a fence of trees put up.

Councilmember VanEtten: Right, right, and they have before on certain...

Councilmember Downes: Right, but I'm just saying it's kind of tough to put that into law.

Councilmember Boehlke: Well, there's a lot of things we avoided putting into this law because they're already in the Site Plan Review, SEQRA, and that type of thing already, Ellie, so...

Supervisor Ruso: We didn't want to overdo it. And there were a lot of other conversations about visibility and certain things you don't want to necessarily be overtly restrictive, but you don't want to have... In fact an illustration brought to me if someone lived on top of a hill, how do you block them from seeing the property down below you? There are those kind of tricky things.

Ellie Alfeld: Do you people remember when a development was going to go in Cocksackie and they put balloons up to find out about the visibility of this water park that wanted to go in on 61 because that's a view. It's an historical view and so they wanted to make sure the view would be saved.

Supervisor Ruso: I remember the Wolf water park over here.

Ellie Alfeld: That's the one I'm talking about.

Supervisor Ruso: That was on VanGurpen and 9W there.

Ellie Alfeld: Is that not in Cocksackie?

Councilmember VanEtten: No, it's in New Baltimore.

Supervisor Ruso: It was in New Baltimore.

Councilmember Downes: Cocksackie had one, too, going in.

Supervisor Ruso: Oh, did they? Then it might be two different projects.

Ellie Alfeld: And as I said I remember them using balloons.

Supervisor Ruso: Four minutes to go or thereabouts. Well, we've got four more minutes for people to speak up on this local law and then we move into our Town Board Meeting.

On a Motion by Supervisor Ruso seconded by Councilmember Boehlke, the Public Hearing on Local Law 3 was closed at 6:58 PM.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk

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OPENING OF WORK 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 Clerk Finke; Highway Superintendent VanWormer; and 6 members of the public who signed the attendance book.

Supervisor Jeff Ruso

Supervisor Ruso: I have a couple things. One of which is I had ongoing conversation with the Engineer at the bridge down in Coeymans, it's on Route 144, certainly affects us dramatically. Central Hudson has started their bridge repair work, replacement work won't start until he estimates the 15th of April. They're not gonna go anywhere until Central Hudson is done moving the lines and all their factors that whatever Central Hudson is doing and he did say he thought Central Hudson was gonna have started last week, but it didn't happen. But they are working earlier than the date he started so they're out there moving poles today. So the 15th of the month is when they're going to have that restricted lane with a traffic signal and wide loads will be prohibited more than 11 feet. So that's what I wanted to say. So let's go to resolution to adopt Local Law 3 of 2023, a Local Law Revising Solar Energy Law. Well, we've discussed this at great length and this is not the first event so I will ask any one of you here on the Board if you have any further questions.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 55-2023
MARCH 27, 2023

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

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

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

1. Authority

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

2. Statement of Purpose

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

- 1) To take advantage of a safe, abundant, renewable, and non-polluting energy resource.
- 2) To increase employment and business development in the Town of New Baltimore, to the extent reasonably practical, by furthering the installation of Solar Energy Systems.

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- 3) To mitigate the impacts of Solar Energy Systems on environmental resources.
- 4) To ensure solar projects are consistent with the Town of New Baltimore Comprehensive Plan.

3. Definitions

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Applicability

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

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

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

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

5. General Requirements

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

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

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

6. Permitting Requirements for Tier 1 Solar Energy Systems

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

A. Roof-Mounted Solar Energy Systems

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

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

b. Solar Panels on pitched roofs shall be installed to the roof surface on which they are mounted or attached.

c. Solar Panels on pitched roofs shall not extend higher than 3 feet above highest point of the roof surface on which they are mounted or attached.

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d. Solar panels installed along the edge of the roof and also near the ridge need to comply with section 1204 of the 2020 NYS Fire Code.

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

3. Height: All Roof-Mounted Solar Energy Systems shall comply with the height limitations of 35' per zoning Dimensional table.

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

7. Permitting Requirements for Tier 2 Solar Energy Systems

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

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

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

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

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

E. Screening and Visibility.

1. All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.

2. Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.

3. Section 1204 of the 2020 Fire Code also addresses ground mounted installations.

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

8. Permitting requirements for Tier 3 Solar Energy Systems

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

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

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

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

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

D. Signage.

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

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

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

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

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

I. Decommissioning.

1) Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 6 months shall be removed at the Owner and/or Operators expense, which at the Owner's option may come from any security made with the Town of New Baltimore as set forth in Section 10(b) herein.

2) A decommissioning plan (see Appendix 4 1) signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant to the Town Board, addressing the following:

- a. The cost of removing the Solar Energy System.
- b. The time required to decommission and remove the Solar Energy System any ancillary structures.
- c. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

3) Security.

- a. The deposit, executions, or filing with the Town of New Baltimore Town Clerk a bond, or other form of security reasonably acceptable to the Town of New Baltimore Town attorney, Town Engineer and Town Supervisor shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal.
- b. The amount of the bond or security (minimum amount based on 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.

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d. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town of New Baltimore, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.

e. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 10(b) and 10(c) herein.

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

1. Property lines and physical features, including roads, for the project site
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures
3. An electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
4. A preliminary equipment specification sheet documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
5. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit. If the property of the proposed project is to be leased a copy of the lease and if applicable other documents relating to legal consent between the parties specifying the use and uses of the land for the duration of the project easements and other relevant agreements shall be submitted.
6. Provide approved interconnection agreement from Central Hudson for the proposed project.
7. Provide written approval from Central Hudson that the POINT OF INTERCONNECTION shown on the site plan is accurate and will not be altered beyond the scope of the project without prior approval from the Town of New Baltimore Code Enforcement Officer.
8. Property Operation and Maintenance Plan. Such a plan shall describe continuing photovoltaic maintenance and property upkeep.
9. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards.

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10. Prior to the issuance of the building permit or final approval by the Planning Board as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect., K. Special Use Permit Standards.

1. Setbacks

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

2. Height

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

3. Lot coverage

a. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:

I.The surface area covered by solar panels and all area located between rows of panels shall be included in the determination of lot coverage.

II.All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.

III.Paved access roads servicing the Solar Energy System.

b. Lot coverage as defined above shall be calculated on the aggregate of all solar energy systems within the plot and not to exceed the maximum percentage coverage of the zoning. Dimensional table 112-10 Article V.

4. Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a fence that is 7 to 8 foot tall, as required by NEC, with a self-locking gate to prevent unauthorized access.

5. Screening and Visibility.

a. Solar Energy Systems shall be required to:

I.Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, shall be required to be submitted by the applicant.

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II. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.

III. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Planning Board-

IV. If the proposed screening and landscaping plans prove to be inadequate and not to be consistent with the Town of New Baltimore's Comprehensive Plan it may result in the suspension or denial of the special use permit by the Town of New Baltimore Code Enforcement Officer.

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

9. Safety

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

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

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

10. Permit Time Frame and Abandonment

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

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

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

11. Enforcement

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

12. Severability

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

APPENDIX
EXAMPLE DECOMMISSIONING PLAN

Date

Decommissioning Plan for [_____], located at:

Prepared and Submitted by _____ the owner of
_____]

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

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

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

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

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

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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: _____

Motion by Supervisor Ruso seconded by Councilmember Boehlke

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 56-2023

MARCH 27, 2023

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

LOCAL LAW #4 OF 2023

SECTION 1. TITLE:

This Law shall be known as Local Law No. 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:

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

SECTION 5. INCONSISTENCY:

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

SECTION 6. SAVINGS CLAUSE:

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

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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 Ruso seconded by Councilmember Downes to Table to the April 10, 2023 Regular Meeting

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: We have had the financial reports for the month of February distributed and I'm gonna make a Motion to approve them.

Councilmember VanEtten: I'll second.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

County Legislator Pat Linger

We have a special Executive Session meeting tonight, but if we finish in time, I will try to make it back for the end of the Town Board Work meeting. There was a question at the regular town board meeting regarding the senior exemption. This exemption has statutory limits that had not been changed since 2019, when the 50% maximum exemption income limit was set at \$29,000. In 2022, NYS increased this limit to a \$50,000 maximum benefit with a sliding scale. After careful analysis by GC Real Property Services, we felt it would be a burden on many of our property taxpayers who are not seniors to increase exemption income by limits by 58% all at once. Remember, exemptions don't change the amount raised by the levy, they increase the rate paid by people not receiving the exemption. While we don't know when NYS might increase this limit again, we felt it was fairer to everyone to raise the limit in smaller increments, as has historically been the case. Our income limit for 2023 was increased by \$5,000 to \$34,000. We expect, even with NYS limits remaining the same, to increase the exemption again this year. With agricultural, seniors, persons with disabilities, veterans, and volunteer firefighters all receiving exemptions, the pool of people who pay the levy continues to diminish. While NYS has no problem mandating a cap on property taxes, the GC Legislature takes all things into consideration when approving exemptions. Much like the volunteer firefighter exemption, NYS is not paying for this, other property taxpayers are. Once again, we approved funding in our budget for the Greene County Cares initiative at CGCC. We have authorized the first of two \$50,000 grant payments to continue this fund through the college foundation for students from Greene County. We approved LL#2 adjusting the weighted vote of individual members of the GC Legislature. We heard from Public Health Director Laura Churchill and the Columbia Greene Addiction Coalition regarding overdose statistics and changes in the last decade. The increase in overdoses is not contributed to more drug use, it's attributed to synthetics such as fentanyl and carfentanyl being introduced into most supplies. We appointed Breanna Lennon to an open Coroner position after Ed Brandt failed to take his oath of office. Sales tax continues to show strong numbers. We're finalizing the 2022 financial books and will be setting aside excess funds into previously approved reserve accounts.

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Town Clerk Barb Finke

5 Building Permits \$4,278, 3 CO Searches \$150, 2 Fishing Licenses \$2.76, 25 Dog Licenses \$156, 1 Late Licenses \$5, 1 Beer Permit \$20, 1 Park Rental \$25, 1 Excavation Fee Culvert Under Driveway \$35, 1 Major Subdivision \$925, 1 Solar Commercial \$2,000, 13 Certified Copies \$130, 8 Photocopies \$2, Recycle Fees \$417.20, Total State, County & Local Revenues \$8,220.20, \$27 to New York State Department of Agriculture and Markets for the Spay/Neuter Program, \$47.24 to the New York State Department of Environmental Conservation for Fishing Licenses, Total to Supervisor \$8,145.96 Supervisor Ruso and I attended the New Baltimore Fire District Commissioner’s meeting on February 9 at the Cornell Hook and Ladder Fire Company. As the collecting officer for all Fire Districts, I updated the Commissioners and officers on the collections to-date, that the voucher would be signed by the Town Board at the February 13 Regular Meeting, and Treasurer Jen Batza and I would be meeting to deliver their check. My office collected \$267,500.61 or 7% of property tax payments in February. Of these, 102 were collected by mail and 56 at the counter. Sewer 1 and Water 2 and 3 are due with a 4% penalty until April 15. Spring is around the corner and Amanda, my Deputy, and I would like to remind everyone that all Park Rentals are reserved only through the Town Clerk’s office. The rental fee is \$25 for residents and \$50 for non-residents along with a refundable \$25 deposit following inspection. There is a \$20 beer permit if serving alcohol. We have reserved dates already so please call our office (518)756-6671, Ext. 5 to save your date. It's not too early to begin thinking about Townwide Yard Sale Day which is September 16.

Minutes

ADOPTION OF MINUTES

The March 13, 2023 Town Board Regular Meeting submitted by Town Clerk Finke, Moved by Supervisor Ruso and was seconded by Councilmember Boehlke. 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

Audit & Budget

Supervisor Ruso: My AUD has not been completed due to a misfiling of our bond from 2021 and they had incorrectly attributed it to a wrong account. If those have any recollection, it was the bond on behalf of the Water District for \$330,000. So through multiple conversations I had the designation of that bond changed to reflect the Water District 2 and now we can go ahead and get the AUD done, it should be done within days just so you know. We can’t complete that until that’s been finished.

Building & Grounds/Recycling

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 57-2023

MARCH 27, 2023

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

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

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

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Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Recycling Center Operator Kirk Trombley

March 1-March 27, 60 Gallon Bags of Plastic (No Hard Plastic) 8, 10 Bundles of Magazines & Phone Books, 49 Bags and Bundles of Newspaper, 67 Boxes and Bundles of Cardboard

Code Enforcement Office Allan Jourdin

Summarization of Code Enforcement Officer activities for February, 2023, is as follows: Building Inspections: 17; Building Permits Issued: 7; Building Permits Renewed: 1; Certificates of Compliance Issued: 3; Certificate of Occupancy Search Requests: 3; Commercial Permits Issued: 2; Demolition Permit Applications Received: 1; Total New Building Permit Applications Received: 8; New Building Permit Applications Awaiting Permit Issuance: 15; Open Building Permits: 190; Septic Field Replacement Permits Issued: 1; Application Fees for Feb. 2023: \$4,293.00 Total Fees for Year to Date: \$4,549.00

Greene County EMS Representative Nick Dellisanti

The regular monthly meeting was held on Tuesday, March 21, 2023. There were 11 EMS calls in February for a total of 29 for the year 2023. We had 180 calls for all of 2022.

Deputy Supervisor Dellisanti: So we are now averaging out to about 15 calls a month which is going to give us 180 for the year. So we're at least going down a bit from the last couple of months. The last six months we've been over 18, 19 calls, 20 calls. There was one overdose in Greene County, but not in New Baltimore.

Supervisor Ruso: What does it cost us for every ambulance call, sir?

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

Supervisor Ruso: That's what the County charges us.

Deputy Supervisor Dellisanti: Coxsackie Ambulance, Greene County EMS charges about \$255 a call.

Highway Superintendent Alan VanWormer

Highway Report February 27 to March 27 2023 Replaced leaking oil pan on 2002 International plow truck #3; Replace wing blade on 2012 International Plow truck #7; Changed oil and filter on 2011 F350 unit #1; Tuesday February 28th all in at 11:30 pm for snow plowed and sanded all roads; Repaired shift cable on 1997 International Plow truck #14; Replaced air intake tube on 2012 International Plow truck #13; Cleaned walks at Town Hall; 2002 International plow truck is down with either a blown head gasket or piston sleeve O-Rings. We will be getting estimates for repairs; 2012 International we believe has a bad fuel injector on cylinder number 4, and is at Gallaghers Garage in Catskill for estimate on repairs. 2011 International plow truck has exhaust issues, diesel particulate filter is damaged on the inside and need to be replaced, part is ordered and we will complete the work when it arrives. Thursday February 23 crews worked all day trying to get hard packed snow and ice from roads; Replaced left from U-Joint on 2011 F-350 Unit 1; Changed flat tire on 1985 Oshkosh plow truck #6; Saturday March 4 all in at 12am for snow, plowed and sanded all roads; Repaired parking lot at Town Hall where plow dug up Patched holes with winter mix; Washed all trucks; Repaired fallen sign on Featherbed Lane; Attended advocacy day in Albany with 600 outer highway superintendents from throughout the State; Greased sander bearings on all trucks; Cleaned up fallen tree on White Birch Lane; Saturday March 11 all in at 12am for snow plowed and sanded all roads; Monday March 13

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checked over all trucks and loaded with sand for upcoming storm; Tuesday March 14th all in at 1am for heavy snow plowed and sanded all roads for 23 hours, went home for 5 hours; Wednesday March 15th started plowing again at 6am, and clearing tree debris where needed. Repaired broken wipers on 1997 International plow truck #14, and 2011 F-350 unit #1; Wing on 1997 International had wing catch and dig into road causing damage to right side door and mirror. We were able to find a used door at a local scrap yard and make all repairs in house for \$250.00; While plowing on Shady Lane a tree fell on our 2012 International causing damage to the right side door mirror and one plow light, parts were available and all repairs were made in house. Replaced blown hydraulic hose on 2012 International plow truck; Took loader to Medway firehouse and moved snow away from buried dumpster; Crew is continuing to clean up storm debris along roads; Installed two pedestrian crossing signs on East Honey Hollow Road for elderly couple; Replaced crankcase air breather on 2011 International plow truck #13; Thursday March 23 I went to look at new haul truck in Harrisville NY, we are still looking at another two months before delivery.

Supervisor Ruso: You're not in desperate shape as regards to that particular vehicle.

Highway Superintendent VanWormer: I didn't know about the ARPA money if we have to send that in before the end of March, that \$100,000 down payment.

Supervisor Ruso: I'll be talking with Mr. Linger. They really want us to have commitment by March 31 is what my answer was last month.

Highway Superintendent VanWormer: One employee attended a computer diagnostic seminar at HL Gage in Albany, we are hoping in the near future to maybe be able to purchase computer diagnostic equipment to be able to better diagnose our own truck issues and make necessary repairs. This system would cost around \$4000.00; Marked culverts to be swapped out prior to paving, 7 in total; Gerard Stanzone's last day with us was Thursday March 23. We wish him well in his new venture; Joe Woelfersheims last day will be Friday April 7th; This will bring us down to a 4 person crew including me; I will be attending two Cornell Local Roads workshops this month one on Wednesday April 5th called reducing liability for highway and public works departments, and the second on Tuesday March 18th called Dollars and Sense of Municipal Operations. I signed up for a workshop on the 18th, I paid for it.

Supervisor Ruso: Yeah, I just found out today.

Highway Superintendent VanWormer: It got paid twice so it was the check they sent back, said she got two checks.

Supervisor Ruso: I'll double check. I did want to ask you about the plow truck that we have ordered. Any update on it? Is it the same people here?

Highway Superintendent VanWormer: I talked to them the same day I went out to look at the other one and said as far as they know they're still waiting on a motor.

Supervisor Ruso: That's all, just a motor.

Highway Superintendent VanWormer: Cummins is running way behind on motors because everybody got away from the max force engines and they're all going to Cummins motors now and they're running behind (unable to understand).

Supervisor Ruso: This year?

Highway Superintendent VanWormer: End of the year maybe, didn't even have an answer for me. He said he would get back to me by the end of the day and he didn't call.

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Councilmember Boehlke: Alan, did we get any updates on the CHIPS money there?

Highway Superintendent VanWormer: Yes, Jeff received that.

Councilmember Boehlke: It's been received.

Supervisor Ruso: Yes. By the way our Parliamentarian, also known as Town Clerk, has pointed out that we did our 284 Agreement with a Motion and we need to do it by resolution so that's why it's back on the Agenda in case you wondered didn't we do this already. Yes, we did it but we didn't follow the process.

Town Clerk Finke: It's a lot of money to spend by Motion.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 58-2023
MARCH 27, 2023

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

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

**AGREEMENT FOR THE EXPENDITURE
OF HIGHWAY MONEYS**

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

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

1. **GENERAL REPAIRS.** The sum of **\$100,000** shall be set aside to be expended for primary work and general repairs upon **42.68** miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. **PERMANENT IMPROVEMENTS.** The following sums shall be set aside to be expended for the permanent improvement of Town highways:
 - a. On the road commencing at **Sunset Hill Road** and leading to **Albany County Route 112**, a distance of **1 mile**, there shall be expended not over the sum of **\$150,000**.
Type: **Pave** Width of traveled surface: **20 feet**
Thickness: **3 inches** Subbase: **N/A**
Cold in place pave 1 mile of Staco Road from Sunset Hill Rd to Albany County Route 112 and Single Coat Chip seal.
 - b. On the road commencing at **County Route 51** and leading to **Roberts Hill Road**, a distance of **1.8 miles**, there shall be expended not over the sum of **\$155,902.50**.
Type: **Blacktop Pave** Width of traveled surface: **21 feet**
Thickness: **1½ inches** Subbase: **N/A**
True and Level, and Pave High Rock Road with 1.5 inches of Type 6 asphalt from County Route 51 to Roberts Hill Road.

Executed in duplicate this ____th day of March, 2023.

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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*

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 59-2023
MARCH 27, 2023

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

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

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

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

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Motion by Supervisor Ruso seconded by Councilmember Boehlke

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Councilmember Downes: I just have a quick question to Alan on this. Did you ever check with Columbia-Greene regarding having somebody go through that program for the CDL that we talked about?

Highway Superintendent VanWormer: Last I knew was when Joe came to work here, he said he made less than \$20 an hour. He got a grant. They paid the whole thing.

Councilmember Downes: Right, but we had talked about maybe pulling somebody in that had the permit and being able to give them time on the road. So I didn't know if you had gone any further with that.

Highway Superintendent VanWormer: The Town of Athens just passed a resolution with their Board where somebody comes in and doesn't have a CDL, they are willing to get one, the Town of Athens will pay the \$3,500 fee for them to get their CDL with the understanding that they stay working for the Town of Athens for a minimum of two years. If they leave before that, the money is to be paid back which I don't think is a bad deal.

Supervisor Ruso: I've not heard this before, but I think it's a good idea. In fact I asked you to come in maybe later this week to go over some payroll stuff. Let's put that on the Agenda. I'm thinking Thursday. I'll touch base with you. So that's not a bad idea. Let's give it a shot. It won't be until next Board meeting. Was it the Town or the Village?

Highway Superintendent VanWormer: The Town.

Supervisor Ruso: Town of Athens.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 61-2023

MARCH 27, 2023

**RESOLUTION TO AUTHORIZE THE HIGHWAY SUPERINTENDENT TO
ATTEND A CORNELL LOCAL ROADS PROGRAM WORKSHOP AND THE
ASSOCIATION OF TOWNS 2023 HIGHWAY SCHOOL**

WHEREAS the Cornell Local Roads Program will be holding a workshop entitled 'Reducing Liability for Highway & Public Works Dept.' on April 5, 2023 in Otsego County.

WHEREAS the Association of Towns will be holding the 2023 Highway School from June 5-7, 2023 at Ithaca College, Ithaca, New York.

RESOLVED that Highway Superintendent Alan VanWormer is authorized to attend said training for a registration fee of \$50 for the Cornell Local Roads Program and \$125 for the Association of Towns Program from A1991.4.

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Motion by Supervisor Ruso seconded by Councilmember Boehlke

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Planning Board Chair Rob VanEtten

The Planning Board met on March 9, 2023, with the following business conducted: Public Hearing was held on the Taranto Trust major subdivision application. Application is for a 11-lot subdivision on Route 51. Representing the property owners was Alan Lord and New York Land and Lakes LLC. Subdivision to be known as the Misty Pines Development. In the Regular Monthly Meeting that followed: ...Approved the Misty Pines Development major subdivision with conditions that final major subdivision maps be submitted for approval within six months of this date; and that final map fee be paid in full at time of final map submission. ...Received minor subdivision application for two-lot subdivision of the William and Shari Wentz property on Route 51. Required Public Hearing scheduled for 7 p.m., April 13. ...Received from Infinity Solar Systems Special Use Permit application for the Darryl Ford 26.070kW roof top solar project on property located on Tower Road. Public Hearing on the application has been scheduled for 7:15 p.m., April 13. ...The Board welcomed Michelle Stefanik back to the Board for another term and promptly appointed her Board Secretary for the 2023 year. ...With regard to the proposed New Baltimore Solar Project, the Board has received the requested further clarification from Central Hudson that the project will be accepted into the grid on completion. In preparing to send out RFP requests to engineers to assist the Board in the review of this project and to send letters to other interested agencies advising the Board planned to take lead agency for this project but would welcome their comments, inconsistencies were found in names shown on the various project documents versus name on property owner shown on current deed. These inconsistencies were reviewed by the attorney for the Town with recommendation forthcoming that the property owner's name be shown and/or documents provided that these other named entities were authorized to act on behalf of the owner. Project applicant was so notified and revised documents and response letter received from project's attorney. As of the preparation of this report and at the direction of the Planning Board members, the documents and project attorney's letter have been referred to our attorney for review. In view of comments in the applicant's attorney's letter, the Board members felt it should be our attorney rather the Planning Board that responds to the letter. At the present time, the Solar Company's next appearance before the Board to continue project discussion is scheduled for April 13.

Zoning Board of Appeals Chair Pat Linger

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

Town Courts

The following is the Town of New Baltimore Court monthly report for February 2023.

- Total February monies received was \$9,726.00
 - Judge Huff \$4,302.00
 - Judge Konsul \$5,424.00
 - State/County Share* Town Share*
- Total 2023 (January-February) monies received \$21,965.00
 - State/County Share * Town Share *
- Total New Cases Received 125

*State report not available

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Upcoming Meetings

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

Public Comment Period/Community Events

Judith Felsten: I want to finish what I was saying at the last meeting so what I was saying is that we seem to be striving for an ideal of a rural community of a certain kind and we limit tax levies and expenses, but sometimes that frugality can become a hindrance and for something as important as safe road conditions and then my feeling is that we need to reweigh the value and cost and that that's the Board's responsibility and I also think really that your opportunity to do that was before the highway crew members signed the union card. That's what I wanted to say. The other thing I wanted to say was that I went back to the facebook post that I mentioned...

Supervisor Ruso: Facebook, that's not legitimate Town business.

Judith Felsten: I will say one thing about it, it is the New Baltimore New York Republicans.

Councilmember VanEtten: No, you can't do that.

Supervisor Ruso: That is not legitimate Town business.

Judith Felsten: Why not?

Councilmember VanEtten: Because it's politics.

Supervisor Ruso: You're talking about facebook. If you're gonna continue I'm going to keep gaveling you down.

Judith Felsten: Oh, okay, so it's taking it as a political statement.

Councilmember VanEtten: This is a Town Board meeting dealing with Town Board issues.

Supervisor Ruso: This is a Town Board meeting and you're interrupting the business of the Town. Facebook is not a legitimate Town business and I don't understand why you don't understand.

Judith Felsten: Because you didn't explain it in those terms like that.

Councilmember VanEtten: I thought we did clearly.

Supervisor Ruso: It is not legitimate Town business. So what else do you have to say.

Judith Felsten: I understand then I will tell you personally (unable to understand).

Supervisor Ruso: Alright, thank you. And actually to a point of that about the Highway personnel and I don't know if Mr. VanWormer can tell me anything, the Town Board unilaterally reached out to the Union, notwithstanding all the negotiations, and I said last time that it was \$22 an hour is what we've offered at the lowest wage, I was in error. It's \$21.96 we offered to pay them and continue with the negotiations and they said 'no.' So now we are reaching out to them through our Attorney and see what we can do without the union's approval and it seems as though we can perhaps, and that's not final and it's probably not wise, but we may be able to pay the new people \$21.96 an hour and the old people will be at where they are. But this is what their decision was. They voted down the money and they also voted down the \$8,000-\$7,500 retro pay. Which is too bad. Nevertheless, the ball's in their court at this particular moment in terms of getting back to the Town. Proposal made, rejected, now they need

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to come back with a counter. We don't have anything more on that, but we are in contact with our attorney who's been in contact with the union representative from the Teamsters and our offer still stands at this particular moment that we will start paying the lowest salary of \$21.96 an hour upon the next Board meeting because obviously it's not before us today because the union has not gotten back to us. That's going to be a full month and the problem I have with this is for the individuals who may need the money, I would hope they do and that's why they work. It's closing in on \$180 a paycheck, \$80 times \$4, it's about \$240 -- it's a lot of money, I don't want to do the math here because I'll be wrong -- a paycheck and, of course, the tax man takes his bite. That's where it is and we put no strings on it, said that the negotiations continue. We'll start paying that now. And that's one of the main reasons was to 1) retain and we offered this before you had two people resign and also in the potential of trying to hire people. So at this particular point about not hiring people because we're not paying enough, you need to ask the crew why they rejected it. That's my opinion. Having said that, that's all we have.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 60-2023

MARCH 27, 2023

RESOLUTION TO AUTHORIZE SUPERVISOR TO PAY AUDITED CLAIMS

WHEREAS the Town Clerk has presented claims to the Town Board for audit and review, and

WHEREAS the Town Board has audited claims 2023b-03-01 to 2023b-03-20, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2023b-03-01 to 2023b-03-20.

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

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

General \$15,464.40, Highway \$10,010.38, Sewer 1 \$2,909.02, Sewer 2 \$463.08, Total \$28,846.88

Ellie Alfeld: I have a couple comments about the steps out here. Is it going to be a closing of those steps? The concrete is broken and not only is it broken, but there are pieces just scattered. If somebody goes out tonight in the dark and steps on that, you're gonna have a problem.

Supervisor Ruso: We were actually hopeful for the finalization of our grant for the renovation of the entire front of the building, but I don't know if those steps are gonna wait for all that stuff to happen.

Councilmember VanEtten: It's takes so much time to get the grant in.

Supervisor Ruso: By the way, that includes the repair of what we have in the side over here and right there.

Ellie Alfeld: But that's loose concrete pieces on an extra step.

TOWN OF NEW BALTIMORE **Draft 4/10/2023**
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Supervisor Ruso: Yes, indeed. So a set of concrete steps cost probably \$8,000-\$10,000.

Ellie Alfeld: If I sue you, do you think \$8,000 or \$10,000 (unable to understand).

Supervisor Ruso: No, I know that and we have a grant to replace everything for \$150,000 so we were hopeful to make it that long, but it's not making it. Thank you.

Highway Superintendent VanWormer: Jeff, we'll look at them tomorrow to see (unable to understand).

Ellie Alfeld: Just sweep the excess (unable to understand).

Supervisor Ruso: Well, that's nothing to do.

Councilmember VanEtten: That's what it cost for precast?

Supervisor Ruso: Oh, yeah. They have to be ADA-approved and everything, the width and so forth and the riser. It's not like the old days, you just put one in.

Adjournment

Motion by Councilmember Downes seconded by Councilmember VanEtten, the meeting was adjourned at 7:45 PM

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: Thank you everybody.

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk