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

AUGUST 14, 2023 AGENDA

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Approval of Minutes

• July 24, 2023 Town Board Work Meeting

Public Comment Period

New Business

- Resolution To Authorize Town Highway Superintendent to Seek Bids for a New 2023 Ford F350 Pick-Up Truck.
- Discussion of Submission to DASNY of Grant Application for Renovation of the Front Entrance and Handicap Ramp for Town Hall.
- Resolution To Appoint Part-Time Highway Employee

Upcoming Meetings

- August 28, 2023 Town Board Work Meeting at 7 PM
- September 6, Zoning Board Meeting at 7:30 PM (If Needed)
- September 11, Town Board Regular Meeting at 7 PM
- September 14, Planning Board Meeting at 7 PM
- September 16, 2023 Townwide Yard Sale Day at 9 AM
- September 18, 2023 Town Board Work Meeting at 7 PM

Public Comment/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.

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

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 14 members of the public who signed the attendance book.

ADOPTION OF MINUTES

The July 24, 2023 Town Board Work Meeting submitted by Town Clerk Finke, Moved by Supervisor Ruso and was seconded by Councilmember VanEtten. The adoption of the foregoing Motion was duly put to a vote and the vote was as follows: AYES: Ruso, Boehlke, Downes, Irving, VanEtten NAYS: ABSTAIN: ABSENT: **Motion Carried**

Public Comment Period

Janet Kash: Hello everyone. I am just asking to find out if there was any results or a meeting on July 17th about the traffic study in New Baltimore? Have you guys heard anything back from that or did you...? Did it happen?

Supervisor Ruso: I went and met with them and they have provided us some guidance and language and we had to write a letter for approval, a formal letter, and it's a project that will cost the Town about \$75,000-\$100,000. Now I've sent the revised application and it went to someone who I think is on vacation because they've not gotten back to me notwithstanding my second (unable to understand).

Janet Kash: Okay, can you give us any details about what the \$75,000-\$100,000 would entail?

Supervisor Ruso: To do the Study.

Janet Kash: Just for the Study itself?

Supervisor Ruso: The Complete Streets Study.

Janet Kash: And that would be all be borne by the Town itself?

Supervisor Ruso: They said there's opportunities for reimbursement.

Councilmember VanEtten: But it's not guaranteed.

Janet Kash: Okay, so it might be upfront and then you could be reimbursed for it.

Supervisor Ruso: Yeah, kind of like DASNY and so forth and lots of other grant opportunities.

Councilmember VanEtten: But it's not guaranteed that we're gonna get reimbursed.

Supervisor Ruso: No, it's not, but they said there's opportunities.

Janet Kash: Okay, so the concern would be that you would actually say 'yes' to the Study and then not know whether it would be reimbursed?

Supervisor Ruso: Of course. Of course. They did recommend that the Study would not be something necessarily take on until after that bridge is complete because they felt that that...

Janet Kash: The one over the Hannacroix they're still working on?

Supervisor Ruso: Yeah, they felt that that would alter the normal traffic in all regards and therefore a false Study. That's what their recommendation was which makes sense.

Janet Kash: Alright, so it would not be more specific than the hamlet where the truck traffic issue seems to be the biggest concern.

Supervisor Ruso: Oh, no, it was, but with that bridge being like it is...

Councilmember Downes: It's not a true Study.

Supervisor Ruso: Yeah, they felt that it's gonna affect traffic and then when they do a Study I don't want them to say 'Oh, no big deal. Look, there's not much traffic.' I want the full traffic.

Janet Kash: Alright, well, please keep us updated on what you decide to do and if you have the letter that you sent to them to make it public for us just so that we could look at that would be really great you know so that we could have some input or at least some knowledge you know of what's been said.

Supervisor Ruso: Sure, sure. If you want a copy, call me.

Janet Kash: Absolutely. Alright, thank you so much guys and gals.

Supervisor Ruso: Next in order, Mr. Vadney.

Harold Vadney: As you can see on the card I have a couple topics and working from your Guidelines on those topics. The first topic is New Baltimore Highway Department information page. It came to my attention recently that there's public posting several months back where Highway Supervisor Alan VanWormer apologized for the taking down of the New Baltimore Highway Department information page. I quote directly from that post where Mr. VanWormer says "due to bullying tactics by the Town Supervisor demanding administrative rights to the page' and suggesting that the Supervisor had other motives for the demand it seems the only one's disadvantaged by this action and ongoing internet warfare going on in Town Hall here, we residents or us residents rather, my question would be where do residents now turn for information about Highway operations and projects etc.? The Highway Department is now posting information on a private group which is questionably administered by a local resident and I notice on the New Baltimore page there's not a heck of a lot on there about all of the Highway work that's being done now, the paving, where the paving is done. This is all occurring on a private Facebook page now and I'm sure that many of the residents don't have access to that page or even have knowledge of it whether the Town did have a Highway specifically dedicated page for the Highway. Can I go through these and then you can respond?

Supervisor Ruso: Go ahead.

Harold Vadney: Okay, the Collective Bargaining contract negotiations on behalf of the Highway Department. There are still continuing battles being fought here and I have information that you met with the President of Teamsters Local 294 just I think it was last week, Mr. Quackenbush, to get negotiations back on track. I'm certain most of us here would be delighted to know where we are on these negotiations and what the plans are going forward here. This has been going on for almost three years now and with the alleged fee you're paying to this downstate lawyer, I think I've heard it's \$600 an hour, I don't know how we can recoup this anyway, but I'm sure we'd be very, very delighted to hear what you have to say about your negotiations where they are right now. One disturbing thing that I came up with recently was I served a Freedom of Information demand on the Town of New Baltimore demanding documents setting forth rules of order for public meetings. This was back in July I believe or late June. July 24 and July 25th the Clerk responded that the Town does not possess any documents relative to the request and from that response one can reasonably conclude that the Town Board makes it's

rules for public meetings at (unable to understand) as it goes along which is I don't think is acceptable in terms of running public meetings and public business. So I would ask you why hasn't the Board adopted rules of procedure and rules of order and whether you plan to do so and if so when? I think the last thing is the Board's response to correspondence. You, Mr. Dellisanti, Mr. VanWormer and I sat for an hour back on April 20 to discuss some discrepancies and deficits that I noted in the responses to three FOIL demands. Most of these deficiencies and deficits were connected with record keeping. Documents were simply not available and those documents which were available were pretty darn scanty when you're looking at a public department using taxpayer monies etc. Now I wrote after that meeting I addressed at least four letters to the Town Board, to you, Mr. Ruso, to Mr. Dellisanti, individually to the Town Board members, and to Mr. VanWormer and I haven't received a response to any of those.

Supervisor Ruso: Please sum up if you would.

Harold Vadney: Pardon me?

Supervisor Ruso: Please sum up, you're well past the three minutes. You're on minute number six.

Harold Vadney: Yes. I'm going by your rules, though. I'm going by your rules.

Supervisor Ruso: You're on minute number six, please sum it up.

Harold Vadney: Well, I had four, five actually topics and by your rules if I may quote 'they must limit the remarks on Town official business' which I've done 'up to three minutes on a given topic.' I submitted four different topics. So on the first topic that issue with the Town information page I did some research on that with the office of the Comptroller and I think that you overstepped and you behaved unlawfully by interfering with the Town Highway Department's activity, it's informational activity. You know this is not something new. So basically with the Board's permission I'd like to submit for the record three documents. One, an opinion of the State Comptroller's Office which relates fairly directly to that issue of your interference with Highway Department operations and two others which are opinions of the Committee on Open Government and they deal with your role as Supervisor and Chairman of Town Board public meetings and whether or not you have the authority to unilaterally...

Supervisor Ruso: Please present them, thank you.

Harold Vadney: Unilaterally decide on whether something is going to be discussed or not without the approval of the remaining Board.

Supervisor Ruso: Alright thank you very much.

Harold Vadney: Okay. Thank you for your indugence, I appreciate it.

Supervisor Ruso: Thank you.

Debra Sottolano: Thank you. So I just actually similar to what Mr. Vadney said and I just was wondering if I could get an update you know on the union negotiations because we did hear that there was more and it was going forward, but I didn't know if we had any updates on that.

Supervisor Ruso: I could give some scant information. We did have a meeting here Wednesday. Was it last Wednesday? At the end of the meeting it was decided by all, it wasn't even suggested by me, that we came to a framework of an agreement. Right now we're fixing up language and typos and terminology, but the agreement is there and it was suggested by all parties that we keep it under wraps until the final language is approved. So following that in no particular sequence the Town employees would have to ratify and the Town Board would have

to approve. So we don't have that language fixed. In fact we just had counter language change today and, therefore, we're not ready. So I mean they're satisfied with it I think at this particular point what we said at that meeting we didn't want anybody scuttling this agreement. What do I mean by this? Okay, Town residents contacting the union President before the meeting. I'm not talking about Town employees, I'm talking about Town residents calling and for what reasons I can't speculate, but it was felt 'well let's just get this agreement done and then we can have ratification and approval.' That's pretty much it. So the details are still under wraps, but we came to an agreement, a Memorandum of Understanding is a better way to put that.

Debra Sottolano: So it revised from the original Memorandum of Agreement.

Supervisor Ruso: Oh, yeah.

Debra Sottolano: So do you have a sense of how long before those last steps are gonna take?

Supervisor Ruso: I would suggest that I'll have this before the Board on the following meeting.

Councilmember Downes: You hope.

Supervisor Ruso: I suggest by the following meeting.

Debra Sottolano: But I think you feel that urgency of getting it done.

Supervisor Ruso: I would like to get it done yeah.

Debra Sottolano: And I wondered have you gotten any applicants for the posting of the you know the Highway staff?

Supervisor Ruso: No, unfortunately we can't post it with the new rates that we've agreed to until we've agreed to them formally.

Debra Sottolano: Okay, it has been posted though so I didn't know if anybody has been in contact with you.

Supervisor Ruso: Yeah, I can't put the new rates up until they're formalized.

Debra Sottolano: Right. Thank you.

Supervisor Ruso: Alright, thank you.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 96-2023 AUGUST 14, 2023

RESOLUTION TO SEEK BIDS FOR A NEW 2023 FORD F350 PICKUP TRUCK

WHEREAS the Town Highway Superintendent has notified the Town Board of the need to replace a pick-up truck for use by the Town Highway Department, and

WHEREAS the Highway Superintendent has indicated that a suitable replacement would be a 2023 Ford F350 Super Duty 4x4 regular cab pickup,

THEREFORE, the Town Board authorizes the Town Highway Superintendent to seek bids for the following:

2023 Ford F350 Super Duty 4x4 regular cab pickup with single rear wheels, 8'box, 6.8 liter gas engine, 10 speed automatic transmission with a 142" wheel base. Such truck shall have a snowplow prep package and trailer package. The acceptable bid will have a 3 year/36,000 bumper-to-bumper warranty, 5 year/60,000 power train warranty with roadside assistance.

Please address any questions to Highway Superintendent Alan VanWormer at 518-756-2078 Ext. 3. Bids will be received at the Town Clerk's Office located at 3809 County Route 51, Hannacroix, NY 12087 until 4 PM on Friday August 25th, 2023.

Motion by Supervisor Ruso seconded by Councilmember Boehlke

Supervisor Ruso: Alan, I don't know if we have any questions for you if you want to step up.

Councilmember Boehlke: Alan, is the sander coming off the other truck right onto this? It's good.

Highway Superintendent VanWormer: Yes, yup, all we gotta do is change the wiring harness from the front to the back.

Ellie Alfeld: Delivery date?

Highway Superintendent VanWormer: It's in stock.

Ellie Alfeld: It's in stock.

Highway Superintendent VanWormer: It's in stock at DePaula Ford in Albany.

Ellie Alfeld: Okay, because we waited almost two years for the last truck.

Supervisor Ruso: By the way if you noticed I made that date the 25th so that this would be available for Monday.

Councilmember Downes: So we can just push it through.

Supervisor Ruso: Have more time to look it over so I made it for Friday instead of Monday.

Councilmember Boehlke: What kind of cab's on this, Alan?

Highway Superintendent VanWormer: Just a regular cab.

Councilmember Boehlke: It's not a crew cab.

Highway Superintendent VanWormer: No. If I want a crew cab, you have to have an eight foot box for the sander so if you want a crew cab, it would have been way too long.

Councilmember Boehlke: We have another truck with a crew cab on it?

Highway Superintendent VanWormer: Yes, our 2017's got a crew cab. That's got a aluminum dump body on it.

Councilmember Boehlke: What's the date on the third truck?

Highway Superintendent VanWormer: February. They're gonna start building it in February so we probably won't see it until early 2025.

Supervisor Ruso: Now which truck is this replacing?

Highway Superintendent VanWormer: Probably the one that we're gonna fix. Unfortunately we have to fix it because we need it, but...

Supervisor Ruso: No, I'm talking about the pickup.

Highway Superintendent VanWormer: Oh, the white 2012, the one that I drive?

Supervisor Ruso: What do we do with that?

Highway Superintendent VanWormer: We're gonna keep it. We'll just run it until it doesn't run anymore. We're not gonna get anything for it.

Councilmember Boehlke: That's true.

Supervisor Ruso: Well, is it safe?

Highway Superintendent VanWormer: Oh, yeah.

Councilmember Boehlke: What's it got like 300,000?

Highway Superintendent VanWormer: It's got almost 160,000, but it's starting to rust pretty bad. We can use it just to run around Town with and stuff.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten NAYS: ABSTAIN: ABSENT: **Motion Carried**

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 97-2023 AUGUST 14, 2023

RESOLUTION TO APPOINT PART-TIME HIGHWAY EMPLOYEE

WHEREAS William Spurdis recently resigned as a full-time employee of the Town Highway Department, and.

WHEREAS William Spurdis has subsequently indicated his interest in remain in the employ of the Town on a part-time as-needed basis,

THEREFORE, BE IT RESOLVED that William Spurdis is appointed to the position of Part-Time as needed Heavy Equipment Motor Operator as a wage of \$18.81 per hour.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

Councilmember Downes: Just quick with Bill, he'd just be doing weekends right?

Highway Superintendent VanWormer: Yeah. He works 7:15 to 3:15 every day Monday through Friday, he doesn't work on (unable to understand).

Councilmember Downes: Does he have a weekend that he's on call for down there or no?

Highway Superintendent VanWormer: Not that he told me.

Supervisor Ruso: Much to the point that I discussed earlier with Ms. Sottolano and her question is the dollar figure as indicated here would also be changed. Thank you.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten NAYS: ABSTAIN: ABSENT: **Motion Carried**

Discussion of Submission to DASNY of Grant Application for Renovation of the Front Entrance and Handicap Ramp for Town Hall.

Supervisor Ruso: That's a different grant altogether. We have applied, with the approval of Senator Hinchey's office, for a grant through DASNY, the Dormitory Authority of the State of New York, for the replacement of the stairs and rampways to make it more handicapped-accessible than it has been. I mean it's worked, but it's falling apart for those that may have had to use it. So we have a grant in and I believe the cost was about \$150,000 and, unfortunately, the DASNY grants usually take about two years. I know that the Parks are just finished, that one park today, and that was two years ago so that was DASNY as well.

Councilmember Boehlke: How much is the grant for?

Supervisor Ruso: \$150,000. The application's in and it has been submitted so I thought that the Board needs to know about that. We have discussed in in times gone by so that is formally in the mail. Well, actually emailed.

Upcoming Meetings

- August 28, 2023 Town Board Work Meeting at 7 PM
- September 6, Zoning Board Meeting at 7:30 PM (If Needed)
- September 11, Town Board Regular Meeting at 7 PM
- September 14, Planning Board Meeting at 7 PM
- September 16, 2023 Townwide Yard Sale Day at 9 AM
- September 28, 2023 Town Board Work Meeting at 7 PM

Public Comment Period

Janet Kash: You were saying that if I understood you correctly that you could not advertise again for the Highway Department employee until you knew what the rates were going to be?

Supervisor Ruso: I don't want to scuttle this deal.

Janet Kash: Oh, no, that's not even my nerdy question.

Supervisor Ruso: I mean I know what the rates will be, but when we put the union contract will be the document that guides us.

Janet Kash: Yes, precisely.

Supervisor Ruso: And I want to make sure that everyone follows in line behind it.

Janet Kash: But here's my nerdy question. I think that when I was here the last time I told you folks that sometime in September maybe the 21st any municipality, any government, any I think any private employer whenever they put an advertisement out to hire someone they need to tell them what the range of benefits are, what the range of money is, so I was just wondering if that might be part of the delay because I think in September, I mean I'll try to find you the chapter number, looked it up awhile ago, I think it was in the notes two weeks ago that whenever you advertise for an employee, you have to give them the range of salary, you just can't say 'hey,

come work for me, it'll be a lot of fun.' You have to tell them what they're gonna be paid, the range.

Councilmember Downes: We always put the number it.

Councilmember VanEtten: We always put that in there.

Janet Kash: I have never seen that.

Councilmember Downes: Yeah, because it says right here that it's \$18.81.

Janet Kash: I looked at the Legal Notices in the Albany *Times Union* and it does say that you want folks to come and work.

Supervisor Ruso: So that's a new law as of September?

Janet Kash: But I have never ever seen any range of salary or benefits.

Supervisor Ruso: But you said that that's a new law coming this September.

Janet Kash: It is. I think it comes into effect in September.

Supervisor Ruso: I'll look into that. I'll look into that.

Janet Kash: I can email you. I'll look it up because it's kind of a big deal because a lot of...

Supervisor Ruso: Alright, that'd be good. Nobody does it.

Janet Kash: Yeah, exactly and when people want to apply for a job they should have some reasonable expectation of what they might be paid and what the benefits are and all that good stuff. But I think it goes into effect on September 21, but I'll look it up and I'll email you the information.

Supervisor Ruso: A lot of people put in ads and you don't even know who the company is. Please send it to me. That's not handcuffing us on this thing.

Harold Vadney: It's definitely good news to hear that you're getting close to an agreement and I appreciate the fact that you're hesitant to scuffle it as you put it. The good news is that in terms of recruitment etc. I do have information that the union can be very helpful in providing possible candidates for the various positions in the Highway Department once this contract is agreed. The second point that I'd like to make is there are discretionary funds that the Highway Superintendent has access to should he need to bring in say part-timers or even temp persons. I wonder if you're considered that. Here we are talking about a staff of big three here to take care of an entire town and out of the same side we're discussing buying new vehicles with hardly any personnel to drive them and I'm just wondering what sense that makes in the present debilitating conditions of the Highway Department as it is now. I understand that the delivery date is probably going to be far into the future, but it seems to me a little bit ridiculous if we're talking about buying new equipment and that sort of thing when we really are more desperate for personnel to operate the equipment. Thank you.

Supervisor Ruso: We have discussed those things and we've also under the guise of even with increased salary, there's certainly no guarantee that people are going to work we're gonna find. We don't know.

Harold Vadney: Yes, but you have the opportunity.

Supervisor Ruso: Right, so in that vein we have discussed emergency procedures in the event we don't have the staff. We have discussed it, nothing's finalized certainly, but we have prepared some thinking is the best was we can call it.

Audit of Claims

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 98-2023 AUGUST 14, 2023

RESOLUTION TO AUTHORIZE SUPERVISOR TO PAY AUDITED CLAIMS

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

WHEREAS the Town Board has audited claims 2023-08-01 to 2023-08-49, it is.

RESOLVED that the Supervisor is hereby authorized to pay claims 2023-08-01 to 2023-08-49.

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

Motion by Supervisor Ruso seconded by Councilmember Downes YES: Ruso, Boehlke, Downes, Irving, VanEtten NAYS: ABSTAIN: ABSENT: Motion Carried

General \$3,263.03, Highway \$29,260.34, Sewer 1 \$74.81, Water 2 \$3,550.00, Street Lighting 1 \$2,009.93, Street Lighting 2 \$206.44, Total \$38,364.55

Janet Kash: Jeff, yeah I just wanted to update you. I just looked on here. The Governor signed Senate Bill 1326 on March 3rd of this year which has been signed into law. I don't have the chapter number, but it says that it will require employers to disclose minimum and maximum annual salaries or hourly wages in advertisements for jobs or internal promotions or plans for opportunities. Look up Senate Bill 1326 which was signed into law, you'll get the chapter number, and it goes into effect on September 17th.

Supervisor Ruso: Alright, well, we'll have to look at that. I think we've been compliant, but I think that we want to make sure that we are.

Highway Superintendent VanWormer: I took a ride down to District 1 Park today. (Unable to understand) looks great. It looks like you're gonna be a little short on mulch. We have a big pile at the Town Garage left over the District 2 so you don't have to buy any more. We can just bring some of that down to you.

Councilmember VanEtten: That was left, okay. Alright, but it should have been included in the price.

Highway Superintendent VanWormer: I mean just a tiny bit short (unable to understand).

Councilmember VanEtten: Okay Alan, thank you.

Supervisor Ruso: Thank you.

Adjournment

Motion by Councilmember Downes seconded by Councilmember VanEtten, the meeting was adjourned at 7:30 PM AYES: Ruso, Boehlke, Downes, Irving, VanEtten NAYS: ABSTAIN: ABSENT: **Motion Carried**

Respectfully Submitted,

Barbara M. Finke RMC Town Clerk