

6:30 PM PUBLIC MEETING ON THE COMMUNITY CHOICE AGGREGATION PROGRAM

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

NOVEMBER 25, 2024

Please turn off all cell phones and electronic devices.

Reports

Supervisor

- Resolution to Award Bid for Scheller Park Water Main Replacement

County Legislator

Town Clerk

- Resolution to Amend Delinquent Water District 2 Accounts to Greene County Real Property Tax Service for Relevy onto 2025 Property Taxes

Agriculture/AgFest (Member VanEtten)

Animal Control (Chair Kash, Member Sottolano)

Assessment (Chair Sottolano/Member Kash)

Audit and Budget (Chair Ruso/Member Downes)

Buildings & Grounds/Recycling (Chair Downes/Member VanEtten)

Code Enforcement Officer (Chair Downes/Member Ruso)

Fire, EMS & Law Enforcement (Member Dellisanti)

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

Greene County Planning Board (Sottolano)

Highway (Chair Ruso/Member Downes)

Insurance (Chair Ruso/Member Downes)

Personnel (Chair Ruso/Member VanEtten)

Planning Board (Chair Downes/Member Kash)

- Resolution to Place Advertisement for Members of Planning Board and Zoning Board of Appeals

Seniors (Chair VanEtten/Member Ruso)

Technology/Website (Chair Downes/Member VanEtten)

Town Courts (Chair Kash/Member Sottolano)

Veterans and Memorials (Chair VanEtten/Member Downes)

Wastewater Treatment (Chair Sottolano/Member Kash)

Water Districts (Chair Kash/Member Sottolano)

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

Zoning Board of Appeals (Chair Sottolano/Member Kash)

Upcoming Meetings

- December 4, 2024 Zoning Board of Appeals Meeting at 7 PM
- December 9, 2024 Town Board Regular Meeting at 7 PM
- December 12, 2024 Planning Board Meeting at 7 PM
- December 23, 2024 Town Board Work Meeting at 7 PM
- December 25, 2024 Town Offices Closed for Christmas Day

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 entrance 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 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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COUNTY OF GREENE **Draft 12/9/2024**
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Supervisor Ruso opened the meeting at 7:12 PM and the Pledge of Allegiance was said. Also attending Councilmembers Downes, Kash, Sottolano, VanEtten; Highway Superintendent VanWormer; and 8 members of the public who signed the attendance book.

Supervisor Jeff Ruso

I know the monthly financial reports have been submitted to everybody. Hope you've had a chance to review them. In the meantime, I'm going to make a Motion to accept those financial reports for the month of October.

Councilmember Downes: I'll second.

AYES: Ruso, Downes, Kash, Sottolano, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Supervisor Ruso: Something that was on the Agenda at the last Town Board meeting, we had bid openings here and the bids were reviewed by a representative from Delaware Engineering. He found the most qualified and low-cost bid was from a company called Bellamy Construction. We've had Bellamy Construction here in the Town, they're the ones that put the lines under the Thruway back in June of 2020. And as everyone might recall this is going to be the installation of water mains that connect from Cocksackie to the line that goes under the Thruway and also from the other side to Scheller Park residents. So I have a resolution to award a bid. I only received these here at about noontime today, so I know that you only had a short time to review them and I'm glad I had a few minutes to review them because I found some things. Okay, so I'm going to speak of it now.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 148-2024
NOVEMBER 25, 2024

RESOLUTION TO AWARD BID FOR
SHELLER PARK WATER MAIN REPLACEMENT

WHEREAS ten bids were received, opened, and read at the November 13, 2024 Town Board Regular Meeting for the Scheller Park Water Main Replacement Project, and

WHEREAS Bellamy Construction submitted the lowest bid of \$370,940 to replace both sections of the water main, one being on the east side of the NYS Thruway and the other section being on the west side of the NYS Thruway, and

WHEREAS the Town of New Baltimore hereby commits to providing approximately \$292,000 in federal ARPA money toward the cost of the water main replacement leaving an approximate unfunded balance of \$78,940, and

WHEREAS upon close examination of the bids submitted there were cost savings of \$27,400 identified by the elimination of 2 fire hydrants that were proposed to be installed on the east side section of the Thruway, and

WHEREAS upon further examination of the bid submitted there were cost savings of \$37,900 identified by the elimination of 600 feet of 2" HDPE water service lines and associated curb stops that was to install water lines to 3 homes on the east side of the Thruway in Diederich's Trailer Park,

RESOLVED that the Town Board of the Town of New Baltimore hereby authorizes the Town Supervisor to sign the contract with Bellamy Construction for the water main replacement for Water District #2 (Scheller Park) for a total, after the above identified deductions, of \$305,640.

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Motion by Supervisor Ruso seconded by Councilmember Downes

Supervisor Ruso: I made about six calls this afternoon and saying ‘what are you doing?’ and it’s one of those things the sins of the past. Apparently, about seven years ago a well in Diederich’s Park failed and three homes didn’t have water that are in the Trailer Park, not in the Town of New Baltimore. However, the Department of Health approved tapping into the New Baltimore water supply lines so that they could supply water to residents of the Town of Coxsackie. And when I asked the Mayor of Coxsackie, they just did it. No one told the Town of New Baltimore which was a mistake and I expect the Department of Health didn’t know that there’s lines there and so forth. The second part is why in heavens name are we putting in fire hydrants in a Trailer Park in Coxsackie? And the point is that, according to Delaware Engineering, the Coxsackie Fire Department -- I guess it’s Hamilton Fire Department...

Councilmember Downes: Hose 3.

Supervisor Ruso: Hose 3 – requested it to which my calls to the Mayor and to the Town Supervisor were ‘if you want it, you can pay whatever, the \$37,000 or whatever the heck it is each of those.’ So for those that have this page, you’ll see the identified areas on the base bid -- there are two hydrants, there’s a third hydrant in the Scheller Park area that may be required because there’s certain required distances, minimal distances of fire hydrants that were not in compliance with those minimal distances, so there is gonna be a fire hydrant in the west side, but two on the east side, both of them cost \$27,400, and if you look down at 10a, the 2” line, the curb stops, you see there’s three curb stops there because there’s three homes, some of them has different sizes, the cost of those are either gonna be borne by the Town of Coxsackie or they won’t be part of this at all. In essence if the Town of Coxsackie says ‘yeah, we want ‘em.’ Well then, okay, I mean we’re not gonna deny something if it’s a possibility, but they’re gonna have to pay for it, the Town will not. So in any event, I was able to pare off whatever the dollar figure was, \$27,000 and \$37,000, and so that makes the gap that is unfunded instead of it being \$78,940, I didn’t do the math, but it’s a distance of about \$13,000 so it’s much more palatable -- not perfectly preferred -- but it can be done at that figure. Okay, just so you guys know. So anyway that’s the discussion phase that I wanted to bring forth to the table here. Does anyone else have anything to add?

Ellie Alfeld: Who collected the money?

Supervisor Ruso: There’s no money collected.

Ellie Alfeld: Those homes that were being billed.

Supervisor Ruso: We didn’t even know about it.

Ellie Alfeld: Right.

Supervisor Ruso: No one said a word.

Ellie Alfeld: But they used enough water over there for years.

Supervisor Ruso: Yeah, but we were not billed for that water, we weren’t metered, so we weren’t out money, but still. Any thoughts over here, any comments? Okay so we have a resolution made, a resolution seconded, I’ve had plenty of discussion. I think the most important thing is to what extent possible and I’ve been to State Senator’s offices, I’ve been to the Assemblyman’s office, I’ve been talking to people throughout the area to help us please because the thought was that we’re gonna be \$70-some-odd-thousand that these people can’t afford, they really can’t. They’ve already been burdened by this bond to a substantial nature and not that we wouldn’t still take a grant from the County if it was available, but, nevertheless we’ll leave it at that. I think the Town is happy to have it a lot less than it was.

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AYES: Ruso, Downs, Kash, Sottolano, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

County Legislator Pat Linger

In November I attended all committee meetings, two public hearings, one workshop, and the second ambulance policy committee meeting. Many of our resolutions this month dealt with contractual agreements that give Greene County the ability to provide services. These services include mental health, public health, emergency services, special education, social services, early childhood, family planning, road maintenance, college funding, and economic development just to name a few. One of the public hearings dealt with the 2025 Tentative Budget presentation of \$136 million. The tentative budget increased overall spending by \$5 million, yet with increased revenues and utilization of fund balance from increased sales tax collections, we were able to present a budget tax levy that remained flat. There was a last-minute attempt to use an additional \$1.2 million from fund balance so no town would have an increase in their rate. This was denied by the board as it had more to deal with equalization rates and assessed values, which we have no control over. The budget that was approved by a 9-4 vote, and one absence, was unchanged. Our County tax levy will remain unchanged for the 6th year, even with substantial improvements in services along the way! We reappointed the Emergency Services Director, the Emergency Medical Services Coordinator, the Deputy Coordinator, and the Emergency Medical Director. At the conclusion of the ambulance policy committee meeting, a decision was made to investigate the formation of a single county-wide provider that will allow employees currently in the NYS retirement system to maintain their status. We will move forward accordingly. This group has made significant progress in a relatively short period of time. County Rt 61 has seen intermittent closures near Country Meadow Lane (Coxsackie) with the installation of the CHPE power line. This road was initially scheduled to close entirely for at least 3 weeks. With the help of our County Highway Superintendent and County Attorney, we were able to come to an agreement that would close only one lane for that duration. Rolling closures of 15 minutes or less will be controlled by flaggers and temporary traffic lights have been installed for nighttime. These closures will begin at 10am and end at 2pm to avoid affecting school bus runs. The replacement of the bridge over the Coxsackie Creek is moving forward with work scheduled to begin in the spring. This will be an “on-site” detour to avoid road closure and allow us to repair the road slide in that area as part of the project. We authorized the appointment of Keith Valentine as Interim County Treasurer. Keith recently won election to the position to begin in January. This appointment gets him a head-start in the office. We approved supporting resolutions for appointment of police officers from age 35 to age 40, and another supporting licensed dealers of firearms. We declared 370 Mansion St to be surplus property to be auctioned off. This was the site of our temporary jail and investigators office. We authorized the distribution of mortgage tax, with \$33,571 going to the Town of New Baltimore. One of the more interesting developments this month came during the budget discussions. There was a comment at the public hearing requesting the county share sales tax. As you know, this has been one of my most elusive goals to help our towns invest in the residents. For many years, it’s been met with significant resistance from leadership and committee chairs. There seems to be an interest in this moment to give “surplus funds” away. While I disagree with simply giving money away, I’ll be working again toward an agreement to share sales tax funds with Towns in Greene County. In my opinion it’s always been the right thing to do. Greene has made great progress in how we invest our tax dollars. It’s time we expanded on our success. In closing, I would like to thank everyone who cast their vote for me to represent our Town ,at the County level. Your confidence in me is extremely humbling. I will continue to do my best on your behalf.

Supervisor Ruso: I’m gonna look at your second paragraph, this meeting that you’re discussing, this is the one that was being held at the..., they’re done with their work already?

County Legislator Linger: They’re not done yet, no, this was a second meeting.

Supervisor Ruso: So the second meeting is discussing having the Countywide provider?

County Legislator Linger: Correct.

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Supervisor Ruso: I mean they discussed it, but have they made any decisions toward that end?

County Legislator Linger: That's what we're going to do for the next meeting, we're gonna work at that end...

Supervisor Ruso: Details.

County Legislator Linger: For next meeting. Part of what I think that is going to entail is probably considering another contract with Fitch & Associates that will determine what the value is of existing equipment – ambulances, things like that -- that's already in our EMS system but it's all split up between eight different agencies.

Supervisor Ruso: Has due consideration been provided or somehow being considered for the issue that we have in the Town of New Baltimore with two service providers, ambulance service providers because Cocksackie, we contract with for much of the southern half of the...

County Legislator Linger: For Medway's Fire District.

Supervisor Ruso: Yeah, whereas in the northern section...

County Legislator Linger: Cornell Hook & Ladder Fire District.

Supervisor Ruso: Cornell Hook & Ladder Fire District, we contract with Ravena.

County Legislator Linger: And Ravena's Chief was at both of these meetings.

Supervisor Ruso: If we have a Countywide provider is that going to include Ravena or is all of us going to have Cocksackie suddenly or the County, Greene County one because Cocksackie wouldn't exist anymore?

County Legislator Linger: I don't know if I have an answer for that yet. The only guiding factor that really came from the second meeting was something where people who are already in the State Retirement System don't lose that benefit.

Supervisor Ruso: I mean that's great, I'm glad they're still in the State Retirement System, but I want our residents to have ambulance service I mean regardless of that.

County Legislator Linger: That's the point actually.

Supervisor Ruso: Yeah, that's what I'm looking for.

County Legislator Linger: Ravena has already reached out to me for grant funding through the Speenburgh Grant because they don't have funds, they don't have people, they're having a hard time just like everyone in Greene County. So I don't know that I have an answer as to whether it will be Ravena Rescue responding into New Baltimore or it will be some sort of Greene County-run system. I just don't know yet. We're not there.

Supervisor Ruso: I know.

County Legislator Linger: But that's where this group seems to want to head toward is a single provider run by the County or managed by the County.

Supervisor Ruso: So based upon what I'm hearing so far it seems like we're being steered towards instead of having two separate ambulance districts, we're gonna have one ambulance provider. It sounds like.

County Legislator Linger: I would think so. The Town of New Baltimore in it's entirety is being considered in this program so whether it's Ravena Ambulance responding to those calls or whether it's Medway's district with Cocksackie responding, that call volume is what's being considered with this program.

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Councilmember Downes: In Medway we also get Greenville.

County Legislator Linger: Yes, right now.

Councilmember Downes: Right, when you go further out west in the district.

County Legislator Linger: If this new system comes to fruition which I think it will at some point, I don't think it will be this year, I think it will be within the next two years, it would be one system for the County. Those ambulances would be free to move around wherever their management at the time would have them go. So in the wintertime you may have a couple extra ambulances up on the Mountaintop rather than in the valley. They took those ambulances out (unable to understand).

Supervisor Ruso: I appreciate you being at those meetings because I think it's important that New Baltimore has a voice there and I'm glad you provided that.

Councilmember Sottolano: Have other counties done this idea as a single ambulance service?

County Legislator Linger: No, nobody has done a single provider service. Columbia County does a little bit of a, they have separate entities, their County actually provides funds to make up the differences that they have within their County and there's a County out west who does a partial County system where they have a private provider that does part of it but then another system does another part of it. Nobody does a complete County-run Countywide system.

Supervisor Ruso: Are there gonna be options for Towns to opt out of this County program?

County Legislator Linger: I do believe there will be options to opt out. I don't know that it would be a good idea to opt out and I'll tell you why because I think you pay twice on your taxes because you're gonna pay in your County taxes at least right now.

Supervisor Ruso: I think I note that Catskill and is it Windham are not in the EMS system?

County Legislator Linger: Correct. Catskill's not now, Windham's not going to be next year.

Supervisor Ruso: As in January 1, yet they gotta pay for it.

County Legislator Linger: I can't tell them that they can't opt out of the system, but their taxpayers are gonna pay in their system and they're gonna pay in the County system.

Ann Marie Vadney: Why are they opting out, what are the pros and cons.

Supervisor Ruso: Actually I find that ironic and that is those Towns have a seat at the table, Town Supervisors and of the like, have a seat at the table to make a vote, whereas New Baltimore does not and they don't what to be in it. It doesn't make much sense. But thank you for being there because...

County Legislator Linger: This could wind up. it could be a Town of Windham or a Town of Catskill Ambulance Service that winds up with a contract to do this. I don't know if that's where it goes. It could wind up that way or it could wind up as a new system.

Supervisor Ruso: It's amusing.

County Legislator Linger: It's a little confusing and it's gonna take some time.

Councilmember Sottolano: It could be an entirely different agency.

County Legislator Linger: It could be completely different. The bottom line is at the end of the day we want to make sure this is an equal service that is available to everybody in the County.

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Councilmember Sottolano: Is there any update on whether the Greene County Planning Board is going to start up again?

County Legislator Linger: Well, there's probably gonna be a change in the way that Planning Board operates. We're actually going over that right now so I don't have the final answer on that, but I think either December or possibly early January you'll see there's a different way that we're moving things to run that Planning Board.

Town Clerk Barb Finke

1 25 - 50 Acre Site Plan Review \$100, 8 Building Permits \$1,736, 1 Building Permit Septic System New \$50, 10 CO Search \$500, 1 EZ Pass Tag \$25, 12 Hunting & Fishing Licenses \$57.03, 18 Dog Licenses \$120, 2 Late License \$10, 1 Special Use Permit/Variance Non-Commercial \$200, 1 Safety Inspection for Solar Residential \$26.08, 12 Certified Copies \$120, 5 Photo Copies \$1.25, Total State, County & Local Revenues \$4,656.33, \$22 to New York State Department of Agriculture and Markets for the Spay/Neuter Program, \$1,688.97 to the New York State Department of Environmental Conservation for Hunting/Fishing Licenses, Total to Supervisor \$2,945.36.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 149-2024
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**RESOLUTION TO AMEND DELINQUENT WATER DISTRICT 2 ACCOUNTS
TO GREENE COUNTY REAL PROPERTY TAX SERVICE FOR RELEVY
ONTO 2025 PROPERTY TAXES**

RESOLVED the amended delinquent Water District 2 accounts in the amount of \$6,356.06 be sent to Greene County Real Property Tax Services for relevy onto 2025 property taxes.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Downs, Kash, Sottolano, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Audit & Budget

Supervisor Ruso: Our budget has been sent to the State and County correct Barb?

Town Clerk Finke: Yes.

Recycling Center Operator Kirk Trombley

10/30/24-11/25/24 1 Tire Up To And Including 16" With Rim \$5.00, 60 Gallon Bags of Plastic (No Hard Plastic) 8, 19 Bundles of Magazines and Phone Books, 41 Bags and Bundles of Newspaper, 86 Boxes and Bundles of Cardboard, 11/2/24 2 Microwave Ovens, 11/16/24 2 Air Conditioners, Total Income \$5.00

Code Enforcement Officer Allan Jourdin

Summarization of Code Enforcement Officer activities for October 2024, is as follows: Building Inspections: 26; Total Building Permits Issued: 3; Certificates of Compliance Issued: 6; Certificates of Occupancy Issued: 1; Certificate of Occupancy Search Requests: 7; New Building Permit Applications Received: 4; Open Building Permits: 236; Application Fees for October 2024: \$718.00; Total Fees for Year to Date: \$21,472.70 Summarization of Code Enforcement Officer activities for November 2024, is as follows: Building Inspections: 23; Total Building Permits Issued: 8; Certificates of Compliance Issued: 5; Certificate of Occupancy Search Requests: 1; New Building Permit Applications Received: 9; New Septic System Application: 1;

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Building Permit Renewals: 2; Sign Permit: 1; Open Building Permits: 239; Application Fees for November 2024: \$1,155 Total Fees for Year to Date: \$22,627.70

Greene County EMS Representative Nick Dellisanti

The regular monthly meeting was held Tuesday, November 19, 2024. There were 25 EMS calls in October, for a total of 199 for this year 2024. Year to date for Greene County: Strokes – 80, Overdoses – 48. We had 171 calls for all of 2023.

Deputy Supervisor Dellisanti: And we still have November and December to go and we're at 199 so our numbers are going to be going through the roof.

Highway Superintendent: Alan Van Wormer

October 28th to November 25th 2024 10/28/24 Interviewed new applicant for Highway Department; Replaced two metal culverts on West Deans Mill Road; Took load of scrap metal to W&J; 10/29/24 Replaced two more metal culvert pipes on West Deans Mill Road; 10/31/24 Picked up new truck from Denooyer Chevrolet; 11/1/24 Dropped new truck off at Toads for plow and salter install; Patched culvert crossings with item 4 stone; Picked up bagged leaves in Hamlet every Monday; Completed last two culvert swap outs on West Deans Mill Road; Vacuumed leaves in Hamlet; Repaired road edges on Sunset Hill Road with blacktop; Checked over all plow trucks, serviced where needed and got ready for snow; Contacted main Care for diesel delivery at wwtp and Pomp station; 11/13/24 Thank You to the Village of Ravena for vacuuming leaves for us in the Hamlet, our leaf vacuum has blown head gasket. We will be making repairs in house; Began working on top side of School Hill Road, digging shoulders back and replacing ditches.; 11/13/24 sent one truck to help Town of Coxsackie with tree stump removal; Picked up dead deer on Roberts Hill Road; Dug out and blacktopped culvert crossings on West Deans Mill Road, Thank You to the NYS Thruway Maintenance Division for loaning us their Hot Box.; Began taking leaf vacuum apart for head gasket replacement; Counted speed limit signs on Aquetuck Road for replacement to 35MPH; Built and installed rubber flap for rear of new plow truck; Spread item 4 stone on top half of School Hill Road to make plowable for winter; Brought excavator back to garage for winter; Installed back up lights on salter for new truck; Returned hot box to thruway; Picked up 8 35MPH signs from County Highway for Aquetuck Road; Picked up new side boards for 2023 haul truck from GNH Lumber; Installed liquid deicing sprayer on truck number 13; Repaired some wiring issues on truck number 7; Took leaking wing cylinder for truck #7 to mooradian for rebuild; Introduced new employee to his plow route for winter; Picked up trash from Town Hall; Put grader away for winter; 11/25/24 Greene County Highway came and calibrated all salt spreader for winter.; Installed amber flashing lights on back of new salter. We would like to welcome new highway employee Jerred Carras to our crew, he has extensive equipment operating experience, and a CDL Class B license. We have finally received the speed limit reduction approval from NYS DOT for Aquetuck Road from 40MPH to 35MPH, signs will be changed in the near future. We were able to recycle some old signs that we had with the help of Greene County Highway who refaced them for us saving several hundred dollars on new signs. I would like to thank the Town Board for working with our highway department allowing us to purchase our most recent new truck. We were able to make this happen rather quickly by shopping around at our local dealers, and also able to save money at the same time.

Supervisor Ruso: This must have just come in because there was an inquiry on the Acquetuck Road what was going on. It's been a year.

Councilmember Sottolano: Yeah, and what happened was is that they misplaced it until I asked Alan.

Supervisor Ruso: New York State did that?

Councilmember Sottolano: I asked Alan and he told them and then they put it here.

Supervisor Ruso: I'm surprised they would do that.

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Planning Board Chair Rob VanEtten

Received an update from Alex Martin from Kasselmann Solar, LLC on the Ground Mount Solar project on the Mancini property. With the ownership change, paperwork was resubmitted with the current owners. As the project is 29.63kW, 4.3 kW over the current Code, the Planning Board could not accept and a variance is needed. The project was referred to the Zoning Board of Appeals. Representatives from Cheema Petro, LLC were present and the Chairman explained that they need to submit another \$5,000 for the escrow account so that Creighton Manning can complete their review. The Chairman met with the Engineer from New Baltimore Solar to review the final draft of the site plan, show the equipment being moved around, and sign the final draft. This project is now complete. Hannacroix Solar is seeking a one-year extension as they continue to deal with DEC with their offsite mitigation lands for the northern harrier bird. The Planning Board is waiting for the Town's Attorney for interpretation on whether or not to grant the extension. The Chairman advised that they would have to resubmit a new application based on the new solar law. **Commercial Cannabis** The Board discussed the Channel 13 story on a marijuana farm in Moreau where neighbors were complaining of an odor and were unable to sit outside at night. It was suggested that the Board should look at their issues. While there wasn't a sketch or site plan, the Chairman noted it was the Cary property off 9W. The Town Attorney was going to research to see if it would be allowed. The owner would have to come before the Board and if it would have to be sent to the ZBA. The Board also questioned if it could be termed agricultural and how other Towns were handling it. **Pine Haven Major Subdivision Project** A request was made for a copy of the entire project with both Towns. It was confirmed that an escrow account has been established with Cocksackie for Delaware Engineering to review the project and the Board wondered if the Engineering could be shared. The Board also questioned if it was in a reservoir watershed, advised that the Planning Board is not ready to accept their application, and they were looking for engineering and a traffic study. The developer advised that the project was in a watershed district and discussed with Delaware Engineering about stormwater requirements. Concern was raised by the Board regarding lot size with the smallest lot having 2.7 acres and the possibility of combining the lot with another for a 6.8 parcel, and traffic issues. Location of septic systems was discussed by the Board. A perc test was done on each lot with the purchaser choosing the location of the septic system. Systems have to be engineered and the plan goes to the County Health Department. Additionally, the septic system has to be inspected once every 5 years. A question arose about training and a reminder about three learn lunches coming up. The Town Clerk provided the annual training files which the Board felt was difficult to understand.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 150-2024
NOVEMBER 25, 2024

**RESOLUTION TO PLACE ADVERTISEMENT FOR MEMBERS OF
PLANNING BOARD AND ZONING BOARD OF APPEALS**

WHEREAS an advertisement will be placed for positions that are unfilled or whose term of office will expire on December 31, 2024.

RESOLVED that the Town Clerk will place the following advertisement, approved by the Attorney for the Town, on Indeed for one day.

The Town of New Baltimore is seeking applicants who are residents of the Town for the Planning Board and Zoning Board of Appeals where annual training is required. Monthly meetings are held for the Planning Board where members receive \$809 payable quarterly and Zoning Board of Appeals members receive \$336 payable quarterly for monthly meetings when needed. Please send letter of interest or resume outlining experience to Supervisor Jeff Ruso, 3809 County Route 51, Hannacroix, NY 12087, jruso@townofnewbaltimore.org, or call (518)756-6671 Ext. 7 for information by December 20, 2024.

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Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Downs, Kash, Sottolano, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Seniors

Councilmember VanEtten: And what I want to say is just remind everybody that the Christmas Party is Wednesday, December 4 at Pegasus at noon and you do need to call Barb for reservations.

Supervisor Ruso: Yup, get reservations.

Ellie Alfeld: Limited because of finances.

Town Court

The following is the Town of New Baltimore Court monthly report for October 2024.

- Total October monies received was \$17,955.00
 - Hon. James W. Huff \$10,425.00
 - Hon. Anthony C. Konsul \$7,530.00
- Total 2024 monies received (January-October) \$148,669.50
- Total new cases received 193

Town Clerk Finke: It just came in today. For October, the State received \$9,850, the County \$50, the Town \$8,055. So from January through October, the State received \$76,188, the County received \$2,180, and the Town received \$70,301.50.

Supervisor Ruso: And that's through...

Town Clerk Finke: The end of October.

Supervisor Ruso: Through October 31, okay. Our budget for 2024 was \$80,000 so we're about \$10,000 short, but there are two months left. We'll see.

Zoning Board of Appeals, William Boehlke Chair

The Zoning Board of Appeals did not meet on October 2, 2024, since there were no applications to come before the Board. The Zoning Board of Appeals met on November 6, 2024, in which the following business transacted... An Area Variance Application was presented by Alex Martin of Kasselmann Solar on behalf of 4.63kW. The board motioned to schedule a Public Hearing for December 4, 2024, with specified conditions to be met at least ten days prior to the public hearing date.

Upcoming Meetings

- December 4, 2024 Zoning Board of Appeals Meeting at 7 PM
- **December 4, 2024 Senior Christmas Party at Pegasus Restaurant at 12 Noon**
- December 9, 2024 Town Board Regular Meeting at 7 PM
- December 12, 2024 Planning Board Meeting at 7 PM
- December 23, 2024 Town Board Work Meeting at 7 PM
- December 25, 2024 Town Offices Closed for Christmas Day

Public Comment Period

Ellie Alfeld: I just wanted to comment on this Newsletter that we received this past week. I think it is the best one that you have provided your residents. If we could have this more often I think everybody in the Town would appreciate it. You've covered everything that's really of importance to our local citizens and I just feel this gives you more than -- and I'm not picking on your OWL -- some of us don't have YouTube and whatever being a senior myself.

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Supervisor Ruso: I do think we should thank Barb because she and her staff put a lot of work into that.

Ellie Alfeld: I did in fact thank Barbara because...

Town Clerk Finke: Yes, she did. I appreciate that, thank you.

Ellie Alfeld: Oh, and I'd like to make another comment about your Agenda. You're looking for members for the Planning Board and the Zoning Board and I would really ask Ken to come back on the Board because he was a real asset. Thank you.

Supervisor Ruso: As a point, I guess it was probably ten years ago we did two a year isn't that right and then we went to three and it's a lot of work.

Town Clerk Finke: We did four a year and we went to three and then the prior administration cut it out totally so they had to find the funds to put it back in.

Supervisor Ruso: It does cost quite a bit.

Town Clerk Finke: It's a labor of love.

Ellie Alfeld: But really this reaches more people than anything I can think of even the tv.

Councilmember VanEtten: Well, that's true.

Supervisor Ruso: Unfortunately, not everybody agrees, but I'll leave it at that.

Harold Vadney: This past November 14 I noticed a conspicuous number of Town Board members at the November 14, 2004 meeting of the New Baltimore Planning Board. There's quite a bit of commentary and information being passed back and forth and it became obvious that the Town Board was not as neutral as one would expect since it appeared that the Town Board was there en masse. What was surprising though, but not unexpected was not a single word was said about the Town's violation of Open Meeting Law by failure to prepare Minutes for almost 90 Planning Board and Zoning Board of Appeals meetings since 2019. That number is over a hundred if one goes back to approximately 2015. In 2015 there were fifteen meeting agenda posted but not a single minutes of a meeting; in 2016 nine agendas and six minutes; 2017 twelve agendas and eight minutes; 2018 eight agendas and five minutes. Between 2019 and November 2024 I found no minutes at all for sixty-eight Planning Board meetings and some thirty Zoning Board of Appeals meetings yet this evening Ms. Kash and Ms. Sottolano I believe reported on Zoning Board of Appeals and Planning Board activities and not a peep about the meetings minutes. My question would be such a salient, outrageous, and unlawful situation goes unreported at a public meeting here. My question to you both would be why is that? You're the liaison officers, you should be reporting on something of this magnitude. I see that is inexcusable and unacceptable. In the enforcement part of the Public Officers Law fines can range from \$350 to \$500 I would seek per incident plus the Courts can order this Board and people on the Planning Board and Zoning Board of Appeals to get training which they should already have. Again your failure to report this is egregious, this is a matter of public interest and it's a matter of violation of state law. Last Town Board meeting the Town Clerk who's not a member of the Board but who is required to attend Town Board meetings but only to record proceedings and to keep a complete and accurate record of the proceedings of each meeting and occasionally at the request of the Board to report on specific items. Even if the Town Board were to go into Executive Session, the Town Clerk would not have the right to be present since she is not a member of the Town Board but she may be permitted or requested to be present. The Town Board has on innumerable occasions and managed a speaker from making comments and questions and that the Public Comment Period is not a question and answer period. The Town Board has on innumerable occasions deviated from the dictum to allow certain members of the public to use the lectern to address questions to the Board and the Board has on innumerable occasions and by way of exception responded affirmatively to those questions by offering an answer making the particular Public Comment Period a veritable Q&A session. The Town Board's adopted it's so-called Guidelines for Public Conduct at meetings but fails to

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observe them. The Guidelines provide that a comment card shall be completed and given to the Board, the speaker must be recognized by the Board, the Board Chairman rather, take the lectern, state their name and domicile. No person, whether Town Officer or a member of the public can take the floor without recognition of the Chair. Without such rules the public meeting (unable to understand) literal free for all which we witnessed at this past Planning Board meeting. Certainly no Town Officer has a special privilege of circumventing the Board, interrupting the Board proceedings to address a question to a particular member of the Board and to another Town Officer such as the Town Attorney without being recognized by the Chair. There are rules of procedure and decorum however few there may be that govern the conduct of public and Town Officers other than Board Members who are literally members of the public. Therefore, the Town Clerk does not act as a member of the Town Board, does not participate in deliberations, determinations, or official acts of the Town Board except as set forth in Public Officers Law, excuse me Town Law Article 30, and consequently Town Clerk even if acting as recording clerk at Town Board meetings is for all practical and procedural purposes to be considered a member of the public and must comply with the Guidelines for Public Comment during Town Board meetings. That is confirmed by the Commission on Open Government Department of State. On November 14, 2024 a quorum of the members of the New Baltimore Town Board met unlawfully at the regular meeting of the New Baltimore Planning Board. Town Board members Jeffry Ruso, Kelly Downes, Janet Kash, Debra Sottolano met in an extraordinary gathering and discussed Town business in the context of Planning Board meeting. If that confusion of voices can be characterized as a meeting regardless. Notwithstanding the disorderly procedures, Town Officers Law Article 7, the Open Meetings Law defines a meeting in terms that this Board should be well aware of and must comply with. The Open Meetings Law governs the meetings of public bodies defined by §102 1. as the official convening of a public body for the purpose of conducting public business. I submitted the situation to the Department of State Committee on Open Government requesting advisory opinions concurring with my conclusions and I quote ‘in our view any time a quorum of the Town Board gathers to discuss public business it constitutes a meeting as defined by §102 part 1 and the Committee on Open Government has previously opined that such a meeting is subject to the OML even if it were to occur at the meeting of another public body. The attendance of a quorum Town Board members at a meeting of the Town Planning Board where the Board members conducted and discussed Town business was unlawful and in violation of the provisions of Public Officers Law Article 7. Furthermore since the Town Board met in a quorum and at that meeting (unable to understand) purpose, discussion, and conduct of public business the meeting qualified as a public meeting of the Town Board. As such Town Law §30 1 requires the presence of the Town Clerk and I quote ‘the Town Clerk shall attend all meetings of the Town Board, act as Town Clerk thereof, and shall keep a complete and accurate record of the proceedings of such meeting.’ Town Clerk Barbara M. Finke was absent from the gathering on November 14. Furthermore Open Meetings Law §106 requires that minutes be taken at all public meetings of a public body and since the November 14 gathering of a quorum of the Town Board members was a public meeting as defined by the Open Meetings Law that Town Board meeting minutes of the proceedings are required to be kept. Open Meetings Law §104 requires that notice be given of a public meeting and I quote ‘public notice of time and place of meeting including scheduled at least one week prior thereto shall be given to the new media and shall be conspicuously posted in one or more designated public locations at least 72 hours before each meeting.’ The Town Board is in violation of §104 regarding notice to the public with the time and place of the meeting of the Town Board on November 14, 2024. The Town Board is in violation of multiple provision of the Open Meetings Law. Would the Town Board like to respond? When a resident purchases a plat or a larger acreage they in reality purchase conditional custodianship over a piece of community property. Contrary to the understanding some members of the Town Board and the Planning Board matters brought before the Boards of the Town by Town residents are not private matters first of all because they are typically brought before a public body in a public meeting in open session to conduct public business and second because the municipality has ultimate control over what property holder does with the property and how they do it. Property owners are property custodians and the property is in fact humanitarian. The Planning Board and other municipal boards frequently refer to what’s called the Town Comprehensive Plan, a plan outlining the community’s vision for the direction they want their community to take in the future which includes of course what comes into the Town and how it is expected to affect residents and their lifestyles. The New Baltimore Town Comprehensive Plan is almost ten years old and a lot has happened in those intervening ten years. Certain outside elements and some insiders are

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cannibalizing the Town, it's history, culture, traditions, natural resources and treasures for the sake of short-term so-called vision. Economic development and a negligible increase in tax base is overshadowed by poor planning, incompetent decision making, special interests, and an overstressed infrastructure. Pardon the pun but what we see here is a form of terminal blindness to the long-term consequences. You have the vision of blind men and in the village of the blind the one-eyed man is mayor. There's also a saying in the land of amputees the one-legged man is king. After you cut off your own legs and you children's legs, the one-legged man will be some solar corporation covering the fields and landscape with cheap Chinese solar panels or greedy land developers carving up our farms and forests with their subdivisions approved by our Town Board and its creatures the Planning Board and the Zoning Board. Our elected public officers and their hirelings and appointees sit at their Council table smugly but in reality are toads perched on a log and don't see the hungry snake approaching from behind from downstate. I often wonder who has their hand up our elected officers and their appointees' backsides...

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 151-2024
NOVEMBER 25, 2024

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 2024b-11-01 to 2024b-11-22, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2024b-11-01 to 2024b-11-22.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until December 31, 2024.

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Downs, Kash, Sottolano, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

General \$19,323.57, Highway \$561.31, Sewer 1 \$44,851.48, Sewer 2 \$57.96, Street Lighting 1 \$5,670.11, Total \$70,464.43

Adjournment

Motion by Councilmember Downes seconded by Councilmember VanEtten, the meeting was adjourned at 8:14 PM

AYES: Ruso, Downes, Kash, Sottolano, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Respectfully Submitted,

Barbara M. Finke RMC CTO
Town Clerk