

**MINUTES OF THE REGULAR MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JANUARY 14, 2014**

Present: Michael Benson, Supervisor
Bruce Baldwin, Councilmember
Dan Evans, Councilmember
Chuck Gerald, Councilmember
Matthew Larabee, Councilmember

Recording Secretary: Colleen Teal, Town Clerk

Others Present: Andy Howard, Attorney for the Town
Jeffrey Winestock, Highway Superintendent
Eileen Evans, Secretary/Bookkeeper
Robert Smith, Planning Board/Ethics Board Member
Jack Lancto, Conservation Advisory Council Member
Scott Larabee, Recreation Committee Chair/Building Maintenance
Ted Salem, ZBA Member/Zoning-Re-write Committee
Trina Porte, Planning Board Member
Tammie Darcy, Tax Collector
David Farren, Conservation Advisory Council
Thaddeus Flint, Reporter for *The Eastwick Press*
Gail Heinsohn, Reporter for *The Chatham Courier*

CALL TO ORDER:

The meeting was called to order at 7:17 p.m. by Supervisor Benson. A moment of silence was followed by the flag salute.

FINANCIAL:

Specific Questions on Vouchers:

Councilmember Gerald questioned General Voucher No. 445 to Crawford and Associates for engineering review work done on Covenant Circle; is this something that we will be reimbursed on, is that something we are doing? Supervisor Benson stated that that is the town engineer's review of the Covenant Circle Road takeover matter and our engineering firm will be making a recommendation. Councilmember Gerald asked if this was something the town should be paying for, isn't that something that the association should reimburse us for? Supervisor Benson stated that the town has an obligation to review the entire matter; we are represented by an engineering firm to do that. Councilmember Gerald noted, yes, but in the Zoning Department when we hire an engineer, we are reimbursed by the applicant. Attorney Andy Howard stated that the town board had wanted to look into the issue; how we are going to treat it moving forward has yet to be discussed. The initial question, he stated, was for him to review the file, which he did as part of the fixed retainer, to go back through the history of the file to see exactly what the town's obligations were with regards to taking over Covenant Circle. Attorney Howard further stated that a question arose with the board members as to the current state of the road and what it would take, and, so at that point, there was an authorization for the engineers to proceed; so up to this point, it would be a town charge. Ultimately what occurs, visa vi improvements, or something

else, would be something that the board could consider handling differently. Councilmember Baldwin noted that the new board members should get a copy of the Covenant Circle residents' request for the road to be taken over. Supervisor Benson stated that there is another report that is about to be issued by the Covenant Circle residents' engineer which is currently under consideration by our engineer. He further stated that at some point this week, our engineer is going to issue their final review and report on this matter but the charge that the town attorney and the town engineer was given stemmed from a letter that I had board authorization to write to the homeowner's association of Covenant Circle directing them to follow certain steps relative to the potential takeover of that road. Supervisor Benson stated he would highlight the term potential. He also noted that there are a lot of engineering reports that have been delivered to the town; there is a lot a legal paperwork that has been delivered to the town. The legal paperwork, he noted, has been reviewed by the town attorney and the engineering reports have been reviewed by the town engineer. Councilmember Geraldi asked if the board members would get a copy of the town engineers' report? Supervisor Benson stated yes, as soon as it is finished, yes. Councilmember Baldwin also noted that there was a report issued by Prendergast, Covenant Circle's engineer that the new board members should get a copy of. Supervisor Benson noted that the town's engineer issued an initial response to Prendergast's report on November 11, 2013. The board members were provided with copies of the November 11, 2013 report from Crawford and Associates, the town's engineering firm. Supervisor Benson noted that to date, these are the actions that have been taken by our engineers, and this is to be followed by another report from the town's engineer that he is told will be issued at the end of this week. Councilmember Geraldi asked who actually decides whether or not a road should be taken over; he noted that year's ago when Deer Ridge was taken over; they were told that the town board actually decides to take over a road. However, within the last couple of weeks, he has been told that this is not true. Councilmember Baldwin noted that it is the Highway Superintendent. Attorney Howard noted that there is an action taken by the town board but it is with the consent of the Highway Superintendent. Councilmember Geraldi asked for clarification; so if the Highway Superintendent says no, then the town board cannot take the road over? Councilmember Baldwin confirmed that this was correct. Supervisor Benson stated that when we, as a board, decided to engage the town attorney to review the file and the town engineer to review, not just the file but the reports issued by the homeowner's association; we could not determine anything. He further stated that we wrote a very specific letter to the homeowner's association advising them of certain steps relative to the consideration of taking over the road. Any decision by anybody, he stated, until all of the facts have come to light, which they are about to, would have been premature. Councilmember Geraldi stated that he just wanted to know if both the town board and the Highway Superintendent had to agree to do this before it can actually happen. The Supervisor stated that once our engineer issues their report, all of the necessary steps will have been taken and at that point the town highway superintendent and the town board have a decision to make and there will be a basis for that decision.

Supervisor's Report:

Supervisor Benson read the Supervisor's Report and reviewed the other reports provided to the board members. A motion was made by Councilmember Baldwin, seconded by Councilmember Larabee and approved unanimously to accept the Supervisor's report.

OLD BUSINESS:

Open Town Positions:

Supervisor Benson reviewed openings and letters of interest:

Planning Board – 1 seat – 9 letters;

Zoning Board of Appeals – 1 seat – 4 letters including a re-appointment;

Conservation Advisory Council – 3 seats – 2 interested in re-appointment – also 2 student seats open;

Recreation Commission – 2 seats – 1 interested in re-appointment;

Ethics Board – 1 seat – 1 interested in re-appointment;

New Lebanon Representative to CC Office for the Aging – 1 position – 1 letter; and

Deputy CEO/ZEO – 1 position – 1 letter.

A motion was made by Councilmember Larabee, seconded by Councilmember Evans and approved unanimously to appoint Joyce Baum as the New Lebanon Representative to the Columbia County Office for the Aging; to re-appoint Cynthia Creech and David Farren to the Conservation Advisory Council for two-year terms to expire 12/31/2015; to re-appoint Robert Smith to the Ethics Board for a five-year term to expire 12/31/2018; to re-appoint Joe Ogilvie to the Recreation Commission for a five-year term to expire 12/31/2018; and to re-appoint Dean Herrick as the Deputy Code Enforcement/Zoning Enforcement Officer for a one-year term to expire 12/31/2014.

The board set the date for interviews for the Planning Board and Zoning Board of Appeals for Tuesday, January 28th starting at 6:30 p.m. at 10 minute intervals; the town clerk will set up the interviews. Councilmember Baldwin noted that he will be out of town that date.

Highway Material and Town Fuel Bids:

Sand, Stone, and Gravel:

Public Notice:

The Town Clerk read the public notice as follows:

NOTICE TO BIDDERS
HIGHWAY DEPARTMENT
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON is seeking bids for supplying the following items for use by the NEW LEBANON HIGHWAY DEPARTMENT:

1. Gravel

- A- Bank run gravel
- B- Item #3, 1" minus
- 2. Sand
- A- Screened 3/8" sand
- 3. Stone
- A- Washed #1-A
- B- Washed #1
- C- Washed Mixed #1 & 1-A
- D- Gabion Stone

BIDS MUST BE SUBMITTED ON THE BID FORM PROVIDED BY THE TOWN:

A – Delivered to the Town Highway Garage in New Lebanon

B – Picked up by the highway department (**MUST INCLUDE IF LOADER IS AVAILABLE**)

Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22 North, New Lebanon, New York, no later than 5:00 p.m. on Monday, January 13, 2014. Bids will be opened at the Office of the Town Clerk at 5:00 p.m. on Monday, January 13, 2014 and bids will be considered by the Town Board at the regular monthly meeting at the New Lebanon Town Hall at 7:00 p.m. on Tuesday, January 14, 2014. The Highway Superintendent reserves the right to inspect and/or reject any materials. The Town Board reserves the right to reject any and all bids, or to accept more than one bid as determined by location and needs of the town. All bidders should present the town clerk with a valid mining permit and/or an agreement with the town, must include a "Non-Collusion Bidding Certificate," and must be submitted on the bid form provided by the town.

Jeff Winestock
Highway Superintendent
01/06/2014

The following bids were received on the required forms and with the necessary documents:

Joy Sherman	Gravel: Bank Run – FOB \$5.00/cubic yard	
Colarusso	Gravel: Bank Run FOB \$6.50/cubic yard	Delivered \$16.05/cubic yard
	Gravel: Item #3, 1" Minus FOB \$8.50/ton	Delivered \$15.85/ton
	Sand: Screened 3/8" FOB \$10.85/cubic yard	Delivered \$20.40/cubic yard
	Stone: Washed #1-A FOB \$11.00/ton	Delivered \$18.00/ton
	Stone: Washed #1 FOB \$10.85/ton	Delivered \$18.85/ton
	Stone: Washed Mixed # 1 & 1-A FOB \$11.00/ton	Delivered \$18.00/ton
	Stone: Rip-Rap FOB \$12.50/ton	Delivered \$23.30/ton
	Stone: Gabion FOB \$10.85/ton	Delivered \$17.85/ton

A motion was made by Councilmember Larabee, seconded by Councilmember Baldwin and approved unanimously to accept the bid for bank run gravel from Joy Sherman and all other materials from Colarusso per the recommendation of the Highway Superintendent.

Liquid Calcium:

Public Notice:

The Town Clerk read the public notice as follows:

NOTICE TO BIDDERS
HIGHWAY DEPARTMENT
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON HIGHWAY DEPARTMENT is seeking bids for liquid calcium to be applied to town roads for 2014. **Bids must be submitted on the bid form provided by the town.** Bids must include the percentage (%) of calcium and the percentage (%) of water. Bids must be in a PLAIN ENVELOPE and labeled only with the item being bid and must include a "Non-Collusion Bidding Certificate." Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22 North, New Lebanon, New York, no later than 5:00 p.m. on Monday, January 13, 2014. Bids will be opened at the Office of the Town Clerk at 5:00 p.m. on Monday, January 13, 2014 and will be considered by the Town Board at the regular monthly meeting at the New Lebanon Town Hall at 7:00 p.m. on January 14, 2014. The Town Board reserves the right to reject or accept all bids.

Jeff Winestock
Highway Superintendent
01/06/2014

The following bids were received on the required forms:

Peckham Winter: 32% Calcium/68% Water \$.904/gallon
 Summer: 35% Calcium/65% Water \$.904/gallon

The Gorman Group Winter: 32% Calcium/68% Water \$.90/gallon
 Summer: 35% Calcium/65% Water \$.90/gallon
 Additional Product: Magnesium Chloride \$.90/gallon

A motion was made by Councilmember Larabee, seconded by Councilmember Baldwin and approved unanimously to accept both bids to be used at the discretion of the Highway Superintendent.

Fuel:

Public Notice:

The Town Clerk read the public notice as follows:

*NOTICE TO BIDDERS
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA*

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON is seeking bids for the following items for use by the NEW LEBANON HIGHWAY GARAGE and the NEW LEBANON TOWN HALL for the year 2014:

LOW SULFUR HEATING FUEL (Number 2 Heating Fuel) – Delivered to the Town Hall and Town Highway Garage for heating,

LOW SULFUR DIESEL FUEL – Delivered to the Town Highway Garage, and

KEROSENE – Delivered to the Town Highway Garage.

Bidder must guarantee to deliver fuel products at such times and places, and in such quantities, as may be ordered by the Town Highway Superintendent or other Town personnel. Failure on the part of the contractor to make timely deliveries of fuel products upon requisition of the Town may be regarded, at the option of the Town of New Lebanon, as a forfeiture of this contract upon the part of the bidder.

Bids are to be presented as a FIXED ADD to the posted gross rack price at the port of Albany, or the port of Rensselaer at noon on Friday, February 7, 2014.

Proof of posted rack price for any invoice/bill must be made available upon request of the Town Board.

The **FIXED ADD** will remain constant and will be added to the same terminals gross rack price as originally bid on the date of each delivery. Use of an alternate rack price will be allowed if it results in a lower net price for the Town, in which case documentation will be required for the original terminals gross rack pricing, as well as the alternate terminals rack price. An Alternate Fixed Price per Gallon Bid (*good through 12/31/14*) may be submitted for each of the fuel items.

Sealed bids (*on the form provided by the Town of New Lebanon*) must be in plain envelopes, clearly labeled only with the item being bid, and must include a “Non-Collusive Bidding Certificate.” Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, no later than 5:00 p.m. on Monday, February 10, 2014. Electronic and faxed bids will not be accepted.

Bids will be opened at the Office of the Town Clerk on Monday, February 10, 2014 at 5:00 p.m. and they will be considered by the Town Board at the regular monthly meeting at the New Lebanon Town Hall at 7:00 p.m. on Tuesday, February 11, 2014. The Town Board reserves the right to reject or accept all bids.

Colleen Teal
New Lebanon Town Clerk
1/20/2014

The following bid was received on the required forms with the required information:

Valley Oil

Low Sulfur Heating Fuel:

Daily Ave. Reseller Tankard Price (OPIS)	\$3.0821/gal
Add	\$.25/gal
Total	\$3.3321/gal
Alternate Fixed Price per Gallon	\$3.5250/gal

Low Sulfur Diesel Fuel:

Daily Ave. Reseller Tankard Price (OPIS)	\$3.1138/gal
Add	\$.19/gal
Total	\$3.3038/gal
Alternate Fixed Price per Gallon	-not supplied-

Kerosene:

Daily Ave. Reseller Tankard Price (OPIS)	\$3.4756/gal
Add	\$.25/gal
Total	\$3.7256/gal
Alternate Fixed Price per Gallon	\$3.8750/gal

H.L. Fuel *invalid – not submitted on required form and did not use OPIS prices*

There was a general discussion about concerns about the OPIS pricing requirement for the bids (OPIS pricing requires a paid subscription to obtain) and the need to be able to verify or validate rack price.

A motion was made by Councilmember Larabee, seconded by Councilmember Baldwin and approved unanimously to reject all bids and re-bid the fuel and have the bids based on rack price at the port of Albany or Rensselaer and include verification of rack price as part of the bid notice. Councilmember Larabee will draft the bidder's notice.

Resolution # 9, 2014 ~ Bank Fees Assessed on Tax Collector's Bank Account(s):

The following resolution was proposed by Councilmember Baldwin and seconded by Councilmember Larabee:

Bank Fees Assessed on the Town of New Lebanon's Bank Accounts to be Charged to the General Fund Account:

BE IT RESOLVED THAT, the Town Board of the Town of New Lebanon hereby authorizes the charging of the bank fees assessed on the Town of New Lebanon Tax Collector's bank account(s) to the General Fund bank account.

Upon the question of the foregoing Resolution, the following Town Board Members voted "Aye" or "Nay" for said Resolution:

Roll Call Vote:

Councilmember Bruce Baldwin	Aye
Councilmember Dan Evans	Aye
Councilmember Chuck Geraldi	Aye
Councilmember Matthew Larabee	Aye
Supervisor Michael Benson	Aye

The Resolution, having been approved by a majority vote of the Town Board, was declared duly adopted by the Supervisor of the Town of New Lebanon.

NEW BUSINESS:

Mobile Home Park License Renewals:

The Town Board reviewed the Mobile Home Parks Inspections Report issued by the Code/Zoning Enforcement Officer:

A motion was made by Councilmember Baldwin, seconded by Councilmember Larabee and approved unanimously to issue mobile home park license renewals to Cornerstone (Wallace's) Mobile Home Park, Sherman's Mobile Home Park, Ski Lodge Mobile Home Park, Garden Homes (Adam's Crossing) Mobile Home Park, Hanson's Mobile Home Park; and Tazmut Mobile Home Park.

Update ~ Zoning & Code Enforcement:

Supervisor Benson noted that the board has received a Monthly Code Enforcement Report for December 2013, Monthly Zoning Enforcement Report for December 2013, and a Year End Report for 2013 for Code/Zoning Enforcement. He further noted that there were twenty-one (21) zoning violation complaints in 2013; of those, twelve (12) were remedied, five (5) were referred to the attorney, and four (4) are under review.

Supervisor Benson noted that Councilmember Baldwin had requested an update from the town attorney on those violations that had been referred to his office. Attorney Andy Howard updated the board noting that he met with the Zoning/Code Enforcement Officer and the Building Department Administrator last week; there are five (5) violations that would be appropriate for local court with one that could be handled separately. One of the things he is looking at is title searches on the properties; that will provide the status of liens ahead of the town if they should chose to engage in the clean-up and then put a lien on the property.

Update ~ Zoning Re-write Committee ~ November Draft Submission:

Supervisor Benson reported that the attorney has reviewed the November draft submission and has prepared a memo in response. The memo was distributed to the town board members. After a general discussion about the process, it was determined that the memo from the attorney will be distributed to the members of the Zoning Re-write Committee for their consideration and they will submit an amended draft to the town board for their consideration.

Supervisor Benson appointed Councilmember Geraldini to the Zoning Re-write Committee to replace Councilmember Chittenden and further made Cynthia Creech's seat a formal appointment; the following are the members of the Zoning Re-write Committee:

Ted Salem, Chairperson
Chuck Gerald and Bruce Baldwin, Town Board Members
Tony Murad and Ted Salem, Zoning Board of Appeals Members

Ray Herrmann and Greg Hanna, Planning Board Members
Cynthia Creech, Farming Representative

Councilmember Baldwin noted that the seven items addressed in the November draft are the items that are not really controversial. There will be additional work done and recommendations submitted by the Zoning Re-write Committee.

Update ~ Draft Noise Ordinance:

The draft Noise Ordinance was distributed to the new board members and the Supervisor noted that it will be discussed at the February meeting. The Supervisor noted that a copy was provided to the Town Attorney in November; he has reviewed it; and the Supervisor has had some preliminary discussions with him regarding it. Councilmember Geraldi noted the Supervisor said he had discussed this with the attorney, are there comments from the attorney to go with this? Supervisor Benson stated not yet. Supervisor Benson suggested that each board member review it and the attorney will comment on it at the February meeting.

Attorney Andy Howard noted that he has reviewed it; he also noted that he could provide the board with examples of other noise control ordinances. Generally, when you deal with noise control, it is dealt with in one of two ways. Once is an analytical manner which talks about certain measurement levels which requires equipment and people capable of operating the equipment and measuring those levels. The other way is a general community standard fashion where noise is deemed by a Code Enforcement Officer or others as being offensive or a nuisance level and there are some specific descriptions which provide some definition for that.

LIAISON REPORTS:

Economic Development ~ no report

Highway Department ~ no report

Town Property & Assets:

Councilmember Baldwin noted that the **frozen pipe situation** at the **town hall** was discussed at the last meeting; he noted that he and Scott Larabee will be looking at the heating system to make sure things are working properly with the old heating system. The problem is where the old part of the building meets the new part of the building. It appears that we may need to take down the drop ceiling and insulate. We still need to take a look at the heating system balance; it still is not quite right.

Councilmember Baldwin also noted that the bids for the **renovation** of the old portion of **the town hall** building were all rejected in December so essentially we are at a standstill right now.

Councilmember Baldwin reported that there are five (5) air conditioners that are **surplus items** and he would like board authorization to request that the county accept five (5) surplus air conditioners.

A motion was made by Councilmember Larabee, seconded by Councilmember Evans, and approved unanimously to authorize Councilmember Baldwin to request that the county accept five (5) surplus air conditioners from the Town of New Lebanon.

Zoning, Planning, Code Enforcement ~ no report

Town Assessment Office ~ no report

Education & Recreation

Councilmember Larabee reported that the Recreation Commission has published a newsletter which will be published quarterly. There are copies available here at the town hall, at several businesses in town, and it was sent out via email. If anyone would like to be added to the email list, contact the Recreation Commission Chairman.

Security, Fire, Law Enforcement

Councilmember Larabee reported that we have a new Fire Chief. He also thanked Bud Godfroy, the out-going Chief; he was very dedicated.

Justice Court/Constable ~ no report

BUDGET AMENDMENTS:

Supervisor Benson noted the \$333,120.74 adjustment is to both the revenue and expense is a pass-through for the Darrow School Grant Project. The adjustments to the personal service accounts are essentially because in the beginning of 2013 we changed accounting methods from cash to accrual, what we did not accrue back were salaries associated with these various positions; therefore, these amounts hit in 2013 but were budgeted in 2012 so this will be a one-time adjustment that will correct that issue going forward.

Supervisor Benson noted that the \$11,638.00 adjustment to the Highway Budget is for monies expended for stream work on Adam's Crossing Road that will be reimbursed through grant funds.

Budget Amendment # 9 of 2013

General:

\$333,120.74	to A-3289 State Aid: Education, Other
\$333,120.74	to A-8540.4 Drainage: Darrow School
\$800.00	to A-1110.1 Justice Court: Personal Services
\$443.00	to A-1220.4 Supervisor: Contractual Services
\$397.00	to A-1330.1 Tax Collector: Personal Services
\$324.00	to A-1410.11 Deputy Town Clerk: Personal Services
\$4,917.00	to A-1620.4 Buildings: Contractual Expense
\$170.00	to A-1650.4 Central Communications: Contractual Expense
\$75.00	to A-1680.4 Central Data: Contractual Expense
\$17.00	to A-3120.1 Constable: Personal Service
\$112.00	to A-5010.4 Superintendent of Highways: Contractual Expense
\$ 406.00	to A-5132.4 Garage: Contractual Expense
\$210.00	to A-8010.1 Zoning Clerk: Contractual Expense

\$90.00 to A-8160.4 Garbage & Refuse: Contractual Expense
\$1,210.00 to A-9060.8 Health Insurance
\$9,171.00 from A-1620.42 Town Hall Project

Highway:

\$11,638.00 to DA-5110.4 General Repairs: Contractual Expense
\$8,973.00 to DA-5130.4 Machinery: Contractual Expense
\$1,849.00 to DA-5140.4 Brush & Weeds: Contractual Expense
\$4,729.00 to DA-5142.4 Snow Removal: Contractual Expense
\$ 107.00 to DA-9080.8 Health Insurance
\$5,090.00 from DA-5110.1 General Repairs: Personal Service
\$4,000.00 from DA-5140.1 Brush & Weeds: Personal Service
\$3,345.00 from DA-5142.1 Snow Removal: Personal Service
\$2,070.00 from DA-9010.8 State Retirement
\$1,000.00 from DA-9050.8 Unemployment
\$11,791.00 from Unexpended Balance

Capital Projects Fund:

\$90,000.00 to H-5720 Statutory Installment Bonds
\$90,000.00 to H-1640.2 Central Garage Capital Outlay

A motion was made by Councilmember Baldwin, seconded by Councilmember Evans, and approved unanimously to approve the above noted amendments to the 2013 Budget.

AUDIT OF BILLS:

2013 Bills:

**General Nos. 441 through 462, in the amount of \$13,435.66;
Highway Nos. 198 through 205, in the amount of \$16,177.81; and
Escrow No. E-13, in the amount of \$125.00;
As listed on Abstract # 12-B of 2013, dated January 14, 2014.**

2014 Bills:

**General Nos. 1 through 23, in the amount of \$103,362.91; and
Highway Nos. 1 through 4, in the amount of \$31,559.12;
As listed on Abstract # 1 of 2014, dated January 14, 2014.**

A motion was made by Councilmember Larabee, seconded by Councilmember Evans, and approved unanimously to pay the above noted claims from their respective accounts.

ANNOUNCEMENTS (of activities or events):

January:

*Tuesday, January 28th ~ Special Town Board Meeting for Interviews at 6:30 p.m. at
Town Hall*

February:

Tuesday, February 11th ~ Town Board Meeting at 7:00 p.m. at Town Hall

PRIVILEGE OF THE FLOOR:

JJ. Johnson-Smith addressed the Town Board asking for clarification; she noted that she had been told there was a new rule regarding Privilege of the Floor and that no questions would be answered; how does the public pose questions?

Supervisor Benson responded that there are no new rules to Privilege of the Floor; he distributed copies of the "*Rules of Privilege of the Floor*" and noted that there have not been any changes to these rules; they have been the rules as long as he has been around. Supervisor Benson asked the town clerk to read them aloud:

Rules of Privilege of the Floor

1. *Purpose:* The "Privilege of the Floor" is offered so that members of the public may inform the Board of their concerns.
2. *Procedure:* The presiding Officer will recognize each speaker in turn.
3. *Decorum:* Person speaking before the Board shall:
 - a. State their name;
 - b. Address the Board as a whole;
 - c. Speak in a calm and respectful manner;
 - d. Refrain from personal attacks; and
 - e. Refrain from addressing other members of the public.

The presiding Officer shall declare any speaker who violates decorum to be out of order.

4. *Conduct of Board Members:* Members of the Board shall give their full attention to the speaker. They may choose to respond to the speaker, but shall not engage in a debate.

Trina Porte addressed the Town Board noting that the rules state that the board may or may not choose to answer questions so if you are not going to answer them now can we find out when you do plan on answering them? Supervisor Benson stated he did not recall anyone saying they would not answer questions and asked Ms. Porte if she had a question. Ms. Porte state she had one question and one statement. Supervisor Benson noted that as the rules state, they may or may not answer questions; but he also noted that 90% of the time they answer questions. Ms. Porte asked if the Supervisor would please email the zoning re-write memo. The Supervisor noted that he would.

Ms. Porte read the following statement:

ISSUES AND QUESTIONS FOR 2014

Thank you for your willingness to work as public servants. From my own experience as such, I know it's a very difficult job, and often a thankless one. So I wish you all much success, with the good ideas that were shared during your campaigns, regarding open government, fiscal responsibility, a community center, et cetera.

And I hope that all of you will remember as you're working here, that our town may be in your hands, but it is still our town. We may question your decisions, and you may question our judgment when we

*disagree with you, still, we **all** have a vested interest in creating the best possible New Lebanon **together**. That is at the heart of everyone's efforts here.*

*To help make that a reality, listening respectfully to each person and giving every idea equal and fair consideration would be very helpful. Following the procedures and laws **ourselves** that we uphold on behalf of others would certainly make town government more functional, and town meetings less obscure.*

After reading the certified budget, I'm wondering why there is only \$20,000 in the town's contingency fund, and why nothing is budgeted for maintenance of the town hall. What are your plans for enlarging these two important budget items, so that we know resources will be available if there's a town-wide emergency, and so that the town hall we are still paying for can be maintained properly?

To reassure the taxpayers that you really do have our best interests at heart, please ask the DEC to put in writing what Mike told us they have verbally agreed to do, which is pay for 90% of the cost of the town's dump closure. He also told us that that closure costs at least 1.3 million dollars for 30 years of closure maintenance, but the dump closure agreement he signed with Columbia County only secured \$675,000. So will you please try to renegotiate with the county to reduce the number of years of maintenance? Considering that that dump has been closed for 28 years already, it's a very reasonable request. And after committing us to 1.5 million dollars in debt in only two years, it seems appropriate that you now commit yourselves to these negotiations on our behalf.

Thanks again for your work, and here's to a good 2014 for all of New Lebanon!!!

*Trina Porte, Planning Board member and full-time resident
January 2014*

Supervisor Benson stated that regarding the Zoning Re-write information which would include the memo that Bruce originated back in September or October and the memo that we received tonight from the town attorney, if people put their email address on a sign-up sheet he distributed, he would send the information to them. Councilmember Baldwin noted that the Zoning Re-write Committee is an advisory committee and is not required by law to inform the entire community. Their recommendations come to the town board, the board then makes a determination if it goes to public hearing. At that time, then it becomes public but up until that time it does not have to be public.

Cynthia Creech addressed the town board noting that tonight a vote was taken by the Board of Directors of the **Lebanon Valley Business Association** to dissolve that organization and in its place will be a broader organization that will serve the town, Grow the Valley Inc. It will be a non-profit organization. The Grown the Valley newsletter will be revitalized; Ted Salem will be doing the newsletter.

Bud Godfroy addressed the town board regarding the LVPA asking why there was not a representative from the town board, the planning board or the zoning board of appeals to the fire department for their new building which potentially could increase taxes. He noted the town should have a representative so that information is coming to the town board directly about this before any referendum. Supervisor Benson asked for clarification asking if Mr. Godfroy was saying there should be a representative from each of these boards on their committee. Mr. Godfroy noted that there should be at least one representative so that information is coming to the town and there is a community forum or community committee and no one from the town sits on it. Councilmember

Baldwin asked when the next meeting of this committee is. JJ Johnson noted that there were two planning board members at the last meeting. Supervisor Benson noted that there is a second public information meeting scheduled for January 30th. Mr. Godfroy noted that there is a difference between the public information meetings and the private committee meetings that they have and his feeling is that the board should have a member at all of those meetings because if you just go to the public meetings, you do not get all the background discussion about things. Councilmember Larabee asked if Mr. Godfroy would rather have someone that is not already involved in the fire company as the representative. Councilmember Larabee noted that if Mr. Godfroy did not care if the representative was an LVPA member, he would sit as the representative. It was commented that a request for a representative should be sent to the LVPA from the town and the LVPA should decide if and who to put on the committee. Councilmember Larabee will find out who is the chair or head of this committee. Supervisor Benson noted that he agrees that there should be a representative and he thinks it should be a third party (a board member that is not a member of the LVPA). He further noted that rather than making a decision at this point, he would like to consider the members of all three of the boards (town, planning, and zoning) and at the same time reach out to the Chairman of the Building Committee to see if they would consider this; the fire department is a separate, stand alone corporation. However, Mr. Godfroy noted, they have a committee that is consists of fire department members, a community member, etcetera and that committee goes to all of those behind the scenes meetings and he would just like the town board apprised of all those meetings so that if or when a referendum comes up, the town board is aware of the details.

Judy Zimmer addressed the town board asking when someone cannot get answers, what is the protocol?

Supervisor Benson redistributed a **draft employee handbook** and noted that two years ago the board discussed and approved the process of instituting an employee manual which is a pretty fundamental document when you have employees. Presently we have a bunch of laws but we do not have an employee manual per se where everything exists. He further noted that his goal is to have one document that all town employees would be accountable to. The document presented to the town board has been presented to them in the past and has been presented to the town attorney for review. This is another issue that needs to be dealt with in 2014 but there is one condition that he would like to impose relative to this and comments and feedback, anything that goes into this employee manual is essentially a personnel matter, therefore he requested that any input from anyone – residents, employees, town board members, or so on – be done in writing. This is a document that it would be his intent to shape and mold throughout the course of this year, however long it takes, and get into place and move on. After being in this position for a couple years, there is a very clear need for this. Attorney Andy Howard noted that he did have an opportunity to look at the draft and along with a lot of things that we talked about tonight, objective standards are important. The employees have a right to this sort of document; you are giving your employees clear written standards on how they are going to be treated so that one employee is not treated differently than somebody else.

Covenant Circle:

Supervisor Benson noted to Highway Superintendent Jeff Winestock that with regard to Covenant Circle, upon receipt of the report from the town engineer, you will get a copy of the report and we will discuss the report. The goal is to deal with this issue thoroughly once and for all.

EXECUTIVE SESSION:

Supervisor Benson stated that there is an issue related to litigation that the board needs to discuss in executive session.

A motion was made by Councilmember Baldwin, seconded by Councilmember Larabee, and approved unanimously to enter an executive session at 9:05 p.m. to discuss a particular litigation matter.

A motion was made by Councilmember Geraldi and seconded by Councilmember Larabee to close the executive session and re-open the public meeting at 9:18 p.m.

A motion was made by Councilmember Baldwin, seconded by Councilmember Larabee and approved unanimously to accept the settlement on the Schor tax grievance litigation.

ADJOURNMENT:

A motion was made by Councilmember Larabee and seconded by Councilmember Baldwin to adjourn the meeting at 9:20 p.m.

Respectfully submitted,

Colleen Teal, RMC
New Lebanon Town Clerk