

**MINUTES OF THE SPECIAL MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON APRIL 22, 2014**

Present: Michael Benson, Supervisor
Bruce Baldwin, Councilmember
Dan Evans, Councilmember
Chuck Geraldi, Councilmember

Absent: Matthew Larabee, Councilmember

Recording Secretary: Colleen Teal, Town Clerk

Others Present: Jeffrey Winestock, Highway Superintendent
Eileen Evans, Secretary/Bookkeeper
Cynthia Creech, Court/Assessor's Clerk
Robert Smith, Planning Board/Ethics Board Member
Gail Heinsohn, Reporter for *The Chatham Courier*
Several members of the public

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Supervisor Benson. A moment of silence was followed by the flag salute.

COVENANT CIRCLE:

Petition Order and Public Hearing:

Supervisor Benson noted that this is a more formal acceptance of the petition submitted by the residents of Covenant Circle at the April 8th meeting and scheduling of the public hearing on the petition.

Councilmember Baldwin stated that he cannot support this order or acceptance of the petition because the \$100,000 is unreasonable and unrealistic. Until we have a more balanced number, he cannot support it. If it goes to a public hearing at \$100,000; then the assumption is that is what it is going to cost and that is not anywhere near what is really going to cost. Councilmember Baldwin further noted that if that is a low-ball figure for a "quickie" job, an example of the problems that develop is his road (West Hill Road). Twenty or twenty-five years ago, the Town did not have the gravel bank and we were forced to go out to bid on gravel and we had to accept the lowest bid. It turned out that there was so much clay in the gravel that the Highway Superintendent had to re-fabric and re-gravel that entire road. That is just one example and we are talking about a project that probably cannot be done by the Town of New Lebanon because of the time and personnel required, etcetera; so it would have to be put out to bid. Without proper oversight of the project by the Highway Superintendent and the use of the proper materials, the Town would accept quite a high liability and have to redo the road in five, ten or fifteen years from now. Another example is the Town accepted Brickyard Road probably about fifteen years ago which accommodated only one residence. That road is about a half mile to three-quarters of a mile. Basically, the Town Board coerced the Highway Superintendent into taking it over and it cost a lot of extra money. The idea is, when we take over a road, we need to know that road is going to be built to specs and the life expectancy of it will be similar to other Town roads. And the \$100,000 here is

grossly underestimated and we should not even put it out as a figure in a public hearing or anywhere; it is a big mistake.

Highway Superintendent Winestock stated that what is going on here is a process; a process to eliminate him from the whole thing. What is the price the Town Board is going to use? Who is going to have the final say? Whether it is the engineer or whoever, someone could come in and throw any number out there; they could say it would cost \$25,000. What we are doing here is we want to get it into a special tax district and he will be eliminated from the whole thing but it is going to be on his hands once it gets into the special tax district.

Supervisor Benson stated that there is a process and for the last twenty years nobody has enlisted that process so now we are doing it. He asked what do you want to do, kick the can down the road for another twenty years or do you want to give these people an answer once and for all.

Highway Superintendent Winestock stated they did not follow the process and the road is not built to Town specs. Supervisor Benson noted that is what the public hearing is for; the public hearing is to have this discussion – at the public hearing. Councilmember Baldwin stated that by putting the figure of \$100,000 in this notice, the board is misleading the public. Supervisor Benson said okay, he did not put it in there; we can take it out. Whoever did, noted Councilmember Baldwin, is grossly misleading the public.

Councilmember Evans stated that what he understands is that the \$100,000 is all the residents of Covenant Circle are willing to go forward with and he further noted that we have already made valid points on what it is really going to take. Councilmember Baldwin asked if the Town would be taking on the additional \$200 or \$300,000. Supervisor Benson noted absolutely not. Councilmember Evans stated the public is going to talk about it; our engineers are going to look at it and come back with a price that we have agreed upon with the board and with Jeff. Then, if that is more, which it looks like it is leaning in that direction, we come back to another public hearing at the new cost and go to a public referendum or not and then it is all done. Mark Baumli (resident) noted that the Covenant Circle residents would have to agree upon that higher price before it went to another public hearing as the attorney said at the last town board meeting. Supervisor Benson stated absolutely.

Councilmember Baldwin asked why put this up for a public hearing at \$100,000; that is absurd. Mark Baumli agreed. Councilmember Baldwin stated it is a waste of our time; it is a waste of their time. Supervisor Benson noted that we had this discussion at the last meeting. Councilmember Baldwin stated he knew, I read the minutes. Supervisor Benson stated that the only thing he could do (and the attorney offered) is to get our attorney on the phone; he wrote this resolution. He further stated that to be honest, the \$100,000 figure, I am not 100% certain where that figure even came from and if that is the issue, I am not opposed to dealing with it. The Town Clerk noted that the \$100,000 figure is from the petition the residents of Covenant Circle submitted.

Councilmember Baldwin made a motion to table this item until the next Town Board meeting at which time maybe we could come up with an alternative but at this point, he stated, he could not support it.

Councilmember Geraldini stated that the way he understood it from the Attorney was that they filed a petition with that number on there; we have to address it as if that's where it is going. It does not say we have to ever accept it; but the way he understood what the attorney said was that they filed a petition; it was over 50% of the people in the area and we had to have the public hearing to address what they had asked for. This is what they are interested in spending and when our engineer looks at it and says it is really \$350,000, they have the options of saying yes we are willing to spend that or no, we don't want to. That is what he got from what the Attorney said. But they filed a petition, we have to continue down the road as this is state law and this is how it is supposed to be done. Councilmember Geraldini further stated that he did not know if we could get ahold of the Attorney to find out or if we can table this for another time but he thought there were specific dates. Supervisor Benson noted he could reach out the attorney. Councilmember Baldwin stated that he had not addressed this subject specifically but he sent about four emails to the Town Supervisor this past month and has not received one response so to add this to the request at that point would have been futile so I am coming in here with only the information based upon the reading of the draft minutes from the last meeting.

Supervisor Benson read from the draft minutes of the April 8th meeting: *"If after this hearing, the board felt this was an appropriate number and the majority voted to do so, the project would proceed subject to the people of Covenant Circle having the ability to petition for a permissive referendum."* Supervisor Benson stated to Councilmember Baldwin he was not sure what he was referring to with the emails; is there a question? Councilmember Baldwin stated that he had questions regarding the noise ordinance, he had questions regarding the town maintenance for the town building; and he did not receive any response; but in the past he noted that Supervisor Benson has said that he does not get Councilmember Baldwin's emails and what can he do about it. Councilmember Baldwin noted that he sends them the Supervisor's town email address and he does not receive a response – period. Supervisor Benson asked if Councilmember Baldwin was saying he had a question about this. Councilmember Baldwin stated that his question is why the attorney and Covenant Circle came in with a figure of \$100,000 and why we have to stand by this number to go to public hearing because in his opinion the board is misleading the public on this; it is as simple as that.

Councilmember Geraldini stated that he did not see it as misleading. They filed a petition; they came down with a legal document. This what they are asking us to look at and we are going to look at it. That is not saying we are going to do anything; it is not saying it is ever going to go anywhere but they have asked us to look at this, with a legal document, and from what I got from the Attorney, the next step is a public hearing. Whether we do anything with their number, that's different but they filed the paperwork and we have to do something now. And my understanding is the reason we are having this meeting is because there were a number of days that we had to do this and now we are here to accept this and move on to the public hearing. It is not saying we have to adopt any of it. Councilmember Baldwin stated that, with a public hearing,

the public comes in and they indicate their opinions on this order and their opinion on the order is based upon the number of \$100,000. Councilmember Geraldini stated that probably most people are going to show up and say that is not realistic. Councilmember Baldwin stated that would be so if they knew that; if they don't know that are they going to say 'okay, fine, \$100,000 is no big deal.' Councilmember Geraldini stated that the Highway Superintendent will be here to say it is not realistic. Councilmember Baldwin stated but a public hearing is when we listen to the public; this is a discussion prior to that; at the public hearing, we are not going to be telling the public what we think, we are going to be listening to the public and what they think. Councilmember Geraldini stated that this is what he understood from the attorney; these are the steps and we have this many days to do it. They have filed their petition and we have to address it within so many days. That is why we are here tonight. Otherwise, we did not have a meeting scheduled for tonight.

Supervisor Benson asked if the board wanted him to get the Town attorney on the phone. Councilmember Geraldini noted if they could possibly get clarification from the attorney to see if they could do something else. Councilmember Baldwin stated the board should go ahead and vote on it. Councilmember Evans asked if the board still had Councilmember Baldwin's motion to table the order; Councilmember Baldwin stated no, if we have to vote on this order, go ahead and vote on it. If by law, the attorney explained we have to accept it for the public hearing then I would say vote on it. Supervisor Benson noted that he specifically was told that Andy would be available if we needed him. Councilmember Geraldini noted that if we could get a clarification on this that would be good. Supervisor Benson asked exactly what is the question that the board wanted him to ask the attorney. Councilmembers Geraldini and Baldwin stated the question was timing; do we have to do this tonight? Supervisor Benson stated the real issue is the \$100,000 as stated in the resolution. Councilmember Geraldini agreed, do we have to put it out as \$100,000 and he noted that he thought the board did; that was their petition and we have to address their petition. The Town Clerk stated she believed all they are saying is the \$100,000 is the maximum they have agreed to spend at this point in time. Councilmember Geraldini stated then we are going to get our engineer to give us a number and if they do not match then we go from there. *(Supervisor Benson tried to call the attorney – all circuits busy)* Supervisor Benson noted that he did not know if there was anything in the meeting minutes that really clarified the \$100,000. The Town Clerk stated that she did not think the board could change that; it is part of their petition. She noted their petition actually specifies pretty much exactly what the order says; at this time, the maximum amount that they are petitioning to be expended is \$100,000; so if we came back at \$100,000 or less, it would just automatically go forward. If it comes back more than \$100,000; then it needs to take another step. Mark Baumli noted they would need to go back and vote on it again with their own people up there on Covenant Circle. *(Supervisor Benson tried to call the attorney – went to voicemail)*.

Judy Zimmer (resident) asked if she could ask a question for clarity on this issue and asked what the town's relationship to this issue is right now. Has the Town communicated any stipulations for taking the road over; or is it just that we are waiting for this petition? What has happened on the Town's side yet, anything or were we just

waiting for them to formally request something. Councilmember Baldwin stated that is a good question. We do not know what the town's position is. Judy Zimmer said because if the Town has stipulated well it may be possible, but you have to meet the specs then you have two things going; you have them saying they will pay \$100,000 and you have the Town saying you have to meet the specs. So already it is like their petition is kind of irrelevant; if we have already said you have to meet the specs.

Supervisor Baldwin stated that we have two attorneys and two engineers involved and fifteen years of history. Councilmember Baldwin noted that we do not have a Highway Superintendent involved and we should have the Highway Superintendent involved. Supervisor Benson stated yes, absolutely. Councilmember Baldwin stated well, let's do it; let's get him involved. He further noted that was another email he had sent to the Supervisor.

Supervisor Benson asked what do we want to do? He noted his understanding is that we do have a certain time frame, but he could not say for certain what it is, to address their petition. He didn't think you can just take a petition and do nothing. That is why we are here; otherwise, we wouldn't be here. Mark Baumli asked if the petition says that the \$100,000 will bring the road up to spec. Supervisor Benson responded no. Mark Baumli stated then that is what the board needs to do; that is what he would do; send it back to them and say it needs to meet specs and also tell the engineers or whoever wrote the \$100,000 – or pulled it out of a hat – they need to show you where it meets specs for \$100,000. Supervisor Benson responded that's the determination that needs to follow; that is all part of the process going forward.

Jagat Pandey stated that he thinks it was Covenant Circle's lawyer that gave the \$100,000 figure. Supervisor Benson noted that as the Town Clerk pointed out, it is in the petition; we cannot take something out of their petition. Obviously this order was written with their petition in mind. Mark Baumli stated reject their petition. Supervisor Benson noted we can't reject the petition. Eileen Evans stated no you can't. Not based on all of what the lawyer had said; and it is not a concrete number. The Town Clerk noted it is not that the board is accepting their offer; they are accepting the petition to go into public hearing to start the process. Mark Baumli stated what a waste of time. Councilmember Baldwin noted it is not a waste of time from the petitioner's point of view because the petitioner is actually sending out to the public a figure of \$100,000. So strategically, he can understand their argument. Mark Baumli noted in the hopes it might move forward. Councilmember Baldwin stated if there is no public outcry to spending \$100,000, they are ahead of the game. Then it is up to the Town Board to deny that or to turn it down but it becomes harder politically for the Town Board to turn it down if there is no opposition to the figure of \$100,000. The Town Board itself is allowing the public to be hoodwinked into thinking that is a valid number and then the Town Board is under pressure to accept it.

Councilmember Geraldini stated the way the attorney explained it, this is the step we have to do by state law. We don't really have a choice on this step because he thought the attorney said it was ten days that we have from when it started. That is not saying we ever have to accept it; we just have to listen to what they have to say. And they can explain where they got their \$100,000; our engineer is going to come up with a number

and if our engineer says it is \$350,000 then the people of Covenant Circle get to decide if they want to spend \$350,000 and if we don't do what the state law says then we are not doing our job. The Highway Superintendent asked Councilmember Geraldini who told him this. Councilmember Geraldini said he thought that was what the attorney said at the last meeting. Highway Superintendent Winestock asked whose attorney. Councilmember Geraldini noted our attorney and that these are the steps that we have to take. Judy Zimmer asked if the Town Clerk knew. The Town Clerk stated that she received an email from the attorney with the order. The email stated that once the order is adopted, it has to be published within at least ten days but no greater than twenty days prior to the public hearing. So if the public hearing is going to be May 13th, it has got to be adopted tonight to meet our publication timeline.

Supervisor Benson read from the minutes of the April 8th meeting: *“Councilmember Geraldini asked for clarification of the process. Attorney Howard noted that in this case we have the petition. The statute says that the Town Board shall adopt an Order setting the public hearing so the Town Board can take comment. The board would direct the attorney to formalize an order for filing with the Town Clerk and the Town Clerk would publish and post notice of the public hearing.*

Councilmember Geraldini asked for clarification of timing – how long do we have before we have to hold the public hearing; how long after the hearing before the board must act; and etcetera. Attorney Howard responded that the order would be submitted to the Town Clerk for certification then we would give not less than ten days and not more than 20 days public notice of the hearing. Attorney Howard further explained the process noting that the Town Board will take comment from the citizens of the Town at the public hearing. If after the public hearing, the board was inclined to proceed, they would direct the town engineer with the assistance of the Attorney's office and the Highway Superintendent to prepare definite plans and specifications and make a careful estimate of the expense of the project. If the result of the final estimate is within the \$100,000 petitioned to date, the board would adopt a resolution setting it out for bid and establishing the obligation of the Covenant Circle improvement district. If the estimate is more than \$100,000; the board would hold another public hearing. If after this hearing, the board felt this was an appropriate number and the majority voted to do so, the project would proceed subject to the people of Covenant Circle having the ability to petition for a permissive referendum. If the people of Covenant Circle decided it was more than they wanted to pay, they could file a petition saying they want to have a vote on it because it is a little much. Obviously, if that petition is not filed then what they are telling you is that they are comfortable with that number and it would proceed. So it is a several month process.

Councilmember Geraldini stated what he got from this is that after this public hearing, if the board says that is not even reasonable, it can stop right there. If the people of Covenant Circle say, okay, \$100,000 wasn't enough; they could file another petition for \$200,000. But we could stop after the first public hearing from what the Supervisor just read. But, from what the attorney said, we have to continue to the public hearing. Cynthia Creech noted she did not think we could change the amount in their petition. Councilmember Geraldini stated that is what they submitted a petition for and we have to

do something with it. We schedule our public hearing; we listen and we decide what we want to do from there. Cynthia Creech asked if the engineers and the board speak at the public hearing.

Supervisor Benson stated that the issue that is on the table is the implication that somehow the public is being misled. Councilmember Geraldini stated we are not misleading anybody; they filed a petition. We are going to address their petition. I don't see how the Town Board is misleading anybody. And at the end of this public hearing, if we decide that this \$100,000 is not feasible, we can stop right there. So we are not misleading anybody. And if we want to continue, then we bring in our engineer and get an estimate from them. He noted that he has asked the attorney this question several times because he wants to know exactly what the process is before we get way down the road and then someone says you can't stop it.

Resolution # 11, 2014 ~ Covenant Circle Order

The following resolution was proposed by Councilmember Dan Evans and seconded by Councilmember Chuck Geraldini:

IN THE MATTER OF
COVENANT CIRCLE,
In the Town of New Lebanon, County of
Columbia and State of New York

ORDER

WHEREAS, William J. Better, Esq., attorney for owners of real property fronting and/or abutting a private roadway known as Covenant Circle located within the Town of New Lebanon, County of Columbia and State of New York, on April 8, 2014, presented the New Lebanon Town Board with a petition signed by owners of real property fronting and/or abutting Covenant Circle, thereby petitioning the Town of New Lebanon in accordance with New York Town Law §200 to make necessary improvements to the aforesaid Covenant Circle Road and to have Covenant Circle Road dedicated as a Town Road, the maximum amount petitioned to be expended for said improvement being \$100,000, said sum to be charged against each of the parcels of real property fronting and/or abutting Covenant Circle Road on a pro-rata basis in accordance with applicable law, and

WHEREAS, having received such petition, the New Lebanon Town Board hereby sets and confirms the public hearing for May 13, 2014 at 6:00 pm at the New Lebanon Town Hall, 14755 State Route 22, New Lebanon, New York 12125, to consider the Petition and to hear all such persons who may have an interest in said Petition

NOW THEREFORE, the New Lebanon Town Board hereby adopts this Order and directs that it be entered into the minutes of the meeting wherein it is being adopted, and further directs that the Town Clerk to publish a copy of this Order in accordance with Town Law §200.

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 | Nay |
| Councilmember Dan Evans | Aye |
| Councilmember Chuck Geraldi | Aye |
| Councilmember Matthew Larabee | Absent |
| 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.

LANDFILL CAPITAL RESERVE ACCOUNT:

Supervisor Benson noted that he put this item on the agenda; this is all squared away as a result of the resolution that was adopted at the last meeting and is identified and ratified in the April 8th minutes.

BUDGET AMENDMENTS:

Amendment # 1 of 2014:

Highway Fund:

| | |
|---------|--|
| \$1,611 | from DA-5110.4 (General Repairs: Contractual Expenses) |
| \$1,053 | to DA-9785.6 (Installment Purchase Debt: Principal) |
| \$558 | to DA-9785.7 (Installment Purchase Debt: Interest) |

Supervisor Benson noted that this adjustment is necessary because the figures that were given as 2014 payments at budget time were apparently incorrect.

A motion was made by Councilmember Baldwin, seconded by Councilmember Geraldi, and approved unanimously (Councilmember Larabee absent) to approve the above noted amendments to the 2014 Budget.

HIGHWAY DEPARTMENT TRUCK – PARK MAINTENANCE:

Supervisor Benson noted that last fall the Town Board had a discussion about an existing truck that was being replaced and whether or not we would sell it or utilize it in the park for park maintenance. He wanted to address the issue in one fashion or another because he stated he does not feel we should own a truck if we are not going to use it. He noted for Councilmembers Evans and Geraldi that we had decided to defer the decision until the spring and allow the use of the existing truck as a backup for the highway over the winter and now it is spring. So from his viewpoint, we either decide to sell the truck or decide to do something else with it. The Highway Superintendent noted that the truck is being used; it was used all winter long on a plow route. Superintendent Benson noted that this is not the issue; the issue is that we discussed selling it or keeping it or continuing to use it for some purpose and deferring that decision through the winter to the spring and now it is the spring.

Highway Superintendent Winestock noted that it sounded like it had not been used; it was used pretty much every day this winter and it is being used all the time. Supervisor Benson asked if it was his position that we are keeping it? Highway Superintendent Winestock responded that he would like to but as far as the park, they are more than welcome to use the truck if he needs a truck; he noted he did not know if there was a problem there. The Highway Department maintains the park road; the Park Maintenance Superintendent asked him the other day to use the chipper and he came in early and opened up the door but he was not sure if he used the chipper or not. Supervisor Benson stated that he just want to make a decision. Councilmember Evans asked the model of the truck. The Highway Superintendent responded it is a 2008 Dodge. Councilmember Evans asked if the Highway Superintendent had a good working relationship with the Park Maintenance Superintendent. The Highway Superintendent responded absolutely. Councilmember Evans asked if he needs a piece of equipment, he can use it. The Highway Superintendent responded all he has to do is ask. Supervisor Benson asked in terms of our equipment schedule, how many small trucks do we have? Highway Superintendent Winestock responded four. Supervisor Benson asked if historically we have had four? Highway Superintendent Winestock said no; we have had one; we have had two; we have had three. For example with the last snow storm we had, it is a whole lot nicer to take the little trucks and go run the roads; spring-time it is nice too. He has been using that one for patch and, like he said, it was on its own plow route all winter long but we use it for patch so we don't get all the other trucks blacktop throughout. He noted that he is not arguing the point that we had that discussion, we absolutely did, but the truck doesn't sit. It has been sitting down there in West Lebanon because the oil pan is rotted off it, Jeff VanDeusen ran into some problems with a vehicle he had in the garage and that is why it had been sitting outside there for so long. It is in there now but you can't drive it. Supervisor Benson asked if there was any more discussion on this; he noted that the board had committed to revisit this in the spring so if it is a closed issue, it is a closed issue. It is a closed issue? The board agreed.

TOWN CLERK PROPOSAL/REQUEST:

The Town Clerk stated that in order to catch up on the backlog of work in her office, she is requesting an additional 10 hours per week for 10 weeks for her deputy. At the deputy's current rate, that would be \$1,236. A lot of the work is records management so her recommendation is to take \$618 out of her records management (A-1460.4) and \$618 out of the Town Clerk account (A-1410.4). So there would substantially be no change to the budget; it is just a shifting around of money but it would give her some extra hours with her deputy and an opportunity to get the backlog caught up. Supervisor Benson asked if the Town Clerk felt this was feasible, taking from these two accounts, that there would be no issue in terms of its remaining budget neutral for the entire year. Town Clerk noted yes, they did not attend conference this year which is about \$1,000 right there.

Councilmember Evans asked when would the ten weeks begin, are we backlogging pay for hours that the Town Clerk already put in. The Town Clerk responded no, that would be going forward. Councilmember Evans stated that the Town Clerk did a lot of catching up on minutes. The Town Clerk stated she is salary; this doesn't have anything

to do with her; this is only for her deputy. Supervisor Benson asked for an update on where the Town Clerk's office is noting that as Councilmember Evans had said there has been a lot of catch up on the minutes; where we are today. The Town Clerk stated that 2014 is up to date, 2013 is done, and she is working on 2012. She has completed September of 2012 and is currently working on October but that includes the budget workshops so she thinks there are six meetings in October. November and December of 2012 still needs to be completed also. And these are just the minutes; all of the office work is behind and backlogged.

Supervisor Benson noted that what he would like to do going forward - obviously just recalling the discussion that took place on Covenant Circle and being able to read from the minutes is pretty darn handy - he would like to take a minute at the beginning of each meeting from here forward to review the minutes from the last meeting and request any comments or feedback. He noted he did not know if the board can formally accept them but he would like to make that part of the agenda from here forward. The Town Clerk noted that is how it was always done in the past.

A motion was made by Councilmember Baldwin, seconded by Councilmember Gerald, and approved unanimously (Councilmember Larabee absent) to approve the request by the Town Clerk for 10 additional hours per week for the next 10 weeks for the Deputy Town Clerk for an amount of \$1,236 to be funded by transfers of \$618 from A-1410.4 and \$618 from A-1460.4.

LVPA FINANCIAL STATEMENT/AUDIT (Y/E 2012):

Supervisor Benson noted that the last item on the agenda is the financial statement that he distributed today. It is his understanding that the Lebanon Valley Protective Association (LVPA) was required by the State Comptroller's Office to conduct an independent audit by an accounting firm other than their normal accounting firm for the fiscal year 2012. Statutorily the LVPA advised him that this audit is solely for the purpose of presentation to the Town Board and filing within the Town. It has not been provided to the State Comptroller's Office; it is their understanding that it does not have to be. Supervisor Benson noted that he just wanted to officially accept it and make sure that it is part of the record. And the only other comment that he would make is that he thinks everyone should take a very close look at these numbers because there is a fire house proposed to be built to the tune of currently about \$3 million dollars and he thinks that is going to make a pretty significant job for the board come budget time either this fall or next fall depending on how quickly things come together for them. He has looked at the audit in detail and there are some pretty meaningful numbers there, not any different than their regular accounting firm, but it is a good verification of what their operating expenses are on an annual basis relative to what the Town provides via income which is \$220,860 out of \$230,245. He noted that he didn't know that the board needs to do anything with this audit other than I just included in the record that it was received and reviewed by the entire board.

Councilmember Baldwin stated that he thinks Mr. Steadman is saying that it is only for the Town but when the Town is audited by State Audit & Control, this audit would be part of their review; so it is not just an isolated transmission from them to us but it is

part of our total package which would be reviewed by audit & control. He stated that he knows, for instance, if the Town were to receive over \$50,000 in federal funds; it would require an independent audit so it does not surprise him that this is something that they have to do. It needs to be here on record so that when State Audit & Control comes next time, they can review it. Supervisor Benson noted well here it is and this is the first time they have done an independent audit, as he understands it, in the history of the company.

ANNOUNCEMENTS:

May:

Tuesday, May 13th ~ Town Board ~ Public Hearing: Covenant Circle @ 6:00 p.m. @ Town Hall

Tuesday, May 13th ~ Town Board ~ Public Hearing: Proposed Local Law – Zoning Amendment @ 6:00 p.m. @ Town Hall

Tuesday, May 13th ~ Town Board Monthly Meeting @ 7:00 p.m. @ Town Hall

PRIVILEGE OF THE FLOOR:

Judy Zimmer addressed the Town Board regarding **Covenant Circle** stating that first of all, having been at this meeting and hearing the points, she is happy to go to the public hearing and present a lot of the points that were discussed here. She noted that hearing the discussion, she was getting uncomfortable because she hears concerns and sees herself that something can get out of control. It already seemed as if the board was agreeing to take Covenant Circle on which she now realizes has not happened. She would love to see a public meeting about should the Town take on this road and as a citizen who pays taxes here, what does that mean for her; how much is it going to cost in the long term to take on this road and what are the implications for us as a Town, that to her is a lot more important right now than responding to the petition. This petition appears to be making the assumption that the Town is going to do this and here is our proposal for how you are going to do it.

Councilmember Evans responded that in his meeting with the Covenant Circle people, Councilmember Gerald and Highway Superintendent Winestock, they talked about having each party speak in the beginning. At that point, the Highway Superintendent would state his cost increases for maintenance and so on. The Highway Superintendent would work with the engineer for the projected prices for bringing the road up to specs and from that point, as a board member, that is the price he would be listening to; everyone else is going to be based on emotion but the Highway Superintendent has got the figures and the estimates. Judy Zimmer asked so it is already in progress, the researching of this? Councilmember Evans responded that the Highway Superintendent has already been looking at how much this is going to cost. Judy Zimmer asked if that information would become available at the public hearing for the public to know.

Jagat Pandy addressed the Town Board noting that he was not comfortable that the **Covenant Circle** lawyer when he was asked questions by one of the elected officials from the Town, he did not respect his elected official. Mr. Pandy also asked why the board members did not question the Covenant Circle lawyer; his intent of \$100,000. He did not expect that all the board members would sit quietly while somebody was picking on another elected official; and no other elected official said anything to that lawyer. Mr. Pandy stated this \$100,000 figure, if you or any board member accepts that; do not think that we the public will sit here quietly.

Rocky Brown addressed the Town Board regarding a piece of mail he received noting that **the tax rate** for New Lebanon is \$3.58 per thousand (he noted he could be off a little bit on this number) and Ghent is \$.48 per thousand. He asked if this was to do with the revaluation; is that what caused this bump? Why is the disparity so great? He noted that the came to him and he feels that he has to get an answer. Supervisor Benson responded that he does not know anything about Ghent's taxes. Mr. Brown noted that it is published, it is public information. Supervisor Benson asked \$3.48 versus \$.48. Mr. Brown responded yes. Supervisor Benson stated that we have some work to do this fall. Mr. Brown noted that it could be a reflection of the 100% revaluation. Supervisor Benson noted that Mr. Brown's question would be better posed to the assessor. Mr. Brown noted that he would check into it further and see if he could get clarification because we don't need that kind of publicity. Councilmember Baldwin noted that for years it has been a problem and a frustration in terms of comparing one town to another. The problem, he stated, is that statistics can be very misleading. Mr. Brown stated this isn't statistics. Councilmember Baldwin responded that it is; it is. The assessor can explain it better than anybody but it doesn't mean that your taxes are any higher than Ghent's. That's the bottom line. Mark Baumli stated that their assessment could be 150%; ours is at %100%. Supervisor Benson stated we are at 100% now but we were at 116%. Mr. Brown stated he will stop in to see the assessor.

J.J. Johnson addressed the Town Board regarding a reminder about the **Open Government public meeting/forum** on April 29th at the Town Hall at 7:00 p.m.

ADJOURNMENT:

A motion was made by Councilmember Baldwin and seconded by Councilmember Gerardi to adjourn the meeting at 7:58 p.m.

Respectfully submitted,

Colleen Teal, RMC
New Lebanon Town Clerk