

**MINUTES OF THE REGULAR MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JUNE 10, 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
Jeff Winestock, Highway Superintendent
Eileen Evans, Bookkeeper/Confidential Secretary
Cynthia Creech, Deputy Court/Assessor's Clerk, CAC &
Recreation Commission
Trina Porte, Planning Board
Kent Pratt, CEO/ZEO
Robert Smith, Planning Board
Amy Fiebke, Recreation Commission
Beth Keefner
Gregg Gilliland, LVPA
Ted Salem, ZBA & Zoning Re-write Committee
Steve Oberon, LVHS President
Ed Godfroy, LVPA President
Gail Heinsohn, Reporter for *The Chatham Courier*
Thaddeus Flint, Reporter for *The Eastwick Press*
Several members of the public

CALL TO ORDER:

The meeting was called to order at 7:05 p.m. by Supervisor Benson. A moment of silence was followed by the flag salute.

MINUTES:

The minutes of the **May 13, 2014, Public Hearing on Proposed Local Law No. 1 of 2014 ~ Zoning Amendments**; the **May 13, 2014, Public Hearing on Covenant Circle**; and the **May 13, 2014 Regular Monthly Meeting** were reviewed; a motion was made by Councilmember Larabee, seconded by Councilmember Baldwin, and passed unanimously to approve the minutes as typed for the Public Hearing on Covenant Circle and the Regular Monthly Meeting and as amended by the Town Clerk for the Public Hearing on Proposed Local Law No. 1 of 2014 ~ Zoning Amendments.

FINANCIAL:

Specific Questions on Vouchers:

Councilmember Dan Evans asked about highway voucher no. 60 noting that it looked like it was for lunch for training and he noted that if that is common practice then he guesses we will continue with it. He asked if everyone else signed the voucher and it was noted that they had. Then Councilmember Evans asked about highway voucher no. 61 asking the Highway Superintendent why he uses Chatham Auto Parts as the primary parts supply instead of NAPA since they are here in town. The Highway

Superintendent responded that he has used NAPA from time to time but Chatham Auto Parts will go out and pick up stuff for us and they deliver the orders; NAPA does not. Councilmember Evans also asked about highway voucher no. 64 for Joy Sherman noting that there was no claimant signature when he reviewed the vouchers; Town Clerk Teal noted that was her fault. The signed voucher is her office but she had not attached it to the vouchers in the pile to be reviewed. He also noted that we pay per cubic yard and the total cubic yards are noted but he would like to see trip slips attached if that is possible. The Highway Superintendent noted he will provide copies of the trip tickets with the voucher. Councilmember Evans also noted that he had a question on general voucher no. 184 for W.B. Mason; he noted there is a payment for coffee on there and asked if this is common practice, purchasing coffee for the town hall. The Town Clerk noted that it has always been this way but this is something that the board can change.

Sample Voucher Changes:

Supervisor Benson noted that each board member has a packet of vouchers marked "sample." He stated that there was a lengthy discussion at the last meeting pertaining to accountability and signing off on vouchers. There are four samples in the packet; there is a proposed escrow voucher, a proposed capital project voucher, a proposed general voucher, and a proposed highway voucher. It is basically the same document that we have been using with the exception of the "approval for payment" box which has been re-worded as follows: *This claim is approved and ordered paid from the appropriations indicated above. By affixing my signature below, I hereby certify that I have reviewed this expenditure in accordance with the budget account code(s) specified herein and confirm that this expenditure does not exceed the amount(s) set forth.* He proposed that every voucher be reviewed in accordance with the budget to actual report which he will provide on the 1st or the 2nd of each month which he will provide because that report has been fully reconciled by our accounting firm so that every board member can review every voucher in correlation with monies that have been spent to date. The Town Clerk noted that if the report is run on the 1st or 2nd of the month, it will not include the expenditures for the bills. Unless this report is done after Eileen enters the bills, it is not giving them the information that they need to make that determination. Supervisor Benson stated that is not true, if there is a \$100 left in a budgeted line item and there is an invoice for \$150, presumably that board member wouldn't sign off on that invoice. The Town Clerk noted that if this report is done after the bills are input, then it will show exactly which accounts have insufficient funds after all the bills instead of each board member having to calculate how much is being applied to each account. Supervisor Benson stated no, it will reflect the expenses through the preceding month fully reconciled by our accounting firm. The Town Clerk stated that there may be six vouchers in a stack of twenty vouchers for the same account, not in order, so the board members would have to track how much was being applied to each account as they went through all of the bills/vouchers. The simplest thing is to prepare a "draft" budget versus actual after the bills have been entered because that show the board the balance in each account line if the bills are all approved. Supervisor Benson noted that the bills should not be entered; if they exceed a budget, they should never be entered so that is what he wants to prevent in the future. The Town Clerk noted they would be entered but they would not be paid. Supervisor Benson noted that in his view and the accountant's view, they should not be entered. That is exactly what happened with the

bill in question last time. I was asked for a system of greater accountability. Councilmember Baldwin asked if we ever did a transfer on the account he was referring to. Supervisor Benson responded that the one he is referring to is actually covered by private donations ultimately so it didn't require a budget transfer. The Town Clerk and Councilmember Baldwin noted that it does require a budget amendment. Supervisor Benson noted that a budget amendment should occur at this meeting. Councilmember Baldwin noted that the funds needed to come into the realm of town business and town budget and then be paid so if we didn't do a transfer, you are right, that was irregular. Councilmember Baldwin stated that you cannot pay a voucher with private funds; private funds have to become public funds. The Town Clerk asked to explain something. She noted that there are approximately thirty vouchers here and there are multiple vouchers that come out of the same account. So if you are looking at the budget versus actual report and it says there is \$15,000 left in an account, you come to the first voucher and it is for \$14,500, you say oh this is fine. Twenty vouchers later you come to another voucher out of that same account for \$13,000, are you going to recall that the first voucher was back there? Whereas as you simply enter the bills as pending (not paid) which is allowed by the Office of the State Comptroller (OSC) and run a budget versus actual report including the bills, it will show you each and every account that would be overdrawn if the bills were paid as presented. Supervisor Benson stated that if they exceed a budget, they should not be entered until a budget amendment is entered. Councilmember Baldwin noted once the board is aware of the potential overdraft of the budget item, then it comes up for board discussion. The Town Clerk noted that OSC has prepared advisory opinions that allow the towns to prepare draft abstracts before the meetings based on the bills presented; they are not paid. It is the paid piece that they want the board to be sure is not overdrafting a line item. Supervisor Benson said let's let the board decide what they want to do. His proposed solution does not involve entering an invoice that exceeds a budget until there has been a board action to increase that budget. Councilmember Baldwin noted that is what happens during the town board meeting when we do budget amendments or transfers. Town Clerk Teal asked who is going to compile the abstract before the meeting. Supervisor Benson noted the same person that always has. Town Clerk Teal asked before the meeting? Supervisor Benson said yes. Town Clerk Teal said so the bills will still be entered before the meeting? Supervisor Benson said no, if it exceeds a budget, it doesn't get entered and it doesn't get signed off on. Town Clerk Teal again asked about the abstract of audited (not paid – audited) vouchers; she noted she is responsible for the abstract but she cannot prepare that if she does not have the data. Councilmember Evans stated that both options are better than what we were doing and it is just a preference, no? Town Clerk Teal stated no, not when it comes to the abstracts because what is paid out of the Supervisor's office, after the meeting, I give Eileen the abstract that she has prepared with any amendments that the board has authorized on it. That is certified by me and that is what authorizes the Supervisor to make payments. If I do not give her that certified abstract, neither she nor the Supervisor can pay any bills. Where are we going to do this in this new process? Attorney Howard asked if the Town Clerk was referring to the draft abstract that is part of the board's meeting packet. She responded yes; OSC has said we can prepare a draft... Supervisor Benson stated so we are going to continue to ask every board member and him to sign off on invoices which occurs prior to the meeting that are over budget? Town Clerk Teal responded no; if you provide a draft

budget versus actual report that includes the bills, that report will clearly tell each board member and him whether or not each budget line is over budget. And it will summarize everything; if there are fifteen payments out of A-1220.4, it will show what the balance will be if all of those fifteen payments are made. Councilmember Geraldini asked if there was a way to provide that report with those bills? Town Clerk Teal said yes; we always did in the past. Councilmember Geraldini asked so when he comes down to review the bills, that report sits with them and he can sit and look at that report and say, oh, we are spending \$5,000 more than that account has so he should not sign this bill. Town Clerk Teal said exactly; that is how it has always been done. Councilmember Geraldini stated this is how he thinks it should be because he can look at the bill and look at the report and know he should not sign the bill because there is not enough money in that budget account. The Town Clerk noted that the report needs to be tweaked a little bit because there is something wrong with some of the columns; they are showing 100% of budget used when the accounts are actually over budget. However, if the board members also look at the column "\$ Over Budget" and any number that is positive, will also tell them that the account is over budget. Supervisor Benson stated that is why he is suggesting that the report that the board be reviewing... he noted that out in the real world, when bills get paid, there are budgets in place and they are sufficient to cover the bill. No business in America enters an invoice against a budget that does not exist; it is what brings the invoice to a screeching halt. We had substantial discussion about this last month, what he is proposing is that – and the board can overrule him if they want – the closing balances and the reconciled budget versus actual to date for the preceding month is provided to be reviewed in conjunction with each and every invoice. That is the way it happens. Now entering the invoices and producing another report which is not reconciled with our bank account, not reconciled or reviewed by our accounting firm, he is strongly recommending against doing that – and again, the board can overrule him. This procedure is the procedure that we arrived at with our accounting firm. If this board wants to disagree with our accounting firm and disagree with general protocol on this, that is fine. Town Clerk Teal noted it is not in disagreement with general protocol. Supervisor Benson noted he was asked to provide a solution; this is his proposed solution. If the board wants to do something different, tell him what it is. Town Clerk Teal asked to clarify one more thing on abstracts because she needs to prepare the abstract; explain how that is going to happen in this process. Just so she understands her responsibilities. Supervisor Benson stated that abstract will contain every invoice that is within budget and the invoices that exceed it, there might be three or four of them, will be put to the side. There would be a budget amendment at that meeting and they would go into the queue for the following meeting. Town Clerk Teal asked when is the abstract to be prepared? Supervisor Benson stated whenever you prepare it. Town Clerk Teal stated she does not prepare it now; Eileen enters the invoices prints the abstract; the abstract is a gross of the invoices that have been entered. Supervisor Benson stated she would enter every invoice that does not exceed a budget. Town Clerk Teal asked when? Supervisor Benson stated that same time she always has. Town Clerk Teal confirmed a week before the meeting? Supervisor Benson responded yes. Town Clerk Teal noted so any bill that exceeded the budget would be pulled out by the bookkeeper? Supervisor Benson said exactly. Councilmember Geraldini stated so then we would never see those invoices? Supervisor Benson said, no, the board would because they are here but they don't meet a budget. Town Clerk Teal noted it does not make any

sense. Supervisor Benson noted somebody spent money they should not have spent. Councilmember Geraldini stated that when he sits down and goes through the bills, what is going to tell him that a bill exceeds what is in that budget account. Supervisor Benson responded you are. The Town Clerk inquired by calculating? Supervisor Benson said the board is by looking at the available budget and if the invoice is more than the available budget then obviously... Councilmember Geraldini said let's say that report sits with those bills when he comes in to review them and, like Colleen said, let's say there are three bills for the same account but they are not together, how would we know without sitting there and ... because you are going to give us last month's report. Supervisor Benson said he guesses you would have to group them together, you would have to add them up, and you would have to make sure that the budget is suitable. Councilmember Geraldini noted that it seems like a long drawn out process for five people to do. Town Clerk Teal noted that the process she described is the process that the municipalities use and that is why. Supervisor Benson asked how does the board want to do it then? Councilmember Baldwin stated that for thirty years we have been accepting the vouchers from the department heads, the people who spend this money, are very cognizant of the budget amount and often times it is a transfer from a .2 account to a .4 account, a simple transfer within the same department. We can look back over the thirty year time and almost every one is a transfer except for November and December where contingency – it is why we budget a contingency account – is transferred into various budget accounts. Those items are brought up for discussion, can be brought up, during the budget amendment time. It is not necessary to have a pre-discussion about that. The budgets have to be in line before we move to pay the bills. If a line item is insufficient, then we have to do a transfer (budget amendment). If it is the intent to draw certain people into spending too much money and castigating them in public, then so be it but he thinks that over thirty years, this town with its very small budget has functioned quite effectively with the process that we have had in the past. But if we want to castigate people, go ahead. Town Clerk Teal noted that the budget amendment can be prepared from the budget versus actual year to date report if it is done after the bills are entered. Councilmember Baldwin asked why reinvent something that has worked for thirty years. Eileen Evans stated apparently it was not working at last month's meeting. Town Clerk Teal noted it was not being implemented; the budget versus actual after the bills was eliminated from the process. Councilmember Baldwin noted it was not working because we did not transfer private funds into public funds. Supervisor Benson said no, it did not work because the budget was not sufficient to cover that expense at the time. [overtalking] Town Clerk Teal stated this report (budget versus actual year to date with bills input) was always give to the board every month for years and this administration stopped it. Councilmember Geraldini stated that when all the invoices come to the town, they are all entered in and that report is printed and put with those bills, now we haven't paid the bills so we haven't broken any rules, but I can see we are short \$500 in that account. Before we pay that bill on that account, we need to transfer money into it or not pay those bills. And we should not be signing those bills that do not have enough money in the account. Supervisor Benson stated that he agrees. Councilmember Geraldini stated that all of the bills get entered in; that is not an uncommon practice in any business. Bills get entered in, then when you decide to pay them, and then they get paid. But we transfer money into the account if it is short and *then* we pay the bills and everything is good. But at least he can see that report as he is

going through the bills. Attorney Howard stated that he does not disagree with the way Councilmember Geraldini just laid it out; the one thing the board will just need to be cognizant of is that you could go ahead and sign the voucher but you are going to have to make a note to make the budget transfer because they are two different things. Town Clerk Teal said so the Budget Officer is no longer preparing the budget amendments? Councilmember Geraldini noted it will be a very difficult process to come down to review the bills and to track this is on this account and this is on this account and this is on that account and now we have to add them all up and then we have to subtract it from what is left. Attorney Howard said he did not think that was what Supervisor Benson was saying. Again it is just two different ways, the board just has to decide. The board would have this abstract so we see Fairpoint for \$710.90; he thinks what the Supervisor was saying is when Eileen would be putting the vouchers in, if there was a third bill that took this over, that would be in a separate pile that the board would see. That would say this account is over and it is just a process. The board could either include it and do a budget transfer and pay it this month, or you could exclude it, sign it, and address the budget transfer so it could be paid next month. Attorney Howard noted that the board would want to be very careful because they may have bills that they do want to pay this month, so you are going to want to do the budget transfer. Town Clerk Teal noted that with the budget versus actual report, the board can also highlight the accounts that require a budget transfer. The other thing is if the board is using Supervisor Benson's process, the board is only looking at the .4 and .2 expense accounts. The board is not looking at any payroll accounts; they are not looking at any revenue accounts including grant funds that require a budget amendment. If the board is looking at the whole report, they are going through and seeing *anything* that requires a budget amendment. Councilmember Geraldini said with the report, the board is looking at the whole thing and they know it is getting done. The transfers can be done before they pay the bills and it is fixed. Town Clerk Teal gave the board an example, the board has bills in this month's batch that are for the Justice Court for their grant. We have their grant money; we have not done a budget amendment. Therefore, that account does not have sufficient funds. How is that the Justice Court's fault? When that grant money comes in it should automatically be accounted for with a budget amendment increasing revenues (JCAP grant) and increasing expenses (Justice Court: Contractual Exp. – JCAP) to account for those funds. They are processing the bills because they know the money has come in; that is up to the Budget Officer to make sure that money is accounted for. Otherwise, we are pulling their bill and saying we are not going to pay it because it looks like there is not enough money but there really is. Supervisor Benson noted it takes a board action to adjust any budget account. Town Clerk Teal stated that is correct, but if you are looking at just the vouchers, you are not looking at the whole budget. If you are looking at the budget versus actual report; you are seeing the whole picture. Supervisor Benson said he agreed and we would give that a try. He further noted that he wanted to read the language in the shaded box on the voucher because it has been modified: *This claim is approved and ordered paid from the appropriations indicated above. By affixing my signature below, I hereby certify that I have reviewed this expenditure in accordance with the budget account code(s) specified herein and confirm that this expenditure does not exceed the amount(s) set forth.* Supervisor Benson asked if any of the board members had any issue with this change. Councilmember Baldwin asked how many signatures are required. Supervisor Benson stated that he

believed it was three. Town Clerk Teal stated that OSC says none are required by law; it is the motion and approval in the minutes that is legally binding. The board, however, can make their own decisions for internal processes. Supervisor Benson stated that he would like every board member to sign every one. Eileen Evans noted that she is at the Town Hall from 3:00 until whenever five days a week and she has access to the books and the numbers at any given time. If there is ever a question, she is available. Colleen is available. There shouldn't be a problem. Town Clerk Teal stated that having the report for the board members will help. Eileen Evans noted we are accessible, we are there and not once has anyone asked her to clarify a number so you can throw stones and bark at each other but both doors are open and we both have access. And now you will have the reports with the vouchers. Supervisor Benson asked how does the board want to leave this? Councilmember Geraldini said he would like to have all the bills entered, the report printed, have it with the vouchers, and then the board can look at it. Supervisor Benson said okay. Councilmember Larabee asked if that was a motion. Supervisor Benson said he would like to have a motion to put this in place.

Councilmember Geraldini made a motion to have the bills entered into Quickbooks before the meeting, a draft budget versus actual year to date report to be printed that includes the bills, and the report to be included with the bills for review with the bills and further to approve the language change on the vouchers as noted above.

Supervisor Benson noted that he also feels that if there is a specific reason that a board member is not signing a particular voucher and there is a problem, this needs to be discussed. Councilmember Geraldini agreed.

Councilmember Geraldini made a motion to have the bills entered into QuickBooks before the meeting, a draft budget versus actual year to date report to be printed that includes the bills, and the report to be included with the bills for review with the bills; to approve the language change on the vouchers as noted above; and that board members will discuss their reasons for not signing a voucher. The motion was seconded by Councilmember Larabee and approved unanimously.

Town Clerk Teal asked if Eileen Evans would send out copies of the new vouchers to the vendors with the checks.

Supervisor Benson noted there is one more thing while we are on the vouchers. The claimant is the person that is submitting the invoice; so if it is a town employee and that town employee is seeking mileage reimbursement, cell phone reimbursement, or any other thing; this should be signed by the town employee not anybody else. He noted that there were at least half a dozen vouchers in last month's batch where that was not the case; he does not know about this month because he has not looked yet.

Supervisor's Report:

Supervisor Benson read the Supervisor's Report and briefly reviewed the other reports provided to the board members. Supervisor Benson specifically noted on Balance Sheet the establishment of account A-879 which is the reserve for the Landfill Closure which

now contains \$75,000. Supervisor Benson asked if there were any questions on the Supervisor's Reports.

A motion was made by Councilmember Gerald, seconded by Councilmember Evans and approved unanimously to accept the Supervisor's Report.

OLD BUSINESS:

Human Resources Manual:

Supervisor Benson noted that there are still a couple of items to clean up.

NYMIR (New York Municipal Insurance Reciprocal)-Insurance/Facility Review:

Supervisor Benson noted that with regard to the NYMIR Insurance Facility Review he just needs confirmation from the Highway Superintendent at this point that everything on the Highway part is complete; Highway Superintendent Winestock noted it is.

Proposed Local Law # 1, 2014 ~ Zoning Amendments:

Supervisor Benson noted that we received the County Planning Board's review on this proposed local law and he deferred to Attorney Howard. Attorney Howard noted that the County Planning Board found that there were no significant county-wide or intercommunity impacts associated with the proposed local law so they authorized the board to take final action. They did make a couple of minor language change recommendations which he has reviewed and incorporated as appropriate. Attorney Howard reviewed the language changes and noted that none of the changes were of such significance that they would merit another public hearing.

Trina Porte re-addressed her concern about changing the word "permitted" noting as amended it would require a much more onerous bunch of expenses and so forth for the town. Ted Salem, Chairman of the Zoning Re-write Committee stated this is not true; we are making no substantial change. We are doing exactly what we did in the cell tower situation; we are just clarifying in the use table what exists in the code. We are not adding a requirement that does not currently exist; we are just clarifying that it does exist.

Resolution # 15, 2014 ~ Enactment of Local Law No. 1 of 2014 ~ Amending Specified Sections of Chapter 205 of the Town of New Lebanon Code

The following Local Law was put forth for enactment by Councilmember Bruce Baldwin and seconded by Councilmember Matt Larabee:

**LOCAL LAW NO. 1, 2014
Dated: June 10, 2014**

A LOCAL LAW TO AMEND SPECIFIED SECTIONS OF CHAPTER 205 OF THE TOWN OF NEW LEBANON CODE ENTITLED "ZONING"

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

PURPOSE AND INTENT

The Town Board of the Town of Lebanon hereby adopts this amendment to Chapter 205 of the Town of New Lebanon Town Code.

AUTHORIZATION

This local law is adopted pursuant to the Town Board of the Town of New Lebanon enacts this Local Law under the authority granted by:

1. Article IX of the New York State Constitution, Article 9 §2 (c)(6) and (10).
2. New York Municipal Home Rule Law §10.
3. New York Town Law, Article 16 (Zoning and Planning).

ENACTMENT

Be it enacted by the Town Board for the Town of New Lebanon that Chapter 205 of the New Lebanon Town Code be hereby amended as follows:

§205-17 Definitions is hereby amended to provide the following additional definition:

FENCE: An artificially constructed barrier or enclosure used to delineate an area or boundary, to screen such area from view, to limit access, or any combination. Fences over six (6) feet high and also swimming pool enclosures shall require a building permit.

§205-7(B)(4) Area and Bulk Regulations is hereby amended to provide as follows:

B.

(4) Walls, fences and hedges. The following standards shall apply to fences, walls and hedges for all uses in all districts.

(a) Exemptions

(1) These fence, wall and hedge regulations shall not apply to agricultural fencing, walls or hedges or temporary safety fencing erected during construction activities approved by the Town, provided, however, that the requirement specified in subsection (b) (2) concerning sight distance at intersections or rights of way and street corners shall apply to all forms of fences walls or hedges. For purposes of this section, the term "agricultural fencing" shall include, any fence constructed on a farm operation or constructed to enclose a residential garden.

(2) The Town Building Inspector may authorize a retaining wall in excess of the foregoing height limitation when it is determined that the same is necessary for the proper safety and preservation of persons or property.

(b) Location

(1) Fences, freestanding walls and hedges and all supporting structures must be entirely on the property of the party erecting the fence.

(2) Fences and freestanding walls shall not obstruct sight distance at intersections or rights of way and shall comply with required setbacks at street corners.

(3) No minimum distance shall be required between a fence, freestanding wall or hedge and a lot line, however, it is required that any fence, freestanding wall or hedge build along an adjacent lot be installed interior from lot line with a two (2) foot setback to provide for maintenance and lawn or field mowing. Lawns and other growth shall be maintained by the property owner to the property line in accordance with the New York State property maintenance code.

(c) Height

(1) Fences or freestanding walls within a front yard, in a side yard or rear yard shall not exceed six (6) feet in height unless approved or required by a board as part of an application for a special use permit or a site plan review.

(2) A maximum of ten (10) feet in height shall be allowed to enclose a private or public tennis court, basketball court, or sports courts provided that the fence is not more than 60% percent opaque, and meets set back requirements.

(d) Materials and construction

(1) All fences and freestanding walls shall be constructed and installed in accordance with the generally accepted standards of good workmanship and any applicable manufacturer's specifications.

(2) All fences and freestanding walls shall be maintained in a structurally sound condition, and components or finishes that become deteriorated shall be repaired or replaced promptly.

(3) Canvas, cloth, wire mesh, snow fencing, chicken wire, pallets, plywood or any other material of a nonstructural nature shall not be used as a fencing material or as any part of a fence visible from the public right-of-way. The use of barbed wire, broken glass, electrification or any other material or device intended to cause injury is prohibited.

(4) Retaining walls visible from the public right-of-way should be faced with masonry or other decorative screening, textures, design, or landscaping to minimize the blank appearance of walls and ensure compatibility with existing structures.

§205-7(B)(5) Area and Bulk Regulations is hereby amended to provide as follows:

B.

(5) Accessory structures. For accessory structures under 144 square feet which do not require a building permit, the required setback shall be 10 feet from the side and rear property lines, and the accessory structure must meet the front yard setback for the zoning district in which it is placed.

§205 Zoning Attachment 1 - Schedule 1, Area and Bulk Regulations is hereby amended to provide as follows:

The minimum road frontage in the RA-5, RA-2 and RA-1 zoning districts shall be 60 feet.

§205 Zoning Attachment 2 - Use Table is hereby amended to provide as follows:

The Key to the Use Table with regard to “Permitted use” is hereby amended to provide “P = Permitted use (requires zoning permit, granted by right)

The column for “Cellular Tower” shall provide for SP/SPR across every zoning district in accordance with §189-7(A) of the Town Code.

The column for “One-Family Dwelling” presently in the Use Table is hereby amended to provide “One-Two Family Dwelling”, with all other notations in said column remaining the same.

The column for “Two-Family Dwelling” presently in the Use Table is hereby eliminated.

SEVERABILITY

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not effect the remainder of said local law which shall remain in full force and effect.

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.

Upon the question of the foregoing motion, the following Town Board Members voted “Aye” or “Nay” for said motion:

Roll Call Vote:

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

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

Councilmember Baldwin also complimented Ted Salem and the Zoning Re-write Committee for their work on these issues.

Town Clean-up Day:

Supervisor Benson noted that Kent Pratt, CEO/ZEO, wanted to address the Town Clean-up Day. Kent Pratt stated that he believes he can get a truck to use and Councilmember Evans has a truck that can be used. He believes that there are six residents in need of assistance. The dumpsters come on Wednesday (the 18th) and it is

possible that we could set up a couple of appointments Thursday after work say 4:00 p.m. and Friday the same thing so he does not think he needs a town truck and a town employee unless a dozen people inquire. He believes Pete McCagg has offered to work Saturday and run the loader. He also noted that he stopped and thanked two residents for cleaning up before the dump day so that was a good thing. And he dropped off flyers to people that looked like they were in need. They have fifty people signed up for the town clean-up day. Supervisor Benson asked if they were looking for volunteers on certain days. Councilmember Evans has a couple teams to work. Supervisor Benson volunteered a large rack truck and a driver for Thursday and Friday.

NEW BUSINESS:

Shaker Museum & Library – Great Stone Barn (Phase II):

Supervisor Benson reported receipt of a letter from Shaker Museum requesting a letter of support from the Town for the Shaker Museum's application for a Historic Property Development and Planning Grant under the Round IV Consolidated Funding Application (CFA).

Resolution # 14, 2014 ~ Shaker Museum Historic Property Development and Planning Grant: Mount Lebanon Great Stone Barn Preservation and Tourism Development (Phase II)

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

Support for Shaker Museum Historic Property Development and Planning Grant: Mount Lebanon Great Stone Barn Preservation and Tourism Development (Phase II)

WHEREAS, the Shaker Museum and Library intends to apply for a Historic Property Development and Planning Grant under the Round IV Consolidated Funding Application (CFA) for the second phase of the Great Stone Barn preservation that will fund urgent preservation work critical to the structure's use and longevity and further to establish a heritage tourism destination; and

WHEREAS, the New Lebanon Town Board approves the active pursuit of preventing further deterioration to and restoration of the Stone Barn building and participated in the Stone Barn Stabilization Project (NYS DOT PIN 8780.02); and

WHEREAS, the New Lebanon Town Board supports the Shaker Museum's plans for tourism development; and

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board of the Town of New Lebanon hereby ratifies their support of the Shaker Museum & Library's pursuit of a Historic Property Development and Planning grant under the Round IV Consolidated Funding Application.

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

Roll Call Vote:

Supervisor Michael Benson	Aye
Councilmember Bruce Baldwin	Aye

Councilmember Dan Evans	Aye
Councilmember Chuck Gerald	Aye
Councilmember Matthew Larabee	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.

Park Maintenance ~ Tennis Courts:

Supervisor Benson stated that the Park Maintenance Superintendent, Donnie Sears, brought to his attention a couple months ago the need to take a look at our tennis courts. From what he has been told, in the past we have had Copeland Coating in Nassau look at and do work on our tennis courts so he suggested that Mr. Sears start there. Copeland Coating Company provided quotes for a number of different options:

<i>Option 1: Crack Repair – non-structural:</i>	<i>\$1,600</i>
<i>Option 2: Crack Repair – structural:</i>	<i>\$5,400</i>
<i>Option 3: Loose Surface Repair & Low Spot/ Birdbath Repair:</i>	<i>\$1,700</i>
<i>Option 4: Cleaning, Application of Coating System & Line Striping:</i>	<i>\$8,700</i>
<i>Option 5: Crack Repair, Loose Surface Repair, Low Spot/Birdbath repair, Cleaning, Resurfacing, Application of Coating System, & Line Striping (all options 2-4):</i>	<i>\$15,800</i>

Councilmember Baldwin noted that he looked at the tennis courts today and it really needs the major job (Option 5) which means we need to go out to bid on it; it hasn't been done for a number of years and basically, the coating that is on it now, he believes, crack repair would not be sufficient. We really need to take the entire thing up and then recoat it with that rubber based surface. But with the cracks, water has gotten in there and frozen and lifted it up; it is in really rough shape. If we go the cheap way, it is not going to last very long. We have had this issue before and he thinks the last time we did it was probably a good twenty years ago. Ed Godfroy noted it was the early 1980s the last time it was done so thirty years ago. Councilmember Evans noted that he looked at it today and it has some bad structural cracks. Councilmember Baldwin noted he is concerned that if we just did a crack repair and then overlaid it; within a year to two we would get additional raising of that surface. Supervisor Benson asked if Councilmember Baldwin was suggesting it be ripped out and repaved. Councilmember Baldwin stated that he thinks it has to be. Supervisor Benson asked if that is what was done in the early 1980s. Ed Godfroy said no, they just did a resurface. Councilmember Baldwin stated he is not talking about ripping out the asphalt that is underneath; he is talking about taking the surface off, then patching the cracks, and then resurfacing the entire thing but that is around the \$15,000 figure which means we have to go out to bid. Supervisor Benson asked if Option number 5 of Copeland's quote could be utilized as a

basis for establishing a scope of work or a request for proposals (RFP). Councilmember Baldwin suggested that we review Option number 5 with the town engineer; it would make sense to spend a couple hundred dollars to let the town engineer review that because he is not quite sure if the wording of it accurately describes the scope of what needs to be done. Supervisor Benson noted he would be more comfortable with the scope of work coming from the town engineer. Councilmember Evans noted that the cracks are deep and they are going to chase up through a resurfacing in five years. If we are going to go with that much money, he noted that there is 75 feet on each side that is not fenced in and you can get ATVs and even kids on bicycles on the courts and that surface is not designed for that. So maybe that is something we need to consider with the whole scope of work, enclosing the courts completely. Councilmember Baldwin noted that it can be cabled off and in the past it has been. Supervisor Benson stated he will put it to the town engineer and maybe suggest that there be some consultation with Copeland as well in terms of maybe even a different option. Generally, cracks are related to the sub-base. Councilmember Baldwin stated that he knows that the sub-base was dealt with when the work was done thirty years ago; it was a very comprehensive job. It is a major job; he thinks the patch would be okay for a year or two but looking at it, there is a lot of separation that you don't see.

Fallen Linesman Association:

Beth Hanson Keefner addressed the Town Board regarding the Fallen Linesman Association noting that her brother, James Hanson, was a lineman. He was killed June 9, 2013; a year ago yesterday. She has reserved the Pavilion for a charitable event to raise funds and awareness for the Power the Way Fund. The Power the Way Fund is an organization that was created in memory of her brother, James B. Hanson, who was a proud and dedicated lineman. Power the Way Fund will offer scholarships to men and women that want to pursue an education in the utility lineman industry. The scholarships will assist with the cost of tools, housing, and other expenses related to training. The organization will also assist with continued education for utility workers, companies, and first responders. The 2nd Annual James B. Hanson Softball Tournament is scheduled for Saturday, September 20, 2014 at Shatford Park from 10:00 am to 4:00 pm with a BBQ and Awards to follow. Lineman from all over including National Grid, Verizon, Western Massachusetts, etc. are coming to play a softball game in memory of her brother to raise money for families of fallen lineman. She asked the town to support the lineman, they are here and they restore power for us. She believes NYSEG responds very quickly to the town in any outages. Eighteen linemen have been killed since January 1, 2014; forty were killed in 2013. She asked for the town's support for this event; Councilmember Larabee asked that this event be included on the calendar on the Town's website.

A motion was made by Councilmember Larabee, seconded by Councilmember Baldwin and approved unanimously to waive the reservation fee for the Pavilion for this event.

Countywide Fire / Ambulance Statistics:

Supervisor Benson noted that each of the board members has a copy of County Resolution no. 434 of 2014 along with some other information in their packet. The reason he included this in the agenda is just simply to provide it to everyone because

there is some useful information in it including a budget summary that lists our general fund and highway fund compared to every other town. There is also a listing of all the fire districts in Columbia County and what their budgets are. The very first page contains the budget for every town for ambulance funds. New Lebanon and Kinderhook are the only towns that are not collecting these funds via the county taxes which we tried to do last fall and unfortunately he thinks we were one day late with the resolution. He noted he does not think there is any restriction on when we can or cannot do that; if it is still the desire of the board, he would like to be authorized to execute the chargeback agreement. Essentially, this would take the \$181,795 (currently) for the ambulance out of our general fund budget and that money would be collected and paid to the Chatham Rescue Squad, whatever the amount is, and we would still be negotiating the contract. He did not really intend to move the authorization for the chargeback agreement tonight. Attorney Howard noted that the board would probably want to do that around budget time. Councilmember Larabee asked when it has to be done by. Supervisor Benson was not sure; he asked that question but he does not have the answer yet. Attorney Howard stated that he thinks that we have to wait until it is established in our budget so we have the numbers because right now we would not know what that chargeback is going to be. Supervisor Benson noted that he believes the chargeback agreement is perpetual; once it is done, it is perpetual. Town Clerk Teal asked if the board could authorize the Supervisor to execute the agreement so that timing-wise there is not a problem. Attorney Howard noted yes, they could. Councilmember Larabee stated if the board authorizes the execution of the agreement now, the Supervisor will know when it has to be done by and if we don't have a meeting before then, we are in trouble again.

Resolution # 16, 2014~ EMS Chargeback Agreement:

The following Resolution was proposed and seconded:

Resolution by Councilmember Matthew Larabee

Seconded by Councilmember Bruce Baldwin

EMERGENCY MEDICAL SERVICES (EMS) CHARGEBACK AGREEMENT WITH COLUMBIA COUNTY TREASURER

WHEREAS, the Town Board of the Town of New Lebanon wishes to establish a chargeback account to have the Town of New Lebanon's expenditure for emergency medical services (EMS) imposed upon County real property tax bills and have the County Treasurer charge back the amount to the real property taxpayers of said Town;

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes the Town Supervisor to execute a chargeback agreement between the Town of New Lebanon and the Columbia County Treasurer for emergency medical services.

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.

Supervisor Benson noted that on the County Resolution, the chargebacks that are in place are listed for each town in the County and you can make some comparisons. Supervisor Benson noted that New Lebanon is \$181,795; Canaan is \$185,361; Copake \$221,849 and outside of that, the numbers are significantly different. Councilmember Baldwin noted that what concerns him is three towns are serviced by Chatham Rescue (Canaan, Chatham and New Lebanon). Supervisor Benson noted that he believes it is more than that. Councilmember Baldwin noted that just with the three it comes to an excess over \$400,000 for Chatham Rescue whereas Copake is \$221,733 and he does not know if Copake has their own or whether they ... Ed Godfroy stated that Copake has their own. Councilmember Baldwin stated that it strikes him as being very expensive up here in this part of the County; Greenport is \$50,000 and Hudson is \$75,000. Supervisor Benson noted that comparable populations, we are 2305 in the 2010 census. Stuyvesant is 2027 for population and \$30,000 for EMS. Attorney Howard noted that it is a little counter-intuitive, for example Greenport has a lot of runs to Columbia Memorial Hospital. All of these companies started as volunteer organizations and they all are looking to keep the costs down as much as they can. Greenport Rescue can offer that to the Town of Greenport because they have alternative income streams so they look to work with them. Valatie Rescue in Kinderhook, he represents the Town of Kinderhook, that number is \$140,000. That started as a volunteer organization as a lot of these did with station wagon ambulances. They certainly would like to receive more money and what they have attempted to do, they have attempted to provide service elsewhere where it is needed like up in Castleton and things like that to help kind of supplement their income stream. One of the things that often happens like down in the Copake area, at one point they lost their rescue squad. They had to go private because you have an obligation to provide it and all of a sudden, and this is not to cast dispersions on Mohawk Ambulance or any of the other private for profit ambulance companies, but once you go that way if you don't reach a deal with Chatham Rescue, you will see that number go up by fifty percent. That has just been his experience. Councilmember Baldwin stated that he does not think we really get a clear picture of the total budget that Chatham Rescue has; similar to a recent email about our local fire company that he received today. There are strong questions about all of this money that taxpayers are spending without the accountability and \$400,000 is a rather pricey number.

Office of Aging Correspondence:

Supervisor Benson noted that the correspondence from the Columbia County Office for the Aging he is providing for informational purposes; this relates to the senior citizen population in the County and there is some specific information that was put together just for New Lebanon regarding our senior population. Town Clerk Teal pointed out

that page 5, and this is something she knows from her residents contacting my office looking for assistance, says 77% of our over 60 population is not being served by the County's programs offered by the Office of the Aging and the Department of Social Services. It is hard to get the County services up here because we are so far away from Hudson but our residents are still paying County taxes. We need to find a way to get them the services that they are paying for and need. Supervisor Benson stated that there are some changes taking place at the County level that maybe will help.

LIAISON REPORTS:

Economic Development: ~ no report.

Highway Department:

Highway Superintendent Jeff Winestock asked for board authorization to go out to bid for annual contracted equipment. Supervisor Benson asked if this is just a standard RFP (Request for Proposal) with specific pieces of equipment. The Highway Superintendent noted it is.

A motion was made by Councilmember Baldwin, seconded by Councilmember Larabee and approved unanimously to authorize the Highway Superintendent to solicit bids for the annually contracted equipment with the bids due by 5:00 p.m. on Monday, July 7th. Supervisor Benson asked that he bid notice be provided to the board members as well.

Town Property & Assets:

Councilmember Baldwin noted that there is an email to the board from the Assessor regarding the moving of her office and the Lebanon Valley Historical Society (LVHS) office. Steve Oberon, President of the LVHS was present also. Supervisor Benson noted that it has been his impression that there has not been consensus on this move but his impression now is that there is consensus. Mr. Oberon confirmed that there is consensus. Councilmember Baldwin noted that he had sent an email back in March regarding some minor electrical issues and he noted that the Assessor addressed them in her email as well. He noted that these do not have to be performed by an electrician, just signed off on by an electrician. The wiring is there; it is just a matter of making some minor adjustments to provide sufficient electricity in both those offices. Supervisor Benson stated he believes data and phone as well. Councilmember Baldwin noted that is all there already. Supervisor Benson noted then it is strictly outlets; how does the board want to handle that. He questioned if that is something that would go out to bid. Supervisor Benson noted that Councilmember Evans is the liaison to the Assessor; he also noted that he thinks this is something that we can just call an electrician to accommodate whatever needs to be done; we don't need to go out to bid. Councilmember Baldwin noted that all the electrician needs to do is sign off on the work; we can get volunteers to do the work but the volunteers that we get need to be able to communicate with the Supervisor. Supervisor Benson asked Councilmember Baldwin if he was volunteering. Councilmember Baldwin responded that if the Supervisor will respond to the comments and questions posed in his March email, he is. But there needs to be some kind of dialogue going on where things can be discussed and he can present him, as he did in the March email, with some specific ideas. Supervisor Benson suggested that he, Councilmember Baldwin, the Assessor, and Steve Oberon all meet and he suggested

that the meeting be Friday morning at 8:30 and this was agreed (the Assessor is in her office on Friday mornings).

Councilmember Evans asked about the wireless internet noting that the signal strength is really really weak. There was a general discussion about the need for better cell service and wireless internet service. Supervisor Benson noted that he has it and he has never had a problem with it.

Zoning, Planning, Code Enforcement:

CEO/ZEO Kent Pratt noted that there are a few items on the zoning violations spreadsheet that he believes the board may want to discuss at a future meeting. Supervisor Benson asked if he was referring to the second page of the report and Mr. Pratt confirmed that he was. Mr. Pratt noted that he could prepare a timeline of what has transpired and they can sit down and discuss them. He noted it is the items highlighted in pink that he is referring to; they have been lingering and he feels they call for a board discussion, maybe in executive session. Supervisor Benson asked him what his recommended course of action is. Attorney Howard noted that most of them are being resolved; there are a few that have had a long history and the board may want to take them up in executive session. Some of them are issues that have been fully litigated in Supreme Court and others have some real interesting quirks to them. [overtalking – indecipherable] [multiple conversations]. Kent Pratt stated he would provide the town board with an updated timeline of what has occurred on each of these properties. These will be addressed at the July meeting.

Town Assessment Office:

Councilmember Evans reported that grievance time is over and they only had a handful of grievances. She is working at cleaning out all her old paperwork and eventually going to a paperless process. She has been observing a couple different offices that are doing that and seeing if she can works towards doing that. She is also looking for ways to take advantage of the fact that she is also the Assessor for the Town of Canaan and how we can start to share some of the costs and save money. They are still in the analysis process of the reassessment and they will keep us updated.

Education & Recreation:

Councilmember Larabee reported the Community Picnic will be July 26th at Shatford Park from 11 am to 3 pm. He noted that it has been steadily growing each year; this will be the third year. We ask each family to bring a dish or something to share; the Recreation Commission provides the hamburgers and hotdogs, chips, soda, etcetera through donations. Cynthia Creech, Recreation Commission member, noted there is sweet corn donated by Mr. Eckhardt.

Security, Fire, Law Enforcement:

Councilmember Larabee reported that the updated Hazard Mitigation Plan draft is still pending state approval; there is an extension until September but there will probably be another extension by the sounds of it. After the state approves it and the County adopts it, the Town will have to pass a resolution adopting it.

Justice Court/Constable:

~ no report.

AUDIT OF BILLS:

**General Nos. 162 through 189, in the adjusted amount of \$61,635.11; and
Highway Nos. 58 through 70, in the amount of \$32,059.90;
As listed on Abstract # 6 of 2014, dated June 10, 2014.**

A motion was made by Councilmember Baldwin, seconded by Councilmember Gerald, and approved (Councilmember Larabee abstained because he had not reviewed them yet) to pay the above noted claims from their respective accounts.

ANNOUNCEMENTS (of activities or events):

July:

Tuesday, July 8th ~ Town Board Regular Monthly Meeting at 7:00 p.m. at Town Hall

Saturday, July 26th ~ Community Picnic at 11:00 am at Shatford Park

OTHER:

Councilmember Baldwin asked if there was any update on **Covenant Circle**. Supervisor Benson responded that the Town engineer is doing what has been requested of her and preparing what he called the scope of work for lack of a better term. Councilmember Baldwin noted that last month the Supervisor stated that he was going to create a committee on the **noise ordinance** and he inquired if that had happened. Supervisor Benson responded that what was actually discussed was for him and Councilmember Gerald to meet with both groups. He stated that a day or so ago, the group that proposed the noise ordinance has provided him with their list of "demands." He has reviewed this only on a preliminary basis intending to provide it to at least Councilmember Gerald but others if they would like to see it at this point. The next step, as he has suggested to both parties, would be a couple of meetings to discuss the "demands." He noted that he believes both of those meetings will occur before the next board meeting assuming all parties can meet.

PRIVILEGE OF THE FLOOR:

Town Clerk Teal read a letter for Bud Godfroy regarding the proposed new firehouse:

To Town Board of New Lebanon;

I am wondering how/why there has been no discussion about the 3 million dollar increase in the fire budget over the next 30 years when the Board continually states that we have to cut the budget. There has been no report from the liaison to the fire department about the project and associated increase request for the fire department budget to offset this expenditure. We as tax payers need to know before the "surprise" your fire tax is going up as well as your other town and county taxes. The "we have no information yet" statement carries no weight nor does the statement "we weren't invited to participate." There should have been an invite. That is a large increase. The town board doesn't even question the expenditures of the fire department as a whole. Not that the board should question each nickel and dime but there should be some discussion about where it goes and how much is "saved" and if the town should be deciding when they "the town" can afford a major expense and how it will be funded. Is this expenditure for fire service a need or want? What are the line item expenditures and why are funds being spent on a station that wasn't in the budget? The expenses are marching on as the demolition of the Legion hall progresses. Was that amount in a line item? What are the numbers for responses and what are the actual expenses for fire service? The \$226,000.00 and the amount actually spent and the amount in "savings" \$600,000+. What are we paying for "fire service"? I will accept the criticism about myself not being in attendance to present this letter but my job as a fire instructor prevents me from attending this meeting.

Louis Godfroy III

Trina Porte addressed the Town Board noting that she was thrilled to see a whole bunch of information online today that was being discussed tonight; thank you all. That is wonderful but it would be great if things could be posted earlier than the day of the board meeting so people would have more time to read it but they were out there so thank you. Ms. Porte provided the board with a short re-cap of a proposal that she made to the board last year:

New proposal for the formation of a Communication and Procedures Committee

*I propose that the Town Board create a **Communication and Procedures [CAP] Committee**, an idea that is supported by our comprehensive Plan. On page III-34 under “community facilities and services,” it says we ought to “**enhance communication between town government and residents,**” and on page VI-7 under “town government communication with public” it says to “**evaluate current methods and adopt new methods if warranted.**” Such a committee could fulfill these directives, and help town officials in many ways.*

Since it seems difficult for all our boards and our supervisor to keep up with OML requirements for making information available to the public in advance of meeting days, a CAP committee could help take care of that problem by appointing a liaison to assist the Town Clerk with gathering and disseminating information properly.

Our officials could also try using something like a “listening log” [see attached] to allow members of the public to be heard equally, fairly, and on the record at all meetings in a way that doesn’t create public arguments or lose track of concerns brought up at POTF. A CAP liaison could then organize those logs for officials to review, could help research responses to the questions raised, could record solutions that are tried, and could keep a calendar to track response times.

A CAP committee could also share information by hosting meetings, doing postings in the town newsletter, creating informational brochures, and informing the public about how zoning, planning, and town board decisions are being made.

Thank you for your consideration of these ideas to help create more positive avenues of communication between town officials, town clerks, town staff, and members of the public. I would be honored to serve as a public liaison for a CAP Committee and/or to help create public information brochures such as the one on stating a business that I created for our Planning Board. Thank you.

Trina Porte

[originally submitted 2013, revised 2014]

Sample Listening Log:

Town of New Lebanon Listening Log

<u>Meeting Attended</u>	<u>Comment/Idea</u>	<u>Date</u>	<u>Response</u>	<u>Contact Info</u>
Planning Board	I want a grocery Store with a pharmacy	9/18/13	No	N/A
Town Board	I want to be on the Com. & Pr. Committee	10/8/13	yes	email@aol.com
Hamlet Plan	We need more PUBLIC meetings on this SOON		have more meetings please	
Town Board	When will our questions get answers?	1/14/14	tell us at next TB meeting	

Erich Wagner addressed the Supervisor again about getting **comparative financial data** on a year to year basis or current versus budget. Supervisor Benson stated that he has more information than the last meeting noting that this is the third meeting Mr. Wagner has brought this up. What he could tell him was when he first got here as Supervisor, we put in an accounting system. That accounting system does not have a canned report that does a comparative either month to month or year to year. What it does have is the capability to create that comparative report because as you know it has

to pull information from 2013 and 2014 so it is a complicated procedure to build that report but the report has to be built. It is a custom report. And he does not disagree with the concept. Mr. Wagner noted current to budget is fine also. The data on the Supervisor's report is like half a score. Supervisor Benson asked Mr. Wagner what he was looking at. Mr. Wagner responded the report that is on the table. Supervisor Benson noted that is the summary report. What you are asking for is year to year and month to month. Mr. Wagner noted that would be ideal but if the Supervisor wanted to do comparative to budget, that would make sense too. Supervisor Benson noted that is done. Councilmember Baldwin noted that year to year is available in the Annual Updated Document which has the previous year and the year preceding that. That is available to the public. Mr. Wagner noted that the information is interesting to him as a taxpayer but it is even more important to the board; if they are getting the data, he feels a lot better. Councilmember Baldwin stated that he is getting the data and it is public. It is on file with the Town Clerk. Every year, towns are required to submit an Annual Updated Document (AUD) to the State Comptroller and this has to be submitted prior to the 28th of February. Once it is reviewed and filed, it becomes public information and that gives you a detailed account of all monies spent during the prior fiscal year. In addition to that though, it also gives you the year prior to that. You can also access through the State Comptroller's Office years previous to that. When he came back on the board about six years ago, he wanted to find out what happened from 2000 through that date, 2008 or whatever it was. He was able to obtain all that information including the budgets for each of those years and review them. During the time that he was not in public service, an escrow account disappeared and he wanted to find out which year it disappeared and then attempt to reinstate it. It is items like that that you need to be able to track over a period of time. And the State Comptroller's Office is very good about supplying that information. Mr. Wagner noted it is the raw data without any management discussion of, for example, why did that escrow account disappear.

Supervisor Benson stated that the AUD (Annual Updated Document) is available online; it basically a town's tax return is what he would call it. It is CPA prepared. His understanding of what Mr. Wagner is looking for is on a monthly basis when the board is looking at June numbers to be able to compare them to June of last year. Mr. Wagner noted that would be ideal. Supervisor Benson stated that is the part that is a custom report that has to be built or created within the accounting system. The accounting system that the town is using cost us \$220 to purchase – QuickBooks.

Attorney Howard stated that the board looks at actual year to date versus budget and certainly other organizations typically would have 2013, 2014, and the budget. Some of the organizations he is working with, not for profits and things, tend to look at that actual even more than the budget because those sorts of organizations, their budget making process, it is okay but it is not great. What happens here, you heard the board tonight, the state stresses to the board the formulation of the budget so much that it really is a much more sophisticated budget than maybe some other organizations and the state really wants them to be keeping an eagle eye on that. And it certainly may be to the loss of looking at that other number but philosophically, that is what is being driven into municipal corporations – to go through a long budget process and then compare the year as they are going through. It doesn't mean the other information isn't valid.

Supervisor Benson stated that it is valid because he can tell us he does it. Just to give an example, in April of 2013 the Town had the first quarter sales tax from the County. In this particular year, we did not post it until tonight's report in May. He is consistently looking at revenue from year to year because quite frankly, we tightened our budget up here pretty significantly in the last couple years. The actual cash or the balance sheet that we have is... he is very interested in, at the close of every month, what the Town's cash position is compared to the month in the prior year or the prior year before that. Mr. Wagner stated that he feels much better knowing that the board is getting the data because if you were just dealing with what was on the table, it is rather meaningless. Supervisor Benson stated Mr. Wagner needs to look at the reports he just gave him (the reports provided in the board's packet monthly) which includes a balance sheet. Mr. Wagner stated that is great. Supervisor Benson stated that he misunderstood Mr. Wagner previously. If he was under the impression that the only thing that is being looked at is that summary report that he reads; no, that is just the tip of the iceberg. But the year to year and month to month is something that he is talking to the Town's accounting firm about building but it is going to take a little time.

Mr. Wagner also addressed the board about the **tennis courts**. He noted for \$15,000, how much usage are we getting because it is a summer activity and frankly, we have very little winter activity. So if we are looking at that kind of money and it is not getting that much use, we might consider a **skating rink**. Councilmember Baldwin noted we have had skating rinks [overtalking]. He also noted that the tennis courts do get a lot of use [overtalking]. Ed Godfroy noted that if there is not snow on the courts, they are being used for tennis. Additionally, the school even brings kids up during the school year to use the courts.

Mr. Wagner thanked Councilmember Baldwin for bringing up the **noise ordinance** and noted that he is very interested in that. He also noted that he would like to hear more about **business development** as we move along, particularly is there anything on supermarkets or food.

Scott Cohen addressed the Town Board regarding the **Northeast expansion of the Tennessee Gas Pipeline**. He asked what, if anything, does the board know about its proposals. There are approximately forty families that abut the pipeline in New Lebanon and he is one of them. He is a little concerned about what their proposal is to expand; they are talking about eight feet but it seems like each pipe deserves twenty-five feet and that is taking down trees and all that kind of stuff. He wanted to know if the board knew anything about it and if the Town is capable of or wants to challenge any application that they submit along the way.

Councilmember Baldwin stated that it is his understanding that we have an appropriate easement already. The Assessor would have greater detail and he had wanted to ask her about this but bear in mind that by adding another line within the existing easement, the taxes on that line, the assessment, will be increased appropriately to Tennessee Gas. They are a big tax payer. The previous Town Assessor actually did some serious negotiation with them. Prior to his appointment which was almost thirty years ago now, they had been pretty much left alone but because they are a public utility with an easement, they are taxable. The current Assessor needs to look

at that and also to determine, if they are going to expand the total easement property or if they are going to install the pipeline within the current easement.

Attorney Howard noted that he has looked at this also for the Town of Canaan. It is his understanding that right now a lot of the research and mapping activities that they are engaged in is really in the state of Massachusetts. They are looking to solidify where they are going to be there. Certainly at some point they would need to start to finalize their mapping in New York State at which the point the Town and interested landowners would have an idea of what the scope of that easement is going to be and whether in fact they can build within that easement. The regulation of that is under the Federal Energy Regulatory Commission (FERC). The Town and the local municipalities are stakeholders in that process but there is a regulatory scheme that basically governs this process. Certainly he thinks towns are going to be looking at this to see where they are going to go once they come into New York. They bounced around with a few different ideas with regard to where that line is going to go. Mr. Cohen noted that twenty towns in Massachusetts have said no and he knows Canaan is on its way to trying to say no. He understands that taxes could bring a lot of money into the Town but he does hope that the town board would consider the hazards that increase of pipe and increase of that type of gas going through Columbia County could do; the potential risks, he thinks, are higher than... Councilmember Baldwin stated that the Town of Chatham where the transfer station, they had a long involved informational meeting with Tennessee Gas several times. They spelled out their safety concerns and Tennessee Gas explained how they do this. That was twenty or twenty-five years ago but it was satisfactory to the residents. If they are looking for new easements, then it becomes a serious issue.

CEO/ZEO Kent Pratt stated that he spoke with one of the Tennessee Gas representatives while he was working on a property in Canaan that abuts the pipeline and they are asking for an eight foot easement to add another line. The representative is in the process of contacting the abutting property owners and that was his spiel; they are asking for an eight foot expansion of the pipeline easement. Town Clerk Teal noted that she has been told by several of her residents that they have already been contacted by Tennessee Gas.

Mr. Cohen asked if they are allowed to simply increase that easement because it already exists or does he have to agree to it? Attorney Howard noted that what they have to do if they are establishing a new line or looking to expand a line, they actually have to follow through not only with state regulatory environmental review but also the NEPA (National Environmental Protection Agency) Review to assess endangered species, archeological resources, visual resources, and all of those things. That is part of an entire administrative process for review that is administered by FERC. In connection with that, should they authorize the line to be expanded or to exist, then they can begin to negotiate with individual land owners for the value and on top of that, if they cannot reach agreement, the federal legislation, for an authorized line, allows the use of eminent domain. But that is an entire administrative process that does not occur here in New Lebanon or Canaan or Chatham. Mr. Cohen stated that the Town supporting one way or the other can help the residents if the residents are against it or are for it. Attorney Howard said they can certainly look at it and see if there are issues that need to be brought to the administrative agencies attention just as they would with DOT or DEC, etcetera. What he would say is he knows they are out there reaching but as he

understands it there is quite a bit of activity in Massachusetts. The question becomes, if there is a lot of opposition in Massachusetts, what does that mean? If they move the line in Massachusetts, they move the line in New York. So it is something that we certainly need to be keeping an eye on but we do not really have anything to... Trina Porte asked who has lead agency if FERC is doing the permitting and the comment period. Attorney Howard responded they do; FERC does. Supervisor Benson noted it is not a home rule issue; it is a federal issue. Trina Porte asked how the towns in Massachusetts have been able to.... An unknown speaker said there is a state law in Massachusetts that allows the towns to deny it.

Judy Zimmer addressed the Town Board regarding the **Tennessee Gas Pipeline expansion**. She noted that she attended a meeting in Canaan about the pipeline and she just wanted to give a quick synopsis of what she learned. This is a very dangerous undertaking. The pipe is not like what we already have here; this will be a high pressure pipe. They are trying to maximize profit pushing as much through as they can which puts a heck of a lot of stress on that pipeline. There is a lot of leakage. Sometimes the pipes rupture. Sometimes they leak and you don't know about it until something happens and they catch on fire. Compressor stations are forty to sixty miles apart and if there is a rupture, an explosion, and a fire, nobody can contain it. Basically, they have to let it burn out. They close off the valves at the compressor stations and let it burn off. There have been a lot of things on the news about the explosions of these pipelines. There is so much pressure going through. Sometimes it is human error like an accident and sometimes it can be something as simple as the ground freezing and thawing in the spring. There have been over 990 natural gas transmission line accidents since 2000 with 137 injuries and 34 deaths. If you think about any profit of any taxes or the possibility of getting any jobs, the jobs would only be during the construction. Ms. Zimmer stated that resources were provided at the meeting and she made copies for anyone that is interested. She urged landowners, before they say yes to letting them come and survey (and the landowners have a right to say no), to educate themselves about the negatives in this project.

Ms. Zimmer noted that at the compressor stations there have been air samples that include twelve chemicals that have been used in the fracking process. Methane and benzene are two of the big ones. What is interesting about the EPA (Environmental Protection Agency) has basically eased the requirements of gas and oil refining. The 2005 Energy Bill contains a measure nicknamed the Halliburton Loophole which exempts gas and oil industries from the Clean Water Act, the Clean Air Act, Superfund Act and a dozen more federal regulations. So she would not trust the EPA to call the shots on this. Also, the benefit to us, we don't see this natural gas. In Massachusetts there would be a tariff on the gas and we do not know what New York is going to do. We don't know if we are going to be taxed on a gas that we cannot even use. It is basically cheaper to export the gas overseas so the New England/Boston area and then up into Canada and they are trying to get permission to export this so they can more money. Additionally, she noted they are already in the process of contacting property owners here because there were people at the meeting that said that they had already been contacted by the surveyors. And she does not feel this is an individual property owner's decision, every town that has this pipe coming through needs to decide as a town do we want this pipe in our town. She also stated that she understands that it is required that

there be twenty-five feet between pipes so the eight foot expansion does not make sense. They want to do this between 2016 and 2018 and there is speculation that the Marcellus Shale pit will be depleted during this two year time-frame.

Ms. Zimmer noted that there is a group in Canaan called the Columbia County Citizens for a Sustainable Future and their next meeting is Wednesday, June 25th.

Cynthia Creech addressed the Town Board regarding the Country Market. She extended an invitation to everyone to stop by the Country Market at Windswept Farm on Sundays from 10:00 am to 2:00 pm. She also stated she wanted to thank the Town Clerk for inviting Congressman Chris Gibson to the farmer's market this past Sunday. He was apparently coming for something else which wasn't actually occurring and she said if he came Saturday, he could come for the Herb Fest and if he came Sunday, he could come to the farmer's market and he happened to come through Sunday. He visited with all of us, was very pleasant and she believes he saw all of the vendors. Again, she thanked the Town Clerk for getting him there and invited anybody who would like to come join them every Sunday from 10 to 2 at Windswept Farm.

Councilmember Baldwin asked about an email the board received regarding a civil service thing that the Town Clerk put out, has that been resolved. Town Clerk Teal responded no. Councilmember Baldwin noted that the board needs to enact a local law. Town Clerk Teal asked Attorney Howard if she had copied him on the email. She explained that years ago the board had adopted a resolution to establish the positions of Court Clerk and Deputy Court Clerk and Columbia County Civil Service has been working on getting those approved by NYS Civil Service. However, the establishment of these positions needs to be done by local law, not by resolution so the state has tabled it until we enact a local law. The Town Clerk will forward copies of the resolutions and all the email correspondence with Columbia County and New York State Civil Service to Attorney Howard.

ADJOURNMENT:

A motion was made by Councilmember Larabee and seconded by Councilmember Geraldi to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

Colleen Teal, RMC
New Lebanon Town Clerk