

**MINUTES OF THE REGULAR MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JANUARY 13, 2015**

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

Recording Secretary: Colleen Teal, Town Clerk

Others Present: Andy Howard, Attorney for the Town
Jeffrey Winestock, Highway Superintendent
Eileen Evans, Secretary/Bookkeeper
Jack Nevers, Town Justice
Jessica Byrne, Town Justice
Ted Salem, ZBA Member/Zoning-Re-write Committee
Robert Smith, Planning Board/Ethics Board Member
Scott Larabee, Recreation Committee Chair/Building
Maintenance
Cynthia Creech, Deputy Court Clerk/Assessor's
Clerk/CAC Member
Kim Cammer, Assessor
Ed Godfroy, LVPA
Jesse Brown, LVPA
Gregg Gilliland, LVPA
Thaddeus Flint, Reporter for *The Eastwick Press*
Tobiah Black, Reporter for *The Columbia Paper*
Gail Heinsohn, Reporter for *The Chatham Courier*
Several members of the public

CALL TO ORDER:

The meeting was called to order at 7:02 p.m. by Supervisor Benson. A moment of silence was followed by the flag salute.

MINUTES:

The Town Clerk noted that the minutes of the Organizational Meeting on January 5th were just distributed today and the board has not had ample time to review them.

FINANCIAL:

Specific Questions on Vouchers:

Supervisor Benson noted that there is a General Abstract relating to bills for 2014 in the amount of \$188,348.56; the bulk of that being General Voucher No. A-437 in the amount of \$181,034.64 for the Shaker Museum pass through grant. The second General Fund Abstract is for 2015 bills totaling \$44,419.07. There are two Highway Abstracts, the first being for 2014 bills in the amount of \$30,605.37; the second being for 2015 bills in the amount of \$3,047.77. There is no Escrow Abstract.

Supervisor's Report:

Supervisor Benson read the Supervisor's Report and reviewed the other reports provided to the board members. Supervisor Benson reviewed the details of the Projected 2014 Budgetary Completion Estimation noting that the estimated Year-end Closing figures are as follows:

General Fund

Revenue to Date (1/13/15)	\$1,523,666.87
Accrued Revenue (Estimate) <i>(estimate of 4th Quarter Sales Tax & Court fees combined)</i>	75,000.00
Allocated Fund Balance 2014	85,000.00

Total Revenue (Estimated)	\$1,683,666.87
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Expenses to Date	\$1,572,853.76
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Final Budget to Actual Variance (2014) (Estimated) <i>(aka Estimated increase to unexpended balance)</i>	\$110,813.11
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Highway Fund

Revenue to Date (1/13/15)	\$677,436.13
Accrued Revenue	0.00
Allocated Fund Balance 2014	15,000.00

Total Revenue (Actual)	\$692,436.13
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Expenses to Date	\$686,185.77
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Final Budget to Actual Variance (2014) (Estimated) <i>(aka Estimated increase to unexpended balance)</i>	\$6,250.36
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A motion was made by Councilmember Baldwin, seconded by Councilmember Larabee and approved unanimously to accept the Supervisor's report.

OLD BUSINESS:

Former Town Gravel Pit Appraisal (West Hill Road Property):

Supervisor Benson noted that the appraisal for the property on West Hill Road was received and distributed back in early December. Attorney Andy Howard noted that Holden & Associates prepared the fair-market value appraisal on the property. If the town board is going to consider disposing of this real property as surplus property; they would need to convey that for at least the fair-market value. If there was a thought to offer it at a price higher than that; they certainly could. Their obligation is to sell it for at least the fair-market value.

A motion was made by Councilmember Baldwin, seconded by Councilmember Larabee and approved (Councilmembers Evans, Larabee, Baldwin and Gerald voted Aye;

Supervisor Benson Abstained) to advertise for bids for the property (2.3 acres off West Hill Road, S/B/L No. 9.-1-57) as surplus with a minimum bid of \$20,000 with no representations to be purchased as-is. The Attorney will provide the Town Clerk with the necessary information to publish this bid request.

NEW BUSINESS:

New Lebanon Library Request – Tax Bill Identification (separate line item on tax bills):

Supervisor Benson read the following letter he received from the New Lebanon Library noting that he is not proposing any particular action on this at this time:

January 13, 2015

Dear Mr. Benson:

On behalf of the trustees of the New Lebanon Library and at the suggestion of the representatives of the Mid-Hudson Library system, I am writing to request that the Library's 414 tax levy appear as a separate item on individual tax bills.

This change should offer greater transparency and simplicity in the Town's budget by segregating the Library's tax revenues from Town expenditures that are subject to the budget process.

*Yours truly,
Elisabeth Gitter
President, Board of Trustees*

Supervisor Benson deferred to Attorney Andy Howard on the actions required to accomplish this. Attorney Howard noted that he will talk to Suzette Booy (Columbia County Real Property Services) to determine if this can be done by simple resolution or will require a local law.

LVPA – Certificate of Corporation Amendment:

Resolution #9, 2015 ~ Approval of Amendment to Certificate of Incorporation of the Lebanon Valley Protective Association Inc.

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

Approval of Amendment to Certificate of Incorporation of the Lebanon Valley Protective Association Inc.

BE IT RESOLVED THAT, the Town Board of the Town of New Lebanon following a public hearing duly held pursuant to the provisions of the Not-for-Profit Corporation Law of the State of New York hereby approve the Certificate of Amendment to the Certificate of Incorporation of the LEBANON VALLEY PROTECTIVE ASSOCIATION INC. (the "Corporation") amending the Certificate of Incorporation, and amending the purposes and powers of the Corporation to include the Corporation operating as a charitable tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code.

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 Gerald	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.

Resolution 10 of 2015: Enactment of Local Law # 1 of 2015 To Establish the Offices of Court Clerk & Deputy Court Clerk:

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

Enactment of Local Law No. 1 of 2015: Establishing the Offices of Court Clerk and Deputy Court Clerk

A local law establishing the offices of Court Clerk and Deputy Court Clerk:

PURPOSE AND INTENT

The Town Board of the Town of Lebanon hereby adopts this amendment to Chapter 29, Article I and Article II 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)(3) and (10).
2. New York Municipal Home Rule Law §10.
3. Town Law §20.

ENACTMENT

Be it enacted by the Town Board for the Town of New Lebanon that Chapter 29, Article I and Article II, of the New Lebanon Town Code be hereby amended as follows:

Article I Court Clerk

§29-1 Position Established

The Town Board of the Town of New Lebanon formally establishes the position of Clerk to the New Lebanon Town Court.

§29-2 Appointment; Term

The position of Court Clerk shall be an appointed position for a term to be set by the Town Board of the Town of New Lebanon with the advice and consent of the Town Justices in accordance

with Town Law §20.

Article II Deputy Court Clerk

§29-3 Position Established

The Town Board of the Town of New Lebanon hereby establishes the position of Deputy Clerk to the New Lebanon Town Court to assist in fulfilling the duties of the Court Clerk duties to the New Lebanon Town Court and to further to act as Court Clerk in either his or her absence or his or her inability to perform the duties of the office of Court Clerk.

§29-4 Appointment; Term

The position of Deputy Court Clerk shall be an appointed position for a term to be set by the Town Board of the Town of New Lebanon with the advice and consent of the Town Justices in accordance with Town Law §20.

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 Resolution, the following Town Board Members voted "Aye" or "Nay" for said Resolution:

Roll Call Vote:

Supervisor Michael Benson	Aye
Councilmember Bruce Baldwin	Aye
Councilmember Dan Evans	Aye
Councilmember Charles 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.

Agreement Between the County of Columbia, Acting Through the Columbia County Youth Bureau, and the Town of New Lebanon:

Supervisor Benson requested authorization to execute an agreement with the Columbia County Youth Bureau in order for the Town to receive State Aid Reimbursement for the 2014 Summer Youth Program in the amount of \$815.

A motion was made by Councilmember Baldwin, seconded by Councilmember Larabee and approved unanimously to authorize the Town Supervisor to execute an agreement between the County of Columbia, acting through the Columbia County Youth Bureau and the Town of New Lebanon whereby the County will sponsor a Youth Development Program and pay to the Town a sum not to exceed \$815 for the operation of the 2014 Summer Youth Program (QYSD No. 51019).

Charter Communications Franchise Renewal Agreement:

Supervisor Benson noted that he had circulated to the board members a proposed franchise renewal agreement with Charter Communications in December. Councilmember Baldwin noted that the only items of concern would be the coverage and the fees. Supervisor Benson noted that the agreement is proposed to be a ten year agreement as opposed to a five year agreement. Councilmember Baldwin noted that in the past there were a lot of concerns voiced by the public and he asked the Supervisor if there have been any concerns voiced recently. Supervisor Benson responded not really are about Cable TV; the complaints about broadband are unending but that is Fairpoint. The Town Clerk noted that during her first few years as town clerk, there were numerous complaints about Charter but they have dropped off and she believes many people have circumvented Charter by going with one of the satellite dish providers.

A motion was made by Councilmember Baldwin, seconded by Councilmember Evans and approved unanimously to authorize the Supervisor to execute the Franchise Renewal Agreement with Charter Communications for a period of five (5) years pending review by the Town's Attorney.

Special Meeting:

Councilmember Baldwin suggested holding a special meeting on the fourth Tuesday of January (January 27th) to interview applicants for the various vacancies, to discuss the employee handbook and to discuss any other personnel items. The board approved the scheduling of a special meeting on January 27th at 6:30 p.m. for interviews for Deputy Code Enforcement Officer and for a Planning Board member to fulfill the balance of Mark Sheline's term of office (advertise again as well as previous applicants).

Ruby & Sather Duke, Request for a Letter of Support:

Supervisor Benson reported that he received a request from Ruby & Sather Duke (Raven & Boar) for a letter of support for their grant application to the NYS New Farmers Grant Fund. They provided a description of their farm and the project:

Our Farm Description:

My husband and I have a farm where we raise approximately 250 heritage breed, pastured and wey fed hogs annually in Northern Columbia County. We currently sell our pigs as wholesale whole animals to restaurants or USDA processed cuts from Eagle Bridge Custom Meats at the regional farmer's market. We also have 2.5 acres of organic vegetable and herb production here on the farm which is primarily sold wholesale to restaurants. We also plan to integrate the vegetable and herb production into our new project. Last year we started to build a 2,000 sq. ft. on farm harvest kitchen where we could take our whole animals to process into our own private label fresh sausage, pate and salami. This type of traditional processing raises the value of the pigs we raise by using innovative and traditional techniques in processing and helps to differentiate our product in the regional market. We have about 40% of the construction done on the harvest kitchen which includes the foundation, basement, pad, and a new dedicated well and basic plumbing.

Grant Application Proposal Description:

Project:

1. *Purchase and installation of a walk-in cooler for: meat cutting, meat processing and fresh meat and fresh vegetable storage, with programmable temperature and humidity control.*
2. *Purchase and installation of a walk-in freezer for: raw and processed meat chilling, meat and vegetable storage, with programmable temperature and humidity control.*
3. *Purchase and installation of temperature and humidity control air handling system for: the dry aging room.*
4. *Purchase and installation of a generator for: all systems.*

Notes:

- *Cutting, processing and packaging fresh meat cuts, and fresh sausages requires a <41° working temperature.*
- *Preparation of Pate and other cooked meat products requires a managed temperature control before and after cooking and in storage.*
- *Whole muscle cures (eg. prosciutto, coppa and lonza) and fermented and cured sausages (eg. salami, soppressata, pepperoni) require <41° working temperature, and very specific aging temperatures and humidity control.*

Description:

The processing, storing, aging and management of the meat as it becomes processed into Value Added Products (VAP) is the most important of this on farm business model. Since dry curing salami and whole muscle meats can take weeks, months, and over one year to age products to be ready for sale, the storage, temperature and humidity management is extremely important in the processing of the VAP. In addition, if there are any power outages to any of these controls it puts the required HACCP at risk and also a large financial investment into the product at risk of loss. We feel that these 4 elements are primary to the success of this project.

A motion was made by Councilmember Baldwin, seconded by Councilmember Gerald, and approved unanimously to authorize the Town Supervisor to draft a letter of support for Ruby and Sather Duke (Raven & Boar) for their grant application to the NYS New Farmers Grant Fund for the project described above.

Behold! New Lebanon's request re: Rural Business Enterprise Grant with USDA:

Supervisor Benson reported that each of the board members should have received an email from Ruth Abram on behalf of Behold! New Lebanon asking that the Town of New Lebanon serve as the sponsor and administrator for Behold! New Lebanon's grant application for a Rural Business Enterprise Grant with the USDA. Supervisor Benson believes this will be similar to the role that the Town is playing in the Shaker Museum's Stone Barn project; assuming a grant is received, the Town would serve as a pass-through for the grant money. Councilmembers Gerald and Larabee noted that they had not seen the email. Supervisor Benson read the letter as follows:

January 13, 2015

Dear Members of the New Lebanon Town Board:

In November, the Board of Regents of the State of New York chartered Behold! New Lebanon (BNL) as a museum. This year, following the success of its 2014 pilot, BNL will launch its inaugural season, operating every Saturday from July 4 – September 26. It will hire over 50 residents in the town who will serve as country guides as well as an additional 7-8 who will staff the operation. The objective is to stimulate our town's economy and reclaim its historic reputation as a place of innovation and commerce.

As part of its fundraising plan, BNL has been encouraged to apply to the USDA for a Rural Business Enterprise Grant. The funds (up to \$99,000) may be used to pay the country guides and staff, insurance, transportation, and other administrative costs and to underwrite a comprehensive marketing campaign focused on New Lebanon.

The USDA specialist for our area is very encouraging and has offered to review our proposal prior to submission. I will write the proposal. However, the application needs to be signed by the Town of New Lebanon because only entities with a minimum of five years experience in economic development may apply. The USDA specialist said that the Town of New Lebanon would be an appropriate signatory.

If the grant is awarded, the Town will need to monitor expenditures and issue the necessary reports to the government.

This is a potentially great opportunity for New Lebanon. I do hope you will agree to have the Town sign the request. I am happy to answer any questions you may have and can be reached via email at xxxxxxx@yahoo.com or at xxx-xxx-xxxx.

Thank you very much.

*Sincerely,
Ruth J. Abram, President
Behold! New Lebanon*

Councilmember Geraldi asked how would the board monitor how the money was spent and what reports would the town have to submit? Supervisor Benson noted he thought it would be very similar to Shaker Museum. Town Clerk Teal noted that Shaker Museum does all the paperwork and reporting but files copies with us so our records are complete; as the pass-through, we are responsible for maintaining these records too. Supervisor Benson re-read that section of the letter, *“if the grant is awarded, the Town will need to monitor expenditures and issue the necessary reports to the government.”* Councilmember Geraldi noted that this is something we need to check into before proceeding. Councilmember Baldwin also noted that on grants that come from the federal government directly to an agency when it is over \$50,000 it requires an independent audit every year - an annual audit by an independent accounting firm. He also noted that his figure may be wrong but he believes it is somewhere in the neighborhood of 20% of the grant goes to the expense of providing that audit; that would be the responsibility of the agency. In this instance, it would be the town because it is the town that has the five years' experience. Attorney Howard noted that he could speak with Ruth Abrams to see what the guidelines are for the grant and depending upon the nature of what they want to see – sometimes they want to see audited payroll – assuming it doesn't run afoul of the grant, the town could have a municipal agreement with Behold which requires them to provide certain things in return for the town serving as the grant agent; that way it is clear who is doing what, what is going to be provided. If the grant requires auditing, that will be taken out of the grant funds. Cynthia Creech noted that the USDA is very particular and very competitive and it could be a big ball of wax. Councilmember Baldwin agreed and agreed that the details need to be worked out first in that agreement.

Colarusso	Gravel: Bank Run	
	FOB \$6.50/cubic yard	Delivered \$16.05/cubic yard
	Gravel: Item #3 , 1" Minus (Screen Fill)	
	FOB \$8.25/ton	Delivered \$15.25/ton
	Sand: Screened 3/8"	
	FOB \$10.85/cubic yard	Delivered \$20.40/cubic yard
	Stone: Washed #1-A	
	FOB \$11.00/ton	Delivered \$18.00/ton
	Stone: Washed #1	
	FOB \$10.85/ton	Delivered \$17.85/ton
Stone: Washed Mixed # 1 & 1-A		
FOB \$11.00/ton	Delivered \$18.00/ton	
Stone: Rip-Rap		
FOB \$12.50/ton	Delivered \$23.30/ton	
Stone: Gabion		
FOB \$10.85/ton	Delivered \$17.85/ton	

There was a general discussion about the need for gradation sieve analysis and having a soil and material testing engineer determine that the materials meet the town's written road specifications. Councilmember Baldwin noted that any discussion of testing of the material needs to hold until the meeting on the 27th when the board addresses the town engineer appointment; to put that kind of restriction on the town's gravel at this point is totally irresponsible on the part of the town board.

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

Liquid Calcium:

Public Notice:

The Town Clerk read the public notice as follows:

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

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON HIGHWAY DEPARTMENT is seeking bids for liquid calcium to be applied to town roads for 2015. **Bids must be submitted on the bid form provided by the town.** Bids must include the percentage (%) of calcium and the percentage (%) of water. Bids must be in a PLAIN ENVELOPE and labeled only with the item being bid and must include a "Non-Collusion Bidding Certificate." Bids must be received in the office of the Town

Clerk at the New Lebanon Town Hall, 14755 Route 22 North, New Lebanon, New York, no later than 5:00 p.m. on Monday, January 12, 2015. Bids will be opened at the Office of the Town Clerk at 5:00 p.m. on Monday, January 12, 2015 and will be considered by the Town Board at the regular monthly meeting at the New Lebanon Town Hall at 7:00 p.m. on January 13, 2015. The Town Board reserves the right to reject or accept all bids.

Jeff Winestock
Highway Superintendent

The following bids were received on the required forms:

Peckham	Winter: 32% Calcium/68% Water	\$.904/gallon
	Summer: 35% Calcium/65% Water	\$.904/gallon
The Gorman Group	Winter: 32% Calcium/68% Water	\$.91/gallon
	Summer: 35% Calcium/65% Water	\$.91/gallon

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

Fuel:

Public Notice:

The Town Clerk read the public notice as follows:

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

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON is seeking bids for the following items for use by the NEW LEBANON HIGHWAY GARAGE and the NEW LEBANON TOWN HALL for the year 2015:

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

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

KEROSENE – Delivered to the Town Highway Garage.

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

Bids are to be presented as a FIXED ADD to the posted gross rack price at the port of Albany, or the port of Rensselaer at noon on Friday, January 9, 2015.

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

The **FIXED ADD** will remain constant and will be added to the same terminals gross rack price as originally bid on the date of each delivery. Use of an alternate rack price will be allowed if it

results in a lower net price for the Town, in which case documentation will be required for the original terminals gross rack pricing, as well as the alternate terminals rack price. An Alternate Fixed Price per Gallon Bid (*good through 12/31/15*) may be submitted for each of the fuel items.

Sealed bids (*on the form provided by the Town of New Lebanon*) must be in plain envelopes, clearly labeled only with the item being bid, and must include a "Non-Collusive Bidding Certificate." Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, no later than 5:00 p.m. on Monday, January 12, 2015. Electronic and faxed bids will not be accepted.

Bids will be opened at the Office of the Town Clerk on Monday, January 12, 2015 at 5:00 p.m. and they will be considered by the Town Board at the regular monthly meeting at the New Lebanon Town Hall at 7:00 p.m. on Tuesday, January 13, 2015. The Town Board reserves the right to reject or accept all bids.

Colleen Teal
New Lebanon Town Clerk

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

Valley Energy

Low Sulfur Heating Fuel:

Gross Rack Price - Sprague	\$1.7900/gal
Add	\$.24/gal
Total	\$2.0300/gal
Alternate Fixed Price per Gallon	\$2.9900/gal

Low Sulfur Diesel Fuel:

Gross Rack Price – Sprague	\$1.8160/gal
Add	\$.24/gal
Total	\$2.0560/gal
Alternate Fixed Price per Gallon	<i>-not supplied-</i>

Kerosene:

Gross Rack Price – Sprague	\$2.4380/gal
Add	\$.35/gal
Total	\$2.7880/gal
Alternate Fixed Price per Gallon	<i>-not supplied-</i>

Main Care

Low Sulfur Heating Fuel:

Gross Rack Price - Sprague	\$1.8000/gal
Add	\$.1479/gal
Total	\$1.9479/gal
Alternate Fixed Price per Gallon	\$2.4250/gal

Low Sulfur Diesel Fuel:

Gross Rack Price – Sprague	\$1.8913/gal
Add	\$.1744/gal
Total	\$2.0657/gal
Alternate Fixed Price per Gallon	\$2.4840/gal

Kerosene:

Gross Rack Price – Sprague	\$2.3038/gal
Add	\$.3140/gal
Total	\$2.6178/gal
Alternate Fixed Price per Gallon	\$3.8480/gal

Town Clerk Teal noted that Valley Energy used the Sprague rack price as of January 2, 2015 versus January 9, 2015.

A motion was made by Councilmember Larabee, seconded by Councilmember Evans and approved unanimously to accept the bid from Main Care.

Assessor – Reval Update:

Assessor Kim Cammer updated the Town Board on where she is on the Assessment and the Reval. She noted that they are done with the residential and almost done with the vacant land and we have the state's blessing on those numbers. Commercial valuation just got finished up today so now the review of the commercial needs to be done and then they will be all set. The first week in February, she will be sending out preliminary change of assessment notices. These notices will include parcel and owner information, last year's assessment (2014), the new assessment (2015), and the net change. They do not have to send notices to decreases or no changes; they are only required to send notices when there is an increase. However, she would like to send notices to every owner whether they were changed or not. She feels they have a right to know because this is a complete reassessment. It is just a postage cost, a few hundred dollars; she thinks it is the right thing to do since the last reassessment was 2007. She did note that she does not have control over most of what is on the notices; she would write it differently but she can't. The notice tells them when grievance day is and then down at the bottom, the very last paragraph, is what she really needs the people to see and there is no way for her to make it any more clearer to the people. *"Informal review of your assessment will be offered by appointment only on the following dates..."* Ms. Cammer noted that there are six dates listed – three in February and three in March – that she will be here in the meeting room to have informal assessment reviews with anyone that sets up an appointment. The county is going to take the phone calls; the county is going to set up the appointments. Anyone that comes to those meetings, should come prepared to say why their assessment should not be that much and if anyone gets changed at those meetings, then she will send them another notice the first week of May stating that they were changed. If they are not changed, they will not get a notice. They still have the grievance period in May when the tentative rolls come out. So these meetings are prior to the tentative rolls so they can tweak anything or fix anything that needs to

be done before the tentative rolls. Based on the feedback from these informal reviews, we can determine whether we need to extend grievance day this year or not. On a final note, the state has reviewed these numbers and they are pleased.

Councilmember Larabee asked Assessor Kim Cammer to share a statement she had made in the Town Clerk's office before the meeting. Ms. Cammer read the last sentence of an email she received from the state today: *"You have worked very hard on this reassessment and it shows in the quality and completeness of the RPS file. Way to go Kim!"*

LIAISON REPORTS:

Economic Development & CAC

Cynthia Creech, CAC member, reported that the Conservation Advisory Council (CAC) will be showing something of local documentary – a twenty-five minute film – entitled *"Liquidity, the Value of Wetlands"* here at the Town Hall on Monday, January 26th from 6:00 pm to 7:30 pm. After the film, there will be a discussion about the CAC's latest project which is the first *natural resources inventory* for the Town of New Lebanon. They would like anyone who either owns land or is interested in the natural resources in New Lebanon to attend and see this film and join them for a discussion and to share ideas about the preservation of the land and water in this town.

Highway Department ~ no report

Town Property & Assets:

Councilmember Baldwin reported that thanks to Councilmember Larabee they did an analysis of the circuits and the electric in the original part of the building on Saturday. They were able to label most of the circuit breakers. On the second floor, all of the outlets have been changed – properly grounded and replaced. He is following the punch list from Bruce Fairweather and basically is working his way down the list.

Zoning, Planning, Code Enforcement ~ no report

Town Assessment Office ~ no report

Education & Recreation ~ no report

Security, Fire, Law Enforcement:

Supervisor Benson reported that he has received multiple requests that he would like the board to consider honoring for an enhanced report from the Lebanon Valley Protective Association (LVPA) regarding fire activities, finances, expenditures, etcetera and etcetera in 2015. Supervisor Benson asked if the fire department has any objection to that; he also noted that he working on some criteria to propose at which point he would request that Councilmember Larabee, on a monthly basis at the Town Board meetings, report in more detail.

Ed Godfroy, LVPA, responded that they would have to see what the board is asking for before they could respond to the request.

Supervisor Benson asked if the Town Board members were okay with this request and they responded affirmatively.

Supervisor Benson proposed that for the January 27th meeting or the February meeting, especially in light of the proposed change in status, he will provide a list of criteria to be approved by the board and the LVPA; not asking any specific action tonight but just asking that we provide an increase in transparency. Gregg Gilliland, President of the LVPA noted that it would be better for them to have it at the February meeting. Supervisor Benson noted that that meeting is set for February 10th at 7:00 p.m.

Justice Court/Constable:

Judge Jessica Byrne addressed the Town Board regarding the status of the Court Clerk (exempt versus non-exempt and salary versus hourly). She noted that the Judges researched this last year for the board and again this year. She stated that if the board is inclined to change the court clerk position to a non-exempt position, essentially the judges do not care if it is exempt or non-exempt – both are perfectly legal. When we make a position like this non-exempt, then we are obligated to pay over-time if they work over forty hours; however, she monitors how many hours the clerks work every week and they don't work over thirty-six. Part of that is because they monitor it so closely but part of that is because they are so efficient at what they are doing. So the over-time issue is a moot point because it is not going to happen. Her preference is to keep the Court Clerk salaried but if the board wants to make her non-exempt, she does not have a position on that.

Supervisor Benson noted that it is not up to the board to make a position exempt or non-exempt, it is up to the NYS Department of Labor or the US Department of Labor. His position is that if the town is going to consider this position as exempt, they need a ruling from either the NYS Department of Labor or the US Department of Labor.

Judge Byrne noted that she did speak with the Department of Labor and the court clerk position is an administrative position. Councilmember Baldwin noted that that is part of the hand-out provided by the Judges. Supervisor Benson said that he has called them and an administrative clerk position does not meet the test for an exempt position. Judge Byrne noted that it really is to the employees benefit to be non-exempt because if she ever did go over forty-hours, she would be entitled to more money so it really is not even worth wasting the time to discuss it. Supervisor Benson noted that he feels we need to do things legally. Judge Byrne noted that she disagrees that it is illegal to have her exempt. Councilmember Baldwin stated that he feels they are wasting their time discussing this; he is tired of reading these emails, tired of pulling up these opinions. It has worked well; we went through the research last year. Why do we have to keep trying to perfect something that works? The Department of Labor – let them come down on us. Judge Byrne said that is a very good point because we have been audited a number of times – they have had their books audited, they have had their processes audited and this has never been brought up as an issue. Councilmember Baldwin asked why are we wasting our time even discussing this? And why is he wasting his time reading all these emails? He noted he has a pile of them sitting here and it is a pissing

match between the Supervisor and an employee and he does not like it one bit – he does not like it one iota. It is totally unnecessary. Several board members agreed.

Judge Byrne stated that for her part, she feels tone is often lost or can be misconstrued in email and her tone was never intended to be confrontational. Councilmember Baldwin stated that when you are pushed to a certain point, you have to be confrontational and that is very unhealthy – a very unhealthy approach.

Judge Byrne stated that we are all supposed to be working together collaboratively so for her part in it she does apologize. She just wants to be able to do her job and have her employees do their job and not infringe on anyone else's ability to do their job.

Supervisor Benson asked if the board felt they needed to take any action in regard to this; several board members said no. Councilmember Evans asked if there was any way to get a letter from the Department of Labor... Councilmember Baldwin interjected that it has been given to him; it is in the packet he was given by the Judges. It is all there. And we went through all of this a year ago. Councilmember Evans noted that the terminology on one of the sheets is very gray; he is simply trying to do his due diligence.

Town Clerk Teal noted that one of the problems is the term “clerk;” her position is titled clerk but it is absolutely not a “clerical” position. [unclear] Judge Byrne noted that the board has done their due diligence and there is a paper trail showing that they have asked questions; this is an employee asking to maintain the current status. She can't then turn around and sue the board [unclear]. Judge Byrne stated that the board can try getting a written opinion but from her experience, she thinks they will be hard-pressed to get something on paper. Attorney Howard asked if the court documents hours. Judge Byrne responded that they document to the minute. Attorney Howard noted that that would be the concern regardless of the exempt or the non-exempt; to the extent that any employee is deemed to be non-exempt, if there wasn't a record of the hours then there would be a question as to whether someone was being forced to work overtime and not be paid for it. So recordkeeping is certainly an important step in the process; clerks in these positions do work on both a salary basis and an hourly basis. He noted that if someone is working on a salary basis, monitoring the hours is very important. [unclear] Councilmember Baldwin stated that when he has emails in front of him that accuse a clerk of *running a food co-op out the building* and say that *a day of reckoning will come when you will be judged* – give me a break, if this is not after an individual employee then he does not know what is and he is tired of it. These emails need to be cleaned up and thought out before they are sent – period. Supervisor Benson stated that he thinks that the board needs to take an affirmative action regarding this; whatever it is, it is. [overtalking] Attorney Howard stated that he thinks the board does have discretion [unclear]. It does appear that they are keeping close track of the records and that really is one of the big concerns. However, he had seen clerks that work both salary and hourly. [overtalking] Attorney Howard said to address Councilmember Evan's concern, the board does have the discretion and he feels they can do it both ways; you could have a salaried employee or you could have an hourly employee. And the

court has indicated to the board that they are cognizant of both the weekly and daily hour requirements. So ultimately it becomes the decision of this board.

Judge Byrne noted that the potential for the lowest cost is salaried exempt and there is the potential for overtime but this is not going to happen because the Judges are monitoring it [unclear].

Supervisor Benson addressed Councilmember Baldwin and stated that the reason he raised this issue is because the town has been pursued in the past for overtime related to overtime. Town Clerk Teal both stated that that was not a salaried position. Councilmember Baldwin noted that he never saw a report to that effect; he felt the Supervisor was just saying words for people to hear him but they are not true. Supervisor Benson said well the choice is we do it the right way or we do it the wrong way. Councilmember Baldwin said as the Judges are saying, we are doing it the right way. According to the Attorney, there are two right ways and the way that we are doing now is sufficient. Councilmember Geraldini stated that it appears we can do it either way. Councilmember Geraldini did ask about the amount per week made by the employee [unclear] Judge Byrne noted that some of the regulations do not apply to public employees. Councilmember Geraldini noted that it is very confusing [unclear]. Councilmember Geraldini suggested the board read through the materials presented by the Judges and Attorney Howard stated he would look into it and it would be re-addressed at the January 27th meeting.

Health Insurance:

Town Clerk Teal addressed the town board regarding her daughter's coverage on her health insurance asking for a decision on future coverage for her daughter. She noted that her request was not on whether or not she is covered; she is covered by state law. Her request was that the board makes a determination on their policy for young adults. Since the town does not have a young adult rider, her daughter cannot stay on her policy; effective March 1st, she will have her own coverage under the town's policy per state law. The request was for the town to continue covering her and her daughter as employee plus child. Current premium is \$775.88 for medical and \$81.48 for dental for employee plus child. As of March 1st, the premium for the clerk will be \$456.40 for medical and \$39.44 for dental; and the premium will be the same for her daughter. Current premiums are employee/individual: medical \$456.40/dental \$39.44; employee plus child: medical \$775.88/dental \$81.48; employee plus spouse: medical \$912.80/dental \$84.02; and family: medical \$1,300.74/dental \$131.81. Combined for the clerk and her daughter would be the same as employee plus spouse for medical and slightly lower than employee plus spouse for dental.

Councilmember Baldwin noted that one option would be for the board to approve payment at the same level as currently paid and have the adult child pay the increase. The town would see no increase; the child would pay the increase of \$136.92. The other option would be just to not accept the child and to have it go back to employee/individual. Town Clerk Teal noted that she can pay the premium but she cannot be denied the coverage; the COBRA under this NYS law extends to age 29.

Councilmember Baldwin stated then to two options appear to be to pay a portion of the premium equivalent to what they are paying now for employee plus child or to have the child pay the full premium which would result in a savings to the town with the employee's premium reduced to employee/individual. But with those two options, there would be no increase in the town's obligation for premiums.

Councilmember Larabee made a motion to authorize the payment of the current premium amount for medical for the employee plus child (\$775.88) with the adult child paying the difference (\$136.92) through November 30, 2015. This motion was seconded by Councilmember Bruce Baldwin. The motion failed with the following vote: Councilmembers Geraldi, Councilmember Evans and Supervisor Benson voted Nay; Councilmember Larabee and Councilmember Baldwin voted Aye.

BUDGET AMENDMENTS:

Supervisor Benson noted that one of the issues with the amendments is that there were 27 payrolls in 2014.

Budget Amendment # 9 of 2014 dated January 13, 2015:

General Fund:

\$4,638	from A-1440.4 (Engineering: Contractual Exp.)
\$9,602	from A-1990.4 (Contingency: Contractual Exp.)
\$3,951	from A-9010.8 (Retirement: Contractual Exp.)
\$5,129	to A-1110.13 (Justice Court Clerk: Pers. Svc.)
\$21	to A-1220.4 (Supervisor: Contractual Exp.)
\$1,635	to A-1355.1 (Assessor: Personal Svc.)
\$1,316	to A-1410.1 (Town Clerk: Personal Svc.)
\$634	to A-1410.11 (Deputy Town Clerk: Personal Svc.)
\$113	to A-1410.2 (Town Clerk: Equipment)
\$181	to A-1430.4 (Personnel: Payroll: Contractual Exp.)
\$418	to A-1670.4 (Central Print. & Mail.: Contractual Exp.)
\$9	to A-1680.4 (Central Data Process.: Contractual Exp.)
\$58	to A-1910.4 (Unallocated Insurance: Contractual Exp.)
\$152	to A-3120.1 (Town Constable: Personal Svc.)
\$195	to A-3520.1 (Control of Other Animals: Personal Svc.)
\$2,121	to A-5010.1 (Super. Of Highways: Personal Svc.)
\$179	to A-5132.4 (Garage: Contractual Exp.)
\$214	to A-7110.4 (Parks: Contractual Exp.)
\$156	to A-8010.1 (Zoning Board Clerk: Personal Svc.)
\$447	to A-8010.2 (Zoning Board: Equipment)
\$312	to A-8020.11 (Planning Clerk: Personal Svc.)
\$447	to A-8020.2 (Planning: Equipment)
\$1,491	to A-8030.1 (ZEO/CEO: Personal Svc.)
\$2,054	to A-8030.11 (ZEO/CEO Clerk: Personal Svc.)
\$509	to A-8030.2 (ZEO/CEO: Equipment)
\$400	to A-8677.4 (Disposition of Real Property)

\$181,035 to A-3089 (State Aid: JCAP & Shaker Museum)
\$181,035 to A-7520.4 (Historical Property: Shaker Museum & Library Grants)

Highway Fund:

\$16,354 from DA-5110.1 (General Repair: Personal Svc.)
\$5,864 to DA-5130.4 (Machinery: Contractual Exp.)
\$853 to DA-5140.4 (Brush & Weeds: Contractual Exp.)
\$3,787 to DA-5142.1 (Snow Removal: Personal Svc.)
\$5,850 to DA-5142.4 (Snow Removal: Contractual Exp.)

A motion was made by Councilmember Evans, seconded by Councilmember Gerald, and approved unanimously to approve the above noted amendments to the 2014 Budget.

AUDIT OF BILLS:

2014 Bills:

**General Nos. 418 through 437, in the amount of \$188,348.56; and
Highway Nos. 168 through 183, in the amount of \$30,605.37; and
As listed on Abstract # 12-A of 2014, dated January 13, 2015.**

2015 Bills:

**General Nos. 1 through 17, in the amount of \$44,419.07; and
Highway Nos. 1 through 2, in the amount of \$3,047.77;
As listed on Abstract # 1 of 2015, dated January 13, 2015.**

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

ANNOUNCEMENTS (of activities or events):

January:

Tuesday, January 27th ~ Special Town Board Meeting at 7:00 p.m. at Town Hall

February:

Tuesday, February 10th ~ Town Board Meeting at 7:00 p.m. at Town Hall

PRIVILEGE OF THE FLOOR:

Trina Porte addressed the Town Board and read the following letter:

November 11, 2014

To The Town Board and Supervisor of New Lebanon,

I would like to reapply for the position of Planning Board member, and I am proud to add that I was given support for my reappointment by the Planning Board itself, at the October 15, 2014 Planning Board meeting.

It would be my honor to continue serving New Lebanon as I have for the past seven years, by:

- 1. Supporting our economic growth in approving new businesses.*
- 2. Following our laws, which creates a fair process for every applicant and tax payer.*
- 3. Make decision with integrity and care, which protects our town and its resources.*

I have, on average, voted “no” less than once per year- which means that I have supported our town’s economic development in almost every single Planning Board decision made for seven years in a row. I take pride in the compliments I have been given, by life-long and new residents alike – even by people on opposite sides of the same issue – for my unwavering attempts to share information with everyone equally.

I truly value the opportunity to serve our town as a dedicated member of a very good team of people, and I would be very grateful to be a continuing member of the Planning Board.

Thank you very much for your consideration,

Trina Porte

[Emailed to Town Clerk, Town Supervisor, Town Board Members, and Confidential Secretary 11/11/14 p.m. because I missed the TB meeting and could not read it aloud there, was gone for the December TB meeting, & my PB term expired 12/31/14. I was not reappointed at the 1/5/15 TB organizational meeting, but another spot opened on the PB when Mark Sheline died 12/31/14.]

P.S. [Added after the death of Mark Sheline and read at January 13, 2015, TB PoF] Since every other town official was just reappointed to their former position, except the Town Historian, and since Mark Sheline himself – God rest his beautiful soul – voted in favor of my reappointment, I respectfully request that you [the town board] reappoint me to the New Lebanon Planning Board after whatever period of time you feel is appropriate to honor Mr. Sheline’s memory.

Thank you very much,

Trina Porte

Jagat Pandy addressed the Town Board noting that this is his personal opinion being a town member, he loves this town – he has had many opportunities to move but he declined – but what he sees [unclear] ... some type of revenge [unclear] ... again, this is his personal opinion, he thinks we are above that. We should settle the personal differences outside of this arena. Employees come and go; supervisors come and go; town board members come and go; but unity stays with us. Let’s think about how we can work together, take care of each other. Thank you.

ADJOURNMENT:

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

Respectfully submitted,

Colleen Teal, RMC
New Lebanon Town Clerk