MINUTES OF THE REGULAR MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON FEBRUARY 10, 2015

Draft

Present:	**Michael Benson, Supervisor** **Bruce Baldwin, Councilmember** **Dan Evans, Councilmember** **Chuck Geraldi, Councilmember** **Matthew Larabee, Councilmember [*left at 7:15 pm*]**
Recording Secretary:	**Colleen Teal, Town Clerk**
Others Present:	**Andy Howard, Attorney for the Town** **Jeffrey Winestock, Highway Superintendent** **Eileen Evans, Secretary/Bookkeeper** **Ted Salem, ZBA Member/Zoning-Re-write Committee** **Cynthia Creech, Deputy Court Clerk/Assessor's Clerk/CAC & Recreation Commission Member** **Robert Smith, Planning Board/Ethics Board Member** **David Farren, CAC Member** **Steve Oberon, LVHS President** **June Sheline** **Erika Sheline** **Mark Sheline, Jr.** **Gregg Gilliland, LVPA President** **Ben Wheeler, LVPA Fire Chief** **Ed Godfroy, LVPA** **Eugene Browning, LVPA** **Eugenia Browning, LVPA** **Josh Shuster, LVPA** **Lee Godfroy, LVPA** **Bud Godfroy, 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 7:01 p.m. by Supervisor Benson. A moment of silence was followed by the flag salute.

TRIBUTE TO MARK SHELINE:

Resolution #11, 2015 ~ Tribute to Mark Sheline

The following resolution was proposed by Supervisor Michael Benson and seconded by Councilmember Daniel Evans:

WHEREAS, the New Lebanon Town Board wishes to pay tribute to an individual whose life as a public servant served to enhance the quality of life of the community; and

WHEREAS, Mark S. Sheline, Sr., First Assistant Chief of the Lebanon Valley Protective Association, was well known for his selfless commitment to the safety and welfare of the residents of the Town of New Lebanon, died on December 31, 2014, at the age of 63; and

WHEREAS, a lifelong resident of the Town of New Lebanon and 1969 graduate of New Lebanon Central School, Mark S. Sheline obtained a degree in History from Fredonia State College; and

WHEREAS, beginning at the age of 18, Mark S. Sheline served the New Lebanon community as a volunteer firefighter for 45 years; and

WHEREAS, he was the past President of the Columbia County Volunteer Firefighter's Association and the Hudson Mohawk Fireman's Association; and

WHEREAS, Mark S. Sheline was a member of the Fireman's Association of the State of New York (FASNY), an honorary member of the Chatham Fire Company, and a member of several other fire department associations; and

WHERAS, Mark S. Sheline also provided exemplary and longstanding service to the Town of New Lebanon as a member of the Planning Board; and

WHEREAS, he is survived by his beloved wife, June L. Watson Sheline, children Mark Sheline, Jr., Erica Sheline and Ken Sheline, and stepson Gregory Lawson, Jr., and;

WHEREAS, the legacy of Mark S. Sheline, Sr. will long serve as a model of integrity and devotion to public service for the beneift of one's community; and;

WHEREAS, it is now the intent of the New Lebanon Town Board to take a moment in its deliberations for this somber and grateful tribute to the memory of Mark S. Sheline, Sr., hopeful that future generations may underestand and appreciate the benevolence of the man, the merit of his causes, and his selfless dedication to the people of the Town of New Lebanon

NOW, THEREFORE, be it

RESOLVED, that the New Lebanon Town Board pauses in its deliberations to mourn the death of Mark S. Sheline, Sr., a devoted member of this community, and to express its deepest condolences to his family, and be it further

RESOLVED, that a certified copy of this Resolution, shall be transmitted to the family of Mark S. Sheline, Sr. with the Town's deepest condolences and appreciation for his exemplary service to others.

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 Geraldi	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.

A copy of the resolution was presented to Mark Sheline's family: his wife, June Sheline; his daughter, Erika Sheline; and his son, Mark Sheline, Jr.

Councilmember Larabee absent from this point forward.

MINUTES:

The minutes of the **January 5, 2015 Organizational Meeting; January 13, 2015 Year-End Audit; January 13, 2015 Public Hearing on the Lebanon Valley Protective Association's Request to Amend its Certificate of Incorporation;** and the **January 13, 2015 ay 13, 2014, Public Hearing on the Proposed Local Law to Re-establish the Positions of Court Clerk and Deputy Court Clerk** were reviewed; a motion was made by Councilmember Evans, seconded by Councilmember Baldwin, and passed (Councilmember Geraldi abstained; Councilmember Larabee absent) to approve the minutes as typed.

FINANCIAL:

Specific Questions on Vouchers:

No questions.

Supervisor's Report:

Supervisor Benson read the Supervisor's Report and reviewed the other reports provided to the board members. Supervisor Benson noted that the Town received the 4th quarter sales tax check in the amount of $97,000 plus within the past few days so that will be reported in February but will actually be accrued back to 2014. Cynthia Creech, Deputy Court Clerk, asked if there were not any Court funds received in January. Supervisor Benson responded that yes they were received but posted to either February or December but he was not sure but yes they were received.

A motion was made by Councilmember Geraldi, seconded by Councilmember Evans and approved unanimously (Councilmember Larabee absent) to accept the Supervisor's report.

OLD BUSINESS*:*

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

Supervisor Benson noted that he put this on the agenda with the assumption that we did advertise this but … Town Clerk Teal noted it has not been advertised. She has received all the documents she needs to move forward with advertising but she had questions before advertising. The next meeting is March 10th, when does the board want the cut off on bid submission to be; she was thinking at noon on Friday, March 6th. That would provide ample time for her to put everything together and email it the board members so they would have time to review it before the meeting. The board agreed.

The Town Clerk confirmed with the Attorney that she had all the documents that she needs to publish.

Behold! New Lebanon:
Resolution #12, 2015 ~ Behold! New Lebanon USDA Rural Business Enterprise Grant

The following Resolution was proposed by Supervisor Michael Benson and seconded by Councilmember Chuck Geraldi:

Behold! New Lebanon USDA Rural Business Enterprise Grant

WHEREAS, Behold! New Lebanon has been in discussion with representatives of the United States Department of Agriculture (USDA) concerning a Rural Business Enterprise Grant, and

WHEREAS, in connection with said grant application, Behold! New Lebanon has requested that the Town of New Lebanon file the application and to oversee administration of any grant issued by the USDA, and

WHEREAS, the Town of New Lebanon is willing to proceed as the administrator of the grant, provided that Behold! New Lebanon pay the costs associated with any additional accounting and/or auditing fees associated with the administration of said Rural Business Enterprise Grant, and

WHEREAS, the New Lebanon Town Board believes the Behold! New Lebanon program provides a benefit to the residents of the Town of New Lebanon in the form of increased tourism, local economic growth opportunities, and increased awareness of the positive attributes of living in the Town of New Lebanon,

NOW, THEREFORE, BE IT

RESOLVED, that the Town of New Lebanon does hereby agree to serve as the sponsor and administrator of the Behold! New Lebanon's Rural Business Enterprise Grant with the USDA, and be it further,

RESOLVED, that the Town Supervisor is hereby authorized to file a Rural Business Enterprise Grant application with the USDA on behalf of Behold! New Lebanon seeking the total funding package, and be it further

RESOLVED, that upon notice of receipt of the grant, the Town of New Lebanon will enter into a further written agreement with Behold! New Lebanon setting forth the rights and responsibilities of the parties with regard to the administration of the subject Rural Business Enterprise Grant.

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 Geraldi	Aye
Councilmember Matthew Larabee	Absent

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.

Charter Communications ~ Cable Franchise Agreement:

Attorney Howard reported that Charter agreed to reduce the term to five (5) years as the board requested. Attorney Howard noted that it is a non-exclusive agreement so in the event someone else wanted to come in and offer services, the board would not be precluded. The board needs to set-up a public hearing for next month before they can formally approve it. Charter needs proof that it has been noticed, a public hearing was held, and a resolution has been adopted when they submit the contract to the Public Service Commission. Councilmember Geraldi asked if Charter was going to send someone to the public hearing; Supervisor Benson stated that he would contact Tom Cohan and ask him to have someone at the hearing. The board set the public hearing for the Charter Communications Cable Franchise Renewal Agreement for March 10, 2015 at 6:45 p.m. Town Clerk Teal confirmed with the Attorney what needed to be published for the public hearing.

New Lebanon Library Request Re: Separate Tax Bill Line Item:

Supervisor Benson noted that this item will be tabled for tonight and added to the March agenda. Councilmember Baldwin asked if this would be a separate line item on the town/county bill; Attorney Howard stated he would check with Columbia County Real Property Services (CC RPS). Attorney Howard further noted that he did have a preliminary conversation with Suzette Booy at CC RPS and part of what he has been looking into is the organizational structure of the library because that dictates how the placement occurs on the tax bill and whether it can.

NEW BUSINESS:

Columbia County Office for the Aging: CC Senior Citizen of the Year Nominations:

Supervisor Benson reported that he received correspondence regarding nominations for the Columbia County Senior Citizen of the Year for 2015 – the criteria are

- Columbia County Resident at least 60 years of age
- Provides unpaid, volunteer service to neighbors, community organizations, etc.
- A history of community involvement as an individual or member of one or more organizations such as volunteer fire companies, church groups, etc.
- A reputation for dedication and reliability
- Makes a difference in the lives of others
- May be either currently or formerly active.

Supervisor Benson noted that it was due on January 30, 2015 but he is going to find out about getting an extension noting that we have a lot of people that qualify under these criteria.

Town Clerk Teal asked the board about the interviews for the applicants that wish to serve on the CC Office for the Aging Advisory Council noting that we have three (3) people interested in two positions. The Town Board scheduled the interviews for the CC OFA Advisory Council for Tuesday, March 10th starting at 6:15 p.m. Town Clerk Teal will set up the interviews at 15 minutes intervals.

Planning Board Appointment:

Supervisor Benson asked who applied for this position. Town Clerk Teal responded Monte Wasch, Trina Porte, and Chris Steadman.

Councilmember Baldwin made a motion to appoint Chris Steadman to the Planning Board to fulfill the balance of Mark Sheline's term (expires 12/31/2015). The motion was seconded by Councilmember Geraldi and approved (Councilmember Evans abstained; Councilmember Larabee absent).

Deputy Code Enforcement Officer Appointment:

The board scheduled the interview of Oliver Westfall for the position of Deputy Code Enforcement Officer for 6:00 p.m. on Tuesday, March 10th. Councilmember Baldwin asked if Dean Herrick is still functioning as Deputy Code Enforcement Officer; Town Clerk Teal responded that according to the state law, he can perform those duties until the board makes an appointment. She also asked if the board wanted an interview with Mr. Herrick scheduled. The board did not feel it was necessary.

Town Engineer Appointment:

A proposal was received in January from Ryan Biggs Clark Davis to serve as the town's engineer. Councilmember Baldwin noted that we don't really contract with an engineer on a retainer basis like we do attorney for the town but the Planning Board, the Zoning Board of Appeals, and various other town officials and employees do need from time to time to consult with or work with an engineer. As a local company, they have a compiled quite a file over the years on the town including Darrow School, Shaker Museum, various roads, and etcetera and it would be to the town's benefit to bring that back into town.

Councilmember Baldwin made a motion that Ryan, Biggs, Clark, Davis Engineering & Surveying be used as the town's engineer. The motion was seconded by Supervisor Benson and approved unanimously (Councilmember Larabee absent).

Highway Material Testing:

Supervisor Benson noted that the board had discussed briefly having the materials that we are using on our roads tested for conformance to our town specs. Presumably that will be an issue that we can discuss with the engineer but in the meantime

Councilmember Baldwin had reminded him that the board did do some material testing when the Town Hall addition was built to determine compaction. Supervisor Benson asked if all of the board has seen this; Councilmember Baldwin noted it is on file. Supervisor Benson stated he did not think that a decision needed to be made tonight but they could discuss it with the town engineer and get them on board and then see what the board wants to do.

HR Matters:

Supervisor Benson reported there are a number of HR matters to discuss and he is leaving it to the board's discretion as to whether or not they do but if they do, he believes it should be done in executive session but he will leave that to the board also.

Credit Card Authorization for Town Clerk's Office:

Town Clerk Teal asked for authorization from the Town Board to execute a participation agreement with Government Payment Services, Inc. (Govpay.net) in order to accept credit card payments for services through the Town Clerk's office. There are no charges or fees whatsoever to the town; all fees are charged back to the credit card user. The rates/fees will be clearly posted but it will enable customers to pay with a credit card if they choose to.

A motion was made by Councilmember Geraldi, seconded by Councilmember Evans and approved unanimously (Councilmember Larabee absent) to authorize the town clerk to execute a participation agreement with Government Payment Services, Inc. enabling her office to process credit card payments at no cost to the town.

LIAISON REPORTS:

Economic Development & CAC:

Councilmember Evans noted that he had nothing to report on Economic Development but he asked David Farren and Cynthia Creech if they had anything to report for the Conservation Advisory Council (CAC). David Farren reported that the meeting for January 26th was cancelled due to the weather and they are looking at late April to reschedule that particular meeting. Cynthia Creech asked if the Conservation Advisory Council (CAC) could be listed on the agenda. Supervisor Benson said he will get the CAC on the liaison report list.

Highway Department:

Councilmember Baldwin asked the Highway Superintendent if he had anything to report. Highway Superintendent Winestock reported that his trucks and his equipment is being beat to death. He noted the board should consider buying a backhoe and a small truck this year and he a big truck next year. Councilmember Baldwin noted that he saw that the Dodge had to go in for additional work; he asked if this truck was pretty much on its way out – is that the one he is referring to? Highway Superintendent Winestock responded that the Dodge is done but it is not just the Dodge, the equipment has gone downhill from being worked and worked hard. Councilmember Evans noted it

typically happens to equipment in this field. Councilmember Baldwin noted that the condition of Routes 20 & 22 does not help either.

Highway Superintendent Winestock noted that obtaining salt has been an issue. Right now we are not getting salt to put on the roads and he knows a lot of towns are in the same boat. However, we have a signed contract with the State of New York and if we do not use that salt, we still have to pay for it. So now we are going through all these snow storms and we cannot get any salt. But come May or June, if we have not used what we ordered, we are required to pay for it and they will make us take it whether we want it or not. And no one seems to care about that. This seems more important than testing the gravel. He noted his frustration saying he is responsible for the roads and if he cannot get the material to put down on it and he cannot get any support. He noted that he knows that we are not the only ones going through this and Morton is supposedly putting on some overtime now. Town Clerk Teal noted that the first issue with getting our delivery from Morton was November 6th and that one took us several days on the phone with Morton Salt before we got our product. Superintendent Winestock stated that he orders it from Morton Salt and then they give him the run around and bogus phone numbers, as they did with the Town Clerk, for trucking companies that don't even ship for them anymore; that is not my job to track it down. We have a signed contract and we order from them and they should be responsible. He knows this is happening in other towns too and he does not understand why everybody is just sitting back a letting it happen. You take a contract on, you have to complete it. It doesn't matter if it snows every single day of the winter; they wanted to supply salt then supply the salt. It is the safety of the people; it is his responsibility.

Town Property & Assets:

Councilmember Baldwin reported that he found one possible solution for the frozen pipe situation at the town hall and that is the temporary fan that is up there now. He asked for board authorization to pursue the concept of a whisper fan installed permanently behind a grill that would be hard wired into the basement with a switch so it could be turned on and off during the cold weather. He would guess that the cost of the fan would be under $60.00. The other thing that he did not get done last summer but must get done this summer is reinsulate the soffit in the new area above the door between the old section and the new section of the building. The wind coming in goes right into that soffit, right into the pipes up in there. It is on his list to do this summer. In addition to that, he plans to insulate the pipes. Not using any heat tape just pipe insulation to keep them more protected from the cold air that comes in. Then having the whisper fan will bring in the ambient warm area from the hallway into the area around the pipes. That is what is set up right now and it seems to be working; this weekend will be another test - anything approaching zero with a slight breeze that will freeze. The last person leaving in the evening needs to plug in the fan. This one is noisy but it does not need to be on in the daytime as long as there is water coming into this part of the building and at night time it doesn't matter because no one is here. Cynthia Creech noted that the staff has been making sure to run the water at a trickle and to turn the heat up in the meeting room on the cold nights. Councilmember Baldwin said he would like to try just

the fan to see if that solves the problem; just plug in the fan at night and don't turn up the heat or turn the water on. Supervisor Benson stated that he does not know if the board needs to take formal action but if Councilmember Baldwin has a solution, he would support it. Councilmember Baldwin noted that since he is doing some electrical stuff in the basement, it would be appropriate to do it at this time and just tie it in with a circuit down there.

Zoning, Planning, Code Enforcement:

Zoning Amendment Recommendation from Zoning Red-write Committee:
Councilmember Geraldi noted that Ted Salem, Chair of the Zoning Re-write Committee has presented a proposed amendment to the Zoning Regulations for town board consideration. Ted Salem addressed the board noting that last week he sent the board two proposals for zoning changes. One relating to Small Business Operations (SBO) and one that is two really technical recommendations concerning definitions in farming because there are some conflicts between the *Right to Farm Law* and the *Zoning Ordinance*. He noted that the Small Business Operations (SBO) was submitted to the town board once before but they have made some minor tweaks and they are ready to proceed. He understands that the step after getting the green light from the board would be to go the Planning Boards at the town and county levels and come back to the town board for a public hearing and then board approval. Town Clerk Teal asked Mr. Salem for clarification that the Zoning Re-write Committee is asking for board approval to move forward; to go to the town and county Planning Boards; the next steps. Mr. Salem said yes. Councilmember Baldwin asked Attorney Howard if he has reviewed the proposed changes. Attorney Howard stated yes but his question would be just the formatting of it. We could have it formally incorporated into the provisions of our code so that when it goes to county planning it fits. He could formally prepare the proposed local law in a local law format so that the board can see it so that way county planning will get exactly what it is we are proposing in the local law format; it really is just formatting it so that it is clear. Town Clerk Teal asked for further clarification from Ted Salem and Attorney Howard expressing that it sounds like the Zoning Re-write Committee is asking to submit this to County Planning but with a Zoning Amendment, the town board is also required to submit to County Planning so we need to coordinate so we do not have to duplicate. Attorney Howard said he would prepare the complete proposed local law that could be sent to County Planning for the Zoning Re-write Committee but we would have the same format ready for the adjoining municipalities for the public hearing.

A motion was made by Supervisor Benson to direct the Town Attorney to prepare the proposed local law amending the zoning regulations as recommended by the Zoning Re-write Committee for review by the County Planning Board. The motion was seconded by Councilmember Geraldi and passed unanimously (Councilmember Larabee absent).

Snow Emergencies/Emergency Closings:
Councilmember Baldwin reported that all the board members received an email from one of the employees asking for clarification for snow emergencies. Councilmember

Baldwin noted this employee was docked a vacation day and he does not feel it was fair because it was not really spelled out. This whole business of snow emergencies and the Governor telling people not to be on the roads, etcetera, etcetera, post offices closing, banks closing, people going home early and then to be docked a vacation day which we have a limited number of them. We have no policy in place for charging a vacation day for a snow emergency. Councilmember Baldwin stated that is not a decision that the fiscal officer needs to make; that is a decision that the board needs to make. The town cannot force a person to take a vacation day when no one is allowed to be on the roads; no one is allowed to be at work. Councilmember Geraldi stated that he thinks the board needs to finish the HR manual and spell out the policy. Councilmember Baldwin stated that for right now, this employee is being charged a vacation day and the board needs to deal with this particular situation now. He further stated that it seems like every month it seems there is an employee that gets the shaft around here and this month it happens to be this employee. Supervisor Benson noted that what we did… Councilmember Baldwin interjected "no, what you did." Supervisor Benson stated that this came up a once before a couple years ago and in that instance… he does not exactly remember what happened but he believes the employee was paid and the issue was whether or not there was a snow emergency declared but the county. In any case, at the time, there was some criticism of that and the lack of knowledge about the snow emergency and so on and so forth. What he told both employees this time is there is no policy and in his view it is either a personal day or a vacation day, you choose so it was not a unilateral decision by any means. Councilmember Baldwin said that is not the case on the time card that he saw. Supervisor Benson noted that he agrees with Councilmember Baldwin that we need a policy. Councilmember Evans asked the State of New York does; when they declare a state of emergency all of the executive branch employees probably don't report to work. Councilmember Geraldi stated that his wife works for the state and she had to take a vacation day; down-state they were closed and they did pay them but up here the state offices were not closed and if she did not want to go to work she had to take a vacation day. If the state closes the offices, they get paid but otherwise they have to take a vacation day. Town Clerk Teal stated that it is her understanding that *that* is the point in question; was there a state of emergency declared and what does the staff do if there is. Councilmember Baldwin stated there is a big difference between an employee of the state who gets $70,000 a year and a clerk in our town that gets [overtalking] Councilmember Geraldi stated there a lot of people who work for the state that do not make $70,000 a year. Councilmember Baldwin stated there is a big difference. Councilmember Evans suggested looking into the protocol for New York State; down-state employees offices were closed, those employees went somewhere to find out that information whether it was an email or just a website. Councilmember Geraldi said that the state does have a phone number. Councilmember Evans suggested that we adopt a similar protocol. Town Clerk Teal noted that is the question the employees have: *where do we get that information*? Councilmember Evans suggested we link in with one of them whether it is Columbia County or Albany state offices, wherever they go. Town Clerk Teal noted it would have to be Columbia County because we are in Columbia County; if they declare, we need to abide by their declaration. Town Clerk Teal noted that according to Councilmember Larabee, the

County did declare. Councilmember Baldwin stated that we can look into it but in the meantime we have an employee that has been docked a vacation day and he would like to see that rectified; the second one she took voluntarily. Councilmember Baldwin stated that the other situation is that in the past, the employee has taken that time and then worked comp-time – put in extra hours to balance it out but it doesn't show as a vacation day. Now the employee is in the position where she has to meet with someone on a Saturday and if we do not give her back that vacation day and allow her to comp the time, she will have to bill us for hours of overtime. Councilmember Baldwin noted you are not going to win either way; you are only going to do right by the employee by giving her back her vacation day. Councilmember Evans asked if the employee was out of vacation days. Councilmember Baldwin stated that the employee only has twelve vacation days [overtalking]. Councilmember Evans made a motion that any employees who did not come to work because of a state of emergency… Supervisor Benson asked what state of emergency? What County emergency? What is the criteria? Councilmember Baldwin said the criteria is to be decent human beings and to provide a good service to the taxpayers of this town and to the people that come walking into these offices and if you have an employee that is getting ripped off a vacation day then I think that that affects the way that the public is served in this town. Highway Superintendent Winestock stated that he understood that the Governor *did* declare an emergency then pulled it back at like 7:00 or 7:30 in the morning. Councilmember Baldwin agreed. Town Clerk Teal noted that there was an emergency declared in 13 counties but it did not list what the 13 counties were and it was listed that there was a state of emergency in seven states and New York was listed as one of them. That was being posted along with the fines and that if you were out on the roads you would be fined $300. There was a lot of confusion. Highway Superintendent Winestock stated that he heard on the radio that the Governor had declared a state of emergency and then later they pulled it around 7:00, 7:30 or 8:00 in the morning. Councilmember Geraldi stated that if the employee is coming in Saturday and she wants the vacation day back, he has no problem with that. [overtalking] Councilmember Baldwin stated that would be the right thing for the board to do, she is not abusing her position. We are not talking about employees that are abusing their positions; they are good workers. They work hard, they treat the public correctly, and he thinks the reaction back when the Supervisor sent out that scare letter indicate that many, many people in this town respect the people that work here and he doesn't see anybody… nobody is running a food co-op here, nobody is doing anything illegal in this building and for the chief executive officer to come down on an employee is totally unfair. Supervisor Benson stated that first he wanted to set the record straight; he thinks Cissy is an exceptional employee, he only wishes she would drive to Albany because if she did he would hire her. Secondly, let's resolve this. Does he understand that she is willing to make up the time on a Saturday? Councilmember Geraldi stated she has a Saturday where she has [overtalking] which is essentially make-up time.

A motion was made by Councilmember Geraldi, seconded by Supervisor Benson, and approved unanimously (Councilmember Larabee absent) to give Cissy Hernandez back one vacation day and allow her to make up the time missed.

Town Assessment Office *~ no report*

Education & Recreation *~ no report*

Security, Fire, Law Enforcement *~ no report*

Justice Court/Constable *~ no report*

AUDIT OF BILLS:

General Nos. 18 through 52, in the amount of $20,626.98; and
Highway Nos. 3 through 21, in the amount of $18,717.92;
As listed on Abstract # 2 of 2015, dated February 10, 2015.

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

ANNOUNCEMENTS (of activities or events):

March:

Tuesday, March 10th ~

Special Town Board Meeting at 6:00 p.m. at Town Hall
Public Hearing on Franchise Renewal Agreement with Charter Communications at 6:45 p.m. at Town Hall
Town Board Meeting at 7:00 p.m. at Town Hall

HR MANUAL:

Councilmember Geraldi stated that the town board needs to set up a time to address the HR Manual; they skipped it tonight, but they need to pick a time to deal with it. He has been on the board for a little over a year and they have been working on it that long at least. Councilmember Baldwin asked if any of the employees had signed the HR Manual. Bookkeeper Eileen Evans noted that they were handed out but they were returned to her. No one has signed off on them. Councilmember Baldwin stated that the only way that the board saw the final version was to request it. Bookkeeper Eileen Evans noted that the page the employee signs is that they received it not that they agreed with everything. However, that needs to be taken care of too; that needs to be dated so that we know what version it was and all that kind of stuff; that has some glitches in it as well. Councilmember Baldwin stated that there are a few things that he wants to address that are more in line with preparation of the budget for 2016 and those items probably could wait until August or early September to discuss. Those items include things like longevity pay as one example and the deductible on the insurance. However, he feels these would probably need to be done along with budget work because they would probably affect .1 accounts. Councilmember Baldwin noted that he could not participate in a discussion on the HR Manual until the end of March but if the board wants to go ahead with a discussion of the items he presented prior to tonight that is fine with him because if the majority in the board is not interested in the points that he made then there is no reason for him to be around to discuss them any further; he has discussed them at length with three board members and basically it is up to the board.

PRIVILEGE OF THE FLOOR:

JJ Johnson addressed the Town Board and read the following letter:

February 10, 2015

To The New Lebanon Town Board;

Many residents/taxpayers of the town are concerned about some of the details surrounding the "Behold New Lebanon" program. Most are NOT in opposition to the program itself, but to the manner in which it was implemented last year with NO opportunity for full-time residents to be fully informed or have a voice in the matter.

This year's program is reported to include possible government grants, which are in essence, the people's money, as grants do not come from the pockets of politicians. With grants, come strings and government-imposed regulations and requirements that WILL eventually have an impact on local property owners and in some cases, taxes. Further, the people must understand exactly WHAT is involved with this program being designated as an official "Museum", and what this designation will mean for the town as a whole. The residents of New Lebanon have a right to have all pertinent information about this program that could have an effect on their lives, and the Town Board has a responsibility to see to it that ALL residents are adequately informed via a public meeting or hearing.

Tourism is not something that the majority of residents desire in New Lebanon, rather it is the dream of the few, including several, non-resident business owners and a good number of recent transplants from the city. Increased traffic is another matter that must be looked at carefully, as it is already nearly impossible to exit any side road onto Rt. 20 on weekends due to the city traffic. How much worse will that be with the Behold Program? New Lebanon is a small, rural town and most of the residents would prefer it stay that way and not become a tourist trap, yet we were never ASKED by Mrs. Abrams OR the Town Board at any time.

Therefore, on behalf of the entire population of New Lebanon, PACT requests that a public hearing be scheduled and advertised and that Mrs. Abrams and all others directly involved in the Behold Program be present to answer questions and provide information to the residents. We also request that our Town Highway Safety Officer, Councilman Larabee, take a serious look at the impact of increased traffic at the intersection of Rts. 20 and 22 South. Finally, we ask that Zoning Officer Kent Pratt, examine the new use of the Shed Man property at this same intersection and the need for a "Change of Use" permit as the Headquarters for Behold.

Again, we wish to stress the point that the Behold program is not objectionable in itself, in fact it is a wholesome, family-oriented project. The concerns lie in the new, Museum designation, the government grants, the traffic, and most of all, the failure of the Behold organizers to respect the wishes and opinions of the people. This is not a privately-owned estate, it is a town, and decisions that may effect changes to the character of this town and the quality of life, belong to ALL the residents, not to a select few.

We thank you for your attention to this matter and look forward to the scheduling of the Public Information Meeting/Hearing re: Behold New Lebanon.

Respectfully,
JJ. Johnson-Smith
P.A.C.T-N.L Community Caring

Bud Godfroy addressed the Town Board about the **tennis courts** asking if anything had been decided on that regarding the repair. Supervisor Benson asked the board where we left off on the tennis courts. Councilmember Baldwin responded that the board budgeted $20,000; we have way way more surplus than audit and control wants us to have so he really has been waiting until April to raise this issue again. Part of the problem is that if the board agrees to have the work done, then we would do an RFP but

the time when it would be done has to coincide with the close of school and then the problem is the Summer Youth Program; there are a lot of different things going on. His feeling is that if we do not do it this year, then we need to hire a bull-dozer and just replant it with grass because right now it is a major liability. Bud Godfroy [unclear][overtalking] Councilmember Baldwin stated that if the board wanted to go out for an RFP in March, he thinks it would be great. Supervisor Benson suggested that the board enlist the newly appointed town engineer to develop a performance spec and then competitively bid it. Councilmember Baldwin noted that during budget time when he was really pushing to have money put in there, the board was reluctant to do that; we will need [overtalking]. Councilmember Geraldi stated that his comments on it are that maybe the board should appoint the Recreation Commission to find out a way to determine how many people actually use it; if twenty people are going to use it… Councilmember Baldwin stated that if the board needed a letter from the school, he could get it. Councilmember Geraldi stated if only twenty people are going to use it; to spend $60,000 seems … Highway Superintendent Winestock asked if the board had talked to the Park Superintendent. Councilmember Geraldi said that is what he is suggesting; the board gets the Recreation Commission and the Park Superintendent and at least explore how many people are actually using it. Highway Superintendent Winestock said he has watched it more than a few days and Councilmember Baldwin is right. The school does [overtalking]. Councilmember Baldwin noted that it really has to be stripped clean and completely redone. He reviewed the information from Copeland Supply but now he thinks even more than that has to be done. The point being is that it is a liability and regardless of how many people use it we cannot have it sitting in the town park as a liability. And the number of people using it does not make sense. [unclear] Supervisor Benson stated he would talk to the town engineer and see if he can get the Recreation Commission to come to the March meeting and the board can discuss it more then.

Bud Godfroy addressed the Town Board and asked about the status of **Covenant Circle.** Supervisor Benson stated that he did not know; we have sort of lost that issue in the town engineer shuffle. Once we get the town engineer on board, we will come back to it because we still need to make a decision. Councilmember Baldwin said he thought the ball was in their court. Supervisor Benson said some is on their plate and some of it is on ours.

Bud Godfroy addressed the Town Board about the **ambulance service** noting that since it has been given to the county, will the town have any say in negotiating the contract and how much we pay. He noted that we pay $187,000; Canaan pays $190,000; Austerlitz pays $60,000; Chatham pays $125,000 and Ghent pays $76,000. We are the smallest area in square miles; we are the third for population; he is just wondering if in giving it to the county if we have lost our ability to negotiate and make these numbers more even. Supervisor Benson said not at all and all those numbers are numbers that came out of negotiations last year. He spoke publicly several times about a disparity even greater than the one just mentioned but these are the new figures and they are in some cases double what they were contributing from the other towns. But no we have

not lost … we still will negotiate the contract. Mr. Godfroy asked if the county would be involved in any way trying to make this more equitable. In the long run, the Supervisor said he hoped the answer to that question would be yes. Is there any progress in terms of having the county mediate or intercede at this point in time, no. All the meetings that took place last year took place between the five towns that have a contract with Chatham Rescue. Mr. Godfroy noted he would just hope that it would not be left until budget time. Supervisor Benson noted that last year, the negotiation meetings started in the spring.

Cynthia Creech addressed the town board regarding the **HR Manual** noting that not signing for the HR Manual was not an act of "civil disobedience" at least in her mind but rather she understood that what they were given was not what had been approved by the town board. Town Clerk Teal noted that that was her understanding also.

ADJOURNMENT:

A motion was made by Councilmember Geraldi and seconded by Supervisor Benson to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Colleen Teal, RMC
New Lebanon Town Clerk