

**MINUTES OF THE REGULAR MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON MAY 12, 2015**

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

Appointed Mid-meeting: Irene Hanna, Councilmember

Absent: Bruce Baldwin, Councilmember ~ deceased

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
Sharon Moon, Town Historian
Phyllis Stoller, ZBA Member
Joe Ogilvie, Recreation Commission Member
Rick Arket, New Lebanon High School Assistant Principal
Stephen Hawkins
Peggy Hawkins
Vicky Burgess
Evan Burgess
Lucy Burgess
John Burgess
Ben Burgess
Shaun McHugh
Donna McHugh
Ed Godfroy, LVPA
Irene Hanna
Monte Wasch
Biffy Cahill, TRACS
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.

CERTIFICATE OF RECOGNITION TO EVAN BURGESS:

Supervisor Benson introduced Rick Arket, Assistant Principal of the New Lebanon High School. Mr. Arket read the following recognition of Evan Burgess from the Columbia County Board of Supervisors and presented Mr. Burgess with the certificate:

CERTIFICATE OF RECOGNITION

IS PRESENTED TO
EVAN BURGESS

***WHEREAS,** Evan Burgess was one of many who applied for a Congressional appointment to the United States Naval Academy within the 19th Congressional District; and*

***WHEREAS,** the process for an appointment is long and arduous to include extensive one on one interviews and a group interview; and*

***WHEREAS,** Evan was required to complete the requirements for appointment while carrying a heavy schedule required of High School Seniors; and*

***WHEREAS,** he did this with distinction and an applicant in the Congressional District to be nominated and accepted as a Cadet in the United States Naval Academy, bringing great credit upon himself, and his community and Columbia County; and*

NOW THEREFORE BE IT RESOLVED

ON BEHALF OF THE COLUMBIA COUNTY BOARD OF SUPERVISORS, THIS CERTIFICATE OF RECOGNITION IS HEREBY PRESENTED TO EVAN BURGESS.

*Patrick M. Grattan, Chairman
Columbia County Board of Supervisors*

MINUTES:

Town Clerk Teal reported that the minutes of the **April 14, 2015 Public Hearing on the Charter Franchise Agreement** and the **April 14, 2015 Regular Monthly Meeting** have not been distributed yet; they will be distributed tomorrow.

FINANCIAL:

Specific Questions on Vouchers:

Councilmember Evans questioned general voucher no. 126 to Fingar Insurance in the amount of \$458.70; there were questions as to what the charges were for. Supervisor Benson pulled the voucher and noted he would look into it.

Supervisor's Report:

Supervisor Benson read the Supervisor's Report and noted the other reports provided to the board members; he noted that next month they will be booking the changes to the fund balance reserves as a result of filing the AUD in April.

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

OLD BUSINESS:

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

Supervisor Benson noted no action tonight but he is leaving it on the agenda until it is resolved in some fashion. The town put it out to bid twice; both times no bids were received.

Charter Communications ~ Cable Franchise Agreement:

Supervisor Benson reported that he executed the agreement in April. Town Clerk Teal reported that the executed agreement along with a copy of the resolution and the affidavit of publication that they need to file with the Public Service Commission have been forwarded on to Charter.

Resolution #14, 2015 ~ Enactment of LL # 2 of 2015: Providing for a Separate Listing of Library Tax Levies on Real Property Tax Bills

The following Resolution was proposed by Supervisor Michael Benson and seconded by Councilmember Dan Evans:

ENACTMENT OF LOCAL LAW NO. 2 OF 2015: PROVIDING FOR A SEPARATE LISTING OF LIBRARY TAX LEVIES ON REAL PROPERTY TAX BILLS

Purpose and Intent

The electors of the Town of New Lebanon having authorized a tax levy for the funding of an annual contribution to the operating budget of the New Lebanon Public Library, the Town Board hereby finds that it is in the best interest of the taxpayers of the Town of New Lebanon to be informed on their local real property tax bills of the amount which is to be levied for such purposes. Pursuant to the foregoing, the Town Board of the Town of Lebanon hereby adopts this amendment to Chapter 185, Article VIII of the Town of New Lebanon Town Code.

Authorization

This local law is enacted pursuant to section 922 of the Real Property Tax Law and section 10 of the Municipal Home Rule Law, and it supersedes any provision of section 922 of the RPTL to the extent that such section or provision does not authorize the amount of tax to be contributed to the New Lebanon Public Library to be separately listed on property tax bills or statements.

Enactment

Chapter 185, Article VIII, section 185-21 is added to the New Lebanon Code, providing as follows:

§ 185-21 Itemization of tax levy for library purposes.

- A. All real property tax bills or statements issued by or on behalf of the Town of New Lebanon pursuant to section nine hundred twenty-two of the New York State Real Property Tax Law shall separately list the amount of the tax levy authorized to be contributed to the New Lebanon Public Library.
- B. The failure to separately list such amount in any such statement, or the failure of the addressee to receive the same, shall not in any way affect the validity of the taxes or interest prescribed by law with respect thereto.

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 with the New York 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 Dan Evans	Aye
Councilmember Charles Gerald	Aye
Councilmember Matthew Larabee	Aye
Councilmember Bruce Baldwin	<i>deceased</i>

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.

Proposed Local Law ~ Zoning Amendment:

The board considered the recommendations from the Columbia County Planning Board (CCPB) on the proposed Local Law Amending Specified Sections of Chapter 205 (Zoning) of the New Lebanon Town Code. The CCPB found that the proposed action did not appear to have any significant county-wide or intercommunity impacts. However, the following informal comment is offered for consideration:

1. Agricultural Operation: The CCPB suggests consideration be given to including the complete text of this definition rather than cross referencing to an entirely different Chapter of the Town Code.

A motion was made by Supervisor Benson, seconded by Councilmember Evans and approved to unanimously to hold a public hearing on the proposed local law amending specified sections of Chapter 205 of the New Lebanon Town Code on Tuesday, June 9th at 6:45 p.m.

Highway Material Testing/Material Conformance:

Supervisor Benson noted that he had a letter drafted to go to all material suppliers and that he would be sending that out this month.

Highway Superintendent Winestock addressed Supervisor Benson regarding the letter. He stated that he thought they had discussed the gravel testing last month. His concern

is our gravel bed. If we lose that bed/agreement, it is going to cost the taxpayers four times the amount for gravel somewhere else. He has used this gravel for eighteen years. He does not feel that the Supervisor is the one to make the decision to send out that letter; the rest of the board should have a part in the decision. He highly recommends not sending out a letter. Supervisor Benson stated that it was the Highway Superintendent that brought this to their attention when he stated that Covenant Circle, Deer Ridge, Brickyard Road, and other roads that the town took over were not built to town spec. So the town has a set of specs and we need to know whether or not we are complying with those and if we are not and the material we are using... Highway Superintendent Winestock noted the specifications are for private roads that want to be considered for town take-over at some time. Those need to be built to certain specifications... Supervisor Benson noted with certain materials that meet those same specs. Highway Superintendent Winestock noted that he has used this gravel, Supervisor Benson has looked at this material, countless other people have looked at this material; there is nothing wrong with that gravel. He feels Supervisor Benson is opening up a can of worms and again, he is only one person; this should be a decision of the whole board. Supervisor Benson noted that the end game here is that if we want to continue as a town to utilize that gravel source because it works for us; then we need to consider changing the spec. But not complying with... Superintendent Winestock asked changing the specs on what? Supervisor Benson responded that we need to consider changing the town specs. Highway Superintendent Winestock said the town specs, as he has explained, are for someone building a new road that may be considered for adoption by the town. Supervisor Benson said he disagrees, he said a spec is a spec and a law is a law. Superintendent Winestock stated he could sit here and disagree with him also but he is not a stupid person; he does not know if any of the board members took the time to drive up on Covenant Circle to see how it was this spring without needing all these engineers, I think they would have seen that maybe the Highway Superintendent was right and maybe he is not as stupid as you try to make him out to be. That road needs a whole lot more than a little bit of top. He noted he wished the board would move on and do something good for the community. We have another gravel bed right down here and he has taken the Supervisor to it and we are probably going to end up losing that to somebody and I think it is... I think we need to focus on something good.

Councilmember Evans noted there is the fear of having a bad test come up but it is all a blending; put that vein of clay on the side. It is all a quality control process that every pit in America is using; they have tests taken every year – every thousand or so cubic yards.

Councilmember Geraldi stated that he agrees with the Highway Superintendent. How the town builds their roads is our business; what other people put on their roads and then want us to take over; that is different. We are maintaining our roads and what we do with them is up to us and if we want to use that gravel from Sherman's that is up to us.

Councilmember Evans said that is like saying you do not have to build the town hall to NYS Building Code. Councilmember Geraldi said no, that is not true; he strongly disagrees and he feels that before a letter is sent out, the board should agree on what it

says. Supervisor Benson stated he would send Councilmember Geraldini a copy of the letter. Councilmember Geraldini stated that he felt it should be voted on by the board before anything is sent out. Supervisor Benson said we are complying with material specs; again, Councilmember Evans said it perfectly, that is like suggesting that we should not comply with the state building code when we build an addition. [overtalking] Supervisor Benson said he wants to know what Superintendent Winestock is afraid of. Highway Superintendent Winestock said he has been using this material for eighteen years and he thinks the Supervisor is wasting time and people's money – he asked Supervisor Benson if he has driven on any of the roads that he has put down fabric and gravel on in the Town of New Lebanon. Supervisor Benson responded, yes, in a red jeep and it is well documented. Highway Superintendent Winestock noted that was not funny at all; there were a lot of people up on West Hill Road... that is not funny. If you knew where the roads were and you paid attention to that stuff, this would not even be an issue. It would not even be an issue. He asked the board if they had driven up on Covenant Circle this spring. Supervisor Benson responded yes. Highway Superintendent Winestock asked him what condition it was in. Supervisor Benson said when he drove on it, it was fine but what does that have to do with anything. Supervisor Benson stated that he was not going to argue with the Highway Superintendent... Highway Superintendent Winestock said he cannot believe that after all these years, this should be this big of an issue... Supervisor Benson asked what he was afraid of. Highway Superintendent Winestock responded that he is not afraid of anything. You can go up there and dig anywhere, anyone can make sure it fails or make sure it passes. You think every pit is just beautiful stuff in every spot? He thinks they are wasting people's time and people's money and he does not want to aggravate anyone. Supervisor Benson said that he would beg to differ considering that we spend almost \$750,000 a year on maintaining roads, which is now more than one-third of our budget; if the county buys material to put on their roads, that material has to comply with the county spec and if you are sitting here and you already know something that we don't and you are not telling us, that is a problem. We are going to know whether or not our gravel meets our specs; it is that simple. That is prudent; that is called being prudent. To suggest otherwise is called being irresponsible. Councilmember Larabee stated the he wants to see a copy of this letter before it is sent out too. Supervisor Benson noted he will do that.

H.R. Matters:

Supervisor Benson noted that he is leaving this on the agenda until it is resolved.

Proposed Inter-Municipal Highway Agreement (Town/County):

Supervisor Benson stated this has been executed. Councilmember Larabee stated that he thought that the board had agreed at the last meeting to give the Highway Superintendent more time to review the agreement and then the board would discuss it further at this meeting.

Supervisor Benson said and he did right. Supervisor Benson said the Highway Superintendent is not talking. Highway Superintendent Winestock stated that Supervisor Benson brought the Intermunicipal Highway Agreement up a couple months

ago and he had not had an opportunity to review it closely; he has had several conversations with people about it but he was not comfortable with it. He also thought the board had agreed to discuss it this month. But apparently it does not really have anything to do with him or even the rest of the board; just the Supervisor and the rest of the Supervisors in the county which he feels is entirely wrong. It is up to the Superintendents to send vehicles and help each other so he would have thought that it should have been the Highway Superintendents that had a say in that but the Supervisor went ahead and didn't wait for this meeting to discuss it with the board and went ahead and signed it anyway so it is really water over the dam now but he looks at it like the letter to Mrs. Sherman; the Supervisor is going to do pretty much what he wants to do anyway. Supervisor Benson stated for the record he was the last Supervisor of the twenty-two in Columbia County to execute the agreement and that is because I waited two months for you to tell me what tangible comments you had. Highway Superintendent Winestock stated that they agreed that he would bring them in this month. At least that is what he remembers, maybe he is wrong. Councilmember Geraldini stated he understood they were going to discuss it at this meeting too. [overtalking] Supervisor Benson asked Highway Superintendent Winestock if there were specific issues or comments he has pertaining to it. He noted he does have issues but it is already done. Supervisor Benson asked Attorney Howard to describe the reason for the agreement for the record. Attorney Howard stated that basically it is a municipal cooperation agreement so that in the event of a disaster or act of god where the town needed to have county forces come in to assist in doing a clean-up, in order for the county to make an application for reimbursement for that activity, they need to have an Intermunicipal agreement with each of the towns. To the extent that they do not have one of those in a particular town, then they are not going to be able to seek reimbursement and it would potentially jeopardize the assistance that the town would receive. Supervisor Benson noted that this then becomes a financial matter which is entirely within his discretion to execute. Councilmember Larabee stated first that is a financial matter for the county, not for the town. Supervisor Benson said that is not true but if the board wants to undo it, they can knock themselves out. It is signed. Councilmember Larabee said yes, we know. Supervisor Benson said to the Highway Superintendent let's get it on the record, what are your specific objections to the agreement. Highway Superintendent Winestock said do not put this in my ball park, you signed it and we will carry on. Supervisor Benson said should I take that to mean that you don't actually have any. Highway Superintendent Winestock said he most certainly does but he understands what the agreement is really about and he does have some issues but it is done. Supervisor Benson asked what are the issues. Highway Superintendent Winestock said this is not the way to do things; we should have discussed the issues before we got into it. We are into it now. Supervisor Benson said so tell me what the issues are. Superintendent Winestock said he had nothing more to say.

NEW BUSINESS:

Fire Department Building Project Liaison – Report:

Councilmember Geraldini reported that the meeting has been postponed until Thursday, May 14th.

Fire Department Financial Reporting Liaison – Report:

Councilmember Larabee reported that the board has the monthly Treasurer’s report for non-contractual monies and contractual monies, listed expenses by vendor in detail, and the April fire report. He noted there were four brush fires in April; people do not understand that a burn ban means you do not burn – period. He hopes that ENCON sees fit to extend the burn ban this week; they had three brush fires last week.

Supervisor Benson asked if there was anything Councilmember Larabee wanted to walk the board through financially. Councilmember Larabee reported there was really nothing out of the ordinary with general expenses. He noted that one of the items listed is Jackson’s; that was for their annual banquet. However, that money does not come from the contractual monies; that is a 2% rebate on the tax that has to be used for all members.

Joe Ogilvie asked if the board had the first two months of the year. Ed Godfroy (LVPA) noted that they only gave the board March last month because they waited until then for Supervisor Benson to outline what he wanted done; if he wants them to go back and start from the beginning of the year, they can do that. Supervisor Benson noted he does not want that; it is a year to date running total so he would not ask them to go back and recreate January and February because we were deciding what we wanted to get from you. However, he noted that is just him, maybe the board feels differently. Councilmember Larabee noted he did not feel it was necessary.

Fire Department 2014 Financial Statement - Status:

Supervisor Benson noted that while they were on the subject, he would acknowledge receipt of the Fire Department’s 990 today and a depreciation schedule with it.

Town of New Lebanon 2014 AUD Report:

Supervisor Benson reported that the Town of New Lebanon 2014 AUD Report was filed on April 30th and it was signed by him. Supervisor Benson noted that the report is available on-line for anyone that wishes to see it. Town Clerk Teal noted that it is also available for public review in her office.

Town Board Appointment:

A motion was made by Councilmember Geraldini and seconded by Councilmember Larabee to appoint Irene Hanna to fulfill the balance of former Councilmember Baldwin’s term (expires 12/31/2015). The motion passed with the following roll call vote:

Councilmember Evans	Aye
Councilmember Geraldini	Aye
Councilmember Larabee	Aye
Supervisor Benson	Abstain

The board requested that Town Clerk Teal swear in Irene Hanna as Town Board member and that she join the board now. Irene Hanna took her oath of office and joined the board. (There was a round of applause.)

Councilmember Irene Hanna in attendance from this point forward.

Proposed Local Laws:

Supervisor Benson asked Attorney Howard to review the new proposed local laws for the board. Attorney Howard noted there are two proposed local laws that he has been working on with the Town Clerk and the Building Department Administrator respectively.

Proposed Local Law to Amend Telecommunications Facilities – Chapter 189 of the New Lebanon Town Code:

Attorney Howard stated this proposed law amends specific sections of Chapter 189 of the Town Code entitled Telecommunications Facilities basically to conform it to the Middle Class Tax Relief and Job Creation Act of 2012 that was passed. As a result of that federal legislation, the town has adhered to the federal changes which pre-empt local legislation and the Town Clerk has worked to kind of tweak that process but we felt that it should be codified. What we are asking the board to consider tonight is to send this to both the Columbia County Planning Board and the New Lebanon Planning Board to review and comment. At this point, no other action is required, we are just looking to get their input and at the same time the board can review it. If we have both planning board's comments for the next meeting, we can discuss the next steps then.

Proposed Local Law to Amend § 179-3 of the Town of New Lebanon Subdivision Law concerning the Boundary Line Adjustments and Merger of Parcels:

Attorney Howard stated that this proposed law stems from a long-standing discussion with the Assessor. He had a meeting with the Assessor, the Building Department Administrator, Councilmember Geraldini and Councilmember Baldwin at the end of the year looking to codify and streamline the process and standards that are in place for the merger of parcels and boundary line adjustments (aka lot line changes). This proposed law would follow the same steps; referral to the Columbia County Planning Board and the New Lebanon Planning board at this time for their review and recommendations. Again, the town board can review it and they can have further discussion when the comments from the county and town planning boards have been received.

Attorney Howard noted these are draft proposals but he would recommend sending them to the planning boards to start the review process.

A motion was made by Supervisor Benson, seconded by Councilmember Geraldini and approved unanimously to send the *Proposed Local Law to Amend Telecommunications Facilities – Chapter 189 of the New Lebanon Town Code* and the *Proposed Local Law to Amend § 179-3 of the Town of New Lebanon Subdivision Law concerning the Boundary Line Adjustments and Merger of Parcels* to the Columbia County Planning Board and the New Lebanon Planning Board for their review and recommendations.

Proposed Local Law Establishing Income Levels for Real Property Tax Exemptions for Citizens Sixty-Five Years of Age or Over:

Attorney Howard stated that this proposed local law establishes the income levels for real property taxes for senior citizens, for those sixty-five years and over, and also as part of this, there was a request from the Assessor that pursuant to Real Property Tax Law Section 467.5, she has the ability to accept a late filing for a senior's exemption where there has been a death of the applicant's spouse, child, parent, brother or sister or an illness of the applicant or the applicant's spouse, child, parent, brother or sister which actually prevented the applicant from filing on a timely basis as certified by a licensed physician. The reason this is important to the Assessor is because in the absence of that, she has no discretion should one of those circumstances come up. So this is a proposed local law allowing her to do that and also making it clear what the exemption levels are and those exemption levels are in accordance with New York State Real Property Tax Law.

A motion was made by Supervisor Benson, seconded by Councilmember Larabee, and approved unanimously to set a public hearing on the *Proposed Local Law Establishing Income Levels for Real Property Tax Exemptions for Citizens Sixty-Five Years of Age or Over* for Tuesday, June 9th at 6:30 p.m. at the Town Hall.

Town Park/Tennis Courts:

Supervisor Benson reported that he passed out a letter from Ryan Biggs (town engineers) regarding the tennis courts. He noted the board has had several lengthy discussions about this subject and he just wants to get some direction on where to go and what is next. Councilmember Larabee stated that Ryan Biggs' recommendation really scares him. Supervisor Benson noted for the benefit of the public the board had the town engineer take a look at the tennis courts in conjunction with Copeland Coating out of Nassau who's historically done a lot of work on the courts. Where we are at today is the need for a complete replacement of the courts which they are estimating [and this is an estimate; it could be more, it could be less] at about \$150,000. Town Clerk Teal asked the Attorney if that is something that could be bonded and paid over time. Attorney Howard said it would be difficult; you could bond it but [unclear]. Town Clerk Teal asked Supervisor Benson if we knew the final number on the surplus is; Supervisor Benson said we do but he is not prepared to throw that around tonight. Highway Superintendent Winestock asked if that was what the engineer is suggesting. Supervisor Benson responded the engineer has really just performed a fact-finding mission for us. In the interest of full disclosure, they are saying we can surface patch the courts and it would cost around \$20,000 but a full replacement is \$150,000 and "at this time a full court reconstruction is recommended by Copeland rather than surface repair. Attorney Howard noted that they do comment that they did the surface repair in 2009 for the purpose of extending the life which it has done and now you are kind of back full circle. Supervisor Benson stated that board does not need to make a decision on this tonight. Someone asked when they were originally built; how much have we gotten out of them financially; they think we have done well. Someone stated they were built in the 1960s; they are relatively new. Councilmember Evans stated that he is curious to bounce this off some of the board members but his thought was if the board

could get – we were looking more for a scope of work – can we send out a scope of work to have the asphalt underneath layer be built and maybe we could get a local vendor who would be interested in bidding at a no profit price to pave it and then Copeland is right down the street and they are one of the biggest tennis court paving or coating crews in the state so that would be like a second scope of work. Supervisor Benson stated that we certainly have the resources to break this apart, dissect it, develop a scope, put different portions of it out to bid separately and see if we can bring it in for a whole lot less than \$150,000 but we are still going to spend money by asking Ryan Biggs to prepare a scope of work and if we are going to do that then that needs to be decided here. Town Clerk Teal noted that the board authorized that at the April meeting. Supervisor Benson said the board authorized the fact-finding that was prepared; they have not authorized a full scale design. He does not know what a full scale design would cost; that would be the next step. [unclear – overtalking] Supervisor Benson asked there was any other input on this. Councilmember Geraldini asked if there is a way that Copeland can estimate how long the \$20,000 patch would last. Town Clerk Teal asked if that was part of the original quote that Copeland submitted last year. Supervisor Benson said yes. Councilmember Larabee noted they gave us five different options. Councilmember Geraldini stated he realizes it will just be an estimate; they may estimate six years and it may actually turn out to be four years or seven years. Supervisor Benson noted that in May of 2014, Copeland gave us essentially five different options and the only way to answer his question is for him to review that quote again. However, their option number five in that quote which was for \$15,800 a year ago is really what they are calling \$20,000 plus or minus today. Supervisor Benson noted that he could redistribute the May 2014 quote from Copeland. Councilmember Geraldini asked if it gave an estimate of the life of each option or is it just... Councilmember Evans stated he spoke with Steve Puzio last year and he has written in his notes that option 5 would be for 4 or 5 years. He did note that each time we do that, that number shrinks. Someone noted that they have been around for 55 years and all that anyone has been doing is patching them; wouldn't it be wise to do it the right way so that nobody gets hurt. Someone asked if there was another material that could be used; they have seen on television that they play on different surfaces, is blacktop the only surface that we can put a tennis court in or are there others. [overtalking] Councilmember Evans noted that blacktop requires the least maintenance. [overtalking] Rocky Brown said is the cheapest the best way to go; if we are going to spend \$150,000 to put in new tennis courts, he thinks we should at least look at the possibility of maybe using something different from asphalt. He stated that he thinks to do it justice we should explore any of the avenues available. Supervisor Benson asked if Mr. Brown was advocating forming a committee and leading it. [overtalking] Mr. Brown said it is just a suggestion that maybe before we spend \$150,000 on "the same old same old," maybe there is some new material...[unclear] Supervisor Benson noted that the options are to decide on some sort of a direction tonight or to kick the can down the road. Ed Godfroy stated that he would like to give the board some background because Bruce is not here and he told you the background on it when he was here. The last time the courts were repaved was in the late 1980s – 1987 or 1988; that is when the Felters and he were working in the park and that was the last time it was totally repaved; since then, it has only been resealed. If you want a life for the repaving versus just resealing, go from 1988 to 2009 or you can

go to 2011. However, that is the reason it was repaved then; the blacktop had deteriorated and cracked. Supervisor Benson stated he is willing to meet with the town engineer and explore other options but... Someone asked if four-wheelers get on there and do any damage? Ed Godfroy noted there were cables up to prevent that but he does not know if they are still there but they installed cables the last time it was paved. [unclear conversations in the audience] Sharon Moon asked the cost to get rid of it because if you leave it there it is a liability. Supervisor Benson stated probably less than ten grand. Councilmember Evans stated he was wondering if there was any way we could get one court up to snuff that people can actually play on until we get to a solution. Someone from the audience asked about the school. Supervisor Benson noted that the school does use them. Supervisor Benson asked Councilmember Evans if, with his expertise, he would be willing to meet with our engineer and discuss some sort of interim solution. Councilmember Evans said yes; he is thinking that since one court is not as bad, if this \$20,000 is cut in half, we might be able to get in there and micro-mill down into the asphalt layer and try to chase some of the cracks out of the one court that is not as bad and that would probably give us ten years on the one court until we can... just a thought, sort of brainstorming... [overtalking] Highway Superintendent Winestock said he looked at the courts and he is not an expert but the board is talking about liability; maybe for right now the Park Maintenance Superintendent could fill the cracks with some hydraulic cement and sort of patch it. [unclear conversations in the audience] Councilmember Geraldini stated he feels it would be a good first step to have Councilmember Evans meet with the engineers to explore options and maybe there is something in between the \$20,000 resealing and the \$150,000 replacement. Councilmember Evans stated he will meet with the engineer; he asked for authorization from the town board to spend up to \$200 working with the Park Maintenance Superintendent for some patching. Town Clerk Teal noted that up to \$500 does not require board approval; it would just require the department head – the Park Maintenance Superintendent.

Highway Department Monthly Reporting:

Supervisor Benson stated that he would address this under Liaison Reports.

TRACs / Youth 2 Youth:

Biffy Cahill, TRACS, addressed the town board requesting sponsorship of two New Lebanon District youth to attend the Eastern States Conference this summer. Ms. Cahill noted that there is a contract between the town and TRACs and in exchange for sponsorship, the students volunteer in the community for the town providing the sponsorship for such organizations as the town youth commission, the town library, town park program, etcetera. The cost to send two students to the conference is \$850. At the conference, the students learn leadership skills; learn about resources for living a drug free lifestyle and sharing that message with their peers; they learn public speaking skills. The students typically do all of the public speaking, not her. They have been to the County Legislature; they have a contract with Rensselaer County now for sponsorship of students in exchange for volunteer services within the County. What they are requesting from the town board is the sponsorship of two New Lebanon students – they are looking for preferably one boy and one girl and have never been to

the conference before so that they can start working here in New Lebanon and try to get the program going down here to help reduce the use of drugs and alcohol among the youth. Ms. Cahill provided the board with data on the success of the program in reducing drug and alcohol use among youth. She noted this is a program where the youth are working with their peers, talking to their peers and this is working to keep the youth from using drugs and alcohol and they are seeing more and more youth joining the program. It is growing in the Berlin School District. She also provided the board with information of the community service activities the contracted youth have been involved in. She noted that they have found that contracting with the towns for services is something the towns can do; it is not a donation, it is a contract for services. She asked that the town board sponsor two New Lebanon students to help get the program going in New Lebanon and getting the youth spreading the message to their peers.

Councilmember Larabee asked who the two students were that the town sponsored last year. Ms. Cahill provided the names of the students. She noted that only one student was sponsored but they chose to split it and raise the rest of the money so both of them could go. Both students have remained active and they also work with the SADD program in New Lebanon. Ms. Cahill did note that they do have some resources in New Lebanon but they are limited so she is also looking for an adult in New Lebanon that can help work with the students directly. She noted that Berlin has fifteen students sponsored to go this year with many of the students having sought out sponsorship from businesses. Eight of those come from the four towns in the Berlin School District (town sponsorship) and students are going out and getting their own sponsorship and raising money on their own to go.

Supervisor Benson asked if the reason that this request would not go to the school is because of their SADD program. Ms. Cahill noted that they are looking for the town's support; it is very important when you are trying to work with the youth in a community to have the entire support – the support of the school district, the support of the town, the support of organizations. The schools, she does not believe, have budgeted funding for something like this. Additionally, it a contract for services (volunteer services throughout the community) not just a donation of funds so we are asking not just town but also businesses, organizations of every kind to get as many students as they can get. Sharon Moon stated that student councils usually have plenty of money to do those kinds of things. [unclear conversations in the audience] Councilmember Hanna stated that her understanding is they are trying to involve entities apart from the school to show the students that there is not only the school but also other entities are interested in supporting them. Ms. Cahill stated that is correct; she noted that a youth drug problem in a community is not exclusive to the school, the town, the parents; there are twelve sectors that have been identified through years of research – parents, youth, religious, civic, school, etc. – it takes all of those sectors to reduce the drug and alcohol use among its youth. So it is an effort to reach out to all of those entities and get their support. In order for TRACs to get grants, they must have the support of all of those sectors within every town in order to apply. Eileen Evans asked how many students responded last year when they went through the town's Summer Youth Program. Ms.

Cahill said she was not directly involved; it was Michelle Bienes that took the lead so she is not sure. Supervisor Benson stated that personally he would like to see her already have the New Lebanon students to sponsor. Councilmember Evans stated he got the school budget in the mail the other day – twelve million dollars – and he feels like they are all professionals to spend that money properly. They have the expertise with these programs. Ms. Cahill asked if Councilmember Evans was saying that the drug problem is a school responsibility not a town responsibility. Councilmember Evans said he was not saying that; their budget is twelve million and the town's is one and a half million and ours is for highways, land problems, etcetera and theirs is for children and education. Ms. Cahill said but they are the children of your community. Sharon Moon stated that he is right on the training of the teachers... [unclear]. Councilmember Evans noted the students can do fundraising and he feels that if we start handing out close to \$1000 to these groups, we will have a line out the door. Ms. Cahill reiterated that it is not a hand-out; it is a contract for services. Basically you are hiring the students for their volunteer services in your community. Councilmember Evans said it does sound like a great opportunity. Sharon Moon asked if she had a business... Supervisor Benson stated there needs to be some order and they need to act as a board, not do public commentary at the wrong time. Supervisor Benson asked if any of the board members wanted to add anything, had any questions, had any proposed actions. Councilmember Larabee stated that first he needs to disclose he is Vice President of the TRACs organization. He asked Attorney Howard to confirm that he had researched this and it is okay to do. Attorney Howard said yes, he stated that if the town board wanted to enter into an agreement, you can do that – you are doing it for the health, welfare and safety of your community and you are doing it where you are providing money and you are getting a service back from these sponsored students. Supervisor Benson thanked Ms. Cahill and thanked her for her hard work and further noted that the board would continue to ponder this request.

Mountain Road School request for Waiver of Pavilion Rental Fee:

Town Clerk Teal reported that Mountain Road School has submitted an application to rent the pavilion for a school event and they have requested a waiver of the rental fee. She noted that board has voted to waive the fees for the New Lebanon Central School District and the Lebanon Valley Protective Association – they are taxing entities and it is simply a matter of taking it out the right pocket instead of the left. This is different; this is a private school so this requires town board approval.

A motion was made by Councilmember Larabee, seconded by Councilmember Gerald, and approved unanimously to waive the \$50 fee for the rental of the Pavilion by Mountain Road School.

Resignation – Planning Board and Ethics Board:

Supervisor Benson noted the board had received a resignation from Gabriel Steadman from both the Planning Board and the Ethics Board.

A motion was made by Supervisor Benson, seconded by Councilmember Hanna, and passed unanimously to accept Gabriel (Christopher) Steadman's resignation from both the New Lebanon Planning Board and the New Lebanon Board of Ethics.

A motion was made by Supervisor Benson, seconded by Councilmember Larabee, and passed unanimously to advertise for the vacancies on the Planning Board and the Board of Ethics created by this resignation with submissions due for the June 9th meeting.

Memorial Tree or Bush at Town Hall:

Councilmember Larabee noted that the board had discussed planting a tree or a bush at the Town Hall in Bruce's memory since he was involved in the landscaping at the Town Hall with Phyllis Stoller. He asked Ms. Stoller to look into prices on some trees. Ms. Stoller noted she had just spoke with Councilmember Larabee last night so she not have a lot of information but she noted she could get a very nice shrub for somewhere between \$65 to \$125 and a tree would be maybe \$125 to \$300 and then they would need someone to plant it. She said she would do some stuff around with some material she would donate. She would like some guidance from the board as to what kind of budget they are considering and whether they want a tree or a shrub or flowers. Councilmember Larabee stated that with the trees, we don't know how they will survive. Ms. Stoller said she can put together a few ideas if the board gives her a range for a budget. Councilmember Larabee suggested a cap of \$150 and the board agreed. Supervisor Benson said we will take care of getting it planted. Highway Superintendent Winestock stated that the highway department would be more than happy to dig the hole for them. Ms. Stoller said she would put together a few ideas for the board to consider. [unclear conversations in the audience] Jagat Pandey stated that he would make a donation of \$100 towards the item. Sharon Moon stated that she believes that the Historical Society may also have monies that they wanted to put towards whatever the town chose to do in memorial of Bruce. [unclear conversations in the audience] Supervisor Benson asked Ms. Moon if she could confirm that with the Historical Society and let both him and Ms. Stoller know. Ms. Stoller noted that the board will also need to decide where they want the planting.

LIAISON REPORTS:

Economic Development & Conservation Advisory Council (Councilmember Evans):

Councilmember Evans noted there is no report for Economic Development or Assessment Office. Councilmember Evans asked Cynthia Creech, CAC Member, if the CAC had anything to report. Cynthia Creech reported the CAC had their meeting with the film showing in April and they had 18 people attend which is very good for them. This included the big conservation people and organizations in town. A number of individuals and entities volunteered to be part of the Natural Resource Inventory and Resource Plan so they made quite a bit of progress.

Highway Department (Highway Superintendent):

The Highway Superintendent asked the board for authorization to get some quotes or bids for **painting the roof of the town garage**; it really needs to be done.

Additionally, he provided the board with a quote for a new backhoe with a trade-in of the current backhoe and the Vibrotech 40 Box Screening plant. He noted the current backhoe has 1850 hours on it. The board had asked for the maintenance on it. They have not put a lot of money into it other than regular maintenance. They have put in hoses and lines, etcetera, more towards the front where it gets all the salt. The salt does not treat it well. He recommends that the town update the backhoe.

Supervisor Benson noted that with the highway garage roof we would need to put together some sort of scope of work and put that out to bid. The Highway Superintendent said yes, it is a metal roof and it needs some sort of coating. Supervisor Benson stated that off the top of his head, he was not sure if that would come out of the highway budget or the general budget. Town Clerk Teal noted it would be general; the highway garage is under the general fund.

A motion was made by Supervisor Benson, seconded by Councilmember Larabee, and approved unanimously authorizing the preparation of a scope of work and going out to bid on the painting/coating of the roof on the highway garage and to include an alternate of also painting the whole building.

Supervisor Benson requested that given the magnitude of the highway budget in relation to the overall budget the board start to get some either written or verbal report on what is happening with our roads and so on each month. He noted that he has a copy of a report that the Highway Superintendent of Chatham does. He also has about four years of reports from Bernie Kelleher, Director of the County Highway Department describing what activities his people do during the month. He feels that with the highway budget being the most significant expenditure within the town, he would like to start to understand what it is that our employees are doing every month. He realizes they are maintaining the roads but he can provide the board and/or the Highway Superintendent with an example from the Town of Chatham. There are other examples in Austerlitz, Canaan. Some of them are verbal, some of them are written; he does not really care if it is written but he really thinks that the board needs to start to develop a better understanding of where all those dollars are going. Councilmember Geraldini asked for a copy of the Chatham report.

Supervisor Benson asked the board's position on the backhoe. He asked Councilmember Hanna for her input. Councilmember Hanna noted she does not know about backhoes but she does know that she has a mechanic and if her mechanic tells her that one of her pieces of machinery needs work, then to believe that. Councilmember Larabee stated the backhoe sits up in the salt and it gets rusty; it was going all winter long. If we let it go until it is run into the ground, we are not going to get anything for trade-in. Based on the quote, they are giving us almost half of the cost of the new backhoe in trade-in on the old one. Supervisor Benson asked, on the screening plant, why haven't we advertised that for sale. In the age of the internet, why did we not put that immediately on the internet for sale? The Highway Superintendent noted that he brought this option up to the board last year and they never made a decision; if that is the way the board

wants to go, then put it out there. Town Clerk Teal asked Attorney Howard if it needed to go out for bid since it is surplus. Attorney Howard noted that the board could set it up for auction and people could bid on it. Supervisor Benson asked if they could do it online. Attorney Howard responded yes. Town Clerk Teal asked who would monitor an online auction. Attorney Howard noted there are services that can do that for us. Town Clerk Teal noted that in the past, with surplus, we always just put out a notice that we have this for sale and accepted bids. Attorney Howard noted we can do that physically or online. Attorney Howard noted his only question with the backhoe is if we are going to bid this backhoe out. Supervisor Benson said he would think we would have to. Attorney Howard agreed. Supervisor Benson noted that from his perspective, he owns about half a dozen backhoes, and he has backhoes that have over 10,000 hours on them. Highway Superintendent Winestock noted that those backhoes don't do anything like what we are doing. It is kind of like the trucks; you are running your trucks up and down the road on I-90 and such but our trucks – the oldest one has maybe 60,000 miles on it... I really should just get up and leave... you kind of insult me. I have been busting my butt here for a good many years and I cannot remember ever missing a town board meeting – maybe I did forget one time but – I have always sat here and answered any question; I have always shared what is going on; I have always signed all of my vouchers. The Supervisor is acting like he does not have any clue about what he is doing. You threw out Chatham, he does not know if he is really familiar with Chatham but Chatham has a full time secretary to the Highway Superintendent. He noted he does have the Town Clerk and the Deputy Town Clerk and they do a lot for me. He noted he will continue to come to the board meetings; he will continue to answer any questions that anybody has. Going back to the backhoe, you are not comparing apples to apples but it is up to what the town board chooses. However, he noted that he liked what Councilmember Hanna just said; he came to the board with his expertise and told them he recommends updating the backhoe. He knows the Supervisor has people working for him that he relies on and if one of his guys came to him and said a piece of equipment needed to go, he would make it happen. He came to the board with his recommendation of what is good for the Town of New Lebanon whether it has 18 hours or 18,000 hours on it; he feels it should be going down the road. If the town board chooses to keep it, then he can only do what he can do with it.

Supervisor Benson asked what the reason was that the Superintendent was saying that the backhoe at 1850 hours – which he considers to almost be a new machine – what exactly is it that is causing... Superintendent Winestock responded that it sits in the salt most of the time – they don't park it in the salt but in the winter time, it pretty much sits in the salt. They bring it down to spray it off. They run it over the roads to get it from one place to another; most of the time I am sure you truck your machines over the roads. Again, going back to the trucks, what they do to them – they have a 2013 that he would not give them a dime for it knowing what it has been put through. Not power braking it or running it down at Lebanon Valley drag strip, what they physically do with the equipment every day. That is whole lot different than what the Supervisor is doing with his trucks and at his company. So, like he keeps trying to explain, they might be fifteen years old and only have 50,000 miles on them, but they have been worked to death.

Highway Superintendent reported that they are currently working on West Hill Road putting down fabric and gravel.

Ed Godfroy reported that the County has a website that they run for surplus equipment and if they called Dave Chapman, they may be able to piggyback on that at no expense to the town.

Town Property & Assets (Supervisor Benson):

Supervisor Benson reported the park looks great.

Zoning, Planning, Code Enforcement (Councilmember Gerald):

Town Clean-up Day:

Councilmember Gerald reported that the Town Clean-up Day will be held on Saturday, June 20th from 8:00 a.m. to 2:00 p.m. If anyone knows of anyone that can volunteer some time and/or to help some of the seniors clean up, call Kent Pratt.

Town Assessment Office (Councilmember Evans): ~ no report

Education, Recreation, Historian:

Councilmember Larabee reported that the Summer Youth Program will be starting up soon.

Community Picnic:

Councilmember Larabee reminded everyone that the Community Picnic is July 25th at the town park.

Security, Fire, Law Enforcement (Councilmember Larabee): ~ no report

Justice Court/Constable (Councilmember Gerald):

Councilmember Gerald noted the board has a letter from the Court that their clerk will be out on maternity leave and they want to train Cissy Hernandez to help cover some of the hours they need covered during that leave. They would like to have Cissy Hernandez appointed as Deputy Court Clerk so they can start training her. Apparently, there are some questions about over-time. Councilmember Gerald asked if the attorney could give us some kind of definitive answer on this. Attorney Howard noted she should be paid over-time. Councilmember Gerald noted then that is something they will have to work into their budget. Supervisor Benson asked if the position should be advertised like all other positions. Town Clerk Teal noted the court staff is at the discretion of the judges; the board makes the appointment but at the judges request. Councilmember Gerald said the judges get to pick their court staff. Attorney Howard said yes, the board has to pay for it but the judges get to decide who. [overtalking – unclear] Supervisor Benson asked Councilmember Gerald what he wanted to do. Councilmember Gerald responded it is what the judges want to do and what the board wants to do; if she has to be paid overtime, then they are going to have to see what they want to do about budgeting and where we can find some more money. Supervisor Benson said they could find another person. Councilmember Gerald said that is a decision they have to make because they get to appoint who they want. Supervisor Benson asked Councilmember Gerald to get back to the judges on this so they know what they have to do and he agreed.

AUDIT OF BILLS:

**General Nos. 119 through 149, in the amount of \$19,657.17; and
Highway Nos. 55 through 73, in the amount of \$28,011.78;
As listed on Abstract # 5 of 2015, dated May 12, 2015.**

A motion was made by Councilmember Evans, seconded by Councilmember Hanna, and approved unanimously to pay the above noted claims from their respective accounts excepting General Voucher No. 126 in the amount of \$458.70; the adjusted General Fund total being \$19,198.47.

ANNOUNCEMENTS (of activities or events):

June:

Tuesday, June 9th ~ Public Hearing on Proposed Local Law Establishing Income Levels for Real Property Tax Exemptions for Citizens Sixty-five Years of Age or Over at 6:30 p.m. at the Town Hall

Tuesday, June 9th ~ Public Hearing on Proposed Local Law Amending Specified Sections of Chapter 205 (Zoning) of the New Lebanon Town Code at 6:45 p.m. at the Town Hall

Tuesday, June 9th ~ Town Board Regular Monthly Meeting at 7:00 p.m. at the Town Hall

ADJOURNMENT:

A motion was made by Councilmember Larabee and seconded by Councilmember Geraldi to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Colleen Teal, RMC
New Lebanon Town Clerk