

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON FEBRUARY 13, 2018**

Present: Colleen Teal, Supervisor
Kevin Smith Sr., Councilmember
Mark Baumli, Councilmember
Norman Rasmussen, Councilmember
Jesse Newton, Councilmember
John Tingley, Town Attorney

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: J.J. Smith, NL Rep to CC Office for the Aging
Bob Smith, Planning Board Member
David Farren, CAC & ZRC Member
Jeff Winestock, Highway Superintendent
Mary Young, LVPA
Bobby Waters, LVPA
Ed Godfroy, LVPA
Eugenia Browning, LVPA
Judy Zimmer, Cleaner
Thaddeus Flint, *The Eastwick Press*

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Supervisor Teal. A moment of silence was followed by the flag salute. Supervisor Teal pointed out the emergency exits.

MINUTES:

The minutes of the **January 2, 2018 Annual Organizational Meeting, January 9, 2018 Regular Monthly Meeting, January 17, 2018 Year End Audit,** and the **January 30, 2018 Quad Board Meeting** were reviewed. Town Clerk Houghtling stated that she would like to edit her minutes to add Jeff Winestock Highway Superintendent to the list of attendees for the January 2 and January 9 minutes. She stated that there was also a request from Eugenia Browning, secretary of the LVPA, for an annotation of the minutes from January 9 to state that the pasta dinner held at the LVPA Fire House on January 16th was put on by the Red Knights NY Chapter 29 motorcycle club. A motion was made by Supervisor Teal, seconded by Councilmember Rasmussen and approved unanimously to accept the above noted minutes as edited and annotated for January 2 and January 9 and as typed for January 17 and January 30.

FINANCIAL:

Supervisor's Report:

Supervisor Teal provided the public and TB members with a copy of the Supervisor's Report as of January 31, 2018. A motion was made by Councilmember Smith, seconded by Councilmember Newton and approved unanimously to accept the Supervisor's report as typed.

PRIVILEGE OF THE FLOOR:

Eugenia Browning of the LVPA stated that the fundraiser was not put on by the LVPA, it had nothing to do with the LVPA. She is a member of both the LVPA and the Red Knights NY. The fundraiser was very successful and she thanked everyone in the Town that came out and supported it.

OLD BUSINESS:

PESH Update:

Supervisor Teal stated that we did receive the notice from PESH that they have accepted our application for an extension so we have until June 30, 2018. She stated that with a little positive thinking she is hoping that with some of the plans we are looking at, we may be able to extend that.

Appointment – Assessor’s Clerk and Planning/Zoning/Building Clerk:

Supervisor Teal made a motion to appoint Donna Gedeon as Assessor’s Clerk for 5 hours per week and as Planning, Zoning and Building Department Clerk for 7.5 hours per week at the rate of \$13.00 per hour for all positions. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen – Aye
Councilmember Smith - Aye
Supervisor Teal - Aye
Councilmember Newton - Aye
Councilmember Baumli - Aye

Appointment to ZRC – Town Board Representative:

Supervisor Teal made a motion to appoint Jesse Newton as the second Town Board representative to the Zoning Re-Write Committee. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Rasmussen – Aye
Councilmember Smith - Aye
Supervisor Teal - Aye
Councilmember Newton - Aye
Councilmember Baumli - Aye

Historian Appointment by Supervisor:

Supervisor Teal appointed Kevin Fuerst as the Town Historian for 2018.

Recreation Commission Vacancies:

Supervisor Teal asked Town Clerk Houghtling if we have received any letters of interest for the Recreation Commission. Town Clerk Houghtling stated that we did not.

NL Rep to OFA Vacancy:

Supervisor Teal asked Town Clerk Houghtling if we have received any letters of interest for the New Lebanon representative to the Columbia County Office for the Aging. Town Clerk

Houghtling stated that we did not.

Code Publishers Editorial and Legal Analysis – follow up (pp 1-8):

Supervisor Teal stated that they were going to review the introduction. She asked the Town Board if they think the most appropriate approach is for the Town Board to take this section by section and work on it together. In small enough sections she feels that they can do this as part of the monthly meetings. Councilmember Newton stated that there is zoning in here as well and that may make more sense for the ZRC to work on the zoning sections.

Supervisor Teal stated that there are standalone laws in our code that are land use related that could become part of the zoning to make it more comprehensive. It is very convoluted when you have land use in the zoning and land use scattered throughout the rest of the code.

Supervisor Teal stated that putting decisions into effect is going to require legal counsel because it will be amending the law. She stated that if we do the entire thing at once it could be costly. Once the Town Board has decided how much needs to be amended, they could prioritize the changes and do them in sections instead of all at once. Councilmember Smith stated that there are some violations in our zoning that have no penalties attached to them. Attorney Tingley stated that there is a section in the analysis concerning penalties and a suggestion that they be made uniform. As part of that process, if there are areas where there aren't penalties then you can make a penalty. If you want to make it uniform throughout the code, that is when you would do it.

Councilmember Newton stated that when we went into putting decisions into effect, he picked option 2, individual amendments. It seems like re-codification by a company would be cost prohibitive.

Supervisor Teal stated that when this was first codified, back in 1999 or 2000, it was specifically stated in there that all resolutions and town laws be sent to code publishers and they have been since then. Both the Town Attorney and Code Publishers have mentioned that resolutions very often are not included. Resolutions usually affect personnel policies and we could make another page on the website where these policies and resolutions could be made available but not at the cost of making them part of our code. She thinks that is a good idea. Another thing they mention is that our website lists all of our fees and they strongly recommend that we take the fees out of our code and reference in the legislation that the fees are available via the Town Clerk, Building Department and Town website. She tends to agree with that because it gives us the latitude to make those pricing adjustments via resolution versus a local law and amending the whole code and incurring that cost. They do recommend that we review all fees and penalties. She stated that they strongly recommend setting a minimum fine amount but they also find that the Judges prefer to use their own discretion, it doesn't necessarily sit well with the Courts. She tends to lean towards setting a minimum. Councilmember Rasmussen stated that he thinks we should express our preference and be as consistent as we can.

Supervisor Teal stated that as far as reviewing fees, her recommendation would be to talk to the different department heads and ask them to review their fee schedules and make any recommendations for adjustments that they would like as they will be the most familiar with

the different fees in their office, how they are applied, and if they are reasonable for the amount of work that is involved. The Town Board agreed. Supervisor Teal stated that she will do that and have input from the department heads for the March meeting.

Supervisor Teal stated that the next step will be for the Town Board to tackle the next section for the March meeting. She asked if the Town Board could review pages 9 – 14 for the March meeting. The Town Board was in agreement.

Procurement Policy Review:

Supervisor Teal asked if the Town Board has had an opportunity to take a look at the procurement policy and make any recommendations and suggestions. She stated that she has not had the opportunity to look it over. She stated that one of her biggest concerns goes to some of the limits that we have. They appear to be very low and based on some of the feedback that we received from OSC they are very low and all that does is inhibit the departments especially based on the fact that our budget process is so specific. When a department puts in a budget request, if there is a piece of equipment that is going to be \$500 or \$1000 it is itemized there in the .2 account and we have already, to some degree, approved that purchase. If we are comfortable with our review at that time and we want to change the amount that the departments can spend without Town Board approval or what point the cut off is for them to get quotes, she thinks that makes sense.

Councilmember Rasmussen asked if Supervisor Teal is referring to the limits on page 1. Supervisor Teal stated yes. Councilmember Rasmussen asked aren't those the limits that the State law gives us. Supervisor Teal stated that she thought they had been changed and were higher. Councilmember Rasmussen stated that he remembers that they talked at the training about the limits of \$20,000 and \$35,000. Supervisor Teal stated that is the top end. She stated that anything above those numbers automatically require competitive bidding which is covered in 40-2. She stated that 40-3 talks about purchases below those amounts which is where we are setting our limits and these are the numbers OSC is saying are too low. Councilmember Rasmussen asked which numbers are too low. He stated that it says that anything under \$5,000 doesn't even need a written bid. Anything under \$5,000 all you need to do is call them up and get two bids and write them down in your notebook. He stated that is already pretty undocumented considering it is \$5,000. Supervisor Teal stated that OSC recommended \$1,000 at the low end instead of the current \$500. Councilmember Rasmussen stated that makes sense.

Attorney Tingley stated that the amounts in 40-2 of \$20,000 and \$35,000 are the current amounts under NYS law however those numbers have gone up over the past 15 or 20 years. He recommends changing the language to the amount set forth in state law instead of listing specific amounts so that as the amounts change we do not have to update our policy.

Supervisor Teal made a motion authorizing the Town Attorney to prepare a proposed Local Law making the changes to the language in 40-2 and any other section that is relevant to clarify that it is the amount set forth in the state law and in 40-3-a-2 and 40-8-d increasing the minimum amount that needs Town Board approval to \$1,000 and any other sections that need to be adjusted to create consistency throughout the procurement policy to implement these changes. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

Councilmember Rasmussen – Aye
Councilmember Smith - Aye
Supervisor Teal - Aye
Councilmember Newton - Aye
Councilmember Baumli - Aye

Update on EV Charging Station:

Town Clerk Houghtling stated that Councilmember Smith sat down with the Board of the LVPA and they are not open to the EV Charging Station going on their property. Councilmember Rasmussen asked if there is a reason that they don't want it on their property. Ed Godfroy of the LVPA stated that they do not want the responsibility of maintaining it and making sure that it is still safe and the insurance for the vehicle parked there plugged into it. That is a liability they are not willing to take. Town Clerk Houghtling stated that the Town's insurance will cover the EV station and the Town is responsible for any maintenance required. Ed Godfroy stated that it would still be on their property so their insurance would be first and the Town's insurance would be second.

Town Clerk Houghtling stated that she reached out to the owner of Valley Plaza and they are open to us putting the EV charging station in his back parking lot behind the bank. She has sent him over the sample agreement. He is looking it over. Once we have a signed agreement we can move forward with getting quotes and starting the grant application process.

JCAP Grant for Court approved – Camera System out to bid:

Supervisor Teal stated that the JCAP grant for the Court was approved. Town Clerk Houghtling stated that the grant was approved for both the duress alarms, which have already been installed and the Town will be reimbursed the \$1,865.71 for the installation of those alarms, and the security camera system in the amount of \$9,774.38. It was a quote from Doyle that was used to apply for the grant so the scope of work laid out in Doyle's quote is what we need to use to go out to bid.

Supervisor Teal made a motion to go out to bid for a security camera system for the Town Hall using the specifications submitted for the grant application with bids due by 4pm on Friday, April 6, 2018. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Rasmussen – Aye
Councilmember Smith - Aye
Supervisor Teal - Aye
Councilmember Newton - Aye
Councilmember Baumli - Aye

Basketball Court Bid:

Supervisor Teal stated that the Town Board has reviewed the proposal that was prepared by the Town Engineer. She asked if the Town Board members have any questions.

Supervisor Teal made a motion authorizing the Town Clerk to work with the Town Engineer to get the bid request he prepared published with bids due by 4pm on Friday, April 6, 2018. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Rasmussen – Aye

Councilmember Smith - Aye

Supervisor Teal - Aye

Councilmember Newton - Aye

Councilmember Baumli - Aye

Mower Purchase – authorize piggyback on State contract:

Supervisor Teal stated that this mower is for the Park. Councilmember Smith stated that the mower with the bagger system came in at \$22,315.09. We don't use the bagger system we have so there is no use in getting it. The NYS contract price is \$18,818.03. We would be purchasing it through The Hudson River Tractor Company, they would be the transferring agent.

Supervisor Teal made a motion to purchase a John Deere Z997R Diesel with 72 inch, 7-gauge side discharge deck through NYS contract #PC66663 from The Hudson River Tractor Company in the amount of \$18,818.03. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Rasmussen – Aye

Councilmember Smith - Aye

Supervisor Teal - Aye

Councilmember Newton - Aye

Councilmember Baumli - Aye

Highway Tractor/Mower:

Councilmember Smith stated that last year we planned on buying a new highway tractor/mower. He stated that Highway Superintendent Winestock got a price under NYS contract for a total cost of \$125,078.56. We had originally tried to put away \$100,000 for it but we ended up putting away \$50,000 for it for 2018. He stated that Superintendent Winestock would like to take \$25,000 out of his unexpended balance and finance \$50,000. He stated that they are holding the tractor so if we can vote on it tonight that would be great.

Supervisor Teal asked where the extra \$79 should come from. Superintendent Winestock stated that it should come from unallocated. Supervisor Teal stated that the request would be \$25,079 from unallocated, \$50,000 financed and \$50,000 from the 2018 budget which is in machinery .2 account. She asked if any of the Town Board members have any questions.

Town Clerk Houghtling asked if the financing terms should be provided before the Town Board approves the financing as this is how we have done it in the past. Attorney Tingley stated that his recommendation is that the financing specifications be provided to the Town Board before the Town Board takes action to approve the financing. Councilmember Smith

asked if that is something we have to stick to because right now they have that tractor. Same as the dump truck, we might get down the road next month and then you are waiting half the summer for the tractor. This is something that they have in stock and I would like to get it approved tonight.

Supervisor Teal asked if we have \$50,000 in the 2018 budget can we approve the purchase with a \$50,000 down and the financing details be approved after. With \$50,000 they will deliver that mower. Attorney Tingley stated that you are financing \$50,000 on a piece of equipment. There are rules on financing. He is not comfortable doing that. He understands the time constraints and his suggestion is to hold a special meeting after confirming the financing details. Councilmember Newton asked if this needs to go out to a public hearing. Attorney Tingley stated that is his concern. He wants to look into that.

Councilmember Smith asked if we can do a special meeting next Monday. Town Clerk Houghtling stated that Monday is a holiday and the hallway floors should not be walked on until Tuesday morning. Supervisor Teal set a special meeting of the Town Board for Tuesday, February 20th at 6pm.

Councilmember Baumli stated that he does not want to rush this along that the public is going to get into the concept that we just ran this through at the last moment so if we have to slow down, we have to slow down. John Deere makes more of these tractors. He understands that one is sitting there right now but he would imagine that if you called John Deere, they would love to get rid of a \$125,000 tractor and they will build you another one. So let's slow this down a little bit.

Attorney Tingley stated that his office is going to confirm the procedure to finance the \$50,000. On Tuesday night, if there is some reason that the Town Board can do it that night, then they can do it that night. If not, we will have the procedure outlined and they can take the action to get that process moving. Supervisor Teal stated that she will reach out to the Bank of Greene County for financing details.

Theater in the Park – authorize Attorney to draft contract:

Supervisor Teal stated that at this point we are just looking for authorization to have the Town Attorney draft a contract for Theater in the Park. Town Clerk Houghtling stated that the Theater in the Park program has already been approved by the Town Board. It is similar to the Music in the Park program but without money budgeted for this program. She stated that when the idea was run by the Town Attorney he stated that we would need a contract in place for this program. Supervisor Teal stated that there will be two performances this summer. Councilmember Newton asked if this contract could be used for other events in the park. Attorney Tingley stated that there could be a form contract that then gets modified with details specifics for each event.

Supervisor Teal made a motion authorizing Town Clerk Houghtling to move forward in having the Town Attorney drafting a form contract for Town events in Shatford Park and then modifying said form contract to include the details for the Theater in the Park program. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Rasmussen – Aye
Councilmember Smith - Aye
Supervisor Teal - Aye
Councilmember Newton - Aye
Councilmember Baumli - Aye

Town Credit Card:

Town Clerk Houghtling stated that the Town Board authorized a \$500 credit card for the Town last year. She stated that she had a hard time finding a credit card company that would provide a billing cycle that would allow for the Town to always pay on time and not incur interest charges. She stated that she has now found a credit card that will adjust the billing cycle accordingly but it is a \$2,500 minimum credit line. It is through Wells Fargo. There are no annual fees. The statements can be received online to shorten the wait time on processing them for the meetings and if the meeting is close to the due date we can do an over the phone payment with the check if we are allowed to do that.

Councilmember Smith asked if we can just have the credit card company change the due date to the 22nd of the month. Town Clerk Houghtling stated that the credit card companies she talked to were not very flexible and it was difficult to find one that would do a billing cycle different than the first of the month to the end of the month. On this credit card the bill is cut on the 26th of the month and due on the 16th of the next month so there could be the instance, such as this month where the meeting is on the 13th, that it still may be difficult to get the payment to them on time. With the meeting date changing each month makes it difficult.

Councilmember Baumli stated we should be able to use the invoice from the merchant along with a print out from the credit card online account and create a voucher with those documents. Then the payment will get there before the due date. Supervisor Teal stated that OSC does not like it done that way, without the actual invoice from the credit card company. Attorney Tingley stated that in the absence of using petty cash, you do need to authorize the payment using the voucher system which needs to include the itemized services and the invoice. He stated that there are some comptroller's opinions out there that actually discourage the use of credit cards in municipalities. One of the areas that the comptroller's office has taken a keen interest in recently is on whether or not the Town has an adequate written policy governing the use of the credit card, addressing things such as who uses it, what the limit is, what it can be used for, is the person that's using it the same person who is sending the payment in – they think it should be different people. He stated that he doesn't know if we have a written policy. Supervisor Teal stated no.

Attorney Tingley stated that we need a written policy first. Supervisor Teal stated that at the moment we have a Home Depot credit card and a Staples credit card. Attorney Tingley stated that the comptroller takes a different view of store credit cards than multi-purpose credit cards. Store credit cards typically extend credit in the name of the store to the Town. Multi-purpose credit cards extend credit by the financier, the goods are being provided to the Town by a different entity so the financier is not able to certify that the goods have been delivered. He stated that we need to make sure that we have a policy in place that requires

payment on time so there are no late fees and no interest, that makes sure the people who have access to the credit card are the ones that need it, make sure that there is a separation of duties, make sure that it is locked up and not kept in someone's wallet overnight and only taken out of the locked safe or drawer when it's being used, all of these need to be addressed by a written policy. Councilmember Smith asked if these steps are recommended for store credit cards as well. Attorney Tingley stated that you should have a written policy for store credit cards too. Attorney Tingley stated that the store credit cards should also not be in someone's wallet but rather kept locked up in an office unless it's being used. Some policies have a log in and log out procedure. Councilmember Smith stated that if there is an emergency on the weekend and you can't get into the Town Clerk's office, do they still frown upon it and still want it locked up. Attorney Tingley stated that they still want it locked up. Town Clerk Houghtling stated that she is available at any time to come down to the office and meet them in an emergency.

Supervisor Teal made a motion to authorize the Town Attorney to draft a credit card policy for the Town of New Lebanon. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Rasmussen – Aye
Councilmember Smith - Aye
Supervisor Teal - Aye
Councilmember Newton - Aye
Councilmember Baumli - Aye

NEW BUSINESS:

Town Seal:

Supervisor Teal stated that the Town Board members all have in front of them a black and white and a color version. She stated that we are cleaning up our town seal for the NL 200 and it's really just taking the original components, a torch for vision, a book for knowledge and a compass for direction, and making them clearer. It has our incorporation year and you will see on the original version the components are very hard to decipher. A resident here in New Lebanon, Frank Rosiny, proposed a new version that he drew. Supervisor Teal stated that she would like a comma after New Lebanon and before NY and either a shrinking of the emblem in the center or an expansion of the circle around so that the points of the compass are not overlapping the N,S,E and W. She asked if any other Board members have any other input on the proposed new seal.

Supervisor Teal made a motion to approve the new Town seal with two amendments, adding a comma after New Lebanon and adjusting the artwork to have the compass points not overlap the direction letters. Councilmember Rasmussen seconded that motion. (See Attachment A for picture of new seal adopted in both Black & White and Color)

Roll Call Vote:

Councilmember Rasmussen – Aye
Councilmember Smith - Aye
Supervisor Teal - Aye
Councilmember Newton - Aye

Councilmember Baumli – Aye

Supervisor Teal stated that the new seal will be revealed at the March 3rd kick-off event for the NL 200 at the Town Hall from 10am – Noon.

Amend Resolution for Town Board Payroll (bi-weekly instead of monthly):

TOWN OF NEW LEBANON

RESOLUTION # 9, 2018

TOWN BOARD PAYMENT SCHEDULE ADJUSTMENT

FEBRUARY 13, 2018

At the Regular Monthly Meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 NYS Route 22, New Lebanon, New York, duly called and held on the 13th day of February 2018, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal
Seconded by Councilmember Rasmussen

TOWN BOARD PAYMENT SCHEDULE ADJUSTED FROM MONTHLY TO BI-WEEKLY

WHEREAS, on January 2, 2018 at the Annual Organizational Meeting of the Town Board of the Town of New Lebanon, through Resolution #2 of 2018, the Town Board of the Town of New Lebanon fixed the annual salary for Town Councilmembers at \$4,000 each for the year 2018 to be paid monthly, and;

WHEREAS, the Town Accountant has requested that Town Board members be paid bi-weekly.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Lebanon authorizes Town Councilmembers to be paid an annual salary of \$4,000 each for the year 2018 to be paid bi-weekly.

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

Roll Call Vote:

Councilmember Mark Baumli	Aye
Councilmember Norman Rasmussen	Aye
Councilmember Jesse Newton	Aye
Councilmember Kevin Smith	Aye
Supervisor Colleen Teal	Aye

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

Resolution for Cell Phones:

Supervisor Teal asked Attorney Tingley if we should table this resolution. Attorney Tingley stated yes. Supervisor Teal stated that in talking to Attorney Tingley earlier today, when we are talking about payroll deductions it needs to be done by a Local Law rather than by resolution. Attorney Tingley stated that setting the general cell phone

policy and amount the Town will pay does not need to be done by Local law but the specific issue of withholding from the employees pay for the excess over that amount does.

Supervisor Teal stated that this is the policy that is currently in place and currently being used. She asked the Town Board to discuss the basic concepts of what's included here so we can draft a local law that will address this. She stated that the current policy is that if an employee's job requires the use of their cell phone and if that cell phone number is published on their business cards, on the town website and on the entry to the Town Hall, the Board will reimburse \$30 per month for cell phone usage. For the highway department the standard is considered \$30. We provide the highway staff with phones and it's the basic phone. If they want additional bells and whistles that is what is paid for on their own and that is what is coming out of their payroll. She would lean towards, outside of the highway employees that it has always been standard, all other town employees would need to come in front of the Town Board for authorization before receiving the cell phone reimbursement.

Councilmember Rasmussen stated that we are very careful to specify only full time highway employees but then further down we talk about all other town employees, so that means that even if someone works an hour a week gets cell phone reimbursement. Supervisor Teal stated that there are part time employees who are required to use their cell phone for work that are currently getting the cell phone reimbursement. Councilmember Rasmussen stated that the way it is currently written it seems that any employee can get the cell phone reimbursement.

Councilmember Baumli stated that he has some concerns. He asked how much it costs us right now per phone for the highway department. Supervisor Teal stated that it depends on the phones. Town Clerk Houghtling stated that for Highway Superintendent Winestock, who has the most basic flip phone with the most basic plan, we pay around \$19 per month. The other two highway guys who have a fancier phone with data, we pay \$35 per month of which the Town pays \$30 and the employees each pay \$5 out of a payroll deduction. Councilmember Baumli stated that his recommendation would be that everybody gets a flip phone for \$19 per month. If someone chooses to get data, they can do that on their own phone. The Town phone provided should just be for basic services needed to do the job. You would need to carry two phones if you want more than the \$19 phone that the Town provides.

Councilmember Baumli stated that he believes that the only people that need a phone are our highway crew who really truly are on call and our Town Supervisor needs a phone and our CEO/ZEO. Supervisor Teal stated that the Animal Control Officer needs a phone. Councilmember Baumli stated that he would disagree with that. Councilmember Smith stated that our Animal Control Officer works for multiple towns so is every town paying him \$30. Councilmember Baumli stated that our Assessor doesn't need a phone. If someone doesn't like their assessment they do not need to call her on a cell phone.

Councilmember Rasmussen stated that it is also about the accessibility of the person who has a cell phone. If you want to contact a town employee and all you have is their home phone number, he would think that there is a value to the Town to make sure that

employees are accessible and feel an obligation to be accessible because if the Town is paying for your phone, then there is a reasonable expectation that the employee is going to be available via that phone. He wonders how much better service we are getting from somebody by putting the tool in their hand as opposed to saying, call me when you get home at the end of the week.

Councilmember Baumli asked if the Town Assessor needs a cell phone that the Town is paying for. Councilmember Rasmussen asked if we want her to call people back when she is not here. Councilmember Baumli stated that she has an office and people can leave her a message. Councilmember Rasmussen asked what her office hours are here. Supervisor Teal stated that she is here 4 hours on Monday and 4 hours on Friday. Councilmember Smith stated that for what she is getting paid, maybe she should be here for more than 8 hours per week. Supervisor Teal stated that we can cut back on everything but it's going to affect the service that is provided.

Councilmember Rasmussen stated that we said that the resolution we are going to talk about next month is going to say as authorized by the board or something to that effect so we don't need to decide right now exactly who, we just need to decide that there is a policy that says that the Town Board may or may not authorize individuals to be a part of the cell phone reimbursement.

Councilmember Newton stated that we have a special meeting on February 20th. He suggested that each Town Board member review the proposed cell phone policy and bring their input to that meeting for further discussion.

Supervisor Teal made a motion to authorize a \$30 per month reimbursement for the Deputy CEO/ZEO cell phone for Jeff Hattat. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

Councilmember Mark Baumli	Nay
Councilmember Norman Rasmussen	Aye
Councilmember Jesse Newton	Aye
Councilmember Kevin Smith	Aye
Supervisor Colleen Teal	Aye

Councilmember Smith stated that it might make more sense to table this until Tuesday as well. Councilmember Newton agreed. Councilmember Smith asked if Supervisor Teal would withdraw her motion. Attorney Tingley stated that the motion has already been voted on. He stated that any Town Board member can make a motion to repeal the previous motion.

Councilmember Smith made a motion to repeal the previously authorized payment of \$30 per month to the Deputy CEO/ZEO for his cell phone. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Mark Baumli	Aye
---------------------------	-----

Councilmember Norman Rasmussen	Nay
Councilmember Jesse Newton	Aye
Councilmember Kevin Smith	Aye
Supervisor Colleen Teal	Nay

Meeting notices in newspaper:

Supervisor Teal stated that Town Clerk Houghtling has been made aware that we are no longer obligated to publish in the newspaper for certain meetings. Town Clerk Houghtling stated that she learned in a training that we misunderstood when you have to notice special meetings to the newspaper that does not mean that you have to pay the newspaper to publish the notice. The law didn't change it is just that we didn't understand it previously. There are certain things that you need to pay for publication in the newspaper such as public hearing notices, but for special meetings we do not have to publish we just need to notice the newspaper as well as post it on our website, send out an email blast, and put it up on the bulletin board. We don't need to pay for publication when it is just a regular meeting being advertised. She stated that she did not want to go ahead and change the way it has always been done without the Town Board weighing in. There is nothing saying we can't publish it, but we do not have to.

Supervisor Teal stated that at the Annual Organizational Meeting we set the meeting dates for the year and have always published that. Town Clerk Houghtling stated that we don't have to. Supervisor Teal stated that she would be willing to make a motion that we direct the Town Clerk to continue to publish at the beginning of the year those regular monthly meetings and otherwise to not publish notice that is not required by law. Town Clerk Houghtling suggested that it be stated that the Town Board authorizes the Town Clerk not to notice meetings that aren't legally required unless otherwise requested by the Town Board. There might be times that come up throughout the year when the Town Board wants notices published. Attorney Tingley stated that he would recommend not doing a motion here. He stated that you only have to comply with the law. If the law requires you to send notice to the paper, send notice to the paper. If the Town Board wants you to publish it, then they can direct you to publish it.

Amend Resolution for petty cash – remove Highway Superintendent:

TOWN OF NEW LEBANON

RESOLUTION # 10, 2018

PETTY CASH FUNDS ADJUSTMENT – REMOVE HIGHWAY SUPERINTENDENT

FEBRUARY 13, 2018

At the Regular Monthly Meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 NYS Route 22, New Lebanon, New York, duly called and held on the 13th day of February 2018, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal

Seconded by Councilmember Smith

RE-DESIGNATION OF AMOUNTS FOR PETTY CASH FUNDS FOR OFFICERS OF THE TOWN OF NEW LEBANON

WHEREAS, on January 2, 2018 at the Annual Organizational Meeting of the Town Board of the Town of New Lebanon, through Resolution #5 of 2018, the Town Board of the Town of New Lebanon authorized Town Officers petty cash funds for the year 2018, and;

WHEREAS, on January 18, 2018 the Highway Superintendent, Jeff Winestock, surrendered his \$100.00 in petty cash to the Town Clerk's Office as he no longer wishes to have petty cash; and

WHEREAS, the Town Supervisor has deposited the funds into the Town's multi-fund account.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Lebanon revokes the authorization of petty cash for the Highway Superintendent for the year 2018.

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

Roll Call Vote:

Councilmember Mark Baumli	Aye
Councilmember Norman Rasmussen	Aye
Councilmember Jesse Newton	Aye
Councilmember Kevin Smith	Aye
Supervisor Colleen Teal	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.

COMMITTEE REPORTS:

Assessor (Rasmussen):

Councilmember Rasmussen stated that Assessor Kim Cammer asked him to express her frustration. She sent out notices that December 1st through March 1st is the period to submit exemptions. As of yesterday, she is still missing 38% of them. In past years she has called everyone to remind them and had extra open hours and she finds it very frustrating and more time consuming and expensive for the Town to have all this extra effort at the end. She asked him to make a special plea to encourage people to get their exemptions in before March 1st because this year she will not be making any additional phone calls to remind everybody. Anything that is not returned by March 1st will be denied.

Building Department (Baumli):

No report.

Business & Economic Development (Rasmussen & Baumli):

No report.

CAC & Environmental Management (Rasmussen & Shenker):

David Farren stated that they didn't actually meet this month because they were at the Quad Board Meeting, with 4 of their 5 members present. Gretchen Stevens did a great presentation on our NRCP. He stated that the old railroad station is under

foreclosure and he has heard that it is going to be up for bid on March 8th and he is wondering if the Town Board has been discussing this at all. Supervisor Teal stated that she does not want to lose that structure. Councilmember Baumli stated that the property up for foreclosure is not the railroad station property but the Miller property. Supervisor Teal stated that the railroad station is on the former Rainer property.

Compensation & Benefits Committee (Teal & Rasmussen):

Supervisor Teal stated that we are making progress.

Fire, Law Enforcement, Emergency (Smith & Newton):

Councilmember Smith stated that everything is good. He talked to Mark, the accounting, the way they are sending it is very good so there is no need to get the accountants together and change the paperwork. Moving forward on the inventory from what Kevin Darcy has told him and he will get ahold of him when that is further down the line and they will get together and work on everything we have to. Things are going great.

Highway (Winestock, Newton & Smith):

No report.

Historian & LVHS (Baumli & Rasmussen):

No report.

Justice Court/Constable (Newton):

No report.

Parks & Recreation (Smith & Newton):

Councilmember Smith stated that he has been trying to contact the little league. We have been trying to work with the little league. They did have a meeting yesterday and he was hoping to get a call today. At this point he is going to reach out to them one more time. We are going to send them a letter in a couple of weeks asking them what their intentions are. Are they going to operate the food shack? What capacity do they want to use it? Hopefully they will respond and we will decide at March's meeting what is going on with that. Supervisor Teal stated just for clarification it is Shatford Youth Baseball. Councilmember Smith stated that it sounds like they are going to be merging with Nassau and chances are they are not going to be using the concessions stand. If that is the case we are going to save a little bit of money by using the concessions stand for the maintenance shed instead of building a new one.

Town Clerk Houghtling stated that she was contacted by Berkshire Geo Bash to volunteer in Shatford Park to clean up the park or do any projects we may have.

They have a Geo Cache located in Shatford Park and like to give back to the places that host their programs. They would come in on a Saturday morning with up to 100 volunteers for an hour to do whatever project we have for them in Shatford Park. It's from 8am – 9am so it won't interfere with our pavilion rentals.

Supervisor Teal asked Town Clerk Houghtling to reach out to the contact and make them aware that we have a Youth Program in the summer and we would like them to place the Geo Cache as far away from the pavilion as possible.

Seniors (Baumli & Zimmer):

Judy Zimmer stated that she is going to email Councilmember Baumli to arrange a meeting with him and Pat Burnell.

Town Assets, Buildings & Property (Smith & Newton):

Councilmember Smith stated that the hallway in the Town Hall will be worked on this Saturday, Sunday and Monday and they should not be walked on. The Town Hall will not be accessible during this time. Once the halls are done we will be putting a runner carpet from the Supervisor's office to the Court entry way. The mat will be \$375. It is heavy duty grade and will protect the floors after they are worked on.

County Updates (Teal):

No report.

ANNOUNCEMENTS:

Saturday, March 3rd ~ NL 200 Kick Off Event @ Town Hall @ 10:00 am

Tuesday, March 13th ~ Regular Town Board Meeting @ Town Hall @ 7:00 pm

BUDGET AMENDMENT:

Budget Amendment #2 of 2018:

General Fund:

\$1,000 from A-1670.4 (Central Printing: Contractual Expense)

\$1,000 to A-1670.41 (Central Printing: Newsletter)

A motion was made by Councilmember Smith and seconded by Councilmember Rasmussen to approve the above noted budget amendment.

Roll Call Vote:

Councilmember Rasmussen – Aye

Councilmember Smith - Aye

Supervisor Teal - Aye

Councilmember Newton - Aye

Councilmember Baumli - Aye

AUDIT OF BILLS:

**General No. 28, in the amount of \$373.81;
As listed on Abstract No. 1A of 2018 dated February 13, 2018; and**

**General Nos. 29 through 65, in the amount of \$22,196.62;
Highway Nos. 3 through 13, in the amount of \$36,190.32;
Escrow No. E:18-1 through E:18-2, in the amount of \$4,200.00; and
SF-1 LVPA No. 1, in the amount of \$16,840.00;
As listed on Abstract No. 2 of 2018 dated February 13, 2018.**

A motion was made by Supervisor Teal and seconded by Councilmember Smith to pay the above noted claims from their respective accounts.

Roll Call Vote:

Councilmember Rasmussen – Aye
Councilmember Smith - Aye
Supervisor Teal - Aye
Councilmember Newton - Aye
Councilmember Baumli - Aye

PRIVILEGE OF THE FLOOR:

David Farren stated that he did not receive the printed copy of the newsletter. Town Clerk Houghtling asked where he receives his mail. He stated that his mailing address is East Chatham. Town Clerk Houghtling stated that they went out to the East Chatham Post Office but she has heard in the past from a few people each time that they have not received it. She can't control what the Post Office does with them once they have been dropped at the Post Office but it definitely went to the East Chatham Post Office. She stated that there are extra paper copies in her office if he would like one.

Bob Smith stated that we should give people a \$0.15 per hour raise for their cell phones and then let them buy their own cell phone.

ADJOURNMENT:

A motion was made by Supervisor Teal and seconded by Councilmember Smith to adjourn the meeting at 9:03 pm.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk