

**MINUTES OF THE SPECIAL MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON APRIL 19, 2018**

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

Recording Secretary: Tistrya Houghtling, Town Clerk

CALL TO ORDER:

The meeting was called to order at 6:03 p.m. by Supervisor Teal.

CELL PHONE POLICY:

Town Clerk Houghtling stated that the Town Board may want to reconsider taking the data away from the highway phones. She stated that the current plan we have is less expensive, with data, than if we took data away. The current plan that we have allows 600 shared minutes between 3 phones, 2 of which have data. The 2 with data use a very small number of minutes because most things are done using the data plan. Without data, each of the phones would need a 500 minute plan, increasing the rate to \$90 for the 3 phones. We currently pay \$85 for the 3 phones.

Councilmember Baumli stated that he is okay with town employees having the data plans, since they are less expensive, if the employee chooses to have a town phone instead of a voucher reimbursement. The board was in agreement that \$25 per month is a fair rate to reimburse via monthly voucher the employees who are entitled to a town phone but choose to use their personal phone instead for town business. They decided that the rate of reimbursement would be a set rate of \$25 per month instead of going by what the current rate is that the town pays for a town phone.

**TOWN OF NEW LEBANON
RESOLUTION # 17, 2018
TOWN CELL PHONE POLICY
APRIL 19, 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 19th day of April 2018, the following Resolution was proposed and seconded:

Resolution by Councilmember Smith
Seconded by Supervisor Teal

TOWN CELL PHONE POLICY

WHEREAS, all Full Time Highway Employees, the Highway Superintendent, the Town Supervisor, the CEO/ZEO, the Deputy CEO/ZEO, and the Animal Control Officer need a cell phone for the purposes of their job, and;

WHEREAS, some employees would rather utilize their personal cell phone for purposes of their job instead of having two phones.

NOW, THEREFORE, BE IT RESOLVED, that the Town authorizes a cell phone plan through the Town for all eligible town employees listed above, which can be changed from time to time with a majority vote of the Town Board.

FURTHER BE IT RESOLVED, that if an eligible town employee chooses to utilize their personal phone for work purposes instead of having a phone through the Town, the Town agrees to reimburse the employee in the amount of \$25.00 per month via monthly voucher.

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

Roll Call Vote:

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

TOWN SEAL:

Supervisor Teal stated that Mike Gilbert started painting the town seal on the meeting room wall and suggested that we amend the writing on the bottom to state “Est. 1772, Inc. 1818”. The Town Board all agreed that the town seal be amended as drawn by Mike Gilbert to include the established date of the Town of 1772 and to include some writing on the book in the town seal.

EDITORIAL & LEGAL ANALYSIS:

The Town Board agreed to the following edits on the following pages:

Page 8 – all the fees are good except the building department – Cissy is still reviewing the building department fees – throughout the code replace “building inspector” with either CEO or ZEO – Cissy will know where to use CEO and where to use ZEO – Colleen will go through it with her to figure out which term to use where

Page 9 – remove the travel policy from the code and put it in a policy book in the Town Clerk’s office and create a page on the website for all town policies – all town policies shall be removed from our code and retained in a policy book in the Town Clerk’s office and on

the website page – new policies adopted shall also be retained this way and not ever put into our code

Page 10 – can we require the Ethics Board to take annual training? – Colleen will check if we can do this – if we can we want to require it as a policy and keep it out of our code
Page 11 & 17 – page 11 states that “...Constable shall not be a peace officer...” – this is confusing but it may go to general municipal law that doesn’t require a constable to be a peace officer – page 17 says that we wrote in Chapter 36 “... special policemen shall have all the power and authority conferred upon policemen...” whereas Town Law 158, subdivision 2, provides “...special policemen shall have all the power and authority conferred upon constables...” – should we just repeal special policemen since we don’t use them? – the Town Board agreed to delete Chapter 36 on page 17 – Supervisor Teal will check with the Town Attorney that by keeping Constable and getting rid of Special Policemen, are we messing anything else up that we currently utilize Constable Powell for

Page 12 – Supervisor Teal will check with the Town Attorney about adding the recommended wording in for the LVPA and she will ask if it should be volunteer fire fighter of whatever fire company is serving our district rather than having to modify a law

Page 14 – remove both the key policy and the investment policy from our code and file instead as town policies

Page 15 – remove personnel policies from our code and file instead as town policy

Page 18 – update the wording of the procurement policy as recommended

Page 20 – remove both the sexual harassment policy and the workplace violence prevention policy from our code and file instead as town policies

Page 22 – can chapter 60 of the Town Law be moved to Chapter 205 Zoning? – Supervisor Teal will check with the Town Attorney if we can do this – for chapter 66 we should keep it as is but we need to create the required permits as defined in the chapter (we currently do not issue any permits) and define who issues the permits in which situations (pavilion rental may make sense to authorize Town Clerk to issue permits – town events such as street parties should have the Town Board issuing permits)

Page 23 – section A should be revised as recommended – section B should have no revision – section C will be looked into further by Town Clerk Houghtling and ACO Powell

Page 24 & 25 – Supervisor Teal and CEO Hernandez will work on these sections

Page 26 – section A throughout the code change camping ground to campground – section B throughout the code change tourist camp to seasonal camp and add definition to chapter 88 as “seasonal camp” to be the same as it is defined in chapter 205-20 (Supervisor Teal will double check with CEO Hernandez that we should do this) – Supervisor Teal and CEO Hernandez will work on Page 26 & 27 also to review chapter 88

Page 27 – do we want to standardize penalties for town law offenses? – if so do we want to use standard misdemeanor penalties – section A no revision desired – section C revise but need to figure out revisions – if we standardize penalties this will dictate the revisions – do we want to set all penalties within a range and give the judges the discretion to set fines as they see appropriate on a case by case basis but setting the range to ensure that the town is getting at least the minimum amount acceptable to the town – do we want to have the same range for all violations, the same range for all misdemeanors and the same range for all felonies so that we don't need to define the fine range for each offense but rather have a consistent fine range based on the level of offense.

Page 28 & 29 – tabled for in depth review

Page 30 – Ch. 103 no revision - Supervisor Teal and CEO Hernandez will check on Ch. 113 - Ch. 118 no revision

Page 31 – delete chapter 129, junkyards and the corresponding entry in Ch. A208 as obsolete – Supervisor Teal will work on this with the Town Attorney as a priority

Page 32 – Supervisor Teal stated that General Code recommended that our Town Attorney look at our loitering law as it may not be legal – there was discussion about not want the Town Attorney to look into it as we have had very few, if any, cases of loitering – Supervisor Teal will look at other towns' policies on loitering

SCHEDULING OF FUTURE SPECIAL MEETINGS:

The Town Board scheduled 2 special meetings for May 8th at 6pm and June 4th at 6pm to continue discussion of the editorial and legal analysis prepared by General Code.

Supervisor Teal stated that she will ask CEO Hernandez to attend the June 4th meeting to go over the sections that have to do with the Building Department.

ADJOURNMENT:

A motion was made by Supervisor Teal and seconded by Councilmember Rasmussen to adjourn the meeting at 7:49 pm.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk