

**NEW LISBON TOWN BOARD---APRIL 12, 2016---7:30 PM
REGULAR MONTHLY MEETING---TOWN HALL, GARRATTSVILLE**

Present: Supervisor Timothy Miller, Councilmen Robert Eklund, Joseph Gregory & John Pegg, Councilwoman Flo Loomis, Hwy. Supt. Bill Whitaker, Clerk Charlene Wells, Co. Rep. Meg Kennedy, Attorney Martin Tillapaugh, Insurance Agent John Ryland, Also: Sue Smith, Keith Woodbeck, Amanda Woodbeck, Brian Holt, Don Smith, Pete & Connie Chase, Ken Clow, Jack Orendorff, James Fistrowicz, James & Andrea Denekamp, Barry Braunius, John Braunius, Edward George, William Burdick, Laurie & Lenny Melillo, Dean Hull, Allison Lasher, Robin & Will Lasher, John Bugyi, Donald Smith, Jeffrey Scott, Ed Lentz Jr., Rodney Brimmer, Ed Lentz, Lou Colburn, Tom Riso, Ed Stevens, one other

Supervisor Timothy Miller opened the regular monthly meeting with the Pledge of Allegiance and a moment of silence. A motion was made by Councilman Joseph Gregory, seconded by Councilman John Pegg and carried 5/0 to accept the minutes for the March 8, 2016 monthly meeting as written.

Brian Holt has requested a setback variance to 50 to 60 feet for the purpose of building an agricultural pole barn on his property. A motion was made by Councilman Joseph Gregory, seconded by Councilman John Pegg and carried 5/0 to grant a setback variance to 50 to 60 feet to Brian Holt for the purpose of building an agricultural pole barn on his property at 3667 St. Hwy. 51, New Lisbon in accordance with the drawing he submitted.

Hwy. Supt. Bill Whitaker noted that he had hoped the 2009 Freightliner would have been here to show the Board. He had recently gone to inspect it and had asked for a little paint on spots on the chassis and some additional lights. He noted that he had not pushed to have it completed partly because he needed the bill to be after April 1, 2016 in order to be able to use 2016 CHIPS funds to cover the bill. He commented on the discussion held last month about sending the Volvo to Vestal. He noted that none of the local garages work on heavy plow equipment and it was the plow harness causing the problems and the Volvo dealer had the parts and tools to fix it. About sending the 2009 Pickup to Skinner & Damulis, Supt. Whitaker added that he thought it would be a hard repair job, which he felt was necessary to be able to keep it in service for another year and felt he was justified sending it there. In regards to the roller repairs, Hwy. Supt. Whitaker noted that employees Lou Colburn & Will Lasher pulled the motor out in the Town of Burlington's garage. After checking three machine shops he ended up taking it to the Cummins shop and they had it done in two days. He noted appreciation to The Town of Burlington for their help on the project. He further advised that they have most of their paving stone hauled in and he is waiting for B stone to become available. His goal is to have his CHIPS projects done by fair time.

Councilman Joseph Gregory commented that he thought to help prevent some future disputes it would be helpful if the hwy. supt. would provide the Board with information ahead of time on road projects such as anticipated materials and costs. It would also be helpful at budget time. Supt. Bill Whitaker noted that he had some larger culverts to change and some smaller ones. He thought he would only need an additional 2000 yards of sand this year. Councilman Robert Eklund added that he would have liked to see the new truck here earlier this year so we could have tried it out during the winter season. In regards to the previous repair bill from Skinner & Damulis, he reminded Hwy. Supt. Whitaker that his point was to get several estimates before having repairs done to make sure we're getting the best deal for the Town.

We have a received a payment of \$35,221.61 which was from the FEMA declared disaster in 2013. Supt. Whitaker advised that most of that work has been done, with only a few little projects left to do. He is going to look into a stream restoration grant for where the beaver dam broke by Matt Albrights on Lena Road.

John Ryland of Hughson & Benson Associates was present to review our insurance renewal package from NYMIR. He noted that overall, the cost rose from \$16,769. To \$17,072.,

less than a 2% increase. He noted that we did increase some of our coverages and the equipment list had been reviewed by the Supervisor and Hwy. Supt. The renewal includes coverage on four buildings and contents, liability coverage, business auto liability & physical damage, inland marine for mobile equipment and small parts & tools, a \$1,000,000.00 umbrella policy and public officials' liability. Councilman Robert Eklund questioned his thoughts about sharing men and equipment with other towns under a shared service agreement. Mr. Ryland advised that our equipment and liability coverages would cover us in a shared service situation. He suggested that we should be sure our equipment is in safe working condition and that all equipment operators are properly trained to use the equipment. An agreement should have a hold harmless clause. Mr. Ryland further noted that he is looking into a cyber security insurance quote for us, but he hasn't received it yet.

Lenny Melillo, President of the Garrattsville Fire Company spoke on behalf of the department. They are upset that there has been controversy over whether their meetings should be open to the public or closed. Supervisor Timothy Miller had thought they should be open since public money is being used. Lenny advised that they are a private entity so their meetings can be closed. He felt that Supervisor Miller had been pushing the issue without involving the whole Board. Supervisor Miller noted that he came to the fire dept. meetings because last year they complained that no one from the Board had been coming. He noted that every time he comes he is asked to leave. He understands that they can have private sections just like the Town Board can. He had asked for a 2016 Fire budget and has never received one. He felt that he had met privately with Lenny and Don Smith to work out the issue, before having to involve the entire Board. He noted that he even paid the Fire Company their contract money early this year, as soon as it had been collected. Lenny Melillo added that he feels like this issue is driving a wedge between the Town and the firemen. He wants them to be appreciated for all the hard work they do as volunteers. They only increase their budget because they have to keep up with all of the regulations they are faced with. Supervisor Miller has found in the minutes from 1965 that the Town Board held a public hearing about the firemen incorporating and that the Town Board passed a motion to approve the firemen incorporating. According to Attorney Martin Tillapaugh, this would mean that the fire dept. was incorporated under section 1402 of the non-profit laws as pertains to fire departments. Because they don't have a Board of Fire Commissioners, they would be considered an agency of the Town and they would be under control of the Town Board. The Town Board could adopt reporting requirements to ensure that the money is being spent properly. Attorney Tillapaugh further noted that Fire Department records are subject to FOIL (Freedom of Information Law), except where prohibited by individuals' privacy issues. He still has to study the law further. (He cited the case of Hayes vs Chestertown Fire Dept. as an example). Councilman Robert Eklund questioned why the law would have the provision for the Town Board to oversee the Fire Dept. when they're not qualified. Attorney Tillapaugh suggested the intent was for the Board to oversee the funds, not looking to control the fire department. The Board can decide how much over-seeing they want to do. Lenny commented that he is not sure if people understand all that the fireman do and he would have liked for the Supervisor to have included all of the Town Board in what was going on. Fireman Keith Woodbeck added that the firemen were very upset after their last meeting and the discussion held with Supervisor Miller. Councilman Robert Eklund suggested that we check with Bob Freeman (NYS) about the open meeting issue. Supervisor Timothy Miller noted that he did and he has an opinion from Bob Freeman that the fire dept. meetings would fall under the open meetings law. He added that he went to the meetings for a connection with the fire department and felt that he kept being blocked. He was trying to work out the problem without airing the controversy in public. He would like for the Board to be able to have a copy of the firemen's annual budget, have monthly reports of what calls they've done, keep the Board apprised of issues as they come up and be able to attend fire department meetings. The Fire Department wants the entire Board to be involved and collectively come up with a game plan to work with them. Councilman John Pegg and Councilman Joseph Gregory agreed that a copy of the fire budget and monthly reports to the taxpayers would be okay. Councilwoman Flo Loomis voiced her concern that she hadn't been advised that any of this discourse was going on. A motion was made by Supervisor Timothy Miller, seconded by Councilman Joseph Gregory and

carried 3/2 (Miller, Gregory, Pegg in favor and Loomis/Eklund against) to provide the Board with a copy of the 2016 Fire Dept. budget and to provide monthly reports to the Town Board of calls made and issues that have come before the fire department with the purpose of keeping the Board updated. A motion was made by Councilwoman Flo Loomis to stop and think about the issue first before making demands of the Fire Department and revisit the issue next month. There was no second to this motion. Lenny Melillo noted that the Fire Dept. got \$10,000.00 from the County towards the cost of the new mandated radios, when the total cost is actually \$22,000.00. He also noted that the County has said they might make the fire department pay for their own workers' compensation costs. County Rep. Meg Kennedy will check on this. Lenny added that the Fire Department wants to work together with the Town Board but they want to maintain their independence.

John Braunius noted that Butternuts Beer & Ale now has a bar open 12-5 PM at the brewery.

Tom Riso advised that there have been 7 new building permits, but these changes won't take effect until next year's tax roll. He noted that he had attended a fire department meeting to ask questions about billing for ambulance calls as a way to increase revenues. He never meant to question the volunteers or how the money is spent, but to look for ways to help the fire dept. get more revenues that could help out taxpayers. He added that he has not yet met with Barry Braunius about the hwy. building project and intends to go to the Code Office about the need for an engineer. The RFP for an engineer for the project has not been completed yet.

Andrea Denekamp had provided copies of highway salary expenses to the Board and she suggested that the conclusion of this data is that we would actually only save \$50,000.00 to \$55,000.00 by eliminating one full time hwy. position. She added that this figure would have to be adjusted by unemployment cost, increased overtime cost for the other workers and any cost for using part-time employees if we could find any qualified ones to use. She concluded that the elimination of one full time position would not really result in much of a savings. She further added that the Board has shown no plan for how the hwy. dept. would be able to function with one less man. We already have a high man to number of roads ratio, which would increase if we cut one man. She suggested that we would be lucky to save only \$10,000.00 to \$20,000.00 by cutting one full time hwy. position and at what cost to the rest of the men and the Town.

James Denekamp commented on eliminating a full time hwy. position. He questioned being able to find interested and qualified part-time workers. Cutting the work force by 20% could impact the work schedule. He understands that the Board is looking for ways to cut the budget but thinks that we need to focus on ways to increase revenue. Councilman Robert Eklund added that we have added businesses to the tax rolls over the past years, but it hasn't been enough to help us out tax wise.

County Rep. Meg Kennedy noted that she had been busy keeping up with County Board and committee meetings. The County Planning Board is applying for grants for transitional housing. The Community Events grants should be awarded on April 14th. The USDA has jobs available if anyone is interested. The County has contracted with a service to be able to accept credit card payments for delinquent taxes to help cut down on foreclosures. Taxpayers would be surcharged 2% for using a credit card to pay their back taxes. The radio change over to digital is anticipated for mid-May. The distribution of bed tax money will be part of the budget talks. The County Board is still reviewing the data submitted by the outside consultant in regards to the County's Strategic Plan.

Robert Taylor submitted some information from his trip to the Association of Towns Annual Conference in February. He noted that there was a booklet with 27 pages of meetings and training sessions held over the 3 & ½ days he was in attendance. There were 1600 attendees this year. The session voted on supporting the Association's resolutions for the year and adopted new bylaws. There are 932 towns that are members of the Association. He will be taking over as President of the Association of Towns and felt that this puts our town on the map

and is good for us. Due to the heavy meeting agenda, he will come back another time to discuss his trip further with the Board.

Supervisor Timothy Miller noted that we received notice from the NYS Dept. of Agriculture & Markets that DCO Elizabeth Fish has passed their annual inspection with her.

The Daily Star had a recent article about Solar Farms. Many people, including our residents are getting calls and letters about leasing land for solar companies to come in and set up a solar farm. The Town of Goshen has established a moratorium on solar farms to study the effects they would have on their town, especially taking farm land out of use. So far, no solar farms have been set up in Otsego County. Our Comprehensive Plan does not go against them, but they would be subject to site plan review. The landowner would see an increase in taxes due to the solar equipment being assessed. They should be sure they receive money in their lease agreements to cover the increase. Councilman Robert Eklund urged residents to not believe everything they are told and be sure to have a good attorney with lease experience review any lease agreement before they sign on and to keep their eyes open to protect themselves.

Supervisor Timothy Miller apologized to the members of the Garrattsville Fire Company for coming across wrong to them at their meeting. He did not intend to alienate any of them and does appreciate all that the volunteers do for the community.

A workplace incident report was filed for an incident in March that occurred at the Town Hall when a distraught criminal approached the Judge demanding that charges against him be dropped. The court cameras recorded the altercation.

The Board revisited the decision made last fall to eliminate the funding for one full time highway position. Councilwoman Flo Loomis stated that she did not think it was a wise decision. The number of miles per man increase would be significant and she questioned how we would be able to maintain our roads to the same standards. Supervisor Timothy Miller noted that we don't budget or pay in any money towards unemployment. We would have to pay dollar for dollar, up to 50% for 26 weeks which would be approximately \$8,000.00. Several men from school bus garages were present to add that New Lisbon has been good at having the roads ready for buses and they would hate to see the safety of the buses and children jeopardized. There will be an earlier BOCES run that will put even more demands on the hwy. department. Supt. Bill Whitaker questioned how we are going to benefit from eliminating a hwy. employee without jeopardizing public safety. Councilman Joseph Gregory commented that we will have to become more efficient to save money. If we don't cut a man, we have to save money somewhere. He suggested pulling gravel out of the ditches and reusing when grading the roads. He doesn't like to see the grader run all over town. He questioned using a soil binder in trouble spots to harden roads. Councilman Robert Eklund noted that he is concerned for the kids on the buses also. He feels that the Hwy. Supt. personalizes issues too much. He felt that the Hwy. Supt. Whitaker shouldn't have hired a new employee after one retired last year. He feels that our finances are getting worse each year and we'll be in trouble soon if we don't make cuts. He noted that we made it through one winter with one employee on light duty. Supt. Whitaker responded that that year we also had more overtime and used more salt. Supervisor Miller does not feel that we are in a horrible financial situation and he doesn't see any significant increases coming. We should be looking to save money wherever we can, such as maybe looking at different medical insurance options. Hwy. Supt. Whitaker added that he did not hire a new employee out of spite. With winter coming, he had to get someone trained. His reasons were for public safety and for the safety and well-being of his crew. They have operated with a short crew and it takes its toll on their fatigue and illness when they have had to function that way. A motion was made by Councilman Joseph Gregory, seconded by Councilman John Pegg and carried 4/1 (Councilman Robert Eklund against) to reinstate the funding for the full time position in the highway department that was cut last fall, thus keeping the full time employee positions at four in the highway department.

Attorney Martin Tillapaugh commented on the shared services agreement that we had received from the Town of Morris. He advised that the State Comptroller has been pushing this kind of shared service agreement for years. The Town Board gives the Hwy. Supt. approval to share men and equipment with surrounding towns. It is up to the Hwy. Supt. to make sure there is a balance between what we give and what we receive. Attorney Tillapaugh noted that he has approved using this kind of agreement for other towns and saw no problem with it. Hwy. Supt. Bill Whitaker will have to keep an accurate log sheet of what he gives and receives so the Board can see that we're getting an even deal and we can figure any cost savings to the Town. A motion was made by Supervisor Timothy Miller, seconded by Councilwoman Flo Loomis and carried 5/0 to remove the shared service agreement with Morris from the table. A motion was made by Councilman Joseph Gregory, seconded by Councilwoman Flo Loomis and carried 5/0 to accept the shared service agreement with the Town of Morris and to also send an agreement request to the Towns of Burlington, Edmeston, Pittsfield, Hartwick, Laurens and Otsego County. The agreements would be good for a five year period.

The Board has been reviewing the final draft of the Employee Handbook which was approved by Attorney Tillapaugh. After discussion, a motion was made by Supervisor Timothy Miller, seconded by Councilman Joseph Gregory and carried 5/0 to remove #19 under Prohibited Conduct on page 10 pertaining to weapons and to delete the entire Weapons in the Workplace policy on page 32. A motion was made by Councilman Robert Eklund, seconded by Councilman Joseph Gregory and carried 5/0 to adopt the revised draft of the Employee Handbook and authorize the Clerk to make copies for all Town employees and officials.

The Otsego County Board of Elections has requested that we sign an official agreement to use the New Lisbon Town Hall for voting purposes. After review, a motion was made by Councilman Robert Eklund, seconded by Councilwoman Flo Loomis and carried 5/0 to authorize the Supervisor to sign the 2016 Poll Site Agreement between the Town and the Otsego County Board of Elections.

A motion was made by Councilwoman Flo Loomis, seconded by Councilman Robert Eklund and carried 5/0 to approve paying General Fund bills #71 through #81 for a total of \$3,167.56 and Highway Fund bills #54 through #77 for a total of \$20,342.83. Supervisor Miller paid General Fund bills #64 through #70 and Highway Fund bill #78 for a total of \$8,854.14 with prior Board approval. The Supervisor's monthly report was submitted to the Board.

A motion was made by Supervisor Timothy Miller, seconded by Councilwoman Flo Loomis and carried 5/0 to change the May monthly meeting to Thursday, May 12th, instead of Tuesday, May 10th.

Councilwoman Flo Loomis reported that the salt test of the water at the Hwy. Garage came back negative. We need to attempt to get rid of the coliform bacteria and have the water retested. Maybe Barry & John Braunius will be willing to shock the well with chlorine as they sounded familiar with this procedure. Councilwoman Loomis suggested that if the water tests okay after shocking the well, we can save money by not buying bottled water. A motion was made by Councilman Joseph Gregory, seconded by Councilman John Pegg and carried 5/0 to reimburse Councilwoman Flo Loomis \$50.00 for the fee for testing the hwy. garage water for salt content.

Hwy. Supt. Bill Whitaker will call and ask Casellas how much a dumpster from them would cost per month and discussion will continue on changing providers and combining with the Fire Dept. to save money.

We currently have \$10,000.00 in our CLASS account. We have not been actively using this account since the interest rate dropped so low. A motion was made by Councilman Joseph Gregory, seconded by Councilwoman Flo Loomis and carried 5/0 to authorize Supervisor Miller to close the CLASS account and move the funds to our regular account at Community Bank.

Supervisor Timothy Miller advised the Board that we currently have \$1,000.00 in a money market account that he would like to close since it's not insured. A motion was made by Councilman Joseph Gregory, seconded by Councilman John Pegg and carried 5/0 to authorize Supervisor Miller to close the money market account and put the funds into our regular account at Community Bank.

A motion was made by Councilwoman Flo Loomis, seconded by Councilman Joseph Gregory and carried 5/0 to authorize Supervisor Timothy Miller to complete a voluntary survey from the US Census Bureau which is intended to gather information on basic characteristics of local governments.

NYMIR is having their annual meeting on May 6th, 2016 at 10:00 AM in Albany. A motion was made by Councilwoman Flo Loomis, seconded by Councilman John Pegg and carried 5/0 to reimburse Councilman Robert Eklund for his expenses if he attends this meeting.

Supervisor Timothy Miller has received an estimate of \$206.00 to have additional sections added to the Town Hall sign from the Otsego County Hwy/Forestry Dept. They made the original sign. Councilwoman Flo Loomis questioned if Hwy. employee Barry Braunius would be able to make the new part for the sign. Hwy. Supt. Bill Whitaker will ask him. Councilwoman Flo Loomis has found a solar light, 72 lumens, which lasts about 10 hours and costs about \$100.00. Final decisions will be discussed further next month.

Ed George questioned about the assessment lawsuit with Yogi Bear Campgrounds. Attorney Martin Tillapaugh has made a counter offer and is waiting on their response. The town would have to pay back under \$10,000.00 in taxes. It is hoped to be settled soon. Mr. George also questioned how anyone would know that our Town Hall was a Red Cross shelter. If the Red Cross needs to use it as a shelter, they will do all the advertising, as well as bring in personnel and supplies. A reverse 911 option is available in the County for residents who want to sign up for it.

A motion was made by Supervisor Timothy Miller, seconded by Councilwoman Flo Loomis and carried 5/0 to go into Executive Session for a personnel matter and to include the Town Clerk, at 10:40 PM. The Board returned to the regular session at 10:45 PM. With no further business, a motion was made by Supervisor Timothy Miller, seconded by Councilman Robert Eklund and carried 5/0 to adjourn at 10:55 PM.

Charlene R. Wells, New Lisbon Town Clerk