

TOWN OF GHENT  
TOWN BOARD MEETING  
February 18, 2021

The Regular Meeting of the Town Board was held February 18, 2021, 2021 via the "Zoom" online meeting platform Supervisor Benvenuto opened the meeting at 7:00 pm.

Present were: Michael Benvenuto	Supervisor
Charles Wood	Councilman
Koethi Zan	Councilwoman
Patti Matheney	Councilwoman
Mallory Mort	Councilman
Ben Perry	Highway Superintendent
Matthew Cabral	Attorney for Town

**MOTION #1 TO OPEN THE MEETING FOR PUBLIC COMMENT** made by Councilman Mort, seconded by Councilwoman Matheney and approved unanimously.

Ayes: 5 Benvenuto, Wood, Mort, Zan, Matheney

Nays: 0

No Comment

**MOTION #2 TO CLOSE PUBLIC COMMENT AND OPEN THE MEETING** made by Councilwoman Matheney seconded by Councilman Mort and approved unanimously.

Ayes: 5 Benvenuto, Wood, Matheney, Mort, Zan

Nays: 0

**MOTION # 3 TO ACCEPT THE TOWN BOARD MINUTES FROM JANUARY 21, 2021** made by Councilwoman Matheney, seconded by Councilman Mort and approved unanimously.

Ayes: 5 Benvenuto, Wood, Matheney, Mort, Zan

Nays: 0

**MOTION # 4 TO ACCEPT THE CONSENT AGENDA** made by Councilwoman Matheney seconded by Councilwoman Zan and approved unanimously.

Ayes: 5 Benvenuto, Wood, Matheney, Mort, Zan

Nays: 0

Food Pantry numbers for January Families 54 Children 46, Adults 90, and Seniors 23. Food order was 3621 pounds.

**PLANNING, ZONING AND COMMITTEES:**

Climate Smart- Councilman Mort reported a new round of funding is available and will attend a informational session to review possible projects. Dave Newman reports that the County task force will be presented to the CCBOS at their March meeting. They will then officially meet and discuss scope of work and create a county wide effort to address needs of individual towns.

Broadband- a meeting was held with Kevin Egan to review as built maps to address areas still without service. A certified letter was sent to Consolidated regarding copies of their as built maps as well.

**HIGHWAY:**

We have been very busy with winter finally arriving on the first of the month and is truly cold and holding on. Snow plowing treating roads, Wind drifts and ice is absolutely no fun and the forecasts have been all over the place which makes it incredibly difficult to monitor and react to the weather situation at hand. While dealing with the weather it does wear on our fleet we have had some break downs but nothing that has kept us from finishing a storm, has put some delays on operation but that is expected time to time, however we still move then we address issues as needed an repair equipment and get back up and running before next storm. I have been in contact with state and county regarding the outstanding of two town of Ghent Speed reductions and I am told that the study was completed by the field study and they have sent there study onto Albany for final review back In August of 2020 and that is where it sits we are trying to get info on what is going on. New Energy is going to start there high voltage up grade .We are in the middle of rehabbing our 2005 20 ton tag trailer which we use to haul our heavy equipment around with. My Mechanic of 7 years had left us in the beginning of January to go on his own and the new Mechanic is filling the shoes very well. With not one skip in beat of the everyday operation. He brings a new outlook on things and is very inventive to the operation. Bid opening. Yesterday we received a bid on new Dump Body I noticed an issue with the bid, spoke with Matt regarding the issue and was able to get clarification of the issue, which was a typo nothing changed regarding pricing.

**RESOLUTION # 16 FOR THE YEAR 2021:**

WHEREAS, THE TOWN SUPERINTENDENT OF HIGHWAYS HAS INDICATED TO THE TOWN THAT THE HIGHWAY DEPARTMENT IS IN NEED OF PURCHASING AN ALL SEASON DUMP BODY IN CONNECTION WITH MAINTENANCE AND REPAIR OF THE TOWN HIGHWAYS; WHEREAS, THE TOWN HAS PLACED A BID ADVERTISEMENT IN CONNECTION WITH THE PURCHASE OF SAID EQUIPMENT, PURSUANT TO §103 OF THE GENERAL MUNICIPAL LAW; WHEREAS, ZWACK INC., ROUTE 22, STEPHENTOWN, NEW YORK 12168, WAS THE SOLE RESPONDING BIDDER AND THE LOWEST RESPONSIBLE BIDDER MEETING THE SPECIFICATIONS FOR THE ACQUISITION OF SAID EQUIPMENT IN THE AMOUNT OF \$43,995.00; WHEREAS, THE TOWN BOARD WISHES TO ACCEPT THE AFOREMENTIONED LOWEST BID MEETING THE REQUIRED SPECIFICATIONS, AND TO THEREBY ACQUIRE THE ALL SEASON DUMP BODY IN CONNECTION WITH MAINTENANCE AND REPAIR OF THE TOWN HIGHWAYS; WHEREAS, THE 2021 TOWN HIGHWAY DEPARTMENT BUDGET INCLUDES \$30,000.00 IN EQUIPMENT LINE DB5130.2 DESIGNATED FOR THE PURCHASE OF THIS EQUIPMENT; AND WHEREAS, THE 2020 HIGHWAY DEPARTMENT FUND BALANCE IS SUFFICIENT TO COVER THE REMAINING \$13,995.00 REQUIRED TO THE PURCHASE THIS EQUIPMENT. NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN BOARD OF THE TOWN OF GHENT, THAT THE TOWN BOARD DOES HEREBY APPROVE AND ACCEPT THE AFOREMENTIONED BID FOR THE ACQUISITION OF THE ALL SEASON DUMP BODY IN CONNECTION WITH MAINTENANCE AND REPAIR OF THE TOWN HIGHWAYS; AND BE IT FURTHER RESOLVED BY THE TOWN BOARD OF THE TOWN OF GHENT, THAT THE TOWN BOARD DOES HEREBY AUTHORIZE THE EXPENDITURE OF \$30,000.00 FROM THE 2021 TOWN HIGHWAY DEPARTMENT BUDGET AND \$13,995.00 FROM THE 2020 HIGHWAY DEPARTMENT FUND BALANCE TO COMPLETE THE PURCHASE OF SAID EQUIPMENT.

**MOTION # 5 TO APPROVE RESOLUTION #16 FOR THE YEAR 2021** made by Councilwoman Matheney seconded by Councilman Mort and approved unanimously.

Ayes: 5 Benvenuto, Wood, Matheney, Mort, Zan

Nays: 0

UNIFINISHED BUSINESS:

Local Law # 1 for 2021- Resolution # 17 for the year 2021:

WHEREAS, THE TOWN BOARD HAS BEFORE IT PROPOSED LOCAL LAW NO. 1 FOR THE YEAR 2021, AMENDING THE CODE OF THE TOWN OF GHENT, CHAPTER 40 PLANNING BOARD AND ZONING BOARD OF APPEALS, SECTION 40-8 RETENTION OF EXPERTS BY BOARD, TO CLARIFY THAT THE RIGHT TO RETAIN EXPERTS DOES NOT EXTEND TO LEGAL COUNSEL AND TO EXPRESSLY RESERVE TO THE TOWN BOARD THE EXCLUSIVE AUTHORITY TO APPOINT LEGAL COUNSEL TO REPRESENT THE TOWN AND ANY OF ITS BOARDS.; AND WHEREAS, A PUBLIC HEARING WAS HELD REGARDING THIS PROPOSED LOCAL LAW BEFORE THE GHENT TOWN BOARD, ON FEBRUARY 18, 2021 AT 6:45 P.M. AFTER DUE AND PROPER NOTICE BY PUBLICATION AND POSTING; AND WHEREAS, THE TOWN BOARD UPON THE CLOSE OF THE PUBLIC HEARING HAS DETERMINED THAT THE PROPOSED LOCAL LAW, IF ADOPTED, WOULD BE APPROPRIATE AND IN THE BEST INTERESTS OF THE TOWN OF GHENT. NOW, THEREFORE, UPON MOTION DULY MADE AND SECONDED IT IS RESOLVED, BY THE TOWN BOARD OF THE TOWN OF GHENT THAT THE ADOPTION OF LOCAL LAW NO. 1 OF THE YEAR 2021 IS HEREBY APPROVED AND SHALL BECOME EFFECTIVE IMMEDIATELY. UPON QUESTION OF THE FOREGOING RESOLUTION, THE FOLLOWING TOWN BOARD MEMBERS COMMENTED.

Councilman Mort made a motion to adopt Resolution # 17 for 2021 regarding Local Law #1 of 2021, Councilwoman Zan second it. Discussion:

Supervisor Benvenuto- We as a Town have used shared attorneys for the Boards for decades. When a different attorney was hired for Planning and Zoning a few years back, the Town Board appointed that attorney. The Planning and Zoning Board have never exercised the Town Law in regards to experts. Every year the Town Board appoints positions including attorney and reappoints every year. Having contacted the Association of Towns Counsel, without question the Town can override that law. In Columbia County alone most of the Town's use the same attorney for all Boards. The Town Board can at any time hire separate counsel if necessary, as we have in the past. I have the upmost confidence in Attorney Cabral. I firmly believe in going back to one attorney.

Councilwoman Zan- it's most important for the Town Board to retain control of who the attorney is simply because we are responsible for the budget. We need confidence in the attorney representing us and giving consistent legal advice across all Boards. Conflict between the Town, Planning and Zoning Boards is not the case here. We should all have the same goals and act in the best interest of the Town across all boards. Legal advice is not opinion, its simply legal advice. We need a lawyer we can trust with that. Sixteen out of eighteen Towns in the County operate this way. This is the Town's responsibility, this is the right decision in best interest of the Town.

Councilman Mort- agrees to the fiscal standpoint and the responsibility for the budget, we should be doing the hiring. I came on the board the same time Mike did and was involved with the changes he was referring to, no discussion at the time with Planning or Zoning board in regards to changing counsel. We changed counsel and moved on. At this point in time we felt it was appropriate to make a change to single counsel for all Boards. Perfect faith in Attorney Cabral and I'm sure if the situation arises and separate counsel is needed Attorney Cabral will let us know and will hire someone else for a period of time.

Councilman Wood- I think it's unfortunate and troubling the way this whole thing happened. I think it could have been handled better. I do not disagree with the end result. I am just not particularly happy with the way it came down.

Councilwoman Matheney- I of course respect what the oversight authority that the Town has delegated to the Planning board. I realize how hard they work and appreciate all they do. Like Chuck, I am disappointed in some things that were said and heard that we would be inconsistent in our goals. All the Boards should have the same goals. I have complete confidence in Attorney Cabral that if there is the slightest chance of a conflict, we would absolutely hire separate counsel. Consistency is important everyone should be on the same page with the same goals in what is best for the Town. Hopefully we can get pass this and believe this is the right decision.

**MOTION # 6 TO APPROVE RESOLUTION # 17 FOR 2021** made by Councilman Mort, seconded by Councilwoman Zan and approved unanimously.  
Ayes: 5 Benvenuto, Wood, Matheney, Mort, Zan  
Nays: 0

NEW BUSINESS:

**MOTION # 7 TO APPROVE THE AGREEMENT FOR ENHANCED PATROL CONTRACT WITH THE COLUMBIA COUNTY SHERIFFS OFFICE FOR 2021** made by Councilman Mort, seconded by Councilwoman Zan and approved unanimously.  
Ayes: 5 Benvenuto, Wood, Matheney, Mort, Zan  
Nays: 0

PAYMENT OF AUDITED BILLS AND ACCEPTANCE OF MONTHLY BUDGET REPORT:

AUDITED BILLS:

General A	\$60988.88
S.L.	\$995.43
General B	\$1561.50
Highway DB	\$37764.96
TOTAL:	\$101310.77

**MOTION # 8 TO PAY ALL AUDITED BILLS AND ACCEPT THE MONTHLY FINANCIAL REPORT** made by Councilman Mort, seconded by Councilman Wood and approved unanimously.

Ayes: 5 Benvenuto, Wood, Zan, Matheney, Mort

Nays: 0

No Public Comment

**MOTION # 9 TO ADJOURN MEETING AT 7:33 PM** made by Councilman Wood, seconded by Councilman Mort and approved unanimously.

Ayes: 5 Benvenuto, Wood, Matheney, Mort, Zan

Nays: 0

Respectfully Submitted,  
Michelle Radley Town Clerk