

**MINUTES OF THE REGULAR MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON JULY 12, 2016**

**Present:** Colleen Teal, Supervisor  
Chuck Geraldi, Councilmember  
Kevin Smith Sr, Councilmember  
Mark Baumli, Councilmember  
Dan Tuczinski, Town Attorney

**Absent:** Dan Evans, Councilmember

**Recording Secretary:** Tistrya Houghtling, Town Clerk

**Others Present:** Cynthia Creech, Deputy Supervisor; Court Clerk;  
Recreation Commission, CAC, & Zoning Re-Write  
Committee Member  
Robert Smith, Ethics Board Member  
Ben Wheeler, LVPA  
Ed Godfroy, LVPA  
Greg Gilliland, LVPA  
Ted Salem, Zoning Board of Appeals & Zoning Re-Write  
Committee  
Jeff Winestock, Highway Superintendent  
Christine Dreyfus, Meals on Wheels  
Bruce Shenker, Enviro. Mgt. Council Representative  
Judy Zimmer, Cleaner  
Thaddeus Flint, Reporter for *The Eastwick Press*  
Ellyn Gaydos, Reporter for *The Columbia Paper*  
Several members of the public

**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.

**MINUTES:**

The minutes of the **June 14, 2016 Special Meeting** and **June 14, 2016 Regular Meeting** were reviewed. A motion was made by Supervisor Teal, seconded by Councilmember Geraldi, and approved unanimously (Councilmember Evans absent) to accept the above noted minutes as typed.

**FINANCIAL:**

***Supervisor's Report:***

Supervisor Teal provided the public and Town Board members with a copy of the Supervisor's Report as of June 30, 2016. A motion was made by Councilmember Smith Sr, seconded by Councilmember Geraldi and approved unanimously (Councilmember Evans absent) to accept the Supervisor's report.

**OLD BUSINESS:**

***Dog Fee Resolution:***

**TOWN OF NEW LEBANON  
RESOLUTION #14, 2016  
DOG CONTROL POLICY AND FEE SCHEDULE  
JULY 12, 2016**

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 12<sup>th</sup> day of July 2016, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal  
Seconded by Councilmember Smith Sr.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
CONCERNING DOG CONTROL POLICY AND FEE SCHEDULE FOR THE  
IMPOUNDMENT OF DOGS**

**WHEREAS**, periodically, the town of New Lebanon enters into an agreement with the Columbia-Greene Humane Society/SPCA (hereinafter CGHS) for the impoundment and handling of dogs, it being in the best interest of the town to have CGHS contract to provide these services; and

**WHEREAS**, the terms of the Agreement with the CGHS are modified from time to time, consistent with changes in the fee structure and budgetary needs of the CGHS; and

**WHEREAS**, the CGHS requires a resolution pertaining to the fee structure and policy in order to continue to provide these services to the town of New Lebanon; and

**WHEREAS**, the town of New Lebanon code, specifically section 71-9.9 entitled "Animals" which was amended by Local Law 1 of the year 2016, which section authorizes the Town Board to set policy and fees related to the impoundment of dogs and to update those policy and fee schedules as needed from time to time.

**NOW, THEREFORE, BE IT RESOLVED** by the New Lebanon Town Board in the meeting duly convened on the above date that the following Dog Control Policy and Fee Schedule for the Impoundment of Dogs (hereinafter "Policy") is hereby authorized:

**Dog Control Policy and Fee Schedule for the Impoundment of Dogs.**

The below contains the New Lebanon Policy, including time periods, fee schedule and other rights and responsibilities related to the impoundment of dogs found in New Lebanon and sheltered by the Columbia-Greene Humane Society/SPCA.

1. **Notification:** Upon the Dog Control Officer taking control of a dog bearing a license tag, the Officer shall promptly notify the record owner of the dog and give notice that the dog has been seized and advising the owner that he or she has ten days, inclusive of the date the dog was found, in which to redeem the dog. Alternately, the Officer may send certified mail, as authorized and required by state and local law, requiring the town to hold the dog for a period of nine days from the date of mailing and allowing the owner to recover the dog during that time.
  
2. **Initial Fee and Disposition:** The holding fee for dogs charged to the dog owner shall be \$50.00 which is an impoundment fee for the first and second offense, in addition to \$35.00 per day for the first ten days of housing. This covers the cost for the state mandated five-day redemption period, as required by the New York State Department of Agriculture and Markets Law, together with an additional five-day period to permit the owner to redeem the dog before the dog is eligible for adoption. All sums due and owing hereunder shall be paid to the CGHS by dog owner on or before dog retrieval by the owner. Any sums collected beyond those sums required by CGHS shall be remitted to the Town. Upon the expiration of ten days, the dog becomes the property of CGHS and the dog owner shall have no further rights to the dog. Provided however, that the dog owner shall remain liable for the housing fees provided for herein and the Town reserves the right to collect all fees from the dog owner directly, notwithstanding that the dog becomes the property of CGHS. The Town's reservation of rights to collect fees shall apply to all sums which may be due and owing as provided for in this resolution.
  
3. **Additional Fee:** After the dog has been housed by the CGHS for ten days, a flat rate fee of \$300, in addition to the initial fee for the first ten days, shall be charged to the dog owner to cover any and all services for the dog until the point of disposition. This flat rate will be the same regardless of whether the dog remains in the care of the CGHS for one day or a year beyond the initial ten-day period of redemption.
  
4. **Fines for Multiple Impoundments:** For any owner whose dog or dogs have been impounded on more than two occasions in a five-year period of time, an additional impoundment fee of \$200 shall be due and owing for each additional impoundment of any dog owned by that person. This fine shall be in addition to any and all fees set forth above for the care and housing of the dog during the term of impoundment. All impoundment fees and sums charged shall be paid before the dog is released into the custody of its owner. Any sums collected beyond those sums required by CGHS shall be remitted to the Town.
  
5. **Payment to CGHS or Town of New Lebanon:** Owners of dogs shall be responsible for payment to CGHS or reimbursement to the town for any fees paid and/or charges incurred by the Town of New Lebanon or the CGHS upon redemption of any dog(s). Payment shall be made directly to the CGHS at the time of recovery of the dog. In the event the dog has not been recovered, the town of New Lebanon shall be entitled to bill and collect from the owner of the dog, all fees and sums incurred as a result of the dog's seizure, as provided for hereunder.

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

Roll Call Vote:

Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Absent
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.

***Personnel Policy Amendment:***

Supervisor Teal stated that the Town Board made some amendments to the Personnel Policy in May, 2016 and she spoke with the Town Attorney, Dan Tuczinski, the other day about getting those amendments into a final format. He had some questions and concerns. Attorney Tuczinski stated that he feels it might be more appropriate to put the changes into a local law governing what we are going to do so it doesn't get changed indiscriminately in the future because it deals with employment issues. He will let the Town Board know by next month how we want to handle it.

***New York Life Insurance Contract:***

Supervisor Teal stated that this program is offered at no cost to the Town. It is an optional benefits program for the employees to purchase voluntarily if they so choose. Supervisor Teal asked Attorney Tuczinski if we are adopting a new policy regarding a new benefit being offered to employees, should it be a formal resolution. Attorney Tuczinski stated that it should be adopted by resolution that we are going to offer the benefit to employees and he wants to make sure that NY Life is fully responsible for the policies and benefits and communicating what is available to employees. He recommends a resolution authorizing Supervisor Teal to enter into this agreement and when we change our employee benefit provisions we can indicate that we are going to offer this. He wants a memorandum of understanding with NY Life stating that the Town is not giving any financial guidance or recommendations on their program to employees but rather just acting as a conduit to make their services available to employees on a voluntary basis and that NY Life is responsible for the programs that they offer and communicating directly with employees who voluntarily sign up for their services.

**TOWN OF NEW LEBANON  
RESOLUTION #15, 2016  
NEW YORK LIFE INSURANCE CONTRACT  
JULY 12, 2016**

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 12<sup>th</sup>

day of July 2016, the following Resolution was proposed and seconded:

Resolution by Councilmember Kevin Smith Sr.

Seconded by Supervisor Colleen Teal

***AUTHORITY FOR THE TOWN SUPERVISOR TO ENTER INTO A CONTRACT WITH NEW YORK LIFE INSURANCE***

WHEREAS, the Town Board of the Town of New Lebanon wishes to offer an option to all employees of the Town to purchase benefits directly from New York Life Insurance; and

WHEREAS, the Town will not provide any financial guidance or assistance but rather all employees will have the option to voluntarily sign up for benefits through New York Life Insurance and all agreements for such benefits will be directly between the employee and New York Life Insurance; and

WHEREAS, the Town does not make any representations.

NOW, THEREFORE BE IT RESOLVED THAT, the Town Board of the Town of New Lebanon authorizes the Town Supervisor to enter into a contract with New York Life Insurance allowing employees to sign up for benefits offered directly to them by New York Life Insurance on a voluntary basis with premiums fully paid via voluntary employee payroll deductions.

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 Dan Evans	Absent
Councilmember Chuck Gerald	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.

***Zoning Amendment:***

Supervisor Teal stated that she and Attorney Tuczinski were speaking the other day about the zoning recommendations and the solar and it will be most cost efficient and most sensible to fold it into one amendment instead of trying to do multiple amendments. They will all have to be local laws with notice and public hearings so to do one makes more sense.

Supervisor Teal stated that in 2010 when we amended our zoning map, we took all the industrial zones and instead of them just running along the first 800 feet from Route 20 and then going into RA5 which is what they used to do and what all the other zones do, we took one zone and put it up to the end of the property which inadvertently created industrial property that can be accessed off of Bicknell Hollow Road and Schoolhouse Road, not areas that we want industrial uses going in. Her request to the board is to take a look at the maps and see if it makes sense to change that zone to the same 800 feet of road frontage as the other industrial zones.

Her other request is to have a final review, beginning to end, of the Town's zoning. She wants Building Department Administrator Cissy Hernandez involved in the final review because she is the one that uses it all the time. She stated that the zoning re-write committee has their hands full at the moment and she was thinking that Deputy Supervisor Cynthia Creech, Cissy Hernandez and herself could do the final review.

Councilmember Geraldini stated that he does not see a problem with the Zoning Re-Write Committee doing the final review since all those people are there already. Supervisor Teal stated that from the administrative side of it and the enforcement side she wants to make sure it is reviewed so even if Councilmember Geraldini and Cissy Hernandez work together to look at it and then he brings it back to the Zoning Re-Write Committee. Deputy Supervisor Creech stated that it might be cumbersome to ask the entire Zoning Re-Write Committee to do the review. Zoning Re-Write Committee member Ted Salem stated that he thinks Supervisor Teal's suggestion is excellent to have a small group do an end to end review and then bring any recommendations to the Zoning Re-Write Committee. Supervisor Teal asked if that works for everyone and all Town Board members were in agreement.

Attorney Tuczinski stated that we have to consider at some point how we want to handle solar. It is something we have not handled in the past and it is an emerging area. It comes down to how we are going to assess, what we are going to collect, and how we are going to work it. Real property tax services have put out some guidelines and they talk about the existing laws. Right now our zoning does not permit large scale, commercial zoning operations. The State of New York is offering incentives for solar energy, they are giving credits and tax incentives to go forward. Right now, solar is exempt for 15 years so if it was permitted they could put a solar facility in and pay no taxes for 15 years.

There are a couple of ways to address it. One option is to opt out which says that if we are going to permit solar commercial establishments within the Town that is going to re-sell the power, we will not let them be tax exempt. If the Town chooses to opt out, it has to be uniform between residences, businesses and commercial. That means that if we opt out and somebody puts up solar panels on their house for their personal use that would be subject to tax as well. Supervisor Teal clarified with Attorney Tuczinski that you could not treat a residence or business putting in solar as exempt but treat a commercial organization using solar for profit as non-exempt. Attorney Tuczinski stated that there is a way to handle it through a PILOT agreement, which is a payment in lieu of tax agreement. With a PILOT agreement we can elect to require a payment based upon the value of the solar array which allows the Town to collect payment in place of the taxes the business would pay if the Town had opted out, but allows residential and business solar installation to still be tax exempt.

Bruce Shenker asked what you would be taxing with a residential solar installation. Supervisor Teal stated that the solar panels would increase the value of your house, therefore increasing your taxes if the Town opts out of the NYS tax exemption on solar. Attorney Tuczinski stated that there is case law now that has made it clear that if you put a solar unit on your house it is attached to the real property and it can be considered for assessment purposes. A lot of communities are under siege by solar facilities that want to come in to locate so we are being forced to make decisions about how we want to approach this. The Town has the power to not allow them in or if we are going to allow them in we can define where we are going to allow them in because some of these solar farms are huge. For some

communities it is a concern as to where you allow them. We need to decide do we want to allow them. If we do want to allow them then we need to decide where we want to allow them and how we want to regulate them and do we want to treat them as eligible for PILOT agreements. He suggested that the Zoning Re-Write Committee look into some options.

Zoning Re-Write Committee member Ted Salem stated that the Zoning Re-Write Committee was waiting for New York State to issue its model zoning code regarding solar. It doesn't get into the financial and tax aspect of it. It covers the questions Attorney Tuczinski was mentioning regarding what zones to allow it in, setback requirements, etc. The NYS model gives you all your options to choose from to customize a plan for your Town. They are planning on holding have some public forums to open it up to community input. The Zoning Re-Write Committee is starting with a blank slate and has made a very deliberate decision to not deliberate on this issue at all and go to the public and say here are some of the issues that need to be looked at, what is your opinion. They will then package up the opinions received into some form of recommendation to the full board. He expects this will take a few months to do.

Ted Salem stated that Supervisor Teal had mentioned her concern with these solar farms being abandoned and making sure we address this concern. Attorney Tuczinski stated that these solar farms have a useful life and you want to be sure that when they have no value left they don't get abandoned to be cleaned up by the Town. Ted Salem stated that they have gathered a lot of models from other Towns to look at that speak of decommissioning in more detail than the NYS model does.

Ted Salem stated that they are planning on having at least two public forums, one in the day time and one in the evening and they may need to do more public forums depending on the kind of input they receive. After the public forums, the Zoning Re-Write Committee will deliberate and then bring it to the full board.

Councilmember Smith asked about a removal bond like we collect for the cell towers. Attorney Tuczinski stated that is what they mean when they speak of decommissioning. Ted Salem stated that language is in there. Supervisor Teal stated that she is of the mind that she doesn't want to just say we don't want these here but she is also very leery because it is so new and there is not a professional in this field to be able to guide us in this the same way as we hire a professional to guide us in the cell tower installation process. One of her biggest concerns is that we are in a valley and if we aren't careful it can have a real significant impact on our views and how everything looks but at the same token it's an alternative energy so we want to look at it very seriously as far as allowing it.

Attorney Tuczinski stated that if it ends up that the solar issue becomes too involved and is taking a longer time, we can always adopt what the Zoning Re-Write Committee has done initially separate from the solar. If we can do them together it will be more efficient but he doesn't want to hold up the other zoning amendments if the solar become a more debated topic.

Deputy Supervisor Creech asked if the signs were discussed yet. Supervisor Teal stated that in talking to one of our ZBA members as well as a Town Board member and Building Department Administrator Cissy Hernandez, historically the variances that we are issuing

are for size and it's in relation to the size of the building. If the building is larger, they have been allowing larger signs. If variances are being issued consistently for those reasons then maybe we need to re-look at that particular piece of our sign law. She spoke with Councilmember Baumli and ZRC member Jeff Hattat about new language regarding sign size that corresponds to percentage of floor space or façade of a building that may be more appropriate. Also businesses that are set back off the road that may need a bigger sign to be seen from the road. She also talked about setting a maximum size. All things to look at in the sign law. Ted Salem mentioned that the Town of Kinderhook addresses these issues nicely in their sign law.

Councilmember Baumli stated that he attended the Zoning Board of Appeals meeting last week. As he ran for office a lot of people communicated a concern with the look of the Town and the signs so the Town Board tasked the ZEO with handing out violations for businesses not in compliance with the Town's sign laws. There were a couple of public hearings last week and one was Meissner's because they have 3 signs on their building. It was determined by the ZBA that because the square footage of the 3 signs didn't equal up to the 24 square foot total of the maximum sign allowance they would grant that variance. The ZBA also allowed a stand-alone sign which puts them over the maximum allowance of one off premise sign. Councilmember Baumli spoke at the public hearing stating that the ZBA needs to adhere to the law that we have because if you start allowing multiple signs for multiple businesses the entire drag is going to be full of signs. The next one on the agenda was Blueberry Hill. Two board members voted to grant them a variance and three board members voted against it so it did not pass. His concern is that the ZBA is not adhering to the law which states that you are allowed one on premise sign and one off premise sign. He feels that some of the ZBA members are trying to re-write the law which is not their position to do that. He encourages the public to attend the upcoming public hearings for businesses requesting variances on the sign law and make their voices heard if they do not want more businesses allowed more signs than the law allows.

In meeting with Attorney Tuczinski it was made clear that the Town Board has no authority to overrule any decisions made by the ZBA if they feel they have made a bad decision. Councilmember Baumli stated that if the public is not satisfied with all the signs up and down the main strip, they should reach out to the ZBA members and ask them to step up and do the job that they were hired to do, but not to hand out variances.

Supervisor Teal stated that for Meissner's she understood that they have one sign on the building and one sign that is not on the building. Her understanding is that the lettering on the post of the sign was determined to be part of the sign. ZBA member Ted Salem stated that the ZBA decided with a 3-2 vote that the vertical post was part of one sign. So it did not vote to allow a multiple sign variance and it did not vote to allow a size variance but instead it gave an interpretation that that was one sign, but it did not grant a variance. The three signs on the Behold building were determined to be one sign since they are so close in proximity to one another and combined they do not exceed the size requirements. There were two decisions made by the ZBA, one was an interpretation and one was a denial of the variance. He stated that Councilmember Baumli's statement that the ZBA granted a sign variance to Meissner's was incorrect.

Councilmember Smith stated that at the training with Attorney Tuczinski regarding land

use, the Attorney made it clear that it is very important to try to stick to what we have for a law and if we are going to change the law then we need to change it but if we are not going to change it then you shouldn't be issuing variances. Attorney Tuczinski stated that variances have to be considered with each application on its own merits. There are situations where variances are appropriate. The concern is that if you abrogate your law by giving out variances on every application then it erodes the effect of your law and sets a difficult precedent. He recommends looking at each application individually but understanding that if you start handing them out then maybe your law isn't structured the way you want it to be structured.

Councilmember Geraldini stated that he disagrees with Councilmember Baumli. We have a Zoning Board of Appeals and they have a job to do and it is up to them to decide how to do their job. For us to sit here and say they are doing a bad job is wrong because we are not in control of what the ZBA does. If you don't like what they are doing when it comes time to appoint new people, that is the time that the Town Board has a say in what they are doing.

***Tennis Courts – Update:***

Town Clerk Houghtling stated that the tennis courts are coming along. There was a delay in the original schedule because HMA contracting got caught up at a different job. As of right now, the courts are done except for the color coating, lining and nets. The courts had to sit for two weeks before the color coating could be done. Copeland Coating is coming tomorrow or Thursday of this week to start the color coating. He needs 2-3 good weather working days so depending on the rain they could be done as early as Monday or Tuesday of next week. As soon as the color coating and lines are completed the nets will be put up within a day. So all dependent on the weather there is about 3-4 more days of work to be done to get them completed.

Councilmember Smith stated that the tennis courts are not all the way up to the fence as they should be and he thought they were replacing the existing courts the way they were. He stated that he knows we need to backfill on the outside of the fencing but if you go on the inside of the fence line there is a gap and you have two uneven layers on the sides.

***Sidewalk Project – Update:***

Supervisor Teal stated that she met with DOT and we are not going to be able to get a waiver or an extension. We have two choices, either pay back the grant money that we received for the sidewalk project and stop the project completely or we look at the possibility of paring this down to a much smaller project. There is some money left that they are trying to shift over to this phase that we are working on so there may be that funding. She is waiting for a quote from Creighton Manning. We would take their current plan and pare it down and take it through the design approval and the acquisition of one right of way or one easement. That would then open a 20 year window for us to build the project. At this point and time there are funds that would accommodate the build under the DOT cap funding which would be 80% reimbursement.

Supervisor Teal stated that this is not going to be an easy decision whatsoever and she really wants to hear what the public has to say. We have to make a decision fairly quickly because we have until September 2017 to get through the design approval and acquisition of one right of way or easement. If it does turn out that spending \$130,000 total for nothing is not what

we want to do, but instead we want to spend some more money than we have already and have something to show for it, then we are going to be cutting it really close time wise. If we make a decision by September of 2016 that gives us one month to get some public input and make a decision.

Bob Smith asked why this wasn't brought out ahead of time that if we didn't build the sidewalks we would have to pay back the grant money used for the design phase of the project. Supervisor Teal stated that she can't answer that question. She has gone through all the files and there are a lot of questions for a lot of parties.

Highway Superintendent Winestock asked if we could look at going from the High School to the park. Supervisor Teal stated that she talked to DOT about that and it wouldn't satisfy this project because it is a different area completely. The project that is on the plate right now went from Lover's Lane to the High School. You would need to pare down that project. If you are looking at a different area completely you would have to pay all of the planning fees which they have already paid for this project with grant money and they are not going to pay for planning and design again. Supervisor Teal's recommendation if we are looking at doing a scaled down project would be to start on the west side of EZ Mart and head west to end at Tilden Road. You would end up with a much smaller project. The reason we could pitch scaling back the project in this way to DOT is because no matter which plan we choose of the existing plans, EZ Mart would lose a pumping lane and the Library would lose all of their parking. The scaled back version takes these problems off the plate which DOT felt was a valid justification for scaling the project down. You have significant negative impact on two businesses in town that would be eliminated by scaling it down in this way. Supervisor Teal stated that totally ballpark, no promises and no commitment, in today's dollar that type of project is probably about \$800,000. Cap funding would be 80% and we would pay 20% which would be about \$160,000. We would have a 20 year window to build it. In 10 years the cost to build may well go up. If we decide to do this because it would be a positive thing for our downtown, there is nothing that would preclude us in the future from adding on or doing a piece across the street. We wouldn't be obligated to but we would still be allowed to if that ever became what we wanted to do.

Supervisor Teal would like to pick 2 dates for public hearings that we can put in the newsletter along with a big blurb with all the details and let people know why this is back on the plate, why we have to be considering this and what the choices are. Neither one is great, there is no question. She was thinking early August for the meeting dates.

Highway Superintendent Winestock asked if we could wait until September to talk about this because something could be happening in New Lebanon that could benefit a lot of people and that bringing the sidewalk project back up could prevent it from happening.

Ed Godfroy asked how Supervisor Teal is justifying not taking a gas lane away from EZ Mart and parking form the Library but you are justifying taking away 11 parking spots from the Valley Plaza, your taking away the front driveway from the Gallup Inn, the whole front lawn of Angel's Trumpet, the whole front yard of Stultz's Store, that's where that design line is right down and then you're taking away the whole front line of the Tilden Plaza. Councilmember Smith asked if we could hold off on this discussion until the public meetings. Supervsior Teal stated that they will have the plans for those meetings. Supervisor Teal

stated that the plans that she reviewed with Creighton Manning did not have any impact on those properties that Ed Godfroy cited as far as acquiring any of their property.

Supervisor Teal asked what people thought of a Saturday morning meeting. Councilmember Geraldini stated he doesn't think you will get a lot of people coming on a Saturday morning. Attorney Tuczinski recommended having a public hearing or two in early August. Supervisor Teal stated that she will look into the availability of the Fire House and the school and send out some tentative dates to the Town Board members. Attorney Tuczinski recommended holding these as public hearings with proper publications.

Bob Smith asked how much money we would need to pay back right now if we choose to not go forward with any sidewalk project. Supervisor Teal stated that we would need to pay back \$80,000 or \$85,000 in federal grant money and once we are obligated to pay that back, we could also be obligated to pay back the NYS grant money which is around \$5,200. And we have already invested between \$30,000 and \$40,000 ourselves. Supervisor Teal stated that she will have all the numbers figured out for the public hearings as far as how much we would need to pay back exactly as well as an estimate of how much it would cost to move forward with a scaled back version of the project.

***Retirement Resolution – Correction:***

Town Clerk Houghtling stated that the Town Board passed the Standard Work Day and Reporting Resolution for 2016 for NYS Retirement and there were a few typographical errors and a few term date errors so the Resolution needs to be corrected and passed again.

**TOWN OF NEW LEBANON**

**RESOLUTION #16, 2016 ~ STANDARD WORK DAY AND  
REPORTING RESOLUTION FOR 2016 JULY 12, 2016  
(Amended version of Resolution #9, 2016)**

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, duly called and held on the 12<sup>th</sup> day of July 2016, the following Resolution was put forth for enactment:

Proposed by Councilmember Kevin Smith Sr.

Seconded by Supervisor Colleen Teal

**Standard Work Day and Reporting Resolution for 2016**

BE IT RESOLVED, that the New Lebanon Town Board hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

## TOWN BOARD MINUTES

July 12, 2016

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<b>Title</b>	<b>Name</b>	<b>Standard Work Day (Hrs/day)</b>	<b>Term Begins/Ends</b>	<b>Participates in Employer's Time Keeping System</b>	<b>Days/Month (based on Record of Activities)</b>
<b>Elected Officials</b>					
Highway Superintendent	Jeffrey Winestock	6	1/1/2016 – 12/31/2017	No	28.46
Town Supervisor	Colleen Teal	6	1/1/2016 – 12/31/2017	No	37.36
Town Clerk	Tistrya Houghtling	6	1/1/2016 – 12/31/2017	No	27.54
Town Justice	Jessica Byrne	6	1/1/2014 – 12/31/2017	No	4.64
Town Board	Charles Gerald	6	01/01/2014-12/31/2017	No	3.00
Tax Collector	Tamara Darcy	6	01/01/2016-12/31/2017	No	3.45
<b>Appointed Officials</b>					
Deputy Town Clerk	Marcie Robertson	6	1/1/2016-12/31/2016	Yes	N/A
Building Department Clerk	Hazel (Cissy) Hernandez	6	1/1/2016-12/31/2016	Yes	N/A
Court Clerk	Cynthia Creech	6	1/1/2016-12/31/2016	Yes	N/A
Code/Zoning Enforcement Officer	Kent J. Pratt	6	1/1/2016-12/31/2016	No	20.36
Animal Control Officer & Town Constable	Willard Powell	6	1/1/2013-12/31/2016	No	4.25
Assessor	Kimberly Cammer	6	1/1/2016-12/31/2016	No	9.89
SYP Program Director	Michelle Bienes	6	1/1/2016-12/31/2016	No	8
Highway MEO	John McLaughlin	6	N/A	Yes	N/A
Highway MEO	Todd Hover	6	N/A	Yes	N/A
Highway MEO	Peter McCagg	6	N/A	Yes	N/A
Assessor's Clerk	Lisa Henry	6	01/01/16-12/31/16	Yes	N/A
Deputy Court Clerk	Rebecca Rothrock	6	01/01/16-12/31/16	Yes	N/A
Park Maintenance Super.	Donald Sears	6	01/01/16-12/31/16	Yes	N/A

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

Roll Call Vote:

Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Absent
Councilmember Mark Baumli	Aye

**NEW BUSINESS:**

***Newsletter:***

Supervisor Teal stated that the next edition of the Town of New Lebanon newsletter will be coming out in August. All items for inclusion in the newsletter must be submitted to the Town Clerk’s office by Friday, July 22.

Town Clerk Houghtling stated that she has received requests from non-profit organizations in town to have something included in the newsletter. In the past when Colleen Teal did the newsletter she would include information for non-profit organizations. Town Clerk Houghtling asked the Town Board for guidance as to whether or not they want non-profit organizations included in the newsletter. Supervisor Teal stated that she would like them included. Councilmember Gerald stated that he would include them but there should be some limit to the amount of space they have. It was agreed by all Town Board members that each non-profit organization in town that would like to include something in the newsletter could have up to a quarter of a page worth of space for their items.

***Budget Process:***

Supervisor Teal stated that by the end of August the memos will go out to all of the department heads requesting their budget requests. Budget requests from department heads are due to the Town Supervisor by September 20<sup>th</sup>. The tentative budget must be filed with the Town Clerk by September 30<sup>th</sup>. The Town Clerk must provide the Town Board members with copies of the tentative budget by October 5<sup>th</sup>. The Town Board then works on revising the budget and the public hearing must be held on or before the Thursday immediately following the general election.

Supervisor Teal stated that she has been working on a spreadsheet that she used to have and she is updating it so that the Town Board will have the past ten years of actual expenses and actual revenues to review when working on the budget.

***Doyle Security Contract:***

Town Clerk Houghtling stated that we received a voucher from Doyle Security who we have been using for years and when she looked back at the contract, the price per month on the voucher was slightly increased from what was agreed to in the contract. We did pay the increased price last year but moving forward we would need to enter into a new contract with the corrected amount in order to process the voucher properly. The monthly fee has gone up by \$1.44 and this rate will be locked in for 3 years if the Town Board chooses to enter into the new contract.

Supervisor Teal made a motion to enter into the new contract with Doyle Security for alarm monitoring at the Town Hall at a rate of \$25.39 per month with a 3 year rate lock. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Absent
Councilmember Mark Baumli	Aye

**COMMITTEE REPORTS:**

***Assessor (Supervisor Teal in Councilmember Evans absence):***

Supervisor Teal stated that there is a new provision in the law that was enacted during the budget. This enables late filing of Enhanced star renewals up until the last day for paying school taxes. The property owner must show good cause and request the extension directly with the Department of taxation and finance. The final Roll was filed on July 1<sup>st</sup> and the assessor has started to work on the next roll year, 2017. The assessor has started data verification of all properties again. She will be on the road over the next 2 years relooking at all properties, reviewing our data on file and taking new photos. This is to stay current with inventory, it is also part of the town's reassessment plan and in keeping up with the plan enables us to collect any state aid we may be entitled to. The assessor has started a very easy to view/read book of sales. It is a work in progress. It will be helpful for the taxpayers as well as the BAR and assessor's office. Scanning is continuously being working on as well as other items to make the office paperless in the future. They have already moved 2 filing cabinets out of the office. A computerized Master file for each property has been started and they are working to add all old records and new record to each file. This will be ongoing and will take a long time to complete.

***Broadband Committee (Supervisor Teal):***

Supervisor Teal stated that she did get the Charter maps. Charter has provided her with complete mapping of their facility. She has been advised by other Town Supervisors that we might want to do a little research as to their accuracy. She has shared the maps with the County Broadband Committee. Our local broadband committee has had one meeting.

On the digital signal and boxes, if you are still having trouble let Supervisor Teal know. She has a contact at Charter that can help with any issues. It has been brought to her attention by a resident that their bill was reflecting a charge for what are supposed to be free digital boxes. If you have basic service through Charter you should be receiving two boxes free for two years. If you have basic extended service you should be receiving two boxes free for one year. If you already had digital service before the conversion you should be receiving one box free for one year. If anybody is being charged, please call Charter. If you need assistance, please contact the Town Clerk's office.

***Building Department (Councilmember Gerald & Councilmember Baumli):***

No report

***CAC & Environmental Management (Deputy Supervisor Creech):***

Deputy Supervisor Creech stated that the CAC continues to do the Natural Resources Plan by going to different areas in our Town and walking around. The CAC will be sponsoring the community forums regarding solar being held in September, dates TBD.

***Fire, Law Enforcement & Emergency (Councilmember Smith):***

Councilmember Smith read the LVPA activity report aloud. He stated that there were 8 calls with a total of 4 people involved and total man hours of 167.53.

Councilmember Smith stated that Ed Coons from the Columbia County Health Department has asked Michelle Bienes our SYP director to train some other recreation park programs which means that we have somebody very qualified running our park program.

***Highway (Councilmember Evans & Councilmember Smith):***

Supervisor Teal stated that at the last meeting a couple of people expressed concern about people speeding on back roads in town. She reached out to the Columbia County Sherriff's Department and they have been monitoring the roads.

Ted Salem stated that as you are travelling East on Cemetery Road there are trees blocking the stop sign making it difficult to see. Supervisor Teal asked Highway Superintendent Winestock to trim the trees back in that spot.

Councilmember Smith stated that the County reached out to the State and they did put up new signs on County Route 5.

Supervisor Teal stated that she received a call from DOT and the Route 20/22 corridor through downtown is scheduled to be re-paved in August. It is not just going to be a skim coat, but rather a full re-paving job.

***Historian & LVHS: (Councilmember Baumli):***

Councilmember Baumli requested that Town Clerk Houghtling reach out to the LVHS to see if they have anything to include in the newsletter.

***Justice Court/Constable (Councilmember Gerald):***

No report.

***Parks & Recreation (Supervisor Teal):***

Councilmember Smith stated that the cracks in the basketball court are so bad now that some are 5-6" deep and really wide and he doesn't see any easy fix for it. Supervisor Teal stated that she would request we find a way to at least seal up those cracks for this winter so they don't get any worse and then look into our budget for next year to fix them properly.

***Seniors (Councilmember Baumli & Phyllis Hulbert):***

No report.

***Town Assets, Buildings & Property (Supervisor Teal & Councilmember Gerald):***

No report.

***LVPA Building (Geraldi):***

No report.

***County Updates:***

Supervisor Teal stated that the County Broadband Committee has another meeting coming up this month along with another Collect Columbia meeting. They met with Fairpoint and they are doing some work right now upgrading. From Supervisor Teal's perspective, Charter's obligation for Columbia County could become very costly for the 1 mile where they are not currently serving. Fairpoint has infrastructure there, they have copper wiring and there are things that they could do. So this could be an opportunity for Fairpoint that could be beneficial to both of them. They are still waiting for a lot of clarification from Charter.

**ANNOUNCEMENTS:**

Saturday, July 30<sup>th</sup> – Community Picnic from 12:00 – 3:00pm @ Shatford Park  
Tuesday, August 9<sup>th</sup> – Town Board Meeting at 7:00pm @ Town Hall  
Sunday, August 28<sup>th</sup> – Ukulele & Brew Festival from 1:00 – 5:00pm @ Shatford Park

**AMENDMENT TO ABSTRACT #6 OF 2016:**

Town Clerk Houghtling stated that on Abstract #6 of 2016 voucher No. 182 in the amount of \$233.85 was incorrectly totaled; the correct amount due was \$128.20; bringing the total amount of Abstract #6 down to \$71,272.68.

Supervisor Teal made a motion to amend Abstract #6 of 2016 to total \$71,272.68. Councilmember Smith seconded that motion. The motion passed unanimously (Councilmember Evans absent).

**BUDGET AMENDMENT:**

**Amendment # 7 of 2016:**

**General Fund:**

\$572	from A-511 (Appropriated Reserves: Shatford Park)
\$74	from A-1990.4 (Contingent)
\$766	from A-2701 (Refunds of Prior Years Expenditures)
\$343	from A-2650 (Sales of Surplus)
\$611	from A-2770 (Unclassified: Refund – Training)
\$233	to A-8010.4 (ZBA – Contractual Expenses)
\$189	to A-8020.4 (Plan. Bd. – Contractual Expenses)
\$189	to A-8030.4 (CEO/ZEO – Contractual Expenses)
\$343	to A-8160.41 (Refuse & Garbage: Town Clean Up Day)
\$766	to A-1670.41 (Central Printing: Newsletter)
\$74	to A-7310.41 (Youth Programs: Sr. Class Project)
\$572	to A-7110.2 (Parks: Equipment – Playground Install)

A motion was made by Supervisor Teal, seconded by Councilmember Smith, and approved unanimously (Councilmember Evans absent) to approve the above noted amendment to the 2016 Budget.

**AUDIT OF BILLS:**

**General Nos. 206 through 240, in the amount of \$29,504.05;  
Highway Nos. 70 through 82, in the amount of \$45,860.23; and  
Escrow Nos. E16-6 through E16-7, in the amount of \$1550.00;  
As listed on Abstract No. 7 of 2016 dated July 9, 2016.**

A motion was made by Supervisor Teal, seconded by Councilmember Smith, and approved unanimously (Councilmember Evans absent) to pay the above noted claims from their respective accounts.

**PRIVILEGE OF THE FLOOR:**

**Judy Zimmer** stated that as the cleaner of the Town Hall she was thinking it might be nice every couple of years in the budget to include hiring a professional to come clean the rugs and wash the windows.

**Ed Godfroy** asked if Supervisor Teal could ask Charter to fix the broadcast of the Supervisors' meetings. He stated that Charter displays the County Board of Supervisors' meetings on Channel 7 and it keeps freeze framing in the middle of the meetings.

**J.J. Smith** asked if anybody knew of a contact for the Lebanon Valley Garden Club to please let her know or send them her way as she has a few projects to discuss with them. She also stated that there is a flag project underway to get flags up on the telephone poles throughout the town. She is getting a price for the brackets and the flags and setting up an account for the donations. Anybody who wishes to donate to this project can contact J.J. directly.

**EXECUTIVE SESSION:**

Supervisor Teal made a motion to enter into an executive session to discuss contract negotiations. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Chuck Geraldi	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Absent
Councilmember Mark Baumli	Aye

At 8:33pm the Town Board entered into an executive session.

Councilmember Smith made a motion to exit the executive session. Councilmember Geraldi seconded that motion.

Roll Call Vote:

Councilmember Chuck Geraldi	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Absent
Councilmember Mark Baumli	Aye

At 8:50 pm the Town Board exited the executive session.

**BUILDING MAINTENANCE:**

Supervisor Teal made a motion to remove Scott Larabee and keep on only Donald Sears as the Building Maintenance person for the remainder of 2016. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Chuck Geraldi	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Absent
Councilmember Mark Baumli	Aye

**LVPA FINANCIALS:**

Supervisor Teal made a motion to authorize the Supervisor to set up a meeting with the Town Accountant and the LVPA accountant to obtain information including but not limited to LVPA operating budget and reserves and provide a report to the Town Board. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Chuck Geraldi	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Absent
Councilmember Mark Baumli	Aye

**ADJOURNMENT:**

A motion was made by Councilmember Smith and seconded by Councilmember Geraldi to adjourn the meeting at 8:55 p.m.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town Clerk