

**MINUTES OF THE REGULAR MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON AUGUST 9, 2016**

**Present:** Colleen Teal, Supervisor  
Kevin Smith Sr, Councilmember  
Mark Baumli, Councilmember  
Dan Evans, Councilmember

**Absent:** Chuck Geraldi, Councilmember

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

**Others Present:** Cynthia Creech, Deputy Supervisor; Court Clerk;  
Recreation Commission, CAC, & Zoning Re-Write  
Committee Member  
Ben Wheeler, LVPA  
Ed Godfroy, LVPA  
Bobby Waters, LVPA  
Jeff Winestock, Highway Superintendent  
Phyllis Hulbert, NL Rep to Office for the Aging  
Rocky Brown, Ethics Board Member  
Christine Dreyfus, Meals on Wheels  
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 **July 12, 2016 Regular Meeting** were reviewed. A motion was made by Supervisor Teal, seconded by Councilmember Smith Sr, and approved unanimously (Councilmember Geraldi absent; Councilmember Evans abstained as he was absent at 7/12/16 meeting) 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 July 31, 2016. A motion was made by Councilmember Smith Sr, seconded by Councilmember Evans and approved unanimously (Councilmember Geraldi absent) to accept the Supervisor's report.

**PRIVILEGE OF THE FLOOR:**

**Timothy Laraway** stated that he is concerned with an unsafe building that is in front of the Walter B. Howard Elementary School. It is a brick building. He knows from being in there 5 years ago that where the gable ends the bricks are ready to collapse inside. Now he sees that the front porch, the side porch is collapsing down. Due to the close proximity of the school and school starting very soon. Supervisor Teal stated that she knows they have received a notice of the violation and they are working on cleaning that up and it is being followed very closely by our Code Enforcement Officer right now.

He stated that he is also concerned about some stuff, debris that is being dumped on the railroad bed down behind his house, behind the Immaculate Church. He was told months ago that it is clean fill but he knows it is not clean fill from being in the business trade all his life. He knows that most of the fill that is being dumped back there sat in front of Darcy Construction for over a year and he wanted to buy some to do a little construction work around his house and one of the employees said you don't want that, that's stuff from all over the countryside. He is wondering how it is deemed clean fill and why it's being trucked back there when we had a huge clean up down by Chuck Gerald's driveway which was a multi-million dollar project and he hopes that we are not starting something new back in there. His well is only 50 feet deep and aquifers move in funny ways and he likes where he is living and he would like to be able to use his water. He requested that someone make a deeper investigation into what is back there because when he walks back there by the time he gets back there it's already bulldozed in and because somebody says it's clean fill does not make it clean fill. Supervisor Teal stated that she does not know the answer to that but she will look into it. Councilmember Smith stated that he can always contact ENCON too. Mr. Laraway stated that he would prefer to go through the chain of command by reporting it to the Town Board and the Town Supervisor has more pull with calling ENCON than he does.

**OLD BUSINESS:**

***2017 Budget Process:***

Supervisor Teal stated that her requests out to the department heads should be no later than September 1<sup>st</sup>, her plan at the moment is August 24<sup>th</sup> – 27<sup>th</sup>. Department heads are required to submit their budget requests on or before September 20<sup>th</sup>. Not later than the 30<sup>th</sup> of September the Town Supervisor files the tentative budget in the Town Clerk's office. The Town Board then sets up budget workshops. On the Town website on the Town Board documents page in the upper right hand corner there are links to documents put out by the State Comptroller specific for citizens and Town Board members regarding the budget process.

***Zoning Amendment:***

Supervisor Teal stated a reminder that there are two public information forums coming up on Friday, September 9<sup>th</sup> at 10:00am at the New Lebanon Town Hall and Wednesday, September 14<sup>th</sup> at 7:00pm at the New Lebanon Town Hall. There is a copy of the NYS sample law for solar on the Town's website that people can review. The NYS sample law for solar is some of what the Zoning Re-Write Committee is looking for feedback on; what parts do we like, what parts don't we like, what are some of our concerns, etc.

***Park – proposals for 2017 budget:***

Supervisor Teal stated that some of the things we have talked about a little bit are the repairs needed on the basketball court and the pavilion. She wanted to know if the board would authorize her to get some ballpark proposals before going into the 2017 budget process so we would have some idea of how much these repairs would cost. Councilmember Smith stated that would be a good idea but if we are doing the pavilion he hopes we are doing the bathrooms and everything to do with the pavilion as he thinks there are some issues with the bathrooms as well and if we are going to do the pavilion we should do everything within the pavilion. Supervisor Teal stated that she would like to get a listing of everything that needs to be done and have the quotes come in itemized so that we can prioritize the repairs. Councilmember Baumli asked what we are looking to do and how much are we looking to do. Supervisor Teal stated she doesn't have an idea of that yet. She knows that the pad in the pavilion needs to be fixed as there is a lot of cracking and the sidewalks have dropped so there is now a trip hazard around the edges. There are issues in the bathroom. She is not sure about the kitchen or the Summer Youth side of it. The barbeque pit needs work on the roof. She wants to get a better idea of what needs fixing and how much each repair is going to cost as it is likely not feasible to do it all in one year but she wants a better understanding of how much each piece will cost. She also wants to see which repairs can be done in house. She would like some more information before going into the budget process. Councilmember Baumli asked if we could do a capital project asking people to donate to the park restoration. Supervisor Teal stated that we can look for grant money but we cannot solicit donations. If someone came to the Town offering a donation for the park restoration, we could accept it, but as a Town we cannot solicit donations. She stated that there is a lot of grant money available for repairs to parks and basketball courts and we could look into getting some applications in for grant monies.

***Sidewalk Project – Update:***

Supervisor Teal stated that there is another public hearing on the sidewalk project this Thursday, August 11 at 7:00pm at the New Lebanon Jr/Sr High School.

**NEW BUSINESS:*****Speed Limit Requests:***

Supervisor Teal stated that we have two speed limit requests, one for Chair Factory Road and one for Canaan Road. The Town Board has a listing of the speed limits that are set for all Town roads by DOT. If they are not listed, they are a 55 mph speed limit. As of now Canaan Road and Chair Factory Road have a speed limit of 55 mph. We have received requests from residents to lower the speed limits on these roads for safety reasons. We are looking for a resolution supporting the residents' requests which then goes to County DOT who then sends it on to the State who comes out and does a speed limit study and evaluates those specific roads and their speed limits.

Councilmember Baumli stated that the roads listed on the sheet at some point probably had a request put in for a speed limit reduction and DOT then lowered the speed limits. His concern is that the speed limits are not enforced and if you ask for the speed limits to be reduced and put up signs on all the roads they still will not be enforced. Until we can get someone to issue speeding tickets on the Town roads he doesn't think we need to put signs up and down our Town roads as it would be a waste of money because they still will

not be enforced.

Councilmember Smith stated that someone should reach out to the County Sheriff's Office and ask why these are not being enforced. Supervisor Teal stated that the County has a resident sheriff that is assigned to different communities and they also have a traffic task force. She reached out to them and asked them to monitor Cemetery Road, Canaan Road and Shaker road. They had an increased presence on these roads for a while but she doesn't know how long they were there for.

Highway Superintendent Winestock stated that he agrees with Councilmember Baumli and he doesn't think there is anything wrong with asking DOT to lower the speed limits, but if they aren't enforced it does no good. Years ago the Town asked them to lower the speed limit on Darrow Road and then he went up and got signs placed by County and it did not slow the traffic. He is not saying that the Town Board shouldn't order the speed limit study but that even if they lower the speed limit, it's not going to slow down the traffic. If they go ahead and do it there will be a lot of money invested in signs and it will probably not slow down the traffic.

Councilmember Evans stated that if a road is posted as a 30 mph zone and somebody gets into a car accident or injures a pedestrian, it would then be easier for the Troopers to issue speeding tickets than if it was a 55 mph zone.

Councilmember Smith agreed with Councilmember Baumli that if we don't have anybody enforcing the existing speed limits it would be a waste of money on signs to lower any of the other speed limits in Town.

Supervisor Teal stated that we don't have our own police force so we depend on the County Sheriff's Office and the New York State Police to enforce our speed limits but they have a lot more ground to cover than just New Lebanon. They have limited time that they can designate directly to New Lebanon. Councilmember Smith asked that we find out how many hours our resident Sheriff spends here in New Lebanon on traffic matters.

Councilmember Baumli asked if Wes Powell as our Town Constable can issue speeding tickets on town roads. Councilmember Smith stated that he can issue tickets for parking but not for moving traffic violations.

Supervisor Teal tabled the speed limit requests to next month to find out more information on the enforcement of speed limits. Councilmember Evans asked that we reach out to the residents that requested the speed limit reductions and let them know that it was tabled to next month's meeting.

***Fence Quotes:***

Supervisor Teal stated that we received 3 quotes for re-installing the fencing that was taken down to re-do the tennis courts and 3 quotes for installing bottom rail across all the tennis court fencing. The engineer had recommended the installation of bottom rail to prevent the fencing from curling in, but now that the courts come flush to the fencing, the fence companies stated that it would be a waste of money to install bottom rail as the paving is holding the bottom of the fence and keeping it from curling under. The Town

Board agreed to disregard the quotes for installing bottom rail and only consider the quotes for re-installing the fencing that was taken down.

The following 3 quotes were received for re-installing the fencing that was taken down:

- AFSCO Fence Supply Co., Inc. - \$1,585
- All American Fence - \$1,600
- Berkshire Fence Company - \$3,100

Supervisor Teal made a motion to accept the quote from AFSCO Fence Supply Co., Inc. in the amount of \$1,585. Councilmember Smith seconded the motion.

Roll Call Vote:

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

**COMMITTEE REPORTS:**

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

No report.

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

Supervisor Teal stated that the New Lebanon Broadband Committee is sending out a survey to all the local businesses and they are working on creating a survey for residential service which is being looked at to be used county wide to assess what we have for broadband county wide.

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

Supervisor Teal stated that the Town Board has in their packet the Building Inspector and Code Enforcement Officer's monthly report. She would like to follow up on the meeting with the CEO that they had previously at the end of the September Town Board meeting.

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

Deputy Supervisor Creech stated that they have a meeting tomorrow night. They have contacted a number of landowners to see if they can obtain permission to go on their land to see if they have any out of the ordinary natural resources on their property. They are also co-sponsoring the solar public forums and will be participating in those.

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

No report.

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

No report.

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

Supervisor Teal stated that they had a meeting of the New Lebanon 200 Steering Committee talking about some ideas for the 200<sup>th</sup> Anniversary and some of the events to consider. They

talked about launching a season long series of events starting on April 21<sup>st</sup>, the date that the NYS legislature passed the act that created the Town of New Lebanon. She has also volunteered all of her board members to re-enact an event that happened on June 24, 1776. Five dignitaries came together and drafted a letter to England and told them that we were siding with the Americans. They are also thinking of ways to incorporate all of the local businesses in ways such as asking them to create their activities and events to incorporate the 200<sup>th</sup> Anniversary celebration. They are also thinking of ways to engage people using tools such as a passport for people to collect stamps in from local businesses when they purchase certain things associated with the anniversary celebration. Then give out a prize to the people with the most stamps.

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

No report.

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

Supervisor Teal stated that we will be having a Ukulele and Local Brew festival in Shatford Park on Sunday, August 28<sup>th</sup> from 1:00 – 5:00 pm.

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

Phyllis Hulbert stated that she met with J.J. Smith and Judy Zimmer to see what they could come up with for new programs to offer the seniors. They did a lot of brainstorming and had a great meeting.

She serves on a committee at the County level working on keeping seniors in their own home instead of shipping them off somewhere else. They are working on ways to fund this program and educate families on how to do this so seniors can remain in their own homes. There is also another great program they have been working on at the county level to provide free services to homeowners. She will be seeking out seniors who are below the poverty level and own their own home who need a new door, roof, windows, floors, handicap ramps, everything. She will be seeking them out and helping them fill out the form to see if they qualify for the program. They can get everything fixed free of charge to them. This is a new program being offered by the county. There will be 500 volunteers across the county to do the work free of charge. There is no cost to the home owner.

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

No report.

***LVPA Building (Gerald):***

No report.

***County Updates:***

Supervisor Teal stated that Governor Cuomo was in Hudson last Wednesday to announce broadband information and Columbia County has now become the number one priority on their list for broadband improvements.

**ANNOUNCEMENTS:**

Thursday, August 11<sup>th</sup> – Public Hearing on Sidewalk Project at 7:00pm @ NL Jr/Sr High

Monday, August 15<sup>th</sup> – Cemetery of the Evergreen Fundraiser at 7:00pm @ Theater Barn  
Sunday, August 28<sup>th</sup> – Ukulele & Brew Festival from 1:00 – 5:00pm @ Shatford Park  
Friday, September 9<sup>th</sup> – Community Forum on Solar at 10:00am @ Town Hall

Tuesday, September 13<sup>th</sup> – Town Board Meeting at 7:00pm @ Town Hall  
Wednesday, September 14<sup>th</sup> – Community Forum on Solar at 7:00pm @ Town Hall

**BUDGET AMENDMENT:**

**Amendment # 8 of 2016:**

**General Fund:**

\$452 from A-511 (Appropriated Reserves: Shatford Park)  
\$638 from A-1440.4 (Engineer – Contractual Expenses)  
\$5,000 from A-1420.42 (Attorney – Contractual Expenses: Litigation)  
\$250 from A-3520.2 (Control of Other Animals: Equipment)  
\$160 from A-1990.4 (Unclassified: Refund – Training)  
\$115 from A-8160.41 (Refuse & Garbage: CE – Town Clean Up)  
\$1,090 to A-7110.2 (Parks – Equipment: Playground Install)  
\$5,000 to A-1420.4 (Attorney – Contractual Expenses)  
\$250 to A-3520.4 (Control of Other Animals: Contract. Exp.)  
\$160 to A-7310.41 (Youth Programs: Sr. Class Project)  
\$115 to A-8160.4 (Refuse & Garbage: Contractual Expenses)

A motion was made by Councilmember Smith Sr. and seconded by Councilmember Evans.

Roll Call Vote:

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

**AUDIT OF BILLS:**

**General No. 241, in the amount of \$328.46;**  
**As listed on Abstract No. 7A of 2016 dated August 9, 2016.**

**General Nos. 242 through 271, in the amount of \$130,382.66;**  
**Highway Nos. 83 through 92, in the amount of \$12,428.34; and**  
**Escrow Nos. E16-8 through E16-9, in the amount of \$70.00;**  
**As listed on Abstract No. 8 of 2016 dated August 9, 2016.**

***Discussion:***

Supervisor Teal stated that the above noted bills include the full payment for the tennis courts in the amount of \$67,965.00 and she believes the Town Board wants to have a discussion on that voucher. Supervisor Teal asked Town Clerk Houghtling when the nets are going up. Town Clerk Houghtling stated that AFSCO is installing the net system and they were waiting to hear if they got the bid on the fencing going back up so that they could come out and do them both at the same time.

Councilmember Smith stated that the Town Board is meeting on Thursday anyway and he suggested holding the tennis court voucher until Thursdays meeting and see if the nets are up by then and if the nets are up and the courts are finished, the Town Board could approve the voucher then.

Councilmember Baumli stated that the courts have been done and the hold up for the netting has nothing to do with us. His suggestion is to pay part of the voucher and hold \$15,000 or \$20,000 until it is complete and at next month's board meeting release the remainder of the payment when the net systems are installed. Councilmember Evans stated that they itemized the net systems so we could withhold the exact amount of the net systems and pay the rest now.

Councilmember Smith stated that if they are done with the net systems by Thursday he would prefer to pay the entire voucher in one payment. Councilmember Evans stated that if it is done by Thursday's meeting with enough time for Town Board members to inspect the net system before the meeting then we should pay the entire voucher. Supervisor Teal stated that if it is not complete by Thursday's meeting then we could authorize a partial payment on Thursday night.

A motion was made by Supervisor Teal to pay the following bills:

**General No. 241, in the amount of \$328.46;  
As listed on Abstract No. 7A of 2016 dated August 9, 2016.**

**General Nos. 242 through 271 excepting No. 264, in the amount of \$62,417.66;  
Highway Nos. 83 through 92, in the amount of \$12,428.34; and  
Escrow Nos. E16-8 through E16-9, in the amount of \$70.00;  
As listed on Abstract No. 8 of 2016 dated July 9, 2016.**

Councilmember Smith Sr. seconded that motion.

Roll Call Vote:

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

**PRIVILEGE OF THE FLOOR:**

**Phyllis Hulbert** stated that during the winter months she has another commitment on Tuesday nights so if she has anything to report on at the Town Board meetings she will bring it up to the Town Hall in advance and give it to Supervisor Teal or Town Clerk Houghtling.

**Cynthia Creech** stated that last month Councilmember Baumli made a remark about attending the Zoning Board of Appeals meeting and that he was disappointed with the

amount of variances being given out. He encouraged others to attend these meetings and make their voices heard. She attended the August 2<sup>nd</sup> Zoning Board of Appeals meeting. There were 3 applications for variances. She would agree with Councilmember Baumli's assessment of the situation. She was disappointed with the action of the board and what she perceived, in her personal opinion, is that they do not understand the task at hand.

Councilmember Baumli stated that the variance application that was acted upon involved signs as well and that variance was also given out. It's frustrating that so many variances are being given out. If you don't want to adhere to the laws the way they are written, then we should just abolish the zoning. A variance could be issued sometimes for minor things but not what he is seeing. There is nothing the Town Board can do when the ZBA issues a variance.

Cynthia Creech stated that at the training with the Town Attorney on land use, he stated that variances are to be given out only when there is no other option and the State of New York has set forth tests and has a pretty comprehensive opinion, the Otto Case, that has very specific things that should be looked at when considering a variance. She is not sure our ZBA is doing that.

**J.J. Smith** thanked the whole board because this is the first night in history at a town board meeting that they could hear the town board speaking with the air conditioning running and they didn't have to choose between hearing the town board and having the room at a comfortable temperature.

Town Clerk Houghtling thanked Ted Fiebke for his help in ordering the microphone system as well as installing the microphone system all on a volunteer basis.

Highway Superintendent Winestock requested that we order one more microphone for the public to use when they address the board. Chris Dreyfus asked why Town Clerk Houghtling does not have a microphone. Supervisor Teal stated that our largest board has 7 people and we only ordered 5 to start but if we eventually got up to 7 then everyone would have a microphone.

#### **MICROPHONES:**

Supervisor Teal made a motion to approve up to \$100 to be spent on additional microphones. Councilmember Smith seconded the motion. The motion passed unanimously (Councilmember Geraldini absent).

#### **COMMUNITY PICNIC:**

Councilmember Baumli asked how many people came to the Community Picnic. Supervisor Teal stated that they estimated around 250 people came. Councilmember Baumli stated that there were several businesses in town that donated to the Community Picnic and he wants thank you letters to go out to all of them.

Cynthia Creech stated that the Lebanon Valley Speedway donated all the hot dogs and buns, Jimmy D's donated the hamburgers, Stewarts's donated a lot of product, Eckhardt Farm donated the corn, Kilventon Produce donated produce, the bands donated their music and many more.

Councilmember Baumli stated that it was a great day and the weather was nice. Cynthia Creech stated that it was the largest turnout yet.

**ADJOURNMENT:**

A motion was made by Councilmember Smith and seconded by Supervisor Teal to adjourn the meeting at 8:12 p.m.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town