

**MINUTES OF THE REGULAR MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON SEPTEMBER 13, 2016**

Present: Colleen Teal, Supervisor
Kevin Smith Sr, Councilmember
Mark Baumli, Councilmember
Dan Evans, Councilmember
Chuck Gerald, Councilmember
Stephanie Ferradino, Attorney

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: Cynthia Creech, Deputy Supervisor, Court Clerk,
Rec. Commission, CAC & ZRC Member
Ben Wheeler, LVPA
Ed Godfroy, LVPA
Bobby Waters, LVPA
Jeff Winestock, Highway Superintendent
Rocky Brown, Ethics Board Member
Robert Smith, Ethics Board Member
Peg Munves, CAC Member
Bruce Shenker, NL Rep CC Environ. Mgt. Council
Tony Murad, ZBA Chair
Ted Salem, ZBA Member
Kent Pratt, ZEO/CEO
Doug Banker, NL Broadband Committee
Judy Zimmer, Cleaner
Thaddeus Flint, Reporter for *The Eastwick Press*
Several members of the public

CALL TO ORDER:

The meeting was called to order at 7:02 p.m. by Supervisor Teal. A moment of silence was followed by the flag salute.

MINUTES:

The minutes of the **August 8, Public Hearing on Sidewalks; August 9, 2016 Regular Meeting; and August 11, Public Hearing on Sidewalks** were reviewed. A motion was made by Councilmember Evans, seconded by Supervisor Teal and approved unanimously 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 August 31, 2016. A motion was made by Councilmember Smith Sr., seconded by Councilmember Baumli and approved unanimously to accept the Supervisor's report.

PRIVILEGE OF THE FLOOR:

Ed Godfroy asked if there are minutes available from the previous meetings and hearings held on the sidewalk project. Supervisor Teal stated that all the minutes are part of an official document that has to be part of that project and they are all filed with the Town Clerk's office.

Doug Banker stated that he just joined the Cemetery of the Evergreens Board and he has gone over their 2015 financials. Larry Benson delivered a budget request to the Town for 2017 and they are asking for an increase in their budget. He wants to affirm that the increase is not an unreasonable request as they are still recovering from the huge impact that they suffered after the financial crisis. Their operating budget is right on the edge so if a tree were to fall on something or some other unforeseeable damage were to occur, they don't have a lot of money to deal with that. Also, the Tilden Monument needs work again. The last time it was really attended to was in the 1980s. The board did get estimates to get it repaired in 2004 but then didn't have enough funds to take care of the repairs. Doug is proposing to the cemetery board and the historical society that they do a joint project and maybe the Town Board can join it via a resolution supporting the activity and they can then apply for some grant money to get that done.

He also stated that the Uke & Brew Festival that was held at Shatford Park was reasonably successful. He would like the Town Board to consider holding a series of music in the park events next summer which he would be willing to help organize.

Tony Murad stated that he would like to speak to last month's meeting. Apparently the Zoning Board came in for some harsh criticism and he can understand people's concerns about the so called task at hand, cleaning up signs and so forth. He would like to state that it is not the Zoning Board's job to be an enforcement agency. The Town has its own police powers through itself and through the Zoning Enforcement Officer to go out and issue violations. The only thing the Zoning Board can do is hear appeals from people who believe that the violation is either in error or that they actually need an appeal from the law. When the laws are written, they are written as a one size fits all. There is no variation from it. The courts and the legislature have determined that there needs to be an appeal process for certain people who are disadvantaged by the zoning laws, such as setback requirements that might not work for everybody, density issues, problems on land such as floodplains that prevent you from building where the town would like you to build, but people do have rights to use their property. This appeals process is an absolute mandate from the legislature that if you are going to have zoning, you must have an appeals process and that is what the Zoning Board does. They hear these appeals and they have to be for specific reasons on specific properties. It's not an opportunity to change the law, in fact they are prohibited from changing the law. There have to be cited reasons why variances are given and understand that variance means "vary the law" so in an individual situation the law gets varied and that's exactly what the legislature had intended in writing these zoning laws. There is an excellent book put out by NYS that speaks exactly to this called "Zoning Boards of Appeals". You can read it online and it will tell you everything you need to know. He stated that he is in line with making the town look nice but you cannot use the Zoning Board of Appeals for that process. You have your police power to do that through the courts and the variances that the ZBA has

granted so far are very minimal and didn't affect the town at all. Property owner's rights when they don't affect the town become superior. If there is a sense that somehow the ZBA is not doing their part on this sign law specifically, the one thing the Town Board can do is appoint people to the ZBA at appointment time. He stated that his term is up at the end of this year and he will ask to be re-appointed but he fully agrees with the Town's right to appoint anyone to the Zoning Board regardless of experience or lack of and regardless of knowledge or lack of.

Joan Phelps stated that she read online at the last hearing on sidewalks it stated near the end of the minutes that there are only two reasons that you would not have to pay the money back if you don't move forward with building the sidewalks. The reasons listed were an environmental reason or substantial public opposition. She would like to remind the Town Board that back in 2013, 130 people signed a petition opposing the sidewalk project and turned it into the Town Board requesting a referendum. She would consider that significant public opposition. At the time the Town Board ignored the petition. She thinks rather than spending a lot of money to put in a very small section of sidewalk, we should say that there is significant public opposition and hopefully not have to pay the money back.

Supervisor Teal stated that there were two different petitions, one was stating that people who signed it were opposed to the sidewalks and the other was requesting a referendum on the sidewalk project. She has compiled all that data and she will be sharing it with the public when we get to the sidewalk project on the agenda.

Sarah Westwind stated that at the last Town Board meeting she had submitted a request to have the speed limit lowered on Chair Factory Road to 20 mph. She thinks the Town Board looked at the request and decided that because the country roads are not patrolled, that it should just be rejected. She wants to say that country roads are just not patrolled but that is not a valid reason for not setting reasonable speed limits on them.

Bill Banker stated that he lives on West Hill Road and he would like the speed limit reduced on West Hill Road if possible. More people are moving up there and the UPS truck seems to be the worst one as they go extremely fast up and down the road. He wants to make it known that he would like to see some speed limit signs up there.

Jagat Pandey stated that Tony Murad brought up a point about respecting the Zoning Board and their job but he would like to point out that respect is earned. The government will get respect from the people when the government respects the people. If the privilege of the floor is open, please let the people finish speaking without cutting them off. He came to a Zoning Meeting and it was very rushed and when his turn to speak came he was only allowed to speak two words before he was signaled to sit down and stop talking. This would not get his respect. If he has the floor, then it is his turn to speak and he should be allowed to speak.

CERTIFICATE OF APPRECIATION:

The Town Board presented a certificate of appreciation to Ted Fiebke for his help in researching and purchasing the microphone system for the Town Hall and donating his time to install the entire system including wiring and speakers. Ted Fiebke was not

present at the meeting and Supervisor Teal stated that we will mail the certificate of appreciation to him.

OLD BUSINESS:

Personnel Policy Resolution:

Supervisor Teal stated that this is just the formal enactment of what the Town Board had approved at the May, 2016 meeting.

Town Of New Lebanon

RESOLUTION #17, 2016

MODIFICATION OF THE PERSONNEL POLICY

SEPTEMBER 13, 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 13th day of September 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 MODIFICATION OF THE PERSONNEL POLICY**

WHEREAS, in 2004, the New Lebanon Town Board passed by resolution Personnel Policies which subsequently became Chapter 31 of the New Lebanon Town Code; and

WHEREAS, it has become necessary to make modifications to the Policies pertaining to town employees which were not originally addressed or clarified at the time the policies were adopted; and

WHEREAS, the Town Board seeks to modify the Policies contained in Chapter 31 as set forth below; and

NOW, THEREFORE, BE IT RESOLVED by the New Lebanon Town Board at a meeting duly convened on the above date that the following sections contained in Chapter 31 Personnel Policies of the Town Code are hereby amended as follows:

Chapter 31. Personnel Policy

§ 31-9 Overtime.

A. The Fair Labor Standards Act (FLSA) provide that nonexempt employees under FLSA who work more than forty hours in a workweek receive overtime pay of one and a half times an employee's regular rate. Only hours actually worked count in the overtime calculation, unless an employee is required to work on a holiday. In that event, the employee will get credit for those hours. Therefore, holidays not worked, vacation days and sick days are not counted, even though the

employee may have received holiday, vacation, or sick day pay. The Town reserves the right to require employees to work overtime and will make every effort to provide employees with adequate notice. Any overtime hours worked, however, must first be approved by the employee's supervisor.

§ 31-12 Leave policies.

D. Sick and personal time:

(1) After completing the probationary period, full-time employees will receive one workday of sick and personal leave for every one month of full-time employment. Thereafter, at the start of each calendar year, full-time employees will be credited with 12 workdays of sick and personal leave. Unused sick and personal time will accrue to a maximum limit of 36 workdays and will be carried over from one calendar year to the next.

(2) Upon termination of employment, employees will not receive any compensation for unused sick and personal time.

E. Vacation leave:

(1) Upon successful completion of the probationary period, full-time employees will become eligible for paid vacation. Full-time employees will receive five workdays of paid vacation after one year of service. After two years of service, full-time employees will be eligible for ten workdays of paid vacation. Thereafter, full-time employees will receive one additional workday per year of service up to a maximum of 20 paid vacation days per year. Up to 5 paid vacation days may be rolled over into the next calendar year upon request from the employee and approval by the Town Board, but those vacation days must be utilized by June 30th of that year.

(2) Upon leaving Town service, an employee will be compensated for unused vacation time. Employees leaving employment with the town before June 30th will be eligible for 50% of their earned but unused vacation time. If the departure occurs after July 1 through the end of the year, the employee will be entitled to 100% of the vacation time, however, any employee terminated for cause, will be automatically disqualified from receiving any payment for accrued vacation time.

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	Aye
Councilmember Mark Baumli	Aye

The Resolution, having been approved by a majority vote of the Town Board, was declared duly adopted by the Supervisor of the Town of New Lebanon.

Proposed Local Law Amending Sign Law:

Supervisor Teal stated that this local law would be putting the sign law back into the zoning regulations. It was taken out in 2010 as a standalone law but it needs to be in the zoning regulations itself. The Town Attorney has provided the Town Board with a redline copy which shows any changes that would be made. The one change in here that would be different than simply putting it back into the zoning regulations is the issuance of off premise signs by the ZEO instead of the Planning Board. The logic on that change is that there are very specific guidelines for those off premise signs and the Planning Board, as long as the guidelines are met, issue these permits. The same process can be done by the ZEO without the applicant having to go through the Planning Board process which would be quicker and easier for the applicant. It wouldn't change the requirements, but rather streamline the process.

Supervisor Teal asked the Town Attorney if the effective date of our laws should reference the initial enactment dates. This would allow future boards to see the timeline of when adoptions and amendments were made to allow for grandfathering of existing items. The Town Attorney stated that you can add in those dates when finalizing the local law. Supervisor Teal stated that this proposed law needs to go before our Planning Board and the County Planning Board for their recommendations. She will send it out to them for review.

A public hearing was set for the proposed local law amending sign law on Tuesday, October 11, 2016 at 6:55pm at the Town Meeting Hall, 14755 State Route 22, New Lebanon, NY.

Speed Limits on Town Roads:

Supervisor Teal stated that Town Clerk Houghtling has drafted a preliminary, possible resolution that addressed Chair Factory Road and Canaan Road which were the first two requests that we had received. She has additionally received requests for County Route 34 and West Hill Road. She spoke with Dean Knox who funnels all of the speed limit study requests from the towns in the county to DOT who then completes the traffic study. She asked him how many requests at one time was too many and he said that 4 or 5 roads on one resolution is not excessive. We wouldn't want to do this every few months but if we wanted to do all of these roads in one resolution we can.

Supervisor Teal stated that just because a road is not posted with a speed limit does not mean that the speed limit is 55 mph. The state law reads that if a road does not have a posted speed limit, it is what is safe for the conditions of the road.

Councilmember Smith made a motion to adopt the proposed resolution with the addition of West Hill Road and County Route 34. Supervisor Teal seconded that motion.

Councilmember Baumli stated that he is concerned that traffic goes fast on our secondary roads and that posting speed limit signs on these roads will not slow traffic. His concern is that we are opening Pandora's Box because next month someone is going to come in and say "what about my road". Now we are going to have resolutions every other month asking for speed limit studies. He asked if there have been any tickets issued on any of the local roads that are already posted such as Cemetery Road, County Route 9, County Route 5, etc. He

agrees that the traffic goes to fast. If we are going to pass a resolution tonight for these other roads, add Lovers Lane on to the list as well.

Supervisor Teal stated that we may need to start submitting speed limit requests on a regular basis as there are a lot of unposted town roads. She spoke to County about it and their recommendation is to do a long term plan and plan to submit 5 or 6 roads maximum per year to DOT for speed limit studies. That may be what we need to do. It will overwhelm them if we try to do 4 or 5 every month. We will need to space it out appropriately.

Highway Superintendent Winestock stated that he is not opposed to having the state come out and do a speed limit study but 95% of the people speeding on these roads are our friends and neighbors. We should all talk to our friends and neighbors and ask them to slow down on our town roads.

Supervisor Teal stated that in her opinion enforcement is a separate issue. To say that we don't want to request that speed limits be posted if it's a safety issue because they aren't enforcing existing speed limits on town roads is irresponsible. Enforcement is a separate issue that should be dealt with separately.

Ed Godfroy stated that when Darrow Road got posted it was mostly people living up that road that were speeding but once they got used to the posted speed limit, they slowed down. Supervisor Teal stated that she does believe that posting a speed limit makes a difference and makes a statement for people to slow down. Bill Banker stated that if a speed limit is not posted you can't really asked people to slow down. Sarah Westwind stated that it is not just the people living on the road but also the Fed Ex driver, the UPS driver, etc. Supervisor Teal stated that she believes that the Town Board has an obligation to submit speed limit requests for local roads when traffic is moving too fast, there is no posted speed limit and it is a safety issue.

Bob Smith stated that someone should speak to the school as a lot of school kids are going way too fast on Cemetery Road. Supervisor Teal stated that she did ask law enforcement to patrol Cemetery Road. Cynthia Creech stated that she believes that a posted speed limit helps the law enforcement be able to enforce it.

Councilmember Evans asked who is responsible for putting up the speed limit signs once a speed limit is set and how often do the signs need to be posted and at what cost to the town. Highway Superintendent Winestock stated that he would defer to Columbia County as they have their own sign shop and they know all the requirements of where the signs need to be posted. Supervisor Teal stated that signs are very inexpensive through the county sign shop.

**TOWN OF NEW LEBANON
RESOLUTION #18, 2016 ~ REQUEST FOR SPEED LIMIT REDUCTIONS ON CHAIR FACTORY
ROAD, CANAAN ROAD, WEST HILL ROAD, COUNTY ROUTE 34 AND LOVERS LANE
SEPTEMBER 13, 2016**

At the regular meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 State Route 22, New Lebanon, New York, duly called and held on the 13th day of September 2016, the following resolution was proposed and seconded:

Proposed by Councilmember Smith Sr.
Seconded by Supervisor Teal.

REQUEST FOR SPEED LIMIT REDUCTIONS ON CHAIR FACTORY ROAD, CANAAN ROAD, WEST HILL ROAD, COUNTY ROUTE 34 AND LOVERS LANE.

WHEREAS, residents of Chair Factory Road, Canaan Road, West Hill Road, County Route 34, and Lovers Lane have requested that the speed limit be reduced on Chair Factory Road, Canaan Road, West Hill Road, County Route 34 and Lovers Lane for reasons of safety; and

WHEREAS, the New Lebanon Town Board has reviewed and accepted said requests; and

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board of the Town of New Lebanon hereby requests that the speed limit on Chair Factory Road from Darrow Road to the end of Chair Factory Road (Dead End Road) be reduced; that the speed limit on Canaan Road from US Route 20 to the Canaan Town Line (0.49 miles past Stone House Road) be reduced; that the speed limit on West Hill Road from Cemetery Road to County Route 5A be reduced; that the speed limit on County Route 34 from County Route 5 (CR 67) to County Route 9 (CR 28) be reduced; AND that the speed limit on Lovers Lane from US Route 20 to Cemetery Road be reduced.

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 Mark Baumli	Aye
Councilmember Dan Evans	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.

Sidewalk Project:

Supervisor Teal stated that sidewalks have been a very difficult decision for the Town Board. They have held two public hearings just this year. She is going to talk about the data that we have and comment a little bit about why she is going to make the decision she is going to make. She wants to afford the other Town Board members the opportunity to do the same. She is going to ask that the public not debate at this point. We have had a long struggle with making a decision on this and the public hearings were held for all members of the public to be heard.

Supervisor Teal stated that the two public hearings that we held were not as well attended as public hearings in the past on the sidewalk project. One thing that concerned her were several comments that people were supporting the idea of buying more time but not the sidewalk project itself. She went back to 2013 and went through both public hearings from start to finish, created a spreadsheet, logged every single person who spoke and went through every single letter that was written and both petitions that were submitted. There were two

petitions submitted. One specifically stated “we the undersigned do not want sidewalks” and everyone who signed this petition she counted. The second petition was for a referendum and while she could make an assumption, she didn’t think that was right. Nobody signed that one saying they were for or against the sidewalks so she did not count them either way.

When she looked at every response, giving each name only one vote, there were 59 for and 158 against. She then took the data and took those that are residents of New Lebanon only and there were 41 for and 150 against. She then looked just at the businesses that had responded and there were 14 for and 17 against. When she took out multiple owners and gave each business only one vote, there were 11 for and 14 against. Then she took every person who received a notice for the eminent domain proceedings because their property was being impacted and there were 5 for and 13 against.

Supervisor Teal stated that significant public opposition would be a justifiable reason to choose the no build option and not have to pay the money back. She asked herself why the sidewalks were being looked at in the first place and it was for economic development. The pared down project and having the sidewalks just on one side are not going to bring us business. If for some reason it did bring us new business and we said let’s build this and they will come, if we got 10 applications for new businesses in that corridor tomorrow the number of them that would be approved are slim to none because the problems that are in that corridor are separate from what the sidewalks are going to do. We keep saying that we need to bring the businesses. She has spoken to many local business owners and they tell her that local support is not enough to keep them in business. We need the outsiders coming in. We are not going to draw outside business in by saying come open a business here, we want to do something with tourism or bringing other people here and we want you to be part of it. Come put your business here and maybe in the next 5, 10, 15 years we will get those other people coming. We are putting the cart before the horse. We have to look at who we are and how we are going to bring people in.

Councilmember Baumli stated that he attended several of the prior public hearings and his family owns one of the properties where the sidewalks were going to go through and he was opposed to it himself at that point and he is still opposed to the thought for a couple of reasons. The first is economic development. He thinks people need to get off that miracle mile as it is already developed quite a bit and we need to start focusing down towards our commercial and industrial property at the other end of town, trying to get more businesses into this town. At this point he doesn’t think sidewalks between Tilden Road and the Valley Plaza are going to make a large impact for us. If the prior board had done what they should have done and listened to the public and possibly had a referendum, which people petitioned that board to do, we wouldn’t be in the position we are in today. He truly believes that the signatures on that referendum were people that would have voted no to the sidewalks. He doesn’t think people were signing the referendum that wanted to get sidewalks because that prior board was pretty much shoving the sidewalks down the public’s throat which is when the public said, let’s try and stop this with the referendum. This is a large project and you are looking to spend half a million dollars. He does not want to be one of five people that spends a half a million dollars of the taxpayers’ money. He wants the public to tell him that that’s okay. When you are spending that much money, he doesn’t believe five people should make that decision. That needs to go out to the public to let them decide.

Councilmember Evans stated that he has spoken loudly about this at the public hearings. A lot of their information for that was financially based with the no build option due to public opposition not looking like it was realistic. Taking and making that an option, we are in a spot where we are not going to build sidewalks in the next 3 years but we would be putting it on a board 15 years or so down the road, similar to the situation that we are in now from a board back in 2003. That board did comprehensive research with different members. He remembers that some classmates were pulled into some meetings to give feedback on the sidewalks. He wishes that we had more public opinion back then but he believes that is where that board was moving. Now we are at a crossroads where we can crumple it up and throw it out or we can crumple it up and throw it ahead for the next board. Part of him doesn't want to completely throw it away but he doesn't think he is going to change anybody's mind sitting at this board.

Councilmember Smith stated that there was great opposition against the sidewalks back in 2013. It is a sidewalk to nowhere. He is with the constituents that elected him and it is time to put an end to the sidewalk fiasco.

Councilmember Geraldi stated that we have been down this road and if we can stop this now, we still have everything there if we decide down the road we want to use it. If we can get out of this without having to pay all that money back, that's the way to go. It's a bad plan at a bad time.

Supervisor Teal made a motion authorizing the Supervisor, the Town Attorney and the engineering firm to move forward with the necessary documentation to amend the determination of May 21, 2013 for the Route 22 Sidewalks Project, PIN #8131.15 due to significant and substantial public opposition to the project. Councilmember Smith seconded that motion.

Roll Call Vote:

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

NEW BUSINESS:

Highway Truck Request:

Supervisor Teal stated that we have a request for a highway truck. Superintendent Winestock would like to trade in the 2008 Dodge for a new small truck. Also his plan is to sell the 1999 International. Supervisor Teal prepared 4 different funding alternatives. She did talk to Superintendent Winestock and he didn't seem to have any significant preference for one over the other. With an estimate of a truck cost of \$95,000, a trade in value of about \$10,000 with a balance of \$85,000. Option #1 would be a 4 year loan calculated at 3% with an annual payment of \$22,867.30 and total interest of \$6,469.20. Option #2 would be putting a \$20,000 down payment from the 2016 budget that we currently have set aside that if we don't spend we put into the highway capital fund for equipment, for a 4 year loan at 3% with an annual payment of \$17,486.76 and a total

interest of \$4,947.03. Option #3 would be putting \$20,000 down payment from the 2016 budget and \$20,000 down payment from capital reserve which currently has a balance of \$36,000, for a 4 year loan at 3% with an annual payment of \$12,406.22 and a total interest of \$3,424.87. Option #4 would be putting \$20,000 down payment for the 2016 budget and \$36,000 down payment from capital reserve, and paying the remaining \$29,000 balance from surplus, which has a current balance of \$219,287.00 and paying for the whole truck right now.

Supervisor Teal strongly suggests option #1 or #2. She provided the Town Board with all of our current outstanding debt. On the general side, all 2016 payments have been made and for 2017 we have one more town hall payment in the amount of \$40,940.00 which will be the last payment. On the highway side, in 2017 there will be a payment for the 2013 truck in the amount of \$18,896.40 and the backhoe in the amount of \$18,798.66. At one point in time we had 3 highway vehicles financed around \$20,000 payments annually each. As each vehicle was paid in full, either a new vehicle was financed or if no new vehicle was needed, that money was just shifted to that other line item in the budget which kept the budget stable and at the end of the year that would go into the capital reserve to build for the next purchase. It keeps the budget more stable and it keeps us looking forward. She would love a full long term plan but at the moment we don't. She feels that option #1 and #2 are both a good use of the money we have available without dipping into our savings and not changing our situation financially for next year.

Councilmember Smith made a motion to finance a new highway truck with option #2. Supervisor Teal seconded that motion.

Councilmember Baumli asked where we are at with all of the highway equipment and when the next possible purchase is coming. He would like to have a depreciation schedule for all of our town equipment. Supervisor Teal stated that Superintendent Winestock is ready to work on this with her but she has not yet had the time to sit down with him.

Supervisor Teal stated that since the 1999 International cannot be part of the trade in, she would like to ask the board to authorize that whatever is received from the sale of the 1999 International is added to the highway capital reserve for equipment.

Councilmember Evans asked if the goal moving forward is to have 3 payments of around \$20,000 each for highway equipment. He stated that if we financed this truck it would mean 3 payments in the budget through 2018. He asked if there might be any other equipment needed before the end of 2018. Superintendent Winestock stated that the mower is deteriorating rather quickly and the tractor is in pretty good shape so at the most he can think of is some work done to the grader and probably he can do some work on the mower. He doesn't foresee anything huge.

Councilmember Geraldini stated that the board has not had a chance to really look this over and he feels that voting tonight would be premature. He thinks that this should be more part of the budget and to just vote on it tonight is getting ahead of ourselves. Supervisor Teal stated that if we wait until budget time, we won't have a truck for this winter. Councilmember Baumli stated that we are just sending this out to bid and if the bid comes back much higher we can just pull back and it's not money that we are definitely going to

spend at this point. Town Clerk Houghtling stated that the motion on the floor is to finance a new highway truck with option #2, not just to go out to bid on a truck.

Supervisor Teal made a motion to go out to bid on a new small highway truck with the specifications to be provided by Superintendent Winestock. Councilmember Smith seconded that motion.

Roll Call Vote:

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

Supervisor Teal made a motion to declare the 1999 International surplus and to solicit bids for sale. Councilmember Evans seconded that motion.

Roll Call Vote:

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

Shaker Museum Crosswalk Request:

Supervisor Teal stated that the Shaker Museum is requesting a crosswalk be installed. They have two operating buildings on opposite sides of Shaker Road and would like a crosswalk between them. She has spoken with Superintendent Winestock and he has no opposition to it. If the Town Board approves it, we would need to enact a local law.

Supervisor Teal made a motion to approve having a crosswalk installed at Shaker Museum to connect the two display buildings across Shaker Road and further to work with the Town Attorney to get that through the necessary process. Councilmember Smith seconded that motion.

Roll Call Vote:

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

Budget Workshops:

Supervisor Teal stated that she would like to schedule some budget workshops for the month of October. The tentative budget will be distributed to the Town Board on October 1st and the public hearing on the proposed budget will be held on the first Thursday following the

election in November. The Town Board scheduled a budget workshop for Wednesday, October 5 at 6pm and a second budget workshop for Monday, October 17 at 6pm. The budget workshops will be held at the Town Meeting Hall, 14755 State Route 22, New Lebanon.

COMMITTEE REPORTS:

Assessor (Councilmember Evans):

Councilmember Evans stated that we will need to keep up with our reassessment plan that we have with the State. That plan has us reassessing in 2018. Assessor Cammer would like to hold off on this until 2019. The ongoing data verifications are part of that plan. We will need to go into contract with the County to provide the same services they did for the 2015 reassessment. The cost to do it this way is under \$20,000 over 3 or 4 years. This is instead of hiring a contractor which would cost the town near \$100,000.

Broadband Committee (Supervisor Teal):

Broadband Committee chairperson Doug Banker stated that they haven't met yet due to a number of factors. The Connect Columbia Committee, which has been the sponsor of a lot of the activity at the County level, have been moving their focus in terms of what they expect their committee as well as the individual community committees to do with regard to what's happening at higher levels. There is a lot of activity at both the State and the County level and there will be funding available that will help to promote better broadband in Columbia County. So the focus that Connect Columbia is now taking is that each of the community committees should be tasked with a quality control role to be looking and making sure that whatever Time Warner (Spectrum) and Fairpoint are talking about doing in terms of improvements actually takes place and that we don't end up with pockets that are underserved.

Doug Banker stated that a survey went out to assess current broadband service and they have received over 1,700 responses in three weeks since it went out. The responses received so far are indicating that people are not happy with their current service and they feel they are paying too much for what they get. Residents of New Lebanon have submitted around 100 surveys and he would like to see more of our residents get on it and complete the survey.

Building Department (Councilmember Gerald & Councilmember Baumli):

Councilmember Baumli stated that we have a public forum on solar tomorrow night at 7pm at the Town Hall and he encourages people to attend and give their input.

CAC & Environmental Management (Deputy Supervisor Creech):

Deputy Supervisor Creech stated that the CAC continues to work on the creation of the natural resources plan inventory. There is a site visit tomorrow with a couple of the CAC members going out and continuing to create better maps and pictures. They have already found several streams that have not been mapped. The CAC is co-sponsoring the solar forums that the Zoning Re-Write Committee has put on. She hopes all can attend as these meetings have been very important to instruct our government as to whether we are going to allow solar installations in town or not.

Bruce Shenker stated that there is a group called the NY Rural Water Association that does source water protection plans at no cost. They have worked with 10 towns in Columbia

County to help them protect their ground water resources. The majority of this work was completed at no cost to these municipalities. They are federally funded programs. They have done Chatham, Austerlitz and Ghent. He has the contact information for them if we are interested as it is important to protect our ground water especially with the contamination that happened just north of us. He stated that we are only one of two counties in the state that has no sanitary code. The Environmental Management Council will be putting up a scorecard on their website to see where each town is at with their environmental awareness. They will look at things such as whether or not you have an EMC representative, whether or not you have a CAC, whether or not you are a climate smart community, whether or not you have passed a resolution about climate change, etc.

Fire, Law Enforcement & Emergency (Councilmember Smith):

Councilmember Smith read the LVPA activity report aloud. There were 10 calls, 53 people and 126.60 man hours.

Highway (Councilmember Evans & Councilmember Smith):

Highway Superintendent stated that it has nothing to do with him, but it sure is nice to drive through town on the 20/22 corridor now.

Historian & LVHS: (Councilmember Baumli):

No report.

Justice Court/Constable (Councilmember Gerald):

No report.

Parks & Recreation (Supervisor Teal):

No report.

Seniors (Councilmember Baumli & Phyllis Hulbert):

Supervisor Teal stated that Phyllis spoke at the last meeting about a new program in the County. Applications must be in by November 1st and they are available at the Town Clerk's Office. Senior citizens who qualify based on income can have significant work done on their home at no charge. They must own their home. There is a lot of information at the Town Clerk's Office. If you know of anybody that might qualify, please bring them an application. It is to provide a variety of work that needs to be done on the home including interior/exterior repair, step replacement, deck or porch building, wheelchair ramp installation, roofing, drywall, flooring, and other common necessities.

Councilmember Baumli suggested that the people delivering meals for the Meals on Wheels program could distribute applications for this program. Town Clerk Houghtling stated she would coordinate that.

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

Supervisor Teal stated that she met with someone from Wright Risk Management for an annual review and there were a few things noted. We have some employee training that we have not been keeping up to date on that they provide free of charge so we will get up to date on this. There were a few issues in the park, mostly things we have already discussed. There

is a trip hazard at the pavilion that Park Maintenance Super. Don Sears has already taken care of by painting a yellow line on it. She is waiting for a written report as this is all based on a verbal report. Some things are recommendations and some are requirements. Once we get the final report we will address everything on there. He stated that we were doing a great job overall.

LVPA Building (Gerald):

No report.

County Updates:

Supervisor Teal stated that the biggest push at the County has been the broadband and focusing on getting complete maps of where service is actually provided throughout the entire county.

ANNOUNCEMENTS:

Wednesday, September 14th – Community Forum on Solar at 7:00pm @ Town Hall

Wednesday, October 5th – Budget Workshop at 6:00pm @ Town Hall

Tuesday, October 11th – Public Hearing on Proposed Sign Law at 6:55pm @ Town Hall

Tuesday, October 11th – Town Board Meeting at 7:00pm @ Town Hall

Monday, October 17th – Budget Workshop at 6:00pm @ Town Hall

BUDGET AMENDMENT:

Amendment # 9 of 2016:

General Fund:

\$1,300	from A-1680.2 (Central Data Processing: Equipment)
\$1,613	from A-1990.4 (Contingent)
\$1,000	from A-7020.4 (Recreation Administration: Cont. Exp.)
\$741	from A-7310.1 (Youth Program: Personal Services)
\$36	from A-1460.4 (Records Management: Contract. Expenses)
\$300	from A-1603 (Vital Statistics Fees)
\$1,300	to A-1410.2 (Town Clerk: Equipment)
\$67	to A-1010.4 (Town Board: Contractual Expense)
\$796	to A-7110.2 (Parks: Equipment – Playground Install)
\$1,750	to A-7110.4 (Parks: Contractual Expense)
\$741	to A-7310.4 (Youth Program: Contractual Expenses)
\$36	to A-1420.4 (Records Management: CE – RM Grant) <i>[Account code has typographical error – should have read A-1460.41 – will be corrected at 10/11/16 TB Mtg]</i>
\$300	to A-4020.4 (Registrar: Contractual Expenses)

Highway Fund:

\$2,098 from DA-3501 (State Aid: Consolidated Highway)

\$2,098 to DA-5112.2 (Improvements: Capital Outlays – CHIPS)

A motion was made by Supervisor Teal and seconded by Councilmember Smith Sr. to accept the above noted budget amendment.

Roll Call Vote:

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

AUDIT OF BILLS:

**General Nos. 272 through 273, in the amount of \$68,046.06;
As listed on Abstract No. 8A of 2016 dated September 13, 2016.**

**General Nos. 274 through 312, in the amount of \$74,301.87;
Highway Nos. 93 through 106, in the amount of \$50,110.90; and
Escrow No. E16-10, in the amount of \$2,166.04;
As listed on Abstract No. 9 of 2016 dated September 13, 2016.**

A motion was made by Councilmember Smith Sr. and seconded by Supervisor Teal to pay the above noted claims from their respective accounts.

Roll Call Vote:

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

PRIVILEGE OF THE FLOOR:

Ben Wheeler stated that they did training on the new high band radio systems for the fire service. They will be installing high band radio systems as early as next week. The key issue will be with reception. They may have to install a new 911 tower to ensure a proper communications system. Supervisor Teal stated that Rob Lopez will be coming out to look at new sites for a tower.

Jeff Winestock stated that they were told that the low band radio was the way to go because of the terrain and now that emergency response is moving to high band radio, the highway department will have no way to communicate with them.

Doug Banker commended the Town Board on their decision on the sidewalk project. He stated that was a tough decision and none of the current Town Board members caused the situation. He hopes that the Town Board encourages some momentum towards a better comprehensive plan in town because the planning that goes into it never gets implemented and we need to start planning and looking ahead instead of always reacting.

Joan Phelps stated that she would like to thank whoever got DOT moving as Route 20 is amazing compared to what it used to be. She asked if the proposed Zoning Law changes will be published ahead of time so she can email her feedback ahead of the public hearing because she cannot attend. Supervisor Teal stated that it will be available in the Town Clerk's office and on our website well in advance of the public hearing. Joan Phelps asked if the picnic table benches at the pavilion have been widened and Supervisor Teal stated

that they have all been widened.

J.J. Smith stated that the transparency and inclusion in this local government is wonderful.

EXECUTIVE SESSION:

At 8:55pm Supervisor Teal made a motion to enter into an executive session to discuss a specific personnel issue. Councilmember Smith Sr. seconded that motion.

Roll Call Vote:

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

At 10:02 pm Supervisor Teal made a motion to exit the executive session. Councilmember Gerald seconded that motion.

ADJOURNMENT:

A motion was made by Councilmember Baumli and seconded by Councilmember Evans to adjourn the meeting at 10:03 p.m.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town