

**MINUTES OF THE REGULAR MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON DECEMBER 12, 2017**

Present: Colleen Teal, Supervisor
Kevin Smith Sr., Councilmember
Mark Baumli, Councilmember
Chuck Geraldi, Councilmember
Dan Tuczinski, Town Attorney (arrived 7:20pm)

Absent: Dan Evans, Councilmember

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: Gregg Gilliland, LVPA
Kevin Darcy, LVPA
JJ Smith, NL Rep to CC Office for the Aging
Robert Smith, Planning Board Member
Peg Munves, CAC & ZRC Member
Cynthia Creech, Court Clerk & CAC Member
Jeff Winestock, Highway Superintendent
Norman Rasmussen, Town Board Elect
Jesse Newton, Town Board Elect
Judy Zimmer, NL Rep to CC Office for the Aging
Cissy Hernandez, CEO/ZEO
Jeff Hattat, Deputy CEO/ZEO
Thaddeus Flint, *The Eastwick Press*
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. Supervisor Teal pointed out the emergency exits.

MINUTES:

The minutes of the **November 9, 2017 Public Hearing on LVPA 2018 Budget, November 9, 2017 Public Hearing on 2018 Town of New Lebanon Budget, and the November 14, 2017 Regular Monthly Meeting** were reviewed. A motion was made by Supervisor Teal, seconded by Councilmember Baumli and approved unanimously (Councilmember Evans absent) to accept the above noted minutes as typed.

FINANCIAL:

Supervisor's Report:

Supervisor Teal provided the public and TB members with a copy of the Supervisor's Report as of November 30, 2017 as well as a copy of a legal analysis for 2016 and 2017 which breaks down the legal expenses for the Town into categories. A motion was made by Councilmember Baumli, seconded by Councilmember Smith and approved unanimously (Councilmember Evans absent) to accept the Supervisor's report as typed.

PRIVILEGE OF THE FLOOR:

Timothy Laraway stated that he wants to give the people who bought the old building down by the Barber Shop a lot of credit for the beautiful job they are doing to that building. He asked if anybody knows what it is going to be when it's finished. Doug Banker stated that Tony Murad did a presentation to the historical society last night on the building. He does not know yet what they are going to do with the building. He is going to try and find a user for the building and then finish the interior to their specific needs.

OLD BUSINESS:

Bids – Room Partitions:

Town Clerk Houghtling read the following notice aloud:

**NOTICE TO BIDDERS
SURPLUS ITEM
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA**

NOTICE IS HEREBY GIVEN that the NEW LEBANON TOWN BOARD is seeking bids for the following surplus item:

(3) room dividers – cloth panels with wood frames – self-standing panels each approximately 5' wide X 6' tall

Items are available for viewing at the New Lebanon Town Hall, please contact Tistrya Houghtling at 794-8888 to schedule a viewing. Sealed bids must be in a PLAIN WHITE ENVELOPE with the item written on the front and must include a “non-collusive bidding certificate”. Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22, P.O. Box 328, New Lebanon, NY, 12125 no later than 4:00 pm on Friday, December 8, 2017. Bids will be opened at the Office of the Town Clerk at 4:00 p.m. on Friday, December 8, 2017 and will be considered by the New Lebanon Town Board at the regular monthly meeting on Tuesday, December 12 to be held at the New Lebanon Town Hall at 7:00 p.m. Electronic and faxed bids will not be accepted. The Town Board reserves the right to reject or accept all bids.

Tistrya Houghtling
New Lebanon Town Clerk
11/22/2017

Town Clerk Houghtling stated that we received one bid in the amount of \$10 each for all 3 partitions for a total of \$30 from Mountain Road School.

Supervisor Teal made a motion to accept the bid from Mountain Road School for the 3 room dividers for \$30. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Geraldi – Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Absent
Councilmember Baumli – Aye

NRCP - CAC:

Resolution for adoption:

TOWN OF NEW LEBANON

**RESOLUTION #32, 2017 – ACCEPTANCE OF THE NATURAL RESOURCE CONSERVATION
PLAN INVENTORY FOR THE TOWN OF NEW LEBANON 2017 WITH THE ASSISTANCE OF THE
TOWN CONSERVATION ADVISORY COUNCIL
DECEMBER 12, 2017**

At the Regular Monthly Meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall at 14755 Route 22, New Lebanon, New York, duly called and held on the 12th day of December 2017, the following Resolution was proposed and seconded:

Proposed by Supervisor Teal
Seconded by Councilmember Smith Sr.

WHEREAS the Conservation Advisory Council (CAC) for the Town of New Lebanon has assisted in the preparation of a *Natural Resource Conservation Plan for the Town of New Lebanon 2017* (NRCP), consisting of an inventory of data collection and information designed to assist the Town, its various boards and the public in identifying and considering important resources located within the Town; and

WHEREAS this NRCP was made possible by a grant of \$21,540 from the Hudson River Estuary Program, awarded on November 18, 2015, with funding continuing through October 31, 2017; and

WHEREAS this grant allowed the Town of New Lebanon to contract with Hudsonia Ltd. to work with the CAC as a consultant and write the plan; and

WHEREAS Hudsonia Ltd. subcontracted Conrad Vispo and Claudia Knab-Vispo of the Hawthorne Valley Farmscape Ecology Program to share their extensive collection of New Lebanon data and their detailed knowledge of habitats throughout the town; and

WHEREAS the Darrow School offered its facilities, staff and students during Hands to Work sessions every Wednesday morning, beginning on December 9, 2015, and concluding on May 18, 2016, to assist with the remote mapping project to identify small streams, small wetlands and “ancient forests” that began the active phase of creating the plan; and

WHEREAS CAC members devoted more than 700 volunteer hours to the project between submitting the grant application by the deadline of 2:00 P.M. on June 15, 2015, and distributing bound copies of the NRCP on November 6, 2017; and

WHEREAS CAC members made site verification visits to more than 22 properties in town with

landowner permission, covering more than 4603 acres of the Town's 20,995 acres or 22 percent of the total acreage; and

WHEREAS the NRCP contains extensive maps and descriptions of the town's mineral, water, and biological resources and their significance to the New Lebanon community; and

WHEREAS the NRCP, with a prominent "How to Use" section at the beginning of the document, has been distributed to all board members in New Lebanon – Town Board, Planning Board and Zoning Board of Appeals – to assist with town-wide planning and policy-making for uses and stewardship of the Town's natural resources; and

WHEREAS the NRCP is posted in its entirety on the Town's web site for access by the public, and bound copies are available for sale at a reasonable cost; and

WHEREAS the NRCP data files belong to the Town of New Lebanon and can therefore be updated as necessary in the future; and

WHEREAS the acceptance and approval of the NRCP (for the Town of New Lebanon 2017 below, is a type 2 action under the New York State Environmental Quality Review Act, pursuant to 6 NYCRR 617.5 (c) (18) for which no further action under SEQRA is required;

BE IT THEREFORE RESOLVED, that the Town Board of the Town of New Lebanon accepts and approves, for informational and educational purposes, the *Natural Resource Conservation Plan for the Town of New Lebanon 2017, created with the assistance of the town's Conservation Advisory Council*, as an inventory of data collection identifying important community resources within the Town of New Lebanon; and

BE IT FURTHER RESOLVED, that the information contained therein shall be made available to the various Boards and Agencies within the Town, as well as the Public in general, to assist in the development, management and protection of the Town's natural resources; and

BE IT FURTHER RESOLVED, that the acceptance and approval of the Natural Resource Conservation Plan for the Town of New Lebanon, 2017, and any recommendations regarding municipal actions which may be taken, as provided therein, shall in no way be deemed binding upon the Town's various Boards or agencies with regard to present or future actions. By adopting the Natural Resource Conservation Plan, it is the intent of the Town Board that this valuable and comprehensive inventory of the Town's natural resources be referred to often by the Town Boards, Agencies and Public to assist in the development, management and protection of these invaluable resources. It is the further intent of the Town Board, to periodically update and/ or amend this Plan as may be appropriate in the future.

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

Roll Call Vote:

Councilmember Geraldini – Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Absent

Councilmember 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.

Dated: December 12, 2017

Tistrya Houghtling
Town Clerk
Town of New Lebanon

Resolution Setting Rate for Copies:

**TOWN OF NEW LEBANON
RESOLUTION #33, 2017
NATURAL RESOURCE CONSERVATION PLAN – SETTING RATE FOR COPIES
DECEMBER 12, 2017**

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 12th day of December 2017, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal
Seconded by Councilmember Baumli

NATURAL RESOURCE CONSERVATION PLAN

WHEREAS, the New Lebanon Town Board has formally accepted and adopted the 2017 Natural Resource Conservation Plan prepared by the Conservation Advisory Council;

IT IS HEREBY RESOLVED that Town of New Lebanon, sets the price to be charged to the public for copies of the 2017 Natural Resource Conservation Plan at the rate of \$25 per copy and reserves the right to amend these prices from time to time by resolution; and

IT IS FURTHER RESOLVED that a discounted price of \$10 per copy will be charged for landowners that participated in the development of the Natural Resource Conservation Plan.

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

Roll Call Vote:

Councilmember Geraldini – Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Absent
Councilmember 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.

Dated: December 12, 2017

Tistrya Houghtling
Town Clerk
Town of New Lebanon

Cold War Veterans Exemption – Local Law to Remove 10 year Sunset:

Supervisor Teal stated that every member of the Town Board has received a copy of the proposed local law to amend chapter 185 of the code of the Town of New Lebanon in relation to a real property tax exemption for real property owned by Cold War Veterans. She stated that we need to set a public hearing and she is going to request that we set it for December 28th, 2017 at 6:55pm. The Town Board agreed to this date and time.

Insurance:

Supervisor Teal stated that she sent the details on all the questions that were asked to the Town Board members. She asked if any of the Town Board members have any outstanding questions that she didn't answer. Nobody spoke. Supervisor Teal stated that between the Attorney's recommendation for terrorism coverage and the carrier's recommendation on the flood coverage, we are looking at \$20,557 if we go with Trident and \$24,966.98 if we go with NYMIR. It is a difference of \$4,409.98. She stated that according to Michael Van Allen with Metzwood, who writes for both Trident and NYMIR, the coverage is the same. Supervisor Teal recommended going with Trident.

Councilmember Smith Sr. made a motion to accept the proposal from Trident in the amount of \$20,557 for 2018 Insurance coverage for the Town of New Lebanon, including terrorism and flood coverage, and to authorize the Town Supervisor to execute any necessary documents. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Absent
Councilmember Baumli – Aye

DEC EV Charging Station Rebate Program:

Town Clerk Houghtling stated that about 6 months ago Bruce Shenker, NL Rep to the CC Environmental Management Council came to a Town Board meeting and asked the Town to look into a grant for EV Charging Stations that the Town of Chatham had just received. It would be considered one more of the 4 actions that the Town is trying to get accomplished for a larger amount of grant money for possible solar panels here at the Town Hall. So far we have 2 actions completed. An EV Charging Station could be number 3 and the CEO energy code training has just started again which could be number 4. The grant money application window is open again for the EV Charging stations through DEC. The grant applications are

due by May of 2018. Robyn Reynolds would help us in writing the grant and all the steps required. She is happy to come to January's Town Board meeting and do a short presentation and answer any questions the Town Board may have. A lot of towns in the area including Austerlitz, Chatham, Hillsdale, Ancram and Ghent have either already signed up for the program in the last cycle or are signing up this time. Every town that applied last time did get approved. The cost share to the Town would not exceed the \$2,500 that we received as an incentive for adopting the Unified Solar Permit which we set aside for a future project such as this, so there would be no cost to the Town.

One of the questions that came up last time we discussed this was whether or not we had to have it on Town property as it would make much more sense to have an EV charging station downtown where people can walk around and support local businesses as their car charges instead of just hanging out at Shatford Park or the Town Hall. Robyn Reynolds advised that we can have it on another property. There is an agreement that you would need to enter into with the property owner which she has done for other towns. She will send us a sample agreement to look over. Councilmember Baumli suggested the LVPA as a possible site to host the EV charging stations as we already have a relationship with them and their property is right downtown. Town Clerk Houghtling stated that she is wondering whether she should proceed by inviting Robyn Reynolds to our January meeting to find out more.

Councilmember Smith stated that if there is no cost to the Town other than the \$2,500 that we put aside for something like this then it makes sense to him. He stated that he doesn't know how many people have electric cars. Town Clerk Houghtling stated that at the last meeting that this was discussed there were 3 people in the small audience that all stated they had electric cars so it may be more people than you would think. Supervisor Teal stated that it is worth looking into.

Councilmember Baumli stated that they just put EV charging stations in at his work. He believes that Volvo is going to all electric cars by 2019 so cars are definitely going in that direction. He thinks the fire station, if possible, would be a great location because of our relationship with them. If we put it on some business lot and they go under or they sell then that could create all kinds of issues. He thinks we should move forward with learning more and possibly reach out to the fire department to find out if it is something that we could work with them on.

J.J. Smith asked who pays for the electricity that is used by the people charging their cars. Town Clerk Houghtling stated that you can charge a fee for charging the car which would cover the energy costs. Bob Smith stated that grant money is coming out of his pocket so why does he have to pay for someone charging their car. Councilmember Baumli stated that he believes that someone who is charging their car is not going to sit in their car for two hours but instead they will go around New Lebanon and spend money at the local businesses. Bob Smith stated that people should go home to charge their car. He shouldn't have to pay for someone to charge their car. Supervisor Teal stated that the grant money is available and his tax dollars are already paying for these grants. Whether we participate or not and get a benefit out of the program is a decision here but you have already paid for this program, they are not going to charge you more if we participate. Bob Smith stated that it bothers him that the State keeps doing these grant programs. Councilmember Baumli stated that he

would need to speak to his State Legislators and say stop accepting these grants at the State level because if New Lebanon doesn't take this grant, some other town is going to take it and you are still going to pay for it.

Doug Banker asked how permanent the station is. He asked if we site it at the LVPA and the prevalence of electric cars starts to swamp that space, can it easily be moved to another location. Town Clerk Houghtling stated that in the email from Robyn Reynolds she stated "This incentive program can also be thought of as a PILOT. The contracts are for two years, meaning that at the end of the two years the Town can choose to keep the station or decommission it, if appropriate."

Councilmember Geraldi asked if there are other projects that we can do. Town Clerk Houghtling stated that she had asked Robyn Reynolds to keep her informed any time a grant opened up for anything that would count towards our 4 high impact actions and so far this is the only one she has contacted us about. The Town Board agreed to invite Robyn Reynolds to the January meeting to do a short presentation and answer any questions. Town Clerk Houghtling stated that she will get a sample agreement for having the EV stations on property that is not owned by the Town and send it out to the Town Board member to look over before the January meeting.

Zoning Review - Consultant:

Supervisor Teal stated that one of the things she wants the Town Board to take a look at are the numbers that came out with the legal fee analysis. In 2016 about 70% of our legal fees were spent on zoning or planning or local laws and amendments. In 2017 it was 63%. When she first started looking at the idea of having a consultant come in she was a little bit unnerved at the cost, but when she looks at what we are spending on an annual basis, if we take this and take a one fell shot at this, it's going to be a one-time fee that is then going to get us beyond where we are spending all of these monies all of the time. Additionally when we keep trying to do this in house, we are stumbling upon the same problems that we have been stumbling on. We have already made an amendment that we addressed over here however there is another piece in the zoning that we missed that there is now another conflict and that is what we are going to continue to do. She thinks it makes the most sense to bring in someone who is a professional, tell them what our goals are and have them work with us to get that done as concisely and quickly as possible. She stated that if the Town Board is in agreement, there are a couple of steps that we would need to go through.

Councilmember Baumli stated that we talked about the price of this and what it was going to cost and it is a substantial amount of money. Tonight we have one board member that is absent that is leaving the board and another board member that is also leaving the board. He would like to table this until next year and let the other two new board member be part of the conversation as to whether they would be willing to spend this kind of money. Supervisor Teal stated that if the Town Board is willing to look at proceeding, she would like to have a quad board meeting and speak with the ZBA and the Planning Board and get their input too.

Munch Property:

Supervisor Teal stated that we had talked about putting a lien on the Munch Property. Some

of the follow up information that she has received is when we put a tax lien on of this nature, it is not one of the areas that the County makes whole. Each year it will sit on the property. If the property goes to foreclosure under the current County process we are not sure where this would fall. The County Attorney is now looking into this. Right now with the villages there is an agreement that there is a ratio based on what is owed in taxes and what is owed on the lien but it is only with the villages, not with the towns. She wants the Town Board to keep in mind that we are probably going to be looking at about a \$10,000 to \$12,000 tax lien. We have about \$5,000 in our cost so far without expending any additional monies.

Councilmember Smith stated that when we first did this Attorney Ferradino checked into this and the way it was supposed to go is the cost of this fence would be added to the tax bill the next year and if they didn't pay their taxes, at that point the County would pay us. He asked Attorney Tuczinski where it went wrong. Attorney Tuczinski stated that the County is just not doing that. Some counties do it, Rensselaer for example does it, a lot of counties do it. For whatever reason Columbia County has made the determination that you just can't add it to the tax bill. So what that means then is that we have to bring a proceeding officially to file a lien and then we have to make a decision whether we want to foreclose the lien. If you are talking \$5,000 or \$10,000, it's less than the cost of the process. The other problem you have is what other liens may be attached to the property because we don't get a priority tax lien. The County does because of the way the tax law is set up, but the Town doesn't. If we could somehow piggyback our costs into the County tax lien, we would be good but the County is just not doing that. The County Attorney is looking into the process to see what steps they are going to take but if they decide not to allow us to do that, then we have to make a determination do we want to potentially own that property and go through the process necessary to foreclose the lien for a cost.

Councilmember Smith stated that he would not have voted in favor of the fencing if he had known that we weren't going to get reimbursed for it. Supervisor Teal stated that the decision that we need to make now is where are we going to go from here. Her other concern is the value of that property when it goes to foreclosure. If we proceed with more legal costs in having this lien attached, the property may not even be worth what we have into it. Councilmember Smith asked Attorney Tuczinski what the cost is to put a lien on the property. Attorney Tuczinski stated that you have to file an action with them. It is not structured as a lien per say. You have to get a judgement against the property. He will default and you will get it but the question is are we ever going to get our money back. Supervisor Teal stated that we have about \$5,000 into the property. Her recommendation would be to consider it \$5,000 spent on public safety and let it be. If we incur additional costs to attach a lien we are either going to end up with a piece of property that we don't want or we are going to end up with so much cost into it that we are never going to recoup it. Councilmember Smith asked what ever happened with bringing him to the Town Court. He believes he didn't show up but he is still in default and being fined every day. Attorney Tuczinski stated that we would need to go back and enforce that and the problem is finding this person. We can get default judgements. If the property is sold legitimately we would eventually get reimbursed but the problem is that building is in such bad shape he doesn't view it being a saleable property. Supervisor Teal stated every step we take there are significant legal costs involved.

Attorney Tuczinski stated that if we really want to do something we could run a title search to see what other liens may be on the property. We could also have our Town engineer do a reasonable assessment of how much structural work would be involved if we ended up taking the property. In some communities if you foreclose a property you have to tear it down and the lot is still worth enough to justify the cost and you have removed an eyesore. He doesn't think that is the case here. Supervisor Teal stated that he is already \$6,000 or \$8,000 in arrears on property taxes. Councilmember Smith stated that we don't want the property. Councilmember Geraldini stated that is all you are going to get. Sooner or later you are going to end up with the property and then you are going to have to do something with it. Attorney Tuczinski stated that we want to avoid owning that property if we can. Attorney Tuczinski stated that for the \$5,000 that we currently have into it, it doesn't make sense to spend more money to try and recoup it. If in the future there is more work that needs to be done and we need to spend more money on the property then we can do a cost analysis to see what actions, if any, make sense.

Councilmember Baumli stated that he was the only no vote that said don't touch that property, leave it alone. It is Mr. Munch's problem, not the Town's and now look at the mess we are in. Councilmember Smith stated that Councilmember Baumli is right. Councilmember Geraldini stated that he voted no too. Councilmember Baumli stated that the County took the property next to the Shed Man and foreclosed on it. That is a two story home that was gutted at some point. The County took it back due to back taxes and sold the property for \$5,000 and there is somebody living there today. The Munch property is not livable. So if that house sold for \$5,000, Munch's is not going to sell for anything close to that. He stated that he will not vote for any action on that property because he said not to touch that property. He wouldn't go any further in debt on that property.

LVPA Fire Contract:

Supervisor Teal asked if all the Town Board members have had a chance to review the proposed 2018 LVPA Fire Contract. She asked if any Town Board members have any concerns on the draft of the LVPA contract. Supervisor Teal stated that she would like to set a Public Hearing for 6:55pm on 12/28/17. The Town Board agreed to this date and time. Supervisor Teal stated that the LVPA is going to review the contract at their meeting on 12/20/17. Councilmember Smith stated that it was really great working everything out with the LVPA with compromises on both sides. He feels really good about getting everything on track and getting on the same page.

CRS Ambulance Contract:

Supervisor Teal asked if any of the Town Board members have any questions on the Chatham Rescue Squad Ambulance Contract for 2018. Supervisor Teal stated that she needs authorization to execute the contract.

Councilmember Baumli made a motion authorizing the Town Supervisor to execute the agreement to provide emergency medical service for 2018 between the Chatham Rescue Squad and the Town of New Lebanon. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Absent
Councilmember Baumli – Aye

Updates:

Habitat for Humanity Fundraiser Sign:

Supervisor Teal stated that we cannot do the Habitat for Humanity fundraiser sign on the property at the intersection of Route 20 and 22. The LVPA had offered to allow it to be put up at the American Legion Hall but she believes they are going to pass on that offer but she will leave it to Habitat to communicate directly with the LVPA on that. Peg Munves stated that Habitat for Humanity has decided not to do an outdoor sign.

Restore NY Grant Application:

Supervisor Teal stated that the Town Board had authorized her to submit a letter of intent for the Restore NY Grant Application but there is insufficient time based on the requirements and timing so we are not moving forward with that.

PESH – Highway Fuel Tank:

Supervisor Teal stated that she has gotten confirmation from the higher ups at PESH that the application for an extension through June 30th that she will be submitting will go through. There has been a conflict in determining who has oversight. At first she was told it was Department of State who told her that the codes that apply are the codes that were in place when we installed it, which was 1991 and 1992, which means we are in full compliance. When she went back to PESH with that she was told that it is not Department of State, it is OSHA. The extension will give us 6 months to sort this all out.

Councilmember Smith asked Attorney Tuczinski what his opinion is on this issue. Attorney Tuczinski stated that he would like to get more information. He knows our Town Engineer came out and assessed the site. This situation cries out for a solution. The issue becomes reasonable people sitting down and coming up with reasonable solutions. Right now it sounds like they are being very rigid in terms of what they want us to do. He would hope that we can negotiate something but whenever they put up a public safety question, it makes it more challenging. He is hopeful that we can solve it. Councilmember Smith asked if when they enacted this new law, there was any grandfather clause that the new law only applies to new buildings, but allows existing buildings to stay under the old code. Attorney Tuczinski stated that the grandfather language being referred to is typically zoning type language that allows grandfathered uses. When it gets into public health safety and the safety of employees issues, new revised building codes that become applicable in situations like this typically are given complete effect. So if you have a tank that is dangerous in the eyes of the agency, you need to remediate it and resolve it. You can't rely on the fact that you put it in legally back then. At this point we have to sort through it and see to what extent we can negotiate a resolution.

New International Truck (Replacement):

Supervisor Teal stated that we have received the new International Truck.

NEW BUSINESS:

MHP License Renewals:

Supervisor Teal stated that we have a recommendation from the Code Enforcement Officer to approve 2018 Mobile Home Park license renewals with the exception of Cornerstone as they are no longer operating as a mobile home park. Hanson's, Ski Lodge, Tazmutt, Adam's Crossing (Garden Homes), and Sherman's are all recommended for approval.

Supervisor Teal made a motion to approve the issuance of mobile home park licenses for 2018 for the following mobile home parks: Hanson's, Ski Lodge, Tazmutt, Adam's Crossing (Garden Homes), and Sherman's. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Absent
Councilmember Baumli – Aye

NL 200 Celebration :

Supervisor Teal stated that we have a proposal from the NL 200 Committee asking for authorization to purchase 30 banners and 30 brackets from Callahan Sign. There are 3 quotes: Callahan Sign for \$4,830.00, GVH Studios for \$7,536.00, and Gettysburg Flag Works for \$6,910.50. She stated that there is an image that is pretty close to the final image that was approved by the NL 200 Committee. She is working with NYSEG and Fairpoint to get the American Flag Mounts and the banner brackets installed. Councilmember Smith asked if these brackets will be able to be used for other things as well. Supervisor Teal stated that we can use them for other banners in the future. JJ Smith asked what happens if the American Flag project and the NL 200 banners have conflicting poles. Supervisor Teal stated that she has a list of poles for the flag project and she is getting a list of poles from the NL 200. If there is a pole that both groups want to use, Supervisor Teal will reach out to both groups and work through it.

Supervisor Teal made a motion to accept the quote from Callahan Sign in the amount of \$4,830.00 for 30 banners and 30 brackets. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Absent
Councilmember Baumli – Aye

Civil Service Appointment – Cissy Hernandez:

Supervisor Teal stated that Cissy Hernandez took the civil service test for the Code Enforcement Officer. As a full time position, the civil service test is required for the CEO position. Supervisor Teal got the certificate of eligibles and the date of the certification is 11/27/17. We have to make an appointment from that list before 12/27/17. There are 3 people on the list.

Supervisor Teal made a motion that the Town Board appoint Hazel Hernandez to the position of Code Enforcement Officer per the Columbia County Certificate of Eligibles for Exam #3061 as a “permanent (full-time) appointment” effective 12/12/2017 and further that the board authorizes the Supervisor to notify all 3 candidates on the list of the appointment. 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

Resignations:

Supervisor Teal stated that we have some resignations that she will have Town Clerk Houghtling review. Town Clerk Houghtling read the following email aloud:

Please accept my resignations for the following appointed positions, effective immediately:

Recreation Commission

Zoning Re-Write Committee

Also, while not an appointed position, I will no longer serve as a liaison for the Supervisor and/or Town to the NL 200 Committee.

Cynthia Creech

Supervisor Teal made a motion to accept Cynthia Creech’s resignations from the Recreation Commission and Zoning Re-Write Committee. Councilmember Baumli seconded that motion. The motion passed unanimously (Councilmember Evans absent).

Deputy Supervisor Appointment:

Supervisor Teal stated that she also received a resignation from Cynthia Creech as Deputy Supervisor. She did accept that resignation. Supervisor Teal stated that she would like to appoint Doug Banker as Deputy Supervisor, effective tonight.

COMMITTEE REPORTS:

Supervisor Teal stated that based on time, she would like to skip the committee reports unless someone has something specific for one of the committee reports. She asked if anybody has anything specific on the list that they wanted to address.

Seniors (Councilmember Baumli):

Judy Zimmer stated that she has an update on the Seniors, if there is time. She stated that there are a lot of services that they are discovering. They put out a survey in the last newsletter and got five responses. They would like to get the churches more involved. They are looking for nurses and lawyers in the area that could volunteer their time to help seniors in need in our community. She stated that the Health Care Consortium is going to come to the New Lebanon Town Hall on the 3rd Friday of each month at noon to help people fill out forms, sign up for programs such as HEAP, Medicaid, Medicare, SNAP, etc., and answer questions. The first one is January 19th. They are also at the Canaan Town Hall on the 3rd Wednesday of the month at noon.

ANNOUNCEMENTS:

Thursday, December 28th ~ Public Hearing on 2018 LVPA Contract @ Town Hall @ 6:50 pm
Thursday, December 28th ~ Public Hearing on proposed LL – Cold War Veterans Exemption
@ Town Hall @ 6:55 pm
Thursday, December 28th ~ Town Board Year End Meeting @ Town Hall @ 7:00 pm
Monday, January 1st ~ Newly Elected Officials Swearing In @ Town Hall @ 9:00 am
Tuesday, January 2nd ~ Annual Organizational Meeting @ Town Hall @ 6:00 pm
Tuesday, January 9th ~ Town Board Regular Monthly Meeting @ Town Hall @ 7:00 pm

BUDGET AMENDMENT:

Budget Amendment #12 of 2017:

General Fund:

\$1,710 from A-1990.4 (Contingency)
\$300 to A-1410.4 (Town Clerk: Contractual Expense)
\$1,385 to A-1460.4 (Records Management: Contractual Expense)
\$25 to A-8160.4 (Refuse & Garbage: Contractual Expense)

A motion was made by Supervisor Teal and seconded by Councilmember Baumli to approve the above noted budget amendment.

Roll Call Vote:

Councilmember Geraldini – Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Absent
Councilmember Baumli – Aye

AUDIT OF BILLS:

**General No. 417, in the amount of \$43,151.00; and
Highway No. 120, in the amount of \$16,781.00;
As listed on Abstract No. 11A of 2017 dated December 12, 2017; and**

**General Nos. 418 through 457, in the amount of \$61,023.64;
Highway Nos. 121 through 131, in the amount of \$33,000.01; and
Escrow No. E17-15, in the amount of \$50.00;**

As listed on Abstract No. 12 of 2017 dated December 12, 2017.

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

Roll Call Vote:

Councilmember Geraldini – Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Absent
Councilmember Baumli – Aye

INTERIM VOUCHERS:

Supervisor Teal stated that there are two vouchers that she is looking for approval to pay on an interim abstract. The first is a general voucher for the Association of Towns in the amount of \$40 for new Town Law Manuals and Highway Superintendent Manuals. The second is a highway voucher for Navistar in the amount of \$207,950 for the new truck.

Councilmember Smith made a motion to pay the two above noted vouchers on interim abstracts. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Absent
Councilmember Baumli – Aye

RESOLUTIONS FOR YEAR END MEETING:

Supervisor Teal stated that at the Year End Meeting there will be some resolutions that we are going to need to adopt at that meeting. There is \$12,500 that we have in the Parks account for half of the payment on the new mower. That will have to be transferred into the Park Capital Reserve by resolution. There is \$25,000 in the Playground and Recreation account for the basketball court that will need to be transferred by resolution to capital reserve for the park.

PRIVILEGE OF THE FLOOR:

Peg Munves stated that regarding the Habitat for Humanity project, she would like to make it clear that at this time they are not going to pursue any public outdoor signage.

Doug Banker stated that he would like to mention the effort to restore the Tilden Monument. All the board members should have a copy of the letter that they sent out for local fundraiser. Supervisor Teal has committed to approach Kathy Marchione and Steve McLaughlin about possible State funding that we could draw on. Anybody who would like to donate to these efforts can contact Doug Banker. He encourages people to spread the word about this locally. Councilmember Baumli asked Town Clerk Houghtling to send out an

email blast about the fundraising efforts for the Cemetery of the Evergreens.

Timothy Laraway asked if the land use booklets that the board spoke of are available now for purchase. Supervisor Teal stated yes.

JJ Smith stated that for the past 2 years it has been so refreshing to have such openness and collaboration in our local government. She stated that the government doesn't give away anything that doesn't first come from somewhere and anything that comes from the government is not free. She knows that we need grants as a municipality to do certain things that we really want to do. She thinks that people who do things for the environment are admirable. She thinks we should all respect the environment and do what we can to try and preserve natural resources. She doesn't have anything against that but she thinks that government green initiatives are evil things. With these grants that come in, there is always a string. It's always going to cost you something in the end and most of the time it's your liberties, your freedom to do as you wish as a town.

EXECUTIVE SESSION:

Supervisor Teal made a motion to enter into an executive session at 8:20 pm to discuss the proposed acquisition of real property, with the two incoming board members and the highway superintendent in attendance, and the performance and re-appointment of a particular employee, with the CEO and Deputy CEO in attendance. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Nay
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Absent
Councilmember Baumli – Aye

Councilmember Smith made a motion to exit the executive session at 9:15 pm.
Councilmember Geraldini seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Absent
Councilmember Baumli – Aye

ADJOURNMENT:

A motion was made by Councilmember Geraldini and seconded by Councilmember Smith to adjourn the meeting at 9:15 pm.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk