

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JUNE 12, 2018**

Present: Colleen Teal, Supervisor
Kevin Smith Sr., Councilmember
Norman Rasmussen, Councilmember
Jesse Newton, Councilmember (arrived at 7:06pm)
Mark Baumli, Councilmember

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: Ed Godfroy, LVPA
Judy Zimmer, NL Rep to CC OFA & Cleaner
Jeff Winestock, Highway Superintendent
Jack Lancto, CAC Member
Mary Young, LVPA
Peg Munves, CAC Member & ZRC Member
Doug Banker, Deputy Supervisor
Cynthia Creech, Court Clerk & CAC Member
Chelsea Vigue, NL Farmers Market
Jonah Millet, NL Farmers Market
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 **May 8, 2018 Special Meeting: Code Review, May 8, 2018 Regular Meeting** and **May 17, 2018 Public Hearing on proposed sale of 16 Lover's Lane to Corkscrew Rail Trail** were reviewed. A motion was made by Supervisor Teal, seconded by Councilmember Baumli and approved unanimously (Councilmember Newton 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 May 31, 2018. A motion was made by Councilmember Smith, seconded by Councilmember Baumli and approved unanimously (Councilmember Newton absent) to accept the Supervisor's report as typed.

PRIVILEGE OF THE FLOOR:

JJ Johnson-Smith read the following letter aloud that she sent to the Town Board and the Columbia County Board of Supervisors:

“To the New Lebanon Town Board and Columbia County Board of Supervisors,

In regard to the former George Miller Property on Lover's Lane, there are many valid arguments both for and against allowing the Corkscrew Rail Trail special consideration in the form of an “Exclusion” sale.

Many residents have spent much time and effort gathering letters and emails of support or opposition in an attempt to swing the outcome their way. The bottom line is, WHY are we out there knocking on doors and collecting petition signatures when in fact, they mean NOTHING. In a nutshell, we are all wasting time and effort that could be far better spent.

In all truth, there is only ONE solution to this issue that serves the interests of everyone and promotes fair, transparent, and ETHICAL action by New Lebanon Town Government. That one option would be to allow this property to be restored to the County Auction List for ALL interested parties to bid on. An “Exclusion Sale” is anything BUT ethical and bias-free, and will serve only to create more division and resentment in our community.

Town and County Government must wash their hands of this argument and allow this property to be offered for bid by all, and let the highest bid win.”

JJ Smith stated that at the public hearing we had rules about speaking and decorum and directing ourselves to the board and not heckling people and that went very well except for one person. Rocky Brown was treated like garbage at that public hearing. He was heckled. No one stopped it. She thinks that he deserves a public apology for what took place. He is a pillar in this community. He is a wonderful human being and he was not allowed to speak and that was horrible.

Doug Banker stated that the first Music in the Park is this coming Sunday and he hopes everybody shows up for that. We have some great bands and great food. He recognized Councilmember Rasmussen for his participation in the Memorial Day Parade and his valor in carrying a banner all by himself after we blew out a tire on the float. A lot of folks in town really appreciate it when our elected officials pay respect to our fallen veterans.

OLD BUSINESS:

16 Lover's Lane: proposed sale to Corkscrew Rail Trail

Supervisor Teal stated that she prepared for the Board a spreadsheet of everything that has come in regarding this proposed sale. There is also another packet that came in today and additionally Town Clerk Houghtling received another petition right before the meeting. The actual final totals are 418 responses received; 248 for and 170 against. That comes out to 60% for and 40% against.

Councilmember Rasmussen stated that in listening to the public it's a 60/40 split even with these late petitions, so he would like the Town Board to make a statement of support for the sale.

Councilmember Rasmussen made a motion to have the Town Board support the sale of 16

Lover's Lane to the Corkscrew Rail Trail,. Supervisor Teal seconded that.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Nay
Supervisor Teal -	Aye
Councilmember Newton -	Nay
Councilmember Baumli -	Nay

Councilmember Baumli stated that he feels that the County should not be able to play God in determining who gets these parcels. He believes that it should go out to bid and everything should be handled the same way. He knows a parcel recently was put out to bid. It was pulled back off the auction and somebody else was able to buy that parcel. He wishes he had been made aware of that option, but he wasn't. He doesn't think the County ethically should be deciding who and who should not be getting that property.

Councilmember Baumli made a motion that the Town of New Lebanon recommend to the County Board of Supervisors to place the Miller property back up for bid at the next public auction that is available. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Nay
Councilmember Smith -	Aye
Supervisor Teal -	Nay
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Supervisor Teal made a motion to send the Public Hearing minutes from 5/17/2018 and the all the input that we received from the community between 5/17/2018 and tonight to the Full Board of Supervisors. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Code Review:

Supervisor Teal stated that they had talked at the Code Review meeting about coming forth at this meeting with a decision on certain parts that we are going to move forward with. She stated that under Administrative Legislation Part 1 there are 6 chapters that we are simply going to be removing from the code because they are policies and they will be then maintained in a binder in the Town Clerk's office and on a separate page on the town website:

- a. Chapter 4: Approved Travel Policy (P9)
- b. Chapter 13: Data Breach Notification Policy (P11)

- c. Chapter 26: Key Policy (P14)
- d. Chapter 31: Personnel Policies (P15)
- e. Chapter 51: Sexual Harassment Policy (P20)
- f. Chapter 56: Workplace Violence Prevention Policy (P20)

There are 6 chapters that no changes are required:

- a. Chapter 5: Assessor (P10)
- b. Chapter 9: Conservation Advisory Council (P11)
- c. Chapter 18: Exempt Class Positions of Classified Service (P13)
- d. Chapter 29: Officers and Employees (P15)
- e. Chapter 45: Records (P18)
- f. Chapter 47: Recreation (P19)

There are 4 chapters to be amended.

- a. Chapter 15: Defense and Indemnification (P12) – *Add new section as recommended but change LVPA to “generic” for fire company*
- b. Chapter 23: Investment Policy (P13) – *change table*
- c. Chapter 36: Police Department (P17) – *REPEAL*
- d. Chapter 40: Procurement Policy (P18) – *Add new section with wording as recommended EXCEPT “kept on file in the Town Clerk’s Office Offices.” Also note resolution to be adopted biennially and as needed.*

Supervisor Teal stated that under General Legislation Part 2 there are 5 chapters with no changes required:

- a. Chapter 113: Flood Damage Prevention (P30)
- b. Chapter 118: Games of Chance (P30)
- c. Chapter 134: Littering (P31)
- d. Chapter 152: Parks and Recreation (P36)
- e. Chapter 174: Street and Sidewalks (P37)

There are 6 chapters to be amended:

- a. Chapter 71: Animals (P23) – *Revise as recommended by TC & ACO*
- b. Chapter 103: Fees, Consultant (P30) – *revise to reflect current practice \$5,000 initial deposit, replenish when below \$1,500 & authorize appropriate board to modify amount based on application when appropriate. **Initial and replenishment amounts to be set by resolution if allowed.*
- c. Chapter 129: Junkyards (P31) – *REPEAL*
- d. Chapter 170: Solid Waste & Recycling (P36) – *Amend to state: “ the solid waste and recycling programs of the County of Columbia are controlling in the Town of New Lebanon.”*
- e. Chapter 185: Taxation (P43) – *only revise table for Article V as recommended.*
- f. Chapter 196: Vehicles and Traffic (P48) – *Repeal*
- g. Chapter A208: Fees (P55) – *remove from code and refer to “fees as on file in the Town Offices and/or available on the Town’s website.” (reference fee schedule)*

Supervisor Teal stated that all of these will be subject to public hearing. The final version has to be on the Town Board’s desk before we can schedule the public hearing but this is

just for the Town Board to be sure that she is moving forward in the right direction. She asked if any of the board had any questions. She stated that her hope is to have these all to the Town Board for the July meeting.

PESH Highway Garage Fuel Tank:

Supervisor Teal stated that there was a telephone conference between the head of the Department of Labor, DEC, Department of State, our Engineer and our Attorney. DEC finally made a committed statement that as long as it is under 1,100 gallons of fuel being stored, they don't regulate. They are stepping out of it. She stated that the Department of State just reiterated what they had said before which is that they are interested in working with us and they will work with us if there is a need for a variance or a waiver with the building code and PESH themselves have stated that because we are working hard to resolve this and we were going round and round in circles, they are not going to hold us to the June 30th deadline. Currently Supervisor Teal has requested that the Attorney send a letter summarizing that phone conversation to both the head of the Department of Labor and Joe Fuller at PESH and clearly noting in the letter that it is our understanding that we are going to be given an extension on this so that we won't be blindsided last minute.

Councilmember Newton asked what the issue is with that specific tank, is it by gallon because we have a 275 gallon tank of heating fuel inside the garage. Supervisor Teal stated that heating fuel is, by the Department of Labor's standard, a closed system. Councilmember Newton asked if it was a smaller tank if that would make a difference. Supervisor Teal stated that it can be under she thinks 110 gallons but not anything that would be workable for our needs. Councilmember Newton asked how many 110 gallon tanks we can have. Supervisor Teal stated probably 5 which would give us 550 gallons but she doesn't think we could function in the garage with that many tanks. Supervisor Teal stated that the Attorney did clearly ask on the phone conference, this was installed somewhere between 1991 and 1993 with everyone involved and we have been inspected regularly by PESH and she was very honest and said that it has gone under the radar until now. There has been no change in regulations. While it is a statute in the building code and when applied under the building code you are required to put in what's in place at the time that you install. The same requirements are part of labor law and once they go to labor law, as soon as that law is enacted, every employer is required to bring it up to current spec.

Highway Superintendent Winestock stated that somebody mentioned to him why don't we purchase an old fuel truck. Supervisor Teal asked if that is something he would like the Town Board to pursue. Superintendent Winestock state he doesn't know. He was in that meeting and he would have liked to have been part of the phone meeting because he really doesn't know why we can't leave it there but he also wanted some prices on leaving it where it was. Supervisor Teal stated that we asked our Town Engineer to get us quotes on moving it and on leaving it where it is and encasing it. Councilmember Smith asked if we can make sure from now on that Superintendent Winestock is included on all meetings as it deals with his department. Supervisor Teal asked Superintendent Winestock if anyone had reached out to him. He stated no. Supervisor Teal stated that she gave them his number. Superintendent Winestock stated that he is very concerned as it seems like

our Attorney is so worried about once it involves the employees health, but it's been there a long time and nothing has happened. Supervisor Teal stated that is not the Attorney's concern, that is the state law. They didn't cite us under building code, they cited us under the Department of Labor and under the Department of Labor both the Town Engineer and the Town Attorney have reviewed. Superintendent Winestock stated that we are complaining about a 500 gallon fuel tank that sits out back and doesn't do anything to anybody or the environment and there is no ventilation. The heating system blows out black smoke. Supervisor Teal stated that she doesn't disagree with him, but a \$2,500 per day fine is not something she is willing to subject the residents to either. It is a regulation that is required and we don't have latitude. She looked at every way possible to avoid this. She spent 6 months working on this.

NEW BUSINESS:

Farmers Market Resolution:

Supervisor Teal stated that we had a meeting last week on access to food in our community. At that meeting she became aware of a lot of separate, individual option that there are to access fresh food here that she was not aware of as options for our residents. We reached out to the Association of Towns to find out what we can do to support the famers market. As a farmers market, many of the municipalities do support them and we didn't understand how so they shared with us the section of law that allows us to do this. We can set up a publicity fund for the farmers market to help promote them and what they offer for the community.

TOWN OF NEW LEBANON

RESOLUTION 19, 2018

NEW LEBANON FARMERS MARKET PUBLICITY FUND

JUNE 12, 2018

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 June 2018, the following Resolution was proposed and seconded:

Resolution by Councilmember Smith

Seconded by Councilmember Rasmussen

NEW LEBANON FARMERS MARKET PUBLICITY FUND

WHEREAS, New York State Town Law Section 64-14 authorizes the establishment by the Town Board, upon the adoption of a resolution, a publicity fund to be expended for the purpose of advertising the advantages of a tourist destination that promotes the general, commercial, and industrial welfare of the town; and

WHEREAS, the New Lebanon Farmers Market is a tourist attraction throughout the summer season that also provides access to fresh local food, is a space for community gathering, and provides live music; and

WHEREAS, the New Lebanon Farmers Market promotes all local businesses and organizations that wish to participate in the market; and contributes to the general and commercial welfare of the town; and

WHEREAS, access to fresh, healthy food in the Town of New Lebanon is extremely limited and the New Lebanon Farmers Market is a significant solution to this community problem;

IT IS NOW HEREBY RESOLVED that the New Lebanon Town Board has established a budgetary account in the 2018 Budget entitled *Publicity: New Lebanon Farmers Market* (Account No. A-6410.4) and funded this account in the amount of \$500 which shall be expended to promote and support the 2018 season of the New Lebanon Farmers Market.

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

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
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.

OLD BUSINESS:

Town Credit Card:

Supervisor Teal stated that the one bank that seemed to have the ability to handle our unique needs as a municipality is down in Kingston and requires an in person visit. The biggest problem that we were running into was timing and having to pay fees or interest. What we can do is the Town Board can authorize that all payments on that credit card, if we go through the Bank of Greene County, be made immediately when the bill arrives via interim abstract for the Town Board to then approve at their next meeting. That would eliminate any fees or interest and the Town Board has the authority to authorize that.

Councilmember Baumli made a motion authorizing the Town Clerk to apply for a Town of New Lebanon credit card through the Bank of Greene County with a \$2,500 limit for 1 credit card to be used only by the Town Clerk and authorizing the Town Supervisor to pre-pay the credit card bill for the Bank of Greene County credit card on an interim voucher each month to avoid interest charges. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Route 22 Paving:

Supervisor Teal stated that she received a letter from DOT, not very well received on her part nor very promising, just explaining what their outline is but it doesn't really say a whole lot. She urged the residents to continue to submit their complaints and concerns.

Pretty much what they have said is that they have determined that State Route 22 from the Town of Canaan southerly line north approximately 2 miles would be paved in the summer of 2018. That is going to come from Austerlitz up towards 102. And then in 2019 their plan is to pave from 102 to I-90 to the B3 bridge. Beyond that they know it's in dire need but they have no plan. To her that is insufficient. There is a lot that she is still working on but she wants the residents to continue pushing DOT to do more.

Theater in the Park:

Town Clerk Houghtling stated that the Town Board had prior authorized a Theater in the Park program to happen in the Town of New Lebanon. Unfortunately the people who run the business that had approached us had some family emergencies and some illness. They returned the contracts unsigned with the hopes that they could do it next season. They will approach us in the late winter or early spring of next year with a similar proposal. They apologize for having to back out.

Doug Banker stated that the Theater Barn has approached him about doing a few songs at one of the Music in the Park events this summer. The Town Board enthusiastically supported this idea. Doug will work out the details with the Theater Barn. Supervisor Teal asked that we ensure that ADITI players reach out to the Theater Barn to see if they can collaborate for next year's Theater in the Park.

EV Charging Station: Attorney review of property easement agreement & RFP:

Town Clerk Houghtling stated that our grant application was approved for the EV Charging Station. The next step is entering into a climate change mitigation easement with the property owner where the EV Charging Station will go. We have a sample easement that needs to be reviewed and edited by the Town Attorney. We also have to issue an RFP for the installation of the EV Charging Station.

Councilmember Newton asked if this is a 75% grant. Town Clerk Houghtling stated that it is an 80% grant with the Town matching 20% however we set aside the \$2,500 that we received as an incentive for adopting the Unified Solar Permit for a project such as this one. That plus some volunteer hours will cover our match portion.

Supervisor Teal made a motion authorizing the Town Attorney to draft a climate change mitigation easement for the EV Charging Station and authorizing the Town Clerk to issue and RFP for this project with bids due by July 6 at 4pm to the Town Clerk's office. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Spectrum:

Supervisor Teal stated that she filed a complaint on Friday with the public service

commission as the Supervisor for the whole Town. Ghent has already issued a media release that has put out there the information for their residents to follow up on and file complaints also. She would like the Town Board to approve that action also. She would like to see us do a media release that if people are having difficulties with the quality of customer service, that we encourage them to file these complaints. She stated that when the NYS Public Service Commission approved the merger of Charter and Time Warner into Spectrum, part of their requirement was that they improve customer service. Both were known for horrendous customer service and obviously the improvements are not happening. She has reached out to Spectrum directly and said that she wants the VP in charge of customer service. The issues that we are having are ridiculous and it is not reasonable. She did receive an email from Didi Barrett's office. They are having another meeting with the NYS Broadband program office at the end of June and Supervisor Teal will be attending this meeting.

Councilmember Baumli stated that the County must be having issues too with this broadband committee and everything that is going on. Most people that he knows in town have satellite because Spectrum is horrible. His mother has Spectrum and he recently went through a horrible experience with them.

A motion was made by Councilmember Smith, seconded by Councilmember Newton and passed unanimously authorizing the Town Supervisor to issue a media release concerning Spectrum.

Doug Banker stated that the broadband committee would like to educate our residents on how to run a speed test to be able to check their own service. One of the biggest offenses of these companies is not delivering the speeds people are paying for. Now we have survey monkey and shortly he will get that survey tool set up so that when they run their speed test, they can go to the town website and fill out a survey and then the town will have a record which means when we have to go back to the providers we will be doing it with data instead of just narrative.

NEW BUSINESS:

Bid Authorizations: Calcium Chloride, Sand Stone & Gravel, Equipment and Fuel:

Supervisor Teal made a motion to go out to bid on calcium chloride, sand stone & gravel, equipment and fuel, with the fuel bid being amended to include the bidder providing a fuel tank and dispensing equipment free of charge, for the 2018-19 year with bids due to the Town Clerk's office by 4pm on Friday, July 6. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Indian Head Fountain - LVHS:

Supervisor Teal stated that the Lebanon Valley Historical Society had asked her to reach out to Hatch mechanical to get a quote to install a UV filter for the water to run through at the Indian Head Fountain. She got a quote and sent it on to them and they came back and asked if the Town Board would be willing to share the cost on this. The quote to run the water from the Indian Head Fountain over to the Town Hall where it can be treated and then back to the Indian Head so that the water can run and be available to the public without concerns because it will be treated. The quote came in at \$2499 which does not include excavation.

Councilmember Smith stated that he thinks this is a great idea but is wondering who is going to be responsible for ongoing maintenance and repairs. John Trainor of the LVHS stated that they would take responsibility for ongoing maintenance and repairs with the understanding that they may come back to the Town Board for assistance for any major repairs.

Ed Godroy asked if the water flow is going to be with the hands which is constant or with a valve that is sporadic. He stated that if it is constant with the hands, the UV is going to run 24/7 365 days a year and you are going to pay a chunk of electric. He stated that there are 2 systems over there, one for the spigot and one for the hands. Supervisor Teal stated that the spigot is no longer there. Ed Godfroy suggested the spigot be put back in so people don't fill drinking water from the hands. He said it makes more sense to re-install the spigot and have the filter run the water that comes out of the spigot which runs on demand. The Town Board agreed that this makes the most sense.

Town Clerk Houghtling asked if she goes back to Hatch for a quote with the spigot and it goes over a certain amount, should she be coming back to the Town Board for a new approval. The board agreed that if the overall quote goes over \$3,000 it should come back in front of the board.

Councilmember Smith made a motion to split the cost 50/50 between the Town of New Lebanon and the Lebanon Valley Historical Society (LVHS) for the installation of the Indian Head fountain piping, spigot and UV filter, not to exceed \$1,500 from the Town, with the ongoing maintenance and repairs to be at the expense of the LVHS with the understanding that they can approach the Town for assistance with this expense as needed. Supervisor Teal seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Benefits/Insurance Broker:

Town Clerk Houghtling stated that the compensation & benefits committee met with a representative from Marshall & Sterling. When you have CDPHP and you go through an insurance broker, the cost is the same as when you have no broker. The broker fees are built in. No matter who your broker is, you will pay the same amount. We wanted to see if we

would be offered any different benefits from different brokers. Marshall & Sterling offered a lot of benefits that we aren't getting with our current broker. If we go with Marshall & Sterling as our broker not only will they take care of our CDPHP, they will also take care of our AFLAC, our NY LIFE and our Deferred Comp which are areas where Supervisor Teal is currently spending a lot of time dealing with because it's not easy. Marshall & Sterling have their own contacts at AFLAC that take care of any issues whereas right now we are having a lot of issues and nobody at AFLAC seems to be able to address the issues. Marshall & Sterling would take on all of our accounts at no extra cost than what we pay currently and that in itself is a huge benefit.

They also do a complimentary employee handbook review which is something that the Town has been talking about doing for quite some time and it's really expensive. They will do it for us for free if they are our broker. They offer free online support and free training to all of the employees for their health insurance benefits to ensure everyone is using the plan to it's highest potential. They ensure that we are in compliance with all regulations. There is also an option to pay \$250 per year for HR support.

Supervisor Teal made a motion to make Marshall & Sterling the Town of New Lebanon's broker of record for CDPHP, AFLAC, NY LIFE and Deferred Comp as of 7/1/2018. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

June 23rd Re-Enactment Resolution – Intermunicipal Agreement:

Supervisor Teal stated that she is not asking the board to adopt this resolution tonight. All she is asking for is approval for her to participate in this with the other towns for the re-enactment. Once that occurs on the 23rd and we know which towns and communities are getting involved, we would come back to the board for a formal resolution. This is an intermunicipal, historic, cultural and recreational tourism agreement. Right now we are looking at the towns of Austerlitz, Canaan and New Lebanon but there has been talk of Red Rock, Stephentown and more. It covers the area that used to be the King's District.

Retirement Resolution:

TOWN OF NEW LEBANON

RESOLUTION 20, 2018

STANDARD WORK DAY AND REPORTING RESOLUTION FOR 2018

JUNE 12, 2018

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, duly called and held on the 12th day of June 2018, the following Resolution was put forth for enactment:

Proposed by Supervisor Teal
Seconded by Councilmember Rasmussen

Standard Work Day and Reporting Resolution for 2018

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

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted
Elected Officials						
Highway Superintendent	Jeffrey Winestock	6	1/1/2018 – 12/31/2019	No	28.11	
Town Supervisor	Colleen Teal	6	1/1/2018 – 12/31/2019	No	37.36	
Town Clerk	Tistrya Houghtling	6	1/1/2018 – 12/31/2019	No	27.54	
Town Justice	Jessica Byrne	6	1/1/2018 – 12/31/2021	No	4.39	
Tax Collector	Tamara Darcy	6	1/1/2018 – 12/31/2019	No	3.46	
Appointed Officials						
CEO/ZEO/Building Dept Administrator	Hazel Hernandez	6	1/1/2018-12/31/2018	No	39.04	
Animal Control Officer & Town Constable	Willard Powell	6	1/12018-12/31/2018	No	2.78	
Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted
Appointed Officials						
Assessor	Kimberly Cammer	6	10/1/2012-9/30/2019	No	9.89	
SYP Program Director	Michelle Bienes	6	1/1/2018-12/31/2018	No	8.0	

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

Roll Call Vote:

Councilmember Rasmussen - Aye

Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
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.

Highway Superintendent Winestock asked Town Clerk Houghtling to explain why his days/month reported are so much lower than others. Town Clerk Houghtling stated that the instructions that she gave to him that came directly from NYS Retirement is that on the calendar submitted you should put accurate hours, overtime and all. What the employee submits is what is used to calculate the days/month. Superintendent Winestock submitted a calendar that only listed 40 hours a week, so that is what was used to calculate the days/month based on the record of activities submitted. Your calendar is supposed to have every single hour that you work. If you work 97 hours in one week, your calendar should say 97 hours which is why Supervisor Teal shows 37.36 days/month because she submits an accurate calendar of actual hours worked. When it comes to the retirement credit that you get, Superintendent Winestock at 28.11 days/month and Supervisor Teal at 37.36 days/month gets the exact same credit because they cap the credit at 20 days/month of activities.

Pavilion Fee Waiver Request - SYBA:

Town Clerk Houghtling stated that Shatford Youth Baseball Association is looking to have their end of season picnic at the pavilion. They are requesting that the town waive the rental fee.

Councilmember Smith made a motion to waive the pavilion rental fee for the SYBA end of year picnic. Supervisor Teal seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Clarifying Question – 16 Lover’s Lane Motion:

Cynthia Creech asked for clarification on the motions made regarding the sale of 16 Lover’s Lane. Town Clerk Houghtling read the 3 motions aloud that were made earlier in the meeting regarding the sale of 16 Lover’s Lane, stating that the first motion failed and the second and third motion passed. Cynthia Creech asked about the wording of the motion that stated that “the Town of New Lebanon recommend to the County Board of Supervisors to place the Miller property back up for bid at the next public auction that is available.” Town Clerk Houghtling stated that was the wording of the motion and that is what passed. Cynthia Creech stated that she doesn’t see how that is possible as the numbers that were

read aloud shows that the townspeople overwhelmingly preferred the sale to go forward, it is the Town Board that is not in support. Councilmember Smith stated that we can always ask the County to hold it until the election and we can do a referendum on it. If you want to get an accurate count of people, let's put it to a referendum. Cynthia Creech stated that she is talking about the number of people who offered a pro or a con or an in favor or opposed to.

Chris Dreyfus stated that the motion itself states incorrectly that the Town of New Lebanon recommends it instead of the Town Board. She asked if there is any way to send along that this wording should state that it is the Town Board and not the Town. Councilmember Smith stated that the County is getting all the correspondence as well. Chris Dreyfus stated that is irrelevant. Councilmember Smith asked Councilmember Baumli if he would care to entertain a motion to change the wording to the Town Board or would he like to leave his motion alone. Councilmember Baumli stated absolutely not. He stated he is not going to sit here and split hairs. We should move on as we have other things to talk about.

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Rasmussen):

Councilmember Rasmussen stated that the Assessor is out doing the revaluation so she is out driving around an older model black SUV so if you see a nice lady in front of your house taking pictures, she is just doing her job.

Building Department (Councilmember Baumli):

No report.

Business & Economic Development (Councilmembers Rasmussen & Baumli):

No report.

CAC & Environmental Management (Councilmember Rasmussen & Bruce Shenker):

Peg Munves stated that David Farren broke his collar bone and could not make the meeting. She read the following aloud.

There has been a pervasive theme in many past Town Board meetings about too much land in conservation, taking money from the tax rolls. Yes, some lands in conservancy are not taxable, but that is a very small amount compared to what is taxable. Taxation of land in conservation easement depends on who owns it. MOST of the land in New Lebanon that is in easement is taxed fully since it is owned by individuals. You can go to the tax rolls and look it up. These are facts, not my facts or your facts but facts in black and white.

Many landowners in New Lebanon have been fortunate to work with the Columbia Land Conservancy. Columbia County is really lucky to have such an excellent present AND forward thinking conservation group. There are many reasons to conserve land, and I won't get into all of them now. Some include: conserving land for future generations; maintaining large forests which protect the unique scenic character of our valley and town, as well as protecting critical habitats and migration paths for scores of animals; and of course supporting the water quality of local streams, ponds, and groundwater -- which all life depends on. The CLC helps farmers in many ways. Protected farmland helps sustain farming, highly valued by town residents (according to the Town's adopted Comprehensive

Plan) for its ties to community traditions as well as a source of fresh local food. Without protection much farmland is developed and never returned to farm quality.

WHAT IS AN EASEMENT?

Conservation easement is a legal agreement between a land trust such as CLC and the landowner through which the landowner gives up selected rights, and specific protections. This is negotiated and NOT mandated. Easements remain in private ownership. Lands remain subject to local property taxes. There is no change to how these parcels are taxed due to being protected with a conservation easement, unless the TOWN adopts local rules regarding the assessments and taxation of conserved parcels.

The CLC is a non-profit organization, with tax exempt status, therefore, yes, lands that CLC holds for purposes in keeping with their mission are eligible for exemptions from local property taxes. However, please note that it is a long standing CLC policy to make voluntary payments to towns to maintain the revenue these entities were receiving, at the time CLC acquired the property. There are other conservation organizations that own land in New Lebanon – what they pay or do not pay is on the tax records. All of this information is available in the Natural Resource Conservation Plan that the CAC published last fall.

Peg Munves stated that she has heard this theme over and over again and the CAC discussed it and they wanted to make a statement on it. Councilmember Smith asked if they have the numbers on what is and what isn't taxed. Peg Munves stated that it is all in the tax rolls. Supervisor Teal stated that she would compile these numbers.

Councilmember Newton stated that he has had a lot of residents talk to him about the Hand Hollow Conservation Area and they send us a PILOT of \$1,615, that's what it was last year, for 147 acres. The concern is at some point they are going to fold in other properties that are easements into the conservation area. Doug Banker stated that they can't do that. Councilmember Newton asked if they can't acquire new land. Doug Banker stated that they can't take an existing easement and change the taxable status of it, it's just not legal. Councilmember Newton stated that it would be nice if they left small, buildable lots along the road and then set up the conservation easements behind the buildable lots.

Councilmember Smith made a motion to have the Assessor prepare a report for the Town Board listing all easements and conservation properties and which ones pay taxes, which ones are exempt and make a PILOT and which ones are exempt and pay nothing.

Supervisor Teal asked if she could try to do it first as the Assessor is busy with the revaluation. She stated that she will have a report to the board for the July meeting.

Councilmember Baumli stated that the CLC does volunteer to pay the town tax portion on the land but they do not pay the county tax portion or the school tax portion. He stated that his other concern is the amount of road frontage, with buildable lots, being put into conservancy. In another 200 or 300 years we will not have places to build houses that have road frontage which means we will end up having to build roads. He is not saying not to protect the back land, he agrees we should conserve our land. He is saying save 100 feet of

road frontage for building lots so we are not in 200 years forcing ourselves to build roads on private land.

Compensation & Benefits Committee (Supervisor Teal & Councilmember Rasmussen):

No report.

Fire, Law Enforcement & Emergency (Councilmembers Smith & Baumli):

Councilmember Smith thanked the fire company as they were 3 weeks early for everything that was required for June. Ed Godfroy stated that there is a new law as of January 1, 2019 the LVPA has to have in place an insurance policy that covers every member of their organization that ever wore an air pack in the last 5 years. They have to cover them for the rest of their life unless they move out and join another fire company that takes up their policy. They have to cover them for specific cancers that the four organizations deem and that have to be proven that they caught that cancer and then they cover it. This is only fire oriented cancer. They have a specific list and you have to come into that criteria to get the payment. Right now, four organizations have a statewide price of \$225 per firefighter. He has heard estimates of up to \$350 per firefighter. That is a line item that the LVPA is going to have in their budget that is not negotiable.

Councilmember Smith asked if he can get a copy of the new law. He asked if the cost he listed is per member per year. Ed Godfroy stated yes. Councilmember Rasmussen asked if they have estimated how many members are affected. Ed Godfroy stated they are between 11-15. They still have to contact everybody that has left and see if they have joined a new fire company. Councilmember Smith asked if this year in their budget they will be requesting this for air pack qualified members only. Ed Godfroy stated yes for now it is only air pack qualified members that they need to cover but that could change.

Highway (Superintendent Winestock & Councilmembers Smith & Newton):

No report.

Historian & LVHS: (Councilmembers Baumli & Rasmussen):

No report.

Justice Court/Constable (Councilmember Newton):

Supervisor Teal stated that our Court Constable Wes Powell has requested that the town authorize him to carry a firearm in court. Councilmember Newton asked if there is some liability that falls on the Town. Supervisor Teal stated that she needs to check with our insurance carrier and the Attorney.

Parks & Recreation (Councilmembers Smith & Newton):

No report.

Seniors (Councilmember Baumli & Judy Zimmer):

Judy Zimmer stated that an elderly gentleman that they were assisting passed away and he was a marine. They had a wonderful ceremony for him at the Cemetery of the Evergreens with the gun salute.

Supervisor Teal stated that NY Connects will be at the Town Hall on Friday, June 15th from noon – 3pm to assist residents signing up for services such as Medicare, Medicaid, SNAP benefits, etc. without having to drive to Hudson. They are there the 3rd Friday of each month from noon – 3pm.

Town Assets, Buildings & Property (Councilmembers Smith & Newton):

No report.

County Updates (Supervisor Teal):

No report.

ANNOUNCEMENTS:

JUNE:

June 11 – June 29th ~ 2nd Quarter KISS Program at Town Hall (Free shredding of confidential documents).

Friday, June 15th ~ NYS Connects @ Town Hall from 12:00 to 3 pm (answer questions & prepare applications for SNAP, HEAP, Meals on Wheels, Medicare, Medicaid, prescriptions, aging in the home, long term care)

Friday, June 15th ~ NL 200 Event: Games of 1818 @ Mountain Road School from 5 pm to 8 pm

Sunday, June 17th ~ Music in the Park @ Shatford Park from 1 pm to 4 pm

Saturday, June 23rd ~ NL 200 Event: Re-enactment of NL seceding from the crown at the Immaculate Conception Church from 11 am – 4 pm

JULY:

Tuesday, July 10th ~ Regular Monthly Meeting @ 7:00 PM @ Town Hall

Sunday, July 15th ~ Music in the Park @ Shatford Park from 1 pm to 4 pm

BUDGET AMENDMENT:

Budget Amendment #5 of 2018:

General Fund:

\$11,640.09 from A-3089 (Other State Aid: JCAP Grant)

\$2,552.00 from A-1990.4 (Contingency)

\$11,640.09 to A-1620.4 (Buildings: Contractual Expense)

\$750 to A-1660.4 (Central Storeroom- Supplies: Contractual Expense)

\$408 to A-1680.4 (Central Data Processing: Contractual Expense)

\$894 to A-8160.41 (Garbage & Refuse: Town Clean Up Day)

\$500 to A-6410.4 (Publicity: NL Farmers Market)

A motion was made by Councilmember Smith and seconded by Councilmember Rasmussen to approve the above noted budget amendment.

Roll Call Vote:

Councilmember Rasmussen - Aye

Councilmember Smith - Aye

Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

AUDIT OF BILLS:

**Amendment to Abstract No. 5 of 2018 dated June 12, 2018;
Void Highway Voucher No. 49 in the amount of \$236.91 (duplicate payment) and
adjust abstract total accordingly.**

A motion was made by Councilmember Rasmussen and seconded by Supervisor Teal to void highway voucher #49 and adjust abstract #5 of 2018 accordingly.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

**General Nos. 178 through 228, in the amount of \$77,798.97; and
Highway Nos. 54 through 66, in the amount of \$62,161.98;
As listed on Abstract No. 6 of 2018 dated June 12, 2018.**

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

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

PRIVILEGE OF THE FLOOR:

Ed Godfroy stated that West Street is not done being paved yet. They are still working on it.

ADJOURNMENT:

A motion was made by Supervisor Teal and seconded by Councilmember Rasmussen to adjourn the meeting at 8:45 pm.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk