

**MINUTES OF THE SPECIAL MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JUNE 4, 2018**

Present: Colleen Teal, Supervisor
Kevin Smith Sr., Councilmember (left at 7:35pm)
Mark Baumli, Councilmember
Norman Rasmussen, Councilmember
Jesse Newton, Councilmember

Recording Secretary: Marsha Robertson, Deputy Town Clerk

Others Present: Hazel “Cissy” Hernandez, CEO/ZEO/Building Department
Administrator

CALL TO ORDER:

The meeting was called to order at 6:04 p.m. by Supervisor Teal.

EDITORIAL & LEGAL ANALYSIS:

The Town Board agreed to the following edits on the following pages:

Page 22 – possibly move this to zoning – not sure if we can or not – Supervisor Teal is looking into it – wherever in our code it ends up, the building department wants it kept as part of our code but the definitions need work – have to consider contents of our current stores when working on the definitions – ZRC will also work on definitions

Page 23 & 24 – chapter 71 –

Section A – revise to include the underlined phrase per general codes suggestion “... owned by a resident of New York State and properly licensed by another municipality...” – also replace the language directly after the underlined phrase to read “...a resident of one of the 5 boroughs of New York City...” in place of “...a resident of New York City...” – replace this language anywhere it appears in our dog code (not just in section 71A)

Section B – Supervisor Teal needs clarification from Town Clerk Houghtling on this one – it is a local law not a policy and the fees cannot be set by resolution, they must be part of the local law – she believes Town Clerk Houghtling did not understand the question here – we will put this one on hold and Supervisor Teal will discuss with Town Clerk Houghtling

Section C – revise as indicated so that Subsection A(1) refers to “71-9A through E and G or 71-9.2”

Section D – no revision

Article II, Defecation by Dogs or Cats – revise as follows: add a minimum amount

for a fine scale of \$75-250 (instead of just a maximum fine) – add in for a 2nd offense the fine scale increases to \$175-350 – add in for a 3rd offense or more the fine scale increases to \$175-450 – no imprisonment for any of these violations

Pages 24 & 25 - Chapter 81 & 83 – on hold for the building department to review it and make recommendations to the Town Board

Page 26 – Chapter 88 – they already made some adjustments that Supervisor Teal will forward on to the ZRC if it's okay with the Town Board – the building department will be reviewing the timing of applications and who reviews the applications and will make their recommendations to the ZRC

Page 27 - Chapter 101 –

Section A - edit definition of licensed events to be defined as “a theatrical, musical, concert, circus, or exhibition occurrence which is likely to attract 1,000 or more persons at any one time.” instead of current wording which states “...1,000 or more persons in any twenty-four hour period.”

Section B – no revision desired

Page 28 – Chapter 102 – ZRC will work on an in-depth review here

Page 30 – Chapter 103 – revise fees for consultant – currently we work with the Attorneys and Engineers and get a ballpark of what is reasonable and what other towns are doing – we start with a \$5,000 escrow and if it drops below \$1,500 it has to be replenished back up to \$5,000 unless we know for sure that they are nearing the end and then we can work with the Engineer as to what they are expecting the final costs to be – Supervisor Teal would like something in writing that defines this policy – currently if it's a smaller application and \$5,000 is too much and we know that upfront, the building department will work with the Engineer to get a reasonable amount – codify the escrow fee scale and put wording that allows the scale to be adjusted by the appropriate board reviewing the application when appropriate

Page 32 – Chapter 138 – Supervisor Teal is working with the Attorney on wording here

Page 33 – Chapter 145 – there was discussion and review but this was put on hold to be reviewed by Cissy, Jeff Hattat and Colleen Teal on 6/11 and then sent on to the ZRC – Councilmember Newton asked that the changes to code that have been decided need to be sent on to ZRC be sent on now so they can start working on them – Supervisor Teal stated that she will summarize what she thinks is done and ready to go and at the 6/12 Town Board meeting the board can authorize whatever needs to be draft – if it's resolution or minor revision, it may be something that we can do in house – if it needs to go to the attorney, she wants that authorization

Page 35 & 36 – Chapter 149 –

Section A – revise wording to have the Town prepare the list of abutting

landowners – have applicant pay all fees involved in notification of abutting landowners - have all sections that apply to notification of abutting land owners have the same requirements for conformity

Section B – revise to include language in GML 239-nn regarding rights and duties of neighboring municipalities and possibly GML 239-l and GML 239-m – Colleen and Cissy will take a look at l and m to see if we want to include them as well

Page 36 – Chapter 152 – no revision but cross reference to the alcoholic beverage permit

Page 36 & 37 - Chapter 170 – revise as follows with County Regulations –revise to state that the solid waste program and regulations of Columbia County are controlling in the Town of New Lebanon - also include a new chapter/article in the Code with a reference statement indicating that the recycling program and regulations of Columbia County are controlling in the Town of New Lebanon

Page 38 – 43 – Chapter 179 – full vetting/review by ZRC along w/ Abutter Notification, Zoning, etc. and Building Department recommendations – need specifics on HOAs because just stating the Martin Law (actually Martin Act) is not detailed enough – need to ensure language that requires valid HOAs which become part of the deeds – Colleen will provide some language to ZRC on HOAs before they work on these – on page 41 where it addresses part 2, Interim Major Subdivision Regulations change to Final Major Subdivision Regulations as it has been interim since 2007 (after ZRC reviews)

Page 45 – Chapter 185 – Art. V section A – revise as suggested to edit the table to delete the columns for the years 2007 through 2009 and relabel the 2010 column as “2010 and later”

Page 46 – Chapter 189 – section A – revise to make class III structure, essential facility a requirement for all telecommunications facilities – codify administrative review of modifications – section D – Colleen will talk to Dick Comi on this – may need legal review

Page 55 – Chapter A208 – Building Department will do an in depth review of their fees – it will then come to Town Board for final approval – Delete this chapter and have all fees set by resolution and listed on the Town website and available in the Town Clerk’s office for review

ADJOURNMENT:

A motion was made by Councilmember Baumli and seconded by Supervisor Teal to adjourn the special meeting at 7:55 pm.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk