### MINUTES OF THE SPECIAL MEETING OF

**THE TOWN BOARD OF THE TOWN OF NEW LEBANON HELD ON APRIL 26, 2017**

**Present: Colleen Teal, Supervisor**

*Draft*

**Chuck Geraldi, Councilmember**

**Kevin Smith Sr., Councilmember**

**Dan Evans, Councilmember**

**Mark Baumli, Councilmember**

**Dan Tuczinski, Town Attorney (arrived at 6:15pm)**

# **Recording Secretary: Marsha Robertson, Deputy Town Clerk**

**Others Present: Cynthia Creech, Deputy Supervisor, Court Clerk,**

**Rec. Commission, CAC & ZRC Member**

**Ted Salem, Planning Board & ZRC Chair**

**Tony Murad, ZBA Chair & ZRC Member**

**Wes Powell, Planning Board & ZRC Member**

**Greg Hanna, Planning Board & ZRC Member**

**Peg Munves, CAC & ZRC Member**

**Elizabeth Brutsch, Planning Board Member**

**Jack Lancto, CAC Member**

**David Farren, CAC Member**

**Jeff Winestock, Highway Superintendent**

**CALL TO ORDER:**

The meeting was called to order at 6:03 p.m. by Supervisor Teal. A moment of silence was followed by the flag salute.

### HIGHWAY TRUCK:

***Insurance Settlement:***

# 

# **Town of New Lebanon**

**Resolution #10, 2017**

**Accept Insurance Settlement for 2008 International Truck**

**April 26, 2017**

At a special 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 26th day of April 2017, the following Resolution was proposed and seconded:

Resolution by Councilmember Smith Sr.

Seconded by Councilmember Baumli

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEW LEBANON CONCERNING THE PROPOSED INSURANCE SETTLEMENT BY NEW YORK MUNICIPAL INSURANCE RECIPROCAL FOR THE 2008 INTERNATIONAL TRUCK THAT WAS TOTALLED IN STORM STELLA ON MARCH 14, 2017**

**WHEREAS**, the Town of New Lebanon totaled a 2008 International Truck in Storm Stella on March 14, 2017; and

**WHEREAS**, the truck was insured through New York Municipal Insurance Reciprocal for $173,238.00 and the policy covers the replacement value of the vehicle as long as it is not higher than the value that the Town insured it for; and

**WHEREAS**, per the policy the Town is responsible for a $500.00 deductible; and

**WHEREAS,** New York Municipal Insurance Reciprocal has made an offer to the Town of New Lebanon in the amount of $173,238.00 based upon the replacement value of the vehicle, less the deductible of $500.00 leaving a balance payable to the Town of $172,738.00.

**NOW, THEREFORE, BE IT RESOLVED** by the New Lebanon Town Board in the meeting duly convened on the above date that the Town will accept the offer from New York Municipal Insurance Reciprocal in the amount of $172,738.00 and authorizes the Town Supervisor, Colleen Teal to execute the acceptance of this offer and the acknowledgement that no further claims, of any kind, may be brought by the Town against New York Municipal Insurance Reciprocal as a result of this incident.

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

Roll Call Vote:

Councilmember Chuck Geraldi Aye

Councilmember Kevin Smith Sr. Aye

Supervisor Colleen Teal Aye

Councilmember Dan Evans Aye

Councilmember Mark Baumli Aye

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

***Determination of salvage of 2008 truck:***

Supervisor Teal stated that she spoke with the insurance company and they will take the totaled truck away or we can take it. It is still at Ben Funk. We cannot go down and salvage what we want off of it and leave them a frame. We have to either take the whole thing or leave it for them to deal with. She spoke to Highway Superintendent Winestock today and he said we absolutely want it. We can take parts off of it and also sell it as scrap or a parts truck.

A motion was made by Councilmember Smith, seconded by Supervisor Teal and approved unanimously to accept the totaled 2008 International Truck back with a salvage value of $0.

***Determination of $34,712 funding for new truck purchase:***

Supervisor Teal stated that we need to define where we are going to fund the $34,712 difference between the insurance payment and the cost of the new truck. She stated that Highway Superintendent Winestock would prefer we take the funding from the highway surplus. She has no concern with that. She stated that we have included reimbursement for this loss in the FEMA reimbursement from the storm. The hope is that we will get that money back but there is no guarantee on that.

Councilmember Smith made a motion to take $34,712 out of highway surplus (DA-915) to cover the difference between the insurance payment and the cost of the 2017 International Truck. Supervisor Teal seconded that motion.

Roll Call Vote:

Councilmember Geraldi - Aye

Councilmember Smith – Aye

Supervisor Teal – Aye

Councilmember Evans – Aye

#### Councilmember Baumli – Aye

***Approval to purchase 2017 International:***

Supervisor Teal stated that she is looking for approval from the Town Board to purchase a 2017 International Truck based on a quote from Ben Funk in the amount of $132,022 for the cab and chassis and Zwack in the amount of $75,928 for the body and plow per the County of Onondaga Division of Purchase Contract (Bid Ref# 7823 – valid from 6/24/2013 through 6/23/2018) for a total price of $207,950. This purchase would be made utilizing the insurance proceeds of $173,238 and taking from highway surplus $34,712.

Councilmember Smith made a motion to purchase a 2017 International Truck based on a quote from Ben Funk in the amount of $132,022 for the cab and chassis and Zwack in the amount of $75,928 for the body and plow per the County of Onondaga Division of Purchase Contract (Bid Ref# 7823 – valid from 6/24/2013 through 6/23/2018) for a total price of $207,950, utilizing the insurance proceeds of $173,238 and utilizing $34,712 from highway surplus. Supervisor Teal seconded that motion.

Roll Call Vote:

Councilmember Geraldi - Aye

Councilmember Smith – Aye

Supervisor Teal – Aye

Councilmember Evans – Aye

#### Councilmember Baumli – Aye

**ZONING:**

#### The following topics were discussed:

#### Adding a requirement for the removal of any signs whenever a business moves or no longer exists at a location within 30 days of the business location closing. It already talks about a sign which becomes obsolete needing to be removed which covers this requirement. If a business moves can they put on the sign at the old location that they have moved for a certain time frame plus put up new signs at the new location? They must remove the signage from the old location within 30 days but if they want to put up a sign saying they have moved locations for longer than that, they could apply for a temporary sign. Do they need to remove the entire sign or just the wording of the sign? Can they leave the structure of the sign for the next business that may come in? We don’t want to make them remove the structure and then have to re-install it. We also don’t want to see a lot of empty sign structures throughout town.

#### Sign definition – the Town Attorney wants to keep the simplified sign definition as the more extensive the definition, the more open to interpretation it becomes. Should we go back to the shorter definition? The shorter definition does not talk about the purpose of the sign being communication for the promotion of something and maybe that language should be included. If a business has a sign that is actually for sale as opposed to advertising something that business sells the ZBA does not consider that a sign. With the shorter definition, you could interpret that every Ford outside of the Ford dealership is a sign. The new definition should make clear these things are not signs. The Town Attorney will work on expanding the definition from the shorter one to incorporate these changes.

#### Are things affixed to the windows of a business a sign? If they are facing out it is a sign. It is recommended by the ZRC that up to 25% of a window space can be used for signs. If there is no regulation on window signs, a business could come in and build the entire road facing wall as a window and place a sign across the entire window.

#### There is a provision about signs withstanding a certain wind pressure and not squeaking or making noise. Will this create too much on an enforcement perspective? Do we have the ability to measure how much wind pressure a sign can withstand? The enforcement officer has the ability to require the applicant to have an engineer measure and provide proof that the sign can withstand proper wind pressure. We could add language shifting burden of proof onto the applicant. We could use more generic language about the sign being engineered and constructed to properly withstand local wind pressures instead of defining an actual amount of wind pressure it must withstand.

#### There is a provision allowing one promotional banner announcing “open,” “sale” or similar message, not exceeding 15 square feet in size… This provision was written not to allow advertising of what is for sale or other details but simply the word “open” or “sale”. The word promotional insinuates that it is for advertising. We want to remove the word promotional and add the word flag to allow one banner or flag announcing “open,” “sale” or similar message, not exceeding 15 square feet in size…

#### Signs for multi business complexes – Currently it states the sign for common use by all the businesses operating from the complex shall not exceed 75 square feet. We are increasing other businesses to up to a half foot per linear foot of building frontage and you look at the plazas and they are much larger. 24 feet is for the name of the complex which only leaves 51 feet for the individual businesses, which each get up to 10 square feet. If a plaza has over 5 businesses each with 10 square feet, they would go over the size limit. If we expand the size allowed, we may get too large for freestanding signs. We could keep the overall size requirements but remove the individual business size requirements of 10 square feet per business and allow the complex owner to decide how they will utilize the space allowed. Defining the size each business can have keeps it uniform through the town.

#### Signs for special events – Increase the wording to allow for up to six signs for special events and add in the wording “per event” to allow each special event up to six signs not exceeding eight square feet for each sign. If a specific special event happens every weekend for a season, could they leave the signs up all season? They would be able to leave them up all season as the signs can go up 14 days before each event.

#### Signs advertising seasonal agricultural goods – Increase the size to 8 square feet in size, same as special events. Why require these signs to be set back at least 10 feet from the property line when the special event signs do not have setback requirements? The agricultural signs are viewed more as going up for the whole season and special event signs are for a much shorter time period.

#### Nonconforming signs – Section N (b) was put in by the Town Attorney and has been lined through. This wording should be put back in.

#### Business Sign – Written now that freestanding can be 24 square feet and attached to building can be ½ foot per linear foot of building frontage up to 100 square feet. Can we state that it can be 24 square feet attached to a building even if the building frontage is smaller than would allow that by ½ foot per linear foot? Rewrite the attached to building stipulations to state “Attached to building: 24 square feet OR ½ foot per linear foot of building frontage up to 100 square feet”.

#### Section 2015-15 of our Zoning currently has publication requirements which require the entirety of the amendment to the zoning code to be published. This should be modified to allow for a summary of the modifications, which will save costs for publication.

### EXECUTIVE SESSION:

#### A motion was made by Supervisor Teal at 7:35 pm to enter into an executive session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. The motion was seconded by Councilmember Smith Sr.

Roll Call Vote:

Councilmember Geraldi - Aye

Councilmember Smith – Aye

Supervisor Teal – Aye

Councilmember Evans – Aye

#### Councilmember Baumli – Aye

#### A motion was made by Supervisor Teal, seconded by Councilmember Baumli and passed unanimously to close the executive session at 8:17pm.

### ADJOURNMENT:

A motion was made by Councilmember Baumli and seconded by Councilmember Geraldi to adjourn the meeting at 8:07 p.m.

Respectfully submitted,

Tistrya Houghtling

New Lebanon Town Clerk