

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON MARCH 12, 2019**

Present: Colleen Teal, Supervisor
Kevin Smith Sr., Councilmember
Jesse Newton, Councilmember
Mark Baumli, Councilmember
Norman Rasmussen, Councilmember

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: Cissy Hernandez, CEO/ZEO/Building Dept Admin
Jeff Hattat, Deputy CEO/ZEO
Jeff Winestock, Highway Superintendent
Bruce Shenker, NL Rep to CC Enviro Mgmt Council
Paul Mc Creary, Town Engineer
Tony Murad, ZBA Chair & ZRC Member
Peg Munves, CAC & ZRC Member
Jim Carroll, Planning Board Member
David Farren, CAC Member
Ed Godfroy, LVPA
Judy Zimmer, NL Rep to CC Office for the Aging
Cynthia Creech, Court Clerk & CAC Member
Robert Smith, Planning Board & Ethics Board Member
Ted Salem, ZBA Member & ZRC Chair
Tegan Joy Cook, Recreation Commission Member
Joe Ogilvie, Recreation Commission Member
Jill Falchi, Capital District Regional Planning Commission
Thaddeus Flint, *The Eastwick Press*
Peter Flierl, *The Columbia Paper*
Several members of the public

CALL TO ORDER:

The meeting was called to order at 7:05 p.m. by Supervisor Teal.

MINUTES:

The minutes of the **February 12, 2019 Regular Monthly Meeting** and the **February 15, 2019 Special Meeting** were reviewed. A motion was made by Supervisor Teal, seconded by Councilmember Newton and approved unanimously to accept the above noted minutes as typed.

Councilmember Newton requested that when an emergency meeting gets scheduled somebody calls the Town Board members because he was already out working and he didn't check his email that morning and therefore did not know about the special meeting on February 15, 2019. Supervisor Teal stated that the protocol going forward is that she will phone call each of the Town Board members if there is a special meeting.

FINANCIAL:

Supervisor's Report:

Supervisor Teal provided the public and TB members with a copy of the Supervisor's Report as of February 28, 2019. A motion was made by Councilmember Smith, seconded by Councilmember Newton and approved unanimously to accept the Supervisor's report as typed.

Supervisor Teal stated that we were one of the towns selected for a review of our tax cap by the Office of the State Comptroller. She got the official notice that everything looked good. They have no findings as far as any issues with us being below the tax cap requirements.

Supervisor Teal stated that in sales tax for the fourth quarter of 2018 we were up substantially. We took in \$97,000 more than budgeted for in 2018.

PRESENTATION: Street Lighting LED Conversion – Jill Falchi, Sustainability Planner with Capital District Regional Planning Commission

Supervisor Teal stated that the Town is looking at converting our street lights to LED which will save us a lot of money, but there are some other decisions we need to make before proceeding. Right now we lease those poles from NYSEG and we have to make a decision whether we want to buy them back or not which is why the Town Board has asked Jill Falchi to come present on the different options.

Jill Falchi presented the Town Board with two different conversion options to convert the Town's street lights to LED. The first option is to keep the street lights utility owned, as they are now, and just convert them to LED. The second option is to buy-back the street lights from NYSEG, convert them to LED and do a municipal owned model. With utility owned, which is the most popular, NYSEG keeps the maintenance responsibility, conversions occur on a first-come-first-serve basis and we would be constrained to NYSEG's lighting options. With municipal owned, which would require NYSEG and Public Service Commission approval, the town would buy the existing street lights from NYSEG which is more money upfront, the municipality takes over the maintenance, the timeline is 6-12 months and there is flexibility in the design.

Jill Falchi presented some estimated costs of our current model, the utility conversion model and the municipal owned model. There is an estimated 50% cost reduction and 61% energy reduction with the utility conversion model. There is an estimated 72% cost reduction and 70% energy reduction with the municipal owned model.

With the utility owned model, there is an upfront unexpired life cost of \$2,255.62 to NYSEG for the unused life of the lights being replaced. This cost would be saved in the first year due to decreased energy usage and there would be no more cost after the \$2,255.62. With the municipal owned model, there is a buy-back price which is unknown and would need to be requested from NYSEG. Also, the municipality would need to pay to purchase the LEDs and install them as well as arrange for ongoing maintenance, pay an in-line disconnect fuse of \$17-25 plus labor per light, and cover insurance. The LEDs are supposed to last 25 years so the maintenance is much less expensive than on the high-pressure sodium.

PRIVILEGE OF THE FLOOR:

Bruce Shenker stated that the Corkscrew Rail Trail won the bid on the property on Lover's Lane with a bid of \$18,001. They raised \$8,400 on go fund me from 72 different people. There is a lot of work to be done on the property to clean up. They are looking for volunteers.

Donald Durand stated that he wants to bring the Town Board's attention to the condition of some of the roads that are dirt roads, specifically Stonehouse Road that he lives on. Whenever it gets warm out in the winter or when it rains in the summer, the road turns to mud and the ruts come in. The Town typically waits until the roads dry or freeze and then grade it over. He is looking for a more permanent solution. He thinks the Town needs to consider not just the people who live on these roads but also the fact that emergency vehicles need to come in. He thinks the Town would be liable if a fire truck couldn't get into his house. He wrote a letter to the Town Supervisor and the Highway Superintendent expressing his concern and he got no response from either. It is a bad situation and it has been going on for as long as he can remember and he is looking for a more permanent solution on Stonehouse Road. Supervisor Teal stated that this year has really been rough on all the roads. Donald Durand stated that it is not just this year.

Adele Durand stated that she has been on Stonehouse Road for 4 years now and this has been a really, really bad year. When the big trucks come up the road, they leave ruts that are 4-5" deep. If she goes too slow, she gets stuck in the ruts and can't move. If she goes too fast, she is going sideways down the road. It is clay so if you put stone on it, it just goes down into the road and we are stuck with the same problem every fall and every rainy year.

Highway Superintendent Winestock stated welcome to the great Northeast. Welcome to living on a country road in the spring time. He stated that in the winter time we may have one thaw. We have 50 miles of road and he started 30 years ago and you wouldn't drive anywhere near your house, up Canaan Road or anywhere. It takes time and it takes money. This year it has been freeze, thaw, freeze, thaw, freeze, thaw. It is not your road, it is not New Lebanon, it is anywhere around, that is what happens when you live on a gravel road. Years ago they did put fabric down and gravel on there and the road held up really great. One problem is that everybody has their dumpsters out now and the garbage pick up and the trucks are huge and they come at the wrong time and they just destroy the roads. But it's not just Stonehouse Road and they have tried and tried and tried to keep it passable and it has been passable and he knows it is very inconvenient. He doesn't like the ruts. They have to plow them. They have to drive on them also but it's been an awful year. And they don't rut up in the summer time.

Councilmember Baumli stated that as a lifelong resident of New Lebanon, there were a lot more dirt roads in the Town when he was younger. They have, every year, been able to pave some roads, but he remembers, before Superintendent Winestock was the road super, there were roads that were shut down because they were so bad getting that Spring thaw, freeze-thaw, freeze-thaw. Unfortunately dealing with dirt roads they run through that process. He said the only thing that the Highway Superintendent could do is to close those roads to heavy traffic but then, if we do that we will have a room full of people upset that their garbage isn't being picked up and they can't get fuel delivered to their house.

Adele Durand asked what they have to do to get the chip seal that is on Canaan Road on Stonehouse Road. Supervisor Teal stated that some residents want it and some residents don't. Adele Durand asked if they got a petition signed by residents on Stonehouse Road if they could get it done. Supervisor Teal stated that is at the discretion of the Highway Superintendent. Donald Durand stated that they pay a lot in taxes and the road is the only benefit they get from New Lebanon and it seems crazy that they pay all this money and they can't have a decent road that they can drive on every day. He is not saying that Superintendent Winestock hasn't tried but maybe the Town needs to give him more money to do things.

OLD BUSINESS:

CCEMC Resolution on Carbon Fee and Dividend:

Councilmember Rasmussen stated that he looked in the town law book and he didn't see where the Town Boards have the authority to state opinions on behalf of the whole town. This resolution doesn't pass any rules or make any changes, it simply says we feel a certain way and that is not in the town law manual. He feels we are not authorized to pass this type of resolution. He also thinks that after the way the Town Board voted after the last public hearing on the rail trail, we demonstrated that we don't represent the will of the Town and so we gave up any kind of authority to say this is how the Town feels and so he thinks we should just drop it and move on. Bruce Shenker stated that the reason they are looking for endorsements from the representatives is because they were elected by the people and are the leaders of the people. Councilmember Rasmussen stated they should circulate a petition. He doesn't feel that the Town Board has any authority, in general under the law, to act and second he thinks the Town Board, by voting contrary to the will of 75% of the participants in the last public hearing, has disqualified itself from speaking for the Town on an issue of opinion.

Councilmember Baumli stated that when the petition was presented he believes the split was 60/40, not 75% in favor. Councilmember Smith stated that the petitions that were submitted were not against the rail trail, but they were for the property going to public auction the proper way. That is what they disagreed with. They didn't disagree with the rail trail. They weren't against the rail trail. They are getting a bad rap for that and that is not the way it happened. Councilmember Rasmussen stated that actually it is because we had a public hearing. We had a discussion here that some of us weren't happy with the outcome of so we had another discussion during the next Town Board meeting. Some of us weren't happy with that one so we held a public hearing where it was overwhelmingly, way more than 75% in favor of just allowing the rail trail to purchase it and instead we voted contrary to what the public hearing said. His question was why have a public hearing when the Town Board is just going to ignore the outcome of the public hearing, therefore we have given up the right to speak for the Town in matters of opinion. Councilmember Smith stated that we still represent the constituents that don't come to the public hearings because they work and they can't.

Councilmember Baumli stated that the petition was handed in after the public hearing that happened at the fire house. He was told at one point after the final tally and everything was done that it was a 60/40 split. He doesn't consider that overwhelming support. He is glad the rail trail ended up with the property but he believes that there

were 6 people who wanted that property so his original complaint was that the rail trail should not go down to the County and try to steal a piece of property out from under everyone else who could have a possibility of owning it for \$500. The rail trail paid what they thought was fair market value, he would hope, for that property. He bought one the exact same way through the County. He paid what he thought was fair market value. He was the highest bidder and the next bidder down was \$23,000 less than what he bid on it. He is not crying wolf to anybody. He paid what he thought it was worth. The rail trail must have thought the property was worth \$18,001 and that is what they paid for it but there were other people that also were interested on that piece of property and were able to put a sealed bid in on it like the rail trail did.

Supervisor Teal stated she would like to decide what we are going to do with the resolution for carbon fee and dividend. Councilmember Smith stated he agrees with Councilmember Rasmussen that we should turn it down and turn it away. Councilmember Baumli stated that he feels this is a national issue and we should leave it to our national representatives. He asked Supervisor Teal to also not support the resolution when it comes up at the County level.

Streetlight – LED Conversion:

Councilmember Rasmussen made a motion to move forward with the utility conversion to LED street lights. Councilmember Smith seconded that motion.

Roll Call Vote:

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

Zoning Complaints - procedure:

Supervisor Teal stated that there is some concern about complaints coming in via elected officials. She spoke with the Town Attorney and he advised that we can guide any constituents who come to us with concerns about a complaint to the process and the forms but the complaint has to come in from the resident, not via the elected official. Councilmember Rasmussen stated of course. Councilmember Baumli stated that he did talk to CEO/ZEO Hernandez about some issues. An issue that was brought to him through an email that he received on his town email in reference to a complaint, some zoning issues, and he did talk to CEO/ZEO Hernandez about it. As an elected official he feels that he has a duty to go to the ZEO and check in to make sure she is aware of the issue, the same as if he was a regular resident and drove by a piece of property and saw a building collapsing. He thinks when somebody brings something to him, he can bring it to the ZEO but if it's going to involve the Attorney or if it's a bigger issue than we first thought then it should go to the whole board. He feels that individual board members can go to the ZEO and say something was brought to my attention, is it a minor issue that we can handle without getting the attorneys involved. Supervisor Teal stated that the difficulty in that is the legality. There is a discrepancy between a violation complaint that is brought to that department via an elected official versus a resident. It is not something from a legal perspective that should be done. The

recommendation of the Attorney is that if someone comes to us, talk to them about the process, provide them with the form, help them fill it out, but bringing in the complaint to the building department via an elected official is what is going to cause legal issues.

Councilmember Smith stated that nobody is going to know because signatures on complaints are sealed. CEO/ZEO Hernandez stated that complaints are anonymous to respect neighbor to neighbor relations. If it goes to court, the complainant knows in advance that they might be called to go to court, just like a Town Board member might be called to go to court. If you are the complainant you are the witness in the case. Councilmember Smith stated that he thinks it is on a case by case basis. There are certain people that don't have the time so he sees both sides of it. Councilmember Rasmussen stated that he doesn't think there is a both sides to it because he is not familiar with the legal liability but that is a big deal. Another consideration here is that when a member of the board stops by and checks in on a violation or reports a violation, there is an implied prioritization where somebody above you in the organization is showing up and saying because I didn't ask about the other 53 complaints you are working on, this one is more important. The Town Board as a whole may have something to say but the individual board member has no authority to set any kind of priorities and even if you never say that you want the employee to prioritize the complaint you are bringing in over other complaints that have already been filed, there is an implied pressure for the employee to work on this ahead of the employee's other priorities. Supervisor Teal stated that is what the courts have interpreted is that we have taken our elected position to prioritize complaints. If it goes to court, the complaint could be thrown out because of our actions.

Councilmember Rasmussen stated that he absolutely concurs that elected officials shouldn't be attempting to be the Assistant CEO. Councilmember Smith stated absolutely, he agrees with Councilmember Rasmussen. Councilmember Rasmussen stated that he gets it that we are elected by a resident but if you take something from a resident who is supposed to go directly to the CEO, and we hand it over, we are getting in the middle, we are creating a legal issue and we are implying an enforced prioritization from the very people who provide a paycheck to the CEO. He stated that there are other organizations who, for situations like this, have a volunteer ombudsman because it's true that people don't have time or it's an issue that for the Town may be important but a person is not going to take time off work to come down to file the complaint. If we had a volunteer ombudsman, stressing that it is a volunteer to ensure that it is not an elected official, whose job it is to help residents work with the Town. If a resident has a problem and they don't know how to get a permit or make a complaint or they just don't have time to let the CEO know that we have a complaint, then the ombudsman can be a channel for that. CEO/ZEO Hernandez stated that if they have time to tell an elected official, then they have time to come tell her. Councilmember Rasmussen stated that the ombudsman, by definition, would be available at different times, in different ways and in a much more unofficial capacity. CEO/ZEO Hernandez stated that the zoning code states that complaints have to be in writing, so when they tell people what the process is, they explain to them that they have processes in place to protect their identity. It is not a sealed case. If it goes to court, then they will have to go, but they try not to create a problem amongst neighbors. She stated that it is not fair to the ones who are going through this procedure that they have taken time to set into place when other people are friendly with Town Board members who they can just name drop and say my neighbor is doing this.

Councilmember Rasmussen stated that he absolutely agrees which is why he is suggesting the volunteer ombudsman.

Councilmember Smith stated that you can't just call, you have to physically come to the building department. Supervisor Teal stated no, you can mail a complaint. Councilmember Smith stated yes you can mail it if you want to go on and download the form. CEO/ZEO Hernandez stated that it doesn't even have to be on the form, you can just shoot an email. Councilmember Rasmussen stated that for some people who may not do email and don't have time to come get the form, the ombudsman could provide some assistance and it would give the Town Board a much better way for us to help constituents who may need assistance. CEO/ZEO Hernandez asked if this Town Board has received any complaints from anybody in the community about how they handle complaints in her office. Councilmember Rasmussen stated he has not. CEO/ZEO Hernandez asked why we are creating even more procedures. Councilmember Rasmussen stated that it is to avoid board members feeling like they need to intervene. Councilmember Smith stated that he doesn't think it is intervening. He sees both points but in a way it is our responsibility.

Councilmember Baumli stated that if he is driving down the road and sees a building falling down, he as a Town Board member can't go to the CEO/ZEO. Supervisor Teal stated that he can go to the CEO/ZEO with that. Councilmember Baumli stated that is the same thing. Supervisor Teal stated that should be done via a written complaint as a resident, not as a Town Board member. Councilmember Smith stated that we have had quite a few things that our lawyer has told us that has turned out not to be true. Recommendation and law is two different things so he would like to see the law on it. Supervisor Teal stated that this is coming from both lawyers. Councilmember Baumli stated that he can go back to the property owner that spoke to him and bring them the forms and ask them to submit the complaint themselves. He thinks we are making more of this than we need to but that is how this all came about. He is fine with that.

Councilmember Newton stated that he sees a lot of people on a regular basis. They come to him with questions all of the time. If it is a complete hands off, they walk into his shop and he tells them he can't help them at all, no matter what it is. There is a lot of procedural stuff that goes along with code enforcement and zoning enforcement that we are familiar with because we have dealt with it on some level before and we can tell them that there is simply nothing you can do about it. He understands that they can't hand him a complaint and he brings it to the building department. Supervisor Teal stated that she is talking more about a Town Board member coming in and verbally saying that there is a problem. If we are handling any violations or complaints outside of the norm, any situation where an elected official is functioning outside the normal process or procedure is where what is going to happen is if it ends up in court and it ends up challenged, that whole violation is going to disappear.

Councilmember Newton asked where the line is because he has come down and talked to the CEO/ZEO a number of times because somebody has come to him and said they don't know about something and he has asked for informal information from the CEO/ZEO and then responded back to the resident and usually it results in no action. Supervisor Teal stated that she doesn't think that is an issue. She stated that if there are no names, no specific

information, not a specific complaint, but rather just getting information, that is not an issue. She is only talking where Town Board members are advocating for or functioning in a way that is different than any other complaint that comes through the door.

Councilmember Smith stated that he would love to see the precedent that set that. That says that you will lose in court. There has to be a precedent that set that, that says it was a board member, it went to court and now it is not valid even though it was a valid issue.

CEO/ZEO Hernandez stated that she thinks it is best if everyone just follows the zoning code and explains to people that come to you that there is a procedure and they should contact the office.

ZRC Proposal:

Supervisor Teal stated that the most recent version we have is “Proposed Revisions to New Lebanon zoning code – following Town Board meeting”. Supervisor Teal stated that the only thing missing from this version, if she understands correctly, is Town Clerk Houghtling’s catch of the electioneering signs, which would still need to be added. Town Clerk Houghtling stated that is on page 12, just to change temporary electioneering signs to all zones. Town Clerk Houghtling stated that there was another change she recommended in the wording on banners and flags being consistent throughout the document as on page 7 when addressing residential zones it says banner and/or flag and on page 8 it just says banner. She recommended that the wording be consistent throughout the code. Ted Salem, ZRC Chair, stated that he just assumed Town Clerk Houghtling would make those 2 adjustments after pointing them out as he agreed with them. The Town Board agreed to change page 12 to say that temporary electioneering signs are allowed in all zones and to change page 8 to say banner and/or flag.

Councilmember Rasmussen made a motion to give Supervisor Teal authorization to send this version of the zoning revisions with the above noted amendments to the Attorney for conversion into a proposed local law. Councilmember Baumli seconded that motion.

Roll Call Vote:

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

Code Updates – 1st Amendment Package:

Supervisor Teal stated that she and the Town Attorney reviewed the proposed changes to our code in detail. The Attorney’s biggest concern is the repealing of the junkyard law. We currently have one violation that we still need to proceed on that was brought forth as an unlicensed junkyard so now would not be the time to repeal. Also, if we repeal our junkyard law then the law that takes affect is the NYS law regarding junkyards which only addresses automobiles. We address all types of junk and the Town is much more protected with our junkyard law than relying on the general municipal law for junkyards. Councilmember Smith asked if we can just slap a moratorium on it. Supervisor Teal stated that what we

would do is just keep this because there is so much detail as to what needs to be covered in a license that we would have much better protection by keeping the law. Councilmember Smith stated that he is saying keep it but at least put that on for a year. It would prevent anything while the Town Attorney is working on it. Supervisor Teal stated that we would just keep the junkyard law we have. Supervisor Teal stated that the version of proposed local law #1 of 2019 that the Town Board received tonight leaves the junkyard law in the town code.

Supervisor Teal stated that the other big difference is under animals there were some modifications we wanted to make which is fine but an issue the Attorney found was that our definitions did not match with New York State's definitions and it caused conflict. The Attorney has gone through all of the definitions and made our definitions match the State's definitions. That is what is in the proposed local law in front of the Town Board tonight.

Supervisor Teal stated that the Town Board agreed to remove town policies from our code. The original version of the proposed local law that the Attorney sent on March 9 did not remove the data breach policy and the investment policy because general code did not recommend removing them from our code in the proposal the board reviewed but they are policies that the Attorney recommends removing from our code. He recommends we leave the procurement policy in our code because we have the value added which was adopted by local law. According to State law the only way to add value added is through local law which then requires it to be in our town code.

Supervisor Teal stated that, with the exceptions of the above noted items, all the changes presented by the Attorney in the proposed local law are exactly what the Town Board asked for. She verified all of that.

Supervisor Teal made a motion to introduce local law #1 of 2019 titled "A local law to update and amend various chapters of the code of the Town of New Lebanon", the final version as submitted to the board on March 12, 2019. Councilmember Newton seconded that motion.

Roll Call Vote:

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

Supervisor Teal made a motion to set a public hearing on proposed local law #1 of 2019 to be held on Tuesday, April 9, 2019 at 6:55pm. Councilmember Newton seconded that motion.

Roll Call Vote:

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

General Code Publishers Updates:

Supervisor Teal stated that she wants to put on record the conversation she had with Town Clerk Houghtling. She stated that the board had talked about when the Town Clerk was going to update code publishers. It was time for the Town Clerk to send in all the resolutions and local laws but because we are so close with the proposed changes, she would actually be sending in all of the updates on policies that are going to be removed from our code. We would be spending a significant amount of money to update that to then pull them out shortly after. She has asked the Town Clerk to hold off on sending any updates to code publishers until after local law #1 of 2019 has been adopted.

Comprehensive Plan Review:

Ted Salem stated that they met with Nan Stoltzenberg and she gave them some general guidance. She sent a list of what the Town needs to move forward with the comprehensive plan along with prices. He stated that tonight he is hoping to get the Town Board's agreement that the Zoning Re-Write Committee augmented by 4 additional, non-town affiliated members of the community would form a steering committee for the update of the comprehensive plan. That group would need to meet a few times and decide amongst itself what it thinks it can get done with volunteer labor and what it feels would need to be procured from a professional. He stated that he is not prepared at this juncture to update the Town Board as to how much it might cost to update the comprehensive plan because they don't know how much of that we can do internally and how much of that we might have to procure.

Supervisor Teal made a motion to delegate the Zoning Re-Write Committee along with four additional members of the public to be recommended by the Zoning Re-Write Committee and approved by the Town Board to serve as the steering committee for the proposed comprehensive plan review and to advertise for four members of the public to serve on this committee with letters of interest due April 5th by 4pm. Councilmember Smith seconded that motion.

Roll Call Vote:

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

JCAP Grant - generator:

Councilmember Smith stated that the original bid notice that went out for the generator did not include that it had to pay prevailing wage so that was put back out to bid and a date was set for anybody that is interested to meet with Town Engineer McCreary and Councilmember Smith to go over any questions they might have for the installation of it. The bids will be reviewed at the April board meeting.

Terms of Office:

Supervisor Teal stated that this was brought up as a question by the Town Board. There are two options. The first is under Town Law section 24-a, the board can adopt a resolution

subject to a mandatory referendum. It must be at least 150 days before the biennial election, which is going to be November 5th, so by June 7th. If it is passed at the election, the four year term takes effect at the next biennial election, which would take effect in 2022. The second option is under municipal home rule which allows that the board adopt a local law subject to a mandatory referendum, no less than 60 days before the election. This option may include a provision that the new term will apply to those officers elected at the same election where the change to four-year terms are approved.

Supervisor Teal stated that her recommendation would be to use municipal home rule for Town Clerk, Tax Collector and Highway Superintendent and to do a local law to each one individually so that they are listed separately on the ballot. There is a lot of confusion when you try to lump them all together. Her recommendation is that these 3 positions, if voted through, have the four year terms take effect the same year, in 2020. As a member of the county board of supervisors, the Town Supervisor in New Lebanon cannot be done by this process. It must be done by resolution and must take effect in the following election, 2022. This will also allow the Town Clerk and Town Supervisor, if they both get voted through, to be up for election in staggering years so you never have a new Town Clerk and a new Town Supervisor at the same time.

Supervisor Teal stated that if the Town Board wants to move forward with this, the resolution for the Town Supervisor should be adopted no later than June 7th, therefore at the May Town Board meeting it should be presented to the Town Board in final form to be enacted at the May meeting. The local laws should be presented in final form to the Town Board at the July Town Board meeting for enactment at the August meeting. Both the resolution and the local laws would then be submitted to the Board of Elections for inclusion as propositions at the November 5th election.

Councilmember Baumli made a motion authorizing Supervisor Teal to proceed with the Town Attorney to move forward on the processes to change the terms of office with the Town Supervisor to be changed by resolution to take effect in 2022, if approved by the voters and the Town Clerk, Tax Collector and Highway Superintendent to be changed by local law to take effect in 2020, if approved by the voters, with all positions to be listed separately on the ballot. Councilmember Smith seconded that motion.

Roll Call Vote:

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

Route 22 Paving Resolutions:

TOWN OF NEW LEBANON

RESOLUTION #11, 2019

REQUEST TO PAVE NYS ROUTE 22

MARCH 12, 2019

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 March 2019, the following Resolution was proposed and seconded:

Resolution by Supervisor Colleen Teal
Seconded by Councilmember Mark Baumli

**CALLING ON THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
(NYS DOT) TO REPAIR - MILL and PAVE/ RESURFACE STATE ROUTE 22
BETWEEN PEACEFUL VALLEY ROAD IN CANAAN, NY AND STATE ROUTE 20
IN NEW LEBANON, NY**

WHEREAS, the New Lebanon Town Board recognizes that State Route 22 between Peaceful Valley Road in Canaan and State Route 20 in New Lebanon has not been paved in 25 years and is in a deplorable and an unacceptable condition with multiple dangerous potholes and eroded pavement, and

WHEREAS, NYS DOT continually has to patch the damaged pavement at a substantial annual cost to the taxpayers, and

WHEREAS, there have been multiple accidents and motorists experiencing flat tires, bent rims and axles, particularly at night when they cannot see the condition of the road, and with limited cell phone reception in the area to seek assistance, and

WHEREAS, motorists and truckers have been avoiding this section of State Route 22 and diverting their vehicles to local Town and County roads thereby contributing to those roads' depreciation, and

WHEREAS, Town of New Lebanon officials receive numerous and time consuming misdirected phone calls, letters and e-mails from motorists asking the Town of New Lebanon to do something about the condition of State Route 22, and

WHEREAS, the residents on this section of State Route 22 have to bear the continuous depreciation on their own vehicles and have posted signs, at their cost, along State Route 22 warning of the road's condition to motorists, and

WHEREAS, officials from the Towns of Canaan and New Lebanon have for the last few years repeatedly been in contact and met with DOT officials pleading for the repair of State Route 22, and

WHEREAS, State Route 22 is a major New York north/south route from downstate to upstate supporting tourism and economic development for NYS, and

WHEREAS, most importantly, the conditions for a serious or fatal accident currently exist and if State Route 22 is not properly repaired the probability of a serious or fatal accident will keep increasing.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of New Lebanon does hereby call on the New York State Department of Transportation to repair - mill and pave/resurface State Route 22 between Peaceful Valley Road in Canaan, NY and State Route 20 in New Lebanon, NY, and

BE IT FURTHER RESOLVED that the Town Clerk shall send a copy of this resolution to those in positions at NYS DOT Region 8, Poughkeepsie and Hudson, who are involved in the decision process on this issue, and the Columbia County Board of Supervisors.

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

Roll Call Vote:

| | |
|--------------------------------|-----|
| Councilmember Norman Rasmussen | Aye |
| Councilmember Kevin Smith | Aye |
| Supervisor Colleen Teal | Aye |
| Councilmember Jesse Newton | 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.

TOWN OF NEW LEBANON

RESOLUTION #12, 2019

REQUEST TO TEMPORARILY MODIFY THE SPEED LIMIT ON NYS ROUTE 22

MARCH 12, 2019

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 March 2019, the following Resolution was proposed and seconded:

Resolution by Supervisor Colleen Teal

Seconded by Councilmember Mark Baumli

**CALLING ON THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
(NYS DOT) TO TEMPORARILY REDUCE THE SPEED LIMIT ON STATE ROUTE
22 BETWEEN PEACEFUL VALLEY ROAD IN CANAAN, NY AND STATE ROUTE
20 IN NEW LEBANON, NY**

WHEREAS, the New Lebanon Town Board recognizes that State Route 22 between Peaceful Valley Road in Canaan and State Route 20 in New Lebanon has not been paved in 25 years and is in a deplorable and an unacceptable condition with multiple dangerous potholes and eroded pavement, and

WHEREAS, the speed limit that is safe for the condition of the road is no more than 35 miles per hour, and

WHEREAS, the current posted speed limit is 55 miles per hour, and

WHEREAS, state and federal studies have shown that driving significantly (at least 10 mph) below the average speed is most likely to cause accidents.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of New Lebanon does hereby call on the New York State Department of Transportation to temporarily reduce the posted speed limit on State Route 22 between Peaceful Valley Road in Canaan, NY and State Route 20 in New Lebanon, NY, to **35 mph** until the mill and pave/resurface of said portion of State Route 22 has been completed in order to provide some measure of safety to the motorists traveling this portion of State Route 22, and

BE IT FURTHER RESOLVED that the Town Clerk shall send a copy of this resolution to those in positions at NYS DOT Region 8, Poughkeepsie and Hudson, who are involved in the decision process on this issue, and the Columbia County Board of Supervisors.

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

Roll Call Vote:

| | |
|--------------------------------|-----|
| Councilmember Norman Rasmussen | Aye |
| Councilmember Kevin Smith | Aye |
| Supervisor Colleen Teal | Aye |
| Councilmember Jesse Newton | Nay |
| 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.

Highway Superintendent Winestock stated that he does not think it is a great idea to lower the speed limit on Route 22 to 35mph as most people will then travel on town and county roads more causing damage to local roads. He stated that New York State is taking control of the maintenance on stated roads from the county in Columbia County. He does not think this is a good idea as the roads will not get the attention they currently get and he thinks the towns should fight back on this.

Pavilion Bathrooms:

Town Engineer McCreary presented plans for the new bathrooms at the pavilion to the Town Board. He went over the proposal with the Town Board members. He stated that in order for the bathrooms to be done before the Summer Youth Program starts we need bids due by April 15th. He stated that he can get the Town Clerk the bid notice by noon next Tuesday to have it published in the paper on March 22nd. Councilmember Smith asked Engineer McCreary if he felt rushed to get the bid notice in by next Tuesday at noon because we can hold a special meeting. He stated that there has to be patience instead of rushing to get this stuff in, if we need to take a week and have a special meeting we can. He stated that he knows Town Clerk Houghtling is trying to push dates and stuff. Town Clerk Houghtling

stated that she has no rush on dates or any timeline but she heard Engineer McCreary say that bids have to be in by April 15th for his timeline and in order to make that happen, she was just letting him know the deadlines for publication of the bid notice. Engineer McCreary stated that he is comfortable getting the bid notice to the Town Clerk by noon next Tuesday.

Supervisor Teal made a motion to accept the proposal from Engineer McCreary and have him proceed with the rest of the drawings, the bid notice and specifications with bids due on April 15th by 3pm. Councilmember Smith seconded that motion.

Roll Call Vote:

| | |
|--------------------------------|-----|
| Councilmember Norman Rasmussen | Aye |
| Councilmember Kevin Smith | Aye |
| Supervisor Colleen Teal | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember Mark Baumli | Aye |

Updates:

- **Banking at Berkshire Bank:** Supervisor Teal stated that Berkshire Bank is not qualified to handle municipal funds. We would be allowed under OSC regulations to keep under \$250,000 in Berkshire Bank accounts but they are prohibited from taking in municipal funds. They are in the process of becoming approved in NYS for municipal deposits, definitely by the end of this year, hopefully by the middle of this year. Once they do this our banking can be in town again.
- **International Truck – surplus:** Councilmember Smith stated that Highway Superintendent Winestock might have someone interested in the truck. If not, auctions international will be coming out and it will be listed on March 24th with the auction end date on April 8th and they will let us know before the April meeting what bids have been received.
- **NL 200 Banners & US Flags:** Supervisor Teal stated that we still need to have the NL 200 Banners and US Flags taken down. Councilmember Smith stated that he is willing to do it but needs someone to help that can climb the ladder. Councilmember Baumli stated that he will help Councilmember Smith take them down. Supervisor Teal stated that the American flags should be back up by Memorial Day and therefore should go back up mid-May and they should come back down after Labor Day.

J.J. Smith stated that more than half of the American flags are gone. They were left up all winter which is so disrespectful. She is upset with Consolidated for not taking the flags down after they said they would. She returned the check that was issued in 2018 for the purchase of more flags. People are stealing them which is disrespectful. It has nothing to do with the Town Board. The Town Board was very helpful. She would like to take the flags we have left and put them on the main mile. Town Clerk Houghtling stated that she is happy to help J.J. Smith locate the poles she would like the flags moved to and apply for a new permit through Consolidated and NYSEG to switch to new poles. Supervisor Teal stated that she would also like some flags on Route 22 on the way to the Town Hall for the memorial day parade. J.J. Smith stated that limiting the number of

American flags allowed on people's personal property is crazy and that is what the new zoning proposal that the Town Board passed tonight aims to do. She doesn't think the Town Board has the authority to limit the number of American flags a homeowner can have on their property. Supervisor Teal stated that there will be a public hearing on the proposed local law where she can address all of this.

- **PESH – Fuel Tank:** Councilmember Smith stated that the new fuel tank is up and running. He stated that everything is 100% done. Highway Superintendent Winestock asked about the carport. Councilmember Smith stated that the violation piece is completed but we still need to do the carport and the barriers.
- **Retirement:** Supervisor Teal stated that she spoke with the director at NYS Retirement today and the letters still have not gone out because they are being reviewed by their legal department. She stated that all the adjustments have been done and all the suspensions have been lifted. Highway Superintendent Winestock asked if Supervisor Teal has any proof that the suspensions have been lifted. Supervisor Teal answered no. Highway Superintendent Winestock stated that his retirement of 33 years is taken from him and the Town Board has supposedly done everything they are supposed to do to get it back for him and now retirement is refusing to give him a letter stating that he now has his 33 years back. He wants documentation now that it has been reinstated.

Councilmember Baumli made a motion to have the Town Attorney draft a letter to NYS Retirement to request confirmation in writing from NYS Retirement that all employees' retirement has been reinstated. Councilmember Smith seconded that motion.

Roll Call Vote:

| | |
|--------------------------------|-----|
| Councilmember Norman Rasmussen | Aye |
| Councilmember Kevin Smith | Aye |
| Supervisor Colleen Teal | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember Mark Baumli | Aye |

- **Town Historian:** Supervisor Teal stated that the former Town Historian Kevin Fuerst has submitted historic documents belonging to the Town to the Town Clerk's office. Town Clerk Houghtling stated that she received a map of an old cemetery and a bankers box about 3/4 full of documents from former Town Historian Kevin Fuerst. She stated that she is storing them in her vault until further notice about what to do with them. Councilmember Smith stated that obviously there is stuff missing so he doesn't know how we would go about, because there was a lot of Indian stuff, he knows that he was affiliated with some board or something, but a certain amount of stuff is Town possession. Councilmember Newton asked if we have a list somewhere of what was turned over to the historian. Supervisor Teal stated that nothing is turned over to the historian, it is stuff that they acquire. The way the law reads is that anything that they acquire in their role as town historian is to be turned over to the town at the end of their term. Supervisor Teal stated that our new historian is at home recovering and her recommendation is that the documents submitted be turned over to our new historian when she is ready, with the Town Clerk maintaining a log of what is being turned over. Councilmember Smith stated

that there should be a spot in the Town Hall where the stuff for the town historian is kept, instead of them taking it home, unless it is something they need temporarily that they are working on. Supervisor Teal stated that the problem with that is that the law says that we have to make a place that is like the vault in the Town Clerk's office. Councilmember Smith stated that they aren't kept in vaults at people's houses. Supervisor Teal stated that the town has an agreement with the historical society to share their space with the town historian so we could set her up a space there.

NEW BUSINESS:

Planning Board Vacancy:

Town Clerk Houghtling stated that she received three letters of interest for the Planning Board, but one was received past the deadline, so there are two valid letters of interest, one from Tegan Cook and one from Karl Galusha. The Town Board set up a special meeting at 6:15pm on 4/9/19 to do interviews with both applicants. Councilmember Smith stated that if both applicants are not available at that date and time we can reschedule the interviews to a time and date that works for them both.

IT – Columbia County:

Supervisor Teal stated that we received a proposal from Columbia County MIS. In changing over there is a significant savings. There are some recommendations to change some of the ways we do things and some of the providers. Most of the changes are significantly lower in cost from what we have been paying. There are one or two items that they would like us to add in for safety and protection. Overall we are looking at almost a \$10,000 savings.

Councilmember Smith asked what the TAP was that we were paying \$9,000 a year for. Supervisor Teal stated that was what we paid Technology for All. When it comes to the TAP, there are actually software programs that can process it. A lot of that TAP was for them to go into the computers and look at any programs that are sending out warnings. Those programs can be set up to send emails directly to County MIS when there is an issue so they are eliminating that cost.

Councilmember Smith asked where we stand on Technology for All and how much they owe us back. Supervisor Teal stated that she should have those numbers but she doesn't have a response back from them yet. She is still working on getting some of the data we need in order to get everything up and running and that is her first priority.

Supervisor Teal made a motion to accept the County MIS proposal and direct the Town Clerk to move forward with implementing all of the proposed changes with the exception of the technology refresh cycle. Councilmember Newton seconded that motion.

Roll Call Vote:

| | |
|--------------------------------|-----|
| Councilmember Norman Rasmussen | Aye |
| Councilmember Kevin Smith | Aye |
| Supervisor Colleen Teal | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember Mark Baumli | Aye |

Court Clerk Position - advertise:

Supervisor Teal stated that Court Clerk Cynthia Creech is retiring effective 6/1/19 and Assessor's Clerk/PZ Clerk/Building Department Clerk Donna Gedeon will be taking a full time position in Greenport. She stated that Cynthia was 20 hours a week and Donna was 20 hours a week in the building department. She asked if the board has any interest in considering someone interested in both positions and making them full time with benefits. Councilmember Rasmussen stated that it would improve retention. Councilmember Baumli stated that as part time employees, 20 hours or more, they are entitled to get part time benefits so should we advertise it as a full time position with full time benefits. Supervisor Teal stated that she is not sure we need to advertise it that way but if we get a qualified applicant who is interested in a full time position, she wants to know if the board is even open to considering it.

Councilmember Newton asked if there is overlap issues with timing on those two positions. Councilmember Smith stated that he would like to see what a schedule would even look like. Town Clerk Houghtling stated that the court offices are open Tue, Wed and Thur and the building department is open on Mon and Fri so the positions could be compatible. Supervisor Teal stated that Louis Waters did these two positions combined for 30 years. They were combined positions for 30 years. Councilmember Smith stated that Louis Waters has been gone for a long time and we haven't done it that way since. Supervisor Teal stated that is because the board did not want to make it a full time position, not because the positions aren't compatible. Town Clerk Houghtling stated that from a budgetary perspective if you have two 20 hour a week positions with half time benefits, there is no budgetary difference from having one 40 hour a week position with full time benefits.

Supervisor Teal stated that she is not saying that it is even going to be a proposal to combine them into one full time position, but in talking with the department heads that are going to do the interviews, she doesn't want them to even consider a shared employee if it's not something the board is interested in. Councilmember Smith stated that if the court or anyone needs help then we need overtime. Councilmember Baumli stated that you have a deputy court clerk that could pick up some extra hours without anybody being paid overtime. Town Clerk Houghtling stated that there was just a time that the court did need some extra help and the board gave the assessor's clerk who is 5 hours a week some extra hours to help in the court, so there are options. Supervisor Teal stated that there would be no overtime hours involved.

Councilmember Rasmussen stated that there are 4 positions now and a year ago we had the same positions getting hired and turned around again so he thinks we should be focused on retention which means if the best candidate needs full time, we should at least be open to consider it. Councilmember Newton stated that he thinks we should advertise it without listing it as full time. Councilmember Rasmussen and Supervisor Teal agreed. Councilmember Smith stated he agrees, if we aren't making a decision right now, absolutely, if we want to interview first but he is not willing to do it right now. Councilmember Rasmussen stated that he thinks it is better to say we are open to the idea and see who we get as potential candidates. Councilmember Smith stated that he can support that. Councilmember Baumli stated that he agrees with Councilmember Rasmussen and maybe we need to look back on that and see if we retain our full time employees longer than our part

time employees. If that is the case then maybe we need to move it to full time because to re-train somebody that takes time and money. Supervisor Teal stated that we have turned over 3 part time positions in the past 3 years and have not turned over any full time positions. Town Clerk Houghtling stated that in the past 5 years every position we have had turn over in has been a part time position.

Supervisor Teal made a motion authorizing the Town Clerk to advertise in the Eastwick Press and the Register Star for the p/z clerk, the building department clerk, the assessor's clerk and the court clerk with letters of interest and resumes due to the Town Clerk's office by 4/5/2019 at 4pm. Councilmember Baumli seconded that motion.

Roll Call Vote:

| | |
|--------------------------------|-----|
| Councilmember Norman Rasmussen | Aye |
| Councilmember Kevin Smith | Aye |
| Supervisor Colleen Teal | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember Mark Baumli | Aye |

Barbato – Service Agreement Fee Increase:

Town Clerk Houghtling stated that Barbato has increased their costs for our dumpster. They have presented a new service contract with rates of \$140 for the winter rate and \$190 for the summer rate. Before this cost increase, we were paying \$105 for the winter rate and \$150 for the summer rate. She stated that the majority of the price increase is due to the new recycling fees.

Councilmember Smith made a motion authorizing the Town Clerk to enter into a new service agreement with Barbator for the Town's garbage dumpster at a rate of \$140 for the winter rate and \$190 for the summer rate. Supervisor Teal seconded that motion.

Roll Call Vote:

| | |
|--------------------------------|-----|
| Councilmember Norman Rasmussen | Aye |
| Councilmember Kevin Smith | Aye |
| Supervisor Colleen Teal | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember Mark Baumli | Aye |

Shatford Youth Baseball Contract for 2019 Season:

Councilmember Smith stated that he would like to get a contract signed by the Shatford Youth Baseball for the 2019 season with the terms the same as last year. Councilmember Newton stated that we need to get their health code inspection before they start their season. Councilmember Smith stated that we need their health code inspection and their schedule before they get keys to the snack shack.

Supervisor Teal made a motion authorizing Councilmember Smith to move forward with preparing a contract between the Town and the Shatford Youth Baseball for 2019 with the terms the same as 2018, authorizing the Town Supervisor to execute that contract and directing the Town Clerk not to give keys out for the snack shack until her office is in receipt of a food service permit from the Board of Health. Councilmember Newton seconded that

motion.

Roll Call Vote:

| | |
|--------------------------------|-----|
| Councilmember Norman Rasmussen | Aye |
| Councilmember Kevin Smith | Aye |
| Supervisor Colleen Teal | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember Mark Baumli | Aye |

Mohican Fountain – George Otis Rockwell Memorial Park:

Supervisor Teal stated that the Mohican Fountain needs a new plaque but she is not sure the cost yet. She stated that she will bring pricing to the next meeting. Councilmember Smith suggested passing a motion authorizing the purchase up to a certain price.

Councilmember Newton made a motion to purchase a plaque for the Mohican Fountain with the price not to exceed \$500. Councilmember Smith seconded that motion.

Roll Call Vote:

| | |
|--------------------------------|-----|
| Councilmember Norman Rasmussen | Aye |
| Councilmember Kevin Smith | Aye |
| Supervisor Colleen Teal | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember Mark Baumli | Aye |

AIM Resolution:

**TOWN OF NEW LEBANON
RESOLUTION #13, 2019
AID & INCENTIVES TO MUNICIPALITIES (AIM)
MARCH 12, 2019**

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 March 2019, the following Resolution was proposed and seconded:

Resolution by Councilmember Kevin Smith Sr.

Seconded by Supervisor Colleen Teal

**CALLING ON GOVERNOR CUOMO AND THE STATE LEGISLATURE TO
CONTINUE AID & INCENTIVES TO MUNICIPALITIES (AIM) PAYMENTS IN
FISCAL YEAR 2019-2020 STATE BUDGET**

WHEREAS, Governor Andrew Cuomo released his Fiscal Year 2019-20 Executive Budget on January 15; and

WHEREAS, the Fiscal year 2019-20 Executive Budget is a proposed \$176 Billion spending plan; and

WHEREAS, the Executive Budget contains language to make permanent the cap on

real property tax levy increases of two percent that is due to sunset in the year 2020; and

WHEREAS, New York State towns, villages and cities scheduled to receive Aid and Incentives to Municipalities (AIM) payments that are less than two percent of their local Fiscal Year 2017 expenditures, as reported to the State Comptroller, will be removed from the program; and

WHEREAS, if the Executive proposal is enacted, more than \$60 million in funding to towns, villages and cities in New York will be eliminated; and

WHEREAS, more than 1300 villages, towns and cities will be impacted, including the town of New Lebanon; and

WHEREAS, the town of New Lebanon would stand to lose **\$12,290.00** in state AIM payments; and

WHEREAS, aid to localities for local roads and bridges under the state's Consolidated Local Street & Highway Improvement Program (CHIPs) was maintained at 2018-19 levels in the Executive Budget.

NOW THEREFORE BE IT RESOLVED, that the New Lebanon Town Board respectfully calls on Governor Cuomo to restore AIM payments to the 1300 villages, towns and cities negatively impacted in his 30-Day Amendments to the Executive Budget and state legislative leaders negotiate to make AIM payments permanent to the state's local governments; and therefore, be it further

RESOLVED, that the New Lebanon Town Clerk is hereby directed to send certified copies of this resolution to Governor Andrew Cuomo, New York State Senator Daphne Jordan, New York State Assemblyman Chris Tague, New York State Assemblyman Jake Ashby, Columbia County Board of Supervisors, and New York State Division of the Budget Director Robert Mujica.

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

Roll Call Vote:

| | |
|--------------------------------|-----|
| Councilmember Norman Rasmussen | Aye |
| Councilmember Kevin Smith | Aye |
| Supervisor Colleen Teal | Aye |
| Councilmember Jesse Newton | 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.

Water Testing:

Supervisor Teal stated that we have determined that the question that came up about us assessing the aquifers and where we are at is already being addressed by Steve Winkley who is working on our source water protection plan. It is part of the work he has already been doing, he is well into it and she thinks that we are in a good place.

Councilmember Smith stated that he did have a few people come forward after whoever was walking around telling people that our water is bad in New Lebanon, handing them a piece of paper and telling them that they need to show up to the firehouse. Supervisor Teal stated that there is no problem with New Lebanon's water.

NYS Real ID & Enhanced DL:

Supervisor Teal stated that the Columbia County Clerk Holly Tanner will be coming out to the New Lebanon Town Hall to speak with residents about the new requirements for the enhanced driver's license. She stated that this will be an informational session to answer questions and go over the new requirements as there is a lot of confusion over the new requirements as they are confusing. Councilmember Baumli suggested that it be in May so we can advertise it in the next newsletter.

Highway Truck Request – small truck:

Councilmember Smith stated that Highway Superintendent Winestock is requesting a new small highway truck to replace the 2008 Dodge. Councilmember Baumli asked if we can put in the bids the trade in on the 2008 Dodge. Highway Superintendent Winestock stated that we can, but he usually puts it out to bid once he gets the new truck. Councilmember Smith stated that auctions international is getting great bids on one ton trucks.

Councilmember Smith made a motion to go out to bid for a small highway truck with Superintendent Winestock to get truck specs to the Town Clerk with bids due on Friday, April 5th by 4pm. Supervisor Teal seconded that motion.

Roll Call Vote:

| | |
|--------------------------------|-----|
| Councilmember Norman Rasmussen | Aye |
| Councilmember Kevin Smith | Aye |
| Supervisor Colleen Teal | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember Mark Baumli | Aye |

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Rasmussen):

No report.

Building Department (Councilmember Baumli):

No report.

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

No report.

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

No report.

Highway (Superintendent Winestock & Councilmembers Smith & Newton):

No report.

Historian & LVHS: (Councilmembers Baumli & Rasmussen):

No report.

Justice Court/Constable (Councilmember Newton):

No report.

Parks & Recreation (Councilmembers Smith & Newton):

No report.

Seniors (Councilmember Baumli & Judy Zimmer):

No report.

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

No report.

ANNOUNCEMENTS:

APRIL:

Tuesday, April 9th ~ Special Town Board Meeting – for the purpose of interviewing potential Planning Board candidates @ Town Hall @ 6:15 pm

Tuesday, April 9th ~ Public Hearing on Proposed LL #1 of 2019 @ Town Hall @ 6:55 pm

Tuesday, April 9th ~ Regular Town Board Meeting @ Town Hall @ 7:00 pm

BUDGET AMENDMENT:

Budget Amendment #3 of 2019:

General Fund:

\$10,413 from Unappropriated General Fund Balance

\$5,749 from A-3089 (State Aid Other: JCAP Grant - Generator)

\$10,413 to A-5132.2 (Garage: Equipment – PESH: Fuel Tank)

\$5,749 to A-1620.2 (Buildings: Equipment – Generator)

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

Roll Call Vote:

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

AUDIT OF BILLS:

**General Nos. 56 through 95, in the amount of \$70,440.18;
Highway Nos. 21 through 36, in the amount of \$48,229.29; and
Escrow Nos. E-5 through E-6, in the amount of \$1,500.00;
As listed on Abstract No. 3 dated March 12, 2019.**

A motion was made by Councilmember Newton and seconded by Councilmember Smith 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 |

ADJOURNMENT:

A motion was made by Councilmember Smith and seconded by Councilmember Newton to adjourn the meeting at 10:07 pm.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk