

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON AUGUST 13, 2019**

Present: Margaret Robertson, Interim Supervisor
Kevin Smith Sr., Councilmember
Jesse Newton, Councilmember
Mark Baumli, Councilmember
Norman Rasmussen, Councilmember

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: Bud Godfroy, LVPA
Jeff Winestock, Highway Superintendent
Bruce Shenker, NL Rep to CC Enviro Mgmt Council
Steve Powers, CAC Member
Cynthia Creech, CAC Member & ZRC Member
Peg Munves, CAC Member
Robert Smith, Ethics Board & Planning Board Member
John Trainor, LVHS
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 Interim Supervisor Robertson. A moment of silence was followed by the flag salute. Interim Supervisor Robertson pointed out the emergency exits.

MINUTES:

The minutes of the **July 9, 2019 PH on Proposed LL #5 of 2019** were reviewed. A motion was made by Councilmember Newton, seconded by Councilmember Baumli and approved unanimously to accept the above noted minutes as typed.

The minutes of the **July 9, 2019 Regular Monthly Meeting** were reviewed. A motion was made by Councilmember Newton, seconded by Councilmember Baumli and approved unanimously to accept the above noted minutes as typed.

The minutes of the **August 9, 2019 Special Meeting** were reviewed. A motion was made by Councilmember Smith, seconded by Councilmember Newton and approved unanimously to accept the above noted minutes as typed.

FINANCIAL:

Supervisor's Report:

Interim Supervisor Robertson asked the Town Board to authorize the Interim Supervisor to sign the July Supervisor's report since it is from last month when she was Suzie-Q public.

A motion was made by Councilmember Smith, seconded by Councilmember Newton and approved unanimously to authorize Interim Supervisor Robertson to sign the July Supervisor's report.

Interim Supervisor Robertson provided the public and TB members with a copy of the Supervisor's Report as of July 31, 2019. She read the following aloud:

Deposits:

2nd Quarter Sales Tax = \$123,521.06
Judge Byrne = \$18,712.00
Sale of Truck = \$15,570.00
Tobacco Settlement = \$14,519.14
Summer Youth Registration Fees = \$13,106.00
Judge Nevers = \$10,692.00
Interest & Penalties on Property Taxes = \$7,292.73
Town Clerk = \$2,187.17
Zoom Flume = \$1,395.00
Interest – Multifund = \$786.35
Interest – Operating = \$4.70
Interest – Payroll = \$5.67

Total Deposits = \$207,791.82

Disbursements:

Abstracts = (\$70,074.51)
Payrolls = (\$65,272.86)

Total Disbursements = (\$135,347.37)

Accounts at Bank of Greene County:

Operating Account = \$15,337.05
Multifund Account = \$2,156,451.70
Escrow Account = \$11,078.81
Trust & Agency Payroll Account = \$43,962.36
Petty Cash = \$950.00

Total Cash Balance = \$2,227,779.92

A motion was made by Councilmember Smith, seconded by Councilmember Baumli and approved unanimously to accept the Supervisor's report as typed.

PRIVILEGE OF THE FLOOR:

J.J. Smith stated welcome back, however temporary, to Interim Supervisor Robertson. Interim Supervisor Robertson stated it is her privilege.

OLD BUSINESS:

Pavilion Bathroom Bids:

Town Clerk Houghtling read the following bid notice aloud:

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that the Town of New Lebanon, NY is seeking bids for the NEW RESTROOMS AT WEISBUCH PAVILION PROJECT at Shatford Park, the Town's Municipal Public Park. The Town of New Lebanon invites sealed proposals for the construction of an addition to the existing Weisbuch Pavilion that will contain two (2) restrooms for park users. Both restrooms will be accessible restrooms. As with the previous restrooms and associated park facilities, the addition is not for year-round use. The addition will not be conditioned space. The construction will consist of a shallow, frost protected, haunched reinforced concrete slab foundation, conventional lumber framed walls with finishes, roof trusses, metal panel siding and roofing, plumbing fixtures, electrical fixtures, etc.. The bids are to be submitted and shall cover the costs directly and indirectly associated with furnishing all materials, labor and related equipment necessary for the installation and completion of the work.

As a Municipal Project, New York State Department of Labor Prevailing Wage Rates apply. While both Plumbing and Electrical work and trades are associated with the work, this project is exempt from Wicks Law as it does not meet the minimum anticipated construction costs for the requirement of separate trade bids. This is a General Contractor with sub-contractor(s) project. This contract has been designated Contract 2019-001 as set forth in the contract documents, including drawings and specifications.

Bids will be received by the Town Clerk of the Town of New Lebanon, NY, Town Hall, 14755 Route 22 North, New Lebanon, NY 12125. until 3:00 PM on or before Friday, August 9, 2019. at which time and place they will be publicly opened and read aloud, with the contract being awarded, if acceptable, on August 13, 2019, 7:00 PM, at the regular Meeting of the New Lebanon Town Board at 14755 Route 22, New Lebanon, NY 12125.

All bid and contract documents, including specifications governing the contract, may be examined free of charge at the Town Clerk's office during the Clerk's business hours of Monday, Wednesday, Thursday, and Friday from 9:00 am to 5:00 pm. Copies of the Bid Documents may be obtained at the Town Clerk's office during those hours as well.

No bid will be accepted unless a signed Certificate of Non-Collusion is submitted with the bid.

The Town of New Lebanon Town Board expressly reserves the right to waive any irregularities in or to accept any bid or to reject any and all bids or to award on any or all items.

No bidder may withdraw his/her bid within twenty-five (25) days after the actual date of the bid opening.

There is a specific timeline for this project. Work may commence any time after August 23, 2019 and the entire project must be completed by October 31, 2019.

Town Clerk Houghtling stated that we received one bid in the amount of \$66,720.00 from Banker Enterprise.

Councilmember Smith stated that he reached out to Town Engineer Paul McCreary today and he said the price is very acceptable. We have gone out to bid 3 times on this project. It is a project that is long overdue. The bathrooms should have been ADA compliant years ago.

Councilmember Smith made a motion to accept the bid from Banker Enterprise in the amount of \$66,720.00. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Interim Supervisor Robertson -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Interim Supervisor Robertson asked Town Clerk Houghtling if she will send the bidder a notice that we accepted the bid. Town Clerk Houghtling stated that there is a contract that Interim Supervisor Robertson and Banker Enterprise will sign. Councilmember Smith stated that he also needs Interim Supervisor Robertson to sign a contract for the highway fuel tank carport. He stated it has already been approved by the Town Board. Town Clerk Houghtling asked how much we budgeted for the pavilion bathrooms. Councilmember Smith stated that we budgeted \$50,000 so the recommendation would be to take the \$16,720.00 from surplus and move it to parks.

Councilmember Smith made a motion to move \$16,720.00 from surplus into the pavilion bathroom line item in parks. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Interim Supervisor Robertson -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Google Emails for all Boards:

Town Clerk Houghtling stated that last month the board asked her to reach out to County MIS and find out what we pay for in the \$144 per email account. The current email accounts that we have we pay for all the accessibility of archiving capabilities. As the records management officer, there is a certain amount of time that each email is to be kept and after that you have to delete them. The google email that we pay for automatically sets those parameters. It also allows the records management officer access into all of the email accounts if ever needed for a FOIL request. That is what we had under the old email system and that is what was required under the new email system. When she talked to County MIS and explained that right now the various board members are using their personal

emails so there is no archiving capability or FOIL access, he said that the free google emails should be fine. They can be set up through the Town Clerk's office so they are official town accounts. She stated that there are a couple of various board members that are currently being paid for their emails and we could switch them to the free ones and save money. Councilmember Rasmussen asked if the accounts would be FOIL-able. Town Clerk Houghtling stated that the emails would be subject to FOIL. All Town Board members agreed that Town Clerk Houghtling should move forward on working with County MIS to setup free google accounts through the town for all board members of various boards.

Historian Appointment:

Interim Supervisor Robertson stated that Elizabeth Sheffer-Winig was previously appointed as Town Historian back in January but due to an accident she was never officially sworn in.

Interim Supervisor Robertson appointed Elizabeth Sheffer-Winig as Town Historian for the Town of New Lebanon for the remainder of 2019.

Councilmember Smith stated that the pay should be pro-rated for the months she is serving. The Town Board agreed that she would be paid the 3rd and 4th quarterly vouchers for 2019, giving her half of the annual salary.

Large BBQ Grill in Pavilion:

Councilmember Newton stated that we recently purchased a large BBQ grill for the park. We are going to try and store it in the kitchen and make it available for anyone who rents the pavilion, but it's very large and there is a lot of cleaning involved with it. We do not necessarily want residents cleaning it. They are proposing to apply a deposit to it or just a flat charge that would cover the cost of the propane used and the cleaning for the park staff. He is thinking \$35.00 for the rental of it which would cover propane and cleaning. Councilmember Smith asked Town Clerk Houghtling to call the insurance company and make sure they are okay with pavilion renters using a propane grill. Councilmember Baumli stated that pavilion renters can also bring their own grill or use the charcoal grill, this would be an additional option for renters who want to pay \$35.00 to use the large propane grill. He stated that we need to make sure it is taken care of properly and make sure that we have insurance to cover it if something happens. Town Clerk Houghtling stated that as the office that rents out the pavilion it is a consistent complaint that there isn't a usable grill because the charcoal grill is enormous and unusable. She had asked Herb and Kevin a while back about moving one of the smaller charcoal grills from the other picnic area over to the pavilion so renters had a small charcoal grill to use if they wanted to grill. She thinks it is unusual to say to someone, rent our pavilion and put your own grill in your car and bring it with you to use. Councilmember Smith stated that Donnie just put a grill there a couple of weeks ago for renters to use. Councilmember Newton stated that we do have a charcoal grill that we can put at the pavilion.

Councilmember Smith made a motion to charge \$35.00 to pavilion renters who choose to use the large BBQ grill with their pavilion rental, pending approval from the town insurance company. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Interim Supervisor Robertson -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

NEW BUSINESS:

Grant Application for Historical Marker for Tilden Monument:

Interim Supervisor Robertson stated that she is so glad to know that this could really happen because it is about time. That poor guy has been up there with people not knowing who he is half the time. It's amazing.

Town Clerk Houghtling stated that Councilmember Baumli, herself, some people from the Cemetery and the Historical Society met a while back about getting a historical marker. She looked into costs and it is about \$1,200. We were considering coming to the Town Board and asking if the Town would split the cost with the Cemetery and the LVHS, \$400 each and lo and behold former Supervisor Teal forwarded an email about a grant available for historic markers. It is for all 501c3 organizations, municipalities and non-profit academic institutions in NYS. Town Clerk Houghtling offered to prepare and submit the grant application under the municipalities name knowing that the LVHS and Cemetery will be able to assist in any of the wording that she might need for the application.

President of the LVHS, John Trainor stated that they were asked to submit a choice of styles. The LVHS was unanimous in choosing style 1. He asked if the Cemetery was given the same opportunity to submit input. Town Clerk Houghtling stated that when she went to the Cemetery they basically passed it on to the LVHS. She stated that Larry Benson came back to her and said, we as the Cemetery board have met and decided this is more of a historical society thing. They are open to it, they just thought it was more of a job for the LVHS. The idea was to put the historic marker at the entrance to the cemetery and then an informational sign with more details at the actual monument.

Councilmember Newton made a motion authorizing the Town Clerk to apply for the NYS Historic Marker Grant Program for a historic marker for the Samuel Tilden Monument. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Interim Supervisor Robertson -	Aye
Councilmember Newton -	Aye

Councilmember Baumli - Aye

Air Conditioners for Building Department and Assessor/Tax Collector Offices:

Town Clerk Houghtling stated that when County MIS came out they stated that we need fans or air conditioners in the building department and the assessor/tax collector offices as the computers in there are getting too hot in this weather.

Councilmember Newton stated that as a stop gap we could buy something inexpensive but inexpensive air conditioners only last so long. There is a possibility of putting a mini-split on that side of the building which would cool both the Assessor’s office and the land use office. The other possibility would be looking into utilizing the large unit that we already have outside and having it ducted to the other side of the building with regular ducting in the basement. He thinks that is something we should consider getting some prices on. He would rather not spend the money on inexpensive air conditioners that we will throw out in a year. Councilmember Smith suggested working on this for budget season for 2020. Councilmember Newton stated we could put a budget line for it for next year.

Liquor License Renewal – Blueberry Hill:

Councilmember Smith made a motion that no action is required on the renewal of the liquor license for Blueberry Hill. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Interim Supervisor Robertson -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Appoint New Recreation Commission Chair:

Councilmember Smith made a motion to appoint Tegan Cook as the chair for the Recreation Commission. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Interim Supervisor Robertson -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Request for Speed Limit Reduction on Route 22:

**TOWN OF NEW LEBANON
RESOLUTION 27, 2019
REQUEST TO REDUCE THE SPEED LIMIT ON NYS ROUTE 22
AUGUST 13, 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 13th day of August 2019, the following Resolution was proposed and seconded:

Resolution by Councilmember Baumli

Seconded by Councilmember Smith

**CALLING ON THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
(NYS DOT) TO REDUCE THE SPEED LIMIT ON STATE ROUTE 22 BETWEEN
POOLE HILL ROAD AND THE NEW LEBANON / STEPHENTOWN LINE IN NEW
LEBANON, NY**

WHEREAS, the New Lebanon Town Board recognizes that State Route 22 between Poole Hill Road and the New Lebanon / Stephentown line in New Lebanon has many turns, hills and blind driveways, and

WHEREAS, the speed limit that is safe for the condition of the road is no more than 45 miles per hour, and

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

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 reduce the posted speed limit on State Route 22 between Poole Hill Road and the New Lebanon / Stephentown line in New Lebanon, NY, to **45 mph**.

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
Interim Supervisor Margaret Robertson	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.

Cupola:

Councilmember Newton stated that he recently completed the base for the cupola. He needs a piece of equipment to move it.

Councilmember Smith made a motion to spend up to \$1,000 out of the parks .4 account for heavy equipment rental to move the cupola. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Interim Supervisor Robertson -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Rasmussen):

Councilmember Rasmussen stated that Assessor Kim Cammer has reported that she has completed her part of the Ag audit and she is waiting for replies to come back from residents.

Building Department (Councilmember Baumli):

No report.

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

Peg Munves stated that the CAC was very thrilled to sponsor an event for the kids at the summer camp a couple of weeks ago. They had a guy from the Southern Vermont Natural History Museum come with 4 live animals and the kids were quiet for 75 minutes. The guy was unbelievable. It was educational and excellent. He had 4 live birds and he brought them around for the kids to look at. The idea is to try and get conservation and environment into the kids brains early. The kids really knew a lot. They were really impressive. They knew a lot of information so kudos to New Lebanon kids. They had a really good time and the camp wants them back again next year. Town Clerk Houghtling thanked the CAC for bringing that program to the Town's summer camp.

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

Councilmember Baumli stated that they have been working with the fire company on getting budget proposals and we are pretty good with that. They are looking into possibly downsizing some trucks. There is one piece that the town does not have yet and that is the asset management plan and again he thinks that part of that is because they are looking at doing some things with some trucks. At one point they were looking at getting rid of two trucks and buying smaller trucks. Now they are looking at possibly refurbishing one truck to make it a multi-use truck and selling another truck without having to replace that truck. He stated that there is a voucher that is due this month. There is one more payment that is due to the LVPA, he believes, by the end of the year. He is sure that we will have the asset management plan by the time the next payment is due. Because of what they are working on and they are diligently working with the Town of New Lebanon to try and get information to us in a timely

manner.

Councilmember Baumli made a motion to approve the next payment for the LVPA. Councilmember Smith seconded that motion.

Councilmember Rasmussen stated that, if he recalls correctly, the reason that the clause is in the contract that says that we need all these documents is because the board decided last year that we wanted to start negotiating next year's contract now, correct? Councilmember Baumli stated correct, which we have, and we have come to an agreement on the budget itself, yes. Councilmember Rasmussen stated he will take Councilmember Baumli's word on it, but the Town Board doesn't know about that yet. Councilmember Baumli stated that we, as a board, have not come to an agreement. He stated that the LVPA has approached the board and him speaking to individual board members, he guesses that maybe Councilmember Rasmussen wasn't aware of that but they have come to Councilmember Baumli and Councilmember Smith in meeting with the LVPA and they are willing to accept the same dollar amount that they got last year as far as a budget amount is concerned. That doesn't include anything we might add to the contingency account or to a capital reserve account and the LVPA is aware that we might not do either one of those, but they are accepting the dollar amount from last year. Councilmember Rasmussen asked if they are not looking at any of the details but just rolling the amount over. He stated that what he is trying to understand is that that clause is there specifically to be sure that we have all of the relevant information before we start negotiating with them. Councilmember Baumli stated no, it said that we needed it in a timely manner, it didn't say we needed everything by July 15th. Councilmember Rasmussen asked what the contract says. Town Clerk Houghtling stated that the contract says that by July 15th, x, y and z documents will be filed with the Town. Z document is missing and there is a clause in the contract that says, and I'm paraphrasing, that the Town may withhold payment if all parts of this contract are not met, and that is a part of the contract that has not been met. Councilmember Rasmussen asked Town Clerk Houghtling if the Town has a regular practice of paying vendors who are not in compliance with their agreement. Town Clerk Houghtling stated not in the 4 years she has been in the Town Clerk's Office. Ethics Board and Planning Board member Robert Smith stated shameful, shameful.

Councilmember Smith stated that we have come a long way with the fire company from when we first came on this board so there are things that you put in a contract, a little bit more aggressive than you might normally do for a motivational purpose. The LVPA has worked excellent with Councilmember Smith and Councilmember Baumli. Councilmember Smith and Councilmember Baumli have asked the LVPA to consider downsizing, their different options, which they realize now, they do need to and they are diligently working on that. And he will give them credit by the one truck that Councilmember Baumli just mentioned, turning that into a multi truck so they could get rid of one, possibly two. So, they have most of their stuff. The asset management plan, like Councilmember Baumli said, is trickier because they're not sure exactly what they're doing right now as far as the vehicles. Councilmember Smith stated that he agrees with Councilmember Rasmussen but he believes that Ed Godfroy

was just doing straight up the truck and then this is what the worth of it is, by the life of it. He believes that was done, wasn't it.

Councilmember Baumli stated that he gave that to Town Clerk Houghtling what the trucks were, what their valuation was and then as far as the buildings, as Ed Godfroy had indicated to him and he's agreed, they haven't changed any value really from the last year's report. If anything they might have depreciated because those buildings are getting older and less useful, so other than that he doesn't really know what other asset we need. Councilmember Smith stated that the trucks are there, Town Clerk Houghtling has it. Councilmember Rasmussen asked Town Clerk Houghtling what she has. Town Clerk Houghtling stated that she has received a vehicle replacement plan that lists what vehicles they have, how much they purchased it for, the length they expect it to last and what they expect the replacement value to be. She stated that the piece she has not received, Councilmember Baumli talked about buildings filed last year, she has never received in the 4 years she has been here, a building asset plan. She doesn't have anything on file showing what they own, the expected life of the building, etc. She stated that she says that with a little hesitation because she gets so many documents from the LVPA and some of them she can't decipher, so if someone would like to come in her office and show her differently, there is not a document that she is aware of that shows anything about the buildings, what properties they own, how much they are worth, how long they will last, and that was part of the asset management plan.

Councilmember Smith stated that the LVPA does have that. He stated that it is \$90,000 for West Lebanon, he believes and \$250,000 for the one up here. Town Clerk Houghtling stated that nothing has been filed in her office. Councilmember Baumli stated that information would be very easy to find through our Assessor's office. Councilmember Rasmussen stated that raises the question, if it's easy, in the last 6 months the LVPA could have done it. Councilmember Smith stated that maybe the paperwork wasn't filed but he knows they did the value of the buildings or he wouldn't be able to sit here and tell you what they are worth.

Ethics Board and Planning Board member Robert Smith called out "I hope your house burns down Norman". Councilmember Smith stated "That's not..." There were various mumbles from the audience. Interim Supervisor Robertson stated "Stop". Councilmember Baumli stated "Wait, wait, wait". Interim Supervisor Robertson stated "Order".

Councilmember Baumli stated that the last time he spoke with the fire company he went to a meeting with them in the evening and he thinks that was a Thursday night and they were expecting Monday Greg, the fire chief, was meeting with an individual that was coming to give them what these vehicles that they are looking to refurbish and the one they are looking to get rid of, the value of that. So again, they are not going to have an answer for us within probably a couple of weeks. He stated, again, he thinks they are acting in good faith, we are trying to work with them. Again, as we have worked with other people in this town. There is a building in this town that looks horrible on the miracle mile, so we play that game, Norm, and he stated that he can play games with everybody all day long.

Councilmember Rasmussen stated that he is not playing a game, he is looking at a contract, that is different. Councilmember Baumli stated again, they are working diligently with him. Councilmember Rasmussen asked Councilmember Baumli what commitment the LVPA has made to when they expect to become compliant with the contract. He stated that what he is hearing from him is sometime this year. Councilmember Rasmussen stated that is as precise as he has heard so far. He asked Councilmember Baumli if that is correct. Councilmember Baumli stated that he is done with the discussion, there is a motion on the floor. Councilmember Smith stated that he seconded it. Councilmember Baumli stated he is done, if Councilmember Rasmussen wants to keep talking, he can keep talking. Councilmember Rasmussen asked Councilmember Baumli to stop. Councilmember Rasmussen stated that Councilmember Baumli is being disrespectful. He stated that he is asking absolutely legitimate questions and if Councilmember Baumli, as our liaison, doesn't care to answer, he gets it and he completely respects the vote of the board. What he is saying is when we take one contract with one entity and say we are going to overlook it because we believe they are in good faith, we should expect another vendor to show up, next week, next month, and say with this other vendor you accepted "I'm working in good faith so give me my money and I'll finish doing my work later" and we will have a legal issue because we are treating vendors, we are applying preferential treatment in a subjective way, and that is, he doesn't think, in the best interest of our residents. He stated that all he is saying is, if the LVPA wants to come and say "We are going to have this done, we are a little late with this one piece, but we are going to have this done in 23 days or 30 days", okay. Let's face it, we aren't starting negotiations with them now so it doesn't matter and we can live with it. But to just say "They are in good faith, we have to wait" he thinks is not in the best interest of the residents of the town.

Councilmember Baumli stated that he did say that we owe them another payment, he believes in November, so he guesses we can give them 2 to 3 months and if we don't have it by then, then we won't make that last payment. He thinks he started with that. Councilmember Rasmussen stated that is not what the contract says. It says July 15th.

Councilmember Smith stated going back to the trucks. Technically we have it. The LVPA makes these trucks last longer than they are supposed to make these trucks last. They are trying to figure out right now how to make one multi-truck and get rid of some of the smaller ones so they have the prices for all of this, the values for what they think they are going to be able to get for the other trucks. They are working. To him, they are working on it diligently. Councilmember Rasmussen stated he is sure they are, he never doubted that. Councilmember Smith stated their building repairs, they did the roof and everything last year, so as far as building maintenance, should be minimal. He doesn't see where we are missing too much stuff.

Councilmember Newton stated that he sees a difference that this isn't a money making entity, this is volunteers.

Interim Supervisor Robertson stated that in all the years that she has known of the LVPA,

that it has been a critical organization in our town, coming to the aid of countless people, residences, and even dealing with people who have had accidents back when there was an ambulance there. And the difficulty that happened with trying to get people to become EMTs. The training was impossible to do so a couple of EMTs, literally a couple of them, that were part of the LVPA had to go out and about doing it. And it boils down to also, that yes if they're struggling in coming up with meeting the agreements in the contract, she hasn't read it, she has to take a look at it obviously, she would say that knowing the people that are in the fire company, she would trust them in good faith if that is what they are saying they are doing and they are certainly working on even dealing with the trucks, trying to refurbish, reuse, recycle, whatever that word is, the 3 Rs. She would not at this point, maybe into November, if there seemed to be a serious financial problem and as you go by the fire company you see the sign out there, if we don't get volunteers we are out of business. That is a pretty scary thought. Not a pretty scary thought, it's a very scary thought because it's bad enough that we are losing our state police. We are going to have a couple of deputy sheriffs when we have a huge opioid problem in town, we have business going through that shouldn't be there and she thinks that you get down to it a certain amount of trust in the people that are doing the best job they have with their shrinking membership. She shudders to think of next year at this time, are we going to have a fire company, what's going to happen, and then what. She would just say that, let this sit and come November address it as an issue that, okay we have been working with you and....

Councilmember Smith stated that it would be way before that. Interim Supervisor Robertson stated that she is just saying because as Councilmember Baumli was saying at the next time around, at the next payment, hopefully, she would hope. Councilmember Smith stated that he would like to interject on one thing, when it comes to the trucks, this wasn't a decision that was made months ago. The LVPA had a meeting, their last meeting, from what he understands it was a very productive meeting. They all got together and storm brigaded, so, whereas they weren't planning on getting, or thinking about a couple of trucks, they actually put together a plan a couple of weeks ago. So, maybe we should have started with that as far as the timing of everything. That is where they need the time. They are getting the prices to combine the trucks and he is sure they are eager to get those prices and as soon as that is done they will know what they are selling and we are not going to be into October, November with this. He is sure by the next board meeting they are going to have their idea what they are doing. He doesn't foresee a problem., they've been great, they're actually thinking very frugally now on how to cut funds or cut expenses. Interim Supervisor Robertson stated very frugally. Councilmember Smith stated that he would just say give them the opportunity to do that, it's a new brainstorm that they just came up with a couple of weeks ago and if it works, it's great. It's going to save taxpayers money. Interim Supervisor Robertson stated that she would also say for a lot of people who aren't aware of that, that the LVPA has just improved tremendously from years ago, decades ago when even there were more members belonging to it and there wasn't, she doesn't think as much, although we had a couple people on the town board who were members of the association, but it's made great improvements, great strides moving forward to be better and to still be able to stay in town, to be here for us if we need them.

Highway Superintendent Winestock stated that the communication between the fire company, Councilmember Baumli and Councilmember Smith in the past 3 years has come so far. It's unbelievable

Town Clerk Houghtling stated that there is a motion and a second on the floor. She stated that the motion is to approve voucher number SF-3 in the amount of \$32,375.00. She asked Councilmember Baumli if it is okay for her to put the details in to his motion with the voucher number and the amount. Councilmember Baumli stated yes please.

Roll Call Vote:

Councilmember Rasmussen -	Nay
Councilmember Smith -	Aye
Interim Supervisor Robertson -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Highway (Superintendent Winestock & Councilmembers Smith & Newton):

Councilmember Newton stated that we had a meeting last Friday and they had a pretty heavy windstorm the night before and he knows the Highway Superintendent was out a large portion of the night cleaning up and he had residents actually stop him and thank him for the work that the highway department does and he is pretty sure Superintendent Winestock was out there by himself. He thanked Superintendent Winestock.

Historian & LVHS: (Councilmembers Baumli & Rasmussen):

No report.

Justice Court/Constable (Councilmember Newton):

No report.

Parks & Recreation (Councilmembers Smith & Newton):

Councilmember Smith stated that Town Clerk Houghtling had an idea that we will look into to see if it is feasible with the old baseball field that is not being used and the fencing is already up to become a possible dog park. We aren't using it as a baseball field and it won't cost anything to implement. He and Councilmember Newton will take a look at it and see if it is something feasible.

Seniors (Councilmember Baumli & Judy Zimmer):

Judy Zimmer stated that she got a call from the center for independent living in Hudson with a gentleman from New Lebanon. He needs transportation and she would like to get him to the senior meetings and music in the park and such. If anyone local want to help with rides locally, please contact Judy Zimmer. She told them that if they have any other seniors in New Lebanon that need assistance to give them her number. She stated that last year at the community picnic they set up a table with senior resources and they plan to do it again this year.

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

Councilmember Smith stated that Randy should have fixed the leak in the basement that has been leaking for a couple of years. One of the pipes had a slow leak and it has been fixed.

ANNOUNCEMENTS:

AUGUST:

Sunday, August 18th ~ Music in the Park & Community Picnic @ 1:00 pm @ Shatford Park

SEPTEMBER:

Tuesday, September 10th ~ Regular Monthly Meeting @ 7:00 pm @ Town Hall
Sunday, September 15th ~ Music in the Park @ 1:00 pm @ Shatford Park

BUDGET AMENDMENT:

Budget Amendment #6 of 2019:

General Fund:

\$2,256 from A-1990.4 (Contingency)
\$2,256 to A-5182.41 (Streetlighting: LED Streetlight Upgrade)

Highway Fund:

\$20,854.45 from DA-3501 (Consolidated Highway)
\$15,570 from DA-02650 (Sale of Equipment)
\$20,854.45 to DA-5112.22 (Extreme Winter Funding)
\$15,570 to DA-9950.9 (Transfer to Highway Capital Reserve)

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

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Interim Supervisor Robertson -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

AUDIT OF BILLS:

General Nos. 253 through 256, in the amount of \$2,408.38;
As listed on Abstract No. 7A, dated August 13, 2019.

General Nos. 257 through 306, in the amount of \$49,786.09; and
Highway Nos. 81 through 96, in the amount of \$50,615.84;
As listed on Abstract No. 8, dated August 13, 2019.

A motion was made by Councilmember Newton and seconded by Councilmember Baumli to

pay the above noted claims from their respective accounts.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Interim Supervisor Robertson -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

PRIVILEGE OF THE FLOOR:

J.J. Smith stated that she would like to talk about the speed limits. We have 30 mph speed limits everywhere. She lives on Shaker Road, she has been there 20 years. It is 30 mph and they go by so fast sometimes by the time you turn your head they're gone. It was the same thing when she lived on Lover's Lane 30 years ago. It is lack of enforcement. It is not the number on the sign.

J.J. Smith stated that she remembers when the fire company was very well manned. When we had an excellent, excellent ambulance. More people than they even needed volunteering and training and we were a community and it is important, our fire company. They have our back. We need to have theirs. They are not a vendor. They are a life saving institution and a piece of the heart of this community, not comparative to a vendor. She stated that she wants to say she hopes nobody ever experiences a house fire, including you Norman. I'm sorry that was said but that's a horrible, horrible thing and without them... Interim Supervisor Robertson stated that she misses those ox roasts and pancake breakfasts and all the fun things that people would go down there for, in between, thanking them for putting fires out and being there for people.

Judy Zimmer stated that she would like to say something about the whole issue of the contract. She stated that it is wonderful that the town is making a lot of progress with the LVPA and she is glad, however there are reasons that we have contracts in place. She gets it. They give so much to the community and of course we should have their backs like they have ours, there is no doubt. But, there is this contract and not to follow contracts is a very slippery slope. She said it was apparent that one board member was out of the loop and she thinks it is very important for the board members to keep everyone updated so that we can help them reach that.... Councilmember Smith stated that if you have questions, they have emails. Judy Zimmer stated that she has the floor. He can speak after she talks but if she gets interrupted she will lost her train of thought. She stated that legally she thinks this should go to the Town Attorney. How do we deal with this? Can a contract be revised in midstream? But that didn't happen here so now you are deciding to make a decision about something that is impending their side of keeping the contract and that's the slippery slope. If we say good faith and there is not structure and no date set that it has to happen or else and that is what the contract is supposed to do. She isn't saying you have to be a stickler about it but you have to have something built in to the contract to make sure that when you are ready to make that decision that you don't have something like this.

Councilmember Smith stated that, as you know, even on these reports it has the liaisons in it. You go to the website, his phone number is out there publicly, there are emails for the town board members so if there are particular questions you have, reach out. Judy Zimmer stated it is not her questions, it's the situation. Councilmember Smith stated the contract says "may withhold payment" as far as the contract, he will repeat it again, it is hard for them to do a replacement plan when they just decided they are going to downsize. Judy Zimmer stated she understands all that but that is not the issue that she is bringing to the board. Councilmember Smith stated he doesn't understand her issue. She is saying they aren't fulfilling their contract, which they are to the best of their ability. Judy Zimmer stated that she is saying that the board needs to be a unified unit to make sure that you pay attention to a contract whose time is coming up and to make sure that if you know they aren't going to be able to fulfill parts of the contract, then you modify the contract. Councilmember Smith stated do you not think if that was needed that Councilmember Baumli and himself, who meet with them on a regular basis, if there was an issue they wouldn't bring it to the board. He doesn't understand what she is saying. Interim Supervisor Robertson stated that the contract can be amended. Judy Zimmer stated that so this doesn't happen in the future, be on top of it before the time comes when you are going to make this decision but they haven't met the contract terms, therefore you have to catch it ahead of time. Councilmember Smith asked what are they supposed to be, what are we missing here. He stated that she is saying they are missing something here, what are they missing. Judy Zimmer asked if anybody on the board understands what she is saying. Councilmember Smith stated he doesn't. Interim Supervisor Robertson read the following from the contract: "The Town and the Association (otherwise known as LVPA) agree that this contract may be amended at any time during the term of the contract so long as both parties mutually agree on the terms and conditions of the amendment." She stated that it looks like that might be the direction that we are heading in. She continued reading "The amendment shall be provided in writing and comply with procedures prescribed by the Town Law of the State of New York." Judy Zimmer stated that the deadline came and went and it hasn't been amended. That is her point. Councilmember Smith asked what part is supposed to be amended, he doesn't understand what she is saying.

Councilmember Baumli asked Town Clerk Houghtling, if he is not mistaken, there is part of the contract that she sent to the board and it didn't say that we had to have everything completed by the deadline date, it said in a timely manner. Town Clerk Houghtling stated no. She stated that there are two different sections. She stated that what she believes Judy Zimmer is saying is that you can amend the contract, but the amendment should have happen then before you paid with the contract not being fulfilled. Councilmember Baumli stated correct. Town Clerk Houghtling stated that there are two different sections. She read the following from the contract, section 14b "the Association shall provide the following documents and information on or before July 15, 2019". She stated that it is a hard date and it lists all the documents and that is the part we are missing is something in there. She stated that there is another section that says the LVPA must maintain the following documents and make them available upon written request of the Town. That is not what we are talking about. The Town has not made a

written request for any of those documents. The part we are talking about is the section that says by July 15th, x, y and z will be filed and the section that says if those things aren't met, then the Town may, and it does say may, not has to, withhold payment. Councilmember Baumli stated that there would be no amendment needed to the contract because it says may withhold payment. Town Clerk Houghtling stated that there is something in the contract saying by July 15th these documents will be filed. It is August 13th and they haven't been filed so the amendment would say by October 10th or November 12th, we are extending the due date of these documents to this other date. Councilmember Smith stated that unfortunately we don't know what date to amend it until they get back everything so, you know, once they have the plan, which they are diligently working on and they have been working on for two weeks now.

Councilmember Baumli stated that he needs to understand, and again this was under Colleen, what the asset management plan consists of. Is it just that piece of paper they've already given us which is the trucks, or is it because, you're indicating that you've never received anything before, indicating that it is the buildings as well. Town Clerk Houghtling read the following from the contract "asset management/replacement plans for fire apparatus, fire equipment and buildings which will include inventories of existing assets together with both a current and long term plan for maintenance and replacement of assets". Councilmember Baumli stated that is the sheet he gave her with the trucks because that is the only sizeable assets because he doesn't want them counting spoons and forks like they did one year for us because we asked for that and they spent a lot of time doing that. Town Clerk Houghtling stated that it is the buildings piece that is missing. Councilmember Baumli stated that the building piece will probably happen tomorrow or the next day the assessor is open because they can ask the assessor what they are appraised at. Town Clerk Houghtling stated that the other piece she doesn't have is fire apparatus which she assumes is the air packs, turnout gear, jaws of life, etc. She stated that the buildings and apparatus is what we are missing for the asset management/replacement plans.

Interim Supervisor Robertson stated that in past years, when she was on the board, they would get a full break down, a full list, of everything they wanted to buy, everything they needed. It was a whole menu, oxygen tanks, masks, coats, boots. Councilmember Smith stated that is what we will be getting into now because we are reaching budget season. Interim Supervisor Robertson asked if the board still gets that. Councilmember Smith stated absolutely.

Peg Munves stated that she felt, sitting here, she doesn't think anyone is saying anything that the LVPA isn't a fabulous necessity and wonderful people. She thinks it was a point of, if you guys were gone today, who would come in and understand what's going on. She thought that was the point that Councilmember Rasmussen was trying to make, because contracts are contracts, a point that was made very well and she thinks the other board members are getting there. That is really what she wants to say. And she thinks that, unfortunately, there is too much bullying going on and she is really unhappy with what Robert Smith said and she is sorry, she knows J.J. Smith apologized

for him. She thinks that is a terrible thing to say to somebody and she thinks he should apologize. Robert Smith stated he won't, he doesn't care. Peg Munves stated that there is too much bullying going on. When people get frustrated they start bullying and she thinks we need to be civil to each other because we all want the best for the town. We are all very different but we need to be what is best for the town. Interim Supervisor Robertson stated exactly, tolerating other people's viewpoints is a real challenge for the United States of America and it seems to be in the atmosphere, in the air we are breathing lately.

ADJOURNMENT:

A motion was made by Councilmember Smith to adjourn the meeting at 8:37 pm.

SUPERVISOR OFFICE:

Interim Supervisor Robertson stated that she has one little teeny, tiny, actually it's not so teeny, tiny, it's rather large. She would like the Town Board to consider, because today was kind of difficult, she goes up and down those stairs a lot, even with her second day on the job, to figure out a way to switch the Town Supervisor's office back downstairs where she can be right inside the door because she is here five days a week. Yes, she knows that Kim was thrilled that she was there, but she is only here four hours a week, Mondays in the morning from 8 -12. And she shared the office years ago with the Tax Collector, she didn't really care, because only during tax season they were in the same place at the same time, but it would be, she thinks, in the best interest of the Town to have the Supervisor's door open because she is there and she would be there unless there was some medial reason or her car broke down, but they she could walk. To figure out a way to, hopefully in the next couple of months, to move the Town Supervisor's office back downstairs and have the Assessor go back upstairs. She asked if the Town Board could think about that, about how that could be accomplished.

Councilmember Baumli stated that he doesn't need to think about it himself, because he believes that is the duty of Town Supervisor to pick where they choose to sit. He knows that Colleen wanted to go upstairs and he was not in favor of that position going upstairs as a board member so he thinks that is her choice as to where she wants to sit in this building. He stated that if it needs to be a motion, he would make that motion to allow, as soon as possible, Donnie and Herb or he can come and help move furniture around to get the Supervisor back down on the main floor, not only for medical reasons as Meg had indicated it's difficult for her to go up and down the stairs a lot, but he thinks to have the Supervisor on the main floor. Why he didn't want her to go upstairs to begin with because we are an elderly community and older people should not be going up and down those stairs. Councilmember Smith seconded that motion.

Interim Supervisor Robertson stated that she knows that there is that period of time in the year with the assessment, all the paperwork that needs to be done. The previous Assessor would come downstairs. He didn't care, whoever was here and they couldn't make it upstairs, he would come down and he would work with them right in the meeting room and it was to help sign the paperwork or collect paperwork, the forms that they had

to get in by a certain time and then he would go back upstairs and things were fine. He had access to a computer, she would have access still to her computer and phones. If worse came to worse she could certainly now skype people if they were not able to go upstairs but she just believes that the Town Supervisor really needs to be more visible and not kind of hidden away upstairs, out of sight.

Councilmember Rasmussen stated as the last time we discussed this, he certainly concurs. He doesn't think we need a motion or a vote. It is the Supervisor's decision, she should do what she wants. Assessor Kim Cammer has expressed some concern that she is in to the season now for senior exemptions so this is the time of the year, in the next few months, that she will have more senior citizens than usual coming, and asks, if it's possible, to at least delay until she can get past that season before we move her back upstairs. He stated that it is her decision and she should do what she wants.

Councilmember Newton stated that he agrees with Councilmember Rasmussen. He stated that last time he voted to let whoever decide. He wouldn't want somebody to tell him where to put his desk either, so he thinks it is up to the Supervisor. Interim Supervisor Robertson stated that last time it had come to a vote.

Town Clerk Houghtling stated that she understands that the Supervisor has the prerogative but then the Assessor is just being told, you are being moved. Councilmember Baumli stated similar to the way Colleen did it, he believes right. Town Clerk Houghtling stated that Colleen and Kim were in agreeance, Kim wanted to move downstairs, Colleen wanted to move upstairs, now Kim doesn't want to move upstairs but Meg wants to move downstairs. Interim Supervisor Robertson stated that the Assessor works 4 hours a week, she doesn't even work in the evenings, which she would really like to have her commit sometime later in the day, plus, those same 4 hours is she still contracted with Canaan. Town Clerk Houghtling stated no. Interim Supervisor Robertson asked if she has a different set of hours there. Town Clerk Houghtling stated yes and she is here more than 4 hours a week. She is open to the public 4 hours a week. She is here on Wednesdays, she is here a lot of Fridays. Interim Supervisor Robertson stated that the sign on her door says by appointment. Town Clerk Houghtling stated that her open hours are 4 hours on Monday but she is here in the building a lot more than that.

Town Clerk Houghtling stated that there is a motion and second to move the Supervisor's office downstairs and move the Assessor's office upstairs.

Roll Call Vote:

Councilmember Rasmussen -	Abstain
Councilmember Smith -	Aye
Interim Supervisor Robertson -	Abstain
Councilmember Newton -	Abstain
Councilmember Baumli -	Aye

Town Clerk Houghtling stated that the motion failed. Councilmember Baumli stated that

it is Interim Supervisor Robertson's decision. Interim Supervisor Robertson stated that she will just look for some really strong rope and tie it to her back. Councilmember Smith stated that all they did was move files, they didn't move furniture. Interim Supervisor Robertson stated that as far as computer hook up, is it wireless? Are we connected? How would that work? Councilmember Baumli stated that she should reach out to our IT folks and they can switch the wires over.

ADJOURNMENT:

A motion was made by Councilmember Smith and seconded by Councilmember Newton to adjourn the meeting at 8:45 pm.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk