

**MINUTES OF THE REGULAR MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON APRIL 11, 2017**

Present: Colleen Teal, Supervisor
Kevin Smith Sr., Councilmember
Dan Evans, Councilmember
Mark Baumli, Councilmember
Stephanie Ferradino, Town Attorney

Absent: Chuck Geraldi, Councilmember

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: Leslie Whitcomb, NLCSO Superintendent
Mike Los, NLCSO Business Administrator
Mike Brutsch, NLCSO Board Member
Robert Smith, Planning Board Member
JJ Smith, NL Rep to CC Office for the Aging
Judy Zimmer, NL Rep to CC Office for the Aging
Cynthia Creech, Deputy Supervisor, Court Clerk,
Rec. Commission, CAC & ZRC Member
Gregg Gilliland, LVPA
Ted Salem, Planning Board & ZRC Member
Jeff Winestock, Highway Superintendent
Jessica Byrne, Town Justice
David Farren, CAC Member
Peg Munves, CAC Member
Karrie Allen, *The Register Star*
Several members of the Public

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Supervisor Teal. A moment of silence was followed by the flag salute.

MINUTES:

The minutes of the **March 13, 2017 Special Meeting; March 16, 2017 Regular Monthly Meeting; March 28, 2017 Special Meeting and March 28, 2017 Quad-Board Meeting** were reviewed. A motion was made by Supervisor Teal, seconded by Councilmember Evans and approved unanimously to accept the above noted minutes as typed.

FINANCIAL:

Supervisor's Report:

Supervisor Teal provided the public and TB members with a copy of the Supervisor's Report as of March 31, 2017. A motion was made by Councilmember Smith, seconded by Councilmember Baumli and approved unanimously to accept the Supervisor's report.

PRESENTATION – NLCS D RENOVATION PROJECT:

Superintendent Leslie Whitcomb did a presentation to the Town Board and the public regarding the proposed Renovation Project at the New Lebanon Central School District. The proposed project includes renovations at both the New Lebanon Jr/Sr High School and the Walter B. Howard Elementary School. The proposed cost of the renovations is \$11.6 Million and the project will go to vote on Tuesday, May 16, 2017. Polls are open from noon to 9:00pm at the Walter B. Howard Elementary School. For more information on the proposed renovation project you can visit their website at www.newlebanoncsd.org/renovation-project/.

OLD BUSINESS:

Vacancies –Planning Board & CAC Member on ZRC:

Planning Board Vacancy:

Supervisor Teal made a motion to appoint Elizabeth Brutsch to the Planning Board for the remainder of the 7 year term to expire 12/31/2023. Councilmember Evans seconded that motion.

Roll Call Vote:

Councilmember Geraldini - Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember Baumli – Aye

CAC Member on ZRC:

Supervisor Teal made a motion to appoint Peg Munves as the second Conservation Advisory Council member to sit on the Zoning Re-Write Committee. Councilmember Evans seconded that motion.

Roll Call Vote:

Councilmember Geraldini - Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember Baumli – Aye

Proposed Local Law – Solar Regulations Plus (steps in process – where we are):

Supervisor Teal stated that on the proposed local law on Solar she was really struggling with this one piece where we say that a solar energy system roof-mount is a solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for on-site or off-site consumption is not considered large scale which then means they are not obligated to provide a PILOT (Payment in Lieu of Taxes). She spoke with the Town Assessor, Kim Cammer, and she agrees that if it is for profit even if it's on a structure, there would be opportunities in this community where we would want to charge a PILOT.

Supervisor Teal made a motion to amend Proposed Local Law #1 of 2017 to read that any solar that is operating for profit is subject to a PILOT and authorize the Town Attorney to re-write Proposed Local Law #1 of 2017 to reflect this change. Councilmember Smith

seconded that motion.

Roll Call Vote:

Councilmember Geraldini - Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember Baumli – Aye

Town Attorney Ferradino stated that when a proposed Local Law has been published already, we have to provide notice of any substantive changes. She would consider this a substantive change.

Safe Bids:

Town Clerk Houghtling stated that we received two bids on the safe, one in the amount of \$126 and one in the amount of \$55.

Supervisor Teal made a motion to accept the bid on the Sentry Safe – Electronic Fire Safe – Model No. BA-102477 in the amount of \$126. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Geraldini - Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember Baumli – Aye

CT Male Associates Engineering, Surveying, Architecture & Landscape Architecture, DPC – Town Hall inspection proposal:

Supervisor Teal stated that the Town Board members have all received the proposal from CT Male Associates. There are two components to this proposal. One is just to do a basic fire safety and property maintenance inspection on the Town Hall addition. The other is to do the full facility support services evaluation. The total for the basic fire safety and property maintenance inspection is \$1,400. The total for the full facility support services evaluation is \$5,200 for an overall total of \$6,600. Supervisor Teal stated that she is inclined to ask the Town Board to consider moving forward with the full inspection as it will allow us to evaluate the Town Hall addition and see what is lacking in any manner and make the appropriate plans to rectify that.

Councilmember Smith stated that as far as the Town Hall addition goes, he can't see going ahead with the evaluations as the furnace is working well now. Supervisor Teal stated that we have a temporary fix on the furnace and we have serious concerns about the legality about how it is set up which causes her some concerns in a public structure.

Councilmember Baumli stated that we have no recourse on the contractor if something is wrong in this building. To have an engineer come in to tell us something is wrong that was put in by a contractor that we can't go back to have fixed and spending this kind of money is foolish. Having building inspectors and CEOs that can come in and do that for us at a much lower rate is the avenue that he would choose to go down.

Councilmember Evans stated that it is a lot of money.

Councilmember Geraldini stated that he agrees with Councilmember Baumli. We know we have problems with the furnace. Bring in a mechanical contractor to tell us what is wrong with the furnace and pay them to fix it. We don't need an engineer to tell us that we have a problem as we already know that we have a problem.

Speed Limit Requests:

Supervisor Teal stated that we had submitted several speed limit requests last year and we have received a letter back from NYS DOT stating:

The speed limit on the entire length of CR 34 is now 45 mph (1110.20 (o)).

A review of the entire length of West Hill Road revealed conditions that do not support a lower maximum speed limit.

The speed limit on the entire length of Lover's Lane is now 30 mph (1110.20 (p)).

A review of the entire length of Chair Factory Road revealed conditions that do not support a lower maximum speed limit.

Supervisor Teal stated that Canaan Road was also part of the request but did not make it in the original submission as the County was waiting to hear from the Town of Canaan to see if they wanted to also put in a request. They did not want to put a request in and our request for Canaan Road will be submitted with the next packet.

Temple Road:

Supervisor Teal stated that Temple Road has all been fixed to Highway Superintendent Winestock's satisfaction.

Town Hall Addition Bond:

Supervisor Teal stated that our bond for the town hall addition was with First Niagara. First Niagara was bought by Key Bank. We asked Christine Chale what to do about making payment on the bond. She stated that we cannot pay Key Bank. Key Bank is obligated to submit to us a request to transfer that bond and we have to re-issue a new bond with Key Bank as the payable party. Key Bank is responsible for all fees involved in this re-issuance.

Councilmember Baumli asked if we should put the payment into an escrow account in the meantime while waiting for proper paperwork to be completed to avoid any late fees or penalties. Supervisor Teal stated that it states very clearly that it is Key Bank's obligation to initiate the new paperwork and if they aren't doing that in a timely fashion that is on them. There are no late fees associated with this.

NEW BUSINESS:

International Truck Replacement:

Supervisor Teal stated that she had hoped to have a final answer from the insurance

company as to whether they are paying the full \$208,000 replacement cost on the International truck or just \$174,000. She doesn't have that answer yet. We have the estimates for the new truck. They meet all the specifications for a contract that was written by the County of Onondaga and was awarded that contract. We can ride on their coat tails. Highway Superintendent Winestock is down a truck and her recommendation is to proceed with the truck purchase. She asked Town Attorney Ferradino if the Town Board can proceed with approving the truck purchase without having the exact funding source in place as we are unsure of how much the insurance company is going to cover. Town Attorney Ferradino recommended waiting until we know how much the insurance company is going to cover and then approving the truck purchase with the funding defined.

Councilmember Baumli made a motion to table the truck replacement purchase until the Special Meeting of the Town Board on April 26, 2017. Supervisor Teal seconded that motion.

Roll Call Vote:

Councilmember Geraldini - Aye

Councilmember Smith - Nay

Supervisor Teal - Aye

Councilmember Evans - Aye

Councilmember Baumli - Aye

Court request - pay increase for staff member:

Supervisor Teal stated that we have a request from the Judges for a pay increase for one of the court staff which all the Town Board members have received and reviewed. She asked if any Town Board members have any questions, concerns or comments. Councilmember Smith stated that he feels that this request needs to be presented at budget time. He understands that the amount of \$0.15 per hour is not a significant amount but it is not the appropriate time to be requesting it. Judge Byrne stated that the budgeted amount for this position is the amount they are asking for. Supervisor Teal stated that the amount budgeted isn't material, it is about the amount the Town Board has approved for this employee. The amount set at budget time was for a different employee in this position who had been there long enough to receive the same percentage raise as the rest of the Town Employees. The new person starting in that position starts back at the starting rate and come next year's budget time would receive the same percentage raise as the rest of the Town Employees.

Councilmember Baumli stated that we have gone through the budget process and every department requests what they are looking for. He understands that there are some issues as to what people are making and the Town Board is currently working on getting all Town Employees up to proper rates. If you start increasing one Town Employee's rate, then another department is going to come in and be upset that you increased one and not the other. He would not act on giving an increase at this time.

Supervisor Teal made a motion, based on the Town Board's previous responses to this type of request from other departments mid-year and the impact that approving this request has overall, to deny this request at this time and ask that the Judge's re-submit their request at

budget time. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Gerald - Aye
Councilmember Smith – Abstain
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember Baumli – Aye

Councilmember Evans stated that he would like to form a committee to review human resources, pay scales, step raises, etc. He stated that he would be willing to work on this committee and get something together before budget time to get something on the books.

Nassau Co-ed Softball League:

Supervisor Teal stated that the Nassau Co-ed Softball League has requested to use Shatford Park as their 2nd field as needed. This is an annual request. They only use our field when their field is unplayable. They do provide us with a certificate of insurance.

Councilmember Baumli stated that he would like them to not use the field when the pavilion is being rented as it may be disruptive to the person renting the pavilion. Supervisor Teal stated that historically the pavilion rental is only renting the pavilion. Since it is a public park, they cannot prevent others from using the fields, tennis courts, playground etc. when someone rents the pavilion. Town Clerk Houghtling stated that there are people who rent the pavilion, specifically to use both the pavilion and softball field such as the dog shows that rent it. Councilmember Smith stated that the softball field is very close to the pavilion and having the softball team use it could disrupt a pavilion rental. Councilmember Evans stated that they do bring quite a contingent. He has seen a few of their games and you would think there was an event at the pavilion or a concert or something because there are so many people. He suggested a 3 day notice to the Town Clerk's Office to check that the pavilion is not being rented when they want to use it.

Supervisor Teal made a motion to allow Nassau Co-ed Softball League to use Shatford Park as their 2nd field as needed, when the pavilion is not being rented with at least a 3 day notice given to the Town Clerk's Office if they intend to use it. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Gerald - Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember Baumli – Aye

Repeal Junkyard Legislation:

Supervisor Teal stated that she believes on the repealing of the junkyard legislation we are good to go. We have no current licensed junkyards and that alleviated Attorney Tuczinski's concerns. We haven't had a licensed junkyard for several years and if we are looking at overhauling the zoning, now would be the appropriate time to consider

repealing the junkyard legislation if that is our intent. Councilmember Smith made a motion to have the Town Attorney begin preparing the necessary paperwork to repeal the Junkyard legislation. Supervisor Teal seconded that motion.

Roll Call Vote:

Councilmember Geraldini - Nay

Councilmember Smith – Aye

Supervisor Teal – Aye

Councilmember Evans – Aye

Councilmember Baumli – Aye

Tilden Sign:

Supervisor Teal stated that we used to have a sign for Governor Tilden where the Shed Man is located. It went missing in the 1960s. It was a State sign so all the documentation to acquire that sign is still available at the State. She is working on getting a replacement of that sign.

Newsletter Submissions due:

Supervisor Teal stated that newsletter submissions are due by April 17th for the next edition which will be coming out on May 1st. Submissions can be submitted to the Town Clerk at townclerk@townofnewlebanon.com.

Recognition of Donation:

Supervisor Teal stated that we received three concrete picnic tables at Shatford Park donated by Darcy Construction and the transportation of the tables to the Park was donated by Van Deusen Automotive. She thanked Darcy Construction and Van Deusen Automotive for this kind and generous donation!

COMMITTEE REPORTS:

Assessor (Councilmember Evans):

Supervisor Teal stated that tentative assessment rolls will be out by May 1st and notices have gone out.

Broadband Committee (Supervisor Teal):

Supervisor Teal stated that the last time the County met they clarified some of the mapping concerns which turned out not to be the issues they thought. There are additional programs and additional funding that the State Broadband program office is coordinating so when they show on the map a census block that shows that it's being provided full service that is because they have street address data. We have also learned that with Phase 2 of the awards for the NYS initiative, there were census blocks where mid-hudson cable would have a big chunk and in the center would be a small section of fairpoint. It didn't seem to make a lot of sense but there is some additional middle mile funding that they are making available to these providers to run that cable. She thinks part of their long term vision is to implement more competition. It is all coming together quite well.

Building Department (Councilmember Geraldini & Councilmember Baumli):

No report.

Business & Economic Development (TBD):

No report.

CAC & Environmental Management (Deputy Supervisor Creech):

David Farren stated that the CAC will be holding a public forum on June 28th at 6pm at the Town Hall to review a draft of the Natural Resources Conservation Plan. They will be actively soliciting feedback from all the various Town Boards. Gretchen Stevens from Hudsonia will be there to present the draft.

Fire, Law Enforcement & Emergency (Councilmember Smith):

Councilmember Smith stated there were 15 calls, 68 people and 554 man hours. Councilmember Smith asked LVPA member Gregg Gilliland if he has any information on turn out gear, bottles, and expiration dates on them. Gregg Gilliland stated that the process has been started. Councilmember Smith asked that someone give him a call so they can get started working together on getting all the information needed to the Town Board.

Supervisor Teal asked where the LVPA is with their capital plan. Gregg Gilliland stated that they are working on it. Supervisor Teal asked if that is something that Councilmember Baumli and Councilmember Smith should participate in with them now or if they just want to bring it to the entire Town Board when it's complete. Gregg Gilliland stated that they will probably do a rough draft first and bring it to their attorney to look over. Supervisor Teal stated that is fine but she doesn't want to wait too long and end up on budget season with that not clearly defined. Gregg Gilliland stated that the Town Board will have it before budget season.

Highway (Councilmember Evans & Councilmember Smith):

Councilmember Evans stated that the line striping still has not been completed on the Route 20/22 corridor. He asked that we follow up with DOT on this.

Historian & LVHS: (Councilmember Baumli):

Steve Oberon of the Lebanon Valley Historical Society stated that they have been really thrilled with the interest from the community for the local history Saturday sessions that they have been having. The next session will be on Saturday, April 29th from 10am – 1pm at the Town Hall and will focus on 19th Century schoolhouses.

Justice Court/Constable (Councilmember Gerald):

No report.

Parks & Recreation (Councilmember Smith):

Supervisor Teal stated that our Music in the Park Program has all the slots booked with bands. There will be 3 bands each event in June, July and August and 5 bands in September. Deputy Supervisor Creech stated that Grow the Valley has discussed the possibility of getting a gazebo put next to the new playground so people would have a shady area to sit while their children play on the playground. They will be meeting with Gaston Roberts of the Shed Man to discuss details. It would be at no cost to the Town.

Seniors (Councilmember Baumli):

No report.

Town Assets, Buildings & Property (Supervisor Teal & Councilmember Gerald):

No report.

County Updates:

No report.

ANNOUNCEMENTS:

Wednesday, April 26th – Special Town Board Meeting – Land Use (Signs) @ 6:00pm @ Town Hall

Tuesday, May 9th – Continuation on Public Hearing for proposed local law - Solar Legislation @ 6:55pm @ Town Hall

Tuesday, May 9th – Regular Monthly Meeting @ 7:00pm @ Town Hall

BUDGET AMENDMENT:

Budget Amendment #4 of 2017:

General Fund:

\$11,342	from A-3910 (S/A Conservation - CAC)
\$70	from A-8664.4 (Code/Zoning Enforcement: Cont. Exp.)
\$11,342	to A-8540.4 (Conservation – CAC: Contract. Exp.)
\$70	to A-8664.2 (Code/Zoning Enforcement: Equipment)

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

Roll Call Vote:

Councilmember Gerald – Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember Baumli – Aye

AUDIT OF BILLS:

General Nos. 94, in the amount of \$358.45;

As listed on Abstract No. 1A of 2017 dated February 14, 2017.

General Nos. 25 through 133, in the amount of \$41,824.60;

Highway Nos. 29 through 38, in the amount of \$28,107.40; and

Fire Protection Nos. 1, in the amount of \$108,160.00;

As listed on Abstract No. 4 of 2017 dated April 11, 2017.

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

Roll Call Vote:

Councilmember Geraldini – Aye

Councilmember Smith – Aye

Supervisor Teal – Aye

Councilmember Evans – Aye

Councilmember Baumli – Aye

ADJOURNMENT:

A motion was made by Supervisor Teal and seconded by Councilmember Evans to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Tistrya Houghtling

New Lebanon Town Clerk