

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

Present:

**Colleen Teal, Supervisor
Chuck Geraldi, Councilmember
Kevin Smith Sr., Councilmember
Dan Evans, Councilmember
Mark Baumli, Councilmember
Dan Tuczinski, Town Attorney**

Recording Secretary:

Tistrya Houghtling, Town Clerk

Others Present:

**Ben Wheeler, LVPA
JJ Smith, NL Rep to CC Office for the Aging
Bobby Waters, LVPA
Robert Smith, Planning Board Member
Ted Salem, ZBA Member & ZRC Chair
Jeff Hattat, ZBA Member
Peg Munves, CAC & ZRC Member
Judy Zimmer, Cleaner
Cynthia Creech, Deputy Supervisor, Court Clerk,
Rec. Commission, CAC & ZRC Member
Jeff Winestock, Highway Superintendent
Paul McCreary, Town Engineer
Hazel "Cissy" Hernandez, CEO/ZEO
Kevin Fuerst, Town Historian
David Farren, CAC Member
Bruce Shenker, NL Rep to CC Environ Mgt Council
Peter Innes, DEC
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 Supervisor Teal. A moment of silence was followed by the flag salute.

MINUTES:

The minutes of the **June 13, 2017 Public Hearing on Proposed LL #1 of 2017 and June 13, 2017 Regular Monthly Meeting** were reviewed. A motion was made by Supervisor Teal, seconded by Councilmember Baumli 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 June 30, 2017. A motion was made by Councilmember Smith, seconded by

Councilmember Evans and approved unanimously to accept the Supervisor's report.

DEC PRESENTATION – OPEN SPACE:

Peter Innes, the Natural Resources Supervisor from DEC, did a presentation regarding some properties on Schoolhouse Road and Hand Hollow Road. He stated that he wrote a letter to the Town Board in May to give them notification of potential land acquisition projects on the Taconic Ridge in the Shaker area. New York State is looking at acquiring through the Forest Legacy Program, which is a federal program, multiple conservation easements on the East side of Route 22 in the Mount Lebanon Forest Legacy Area. Most of the project is in Canaan however there is some property that is in New Lebanon. The proposal is for NYS, using 75% Federal funding and 25% State funding, to acquire multiple conservation easements from multiple land owners in that area. They would also acquire limited recreational rights for a hiking trail. Their goal is to go east to west and north to south with the hiking trails. They would like to have their hiking trails link into Massachusetts hiking trails. NYS is partnering with the Columbia Land Conservancy for this project. In New Lebanon this project covers about 150 acres and in Canaan it covers about 1,000 acres.

Highway Superintendent Jeff Winestock asked how this affects the taxes and if the property owners are still responsible for their full taxes. Peter Innes stated that the property owners are still responsible for their full taxes and the amount of taxes collected by the Town are not affected unless the assessment value of the properties change after the easement.

Peter Innes talked about the Hand Hollow project area. He stated that they acquired the Hand Hollow State Forest two years ago. They anticipate acquiring additional lands there within the next year or so. They do pay property taxes on State Forest Lands as soon as they get larger than 500 acres, which Hand Hollow State Forest is. NYS pays Town, School and any special use taxes on Hand Hollow State Forest at the same rate as all other properties in New Lebanon. NYS does not pay County taxes on State Forest Lands.

PRIVILEGE OF THE FLOOR:

Timothy Laraway stated he wants to thank the Town Clerk for giving him a list of the Ethics Board Members and asked if any of them come to any Town Board Meetings. Supervisor Teal stated that there are two Ethics Board Members at the meeting tonight. He asked the members present what their names are. Supervisor Teal asked Mr. Laraway to please address the Town Board as that is what privilege of the floor is for. He asked when the lines are going to be painted on the road. Supervisor Teal stated that we are on the calendar with NYS DOT to get the lines painted, but she is not sure exactly when they are going to do it. He stated that he saw the fence up at 1492 Route 20. He stated that the Town Board did a lot of work on all of the solar regulations and in 5 – 10 years solar is going to be like NYSEG and nobody regulated where all the power lines went and there are so many regulations on solar. He feels that the Town Board overdid it on regulations for solar.

Peg Munves stated she would like to start a discussion about a possible noise ordinance in New Lebanon. She really doesn't like the idea of being in everyone's business, but she lives above a very active, newly renovated property that had music shaking her walls until 2am on Saturday and she had to get up at 4am for something and it was a really bad night. We all live here for the peace and quiet and she doesn't begrudge anybody a good party, but she

thinks 2am is really excessive and she knows that the other neighbors were bothered as well. She would like to see something reasonable put in place that says after 10pm or 11pm, people must turn down the music and noise. Supervisor Teal stated that she would prefer not to have to regulate everything, but she is getting a minimum of 10 – 12 calls each summer of this sort of thing where people are just not being courteous and polite and not using common sense as to being reasonable with noise late at night. If people can't play nice, we will have to do some sort of regulation. Judy Zimmer stated that she would include mornings as well as she likes to sleep in and when someone is mowing the lawn at 8am that seems excessive. Supervisor Teal stated that she would take caution with that as we live in a right to farm community and you cannot restrict some of those things that are a part of farming. Judy Zimmer stated that it is not a farm, it is just someone's yard. Supervisor Teal stated that we would have to talk about whether or not you could legislate a home mower versus a farm mower.

OLD BUSINESS:

Bids – Sand, Stone, Gravel; Calcium Chloride; Fuel; & Contracted Equipment:

Sand, Stone & Gravel:

Town Clerk Houghtling read the following bid notice aloud:

**NOTICE TO BIDDERS
HIGHWAY DEPARTMENT
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA**

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON is seeking bids for supplying the following items for use by the NEW LEBANON HIGHWAY DEPARTMENT through 7/31/2018:

1. Gravel
 - A- Bank run gravel
 - B- Item #3, 1" minus
 2. Sand
 - A- Screened 3/8" sand
 3. Stone
 - A- Washed #1-A
 - B- Washed #1
 - C- Washed Mixed #1 & 1-A
 - D- Gabion Stone

BIDS MUST BE SUBMITTED ON THE BID FORM PROVIDED BY THE TOWN:

- A – Delivered to the Town Highway Garage in New Lebanon
- B – Picked up by the highway department (**MUST INCLUDE IF LOADER IS AVAILABLE**)

Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22 North, New Lebanon, New York, no later than 4:30 pm on Friday, July 7, 2017. Bids will be opened at the Office of the Town Clerk at 4:30 pm on Friday, July 7, 2017 and

bids will be considered by the Town Board at the Regular Monthly Meeting at the New Lebanon Town Hall at 7:00 p.m. on Tuesday, July 11, 2017. The Highway Superintendent reserves the right to inspect and/or reject any materials. The Town Board reserves the right to reject any and all bids, or to accept more than one bid as determined by location and needs of the town. All bidders should present the town clerk with a valid mining permit and/or an agreement with the town, must include a "Non-Collusion Bidding Certificate," and must be submitted on the bid form provided by the town.

Supervisor Teal stated that we received a bid from Joy Sherman for bank run gravel at \$6.50 per yard picked up. We also received a bid from Colarusso for bank run gravel at \$20.00 per yard delivered and \$9.00 per yard picked up; for screen fill 1" minus at \$16.25 per ton delivered and \$9.25 per ton picked up; for screened 3/8" sand at \$21.40 per yard delivered and \$11.85 per yard picked up; for stone washed #1-A at \$18.50 per ton delivered and \$11.50 per ton picked up; for stone washed #1 at \$17.85 per ton delivered and \$10.85 per ton picked up; for stone washed mixed #1 & #1-A at \$18.50 per ton delivered and \$11.50 per ton picked up; for gabion at \$17.85 per ton delivered and \$10.85 per ton picked up; and for rip-rap at \$23.55 per ton delivered and \$12.75 per ton picked up.

Supervisor Teal made a motion to accept the bid from Joy Sherman for bank run gravel and to accept the bid from Colarusso for all other materials bid on. Councilmember Smith seconded that motion.

Roll Call Vote:

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

Calcium Chloride:

Town Clerk Houghtling read the following bid notice aloud:

**NOTICE TO BIDDERS
HIGHWAY DEPARTMENT
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA**

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON HIGHWAY DEPARTMENT is seeking bids for liquid calcium to be applied to town roads through 7/31/2018. **Bids must be submitted on the bid form provided by the town.** Bids must include the percentage (%) of calcium and the percentage (%) of water. Bids must be in a PLAIN ENVELOPE and labeled only with the item being bid and must include a "Non-Collusion Bidding Certificate." Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22 North, New Lebanon, New York, no later than 4:30 pm on Friday, July 7, 2017. Bids will be opened at the Office of the Town Clerk at 4:30 pm on Friday, July 7, 2017 and will be considered by

the Town Board at the Regular Monthly Meeting at the New Lebanon Town Hall at 7:00 p.m. on Tuesday, July 11, 2017. The Town Board reserves the right to reject or accept all bids.

Supervisor Teal stated that we received a bid from Peckham at \$0.904 per gallon with 32% calcium and 68% water in winter and 35% calcium and 65% water in summer. We also received a bid from The Gorman Group at \$0.900 per gallon with 32% calcium and 68% water in winter and 35% calcium and 65% water in summer.

Supervisor Teal made a motion to accept all bids to be used at the discretion of the Highway Superintendent. Councilmember Smith seconded that motion.

Roll Call Vote:

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

Fuel:

Town Clerk Houghtling read the following bid notice aloud:

**NOTICE TO BIDDERS
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA**

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON is seeking bids for the following items for use by the NEW LEBANON HIGHWAY GARAGE and the NEW LEBANON TOWN HALL through 7/31/2018:

LOW SULFUR HEATING FUEL (Number 2 Heating Fuel) – Delivered to the Town Hall and Town Highway Garage for heating,

LOW SULFUR DIESEL FUEL – Delivered to the Town Highway Garage, and

KEROSENE – Delivered to the Town Highway Garage.

Bidder must guarantee to deliver fuel products at such times and places, and in such quantities, as may be ordered by the Town Highway Superintendent or other Town personnel. Failure on the part of the contractor to make timely deliveries of fuel products upon requisition of the Town may be regarded, at the option of the Town of New Lebanon, as a forfeiture of this contract upon the part of the bidder.

Bids are to be presented as a FIXED ADD to the posted gross rack price at the port of Albany, or the port of Rensselaer at noon on Monday, July 3, 2017.

Proof of posted rack price for any invoice/bill must be made available upon request of the Town Board.

The **FIXED ADD** will remain constant and will be added to the same terminals gross rack price as originally bid on the date of each delivery. Use of an alternate rack price will be

allowed if it results in a lower net price for the Town, in which case documentation will be required for the original terminals gross rack pricing, as well as the alternate terminals rack price. An Alternate Fixed Price per Gallon Bid (*good through 7/31/2018*) may be submitted for each of the fuel items.

Sealed bids (*on the form provided by the Town of New Lebanon*) must be in plain envelopes, clearly labeled only with the item being bid, and must include a “Non-Collusive Bidding Certificate.” Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, no later than 4:30 pm on Friday, July 7, 2017. Electronic and faxed bids will not be accepted.

Bids will be opened at the Office of the Town Clerk on Friday, July 7, 2017 at 4:30 pm and they will be considered by the Town Board at the Regular Monthly Meeting at the New Lebanon Town Hall at 7:00 p.m. on Tuesday, July 11, 2017. The Town Board reserves the right to reject or accept all bids.

Supervisor Teal stated that the bids are available through the Town Clerk’s office for anybody to review the details so she is not going to read the gross rack price and fixed add, but instead will just read the total cost for each bid. Main Care submitted a bid for low sulfur heating fuel at \$1.6790 per gallon total, for low sulfur diesel fuel at \$1.7578 per gallon total, and for kerosene at \$2.0796 per gallon total. Valley Energy submitted a bid for low sulfur heating fuel at \$1.668 per gallon total, for low sulfur diesel fuel at \$1.725 per gallon total, and for kerosene at \$2.060 per gallon total. John Ray & Sons submitted a bid for low sulfur heating fuel at \$1.5975 per gallon total, for low sulfur diesel fuel at \$1.680 total, and for kerosene at \$2.1065 per gallon total.

Supervisor Teal stated that we use the low sulfur diesel fuel in the highest quantity, almost three times more than our heating fuel and we use very little kerosene. So although John Ray & Sons is slightly higher on the kerosene, they are lowest on the two fuels we use the most of.

Supervisor Teal made a motion to accept the bids from John Ray & Sons for all fuel products. Councilmember Evans seconded that motion.

Roll Call Vote:

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

Contracted Equipment:

Town Clerk Houghtling read the following bid notice aloud:

NOTICE TO BIDDERS
HIGHWAY DEPARTMENT
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA

NOTICE IS HEREBY GIVEN that the Town of New Lebanon Highway Department is seeking sealed bids for the following equipment for hire for the 2017-2018 year:

1. Bulldozer, 8 to 10 ton – 70 or more horsepower
Hourly with operator & hourly without operator
Please include year and make in the bid.
2. Excavator – 14 to 16 ton – 70 or more horsepower
Hourly with operator & hourly without operator
Please include year and make in the bid.
3. Dump truck – 10 wheeler or tri-axle
Hourly rates
Please state whether the bid is for a 10 wheeler or a tri-axle
Please include year and make in the bid.
4. Mini excavator
Hourly with operator & hourly without operator
Please include year and make in the bid.
5. Mini Track Loader
Hourly with operator & hourly without operator
Please include year and make in the bid.

Bids **MUST** be in a **SEALED, PLAIN WHITE ENVELOPE (no logo)**; marked **“BID”**; and received in the office of the New Lebanon Town Clerk at the Town Hall, 14755 Route 22, New Lebanon, New York, no later than 4:30 p.m. on Friday, July 7, 2017. All bids must include a *Non-Collusive Bidding Certificate*. The bids will be opened at the Office of the Town Clerk on Friday, July 7, 2017 at 4:30 p.m. Bids will be considered at the regular monthly Town Board meeting to be held on Tuesday, July 11, 2017 at 7:00 p.m. at the New Lebanon Town Hall at 14755 Route 22, New Lebanon, New York. The Town Board reserves the right to reject or accept all bids.

Supervisor Teal stated that we received a bid from D&J Excavating for a 1986 Autocar 400 hp tri-axle for \$85 per hour with operator, for a 2001 D3C Cat Dozer for \$95 per hour with operator, for a 1998 311B Excavator for \$120 per hour with operator, for a 2013 Kx 121-3 Kubota Mini Excavator for \$90 per hour with operator, for a 2014 289D Cat Mini Track Loader for \$90 per hour with operator, and for a 2012 308 Excavator for \$120 per hour with operator. We received a bid from J. Bergeron Trucking for a 1987 Ford LTL 9000, triaxle dump truck, 400 catapillar, NYS overweight permitted, with \$1,000,000.00 liability insurance coverage for \$85 per hour trucking rate.

Supervisor Teal made a motion to accept all bids to be used as needed by the Highway Superintendent. Councilmember Baumli seconded that motion.

Roll Call Vote:

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

Basketball Court Bid process:

Councilmember Smith stated that Town Engineer, Paul McCreary had a couple of questions for the Town Board regarding the Basketball Court Bid Documents he prepared. Councilmember Smith spoke with Highway Superintendent Winestock about where the contractors can park while working on the project and where they can store materials so they will work all of that out. Hours of work are 7am – 5pm Monday through Friday in the contract currently. Do we want to allow Saturdays and evenings at all? Supervisor Teal asked if there is any reason why we couldn't. Paul McCreary stated that his thought process was that the park is seeing more use on the weekends and we might not want to allow construction while more people are using the park. Councilmember Smith stated that the basketball court is off to the side of the park so it may not get in the way. Supervisor Teal stated that pavilion rentals will be quite some distance from the basketball courts so they won't be bothered. The Town Board agreed to allow them to work anytime and not restrict the hours allowed for construction.

Councilmember Smith stated that to save some money, Highway Superintendent Winestock has offered to haul the pavement out and take up the fence and fence posts and remove the hoops. We would have to pay for excavation work from D&J Excavation to do so but it would save us money doing it that way. He recommends that we do it that way and put in the bid packet that we will be doing those parts in house.

Supervisor Teal made a motion to amend the bid packet to remove the work of taking out the existing pavement, fence, fence posts and basketball hoops as we will be doing all of this in-house and to allow our highway department and D&J Excavation to remove the existing pavement, fence, fence posts and basketball hoops from our existing basketball court. Councilmember Smith seconded that motion.

Roll Call Vote:

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

Engineer Paul McCreary asked the Town Board if the contract number should be 2017-001 and if bids can be received on or before 1pm on August 1, 2017. Town Clerk Houghtling

stated that her office is not open on Tuesdays. The Town Board agreed that bids would be due on or before 1pm on Wednesday, August 2, 2017 and that the contract number should be 2017-001. Paul McCreary asked if the Town Board has any preference with regard to color. The Town Board agreed that the colors should match the new tennis courts. Town Clerk Houghtling stated that she will get the colors of the tennis courts to Paul McCreary. Paul McCreary stated that the existing fence has asphalt that comes right to the fence line. He put in the new specs that the asphalt would extend past the fence so that we don't have to weed whack around the fence. He also put in for a bottom rail on the new fence to allow for more rigidity. Highway Superintendent Winestock asked if we can extend the height of the new fence to help keep the balls in so kids don't need to chase after the balls as much. Paul McCreary stated that we can put the specs of the fence as high as we want them. Supervisor Teal asked if the cost of raising the fence height is significant. Paul McCreary stated that the higher you go, the more braces and cross supports you need.

Supervisor Teal made a motion to increase the height of the fence around the basketball court to 6 feet. Councilmember Baumli seconded that motion.

Roll Call Vote:

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

Town Attorney Tuczinski requested that Paul McCreary remove the wording in the notice to bidders on the reservation of the right to reject bids "As the interest of the Town may appear to require."

Supervisor Teal made a motion to accept the bid docs prepared by Paul McCreary as amended and to go out to bid using the notice to bidders provided by Paul McCreary with bids due no later than August 2nd at 1pm to be reviewed at the August Town Board meeting. Councilmember Smith seconded that motion.

Roll Call Vote:

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

Proposed Local Law #2 of 2017: Zoning Amendment – Solar Energy Systems:

Supervisor Teal stated that the first concern was if our last local law has been filed as we have not yet received notification as such. She did get confirmation that Local Law #1 of 2017 was filed with the NYS Department of State on June 28, 2017 so we no longer have to publish in its entirety a law that we enact. The first step is going to be the completion of Part 2 of SEQRA. Attorney Tuczinski stated that we already did Part 1 of SEQRA and because this is a Zoning Amendment, we have to comply with a full environmental

assessment form which is part 2. Because of the nature of this law, we are not doing anything to install solar panels, we are simply allowing them subject to review. Supervisor Teal read through each question in Part 2 of SEQRA.

Supervisor Teal made a motion to accept the completion of Part 2 of SEQRA. Councilmember Evans seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Aye

Councilmember Smith – Aye

Supervisor Teal – Aye

Councilmember Evans – Aye

Councilmember Baumli – Aye

TOWN OF NEW LEBANON

RESOLUTION #20, 2017

NEGATIVE DECLARATION UNDER SEQRA FOR LL#2 OF 2017 - SOLAR

JULY 11, 2017

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall at 14755 Route 22, New Lebanon, New York, duly called and held on the 11th day of July 2017, the following resolution was put forth for enactment:

Proposed by Supervisor Colleen Teal

Seconded by Councilmember Mark Baumli

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEW LEBANON
ADOPTING A NEGATIVE DECLARATION PURSUANT TO STATE ENVIRONMENTAL
QUALITY REVIEW ACT WITH REGARD TO LOCAL LAW NO. 2 OF 2017 – ZONING:
SOLAR ENERGY SYSTEMS**

WHEREAS, Introductory Local Law No. 2 of 2017 of the Town of New Lebanon was originally introduced before the Town Board of the Town of New Lebanon (hereinafter “Town Board”); and

WHEREAS, proposed Introductory Local Law No. 2 of 2017 of the Town of New Lebanon is a proposed local law amending Chapter 205 of the Code of the Town of New Lebanon entitled ZONING: SOLAR ENERGY SYSTEMS; provides for a new provision related to Solar Energy Systems in section 205-18; reserves section 205-19 for future amendments, and renumbers previous section 205-18 to section 205-20 entitled definitions; and

WHEREAS, the Town Board, as the only involved agency pursuant to the State Environmental Quality Review Act (hereinafter “SEQRA”) with respect to Introductory Local Law No. 2 of 2017 of the Town of New Lebanon, declared itself SEQRA lead agency for the action; and

WHEREAS, the Town Board referred Introductory Local Law No. 2 of 2017 of the Town of New Lebanon to the Columbia County Department of Planning for review and recommendation pursuant to New York General Municipal Law §239-m; and

WHEREAS, the Town Board referred Introductory Local Law No. 2 of 2017 of the Town of New Lebanon to the Town of New Lebanon Planning Board for review and recommendation; and

WHEREAS, the Town Board held the required public hearing with respect to Introductory Local Law No. 2 of 2017 of the Town of New Lebanon;

WHEREAS, the Town Board received public comment at such public hearing, and further received written comments from the Columbia County Department of Planning on Introductory Local Law No. 2 of 2017; and

WHEREAS, following review and consideration of such comments, the Town Board prepared revisions to Introductory Local Law No. 1 of 2017, and reintroduced such Introductory Local Law No. 2 of 2017 and thereafter held the required public hearing; and

WHEREAS, an Environmental Assessment Form was prepared in connection with Introductory Local Law No. 2 of 2017; and

WHEREAS, the Town Board duly considered all comments; and

WHEREAS, the Town Board has reviewed the Environmental Assessment Form in connection with its consideration of proposed Local Law No. 2 of 2017;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of New Lebanon in regular session duly convened as follows:

1. The Town Board hereby determines that the enactment of Local Law No. 2 of 2017 will not have any significant adverse environmental impact, and therefore adopts a negative declaration pursuant to the State Environmental Quality Review Act.
2. This negative declaration is made pursuant to Article 8 of the New York Environmental Conservation Law:

Title of Action:	Adoption of Local Law No. 2 of 2017
SEQRA Status:	Type 1
Conditioned Negative Declaration:	No
Description of Action:	Adoption Local Law No. 2 of 2017, Titled "A local Law Amending Chapter 205 of the Code of the Town of New Lebanon entitled ZONING-Solar Energy Systems"

Location: Town of New Lebanon

Contact Person: Tistrya Houghtling, Town Clerk
Town of New Lebanon
PO Box 328
14755 State Route 22
New Lebanon NY 12125
518-794-8888

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

Roll Call Vote:
Councilmember Geraldini – Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember 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.

Attorney Tuczinski stated that he modified proposed Local Law #2 of 2017 in the authority section to add supercession language to be clear that this law is superceding any existing requirements in the Town Code. This is a technical change so it doesn't need to go back to any boards for review or back to public hearing for input.

**TOWN OF NEW LEBANON
RESOLUTION #21, 2017
ENACTMENT OF LL#2 OF 2017 – AMENDING CHAPTER §205 OF THE CODE OF THE TOWN OF
NEW LEBANON ENTITLED “ZONING: SOLAR ENERGY SYSTEMS”
JULY 11, 2017**

At the Regular Monthly Meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall at 14755 Route 22, New Lebanon, New York, duly called and held on the 11th day of July 2017, the following Resolution was put forth for enactment:

**PROPOSED BY SUPERVISOR TEAL
SECONDED BY COUNCILMEMBER EVANS**

**ENACTMENT OF LOCAL LAW NO. 2 OF 2017: AMENDING CHAPTER §205 OF THE TOWN
CODE OF THE TOWN OF NEW LEBANON ENTITLED “ZONING: SOLAR ENERGY SYSTEMS”**

Section 1. Name of Local Law

This local law shall be referred to as “A Local Law amending Chapter 205 of the Code of the Town of New Lebanon entitled ZONING – SOLAR ENERGY SYSTEMS”

Section 2. Findings and Intent

The Town of New Lebanon seeks to add a new section on Solar Energy Systems and modify provisions of the existing code in order to address needs within the town that have not already been adequately addressed by the code.

Section 3. Authority

This Local Law is enacted pursuant to the Municipal Home Rule Law. This local law shall supercede the provisions of the Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law or any applicable statute.

Section 4. Enactment

This Local Law amends §205-7, §205-11 and §205-14, inserts a new provision §205-18 pertaining to Solar Energy Systems, reserves §205-19 for future amendments, and renumbers previous §205-18 Definitions to new section §205-20 Definitions. All provisions of the Zoning Code of the town of New Lebanon regarding legal requirements for the enactment of this Local Law to the extent inconsistent with the Municipal Home Rule Law are hereby superseded.

Be it enacted by the Town Board of the Town of New Lebanon that Chapter 205 Zoning of the Code of the Town of New Lebanon be hereby amended as follows:

Article 1. The New Lebanon Town Code is hereby amended by inserting the following definitions in alphabetical order into the New Lebanon Town Code Chapter §205-20 Definitions, as renumbered by this Local Law from Chapter §205-18 to §205-20, with §205-19 intentionally reserved for future amendments:

Chapter §205-19. Reserved for Future Amendments

Chapter §205-20 – Definitions

FENCE

An artificially constructed barrier or enclosure used to delineate an area or boundary to screen such area from view and/or to limit access. Swimming pool enclosures shall require a building permit.

GLARE

The effect produced by light with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

NET METERING

A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

COMMUNITY SOLAR ENERGY SYSTEM

An arrangement that extends Net Metering to groups of renters, homeowners, businesses, and municipalities that subscribe to the benefits of a portion of a solar energy project, of which 75% of the total capacity of energy generated by the array shall inure to the benefit of the residents, businesses

and/or property owners in the Town of New Lebanon. This arrangement is also commonly referred to as Community Distributed Generation (CDG). For purposes of regulations, these systems shall be considered as a Large-Scale Solar Energy System.

SOLAR ENERGY EQUIPMENT

Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM

An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED ON-SITE CONSUMPTION

A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of on-site consumption.

SOLAR ENERGY SYSTEM, LARGE-SCALE

A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of off-site sale or consumption. This system may also be referred to as a “Solar Farm.”

SOLAR ENERGY SYSTEM, ROOF-MOUNTED

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.

SOLAR PANEL

A photovoltaic device capable of collecting and converting solar energy into electrical energy.

SURFACE AREA COVERAGE

The aggregate total of the dimensions of each solar panel face that comprise a solar energy system, irrespective of the angle at which the solar panels are mounted or the space between them.

Article 2. The New Lebanon Town Code is amended to add a new Section 205-18 Solar Energy Systems as follows:

Chapter 205-18 – Solar Energy Systems

A. Intent and Purpose. The intent of this section is to advance and protect the public health, safety, and welfare of the residents of the town by:

(1) Taking advantage of a safe, abundant, renewable, and clean energy resource;

(2) Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses;

(3) Increasing employment and business development in the region by furthering the installation of Solar Energy Systems, consistent with the requirements of the Comprehensive Plan for the town of New

Lebanon with the goal of maintaining the rural character of the town; and

(4) Balancing the potential impacts to the public and to neighbors when Solar Energy Systems may be installed on property in the town while preserving the rights of property owners to install Solar Energy Systems without overly burdensome regulation.

B. Applicability.

(1) The requirements of this section shall apply to all Solar Energy Systems installed or modified after the effective date of these Solar Energy System regulations, excluding general maintenance and repair, or to Solar Energy System installations for which a valid building permit has been issued before the effective date of this section.

(2) All Solar Energy Systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the International Building Code, the Town Code, and any other applicable regulations.

C. Solar Energy Systems as an Accessory Use or Structure. This section pertains to Roof-Mounted Solar Energy Systems and Ground Mounted Solar Energy Systems for On-Site Consumption. These types of Solar Energy Systems shall be considered accessory uses and are subject to the specific regulations below.

(1) Roof-Mounted Solar Energy Systems.

(a) A building permit shall be required for installation of all Roof-Mounted Solar Energy Systems.

(b) Roof-Mounted Solar Energy Systems that use the generated electricity on-site or off-site are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.

(c) Roof-Mounted Solar Energy Systems shall be exempt from site plan review under this chapter.

(d) Buildings with Roof-Mounted Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located. The Solar Energy System shall be included in the calculation of height. The height exemptions for other equipment and structures as provided in 205-7 B (8) of this Chapter remain applicable.

(e) Solar Panels on a Roof-Mounted Solar Energy System shall be mounted with a maximum distance (tilt or cant) of 18 inches between the roof and highest edge of the Solar Energy System component.

(f) Solar Energy Systems that are mounted on a flat roof shall be exempt from the maximum distance (tilt/cant) requirement of the foregoing sub-section; however, the system shall be screened from the road frontage adjacent to the property using building materials or natural materials, such as vegetation and berms. A plan for such screening shall be depicted as supplementary documentation to the building permit.

(g) Before a Roof-Mounted Solar Energy System is first energized, the property owner and solar installer

must contact the emergency responders to provide information and instruction on how to use the emergency disconnect to power down the Solar Energy System and to show responders the location for the emergency disconnect. Roof-Mounted Solar Energy Systems shall be labeled in order to provide emergency responders with appropriate warning and guidance with respect to isolating and disconnecting the solar electric system. Materials used for labeling shall be weather resistant. In addition, all Roof-Mounted Solar Energy Systems must include a setback from the edge and peak of the roof to provide access and a path for firefighters.

(h) All owners of property upon which a Roof-Mounted Solar Energy System which primarily produces electricity for off-site consumption is located are required to enter into contracts with the Town to make payments in lieu of taxes (PILOTs). The amounts of the PILOT cannot exceed the amounts which would have been payable if not for the exemption.

(2) Ground-Mounted Solar Energy Systems for On-Site Consumption.

(a) A building permit shall be required for installation of all Ground Mounted Solar Energy Systems for On-Site Consumption.

(b) Ground-Mounted Solar Energy Systems for On-Site Consumption that use the generated electricity primarily on-site are considered accessory structures.

(c) Ground-Mounted Solar Energy Systems that use the electricity primarily on-site and that have an aggregate Surface Area Coverage no greater than 1,000 square feet shall be exempt from site plan review under this chapter.

(d) Ground-Mounted Solar Energy Systems for On-Site Consumption, that have an aggregate Surface Area Coverage that exceed 1,000 square feet shall be subject to site plan review and the issuance of a special use permit.

(e) Height, Setback and Lot Coverage. Ground-Mounted Solar Energy Systems shall adhere to the height, setback and lot coverage requirements of the zoning district within which they are located, subject to the following additional conditions:

[1] Height restrictions will apply to structures when oriented at maximum tilt and are provided the same height exemptions as provided in 205-7 B (8) of this Chapter.

[2] Ground-Mounted Solar Energy Systems for On-Site Consumption shall adhere to the setback requirements of the district in which they are located and shall only be located in the side or rear yards of lots.

[3] The surface area covered by Ground-Mounted Solar Panels in these Systems, combined with any other accessory structures on the lot, shall not exceed 30% of the lot coverage.

(f) Ground-Mounted Solar Panels shall be surfaced, designed, sited and installed so as not to cause glare onto adjacent properties and roadways.

(g) Before a Ground-Mounted Solar Energy System for On-Site Consumption is energized for the first time, the property owner and solar installer must contact the town's emergency responders to provide information and instruction on how to use the emergency disconnect to power down the Solar Energy System and the location for the emergency disconnect. All disconnects shall be clearly labeled in order to provide emergency responders with appropriate warning and guidance with respect to disconnecting the solar electric system. Materials used for labeling shall be weather resistant.

(h) Ground-Mounted Solar Energy Systems for On-Site Consumption shall be exempt from additional real property taxation to the extent of any increase in the value which is attributable to the solar energy system, provided that the array does not generate more than 125% of the total energy consumed at the site. In the event the energy generated by the array exceeds 125% of the usage in any year, the property shall not qualify for the exemption in the following year and the owner will be required enter into a contract with the Town to make payments in lieu of taxes. Proof of generation and consumption must be provided on an annual basis to the Town Clerk and the Assessor.

D. Large-Scale Solar Energy Systems. Large-Scale Solar Energy Systems, which shall include Community Solar Energy Systems, have a greater impact on the land and town. As such, these systems shall be subject to the following regulations:

(1) Approval Standards for Applications for Large-Scale Solar Systems and Community Solar Energy Systems.

(a) Large-Scale Solar Energy Systems and Community Solar Energy Systems are permitted in all Commercial zones upon the granting of a special use permit and subject to site plan approval by the Planning Board. Where a Solar Energy System is present on site, it will be considered a principal use on that site. However, lots containing Solar Energy Systems shall be entitled to have two principal uses on one lot.

(b) Special Use Permit Application Requirements and Conditions. A special permit application shall be subject to these additional special use permit standards and requirements:

[1] If the property of the proposed project is to be leased, legal consent to the solar use between the owner and tenant, specifying the use(s) of the land for the duration of the lease, including information on any necessary easements and other agreements, shall be submitted with the application and both parties must sign the application. The lease agreement must contain a provision which specifies the rights and/or obligations regarding decommissioning.

[2] Site plans conforming to the requirements described in §205-14 depicting the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.

[3] The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, inverters and any other equipment that are to be installed.

[4] Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

[5] Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems and Community Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section. The Decommissioning Plan must specify that after the Solar Energy System is no longer producing power for a period of 12 months, it shall be removed by the property owner within 90 days of notification from the town requiring removal. The plan shall demonstrate the existing conditions on the site before construction of the array, the plan for removal including the disposal or recycling of its components, together with the restoration of soil and vegetation to return the parcel to its original state prior to construction. All above ground and below ground equipment, structures and/or foundations associated with the Solar Energy System must be removed during decommissioning. The plan shall include an expected time line for removal of the equipment and restoration of the site. A cost estimate detailing the projected costs associated with the decommissioning shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation.

[6] Performance Bond. Prior to issuance of a building permit, the property owner or operator of the Solar Energy System shall post a performance bond or other suitable guarantee in a face amount of the estimated cost of decommissioning as provided in the cost estimate approved by the Town Engineer, together with the cost of inflation over the anticipated life of the array. For the special use permit to remain in effect, the cost estimate and performance bond shall be reviewed and adjusted at five year intervals. The approvals allowing the use shall be suspended or revoked pending the replenishment of the financial obligation. The form of the guarantee must be reviewed and approved by the Town Engineer and the Town Attorney. Review of the guarantee by the Town Engineer and Town Attorney shall be paid from an escrow established by the applicant, which shall be required to be funded in advance of review of the project. In the event of a default upon performance of such condition or any of them, the bond or security shall be utilized by the town to perform all necessary decommissioning work to remove the array and restore the property. The bond or security shall remain in full force and effect until the removal of the solar energy equipment and complete restoration of the site. Proof of maintenance of the bond or security shall be submitted by the property owner or operator on an annual basis to the town clerk by February 1 of each year.

(2) Special Use Permit and Site Plan Standards. The review of an application by the Planning Board shall be subject to the following standards in addition to those contained in the special use permit and site plan sections of this Chapter:

(a) Height and Setback. Large-Scale and Community Solar Energy Systems shall adhere to the height and setback requirements of the commercial zoning district in which they are located.

(b) Lot Coverage. The Surface Area of a Large-Scale or Community Solar Energy System shall not exceed 60% of the lot on which it is installed, inclusive of all other structures on the lot.

(c) All Large-Scale and Community Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. The type of fencing shall be determined by the Planning Board as part of site plan review.

(d) The owner or operator of the Solar Energy System must have identification and contact information and appropriate warning signage posted at the entrance to the Solar Energy System and be clearly

visible. Signage shall list the facility name, owner or operator and phone number. A clearly visible warning sign concerning voltage shall be placed at the base of all inverters, transformers and/or substations and in such other locations as the Planning Board determines is necessary.

(e) Large-Scale and Community Solar Energy Systems shall also adhere to the following design requirements:

[1] Any buildings, inverters, transformers and/or substations and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment and/or be screened from view.

[2] Roadways within the site for solar access shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction, while providing sufficient ability to accommodate fire and other emergency apparatus.

[3] Where necessary, a landscaped buffer shall be provided around all equipment and Solar Energy Systems to provide screening from neighboring residences and roadways.

[4] Solar panels and equipment shall be surfaced, designed and sited in order to prevent reflective glare onto any inhabited buildings on adjacent properties as well as roadways.

[5] On site utility and transmission lines shall be placed underground if they would be visible and are unable to be adequately screened.

[6] All mechanical equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum six-foot-high fence with a self-locking gate, and provided with landscape screening. Fire and Emergency responders must have access to the equipment, which may be accomplished with use of a Knox box or other equipment as recommended by the emergency responders.

(f) Any application under this section shall meet any substantive provisions contained in the site plan requirements of this zoning code that, in the judgment of the Planning Board, are applicable to the system being proposed. If any site plan requirement is determined by the Planning Board as not applicable, the Planning Board may waive that requirement in its site plan review.

(g) The Planning Board may impose conditions on its approval of any special use permit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

(3) Other Requirements Applicable to Large-Scale or Community Solar Energy Systems.

(a) The operator shall maintain general liability insurance coverage on any Solar Energy System in the amounts of \$1,000,000 for injuries and \$500,000 for property damages, naming the Town of New Lebanon as additional insured.

(b) If in the course of the delivery, installation, maintenance, dismantling, removal or transport of the

Solar Energy System or any components thereof the property of the Town of New Lebanon including but not limited to roadways, shoulders, drainage structures, signage, guide rails, etc. is damaged by the efforts of the applicant or any agents thereof, the applicant shall within thirty (30) days of the damage completely replace or repair all damage to the satisfaction of the Town.

(c) Any damaged or unused components of the system shall be removed from the premises within thirty (30) days and disposed of legally. All maintenance equipment and spare parts shall be kept in a designated storage area which is fenced and screened. Petroleum products shall be disposed of legally.

(d) If the ownership of a Solar Energy System changes, the special use permit and site plan approvals shall remain in full force and effect providing all the conditions of the special use permit, including bonding, letters of credit or continuing certification requirements or obligations continue to be obligations of successor owners. The change in ownership shall be registered with the Code Enforcement Officer.

(e) Any and all modifications, additions, deletions, or changes to the Solar Energy System, whether structural or not, shall be subject to the Planning Board's approval as an amendment of the special use permit and/or site plan, except that such amendment shall not be required for repairs which become necessary in the normal course of use of such system.

(f) An inspection report prepared by an engineer approved by the town and licensed in the State of New York shall be required at the time of installation and every three (3) years thereafter. The cost for this inspection shall be borne by the applicant. The inspection report is required at the time of installation and in advance of powering the system for use. Thereafter, it shall be done to inspect all components of the Solar Energy System to ensure proper operation. The inspection report must be filed with the Code Enforcement Officer.

(g) No part of the solar farm/power plant, including the structure and panels shall be used for the display of any advertising, decorative flags, streamers, or any other decorative items.

(h) When any Solar Energy System is installed and before it becomes active, the owner of the site and/or developer of the solar array must contact the New Lebanon Fire Department Emergency Responders to make arrangements for a meeting at the site to review the components of the array and to be educated on safety issues and procedures for emergency response. This shall include detailed discussion related to the location of labeled warnings, access to the site and information on emergency disconnection of the system. In addition, during site plan, the Planning Board shall determine the appropriate size and location of placards which provide mutual aid responders with sufficient information to protect them when responding to calls on site.

(i) Review of the application for any necessary approvals of any Solar Energy System under this section shall be conducted by the Town Engineer and Town Attorney. This review shall be funded by the applicant and paid from an escrow fee required at the time of application, and which shall be replenished upon invoice from the town before additional review of the project by the Planning Board is able to proceed.

(j) If construction of a project is not completed within 12 months after receiving final site plan approval,

and the project has not been abandoned, a new special use permit must be obtained.

(k) All owners of property upon which a Large Scale Solar Energy System is located are required to enter into contracts with the Town to make payments in lieu of taxes (PILOTs). The amounts of the PILOT cannot exceed the amounts which would have been payable if not for the exemption.

(4) Requirements applicable to Community Solar Energy Systems.

(a) Real property which has a Community Solar Energy System located within its boundaries shall be exempt from taxation to the extent of any increase in the value which is attributable to the solar energy system, providing the percentage of New Lebanon subscribers remains at 75% or higher.

(b) On an annual basis, the owner of property which has a Community Solar Energy System located on it must provide a list of subscribers to the New Lebanon Town Clerk and the Assessor, including the names and addresses of each subscriber. In the event that the subscribers from New Lebanon are less than 75% of the total subscribers, the owner will be required to enter into a contract with the Town to make payments in lieu of taxes.

Article 3. The New Lebanon Town Code is amended to change §205-7(4)(d)(3) and §205-9(B)(9)(c)(1) as follows:

§205-7 (B)(4)(d)(3) Canvas, cloth, wire mesh, snow fencing, chicken wire, pallets, plywood or any other material of a nonstructural nature may not be used as fencing material or as any part of a fence. The use of any fencing material, or device, intended or which is likely to cause harm or injury to humans is prohibited. Examples of materials prohibited in this section include, but are not limited to, broken glass or electrification. All fences require a zoning permit unless they are exempt under §205-7(B)(4)(a)(1).

§205-7 (B)(9)(c)(1) Solar energy collection devices shall adhere to the setbacks applicable to structures in the zone in which they are located and shall not be located in the front yard of any lot.

Article 4. The New Lebanon Town Code is amended to change portions of §205-11 as follows:

§205-11 B(1)

(B) Zoning Permit

(1) No building shall be erected, moved, structurally altered, added to or enlarged, no land use activity or buildings shall be established or changed and no excavation for any building shall begin unless and until a zoning permit has been issued by the Zoning Enforcement Officer.

§205-11 D(2)(b) Such notice will require the removal of the violation within 30 days after the service of the notice.

§205-11 D(2)(c) In such cases where the removal of the violation within the 30 days would be manifestly impossible, the Zoning Enforcement Officer shall apply to the Town Board for a determination as to a reasonable period of time within which such violation shall be removed.

Consumption, over 1000 sf							
Large Scale Solar Energy Systems and Community Solar Energy Systems				SP/ SP R	SP/ SP R	SP/ SP R	SP/ SP R

Section 5. Severability

If any part or provision of this local law is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in application to the part of provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this law even without such part of provision or application.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State pursuant to the New York State Municipal Home Rule Law.

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

Roll Call Vote:

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

Unified Solar Permit – Resolution adopting:

Supervisor Teal stated that she went through the NYS Unified Solar Permit with Hazel “Cissy” Hernandez, CEO/ZEO to fill in all of details to fit the Town of New Lebanon which is exhibit 1 in the resolution. The second document is “Understanding Solar PV Permitting and Inspecting in NYS” which is exhibit 2 in the resolution. These documents would be available on the website for applicants and for our CEO/ZEO which will make the whole process work much smoother.

**TOWN OF NEW LEBANON
RESOLUTION #22, 2017**

**ADOPTION OF THE NY STATE UNIFIED SOLAR PERMIT AND UNDERSTANDING SOLAR PV PERMITTING AND INSPECTING IN NEW YORK STATE
JULY 11, 2017**

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 11th day of July 2017, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal
Seconded by Councilmember Baumli

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEW LEBANON
ADOPTING THE NY STATE UNIFIED SOLAR PERMIT & UNDERSTANDING SOLAR PV PERMITTING AND INSPECTING IN NEW YORK STATE**

WHEREAS, New York State has developed a unified solar photovoltaic permitting process designed to streamline municipal permitting which will reduce costs for solar projects and support the growth of clean energy jobs across the state, and

WHEREAS, New York State has developed a document entitled *Understanding Solar PV Permitting and Inspecting in New York State* as a resource including sample construction documents, inspection checklist, design review checklist, and labeling guide for use by the municipality and applicants; and

WHEREAS, the Town of New Lebanon is desirous of participating in the unified permitting process, thereby increasing the Town's eligibility for various incentives and grants through the New York State Energy Research and Development Authority; now, therefore, be it

NOW, THEREFORE, BE IT RESOLVED by the New Lebanon Town Board in the meeting duly convened on the above date that the Town of New Lebanon adopts the NY State Unified Solar Permit as attached hereto as Exhibit I, and *Understanding Solar PV Permitting and Inspecting in New York State* as attached hereto as Exhibit 2, and be it further

RESOLVED, that this resolution shall take effect immediately and a copy of this resolution, with Exhibits 1 & 2, shall be provided to the Building, Planning, and Zoning Department.

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

Roll Call Vote:

Councilmember Chuck Geraldi	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Aye
Councilmember Mark Baumli	Aye

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

Proposed Local Law #3 of 2017: Recreation Commission:

Supervisor Teal introduced Proposed Local Law #3 of 2017: Recreation Commission and stated that this is a proposed local law to increase the number of Recreation Commission members from 5 to 7. Attorney Tuczinski stated that we do not need to do the SEQRA process on this proposed local law as it only deals with changing the composition of a town committee.

Supervisor Teal made a motion to schedule a Public Hearing on Proposed Local Law #3 of 2017 entitled "Recreation Commission" for 6:55pm on Tuesday, August 8, 2017. Councilmember Smith seconded that motion. The motion passed unanimously.

Attorney Tuczinski stated that he would like to add a provision that says that the Town Board may change the number of members of the Recreation Commission from time to time by Resolution so we don't need to do a local law each time we want to change the number of members. He will have this edited version on the Town Board members' desks at least 7 days in advance of the public hearing.

Munch Property – Follow Up:

Supervisor Teal tabled this agenda item for the end of the meeting to possibly be discussed in executive session.

Sign Law Amendment and Junk Yard Repeal Amendment:

Supervisor Teal stated that she would like to recommend that we finalize the sign law and make a decision on the proposed junk yard repeal. She would like the Town Board to consider having a special meeting on August 22, 2017 at 6:00pm to discuss these two proposed amendments. The Town Board agreed.

Building Department Fees:

Supervisor Teal tabled this agenda item.

Source Water Protection – Committee Appointments:

**TOWN OF NEW LEBANON
RESOLUTION #23, 2017
COMMITTEE APPOINTMENTS - SOURCE WATER PROTECTION PROGRAM
JULY 11, 2017**

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall at 14755 Route 22, New Lebanon, New York, duly called and held on the 11th day of July 2017, the following resolution was put forth for enactment:

Proposed by Supervisor Teal
Seconded by Councilmember Evans

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEW LEBANON TO
APPOINT A COMMITTEE FOR THE DEVELOPMENT OF A SOURCE WATER
PROTECTION PLAN**

WHEREAS, the Town of New Lebanon resolved to take steps to develop and implement a source water protection plan; and

WHEREAS, one of the steps the Town resolved to take was to form an advisory planning team/committee to include one or more Town board members, representatives from other Town boards and committees, representatives of other government entities in the planning area, etc.;

NOW, THEREFORE, BE IT RESOLVED, that the Town of New Lebanon appoints the following people to the advisory planning team/committee to work on developing a Source Water Protection Plan with for the Town of New Lebanon:

- Phyllis Stoller - Zoning Board of Appeals Member;
- Mark Baumli - Town Board Member & Zoning Re-Write Committee Member;
- Cynthia Creech - Deputy Town Supervisor, CAC Member, Zoning Re-Write Committee Member, Court Clerk, Recreation Commission Member;
- Peg Munves – CAC Member & Zoning Re-Write Committee Member;
- David Farren – CAC Member;
- Jack Lancto – CAC Member;
- Bruce Shenker – NL Rep to CC Environmental Management Council; and
- Craig Westcott – CAC Member.

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

Roll Call Vote:

Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Aye
Councilmember Mark Baumli	Aye

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

Attorney – Legal Follow Up:

Supervisor Teal tabled this agenda item for the end of the meeting to possibly be discussed in executive session.

Attorney – Budget Line Review:

Supervisor Teal stated that we knew that we were exceeding what we had budgeted for the Attorney line item. She handed each Town Board member a summary of what we have expended to date for attorney fees and breaks it into different categories. Councilmember Baumli stated that between the zoning and code violations and the sign

litigation cases, we have spent around \$12,000 in attorney fees on these alone. Supervisor Teal stated that we have spent around \$14,000 in attorney fees working on our zoning regulations and laws to review them, modify them and tweak them. She stated that we have spent about \$12,000 in attorney fees on our general town business. She stated that we have spent about \$2,500 on general building department where our building department reached out for legal guidance. She stated that we spent \$14,000 on the tax certiorari case. We have spent about \$47,000 total in attorney fees to date. We have just under \$7,000 left in that budget line. The current totals go through May. Supervisor Teal requested from the Board to take \$25,000 from unrestricted surplus and transfer it to the attorney line. The actual transfer would happen next month in a budget amendment, but she wants to know if the board supports this or not before going through the work to move it.

Councilmember Geraldini stated that he doesn't know as he just got these figures. He needs a little time to go over it all. Councilmember Smith stated that we would be on schedule for a couple more months if not for the tax certiorari case. Supervisor Teal stated that the local laws are taking a lot of the attorney's time also which is a one shot deal and we knew that enforcement was going to be high this year too.

NEW BUSINESS:

Two Year Terms vs Four Year Terms:

Supervisor Teal stated that this was brought up at the last meeting by one of our residents. There are a number of positions that are still two year terms: Town Clerk, Town Supervisor, Tax Collector and Highway Superintendent. Town Clerk specifically is the last Town Clerk in Columbia County and possibly Greene County as well that is still a two year term. We have talked about increasing these 4 positions from a two year term to a four year term. It would go to a vote of the public. She strongly recommends that if both the Town Clerk and Town Supervisor become four year terms, we should stagger when they are up for re-election so you don't end up with new people in both positions at the same time. It is not going to be able to happen for this upcoming election as there is a whole process that needs to be undergone including enacting a local law 150 days prior to the election. We would be looking at the 2019 election as the soonest that it could happen. Councilmember Evans stated that he feels it is important with the training costs and learning curve that we allow the positions to have at least 3 years before they are up for re-election again.

Newsletter - deadline:

Town Clerk Houghtling stated that the next newsletter is coming out on August 1st and newsletter submissions are due by 5pm on Monday, July 17.

Deputy CEO:

Supervisor Teal stated that we have a request for a Deputy CEO from our current CEO. The current Deputy CEO, Dean Herrick was doing us a favor by filling in and his availability is limited. He has not been available as much as Hazel "Cissy" Hernandez needs him to be and she has requested that the Town Board appoint Jeff Hattat as Deputy CEO for the remainder of the year. Jeff Hattat is very experienced in construction and Hazel "Cissy" Hernandez feels that this would be an incredible resource to her. He is not

certified as a CEO so we would be doing the same as we did with Hazel “Cissy” Hernandez where it would be an appointment now and then he would take the training necessary and work on obtaining his CEO certification. Jeff Hattat is currently a Zoning Board of Appeals member and would need to relinquish that position. Supervisor Teal stated that she would like to start him at a rate of \$18.00, not to exceed 10 hours a week, and then raise that to \$20.00 when he obtains his certification.

Supervisor Teal stated that there is \$5,000 currently in the budget for a Deputy CEO and she would like to leave about \$1,000 in there to cover any outstanding bills due to Dean Herrick and then transfer the balance into the budget line to start paying Jeff Hattat. Supervisor Teal stated that the numbers they put together are very close to what was already budgeted for a Deputy CEO. Supervisor Teal stated that Jeff Hattat would be attending training to obtain his certification and she would expect that we would pay him for the hours he was attending training and she would stipulate that the training hours would be above and beyond the 10 hours a week he was working in the office.

Councilmember Smith stated that this is a certification that he could take with him anywhere he goes. Supervisor Teal stated that it is a certification that is required for the position. Councilmember Smith stated that he is not in favor of paying him to attend training. Supervisor Teal stated that it doesn't seem fair to ask him to attend 24 hours of training each month and not compensate him for it. Councilmember Smith stated that there is nothing preventing him from taking his certification elsewhere after we have paid for him to become certified.

Councilmember Evans stated that when they were interviewing for this position, they were having a hard time finding certified candidates so professional development has become an issue to find people who are trained and we may need to step up our game and pay somebody to take the training.

Councilmember Baumli stated that he sees Councilmember Smith's perspective but he also doesn't see Jeff Hattat leaving the Town anytime soon. He suggested that we could do a contract stating that we will pay for his training but he is then obligated to remain working for the Town in that position for a set number of years or he would need to pay us back for the training. Attorney Tuczinski stated that a contract like that would be hard to enforce. He stated that all of the municipalities he is aware of are struggling with finding good code enforcement and building department employees. Supervisor Teal stated that we are allowed to pay for certification. Councilmember Baumli stated that he is fine with moving forward. Councilmember Evans stated that the savings that have been made in that department this year already will more than cover the cost of training Jeff Hattat.

**TOWN OF NEW LEBANON
RESOLUTION #24, 2017
APPOINTMENT OF DEPUTY CEO/ZEO
JULY 11, 2017**

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 11th

day of July 2017, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal
Seconded by Councilmember Smith Sr.

Appointment of Deputy CEO/ZEO:

BE IT RESOLVED THAT the Town Board of the Town of New Lebanon makes the following appointment effective immediately to fulfill the balance of the one (1) year term to expire on 12/31/17:

Deputy Code Enforcement Officer & Deputy Zoning Enforcement Officer:

Jeff Hattat to replace Dean Herrick at a rate of \$18.00/hour up to ten (10) hours per week, plus the time necessary to attend training, until such time that he obtains his certification as a Code Enforcement Officer (CEO) at which time, the rate will increase to \$20.00/hour.

FURTHER BE IT RESOLVED THAT the Town agrees to pay Jeff Hattat at a rate of \$18.00/hour for all hours he is attending the training necessary to obtain his certification as a Code Enforcement Officer for the first time through, however if he needs to re-take any training for failure to pass the test, he will not be compensated for any additional times he attends the training.

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

Roll Call Vote:

Councilmember Mark Baumli	Aye
Councilmember Dan Evans	Aye
Councilmember Chuck Gerald	Abstain
Councilmember Kevin Smith	Aye
Supervisor Colleen Teal	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.

ZBA Vacancy:

Supervisor Teal asked the Town Board to authorize Town Clerk Houghtling to advertise a vacancy on the Zoning Board of Appeals to fulfill the remainder of Jeff Hattat's term.

Music in the Park Photographer:

**TOWN OF NEW LEBANON
RESOLUTION #25, 2017
MUSIC IN THE PARK PHOTOGRAPHER
JULY 11, 2017**

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall at 14755 Route 22, New Lebanon, New York, duly called and held on the 11th day of July 2017, the following resolution was put forth for enactment:

Proposed by Supervisor Teal
Seconded by Councilmember Baumli

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEW LEBANON
DESIGNATING A PHOTOGRAPHER FOR THE 2017 MUSIC IN THE PARK CONCERT
SERIES**

WHEREAS, The Town of New Lebanon is putting on a Music in the Park Summer Concert Series in 2017 with three remaining concerts to be held on July 30th from 1:30 pm – 4:30 pm, August 20th from 1:30 pm – 4:30 pm and September 17th from 1:30 pm – 6:00 pm; and

WHEREAS, at the June 18th Music in the Park Timothy Sears volunteered to take photographs and gave the Town of New Lebanon a compilation of fantastic pictures and these pictures will be a valuable promotional resource for the Town.

NOW, THEREFORE, BE IT RESOLVED by the New Lebanon Town Board that Timothy Sears will be paid to take photographs of the remaining 2017 Music in the Park Concerts at a rate of \$50 for July and August and \$75 for September with all photographs to be submitted to and owned by the Town of New Lebanon.

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

Roll Call Vote:

Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Aye
Councilmember Mark Baumli	Aye

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

Requests for Letter of Support:

Supervisor Teal stated that we have received two requests for letters of support. The first is from the CAC to DEC looking for a letter of support from the Town for their grant application to improve the trails at the Hand Hollow public conservation area. The second is from the Shaker Museum looking for a letter of support from the Town for their application to the NYS Council on the Arts through the regional economic development council initiative for a workforce investment grant to expand the capacity of its organization by increasing the hours of their director of advancement from part time to full time. Supervisor Teal asked if the Town Board is okay with her submitting both of these letters of support. The Town Board was in support of her submitting both letters.

Volunteer Worker:

Supervisor Teal stated that she has a young woman named Chelsea Fields that she would like to bring in as a volunteer for the Town. She lives across the street from the Town Hall and would be coming in to work in both the Supervisor’s office and the Building Department office on a volunteer basis. She will not have access to anything confidential.

She will sign a liability waiver that we have all volunteers sign.

Supervisor Teal made a motion to allow Chelsea Fields to work as a volunteer for the Town of New Lebanon with no access to confidential files and to only work in the building when Colleen Teal or Hazel "Cissy" Hernandez are directly supervising her.
Councilmember Baumli seconded that motion.

Roll Call Vote:

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

Park Bench Donation – Charlie Traina/Michelle Bienes:

Supervisor Teal stated that Michelle Bienes would like to donate a memorial bench in Shatford Park in memory of her father Charlie Traina. It would not cost the Town anything and we could dictate placement or allow Councilmember Smith to work with the Park Maintenance crew to decide where it makes the most sense.

COMMITTEE REPORTS:

Assessor (Councilmember Evans):

Councilmember Evans stated that the grievance case has been finalized. The final tax roll is available now and they are now working on some field data verification for the 2019 reassessment.

Broadband Committee (Supervisor Teal):

Supervisor Teal stated that we have talked a lot about the Charter/Time Warner merger and the expectation that Phase 1 of their expansion would be completed around October or November of this year. They have just settled with the public service commission for around \$13 million because they are not meeting their deadlines. The first million is already being allocated out and the other 12 million is in holding with the public service commission in case they don't meet their other deadlines.

Locally she has worked with Charter and the public service commission has helped her tremendously. At the last meeting we learned that there were a lot of long term outages exceeding 8 hours in Charter's service here in Town. She has gotten Charter to issue automatic credits on 7/5/2017 to everybody in New Lebanon that has Charter. Please let Supervisor Teal know if you did not receive your credit. Also, if you are calling Charter customer service you must use the term "Legacy Charter" to report outages as we are not on Spectrum's radar as we are not connected to the main Spectrum program yet and they will not see your outage if you just say Charter. This will all change with the build out, but it will take 12-18 months for us to see the change.

She is also working with NYSEG as they have started a lot of tree trimming for the Spectrum build out and they are leaving huge, unmanageable messes for property owners to clean up.

This is unacceptable and if this happens to you, please call Supervisor Teal so she can deal with it.

Building Department (Councilmember Gerald & Councilmember Baumli):

Supervisor Teal stated that Town Clean Up Day this year was significantly less expensive than previous years. It was about \$2,600 total. Next year we are scheduled a little bit earlier in the year. We are tentatively scheduled for May 5, 2018.

Commerce & Tourism Committee (TBD):

No report.

CAC & Environmental Management (Deputy Supervisor Creech):

Cynthia Creech stated that they had their Natural Resources Conservation Plan presentation two weeks ago and had approximately 25 people attend. There were some people from each of the various town boards in attendance. Gretchen Stevens from Hudsonia did an excellent presentation.

Fire, Law Enforcement & Emergency (Councilmember Smith):

Councilmember Smith stated that in June there were 9 total calls, 44 total people and 77.83 total man hours. Councilmember Smith asked Fire Chief Ben Wheeler of the LVPA to give him a call when he has time next week so they can get together and meet. Ben Wheeler stated he is gone all next week. Councilmember Smith asked him to give him a call when he can so they can arrange a time to meet.

Councilmember Baumli stated that last month the Town Board members were handed a proposed budget for 2018 from the LVPA. He asked if there is any way they can get what is spent so far this year on each of the budget lines and what was spent in 2016 on each of the budget lines. Bobby Waters stated that the Town gets that every month. Town Clerk Houghtling stated that all the reports filed monthly by the LVPA are in her office and she can get them out to the Town Board members. Councilmember Baumli also requested a capital plan as far as what is happening with any capital projects. Ben Wheeler stated that they are still trying to finalize some of the details on what they want to give the Town. Ben Wheeler stated that what the LVPA submitted for a proposed budget for 2018 was based on a 3 year average from the last 3 complete years. Supervisor Teal asked if they can submit to the Town the 3 year actual numbers that they used to complete their budget request. Ben Wheeler stated that the Town can go back and look at the annual reports that have already been filed with the Town.

Highway (Councilmember Evans & Councilmember Smith):

Supervisor Teal stated that our regional directors from DOT and Governor Cuomo's men all met and did a run down on Route 22. Originally our region received \$16 million in funding for paving and \$15.5 million went to Westchester County. After the meeting we got another \$18 million for our area. Route 295 is being done at the end of July and Route 22 and 203 are going to be done in 2018. Route 22 is going to be milled up and completely re-done, not just a surface coat.

Councilmember Smith stated that next month we will be looking to go out to bid on a new

garage door for the end of the highway garage facing the basketball courts as the current door is allowing the birds to fly in and they are pooping on the trucks.

Historian & LVHS: (Councilmember Baumli):

Councilmember Smith stated that he is working on getting the cupola from the school. The plan is to get it from the school and store it temporarily behind the highway garage then work on restoring it and displaying it in Shatford Park. Highway Superintendent Winestock will help move it.

Councilmember Smith made a motion to purchase the cupola from the New Lebanon Central School District for the Town of New Lebanon in the amount of \$1 to be paid for by Councilmember Smith. Supervisor Teal seconded that motion. The motion passed unanimously.

Justice Court/Constable (Councilmember Gerald):

No report.

Parks & Recreation (Councilmember Smith):

Councilmember Smith stated that the Park Maintenance staff have been putting up all the signage at the park. He has a list of various things that need to be done at the park which he will go over at next month's meeting. He is still working on the pavilion sidewalks to see if we can do them utilizing volunteers.

Supervisor Teal stated that this year's community picnic has been cancelled and the Town will continue with the community picnic next year and every year to follow.

Supervisor Teal stated that our Summer Youth Program currently has 76 kids enrolled with approximately 65 kids at camp on a daily basis. Camp began June 26th. The week of July 10th they will be beginning their theater program working with staff from the Theater Barn. The children will be performing Godspell Jr. on August 11th at the Theater Barn and they would love for us all to attend. July 17th begins the American Red Cross Swim Lessons. There will be 2 sessions where the children can earn individual level certification. July 12th the zoo to zoo will be coming in cooperation with the New Lebanon Library at 1pm and this is open to the public and Stewart's has donated sundaes. July 21st they are going to Zoom Flume and August 4th they are going to Six Flags in Agawam, MA.

Seniors (Councilmember Baumli):

Councilmember Baumli stated that on June 10th the Lebanon Valley Seniors held their 3rd annual tag sale/bake sale/silent auction at the Immaculate Conception Hall to benefit Charlie's Pantry and the school back pack program. Last year they were able to present the pantry and back pack program with \$657 each. This year they presented checks to Charlie's Pantry and the school back pack program for \$815.40 each which is \$316.80 more than last year! Their success is due to the support and generosity of area businesses, the people who attended the sale, use of the hall and the hard work of their members. \$0 went to the Lebanon Valley Seniors and they got great satisfactions out of helping two wonderful organizations in this Town! Thank you to everyone for making it a huge success!

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

No report.

County Updates:

No report.

ANNOUNCEMENTS:

Sunday, July 30th ~ Music in the Park @ Shatford Park from 1:30 – 4:30 pm

Tuesday, August 8th ~ Public Hearing on Proposed LL#3 of 2017 @ Town Hall @ 6:55 pm

Tuesday, August 8th ~ Town Board Meeting @ Town Hall @ 7:00 pm

Tuesday, August 22nd ~ Special Meeting of the Town Board @ Town Hall @ 6:00 pm

MODIFICATION OF VOUCHERS:

Supervisor Teal stated that we paid our Accountant from an auditor account for January and February this year. In March, we did a budget amendment moving the remainder of the Accountant budget into the Supervisor's budget line. Now we need to edit the two vouchers that paid the Accountant out of the auditor account to have them paid out of the Supervisor's budget line.

Supervisor Teal made a motion to amend voucher #2 of 2017 and voucher #33 of 2017 that were paid from account A-1320.4 to be paid from account A-1220.41. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Gerald – Aye

Councilmember Smith – Aye

Supervisor Teal – Aye

Councilmember Evans – Aye

Councilmember Baumli – Aye

BUDGET AMENDMENT:

Budget Amendment #7 of 2017:

General Fund:

\$150 from A-2770.2 (Other Rev.: Donation – Music in the Park)

\$1,200 from A-1990.4 (Contingency)

\$2,000 from A-1320.4 (Auditor)

\$150 to A-7270.4 (Music in Park)

\$1,200 to A-1620.1 (Buildings: Personal Services)

\$2,000 to A-1220.41 (Supervisor: Cont. Exp.)

A motion was made by Councilmember Smith and seconded by Councilmember Baumli 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 No. 204 through 206 in the amount of \$4,983.00;
As listed on Abstract No. 6A of 2017 dated July 11, 2017; and**

**General Nos. 207 through 253, in the amount of \$84,837.45;
Highway Nos. 66 through 75, in the amount of \$94,089.45; and
Escrow No. E17-6 through E17-8, in the amount of \$1,395.48;
As listed on Abstract No. 7 of 2017 dated July 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 Geraldi – Aye
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember Baumli – Aye

PRIVILEGE OF THE FLOOR:

Nobody spoke.

EXECUTIVE SESSION:

Councilmember Smith made a motion to enter into an executive session at 9:15 pm to discuss specific litigation. Supervisor Teal seconded that motion.

Roll Call Vote:

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

Councilmember Geraldi made a motion to exit the executive session at 9:30 pm. Supervisor Teal seconded that motion.

Roll Call Vote:

Councilmember Geraldi – 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 9:30 p.m.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk