

**MINUTES OF THE REGULAR MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON DECEMBER 28, 2017**

Present: Colleen Teal, Supervisor
Kevin Smith Sr., Councilmember
Mark Baumli, Councilmember
Chuck Geraldi, Councilmember
Dan Tuczinski, Town Attorney (arrived 7:20pm)

Absent: Dan Evans, Councilmember

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: Ed Godfroy, LVPA
Eugenia Browning, LVPA
Jeff Winestock, Highway Superintendent
Norman Rasmussen, Town Board Elect
Jesse Newton, Town Board Elect
Jeff Hattat, Deputy CEO/ZEO
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. Supervisor Teal pointed out the emergency exits.

CERTIFICATE OF APPRECIATION:

Supervisor Teal presented Cynthia Creech with a certificate of appreciation. Supervisor Teal stated that Cynthia Creech had resigned from several positions including Deputy Town Supervisor, Recreation Commission, Zoning Re-Write Committee and as the Town representative to the NL 200 steering committee. Even with those resignations, she is still our Court Clerk, on the Conservation Advisory Council and through her involvement with Grow the Valley she is still on the NL 200 steering committee. Her dedication to serving the Town of New Lebanon is well noted.

BUSINESS:

Local Law #4 of 2017 – Exemption for Cold War Veterans:

TOWN OF NEW LEBANON

RESOLUTION #34, 2017 – ENACTMENT OF LL#4, 2017 – AMENDING CHAPTER §185 OF THE TOWN CODE OF THE TOWN OF NEW LEBANON ENTITLED “TAXATION”

DECEMBER 28, 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 28th day of December 2017, the following Resolution was put forth for enactment:

Proposed by Supervisor Teal
Seconded by Councilmember Baumli

**RESOLUTION ADOPTING LOCAL LAW NO. 4 OF 2017 OF THE TOWN
OF NEW LEBANON**

WHEREAS, Chapter 185 of the Code of the Town of New Lebanon is entitled “Taxation”;
and

WHEREAS, the Town Board of the Town of New Lebanon adopted Local Law #7 of 2008, allowing a limited exemption from real property taxes for residential real property owned by veterans who rendered military service to the United States during the “Cold War”; and

WHEREAS, Local Law #7 of 2008 had a sunset clause with the exemption to expire in 2018; and

WHEREAS, Columbia County and the State of New York both adopted legislation to make the exemption for Cold War veterans permanent; and

WHEREAS, the Town Board of the Town of New Lebanon wishes to follow Columbia County and the State of New York to make the limited exemption from real property taxes for residential real property owned by veterans who rendered military service to the United States during the “Cold War” a permanent exemption;

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

1. Introductory Local Law No. 4 of 2017 is classified as a Type II action under SEQRA, and pursuant to 6 NYCRR 617.6(a)(1)(i), no further agency action under SEQRA is required.
2. Introductory Local Law No. 4 of 2017 of the Town of New Lebanon be and hereby is adopted as Local Law No. 4 of 2017 of the Town of New Lebanon.
3. Local Law No. 4 of 2017 of the Town of New Lebanon shall be filed in the office of the New York State Department of State in compliance with all applicable legal requirements, and the Town Clerk is hereby directed to cause such filing to be completed.

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

Roll Call Vote:

Supervisor Colleen Teal	Aye
Councilmember Mark Baumli	Aye
Councilmember Dan Evans	Absent

Councilmember Charles Gerald	Aye
Councilmember Kevin Smith Sr.	Aye

LVPA Contract for 2018:

Councilmember Baumli made a motion authorizing Supervisor Teal to execute the 2018 contract between the Town of New Lebanon and the Lebanon Valley Protective Association (LVPA). Councilmember Smith seconded that motion.

Roll Call Vote:

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

Ed Godfroy submitted the following letter:

Dear Supervisor Teal and Town Board Members;

The Board of Directors of the Lebanon Valley Protective Association, Inc. have give Edward Godfroy the authority to sign the fire protection contract between the Town of New Lebanon and the Lebanon Valley Protective Association, Inc. for the year 2018.

Sincerely,

*Eugenia Browning Secretary
Lebanon Valley Protective Association, Inc.*

Supervisor Teal and Ed Godfroy signed two copies of the 2018 contract. Town Clerk Houghtling applied the Town seal and gave one to Ed Godfroy and filed one in the Town Clerk's office.

Insurance – NYMIR:

Supervisor Teal stated that we received a letter from Peter Fingar of Fingar Insurance advising us that because NYMIR was a reciprocal insurance, the Town was in the receiver time period which amounts to roughly \$400 per year for 4 years. By cancelling the Town's insurance coverage with NYMIR, we would forfeit the return of these dollars. That amounts to a total of \$1,600 over the course of 4 years and the policy that we chose was almost a \$5,000 annual savings. Supervisor Teal stated that she still thinks that we made the right choice, but she wants the Town Board to have that information.

Dolomite Mining Permit - DEC:

Supervisor Teal stated that she got a notice from DEC. Dolomite is looking to modify their mining permit on Supervisor Teal's former property on County Route 9. The applicant proposes to increase the permitted depth of excavation from 680 feet AMSL to 660 feet AMSL within the existing life of mine area. They sent us a copy of the complete application and they wish to assume lead agency status for this action. They are asking if we will relinquish

that status to them or if we want lead agency. Supervisor Teal stated that the letter came to the Town Supervisor so she would think that it would go to the Town Board but as a mining permit she would think this would go through the ZBA for a permit. She thinks that is generally who any of their permits go through. She spoke with CEO/ZEO Cissy Hernandez and she thought it would make sense to allow DEC to take the position of lead agency unless any of the Town Board members have any objections to that. If we don't respond in 30 days, they just automatically take lead agency. Councilmember Smith stated we should let DEC take lead agency. The Town Board members all agreed.

Capital Reserve Resolution: Shatford Park:

**TOWN OF NEW LEBANON
RESOLUTION # 35, 2017
SHATFORD PARK CAPITAL RESERVE FUND
DECEMBER 28, 2017**

At the special Year-End 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 28th day of December 2017, the following Resolution was proposed and seconded:

Resolution by Councilmember Smith Sr.
Seconded by Councilmember Baumli

SHATFORD PARK CAPITAL RESERVE FUND

WHEREAS, the New Lebanon Town Board established a capital reserve fund for Shatford Park to be used for the purpose of making annual purchases of equipment and/or making improvements to the park and/or park structures (Resolution # 37, 2010 – Capital Reserve Fund: Shatford Park, dated November 8, 2010); and

WHEREAS, the New Lebanon Town Board funded in the 2017 budget: \$12,500 in budget account A-7110.2 for the purpose of purchasing a new mower and \$25,000 in budget account A-7140.4 for the purpose of replacing the basketball court; and

WHEREAS, it is the intent of the New Lebanon Town Board to reserve these funds for said expenditures;

NOW THEREFORE BE IT RESOLVED THAT, the New Lebanon Town Board hereby authorizes the transfer of **\$37,500** from the 2017 Town Budget, General Fund to the Capital Reserve Fund: Shatford Park.

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	Absent
Councilmember Chuck Gerald	Aye
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.

Highway - Garage:

Supervisor Teal stated that we had put in \$12,500 in the garage for new radios and we did not spend that. She talked to the accountant today to see if we could pull that money and put it in the capital reserve for highway to help offset some of the costs of the relocation of the fuel tank if that is what we end up having to do. We cannot do that because it's in the garage, it's general, but when we do that work it should come out of general also. The accountant said we don't have a reserve set up for general but we can bring it to the attention of the board that this money is going back into surplus if we do need it for relocating the fuel tank.

Councilmember Smith asked where we are at with the PESH violation. Supervisor Teal stated that we submitted a request for a 6 month extension. We are waiting for them to notify us that they have approved the extension.

ANNOUNCEMENTS:

Monday, January 1st ~ Official Swearing-In of Elected Officials @ Town Hall @ 9:00 am
Tuesday, January 2nd ~ Annual Organizational Meeting @ Town Hall @ 6:00 pm
Tuesday, January 9th ~ Town Board Regular Monthly Meeting @ Town Hall @ 7:00 pm

BUDGET AMENDMENT:

Budget Amendment #13 of 2017:

General Fund:

\$610 from A-1990.4 (Contingency)
\$208 from A-8010.4 (Zoning: Contractual Expense)
\$170 from A-8020.4 (Planning: Contractual Expense)
\$500 to A-1620.4 (Buildings: Contractual Expense)
\$110 to A-7110.2 (Parks: Equipment)
\$208 to A-8010.1 (Zoning: ZBA Clerk)
\$170 to A-8020.1 (Planning: Planning Clerk)

Highway:

\$5,000 from DA-5130.4 (Machinery: Contractual Expense)
\$5,000 to DA-5142.4 (Snow Removal: Contractual Expense)

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

Roll Call Vote:

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

AUDIT OF BILLS:

**General No. 458, in the amount of \$40.00; and
Highway No. 132, in the amount of \$207,950.00;
As listed on Abstract No. 12A of 2017 dated December 28, 2017; and**

**General Nos. 459 through 476, in the amount of \$10,354.74; and
Highway Nos. 133 through 138, in the amount of \$6,636.01;
As listed on Abstract No. 12B of 2017 dated December 28, 2017.**

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

Roll Call Vote:

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

ADJOURNMENT:

A motion was made by Councilmember Geraldini and seconded by Supervisor Teal to adjourn the meeting at 7:14 pm.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk