

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON MAY 8, 2018**

Present: Colleen Teal, Supervisor
Kevin Smith Sr., Councilmember
Norman Rasmussen, Councilmember
Jesse Newton, Councilmember
Mark Baumli, Councilmember
Dan Tuczinski, Town Attorney (left early)

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: Cissy Hernandez, CEO/ZEO
Bob Smith, Planning Board & Ethics Board Member
Jeff Winestock, Highway Superintendent
Bill Black, CC Emergency Management Director
Peg Munves, CAC Member & ZRC Member
Moriah Sears, NL Librarian
Cynthia Creech, Court Clerk & CAC Member
Thaddeus Flint, *The Eastwick Press*
A few members of the Public

CALL TO ORDER:

The meeting was called to order at 7:18 p.m. by Supervisor Teal. A moment of silence was followed by the flag salute. Supervisor Teal pointed out the emergency exits.

MINUTES:

The minutes of the **April 10, 2018 Public Hearing – Procurement Policy, April 10, 2018 Regular Meeting** and **April 19, 2018 Special Meeting** were reviewed. A motion was made by Supervisor Teal, seconded by Councilmember Rasmussen 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 April 30, 2018. A motion was made by Councilmember Newton, seconded by Councilmember Rasmussen and approved unanimously to accept the Supervisor's report as typed.

PRIVILEGE OF THE FLOOR:

Cynthia Creech stated that the emergency exit door from the court is very weather worn on the outside. Councilmember Newton stated that Donnie Sears has already looked into it and he is going to scrape it and urethane it. Cynthia Creech stated that when the new building was built the company would not warranty that door, unless there was a roof over it. That little roof cost us a lot of money and though it was a long time ago, she asked if it may still be covered under warranty. Town Clerk Houghtling stated that she called the

company regarding the warranty and they stated that the door is covered under warranty but with real wood doors, you need to polyurethane it every year. Because we didn't do the proper upkeep of the door, the warranty is null and void. Councilmember Smith stated that when he brought it to Donnie Sears attention it was too late in the year to poly it and they were waiting for the weather to break.

Cynthia Creech stated that she knows that we are not supposed to trample anyone's right with regard to content of signs and flags, but there is a sign on a residential property two clicks from the Catholic Church that says "no more bullshit" and she does not think there should be vulgar language on a flag that children on the school bus go by and people visiting our town go by and she would like to see it gone. Supervisor Teal stated that she did find a section of the State law. We are allowed to ban vulgar language and profanity from signs. We can do this as we are doing this code. Councilmember Smith stated that you could contact the Sheriff's office regarding the vulgar language. Supervisor Teal stated that we have to have the local law and we don't have it yet. Town Clerk Houghtling asked if it would be covered under the State law she just referred to. Supervisor Teal stated that she doesn't believe so. Councilmember Smith stated that it was handled the last time this happened by the Sheriff's office.

Moriah Sears stated that the New Lebanon Library is facilitating a series of community conversations and would like to extend an invitation to all community members, especially Town Board members to come. It is an informal series of conversations about our community, where we live, what needs you see and what issues might need to be addressed. They will collect the information and distribute it to all community organizations and the public to show what they find and what themes are repeating. They really need input from the community members. They are asking that people register for the sessions. All of the information is on the library's website and there will be fliers distributed around town for more information.

OLD BUSINESS:

Proposed Zoning Map Change:

Supervisor Teal stated that there is a Tazmutt application for phase 2. She would like to talk about the modification of the zoning map and where we stand on that because there is a consideration of phase 3 that will be prohibited if the zoning map stays as it is. The changes that were made to the zoning map in 2010 put Tazmutt in a situation where they are now in a commercial zone, which means that they are non-conforming. They are not supposed to be in a commercial, which means that any expansion is prohibited. She feels very strongly that affordable housing is important and the idea that we want to take a mobile home park that has been significantly refurbished and prohibit them from expanding and growing is not what we are looking to do. She would like the board to consider making that change back with the zoning map to what they were before a priority, before they get to phase 3.

Councilmember Newton stated that before we make this change to the zoning map, we should look at all the issues as there were other issues and make one change to the map and fix all the problems at once instead of making multiple changes. Councilmember Baumli agreed stating that if you start changing just that one, it is like spot zoning and you don't want to get into that. He asked when they are looking at phase 3. CEO Hernandez stated that phase

3 is a year or so away. Councilmember Baumli stated that we should address the necessary zoning map changes within the Zoning Re-Write Committee this year.

Supervisor Teal stated that what Tazmutt needs tonight is not an approval as they have already been approved for this expansion years ago, they just need the Town Board's nod that we are aware that this is occurring and we don't have any concern.

NEW BUSINESS:

Cornerstone Mobile Home Park – License Renewal:

Supervisor Teal stated that we have a recommendation from the CEO after doing their inspection to renew the Cornerstone Mobile Home Park license for 4 units.

Supervisor Teal made a motion to approve the license renewal for Cornerstone Mobile Home Park. Councilmember Newton seconded that motion.

Roll Call Vote:

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

Building Department Staffing:

Supervisor Teal stated that we have received a request from the Building Department to increase the ZBA clerk hours to 5 hours per week from 2.5, increase the Planning Board Clerk hours to 10 hours per week from 2.5 and increase the Building Department Clerk hours to 5 hours per week from 2.5. This would be a total increase from 7.5 hours currently, to a total of 20 hours. They are asking for this increase through mid-September and then re-evaluate the hours at that time.

CEO/ZEO Hernandez stated that when we first hired a clerk we didn't know how many hours we would need her for the various positions as she had been full time previously as the Building Department Administrator and she had no way of knowing how much time she devoted to each department. Now they are getting a better feel of what each department needs.

Councilmember Baumli stated that he supports going with this and re-evaluating in September but we are going from 7.5 hours to 20 hours which is quite a large increase for somebody and we missed that at budget season as we are only a little way into this year's budget. CEO Hernandez stated that we have a new clerk now that is doing more work and the quality that is coming is significantly different. Supervisor Teal stated that she is also making up for time missed when they had no clerk and when the other clerk wasn't doing some of these jobs.

Councilmember Smith asked CEO Hernandez if she thinks this is something that they are just going to need temporarily. CEO Hernandez stated that the rule of thumb is that a 2 hour meeting will take you four hours to prepare the minutes at a minimum. If we have a

clerk that is doing 2.5 hours a week and this week is a board meeting and it is a 2 hour meeting, that eats up most of her time. Now you need at least another 4 hours to do the minutes of that meeting. Councilmember Smith asked aren't the chairs supposed to prepare their minutes. Supervisor Teal stated that the chairs have never done the minutes for the ZBA or Planning Board. CEO Hernandez stated that we had discussed decision documents being the responsibility of the chairs and not the clerk, but the minutes have always been the clerk's responsibility.

Councilmember Smith stated that there is also a request on the agenda for the Assessor's clerk to have more hours. We are just creeping up to that benefit thing. You come back and want another 4 hours and now we are talking full time and full time expenses again. Supervisor Teal stated that the Assessor's clerk is just for one project. It is a one time 40 hour increase to complete a specific project.

Councilmember Rasmussen stated that absent any other action from the Town Board, the increased hours for the building department, if approved, will end in September. Supervisor Teal stated that is correct.

Supervisor Teal made a motion to increase the ZBA Clerk hours to 5 hours per week, increase the Planning Board Clerk hours to 10 hours per week and increase the Building Department Clerk hours to 5 hours per week through September 15, 2018. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

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

CEO Hernandez thanked everyone that helped with Town Clean Up Day. It was a huge success. It is a wonderful program that the community appreciates. She thanked all Town Board members and Highway department crew for working so hard to make it all happen. Councilmember Baumli thanked CEO Hernandez for doing a great job making it all happen.

Bill Black, Columbia County Emergency Management director, gave kudos to CEO Hernandez on how she dealt with a situation where a tree fell on a house here in New Lebanon. He stated that he watched Cissy deal with the owners of the property and she was very professional, compassionate in her decisions, and she looked out for the residents.

OLD BUSINESS:

PESH: Highway Garage Fuel Tank:

Supervisor Teal made a motion to authorize the Town Attorney and, if necessary, in coordination with the Town Engineer to try to bring the interested parties to the table, definitely PESH and hopefully DEC, for a meeting as soon as possible and to authorize the

Town Engineer to provide the Town with estimated costs to encase the fuel tank inside and to provide the Town with estimated costs to relocate the fuel tank outside. Councilmember Smith seconded that motion.

Roll Call Vote:

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

Basketball Court Contract:

Councilmember Rasmussen made a motion authorizing the Town Supervisor or Deputy Town Supervisor to sign the contract with L.Browe Asphalt Services for the basketball courts after the Town Attorney and Town Engineer draft the contract. Councilmember Newton seconded that motion.

Roll Call Vote:

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

Emergency Lighting at Town Hall:

Councilmember Smith stated that we received two quotes for the electrical wiring for emergency exit signs and lighting at the town hall. One bid was received from MK Electric in the amount of \$1,789.00. One bid was received from Ward S. Hatch Mechanical Contracting Corp. in the amount of \$1,395.00.

Councilmember Smith made a motion to accept the bid from Ward S. Hatch Mechanical Contracting Corp. for the electrical wiring and emergency exit installation at the Town Hall in the amount of \$1,395.00 and purchase the necessary emergency exit signs and lights from Home Depot. Supervisor Teal seconded that motion.

Roll Call Vote:

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

Credit Card Application:

Supervisor Teal made a motion authorizing the Town Clerk to apply over the phone or online for the Wells Fargo Business Platinum Credit Card with no annual fees and a \$2,500 minimum credit line for the Town of New Lebanon. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

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

NEW BUSINESS:

Survey License Tool for Broadband:

Supervisor Teal stated that Spectrum is going to be announcing their launch soon. She would like to get a survey monkey poll put together and connected to our website so that as both Consolidated and Spectrum launch, we are able to have the residents log in and fill in certain data that is going to allow us to determine where the gaps still are and are they fulfilling what they have promised to fulfill. She is asking for board authorization to purchase survey monkey for \$408.00. It was not in the budget so we would move it from contingency to one of our IT funds.

Councilmember Smith stated that he thinks it is a waste of money. Surveys have never, even the last survey we did, remember we did that one survey, so, he is not in favor of it. Supervisor Teal asked what survey he is referring to. Councilmember Smith stated the survey over the broadband and how your fairpoint service is going. Supervisor Teal stated that survey was done by Connect Columbia, not the Town. Supervisor Teal stated that survey really did work. It was what allowed us to convince the Governor's office that Columbia County was the second least served. We had data to bring back to them.

Councilmember Rasmussen stated that the residents think internet accessibility is really important and now we have the leverage to go back to them and say we are surveying and you are not doing what you are supposed to do. He feels that this is the time to do that sort of thing and given it's such an important issue to so many of the residents, he thinks it is minimal money to gather the data we need to hold them accountable.

Councilmember Baumli asked if the County has anything like this we can utilize. Supervisor Teal stated no, each of the towns are doing it individually.

Supervisor Teal made a motion to purchase Survey Monkey for \$408 with money to be transferred from contingency. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

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

ASCAP Renewal Agreement & Fee Approval:

Councilmember Smith made a motion to renew our ASCAP membership for Music in the

Park in the amount of \$348.00 and authorizing Supervisor Teal to sign the annual agreement. Supervisor Teal seconded that motion.

Roll Call Vote:

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

Poles at Softball Field:

Councilmember Smith stated that we definitely need to take one of the metal poles down over there. He doesn't know who we would find to do it. Supervisor Teal asked what is entailed to do it. Councilmember Newton stated that you have to take the lights down first, they have to come off the top, and then the pole needs to be stepped down so it's not just a bucket truck type of thing. Councilmember Smith stated that he would reach out and try to get some quotes.

Request from CLC for Grant Resolution:

TOWN OF NEW LEBANON

RESOLUTION #18, 2018

ENDORSEMENT OF CLC GRANT APPLICATION

MAY 8, 2018

At a regular 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 8th day of May, 2018, the following Resolution was proposed and seconded:

Resolution by Councilmember Smith

Seconded by Supervisor Teal

ENDORSEMENT OF GRANT APPLICATION FOR THE COLUMBIA LAND CONSERVANCY

WHEREAS, the Columbia Land Conservancy is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Recreational Trails Program to be located at Hand Hollow Conservation Area, a site located within the territorial jurisdiction of this Board; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

WHEREAS the Hand Hollow Public Conservation Area and the Hand Hollow State Forest are some of the only public sites available for recreation for members of the community;

NOW, THEREFORE, be it resolved by this august body that the Board of New Lebanon hereby does approve and endorse the application of the Columbia Land Conservancy, Inc. for a grant under the Recreational Trails Program known as Hand Hollow Trail Improvements and located within this community.

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

Roll Call Vote:

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

Assessor's Clerk Hours:

Supervisor Teal stated that there is a request from the Assessor for an additional 40 hours of Assessor Clerk hours for a specific project for some of the preliminary re-val work to occur between now and September. It is \$520 total and she would pull it from her .4 account.

Supervisor Teal made a motion to allow the Assessor to transfer \$520 from her .4 account into her .11 account to allow for 40 additional clerk hours to help the assessor complete the data verification to State Standards which allows us to apply for State aid. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

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

Historian Petition - Tilden:

Supervisor Teal stated that a petition has already started to be circulated. They have a significant number of signatures. The Town Historian has asked for the Town Board's endorsement of this petition, which will give it some weight. Supervisor Teal read the following petition aloud: We the people of the town of New Lebanon in the County of Columbia, in the great State of New York respectfully petition Governor Cuomo and the New York State Legislature to honor a great New York Statesmen Governor Samuel Jones Tilden by granting his gravesite as a State Historic Site so his history and contributions to the State of New York and the United States of America can inspire future generations of Americans.

Supervisor Teal made a motion to support and endorse the petition to make Samuel Tilden's gravesite a State Historic Site. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye

Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Shatford Youth Baseball – Water Pipes:

Councilmember Newton stated that the Shatford Youth Baseball Association had their clean up day and a lot of parents were there. They were cleaning out the snack shack and didn't discover until their first game that the water pipes to the hot water heater were broken. He got a call and came to check it out. They were able to operate last week on cold water. This week they acquired a 20 gallon electric water heater which he is going to install sometime this week. He is going to set it up so it can be drained back a little more efficiently. There are no shut offs or disconnects inside the building anywhere and the snack shack definitely needs some attention. There are a number of wires hanging out of the wall that don't seem to be attached to anything that were live which he took care of. Breaker panel work has to be done. They replaced the propane tank because it was off-gassing.

Supervisor Teal stated that moving forward when Hatch Mechanical opens the park, they will open the snack shack and when they close the park for the season they will close down the snack shack too.

Councilmember Smith stated that they are coming out on June 5th to do the health department inspection. They will need hot water to pass the inspection.

Supervisor Teal stated that a request came in for a light for the flag and the monument in the park that is on route 22. Councilmember Smith stated that we have electric out there and he will put it on the list for Don Sears.

Letter of Support – Stewarts:

Councilmember Smith made a motion authorizing the Town Supervisor to write a letter of support to DOT for the new Stewart's project, as needed. Councilmember Baumli seconded that motion. The motion passed unanimously.

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Rasmussen):

Councilmember Rasmussen stated that the tentative roll is done and is available in the office during normal business hours. The Assessor or her representative will be in attendance to review the tentative roll on May 7th, 10th, 12th and 14th. The hours are on the website and the Town Clerk's bulletin board. The date for complaints is May 23rd. If your assessment changed, you would have received a written notice.

Building Department (Councilmember Baumli):

No report.

Business & Economic Development (Councilmembers Rasmussen & Baumli):

No report.

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

No report.

Compensation & Benefits Committee (Supervisor Teal & Councilmember Rasmussen):

No report.

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

Councilmember Smith stated that there is a pancake breakfast on May 20th in support of Bud Godfroy and Bobby Waters at the Tsatsawassa Fire House from 8am – 11am. He stated that next month we should have everything from the LVPA regarding the contract as that is the date we agreed upon and they have been working on it.

Highway (Superintendent Winestock & Councilmembers Smith & Newton):

No report.

Historian & LVHS: (Councilmembers Baumli & Rasmussen):

No report.

Justice Court/Constable (Councilmember Newton):

No report.

Parks & Recreation (Councilmembers Smith & Newton):

No report.

Seniors (Councilmember Baumli & Judy Zimmer):

Supervisor Teal stated that on Friday, May 18th New York Connects will be at the Town Hall from noon – 3pm to help people sign up for programs such as health insurance, food stamps, HEAP and answer any questions.

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

Councilmember Smith stated that the sidewalks on the pavilion and the re-sloping of the pavilion should be engineered and put out to bid. We could use the excess that was budgeted for the basketball courts. He stated that the cupola and maintenance shed will be done ourselves with volunteers.

County Updates (Supervisor Teal):

No report.

ANNOUNCEMENTS:

MAY:

Thursday, May 17th ~ Public Hearing on proposed sale of 16 Lover's Lane to Corkscrew Rail Trail @ 6:30pm @ the New Lebanon Fire House

Monday, May 28th ~ Memorial Day Parade ~ Shatford Park to Cemetery of the Evergreens ~ 9am kick off from Shatford Park ~ 10:30am or 11am ceremony at the Cemetery of the Evergreens

JUNE:

Monday, June 4th ~ Special Town Board Meeting: Code Review @ 6pm @ Town Hall

Wednesday, June 6th ~ Food Access Meeting from 6-8pm @ Town Hall

Tuesday, June 12th ~ Regular Monthly Meeting @ 7pm @ Town Hall

BUDGET AMENDMENT:

Budget Amendment #4 of 2018:

General Fund:

\$139 from A-1220.4 (Supervisor: Contractual Expense)
\$520 from A-1355.4 (Assessor: Contractual Expense)
\$2,925 from A-1990.4 (Contingency)
\$139 to A-1220.2 (Supervisor: Equipment)
\$520 to A-1355.11 (Assessor: Personal Services: Clerk)
\$585 to A-8010.1 (Zoning: Personal Services: ZBA)
\$1,755 to A-8020.1 (Planning: Personal Services: PB)
\$585 to A-8664.11 (Code/Zoning Enforce: Personal Services: Clerk)

Highway Fund:

\$45,907.05 from DA-3501 (Consolidated Highway - Revenue)
\$326.09 to DA-5112.2 (Capital Outlay - CHIPS)
\$24,726.51 to DA-5112.21 (PAVE NY)
\$20,854.45 to DA-5112.22 (Extreme Winter Recovery)

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

Roll Call Vote:

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

AUDIT OF BILLS:

**General No. 136, in the amount of \$378.21;
As listed on Abstract No. 4A of 2018, dated May 8, 2018.**

**General Nos. 137 through 177, in the amount of \$21,651.74;
Highway Nos. 41 through 53, in the amount of \$33,335.42;
Capital Project No. 3, in the amount of \$2,500.00;
SF-1 LVPA No. 2, in the amount of \$16,840.00; and
Escrow No. E:18-5, in the amount of \$575.00;
As listed on Abstract No. 5 of 2018 dated May 8, 2018.**

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 Rasmussen – Aye

Councilmember Smith - Aye

Supervisor Teal - Aye

Councilmember Newton - Aye

Councilmember Baumli - Aye

PRIVILEGE OF THE FLOOR:

Jagat Pandey thanked the town for town clean up day from all the town residents. He has heard from a lot of people who are very grateful for this program. He thanked all town board members and the highway department for working so hard to bring this to the community.

JJ Smith stated the flag on Route 20 at the bottom of the mountain is coming down. Councilmember Smith stated that he will fix it.

ADJOURNMENT:

A motion was made by Councilmember Smith and seconded by Councilmember Rasmussen to adjourn the meeting at 8:40 pm.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk